

# Nottingham City Council Delegated Decision



**Nottingham**  
**City Council**

Reference Number:

4340

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Growth and City Development

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Subject:

Update of Nottingham City Council's Local Flood Risk Management Strategy

Total Value:

£60,000 (Type: Revenue)

Decision Being Taken:

1) To endorse project initiation for the refresh of the Council's Local Flood Risk Management Strategy; 2) To note projected timescales as stated in Paragraph "Proposed Timescales" of Appendix 1 to this decision; 3) To approve the drawdown and spend of £60,000 from Flood Management reserves for this project; 4) To procure the services of a consultant/or consultant company using the Midlands Highway Alliance Professional Services Partnership 3 (PSP3) Framework; 5) To delegate to the Head of Traffic Authority to enter into the relevant contract 'called off' from the Midlands Highway Alliance PSP3 Framework in accordance with this decision

**Reasons for the Decision(s)** Under Section 9 of the Flood & Water Management Act (FWMA) 2010, an LLFA must develop, maintain, apply and monitor a strategy for local flood risk management in the area.

The LFRMS is a statutory obligation upon Nottingham City Council (NCC) as the Lead Local Flood Authority (LLFA). Under Subsection 4 of the FWMA 2010, the strategy needs to specify risk management authorities in the area, objectives for managing local flood risk, measures proposed to reach those objectives, how and when the measures are to be implemented, assessment of local flood risk, reviewing of the strategy and how the strategy contributes to the achievement of wider environmental objectives.

NCC's previous LFRMS was drafted in 2014 and gained approval, adoption and was published in 2015. The strategy now requires a significant update as under sub-section 5 of FWMA 2010, the strategy needs to be aligned with the national strategy that is drafted and published by the Environment Agency (EA). EA have now published and their strategy and it is fully adopted as of September 2020.

EA's national strategy is now focused on climate change with respect to flooding and aims to meet 3 long term ambitions:

- 1) climate resilient places - working with partners to bolster resilience to flooding and coastal change across the nation, both now and in the face of climate change.
- 2) today's growth and infrastructure resilient in tomorrow's climate - making the right investment and planning decisions to secure sustainable growth and environmental improvements as well as infrastructure resilient to flooding and coastal change.
- 3) a nation ready to respond and adapt to flooding and coastal change - ensuring local people understand their risk to flooding and coastal change and know their responsibilities and how to take action.

NCC's LFRMS requires a significant update to align the strategy with national strategy. Further to this, the EA are aiming to be a net zero organisation by 2030 hence key NCC policies need to be realised with the LFRMS such as CN-2028 and Council Plan Objectives.

**Briefing notes documents:** FRM Briefing Note - July 2021 - LFRMS.pdf

**Other Options Considered:**

**Option 1 - Do Nothing:** This would result in Nottingham City Council (NCC) continuing with the previous Flood Risk Management Strategy. NCC will be failing to meet its statutory obligation and therefore this objective is rejected.

**Option 2 - Do Minimum:** Make slight revisions to update the strategy. This option has been discounted as the strategy needs to be clear and concise and align itself to the objectives set by the national strategy. The strategy also needs to incorporate NCC policies such as CN-2028 and Council Plan Objectives around better protecting homes.

