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Llywodraeth Cymru
Welsh Government

Welsh Government
Consultation Document

Establishment of a Flood and Coastal Erosion Committee

Date of issue: 11 August 2016
Action required: Responses by 3 November 2016

Mae'r ddogfen yma hefyd ar gael yn Gymraeg.
This document is also available in Welsh.

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| Overview | This consultation document seeks wider engagement on the establishment of an advisory committee for flood and coastal risk management in Wales. |
| How to respond | Responses to this consultation should be e-mailed/posted to the address below to arrive by 3 November 2016 at the latest. |
| Further information and related documents | Large print, Braille and alternative language versions of this document are available on request. |
| Contact details | <p>For further information, additional copies and to submit responses please contact:</p> <p>Flood and Coastal Erosion Risk Management branch</p> <p>Welsh Government Third Floor (South) Cathays Park – 2 Cardiff CF10 3NQ</p> <p>email: FloodCoastalRisk@wales.gsi.gov.uk</p> <p>telephone: 02920 825175</p> |
| Data protection | <p>How the views and information you give us will be used</p> <p>Any response you send us will be seen in full by Welsh Government staff dealing with the issues which this consultation is about. It may also be seen by other Welsh Government staff to help them plan future consultations.</p> <p>The Welsh Government intends to publish a summary of the responses to this document. We may also publish responses in full. Normally, the name and address (or part of the address) of the person or organisation who sent the response are published with the response. This helps to show that the consultation was carried out properly. If you do not want your name</p> |

or address published, please tell us this in writing when you send your response. We will then blank them out.

Names or addresses we blank out might still get published later, though we do not think this would happen very often. The Freedom of Information Act 2000 and the Environmental Information Regulations 2004 allow the public to ask to see information held by many public bodies, including the Welsh Government. This includes information which has not been published. However, the law also allows us to withhold information in some circumstances. If anyone asks to see information we have withheld, we will have to decide whether to release it or not. If someone has asked for their name and address not to be published, that is an important fact we would take into account. However, there might sometimes be important reasons why we would have to reveal someone's name and address, even though they have asked for them not to be published. We would get in touch with the person and ask their views before we finally decided to reveal the information.

1. The Foreword

Section 81(1) of the Environment Act 2016 (2016 Act), provides Welsh Ministers with the power to establish a Flood and Coastal Erosion Committee. The intention is for this new Committee to replace the current Flood Risk Management Wales Committee, whose arrangements were established by the Flood and Water Management Act 2010 (2010 Act) and the Regional Flood and Coastal Committees (England and Wales) Regulations 2011 (2011 Regulations).

1. Current Arrangements

Regional Flood and Coastal Committees in their current form were established under sections 22 to 26A of the 2010 Act and the 2011 Regulations. In Wales, the Regional Flood and Coastal Committee is known as Flood Risk Management Wales (FRMW).

The central role of FRMW is set out in section 23 of the 2010 Act. Its role is defined in terms of what Natural Resources Wales (NRW) must do regarding their programme and budget, and what they may not do without the consent of FRMW.

Section 23 provides that the collective responsibility of FRMW is to consent to NRW's regional flood and coastal erosion risk management programme; the issue of any levy by NRW under section 17 of the 2010 Act, and the spending of any revenue by NRW under section 118 of the Water Resources Act 1991.

Section 23(1) provides that NRW must consult FRMW about the way in which they propose to carry out their flood and coastal erosion risk management functions in relation to FRMW's region, and take into account any representations (whether made in response to a consultation or otherwise) made by FRMW about the exercise of their flood and coastal erosion risk management functions in that region.

Under section 23(2) of the 2010 Act NRW must not implement the regional programme without the consent of FRMW

2. Reasons for Change

In accordance with the provisions of the 2016 Act, Welsh Ministers have been granted the power to make regulations to abolish FRMW and establish a new Flood and Coastal Erosion Committee (the new Committee). The intention is to establish a new committee with a wider advisory role covering all flood and coastal risk management in Wales.

Flood and coastal erosion risk management in Wales is wider than the responsibilities that fall into NRW's flood risk management programme. The 2010 Act sets out the roles and responsibilities of all 'Risk Management Authorities' which in Wales includes NRW, the 22 local authorities who act as Lead Local Flood Authorities and highway authorities; internal drainage boards and water and sewerage companies.

In addition, external stakeholders including Network Rail and private landowners have a role in maintaining certain assets located on or near areas of flood or erosion risk. The delivery of the Welsh Government's National Strategy for Flood and Coastal Erosion Risk Management (the National Strategy) involves joint-working across a range of organisations

including Welsh Government, NRW, Local Authorities, Network Rail and Dŵr Cymru Welsh Water.

This consultation seeks wider engagement on key aspects of the new Committee to ensure that it can deliver on its aim of providing sound, accurate and representative advice to Welsh Ministers on all aspects of flood and coastal risk management. For the new Committee to undertake this task effectively, it is important that its governance, representation and links with other organisations are fit for purpose.

3. Proposals for the new Committee

There now follow six consultation questions on various aspects of the new Committee, followed by factors to consider in relation to each question.

4.1 Purpose and scope of the new Committee

Consultation question 1: Other than the high level aim to advise Welsh Ministers on matters relating to flood and coastal erosion risk management, what additional functions may be imposed or conferred on the new committee?

