SRA BOARD MEETING – 23 MARCH 2016

THE SRA BOARD

Minutes of a Meeting of the Board of the Somerset Rivers Authority held in the Wyndham Room of Somerset County Council on Wednesday 23rd March, 2016 at 9.30am.

PRESENT

Members of SRA Board:
Cllr John Osman (in the Chair)
Tony Bradford, Parrett IDB, Vice-Chair
Ray Adlam, Axe Brue IDB
Jeff Fear, Axe Brue IDB
Cllr Anne Fraser, SDC
Nick Gupta, EA
Matthew Heard, Natural England
David Jenkins, Wessex RFCC
Cllr Tom Killen, MDC
Peter Maltby, Parrett IDB
Cllr Ric Pallister, SSDC
Cllr Anthony Trollope-Bellew, WSC
Cllr John Williams, TDBC

In Attendance:
Cllr David Hall
Stuart Brown, MDC
Rachel Burden, EA
Sarah Diacono, SRA
Julian Gale, SCC
Nick Stevens, SDBC
Iain Sturdy, SDBC
Vega Sturgess, SSDC

Apologies for absence:
Doug Bamsey, SDC
Brendan Cleere, TDBC
Kathryn Holdsworth, Defra
Duncan McGinty, SDC
Cllr Harvey Siggs, MDC

1. DECLARATIONS OF INTEREST – agenda item 1

Members of the Board declared the following personal interests:

Tony Bradford declared his membership of the Parrett Internal Drainage Board; Cllr Fraser declared her membership of the Wessex Regional Flood & Coastal Committee and the Parrett Internal Drainage Board; Cllr Trollope-Bellew declared an interest as a landowner.

2. MINUTES OF MEETINGS OF THE SRA BOARD HELD ON 10th FEBRUARY 2016 - agenda item 2

The minutes of the Board Meeting held on 10th February 2016 were signed as correct, subject to a couple of minor amendments.

A discussion arose from the Minutes about progress on the works at Dunball including the removal of the lump of concrete from under Dunball old bridge. It was agreed that Somerset County Council would provide SRA Board members with a progress report.

3. PUBLIC QUESTION TIME – agenda item 3

There were no questions.

4. 2016/17 A: SRA 2016/17 ENHANCED PROGRAMME OF WORK, B: 2016/17 BUDGET – agenda item 4

A: In presenting the SRA Enhanced Programme of work, Sarah Diacono went through 4 documents

1. A one-page Summary of the costs of the works, split by type of Flood Action Plan activity and then between capital projects and maintenance works, plus staff and overhead costs. The Programme is funded from three sources: council tax via shadow precept, the Somerset Drainage Boards Consortium and the Heart of the SW Local Enterprise Partnership Growth Deal.
2. Two lists, one for capital schemes and one for maintenance works, showing an outline of each proposal, its objectives, benefits and outcomes. It was made clear that this year, the costs of each proposal would not be separately identified on the public facing documents in order to avoid compromising commercial negotiations.
3. A map showing where the proposed SRA funded works would take place across Somerset. She highlighted proposals across the Levels and in West Somerset, South Somerset, Taunton Deane and Mendip.

Note: The documents and map referred to can be found on the SRA's website at LINK TO BE INSERTED

The following points were raised during the Board's discussions:

- The need to correct the summary table as staff costs and overheads had appeared twice, in error.
- The need to stress the additionality of the SRA's work, that every project had passed an additionality test and was not just cost-shunting. An example given of clear additionality was the enabling of remote monitoring at Wirral Park pumping station in Glastonbury.
- The need to distinguish in documents between those proposals where the SRA was funding works/activities that were completely new and proposals where the SRA would top up existing budgets to ensure the level of that activity was more commensurate with the need.
- SuDs inspections: Details of new sustainable urban drainage systems need to be picked up from the planning system or in years to come it may be forgotten who is responsible for their maintenance. Balancing ponds are particularly important.
- SuDs planning requirements: It has to be made crystal clear to developers what is expected of them and a rigorous monitoring regime has to be established, again particularly of balancing ponds.
- SuDs support: West Somerset Council identified the need for more support from the county council on matters concerning SuDs in planning applications.

- SuDs meeting: Technical officers - including senior planners and senior engineers from the county and district councils – need to meet, to help ensure seamless working into the future.

