



# Co-operation between authorities and requesting information

Consultation on draft statutory guidance for Section  
13(1) and 14 of the Flood and Water Management Act  
(2010) in England

**Published by:**

Environment Agency  
Rio House  
Waterside Drive, Aztec West  
Almondsbury, Bristol BS32 4UD  
Tel: 0870 8506506  
Email: [enquiries@environment-agency.gov.uk](mailto:enquiries@environment-agency.gov.uk)  
[www.environment-agency.gov.uk](http://www.environment-agency.gov.uk)

© Environment Agency

All rights reserved. This document may be reproduced with prior permission of the Environment Agency.

Further copies of this report are available from our publications catalogue: <http://publications.environment-agency.gov.uk> or our National Customer Contact Centre: T: 08708 506506

E: [enquiries@environment-agency.gov.uk](mailto:enquiries@environment-agency.gov.uk)

# Statutory Guidance for Section 13(1) and 14 within Flood and Water Management Act (2010)

## 1. Introduction

- 1.1 The Pitt review of the extensive floods across England in 2007 highlighted the need for better co-operation between authorities responsible for managing flood risk. The Flood and Water Management Act 2010 (the Act) identifies new responsibilities for flood and coastal erosion risk management authorities together with a duty on all relevant authorities involved to co-operate. The Act also provides lead local flood authorities (defined in Annex A) and the Environment Agency with a power to request information required from other parties ('persons' in the Act) in connection with their flood risk management responsibilities.
- 1.2 This guidance sets out what co-operation means for the purposes of the Act in England and how the power to request information should be exercised in a reasonable way.
- 1.3 The aim of the guidance is to facilitate constructive and active partnerships to manage flood and coastal erosion risk, and to ensure that where information is requested this is done in a suitable manner.
- 1.4 Co-operation between flood and coastal erosion risk management authorities is important because of the mutual benefits which can be gained from working together and sharing information. The causes of flooding or coastal erosion can cross institutional boundaries (for example Local Authority boundaries) and organisational responsibilities. Innovative, co-ordinated and sustainable solutions will come from a willingness to co-operate and active partnerships between risk management authorities, private landowners, businesses, planning authorities and communities affected.

### Context

- 1.5 Under the Act the Environment Agency is responsible for developing a national strategy for the management of flood and coastal erosion risk in England. The national strategy will provide a framework for local flood and coastal erosion risk management, set out the national objectives for managing all forms of flood and coastal erosion risk and the measures to achieve them.
- 1.6 Section 7 of the Act states that the Environment Agency may issue guidance about how the national strategy should be applied and Section 7(6) in particular about how English flood and coastal erosion risk management authorities are to comply with duties relating to co-operation and requests for information under sections 13(1) and 14.
- 1.7 Lead local flood authorities also have a duty under the Act to develop, implement and maintain a local flood risk management strategy for their area. Partnership working and the exchange of information will be essential for the development and implementation of the national and local strategies and will involve all the risk management authorities concerned.
- 1.8 Responses to the Flood and Water Management Bill consultation showed strong support for guidance being made available on co-operation and sharing information.

- 1.9 The Environment Agency with others will prepare non statutory, 'best practice' advice in consultation with other risk management authorities, to support these matters. This advice will expand on the principles within this guidance, and could include information such as case studies, model agreements, and data standards for authorities to consider and use as appropriate.

## 2. Co-operation Guidance for s13(1).

- 2.1 S13(1) states that 'A relevant authority must co-operate with other relevant authorities in the exercise of their flood and coastal erosion risk management functions'.
- 2.2 In England relevant authorities means risk management authorities, comprising:
- (a) the Environment Agency,
  - (b) a lead local flood authority,
  - (c) a district council for an area for which there is no unitary authority,
  - (d) an internal drainage board,
  - (e) a water company, and
  - (f) a highway authority.

Definitions of these authorities are provided in Annex A.

