

REPORT TO: THE MORAY COUNCIL ON 7 JULY 2010

SUBJECT: FLOOD ALLEVIATION SUB COMMITTEE : REMIT

BY: CHIEF LEGAL OFFICER

1. REASON FOR REPORT

- 1.1 To invite the Council to consider reviewing the remit of the Flood Alleviation Sub-Committee.
- 1.2 This report is submitted to Council in terms of Section (II) (10) of the Council's Administrative Scheme relating to Committee structures, distribution of functions and responsibilities.

2. RECOMMENDATION

- 2.1 **That the Council consider a recommendation from the Flood Alleviation Sub-Committee that the role & remit of the Flood Alleviation Sub-Committee be reviewed in light of the emerging new legislation relating to the implementation of the Flood Risk Management (Scotland) Act 2009 (the Act) and agree to:**
 - (a) **consider extending the remit of the Flood Alleviation Sub-Committee to consider and make recommendations to the Council on flooding issues other than Flood Prevention Schemes which are being progressed in Moray; or**
 - (b) **the status quo to remain with direction over and monitoring of progress of Flood Alleviation Schemes within Moray being referred to the Flood Alleviation Sub-Committee and all other flooding issues, such as those at Newmill and Garmouth & Kingston, being referred to the Economic Development & Infrastructure Services Committee.**

3. BACKGROUND

- 3.1 Exercising the functions of the Council under the Flood Prevention (Scotland) Act 1961 as amended by the Flood Prevention and Land Drainage (Scotland) Act 1997 and more recently The Flood Risk Management (Scotland) Act 2009 (the Act) stands delegated to the Economic Development & Infrastructure Services Committee.
- 3.2 On the 10 November 2004 (para 32 of the Minute refers) the Council agreed to establish a Flood Alleviation Sub-Committee the remit of which being to **scrutinise progress** on Flood Alleviation schemes within Moray and to report to the Council on progress.
- 3.2 The current Flood Alleviation Sub-Committee was established at the meeting of the Council on 9 May 2007 (para 5 of the Minute refers). The current

membership comprises of Councillors J Russell (Chair), L Bell, J Divers, J Hogg, I Ogilvie, P Paul, D Ross, M Shand & D Stewart.

3.3 The current remit of the Flood Alleviation Sub-Committee is:-

To provide direction over and to monitor the progress of Flood Prevention Schemes in Moray under the Flood Prevention (Scotland) Act 1961 and in particular to:-

- approve the Scheme brief
- confirm the resources required
- confirm the Scheme tolerances
- approve the Project Initiation Document (or equivalent)

To consider matters of strategic importance, capital expenditure, statutory consents and to give recommendations on these to the Environmental Services Committee, Policy and Resources Committee and Moray Council where appropriate.

As each Scheme progresses, the Sub Committee:-

- gives direction and guidance to the Project Manager
- reviews the status of each Scheme at each stage and approves progress to the next stage of each Scheme
- monitors the progress of each Scheme and that it's achieving the milestones set out in the business case or justification for the Scheme
- approve changes to any Scheme and the business case for any Scheme
- reviews and approves any exception plans

At the end of each Scheme, the Sub Committee:-

- reviews and confirms whether it has been delivered satisfactorily
- confirms that each Scheme is operational and operational responsibility has been handed over and confirmed
- approves the end of project report, any "lessons learned" report and the post project review report
- authorises project closure for each Scheme

- 3.3 At the meeting of the Flood Alleviation Sub-Committee on 24 February 2010 there was submitted a report by the Director of Environmental Services updating the Sub Committee on the implementation of the Flood Risk Management (Scotland) Act 2009 (the Act) and associated developments. Copy of report attached as **Appendix 2**.
- 3.4 The Sub-Committee noted that Part 4 of the Act relates to local authority functions which will come into effect in the second half of 2010 following new regulations and that until then Councils are limited to the powers under the 1961 Act.
- 3.5 A suggested amended remit for the Flood Alleviation Sub-Committee is attached as **Appendix 1**.

5. **SUMMARY OF IMPLICATIONS**

(a) **Corporate Development Plan/Community Plan/Service Improvement Plan**

None

(b) **Policy and Legal**

In terms of Section 20 of the Council's Administrative Scheme exercising the functions of the Council under the Flood Prevention (Scotland) Act 1961 as amended by the Flood Prevention and Land Drainage (Scotland) Act 1997 and more recently The Flood Risk Management (Scotland) Act 2009 (the Act) stands delegated to the Economic Development & Infrastructure Services Committee.

Provision of direction over and monitoring of the progress of Flood Alleviation Schemes has been delegated to the Flood Alleviation Sub-Committee.

(c) **Resources (Financial, Risks, Staffing and Property)**

None

(d) **Consultations**

The Chair of the Flood Alleviation Sub-Committee, Councillor Russell, has been consulted and is in agreement with the content of the report.

The Service Development Group has also been consulted and at a meeting on 10 May 2010 agreed that that the role, remit and membership of the Flood Alleviation Sub Committee should remain as per the status quo and that a report on the implications for the Council of the Flood Risk Management (Scotland) Act 2009 be submitted to the Economic Development and Infrastructure Committee for consideration.

6. CONCLUSION

- 6.1 That the Council consider reviewing the remit of the Flood Alleviation Sub-Committee in light of the emerging new legislation relating to the implementation of the Flood Risk Management (Scotland) Act 2009 (the Act) and other flood related issues.**

Author of Report: Ron Ritchie, Senior Committee Services Officer

Background Papers: Minute of meeting of the Flood Alleviation Sub-Committee dated 24 February 2010

Ref: [h/mcouncil/reports/2010/flood sub.](http://h/mcouncil/reports/2010/flood%20sub)