B: Sarah Diacono presented a summary of the proposed budget, and highlighted the different sources of funding: council tax and Somerset Drainage Boards Consortium, Heart of the SW Local Enterprise Partnership Growth Deal, *plus* interim funding from 2015/16 brought forward for schemes now due for completion in 2016/17. She repeated the need to keep exact figures confidential, so as not to compromise future commercial negotiations, but said that details could be made available to Board members, in confidence, as required. The public summary can be found on the SRA's website currently at LINK TO BE INSERTED

Cllr Osman thanked local authority leaders for taking the 1.25% council tax shadow precept through their full councils.

The following points were raised during the Board's discussions:

- It is vital to keep putting pressure on the Government for legislation to establish the SRA as a precepting body in its own right, as a shadow precept will not go through councils so smoothly next year, if at all.
- Nothing had been heard from Liz Truss or Greg Clark about the prospects for legislation, but the SRA had the funds to commission a parliamentary lawyer to draft a private Bill and a procurement exercise had begun for this.
- It was agreed that somebody from Defra should be invited to attend a Board meeting, so that he or she could be questioned in person about matters such as legislation and whether any of the extra money announced by Liz Truss for flood defence work would be coming to Somerset or would all be going to the North.
- There is a need across Somerset for a comprehensive map and database showing every single flood defence scheme, including tiny ones in villages. It was suggested that ward members could be asked to provide this information by consulting with their parish councils.
- Tying in with the above – and to make sure the SRA is responding to need – it is crucial to build an accurate database recording all small scale local flooding, when and where it occurs.
- Make it consistently clear that the total cost given for staff also includes overhead costss.

RESOLVED: The Board voted to approve, as proposed:

- the SRA 2016/17 Enhanced Programme of work
- the SRA 2016/17 Budget

5. FAP KEY PROJECT UPDATES A: BRIDGWATER BARRIER, B: DREDGING STRATEGY – agenda item 5

A: Rachel Burden described the recent stakeholder workshop and drop-in session held in Bridgwater, at which seven options for a Barrier were presented and discussed. Both events were well-attended and revealed good support for the idea of a barrier. It had been made clear to people that the schedule for having a barrier operational by 2024 was demanding and that the primary focus of the scheme was tidal flood risk management. Additional benefits might materialise, if for example it proved possible to align a scheme for a new road, but a parallel project would not be allowed to jeopardise the delivery of a barrier by 2024. Consultants CH2M are now doing more technical analysis and using public feedback to help come up with a shortlist of three or four sites by the end of April. A lot more consultation is planned.

The following points were raised during the Board's discussions:

- The stakeholder event was excellent and a very positive step forward.
- The need to manage people's expectations is a big challenge. A barrier will not control flooding on the Levels, nor transform Bridgwater into the new Venice of the South West, or a place with crystal clear water and a café culture. Its main purpose is to protect properties in Bridgwater (primarily, 11,600 homes).
- Concern that the need to control costs will lead to a barrier being built in the wrong place. Only one will ever be built; a solution ought to be found that brings the best possible results.

B: Nick Stevens began by reminding members that they had agreed on the need for a dredging strategy last October, in conjunction with approving some new pioneer dredging [750m downstream of Northmoor Pumping Station]. The strategy's purpose was to investigate more cost-effective techniques and sites, before deciding on a dredging programme going beyond 2015/16. The IDB offered to lead on this, with assistance from the Environment Agency, which holds a lot of data. A working group was formed, and various criteria set out: a strategy needed to be produced in time for any works this Autumn; it should show how dredging fits with the wider catchment; it must be supported, so that it results in a programme which is funded, deliverable and sustainable. Consultants with skill, knowledge and experience were needed to put together many, many different pieces of evidence and undertake further investigation – and the final results would have to be communicated to people across Somerset and nationally. A lot of interest is expected in the results as dredging is a national issue. Trials are due to be undertaken this summer, followed by more pioneer and maintenance dredging if the strategy calls for it, and where it calls for it. Monitoring results is also vital, as it will be an adaptive strategy, that will be changed as more is learned about how siltation is affected and how it affects the banks and channel.

There are potentially six different types of management of Somerset rivers but the strategy has prioritised certain reaches of the Parrett and Tone, up to the middle of Currymoor and downstream of Langport (although the tide does have an influence upstream from them), but those are the areas judged to represent the greatest interest and the greatest need.

After a tendering exercise, HR Wallingford were appointed. Internationally recognised, they scored very highly on assessments. Their contract started on 2 March and is due to finish on 29 April. Nick Stevens described evidence-gathering, meetings and weekly tele-conferences. Work is currently divided into the Where, which may require some modelling, and the How, techniques that might be used, drawing on local, national and international examples. The aim is to bring back some initial findings to the next Board meeting in April.

Consultants have also been asked to link in with the Bridgwater Barrier work, so each party can understand what the other is thinking and doing.