### Flood and coastal erosion risk management functions.

- 2.3 The flood and coastal erosion risk management functions that the authorities listed in 2.2 can exercise consist of the new functions in Part 1 of the Act and other functions set out in previous legislation which together makes up the body of legislation relating to flooding and coastal erosion. The effect of defining a function as a flood or coastal erosion risk management function is to bring it within the scope of certain provisions in the Act which require such functions to be performed in specified ways. Further information is given on these in Annexes A and B.
- 2.4 This means that the new duty on organisations to co-operate and new powers of the Environment Agency and lead local flood authorities to request information applies to all aspects of flood and coastal erosion risk management in England.

### Aims of co-operation

- 2.5 The aim of the duty to co-operate between flood risk management authorities is to ensure that constructive and active engagement takes place between authorities with improved understanding, leading to effective and co-ordinated solutions being identified and taken forward. Government expects that all flood risk management authorities will co-operate in a reasonable way.
- 2.6 Co-operation involves parties working together to achieve a result which is more effective than could be achieved through independent action. Co-operation is built on trust, good communication, sharing of information and resources, and an understanding of the mutual benefits that it can create. Co-operation respects the interests of parties concerned at the same time as promoting wider interests of the group and their stakeholders. Often, clear leadership will be required to establish the goals to work to, but co-operation is then essential to achieving those.
- 2.7 For flood and coastal erosion risk management the leadership role will often, but not always, lie with the Environment Agency and lead local flood authorities through developing, implementing and maintaining the national and local flood risk management strategies. The support and co-operation of other risk management authorities will be essential for the strategies to deliver effective outcomes.

- 2.8 Local strategies in particular will often involve the co-ordinated management of diverse types of flooding. Co-operation, encouraged through working together from the outset and a mutual understanding of objectives, will help achieve buy in from all authorities to the local strategies and therefore the outcomes desired.
- 2.9 Other risk management authorities including district councils, water companies and Internal Drainage Boards can also take an operational leadership role where management of flooding is focused on their responsibilities.

### 3. Co-operation and partnerships in flood and coastal erosion risk management.

- 3.1 Co-operation is essential to help facilitate local relationships between relevant authorities exercising their flood and coastal erosion risk management functions within and across operational boundaries. Co-operation can include providing advice and information, principles around which are included in section 5.4.
- 3.2 Working in partnership can help deliver better co-operation between risk management authorities. Working in partnership can facilitate a shared understanding of flood and coastal erosion risk, information and resources to better coordinate delivery in order to achieve multiple benefits. Solutions may not always lie within the ability of one authority to deliver on their own, and another authority may be able to help by allowing works under their own remit, such as an upstream authority carrying out work in agreement with a downstream one.
- 3.3 Management of flooding and coastal erosion requires a thorough understanding of their causes and assessment of feasible solutions. Relevant information will most likely be identified where all parties concerned clearly understand the objectives and potential benefits of a study or project, and willingly contribute information to support it. Discussions over objectives should take place at an early stage of the work.
- 3.4 Authorities should look to the future when planning work to make sure that information collected can be more easily shared, and to help better working. Extending information collection or surveys by a small extent can sometimes offer benefits to other areas of work within a partnership.
- 3.5 Partnerships are a good way to formalise arrangements for co-operation and collaboration between risk management authorities and others. Documents such as memoranda of understanding and information sharing protocols can support these arrangements.
- 3.6 Partnerships need to be established in a way that best meets local needs and can be strategic or project specific. They can build on existing arrangements in some cases, such as sustainability forums or local resilience forums, although any widening of the brief of these will need to be recognised. They can cover a range of activities before, during and after a flood such as information sharing, ways of working, communications, incident response, strategy development and design of new works. Partnerships can also be put into practice via s13 (4) in the Act which allows one authority by agreement to carry out the function of another. This may be on a broad basis of general functions, or for a particular project, location or duration.
- 3.7 Risk management authorities should consider the following aspects when setting up partnerships:

- Agreeing roles and responsibilities
- Agreed governance and accountability for decision making
- Communication and engagement plans
- What information to share, and how to share it
- Sharing resources
- Coordinating delivery to gain efficiencies
- Confirming legality of agreements and works established by the partnership

