

Appendix A

Section 19 - Duty to Investigate Flooding Incidents Policy Document

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1. Background

1.1. The Flood and Water Management Act 2010 (the Act) places a duty on the Council, as the Lead Local Flood Authority for its area, to investigate flooding incidents that it becomes aware of, to the extent that it considers necessary or appropriate.

1.2. Section 19 of the Act states:

Local authorities: investigations

- (1) *On becoming aware of a flood in its area, a lead local flood authority must, to the extent that it considers it necessary or appropriate, investigate-*
 - (a) *which risk management authorities have relevant flood risk management functions, and*
 - (b) *whether each of those risk management authorities has exercised, or is proposing to exercise, those functions in response to the flood.*
- (2) *Where an authority carries out an investigation under subsection (1) it must-*
 - (a) *publish the results of its investigation, and*
 - (b) *notify any relevant risk management authorities'*

2. Threshold for Investigation

2.1. The Council will investigate all flooding incidents reported by the public, or that otherwise come to its attention, that involve:

- Internal flooding of habitable property, excluding garages and out buildings.
- Flooding that breaches or threatens the critical infrastructure e.g electricity sub stations and switching centres, A roads, railways, bridges, flood defences, water treatment works, pumping stations.
- Flooding that directly results in serious injury or death.
- Flooding that incurs a significant economic impact to businesses.

- Flooding that places vulnerable individuals or vulnerable communities at risk e.g. hospitals, care and nursing homes, schools, secure units etc.
 - Weight of public interest. The LLFA may consider a flood investigation necessary if deemed important enough by elected members. The weight of public interest should also be taken into consideration when determining if a flood investigation should be carried out.
- 2.2. The Council may also investigate smaller “near miss” flooding incidents, but will not publish the findings of such investigations in a public forum but will share with the professional partners.
- 2.3. The Council, as Highway Authority, will continue to investigate smaller scale flooding on the highway, but will not publish the findings of such investigations.

3. Purpose and Scale of Investigations

- 3.1. Any investigations undertaken will seek to establish the likely causes of the flooding incident, the relevant risk management authorities, and identify any recommended actions to be undertaken by the relevant risk management authorities in order to reduce the risk of a recurrence.
- 3.2. The investigations will be undertaken during, or as soon as possible after, the flooding incident, and will be appropriate to the scale and nature of the flooding incident.
- 3.3. Small scale flooding incidents, and incidents where the relevant risk management authorities are immediately apparent or are undertaking actions to alleviate the cause of the flooding incident, are likely to require limited investigations.
- 3.4. Large scale flooding incidents, incidents where the relevant flood risk management authorities are unclear, and incidents where a number of risk management authorities are involved, are likely to require more detailed investigations. In such circumstances the Council will work closely with the risk management authorities involved and may, where appropriate, prepare a detailed report.

4. Flood Investigation Procedure

Flood reported to the LLFA;

Flooding log started;

Flood investigator appointed;

Initial LLFA assessment undertaken as to whether this constitutes a section 19 report;

If yes, formal notification issued to partner risk management authorities notifying of the investigation and requesting any relevant information (see Appendix B for formal notification);

Flood investigation undertaken and report drafted in consultation with partner risk management authorities;

Draft report issued for comment;

Report and associated actions approved by Executive Councillor for Partnerships, The Visions, Communities, Emergency Planning;

Finalised report to be published on the Council's internet as below (section 5).

Where a number of flood investigations are needed simultaneously, investigations will be prioritised by the Projects Manager in consultation with the Executive Councillor.

5. Publication of Findings of Investigations

- 5.1 The findings of all investigations undertaken by the Council, as Lead Local Flood Authority, will be recorded on a spreadsheet (copy attached).
- 5.2 The spreadsheet, and any detailed reports relating to flooding incidents on the spreadsheet, will be published on the Council's website.

6. Risk management authorities

The principal flood risk management authorities are:

- The Environment Agency (Risk management authority – Flood and Water Management Act 2010)
- West Berkshire Council (Lead local flood authority – Flood and Water Management Act 2010)
- West Berkshire Council (Highway authority – Highways Act 1980)
- Thames Water Utilities Ltd. (Water company – Water Industry Act 1991)