

NORTH LINCOLNSHIRE COUNCIL

**SAFER, GREENER AND CLEANER PLACES
CABINET MEMBER**

**HUMBER FLOOD RISK MANAGEMENT STRATEGY COMPREHENSIVE REVIEW
MEMORANDUM OF UNDERSTANDING**

1. OBJECT AND KEY POINTS IN THIS REPORT

- 1.1 To seek approval to sign the Environment Agency's Memorandum of Understanding for the Humber Flood Risk Strategy Comprehensive Review.

2. BACKGROUND INFORMATION

- 2.1 The Environment Agency first published their Humber Flood Risk Strategy (Humber Strategy) in 2008.
- 2.2 In December 2013, the Humber estuary experienced the largest recorded tidal surge resulting in severe flooding along the estuary. This included areas of North Lincolnshire located along the Rivers Humber and Trent.
- 2.3 This event changed the evidence base for flood risk management in the estuary. Consequently, in September 2014 a Business Case was submitted to Government by the Environment Agency, the five lead local flood authorities (including North Lincolnshire Council) and Associated British Ports, seeking £1.28bn of funding to implement a 0.5% standard of protection all way round the estuary.
- 2.4 In December 2014, the Government asked the Agency to review the Business Case. That review was completed in July 2015.
- 2.5 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 relevant parties should work together to undertake a comprehensive review of the Strategy. The Environment Agency have now started that comprehensive review with an agreed completion timeline of Autumn 2019 when the Strategy will be submitted to DEFRA for approval.
- 2.6 The Review is a major piece of work that will drive flood defence investment in the Humber Estuary in the future. The Review will be progressed in collaboration with 12 local flood risk management authorities located within the study area. One of the key success factors is to get acceptance of the reviewed Strategy from all the key stakeholders.
- 2.7 The Environment Agency has developed a Memorandum of Understanding (MOU) setting out the proposed ways of working between the various stakeholders in partnership to take forward the strategy review. They are asking local flood risk management authorities to sign the MOU as a clear

demonstration to evidence that they will participate and collaborate in the Review process and that the various local authorities support the principles of the Review.

- 2.8 The Memorandum of Understanding document sets out the aims and objectives of the Review. A copy of the latest draft is attached at Appendix A.

3. OPTIONS FOR CONSIDERATION

- 3.1 The recommendation is that the Cabinet Member authorises the Director of Operations to sign the Memorandum of Understanding on behalf of the council.

4. ANALYSIS OF OPTIONS

- 4.1 Adopting the recommendation will provide the necessary commitment that the council will where possible, collaborate fully as required in the Review process with a view to securing improved flood defences for communities located adjacent to the Rivers Humber and Trent into the future.
- 4.2 Failure to sign the Memorandum of Understanding will not affect the progress of the Review. However, the council has a vested interest in the outcome of the Review and should participate where necessary.

5. RESOURCE IMPLICATIONS (FINANCIAL, STAFFING, PROPERTY, I.T.)

- 5.1 The Environment Agency, on behalf of the Parties, will manage the Review finances. The MOU sets out the governance arrangements for the Review including details of a “Leaders Board PLUS”, a “Joint Strategic Unit PLUS” and a “Humber Officers Group” and their membership, roles and responsibilities. The Agency will make regular reports on expenditure and contributions to the Joint Strategic Unit (JSU) PLUS and to Leaders Board PLUS.
- 5.2 This Memorandum of Understanding does not contain any obligation for this council to make and resource contributions toward the review.
- 5.3 There are staffing issues in regard to the Review which has created a number of workstreams where each Party shall nominate a chosen engagement/communications representative who will attend regular meetings/workshops, public and media events organised as key elements of our engagement planning where practicable.

6. OUTCOMES OF INTEGRATED IMPACT ASSESSMENT (IF APPLICABLE)

- 6.1 Not applicable.

7. OUTCOMES OF CONSULTATION AND CONFLICTS OF INTEREST DECLARED

- 7.1 Representatives from the Environment Agency provided a presentation on the Humber Strategy Comprehensive Review to the North Lincolnshire Strategic Flood Risk Board at their meeting held on 13 December 2017. This included a discussion on the MOU. Board Members include representatives from the council, the Environment Agency, Water and sewage companies and Internal Drainage Boards. The Lead elected Member for Flooding is a member of the Board. The Board supports the review moving forward, including adopting the MOU.

- 7.2 Relevant council officers in the legal services team have been consulted. They support the proposal.