## 4. Power to request information under Section 14.

- 4.1 Section 14 of the Act states that the Environment Agency and lead local flood authorities in England can request a person (defined in 5.1 below) to provide information where it is required in pursuance of their flood and coastal erosion risk management functions. At the time of preparing this consultation, Section 14 has not been legally commenced, which is expected to be in 2011.
- 4.2 Where a risk management authority requests information from another, this should be done under the principles of co-operation outlined above, and formal use of Section 14(1) should generally not be necessary. However, it may be applied if circumstances require.
- 4.3 When the Environment Agency or lead local flood authority request information from other persons that are not risk management authorities, this should be done in accordance with the principles set out below. In these cases, the person asked for the information will not necessarily be aware of the reasons for the request, and the authority should explain the context of the request, how the information will be used, and the overall objectives of the authority's work. Such explanation should take place ahead of a more formal request made under Section 14(1).

### What is information?

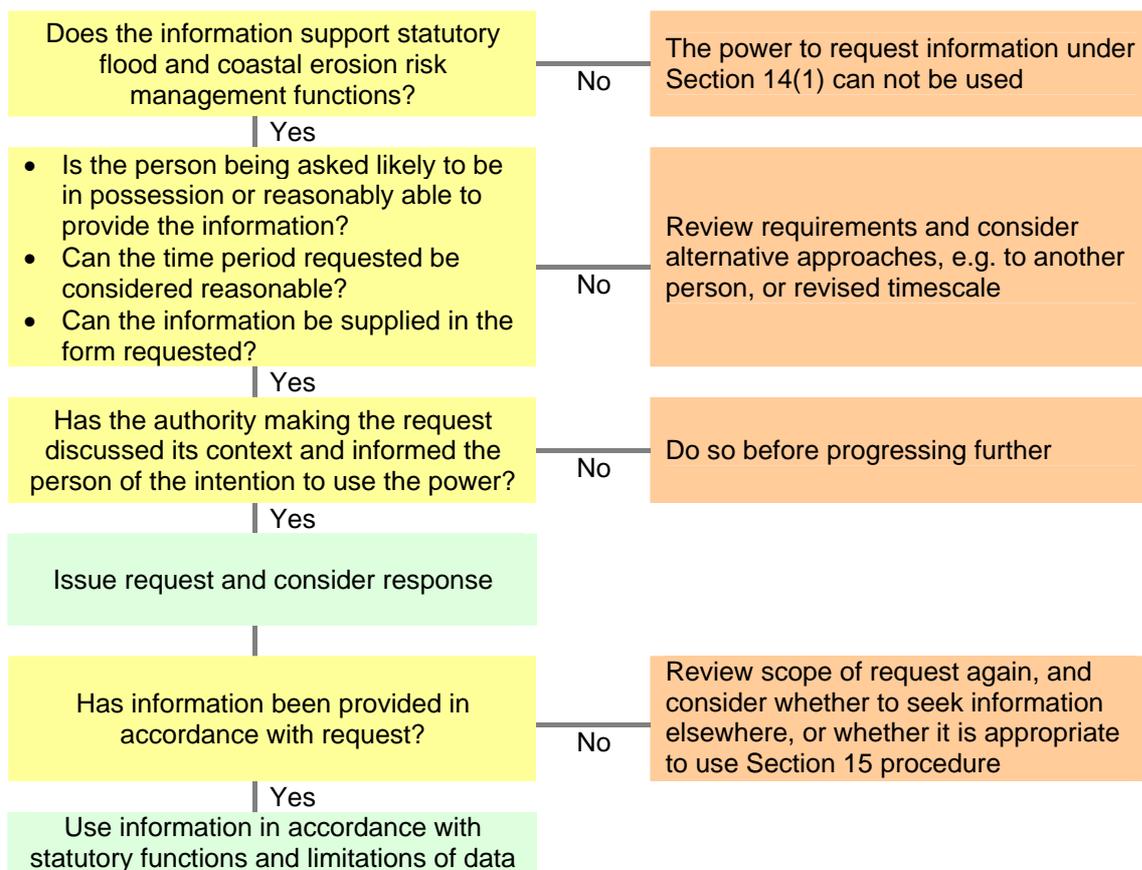
- 4.4 Information means data, documents, facts, intelligence or advice in any recorded form, and is intended to have the same meaning as "document" in the Reuse of Public Sector Information Regulations 2005 and so includes:
- paper files, notes, reports and other hard copy documents;
  - public registers;
  - databases, spreadsheets;
  - electronic documents;
  - e-mails;
  - drawings and plans;
  - photographs, video or microfilm;
  - data and information, which may be included in or with software;
  - methodologies

