

Terms of Reference for a review of the floods in York over the Christmas period 2015

Scope of the inquiry

This is to be an independent inquiry into the flooding which occurred in York in December 2015.

The inquiry is commissioned by the City of York Council as lead local flood authority for the City.

The inquiry will include, but not be restricted to, an investigation under section 19 of the Flood and Water Management Act 2010¹. This relates to the exercise of flood management functions by the City Council, the Environment Agency, the Highways Agency, Internal Drainage Boards and Yorkshire Water.

The inquiry will also consider the response of other agencies as well as that from the people and businesses of York and further afield.

The inquiry will provide an opportunity for those directly affected by the flooding, the agencies involved, individuals with expertise in the subject matter of the review and elected representatives to provide evidence and express their views on the lessons which can be learned from the floods and the response to it.

Process for the Inquiry

The Chair of inquiry is requested to report by [six months from commencement]

The inquiry is to be inquisitorial rather than adversarial in nature and not to be constrained by following quasi judicial procedures. The Chair is asked to consider the extent to which the objectives of the inquiry can best be achieved through:

- The giving of oral evidence in public
- A call for written evidence
- Consideration of records of public meetings

- The use of workshops or seminars, or further public meetings, to gather information
- Such other techniques as the inquiry team may determine

Information and evidence submitted will generally be published.

Objectives of the inquiry

1. To understand the reasons for the extent of the flooding.
2. To review the emergency response including specifically:
 - i) The warning of householders and businesses of the likelihood of their premises being flooded;
 - ii) Arrangements for supporting vulnerable residents;
 - iii) The effectiveness of existing plans;
 - iv) The effectiveness of mutual aid arrangements;

together with

 - v) any other issues which the inquiry team considers should be brought to the attention of responders and the general public
3. To consider the effectiveness of the response during the transitional and recovery phases.
4. To identify improvements which may be made in the future to the arrangements for responding to an emergency and its aftermath and to identify the lessons which can be learned and shared from those aspects of the response which worked well.
5. To consider the resilience of infrastructure in the City to withstand flooding. This consideration should include the actual or potential impact on the emergency response arising from the loss of infrastructure and identify improvements which may be made.

6. To consider the resilience of key public services to the impact of flooding and to make such recommendations as may be required.
7. To make recommendations as to the most effective further measures which may be taken to protect residents and business against future flooding events and, in doing so, to consider the possible impacts of changing weather patterns to the adequacy of York's existing flood defences and plans.

Conduct of the Inquiry

The inquiry will have an independent Chair and two independent Panel Members appointed by Councillors on a cross party basis

The inquiry will be supported by expert advisers to ensure that the Panel as a whole has expertise in the following areas:

- Emergency planning
- Flooding
- Social Care
- Other areas as the panel may deem appropriate

The City Council will provide administrative support and cover reasonably incurred costs.

Governance

The independent Chair will report to a meeting of the Full Council.

The report will be shared with the relevant agencies and will be published.

The City Council's Executive will develop an action plan in response to the recommendations.

The City Council's Community Safety Policy and Overview and Scrutiny Committee will review the action plan and monitor its delivery.

ⁱ Section 10 of the Flood and Water Management Act 2010 provides:

(1) On becoming aware of a flood in its area, a lead local flood authority must, to the extent that it considers it necessary or appropriate, investigate—

(a) which risk management authorities have relevant flood risk management functions, and
(b) whether each of those risk management authorities has exercised, or is proposing to exercise, those functions in response to the flood.

(2) Where an authority carries out an investigation under subsection (1) it must—

(a) publish the results of its investigation, and
(b) notify any relevant risk management authorities.