8. RECOMMENDATIONS

- 8.1 That the Cabinet Member authorises the Director of Operations to sign the Memorandum of Understanding on behalf of the council.

DIRECTOR: OPERATIONS

The Civic Centre
Ashby Road
SCUNTHORPE
DN16 1AB
Author: Rob Beales
Date: January 2018

Background papers used in the preparation of this report: None

Memorandum of Understanding

□ Date

Humber Strategy Comprehensive Review



MEMORANDUM OF UNDERSTANDING

Between

Environment Agency

And

East Riding of Yorkshire Council

And

Hull City Council

And

North Lincolnshire Council

And

North East Lincolnshire Council

And

Lincolnshire County Council

And

North Yorkshire County Council

And

Doncaster Metropolitan Council

And

Bassetlaw District Council

And

West Lindsey District Council

And

East Lindsey District Council

And

Nottinghamshire County Council

And

Selby District Council

Relating to the Humber Strategy Comprehensive Review

This Memorandum of Understanding (“MoU”) is made on the [] day of [] 2017.

BETWEEN:

1. **ENVIRONMENT AGENCY** whose principal office is at Horizon House, Deanery Road, Bristol, BS1 5QH (**the Agency**), and
2. **East Riding Of Yorkshire Council**, County Hall, Cross Street, Beverley, East Riding of Yorkshire HU17 9BA (**ERYC**)
3. **Hull City Council**, The Guildhall, Alfred Gelder Street, Hull, HU1 2AA
4. **North Lincolnshire Council**, Civic Centre, Ashby Road, Scunthorpe, North, Lincolnshire, DN16 1AB
5. **North East Lincolnshire Council**, Municipal Offices, Town Hall Square, Grimsby, North East Lincolnshire, DN31 1HU
6. **Lincolnshire County Council**, County Offices, Newland, Lincoln, LN1 1YL
7. **North Yorkshire County Council**, County Hall, Northallerton, North Yorkshire, DL7 8AD
8. **Doncaster Metropolitan Council**, Civic Office, Waterdale, Doncaster, DN1 3BU
9. **Bassetlaw District Council**, Queen's Buildings, Potter Street, Worksop, Notts, S80 2AH
10. **West Lindsey District Council**, Guildhall, Marshall's Yard, Gainsborough, Lincolnshire, DN21 2NA
11. **East Lindsey District Council**, Tedder Hall, Manby Park, Louth, Lincolnshire, LN11 8UP
12. **Nottinghamshire County Council**, County Hall, West Bridgford, Nottingham, NG2 7QP
13. **Selby District Council**, Civic Centre, Doncaster Road, Selby, YO8 9FT

Together (the "**Parties**")

1. Context

This Memorandum of Understanding (MoU) sets out the ways of working between the Parties to work in partnership to promote, develop and deliver a comprehensive review ("the **Review**") of the Humber Flood Risk Management Strategy ("**Strategy**"), hereafter called "the Strategy".

The key objectives of this MoU are to enable:

- Effective flood risk management and environmental planning
- Excellent communication and engagement
- Efficient working practices
- Excellent partnership working between all parties

The Parties share a joint aim to minimise risks to people, infrastructure and the environment from flooding and to maximise environmental, economic and social benefits brought about by the Strategy.

The Parties and their statutory obligations are outlined in Appendix 4.

2. Background

The current Strategy was first approved and published in 2008.

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.

In December 2014, the Government asked the Agency to review the Business Case. That review was completed in July 2015.

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 the **Review** of the Strategy.

The **Review** will carry forward that directive from Government, and will initiate a comprehensive, review of the Strategy, including an extension to the Strategy area (Appendix 1). The Review is due to submitted to the Department for Environment, Food and Rural Affairs ("DEFRA") for approval in autumn 2019.

The Review will build on the strategic approach, set out in the original Strategy, for managing tidal flood risk around the Humber Estuary over the next 100 years, taking other sources of flooding into account and looking in particular at the first 25 years.

The Review is a major piece of work that will drive flood defence investment in the Humber Estuary in the future. The Review will be delivered in collaboration with 12 local flood risk management authorities within the study area. One of the key success factors is to get acceptance of the reviewed Strategy from all the Parties.

The output of the Review will cover an extended study area beyond that of the original Strategy. This is shown on the plan in Appendix 1 and identifies the locations and associated catchment for the extremity of tidally dominant flooding. The extended study area includes approximately 190 kilometres of river and 400 kilometres of assets. This will increase the number of stakeholders to engage with to successfully deliver the Review, and will include but is not limited to additional Local Authorities, Internal Drainage Boards, Local Nature Partnerships, Wildlife Trusts and Local Enterprise Partnerships.