Nick Stevens also mentioned that consultants were looking at the River Brue between Glastonbury and Highbridge; this was an important area.

The following points were raised during the Board's discussions:

- A tour for members of the media could be a good way of increasing their background knowledge, given how useful members of the Board and others had found their Sowy/KSD bus tours. It was suggested that could this be part of the communications plan. Sarah Diacono confirmed that preparatory work is already underway on a series of SRA in Practice days.
- The Board were pleased at the award of the contract to HR Wallingford, one of the best organisations in the world for this sort of work. Forty years ago, it had a working scale model of the whole Parrett and Tone system. HR Wallingford's lead consultant on the strategy was praised.
- It is important to give people time to come up with the right answers, and not push for deadlines all the time.
- One of the requirements of the study is to work out what else is needed. As it will be an adaptive strategy, it might be the case that some extra work could be done on the basis of 'invest to save'.

6. SRA LOCAL MoU & CONSTITUTION REVIEW – agenda item 6

Cllr John Osman went through the amended Memorandum of Understanding (MoU) page by page and invited members to comment on changes proposed. David Jenkins apologised for missing the start of the meeting and thereby the opportunity to declare an interest which he wished to do now, namely that the Regional Flood chairs had nominated him as their representative on the Board of the Association of Drainage Authorities, on which Tony Bradford also sits.

Points raised during the Board's discussions about **page 1**:

- Stating in the document that not only was the SRA now committed to establishing itself as a precepting body but that individual parties were too, put some partners in a difficult position. The Wessex Regional Flood and Coastal Committee is not committed to that proposition, nor convinced that it is a necessary way forward. Board members did not want partners such as the WRFCC, the Environment Agency and

Natural England to be in a position where they could not sign a whole document because of just one point. The MoU needed to be tweaked to avoid the dilemma that it posed and to enable the WRFCC to maintain its integrity. A solution was agreed, clarifying that it was the Board of the SRA which had agreed it was committed to establishing precepting, and not individual partners.

- Members were invited to recall a meeting last July in which the Internal Drainage Boards had been persuaded to support the SRA becoming a precepting body by the idea that this would be achieved through the legislative means of a Parliamentary Private Bill. This prospect had been attractive because the outcome of ordinary legislation going through Parliament could not be controlled; something might get put in which would put the future funding of drainage boards and their workings at risk, not just in Somerset but in other parts of the country. The Association of Drainage Authorities felt the risk of national legislation was far too great to countenance – but the idea of a Private Bill seemed somehow to have been lost between last August and this March.
- Although the suggestion was made to include this in the document, there was no agreement that this was necessary. Three main points were made in response to the concerns. 1: The Government had promised legislation and Liz Truss had said that she had no intention of eroding the powers, responsibilities and roles of the IDBs. 2: This was a Memorandum of Understanding, not a legally binding document, and people should not start unpicking it before they had even got an answer from government. 3: The issue was that the Government had promised legislation, and unless pressure was kept up, it would backslide.

Page 2: no points raised.

Page 3: no points raised.

Page 4:

- Coastal flood risk is very important in West Somerset. The fact that the SRA's remit does not include coastal flood risk remains a concern to West Somerset.

Page 5: no points raised.

Page 6:

- It was clarified that "at no cost" in 2.5.1 referred to the services of the chief financial officer of SCC (the Section 151 officer) and the monitoring officer and not to the provision of financial and accounting services which were not free of charge.
- It was agreed to include 'formal decision making procedures' in the list of the Host authority's practices that the SRA operates within. This is in recognition that until the SRA becomes a legal entity, the Board can only take 'in principle decisions' that then need to go through Somerset County Council's, as the host authority, formal decision making

processes to confirm those 'in principle decisions'. This is an interim measure until the SRA is properly constituted as a precepting body and separate legal entity.

Page 7: no points raised

Page 8:

- The Board was asked if they wished to initiative the process for co-option to the Board, namely to invite expressions of interest. It was felt that members would need to be persuaded that possible co-optees would bring additional value.
- A minimum of nine voting members (out of 13) had to be present for a meeting to be quorate. The previous figure was six. It was explained that the number had been raised to ensure that some district council members were present, as they were contributing funding.
- A request was made for the calendar of meetings to be stuck to, with no changes or cancellations, except in emergencies.

Page 9

- A brief discussion about whether it was better to mention people by post or name favoured the status quo.

Page 10: no points raised.

Page 11: no points raised

Cllr Osman said the document would now be finalised and come back for formal approval at the next Board meeting in April.

