

North Yorkshire County Council
Business and Environmental Services

Executive Members

26 January 2018

Report on the Humber (Flood) Strategy Comprehensive Review

Report of the Assistant Director – Highways and Transportation

1.0 Purpose Of Report

- 1.1 To inform the Corporate Director Business and Environmental Services (BES) and the BES Executive Members on the Humber (Flood) Strategy Comprehensive Review.
- 1.2 To request approval for the council to sign a Memorandum of Understanding with regard to information sharing and collaborative working, with the Review Partnership.

2.0 Background to the report

- 2.1 The current Humber Flood Risk Management Strategy was first approved and published by The Environment Agency in 2008.
- 2.2 In December 2013 the Humber estuary was hit by the largest recorded tidal surge resulting in severe flooding and changing the evidence base for flood risk management in the estuary. In September 2014 a Business Case was submitted to the Government by five Lead Local Authorities and Associated British Ports. This Business Case sought £1.28bn in funding to implement a 0.5% standard of protection all the way round the estuary.
- 2.3 In October 2015, the Secretary of State wrote to the Business Case authors, saying that the funding that had been sought would not be provided and that all of the relevant parties should work together to undertake a comprehensive review of the original Strategy.
- 2.4 The Humber Strategy Comprehensive Review project ("the Project") will carry forward that directive from Government, and will initiate a comprehensive, review of the Strategy, including an extension to the Strategy area. The Humber Comprehensive Review is due to submitted to DEFRA for approval in autumn 2019.
- 2.5 The extension to the Strategy area expands the Project to include all parts of the estuary where the dominant flood risk is tidal.
- 2.6 This includes parts of Selby District, for which North Yorkshire County Council is the Lead Local Flood Authority (LLFA).
- 2.7 A map demonstrating the extent of the strategy area is shown in Appendix 1 of this report.

2.8 Over the past year, the Flood Risk Management team has engaged with the project to understand the implications of the project on flood risk in the county, and to represent North Yorkshire County Council at the officer group level.

3.0 Memorandum of Understanding (MoU)

3.1 All the local authorities within the extended Strategy Area, including North Yorkshire County Council, have been asked to sign a Memorandum of Understanding with the Project.

3.2 The general objectives of this Memorandum of Understanding are for all signatories to:

- a) Follow the general principles of collaborative working: openness, flexibility, shared decision making and sharing of information, subject to any other necessary legal or regulatory agreements. Where a particular matter or information is shared on a confidential basis the Party sharing that information will make this clear and the other Parties agree to respect that confidentiality;
- b) Work closely to achieve a shared objectives;
- c) Support the Project governance arrangements.
- d) Engage with external organisations and the public at all appropriate stages;
- e) Establish efficient working practices to deliver the Project as quickly as possible whilst driving down the costs and maximising efficiency savings.

4.0 Legal Implications

4.1 The MoU is intended to assist the Parties to work together in a mutually efficient manner in order to achieve their agreed objectives.

4.2 The Parties recognise that the MoU is not a legally binding document. The MoU will not affect the statutory duties, regulatory responsibilities or the legal rights, responsibilities and obligations of any Party.

4.3 The terms of any legally binding agreements entered into by the Parties or any of them in relation to the Project will prevail over the MoU.

5.0 Financial Implications

5.1 Signing up to the Memorandum of understanding does not carry any specific financial implications, beyond an implied commitment to participation in work groups, meetings and engagement and associated officer time.

5.2 Approval will be sought from the appropriate NYCC committee for any future decisions arising from the work of the partnership.

6.0 Equalities Implications

6.1 EIA is not considered to be required. An Equalities Impact Assessment Screening Report is included as Appendix 2 to this report.

7.0 Recommendations

7.1 It is recommended that:

- i) The work undertaken to date by NYCC is noted;
- ii) Approval is given to ongoing participation in the project;
- iii) Approval is given for NYCC to sign up to the Memorandum of Understanding.