- 3.1.1 The 2016 Act charges the new Committee with advising the Welsh Ministers on matters relating to flood and coastal erosion risk management. Therefore, all aspects of flooding can potentially be included within the scope of the new Committee (including awareness raising, preparation and community resilience to flooding). It would be advantageous for the new Committee to have a wide scope in order to provide effective advice. At this stage, it would be beneficial to receive views on which specific aspects of flood and coastal erosion should be explored by the new Committee.
- 3.1.2 Views are invited on whether the new Committee should provide direct advice on the implementation of the national flood programme, including schemes delivered through Welsh Government, NRW, local authorities, utility companies or community groups as well as the upcoming Coastal Risk Management Programme.
- 3.1.3 Alternatively, the new Committee could provide higher level advice on the strategic direction of the national flood programme and the Coastal Risk Management Programme.
- 3.1.4 Should Welsh Ministers and Welsh Government set the programme of work for the new Committee? This would provide Welsh Ministers with the ability to closely synchronise the advice received from the new Committee with the upcoming flood programme of work and priorities. Conversely, this could limit the usefulness of the new Committee in representing the flood and coastal erosion sector, while potentially not making best use of the membership's knowledge and expertise.
- 3.1.5 Alternatively, the new Committee could establish its own programme of advisory activity that may reflect both immediate and longer term national priorities, including responding to consultations and identifying research needs and current best practice. This option could better enable the new Committee to represent the views and interests of the wider flood and coastal erosion sector. However, it is

perceived that some Ministerial direction may be necessary to ensure that the relevant advice is provided should such an approach be adopted.

4.2 Representation and size of the new Committee

Consultation question 2: With regard to the membership of the new Committee:

- a) What size should the membership be?***
- b) Which organisations should be represented?***
- c) What skills and/or knowledge should be sought?***
- d) What would be the key links to other organisations/boards/committees?***
- e) Should the new Committee have appointed members, representative members, or an element of both?***

4.2.1 The new Committee could have an independent Chair. This could ensure that the new Committee is able to provide Ministers with an independent viewpoint.

4.2.2 Alternatively, the new Committee could be chaired by a senior official. This could potentially ensure a closer alignment with Welsh Government priorities and the national flood programme. This option could, however affect the independence of the new Committee.

4.2.3 The size and variety of the appointed membership will be crucial to the new Committee's ability to represent the flood and coastal erosion risk management sector. A balance will need to be struck between having enough representation and expertise to provide accurate and representative advice, and not having too many members so that the new Committee becomes unwieldy in its operation.

4.2.4 It will be important for the new Committee to represent various organisations within the flood and coastal erosion sector. This could either be achieved through direct representation on the new Committee, or through building strong links with organisations. Directly represented organisations could potentially include:

- Natural Resources Wales (NRW);
- Local Authorities and/or the Welsh Local Government Association (WLGA);
- Welsh Water Companies (Dŵr Cymru/Welsh Water, Severn Trent Water and Dee Valley Water);
- Local Resilience Fora;
- Network Rail;
- Voluntary/community group representatives such as the Wales Council for Voluntary Action (WCVA);
- Flood warden networks.

4.2.5 In order for the new Committee to fulfil its role in providing effective advice, members could be appointed for their practical experience and expertise and not to represent particular sectors. Views are therefore sought on the key areas of experience and skills. These may potentially include for example:

- Flood impact and assessment (both coastal & urban);
- Community flood awareness and resilience;
- Infrastructure investment;
- Natural Resource/Flood Management and land management;
- Flood warden/volunteering experience.

4.3 Meetings and support

Consultation question 3: How often should the new Committee meetings occur, and who should perform the secretariat support?

- 4.3.1 Options for the frequency of new Committee meetings could include monthly, bi-monthly, quarterly, biannual or annual. It will be important to find a balance between the Committee meetings being frequent enough to have up to date information (both from their representative organisations and Welsh Government), while not becoming too great a burden on the resources on the representative organisations.
- 4.3.2 The secretariat function of the current Flood Risk Management Wales new Committee is performed by NRW.

4.4 Communications

Consultation question 4: How should the new Committee communicate its advice to Welsh Ministers?

- 4.4.1 Given that the new Committee has as its key function the provision of advice to Welsh Ministers, how this occurs is crucial to its effective operation. There are various potential options for how this duty could be undertaken.
- 4.4.2 The Chair of the new Committee could have regular high level meetings directly with the Minister. These could occur at various frequencies: monthly, quarterly, biannually or annually. A balance will be needed between keeping the Minister sufficiently up to date with the new Committee's view and work programme and the programme of the Minister.
- 4.4.3 The new Committee could also produce written updates for the Minister which could be publically available. These could for example take the form of an annual report that would be available on the Welsh Government website. A balance would be needed between keeping the Minister and public up to date with the new Committee's advice, while not providing an unsustainable burden on the new Committee or its secretariat.

4.5 Remuneration and payments

Consultation question 5: The 2016 Act allows for various payments to the new Committee Chair and membership.

- a) Should the Chair of the new Committee receive remuneration and allowances?***
- b) Should the membership receive payment of allowances?***

- 4.5.1 The Chair of the new Committee could receive payment as a form of remuneration, or allowances in respect of pension and compensation for loss of office.

- 4.5.2 In order to attract suitable candidates for the Chair position, some payment of remuneration as well as allowances may be needed. However, given the pressure on public sector budgets, any level of remuneration would need to be acceptable to Welsh Ministers.
- 4.5.3 A suitable balance will also need to be found if the membership is to be paid allowances.

4.6 Additional views

Consultation question 6: We have asked a number of specific questions. If you have any views on related issues which we have not specifically addressed, please let us know in the response form.