## 5. Requesting information.

- 5.1 A 'person' means a 'legal person'. A 'legal person' is any entity which has a legal personality and includes a natural person, a company, a trust, an authority, etc, including a risk management authority. At all times, authorities making requests are obliged to act reasonably. Whether a particular request is reasonable would ultimately be a matter for legal decision, however the authority should remain aware of this principle at all times.

### Deciding where it is appropriate to request information.

5.2 Consideration must be given as to whether it is appropriate to use the power to request information. A flow chart is presented below to help with this decision.



### Principles of good information requests

5.4 Relevant authorities and persons are under an obligation to provide the Environment Agency and Lead local flood authorities with information. The following principles of good information requesting are set out to help with this.

Principle	Requesting relevant authority should:	Responding relevant authority should:
1	Ensure that where requesting information they can confirm that they do not already hold the data within their organisation	
2	<ul style="list-style-type: none"> <li>Request or follow up all verbal requests for co-operation and information in writing (e mail can be sufficient) so that the request is clear.</li> <li>Identify if the request is being made during a genuine emergency, and that written requests may not always be possible. Follow up with confirmation once emergency is passed.</li> </ul>	<ul style="list-style-type: none"> <li>Request that all verbal requests for co-operation are followed up in writing (e-mail is sufficient) so that the request is clear.</li> <li>Accept that during periods of genuine emergency that written requests may not always be possible.</li> </ul>
3	<ul style="list-style-type: none"> <li>Explain the context to their request and the intended use of the information, including where relevant any legislation that the request is linked to.</li> <li>Indicate that use of the information</li> </ul>	Respond to acknowledge request and advise: <ul style="list-style-type: none"> <li>on any areas of overlap with other work</li> <li>if there are any issues and seek further clarity if necessary</li> </ul>

	<p>is restricted to specified purposes of flood and coastal erosion risk management functions.</p> <ul style="list-style-type: none"> <li>• Ensure that the purpose for which the information will be used is within the remit of flood and coastal erosion risk management,</li> </ul>	<ul style="list-style-type: none"> <li>• what information is likely to be provided</li> <li>• when a full response will be available</li> <li>• If they do not hold information of this kind or are not able to provide it for legal reasons, and any other possible sources for it if so.</li> </ul>
4	<ul style="list-style-type: none"> <li>• Discuss the specific quantity, quality and format required with the provider prior to making the information request to ensure the request is reasonable.</li> <li>• Consider and list the specific information quantity, quality and format required (see below), making sure to avoid blanket requests for all data.</li> <li>• Assess fitness for purpose of information received before using it</li> <li>• Before using information, take account of any licence conditions, limitations etc</li> </ul>	<p>Provide the specific information:</p> <ul style="list-style-type: none"> <li>• in the quantity, quality required where they are able (see below) after checking that they have not already provided the information</li> <li>• In the form and format required where it is held in that format or where conversion can be completed without unreasonable amounts of work.</li> <li>• Explain early if there are any issues regarding their ability to deliver</li> <li>• Explain the currency of the information and frequency of any updates.</li> <li>• Explain any limitations of use of data, such as intellectual property, Data Protection Act</li> </ul>
5	<p>Consider and list any specific advice required drawing attention to focus areas after checking that they have not already received the advice elsewhere</p>	<p>Provide the advice focussing as requested and explain early if there are any issues after checking that they have not already provided the advice elsewhere</p>
6	<ul style="list-style-type: none"> <li>• Request co-operation within reasonable timescales.</li> <li>• Reasonable will depend on the nature and circumstances of the request.</li> <li>• During periods of genuine emergency co-operation should be sought as soon as possible to meet needs.</li> </ul>	<ul style="list-style-type: none"> <li>• Co-operate within reasonable timescales.</li> <li>• Reasonable will depend on the nature and circumstances of the request.</li> <li>• During periods of genuine emergency co-operation should be provided as soon as possible to meet needs.</li> </ul>
7	<p>List and explain the associated timescales</p>	<ul style="list-style-type: none"> <li>• Work to meet the requested timescales</li> <li>• Explain early if there are any issues with meeting them</li> </ul>
8	<p>Explain what will happen next and where and when further co-operation is likely to be required</p>	<p>Raise any issues with future plans for data use and highlight opportunities for efficiencies</p>
9	<p>Provide further detail if requested</p>	<p>Request further detail to clarify request as early as possible</p>
10	<p>Meet &amp; discuss (virtually or in person) to explain further if requested within a reasonable timescale</p>	<p>Be prepared to meet &amp; discuss (virtually or in person) if requested within a reasonable timescale</p>