**Background Papers:** None

<b>Published Works:</b>	<p>Nottingham Local Flood Risk Management Strategy Full Report  Nottingham Local Flood Risk Management Strategy Summary Report  Nottingham Local Flood Risk Management Strategy Strategic Environmental Assessment (SEA)  Nottingham Local Flood Risk Management Strategy SEA Post Adoption Summary  Nottingham City Council Preliminary Flood Risk Assessment</p>
<b>Affected Wards:</b>	Citywide
<b>Colleague / Councillor Interests:</b>	None
<b>Use of Consultants</b>	<p>Number of Days:0  Rate per Day:0  Total value:60000  Start date:01/06/2021  End date:28/04/2023</p>
<b>Reason for using a consultant:</b>	Specialist service required to draft Local Flood Risk Management Strategy and Strategic Environmental Assessment. Baseline hydraulic modelling will also be required (city-wide) to support the Strategies. The value is the upper limit estimate of services that the consultant may require.
<b>Other options considered:</b>	N/A
<b>Name of consultant:</b>	To be determined through the MHA Framework
<b>Reason for selection?</b>	Reduce costs by using consultant procured through the MHA Framework.
<b>Has the consultant previously completed work for the City Council?</b>	Some previous works have been completed by consultants through the MHA Framework: Analysis of NCC assets and modelling the potential risk of failure or blockage for the creation of the Asset Register. Tottle Brook River Restoration Scheme. Nottingham City BGI Project - technical input and review.
<b>Specific activities to be undertaken by the consultant are:</b>	Hydraulic modelling. Drafting the updated Flood Risk Management Strategy. Drafting updated Strategic Environmental Assessment. Attending consultations.
<b>Period of engagement:</b>	June 2021 - April 2023
<b>By what process was the consultant selected?</b>	Procured through MHA framework.
<b>Consultations:</b>	Those not consulted are not directly affected by the decision.
<b>Crime and Disorder Implications:</b>	Not applicable as this decision is related to Local Flood Risk Management Strategy.
<b>Equality:</b>	EIA not required. Reasons: EIA not required. No change of policy and does not impact specific groups.

Relates to staffing:	Yes
Decision Type:	Portfolio Holder
Subject to Call In:	Yes
Call In Expiry date:	25/08/2021
Advice Sought:	Legal, Finance, Procurement, Human Resources
Legal Advice:	As set out in the reasons for the decision the production of a Flood Risk Management Strategy is a legal requirement under the provisions of the Flood and Water Management Act 2010 which prescribes the content of and procedural processes for the production and adoption of the Strategy. The Council would fail to meet it's statutory duties if the Strategy was not brought up to date and consistent with the Environment Agency Strategy. This production of the Strategy is an executive function and the decisions required here to commence the process of updating the Strategy appear to be within the portfolio holder's remit. Advice provided by Ann Barrett (Team Leader) on 22/07/2021.
Finance Advice:	<p>This decision seeks the approval for the spend of £60,000 for updating the city councils Local Flood Risk Management Strategy and also requests permission to drawdown from the Flood Management reserve.</p> <p>Due to the specialist nature of this piece of a work, the hiring of a consultant is required. This is in line with the use of consultant guidance, whereby the requirements meet the characteristics of a consultancy contract.</p> <p>The consultant in question has been procured through the MHA framework and has worked in previous projects in the past for the City Council.</p> <p>The funding is to come from the specific provision that has been set aside for Flood Management which would typically be used for this type of requirement. Whilst there is sufficient funds within the balance (£263.5k) all reserves were centralised last year and the drawdown of reserves is not automatic. The request will be made as part of the quarterly corporate finance process. Should this not be approved, the service will be required to forecast an over spend</p> <p>Advice provided by Michelle Pullen (Commercial Business Partner) on 17/05/2021. Advice provided by Michelle Pullen (Commercial Business Partner) on 17/05/2021.</p>
HR Advice:	<p>HR Advice is contained within the attachment Advice provided by Labeeb Aslam (HR Consultant) on 17/05/2021.</p> <p>Advice documents: HR Comments on DDM Update and Review Flood Risk Strategy.docx</p>

**Procurement Advice:**

**There are no procurement issues with the decision being sought. Using the Midlands Highways Alliance PSP3 framework to appoint consultants is in accordance with Contract Procedure Rules. Advice provided by Jonathan Whitmarsh (Lead Procurement Officer) on 11/05/2021.**

**Signatures:**

<b>David Mellen (Leader/ PH Strategic Regeneration Communications)</b>
<b>SIGNED and Dated: 16/08/2021</b>
<b>Sally Longford (PH for Energy, Environment and Waste Services)</b>
<b>SIGNED and Dated: 29/07/2021</b>
<b>Michael Wayne Bexton (Interim CD for Growth &amp; City Development)</b>
<b>SIGNED and Dated: 27/07/2021</b>