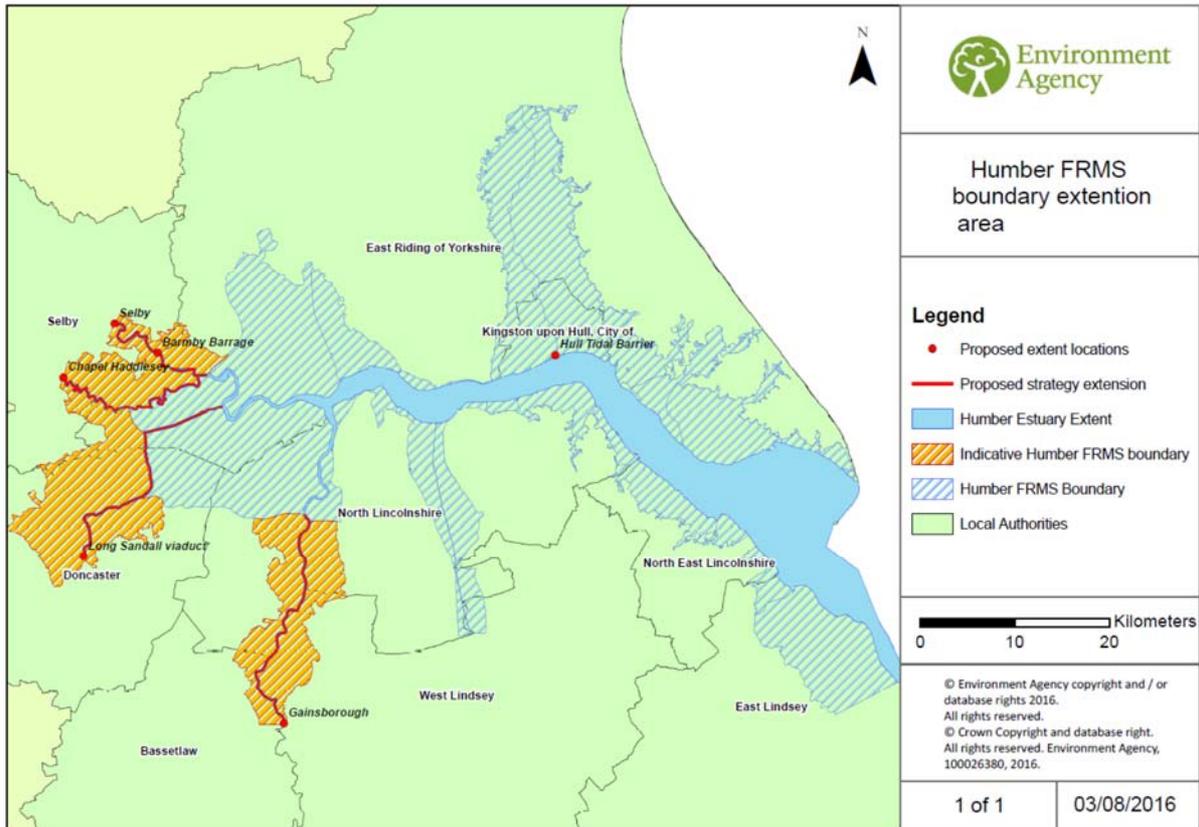
BARRIE MASON
Assistant Director - Highways and Transportation

Author of Report: Paul Tweed, Emily Mellalieu

Background Documents:

Draft Memorandum of Understanding, August 2017

Appendix 1 – Humber FRMS Boundary Extension Area



Appendix 2 - Equality impact assessment screening form

<p>Initial equality impact assessment screening form (As of October 2015 this form replaces 'Record of decision not to carry out an EIA')</p> <p>This form records an equality screening process to determine the relevance of equality to a proposal, and a decision whether or not a full EIA would be appropriate or proportionate.</p>			
Directorate	Business and Environmental Services		
Service area	Highways and Transportation		
Proposal being screened	NYCC's agreement and signing of a memorandum of understanding, between the authorities and organisations geographically affected by the 100 year Humber Strategy.		
Officer(s) carrying out screening	Paul Tweed, Emily Mellalieu, Mike Douglas		
What are you proposing to do?	Sign up to a memorandum of understanding, to facilitate partnership working with the Humber (Flood) Strategy Partnership		
Why are you proposing this? What are the desired outcomes?	To ensure North Yorkshire County Council, as Lead Local Flood Authority, is fully aware of and has the opportunity to influence decisions which may have significant implications on how flood risk is managed in the part of the county covered by the strategy.		
Does the proposal involve a significant commitment or removal of resources? Please give details.	No.		
<p>Impact on people with any of the following protected characteristics as defined by the Equality Act 2010, or NYCC's additional agreed characteristic</p> <p>As part of this assessment, please consider the following questions:</p> <ul style="list-style-type: none"> To what extent is this service used by particular groups of people with protected characteristics? Does the proposal relate to functions that previous consultation has identified as important? Do different groups have different needs or experiences in the area the proposal relates to? <p>If for any characteristic it is considered that there is likely to be a significant adverse impact or you have ticked 'Don't know/no info available', then a full EIA should be carried out where this is proportionate. You are advised to speak to your Equality rep for advice if you are in any doubt.</p>			
Protected characteristic	Yes	No	Don't know/No info available
Age		No	
Disability		No	
Sex (Gender)		No	
Race		No	
Sexual orientation		No	
Gender reassignment		No	
Religion or belief		No	
Pregnancy or maternity		No	

Marriage or civil partnership		No	
NYCC additional characteristic			
People in rural areas		No	
People on a low income		No	
Carer (unpaid family or friend)		No	
Does the proposal relate to an area where there are known inequalities/probable impacts (e.g. disabled people's access to public transport)? Please give details.	No.		
Will the proposal have a significant effect on how other organisations operate? (e.g. partners, funding criteria, etc.). Do any of these organisations support people with protected characteristics? Please explain why you have reached this conclusion.	The proposal is that NYCC signs up to a memorandum of understanding between all authorities and organisations geographically affected by the Humber strategy. The MOU will not have an effect on how other organisations operate but will ensure collaborative working and data sharing towards the same priorities by all those committed to the work.		
Decision (Please tick one option)	EIA not relevant or proportionate:	<input checked="" type="checkbox"/>	Continue to full EIA:
Reason for decision	The memorandum of understanding is an agreement to collaborative working between organisations with regard to the Humber Strategy. It does not give a commitment to the delivery of work by NYCC or change the priorities or working practices of NYCC or its partner organisations involved in the work. It is therefore considered that an EIA is not required, as the MOU will not involve any decisions or changes to the work of NYCC.		
Signed (Assistant Director or equivalent)	<i>Barrie Mason</i>		
Date	15.01.18		