3. General Objectives:

The Parties to this MoU will:

- 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 shared objectives;

- c) Support the Project governance arrangements set out at Appendix 2;
- d) Engage with external organisations and the public at all appropriate stages;
- e) Establish efficient working practices to carry out the Review as quickly as possible whilst driving down the costs and maximising efficiency savings.

4. Financial Position

The Agency, on behalf of the Parties, will manage the Review finances. The Agency will make regular reports on expenditure and contributions to the Joint Strategic Unit (JSU) PLUS and to Leaders Board PLUS (both as defined in Appendix 3).

This MoU does not contain any obligation to make contributions toward the review.

5. Governance

The Agency, on behalf of the Parties, will manage the overall Review programme and appoint a Senior Responsible Owner (“**SRO**”) and a Project Director (“**PD**”). The SRO will have overall accountability for the successful delivery of the Review.

The Leaders Board PLUS will support the SRO in discharging his or her overall accountability for the Review providing strategic direction and ensuring proposals continue to be aligned with the strategic priorities.

The JSU PLUS will support the PD in driving forward the Review programme to deliver the outcomes and benefits within the tolerances set by the Leaders Board PLUS. Members of the JSU PLUS should be able to commit resources from their organisations to support the programme as required.

The representatives on the Leader Board PLUS and the JSU PLUS will ensure effective liaison between the Parties each of them represent and the other Parties to this MoU.

The Parties will regularly review the governance organisation structure and may amend it as required to reflect changes in the programme and the Parties. The current organisation and governance structure is attached at Appendix 2.

The Leaders Board PLUS terms of reference are included in the section 6. The JSU PLUS terms of reference are set out in Appendix 3. The JSU PLUS will operate as defined under the PRINCE2 (**PR**ojects **IN** Controlled **E**nvironments) project management methodology.

6. Leaders Board Plus Terms of Reference

Leaders Board Plus comprises senior members of the Parties. The senior members have a key role in supporting a project of this size and complexity to be delivered successfully.

Responsibilities of the Leaders Board Plus

- Agree objectives and provide strategic direction for the Review;
- Advise on issues raised within the Leaders Board Plus’ tolerances;
- Endorse and support the Review business case through approval gateways;
- Facilitate partnership and collaborative working to carry out the Review;
- Act as critical friends as required internally to ensure the Review remains robust throughout its delivery;
- Champion the Review: leading by example, communicating the benefits to all stakeholders, and gaining local support and political will to progress the Review;

- Providing continued commitment and endorsement in support of the Review objectives at executive and community events; and
- Provide a recommendation to the SRO for Review closure when required.

7. Project Management

The Review will be managed by a team of Agency Officers (“the Project Team”). The Project Team will be accountable to the PD who will coordinate the Agency’s organisational functions involved with the Review.

The PD will ensure that the Review progresses through the Government Major Projects approvals and assurance process.

The Agency will appoint a Project Executive (“PE”) who will be responsible for delivering the agreed Review objectives against the Project Team’s programme and will be guided by the project board.

In the event of any difficulties arising with the Review, the PE will escalate these to the Project Board for direction as early as possible.

8. Engagement

The Parties shall help to shape the Review’s overall engagement strategy and key engagement actions through involvement in the Engagement sub-group. This includes the leading role each Party plays in engaging with their audiences.

Each Party shall, in all documents submitted or published, include acknowledgement that this is a partnership project and use any logo developed as part of the Review. Materials and publicity to be agreed with the Environment Agency Engagement Manager to ensure consistency.

In addition, each Party shall nominate a chosen engagement/communications representative who will attend regular meetings/workshops, public and media events organised as key elements of our engagement planning.

9. Confidentiality

Any sharing of data, not related to the administration of the Review, between the Parties will be subject to separate legal agreements and data licences as appropriate.

10. Dispute

The Parties agree to expedite the resolution of any differences of opinion, and to do this where possible at a local Officer Group level. Where such differences cannot be resolved, the matter will be referred through the formal Governance arrangements and ultimately resolved at the Leaders Board Plus.

11. Legal effects of the memorandum of understanding

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

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

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

12. Term

The Leaders Board PLUS will be responsible for reviewing this MoU annually. Any changes will need to be agreed by all Parties.

In the event that a Party resigns from the Leaders Board PLUS it is the intention of the remaining Parties to continue operating under this MoU until the Review is completed.