## 6. Requesting information from persons who are not risk management authorities

6.1 Risk management authorities are expected to follow the above principles regarding information exchange, and to work in co-operation following Section 13 of the Act.

Other persons (see paragraph 5.1 above) do not have the same duties, nor will necessarily have the same priorities as a risk management authority. Where a request is made the following additional considerations should be noted.

- 6.2 Principle 2 – A request should
- a) be formally made via a letter or email from approved account within the authority
  - b) be made with appropriate authorisation for the officer making the request
  - c) clarify that the authority are able to ask for the information under the Act
  - d) make clear that the request is being made under Section 14, using such wording as 'I am requesting information under s14 of the Floods & Water Management Act 2010'
  - e) include supporting information to act as background to (c) and (d) via reference to the Act, this Guidance, or pre-prepared information statements
- 6.3 Principle 2 – While a request may be made during an emergency, the person it is made to may not have an emergency role, or conversely may be dealing with an emergency themselves. Timescales for requests will need to acknowledge this.
- 6.4 Principle 6 – Reasonable will depend on the amount and type of information being requested. Timescales should note that information may not be kept in the form that the request is made, and need to take account of the business needs of the person to whom the request is made.
- 6.5 Principle 8 – The intended use of information requested may not be apparent to a person who is not a risk management authority. The authority requesting should explain in non-technical terms what use the information will be put to in the context of their overall flood and coastal erosion risk management role, e.g. that it will be used to help design capital works, or to inform emergency planning. The authority should explain what will happen next, and where and if further information is likely to be required
- 6.6 At the time of making a formal request under Section 14, the authority should explain the consequences of non co-operation from the person. This should include reference to the possibility of issuing an enforcement notice under Section 15 and the consequences of this if the person does not respond. An explanation should be included that ultimately including civil sanctions and financial penalty may be imposed in accordance with s15(2) of the Floods & Water Management Act.

## 7. Considerations when requesting information or responding to a request

- 7.1 Requests for information or responses are subject to the general principles of information law. All parties involved must satisfy themselves that they are adhering to this. Depending on the circumstances, specific legal advice should be sought. This guidance is not a definitive statement of information law, but the following should be considered when acting under Section 14:
- 7.2 Any information provided under Section 14 is only to be used for flood and coastal erosion management risk functions, unless the provider explicitly permits its use for other activities.
- 7.3 Supplies of information that might identify individuals must be compliant with the Data Protection Act, and therefore it may be legitimately withheld.

- 7.4 The provider should indicate what restrictions or sensitivities are in the information when it is provided, including metadata (information about the nature of a data set) associated with detailed data which must include the currency of the information and frequency of any updates. They should also inform the recipient of any known data quality problems, and related issues such as if data is only valid for a certain period of time.
- 7.5 The requester of the information should not presume that if this supporting information is not provided, then there is no limitation on use. The requester should instead confirm these issues with the provider.
- 7.6 The provider may need to be reassured that their information will not be used or released inappropriately, particularly if it is sensitive. They may provide the information under a licence containing terms and conditions of use, for example restricting use to a particular flood or coastal erosion risk management study or including a condition allowing the data owner an opportunity to comment on information before it is published.
- 7.7 Under the Environmental Information Regulations, the recipient may be required to disclose any information provided to them. EIR is similar to Freedom of Information legislation. Some information, such as commercially sensitive data, may be exempted from release under EIR, but there may be situations where there is still an obligation to disclose it.
- 7.8 If the information contains third-party intellectual property, the provider should check whether they have the rights to provide it. If this is not clear the recipient should check with the provider whether they have the rights to use it.