A discussion then arose about an aspect of the MoU which had not been amended but which was felt to be significant now that district councils were contributing more to the SRA through council tax. This concerned the desirability of a new joint scrutiny committee, akin to that which scrutinises the Somerset Waste Partnership once or twice a year, at the most critical and important times, but with a relatively light touch. This new committee could have one member nominated by each organisation that funds the SRA. It was felt better to have a joint scrutiny committee because it would take up less officer time than requiring attendance at several different scrutiny committees.

Decision-making and delegations

Sarah Diacono gave a presentation about the SRA's existing arrangements for decision-making and the use of delegated powers. Currently, all changes to the SRA's Enhanced Maintenance Programme and the Budget that was agreed in March 2015 need to come back to the Board.

Note: At 11am the meeting paused for two minutes' silence in memory of the victims of the previous days' terrorist attacks in Brussels.

Sarah Diacono continued by outlining two options, and their pros and cons. The first was for 'No Change', with the SRA Board continuing to control all decisions and changes. One drawback is that strict adherence to this policy requires Board meetings to be held at least monthly, rather than quarterly, as a speedy response is required to make the most of many opportunities that arise. The second option was for the SRA manager, SRA chair and Vice-Chair to have more delegated powers. The SRA's Board would still agree all programmes (the 2016/17 programme, the Growth Deal funded programme and the 5 Year Plan) but the power to change decisions defined by those programmes could be delegated – within designated tolerances (ie limits) – to the SRA manager in conjunction with the Chair and the Vice-Chair. All decisions would be recorded and reported back to the SRA Board at the next meeting. This would require a high level of trust but confer three main benefits: the ability to take decisions quickly in the light of emerging events and to maximise opportunities for savings, with the safety net of reporting back in place; the SRA Board would be able to concentrate on strategic matters; costs would be reduced as there would fewer SRA Board and management group meetings. Sarah Diacono concluded by looking at the current role of the management group, and how members feel it is an extremely useful forum for consulting and sharing information.

The following points were raised during the Board's discussions:

- At County Hall, it is normally written into decisions that they could be subject to the lead member and lead officer being consulted on any changes.
- The item under consideration is about the *principle* of delegating some authority to make changes; the next step would be to define the detail, e.g. tolerances, with a lot depending on the programme concerned.
- Most organisations use delegated powers; they are to be supported; without them, organisations become unworldly and inflexible: things need to be simplified, not slowed down: the Board is a strategic and not an operational body: but there must be checks and balances – and changes must be reported back so that progress can be monitored.
- What happens if new items come up, outside of what the Board has seen and approved? The de-silting of Haymoor this year was an example of an opportunity that needed a prompt decision.
- Some changes require caution. Changes to times and locations may be legal or illegal at different times of year. At the moment, the IDBs are the Environment Agency are competent authorities and would not do anything that was illegal as delivery partners for the SRA but the SRA itself is not a competent authority.
- It was suggested that once the SRA Board has approved the prioritised 5 Year Plan, then if something drops off, then the people with delegated powers should be able to make the decision to bring forward the next most important project from the list..

Cllr Osman summed up by saying that there was a consensus about the direction of travel, but more work needed to be done on tolerances, who would make decisions, and how they were going to be reported. He said that

if he and the Vice-Chair were going to make decisions he wanted to have a paper and the paper should be circulated to the Board. In short, more information was needed so the matter could come back to the next Board meeting.

RESOLVED: The Board agreed to change the current Scrutiny arrangements by creating, with the help of Somerset County Council's Monitoring Officer, a new joint Scrutiny Committee. Subject to this change and a few minor amendments, the Board agreed that the new Local MoU and revised Constitution was ready for signoff at the next meeting.

The Board agreed the principle of delegating changes to a previously agreed SRA Enhanced Programme of work, within agreed tolerances, to the SRA Senior Manager in consultation with the Chair and Vice Chair of the SRA Board. It was further agreed that proposed tolerances would be reviewed and agreed at the next SRA Board meeting.

7. AOB – agenda item 7

The Board discussed the problem of SRA meetings clashing with significant meetings of district councils, and starting at different times: 10am versus 9.30am, mornings versus afternoons.

The Board agreed to try to avoid the dates of SRA Board meetings in 2017/18 clashing with significant meetings of Somerset's councils.

In response to a final question about legislation to secure the future funding of the SRA, Cllr Osman stressed that legislation had been promised to him personally and to the Vice-Chair, they were pushing the Government but had not heard back, and the ball was now rolling with regards to drafting a Private Members Bill.

The meeting finished at 11.26am.

Chair Signature:

Date: