EXPLANATORY MEMORANDUM TO THE ANGLIAN REGIONAL FLOOD DEFENCE COMMITTEE (ABOLITION) ORDER 2004

2004 No. 3163

1. This explanatory memorandum has been prepared by The Department for Environment, Food and Rural Affairs and is laid before Parliament by Command of Her Majesty.

2. Description

2.1 This instrument abolishes the Anglian Regional Flood Defence Committee, and consequentially the five Local Flood Defence Committees within the Anglian region. It creates three Regional Committees to replace those being abolished.

3. Matters of special interest to the Joint Committee on Statutory Instruments

3.1 None

4. Legislative Background

4.1 Regional Flood Defence Committees (RFDC's) are executive committees of the Environment Agency (EA) established under previous legislation now enshrined in the Environment Act 1995. Local Flood Defence Committees (LFDC's) are a second tier of committee, created under the same legislation, and operate within areas served by the regional committee.

4.2 There are RFDC's covering the areas of each of the EA regions. The EA is required to arrange for all its flood defence functions, apart from some financial matters, through these committees, including the issuing of levies raised on constituent councils (local authorities with land in the area of the committee).

4.3 This instrument satisfies a policy commitment given by the Secretary of State in written statements to Parliament on 12 March 2003 (http://www.publications.parliament.uk/pa/cm200203/cmhansrd/vo030312/wmstext/30312m01.htm#30312m01.html_dpthd3) and 1 July 2004 (http://www.publications.parliament.uk/pa/cm200304/cmhansrd/cm040701/wmstext/40701m02.htm#40701m02.html_dpthd1) to establish a single tier of regional committees across England. Similar commitments were made during passage of the Water Act 2003, which introduced powers for Ministers to revoke local committees and create new regional committees. This Order does not need specifically to revoke the local committees, however, as the schemes establishing the local committees automatically fall upon revocation of the regional committee that established them.

5. Extent

5.1 This instrument applies to England.

6. European Convention on Human Rights

Not applicable

7. Policy background

7.1 Following a review of the funding and administrative arrangements for flood and coastal defence, Ministers concluded that there should be a single tier of regional flood defence committees. This would improve accountability, reduce administration and allow more strategic regional planning. Care was needed, however, to balance the need for a more strategic body with the need to maintain an appropriate level of local democratic input.

7.2 An extensive consultation exercise on a number of options for the new committee arrangements showed strong support for the principle of a single tier of committees, but differing views on how many smaller regional committees should be created. Further to the consultation exercise, Ministers gave careful consideration to all the options, and concluded that, in Anglian Region, the five existing LFDC's, and the existing Anglian wide RFDC, should be abolished. To replace them, three new Regional Committees would be established, constituting the Anglian (Northern), Anglian (Central) and Anglian (Eastern) Regional Flood Defence Committees, each covering areas defined in the Order**.**

7.3 Following statutory advertisement of the draft Order, including bringing the notice to the attention of all affected local authorities, district and county councils and internal drainage boards, only one formal objection was received. Ministers considered the substance of the objection and decided that the Order should proceed without amendment.

7.4 This Order is one of three which effect the new single tier committee structure – the others are the Wessex Regional Flood Defence Committee Order 2004 and the Southern Regional Flood Defence Committee Order 2004. All three instruments are to come into force on 1 April 2005.

8. Impact

8.1 A Regulatory Impact Assessment has not been prepared for this instrument as it has no impact on business, charities or voluntary bodies.

8.2 The impact on the public sector is limited to a reduction in the overall number of committees responsible for delivering the EA's flood management functions, and hence local authority representation, although there will continue to be a local authority majority on the three new committees.

9. Contact

9.1 Martin Roberts at the Department for Environment, Food and Rural Affairs Tel:020 7238 6807 or e-mail: mailto:martin.roberts@defra.gsi.gov.uk can answer any queries regarding the instrument.