## 8 Civil Sanctions

- 8.1 Section 15 of the Act provides the ability for the Environment Agency or lead local flood authority to issue an enforcement notice against a person in the event of them not complying with a request to provide information. If this notice is not complied with, then civil sanctions may be pursued. The civil sanctions take the form of a process of enforcement and possible fines up to a value of £1000.

## Annex A – definitions used in the Flood and Water Management Act.

1. A relevant authority is (s13(3))
  - (a) a risk management authority, and
  - (b) the Welsh Ministers.
2. “Risk management authority” (s6(13)) means
  - (a) the Environment Agency,
  - (b) a lead local flood authority,
  - (c) a district council for an area for which there is no unitary authority,
  - (d) an internal drainage board,
  - (e) a water company, and
  - (f) a highway authority.
3. “Lead local flood authority” (s6(7)) in relation to an area in England means—
  - (a) the unitary authority for the area, or
  - (b) if there is no unitary authority, the county council for the area.
4. “Unitary authority” (s6(8)) means—
  - (a) the council of a county for which there are no district councils;
  - (b) the council of a district in an area for which there is no county council;
  - (c) the council of a London borough;
  - (d) the Common Council of the City of London;
  - (e) the Council of the Isles of Scilly.
5. “Internal drainage board” (s6(10)) has the same meaning as in section 1 of the Land Drainage Act 1991.
6. “Water company” (s6(11)) means a company which holds—
  - (a) an appointment under Chapter 1 of Part 2 of the Water Industry Act 1991, or
  - (b) a licence under Chapter 1A of Part 2 of that Act.
7. “Highway authority” (s6(12)) has the meaning given by section 1 of the Highways Act 1980.
8. A “Flood risk management function” (S4) means a function which may be exercised by a risk management authority for a purpose connected with flood risk management. The functions are—
  - (a) a function under this Part 1 of the Flood and Water Management Act,
  - (b) a function under section 159 or 160 of the Water Resources Act 1991,
  - (c) a flood defence function within the meaning of section 221 of that Act,
  - (d) a function under the Land Drainage Act 1991,
  - (e) a function under section 100, 101, 110 or 339 of the Highways Act 1980, and
  - (f) any other function, under an enactment, specified for the purposes of this section by order made by the Secretary of State in relation to flood risk management in England.
9. A “Coastal erosion risk management function” (S5) means a function which may be exercised by a risk management authority for a purpose connected with coastal erosion.
  - (a) a function under Part 1 of the Act,
  - (b) a function under the Coast Protection Act 1949, and
  - (c) any other function, under an enactment, specified for the purposes of this section by order made by the Secretary of State in relation to coastal erosion risk management in England.

- 10 The following relevant sections of the Flood and Water Management Act were brought into force on the 1 October 2010:
- Sections 1 to 6** - Key concepts and definitions
  - Section 7** - National flood and coastal erosion risk management strategy: England
  - Section 9** - Local flood risk management strategies: England
  - Section 13** - Co-operation and arrangements
  - Section 16 & 17 (2) & (3)** - Funding and levies
  - Sections 20 & 29** - Ministerial direction and restructuring
  - Section 22 (1)(b)(c) & (2) & 24** - Regional Flood and Coastal Committees
- At the time publication of this document, the remainder are due to commence at a later date.

## Annex B – Examples of Flood and Coastal erosion risk management functions.

Sections 13 and 14(1) apply with reference to an authority's risk management functions. This guidance can express these functions in terms of

- Flood and coastal risk management roles
- Typical tasks that may be undertaken to deliver those functions, or
- The legal functions themselves

Within this Annex, examples of all are included below and views are sought as to the clearest and most useful way of expressing these, bearing in mind the potential level of detail and length of the document. Some details of functions are still to be confirmed, and at present, these should be taken as indicative rather than definitive.