This MoU will remain valid whilst the Leaders Board PLUS continue to meet.

13. Signatories

For Environment Agency

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Name & Position **Project Sponsor:**
Date

For East Riding of Yorkshire Council

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Name & Position
Date

For Hull City Council

.....
Name & Position
Date

For North Lincolnshire Council

.....
Name & Position
Date

For North East Lincolnshire Council

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Name & Position
Date

For Lincolnshire County Council

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Name & Position
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For North Yorkshire County Council

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Name & Position
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For Doncaster Metropolitan Council

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Name & Position
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For Bassetlaw District Council

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Name & Position
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For West Lindsey District Council

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Name & Position
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For East Lindsey District Council

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Name & Position

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For Nottinghamshire County Council

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Name & Position

Date

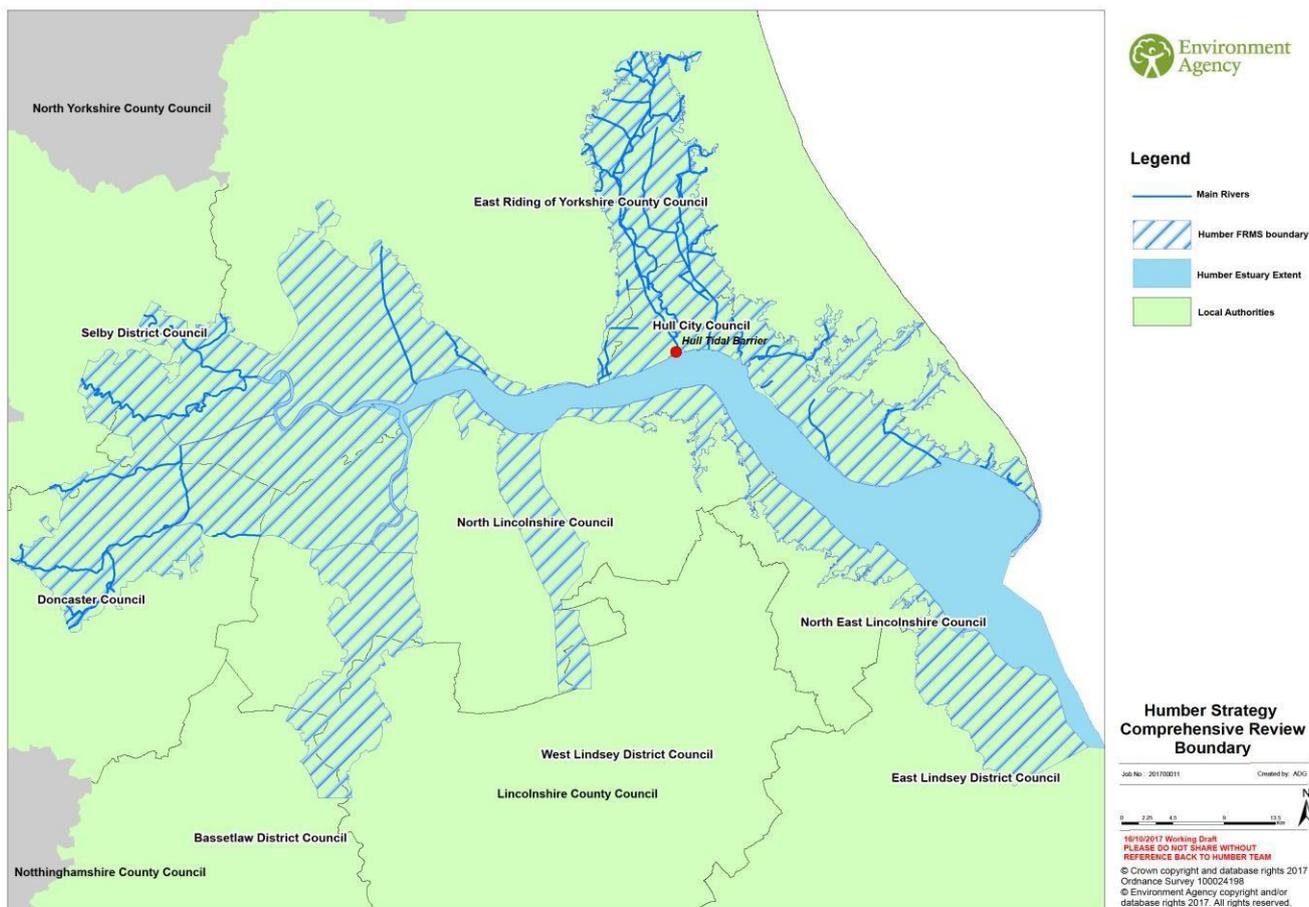
For Selby District Council

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Name & Position

Date

Appendix 1: Plan of extended the extended study area.



