EXPLANATORY MEMORANDUM TO THE

SOUTHERN REGIONAL FLOOD DEFENCE COMMITTEE ORDER 2004

2004 No. 3165

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 Order provides for the abolition of the Hampshire and Isle of Wight, Sussex and Kent Local Flood Defence Committees in the Environment Agency Southern region. The region will continue to be served by the Southern Regional Flood Defence Committee.

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

3.1 None

4. Legislative Background

4.1 Regional Flood Defence Committeess (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.

5. Extent

5.1 This instrument applies 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 Southern Region, the three existing LFDC's should be abolished and that the region should continue to be served only by the existing RFDC.

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.

.**7.3** 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 Anglian Regional Flood Defence Committee (Abolition) 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 flood management, and hence local authority representation, although there will continue to be a local authority majority on the existing regional committee. Membership of the committee has been increased to allow an additional local authority representative on the regional committee.

9. Contact

Martin Roberts at the Department for Environment, Food and Rural Affairs Tel: 0207 238 6807 or e-mail: mailto:martin.roberts@defra.gsi.gov.uk can answer any queries regarding the instrument.