### 1 Flood and coastal erosion risk management roles

Flood & coastal erosion risk management functions carried out by relevant authorities are many and varied. The organisations listed below will usually take the lead for evaluating and managing the different sources of flood or coastal erosion risk. The Environment Agency undertakes a coordinating role as part of its strategic overview.

<b>Responsibility</b>	<b>Lead organisation</b>
The strategic overview of FCRM	The Environment Agency
Management of flood risk from main rivers	The Environment Agency
Management of flood risk from ordinary watercourses	The local Internal Drainage Board, District Councils (where they exist) and unitary authorities have works powers. The Lead Local Flood Authority includes these within their local flood risk management strategy.
Management of flood risk from the sea	The Environment Agency
Management of coastal erosion risk	The local Maritime Local Authority. The Environment Agency will have concurrent powers once Schedule 2 paragraphs 1-24 have been commenced.
Management of flood risk from surface water runoff	The Lead Local Flood Authority
Management of flood risk from groundwater	The Lead Local Flood Authority
Management of flood risk from highway drainage	The Highways Agency or local highway authority
Management of flood risk from sewers	The local sewerage undertaker
Enforcement of flood risk management from statutory reservoirs above 25,000m <sup>3</sup> (10,000m <sup>3</sup> capacity when introduced)	The Environment Agency is the enforcement authority, the reservoir undertaker must comply with the Reservoirs Act and future provisions within the Flood and Water Management Act
Flood incident management	All relevant authorities and emergency services and other utilities under the Civil Contingencies Act.
Recovery after a flood	Local authorities, working through local and regional resilience forums

## 2 Activities that can deliver flood and coastal erosion risk functions

Management of flood and coastal erosion risk by relevant authorities may involve them exercising a number of different functions at the same time to achieve the management objectives. Exercising functions may include, (but are not limited to) the following activities:

Activity	FCERM Example
Building	Flood or erosion defences, drainage in roads, sewers
Cleaning	Culverts, gulleys
Co-operating	Working together and co-ordinating activities.
De-commissioning	a weir, a flood defence, a reservoir
Defending	a property, a town, a SSSI
Development planning	Ensuring development takes place without worsening flood risk
Dredging	a watercourse
Draining	a highway, a new development
Forecasting	rainfall, flooding, a tidal surge
Improving	roads, safety of structures
Informing	Provision of information or data.
Maintaining	rivers, structures, drainage systems, sea defences
Managing	strategies, studies, schemes
Monitoring	beach profiles, river flows, asset condition
Planning	strategies, studies, schemes
Protecting	people, the environment, infrastructure
Recovery	after a flood
Replacing	drain covers, safety signs
Reporting	to government
Responding	to an incident
Supervising	site works, flood risk
Surveying	Defence levels, asset locations, flood extents
Warning	about flooding, erosion rates

## 3 Sample of statutory functions, as expressed in other relevant Acts

Section	Sub-section	Functions	Relevant Authority
159 of Water Resources Act 1991(Power to lay pipes in streets)	(1)	Subject to the following provisions for the purpose of carrying out its functions, have power- (a) to lay a relevant pipe in, under or over any street and to keep that pipe there; (b) to inspect, maintain, adjust, repair or alter any relevant pipe which is in, under or over any street; (c) and to carry out any works requisite for, or incidental to, the purposes of any works falling within paragraph (a) or (b) above, including for those purposes the following kinds of works, that is to say - (i) breaking up or opening a street; (ii) tunnelling or boring under a street; (iii) breaking up or opening a sewer, drain or tunnel; (iv) moving or removing earth and other materials.	Water Company
221 of Water Resources Act 1991 (General interpretation)	(1)	“ <b>abstraction</b> ”, in relation to water contained in any source of supply, means the doing of anything whereby any of that water is removed from that source of supply, whether temporarily or permanently, including anything whereby the	Water Company see