Appendix 2: Project Governance

[add in project governance structure]

Appendix 3: DRAFT (PROPOSED) Humber Governance revised to reflect Major Project Status

Leaders Board PLUS (equivalent to Sponsoring Group under Major Project)

This group will comprise:

- Chair – EA Senior Responsible Officer
- Leader representation from NLC, NELC, Hull, ERYC, LCC
- Other 7 local authorities kept informed of progress through agendas/minutes etc and should there be any key items which impact on their specific area they will be invited to the relevant meetings and will have the same opportunities as all other members to influence decision-making.
- Chair of the Humber LEP
- EA Project Sponsor
- EA Area Manager

The Leaders Board PLUS will:

- provide strategic leadership on direction and delivery
- endorse the Review within their relative approval gateways
- champion the Review, leading by example, communicating the benefits to all stakeholders, and gaining local support and political will to progress the Strategy.

Joint Strategic Unit PLUS (equivalent to Programme Board under Major Project)

This group will comprise:

- Chair – EA Project Director
- Director Representation from NLC, NELC, Hull, ERYC, LCC
- Others 7 local authorities kept informed of progress through agendas/minutes etc and should there be any key items which impact on their specific area they will be invited to the relevant meetings and will have the same opportunities as all other members to influence decision-making.
- EA Humber Programme Manager
- EA Area Flood Risk Manager

The Joint Strategic Unit PLUS will:

- provide strategic decision- making on the overall approach
- resolve issues escalated from the Humber Officers Group
- support successful delivery
- provide support and direction to the Humber Officers Group
- advise on reputational and political risks
- ensure high priority risks are being managed
- endorse partnership and collaborative working to deliver the Review
- provide resource and specific commitment to support successful delivery of the Review

Humber Officers Group (equivalent to Project Board under Major Project)

The Humber Officers Group will comprise of:

- Chair - Project Executive
- Officer representation from NLC, NELC, Hull, ERYC, LCC
- Other 7 local authorities kept informed of progress through agendas/minutes etc and should there be any key items which impact on their specific area they will

be invited to the relevant meetings and will have the same opportunities as all other members to influence decision-making.

- Senior User
- Senior Supplier
- Specialist advisors to the group: Natural England, Internal Drainage Boards (north bank and south bank representatives) plus others as required

The Humber Officers Group will provide:

- Provide direction on technical information, issues, risk and change to the project team
- Make recommendations on key decisions to the JSU PLUS
- make technical and non-key decisions in line with agreed devolved accountability paper (May 2016)
- raise issues to the JSU PLUS
- work together to deliver the Review
- ensure engagement internally and externally to build support for the Review
- support the approaches identified in the review in the Review and ensure support from their organisations.

Appendix 4: Humber Strategy Comprehensive Review – the Parties

Parties with Statutory Responsibilities who have Signed this Memorandum of Understanding

Environment Agency

The Environment Agency (“the Agency”) is by virtue of the Environment Act 1995, the Water Resources Act 1991, and the Flood and Water Management Act 2010, the Flood Risk Management Authority with supervisory duties for all matters relating to flood risk in England.

The Agency has powers under Section 37 of the Environment Act 1995 to do anything which, in its opinion is calculated to facilitate, or is conducive or incidental to the carrying out of its functions; this includes entering into a Memorandum of Understanding in order to facilitate practical working relationships with other organisations

Following the Floods and Water Management Act 2010, the Agency is responsible for taking a strategic overview of the management of all sources of flooding and coastal erosion. The Agency also has operational responsibility for managing the risk of flooding from main rivers, reservoirs, estuaries and the sea, as well as being a coastal erosion risk management authority.

[ADD IN STATUTORY RESPONSIBILITIES BELOW]

The East Riding of Yorkshire Council

DW to insert once amendments agreed

Hull City Council

North Lincolnshire Council

North East Lincolnshire Council

Lincolnshire County Council

North Yorkshire County Council

Doncaster Metropolitan Council

Bassetlaw District Council

West Lindsey District Council

East Lindsey District Council

Nottinghamshire County Council

Selby District Council

Although they have not signed the Memorandum of Understanding, the Scheme is supported through the Sponsoring Group by the following Parties:

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