		<p>water is so removed for the purpose of being transferred to another source of supply; and “abstract” shall be construed accordingly;</p> <p>“<b>accessories</b>”, in relation to a main, sewer or other pipe, includes any manholes, ventilating shafts, inspection chambers, settling tanks, wash-out pipes, pumps, ferrules or stopcocks for the main, sewer or other pipe, or any machinery or other apparatus which is designed or adapted for use in connection with the use or maintenance of the main, sewer or other pipe or of another accessory for it, but does not include any telecommunication apparatus unless it-</p> <p>(a) is or is to be situated inside or in the close vicinity of the main, sewer or other pipe or inside or in the close vicinity of another accessory for it; and</p> <p>(b) is intended to be used only in connection with the use or maintenance of the main, sewer or other pipe or of another accessory for it;</p> <p>“<b>Flood defence functions</b>”, in relation to the Agency, means-</p> <p>(a) its functions with Respect to flood defence and land drainage by virtue of part IV of this Act, the Land Drainage Act 1991 and section 6 of the 1995 Act</p> <p>(b) Those functions transferred to the Agency by section 2(1)(a)(iii) of the 1995 Act which were previously transferred to the National Rivers Authority by virtue of section 136(8) of the Water Act 1989 and paragraph 1(3) of Schedule 15 to that Act (transfer of land drainage functions under local statutory provisions and subordinate legislation); and</p> <p>(c) any other functions of the Agency under any of the flood defence provisions of this Act;</p>	<p>Environment Act 1995</p> <p>see Telecommunication Act 1984</p> <p>Water Industry Act 1991</p>
14 (Land Drainage Act 1991) General Drainage Power of the boards and Local authorities	(1)	<p>Subject to section 11 and subsection (4) and section 17</p> <p>(a) every drainage board acting within the internal drainage district for which they are the drainage (b) board; and every local authority acting either:</p> <p>(1) for the purpose of carrying out works;</p> <p>(2) so far as may be necessary for the purpose of preventing flooding or mitigating any damage caused by flooding in their area, shall have the powers specified in subsection (2) below.</p>	Local Authorities and Boards.
	(2)	<p>The powers mentioned in subsection (1) above are the powers, otherwise than in connection with a main river or the banks of such a river-</p> <p>(a) to maintain existing works, that is to say, to cleanse, repair or otherwise maintain in a due state of efficiency any existing watercourse or drainage work;</p> <p>(b) to improve any existing works, that is to say, to deepen, widen, straighten or otherwise improve any existing watercourse or remove or alter mill dams, weirs or other obstructions to watercourses, or raise, widen or otherwise improve any existing drainage work;</p> <p>(c) to construct new works, that is to say, to make any new watercourse or drainage work or erect any machinery or do any other act (other than an act referred to in paragraph (a) or (b) above) required for the drainage of any land.</p>	Environment Agency

***List continues, but not reproduced here***

## Consultation questions

1) Does this guidance sufficiently explain what we mean by co-operation? If not, what elements are unclear?

2) Does this guidance explain how the power to request information should be exercised in a reasonable way? If not, how might it be improved?

3) What barriers to co-operation and information sharing need to be addressed?

4a) How much more effective do you feel statutory guidance would be than non-statutory or no guidance?

4b) We have assumed that there will be a 25% saving in time dealing with information requests because of statutory guidance and advice to follow, as everyone will be working within a common framework. Please tell us if this is a reasonable assumption or whether it should be more or less.

5) Do you have any suggestions for new sections to be included in this statutory guidance? If so, please provide details.

6) If you are likely to be asked for information, are there any issues that may make it difficult for you to respond?

7a) How many requests for information do you feel a lead local flood authority might make in any year?

7b) If you have dealt with comparable requests before, how long might you expect it to take?

- Less than 4 hours (short)
- One to two days (medium)
- Over one week (long)
- Other (please specify)

8) Do you feel that the functions that the guidance relates to need to be set out within it? If so, which option as expressed at the start of Annex B is the most appropriate to use?

9) Is there any additional non-statutory advice or supporting information you would particularly wish to see (for example best practice or model agreements) that would help further encourage co-operation and information sharing?