

Somerset Rivers Authority Board Paper

Title: SRA 2019-20 Memorandum of Understanding

RECOMMENDATIONS

The SRA Board is asked to:

1. Review and comment on the revised 2019-20 Memorandum of Understanding.
2. Agree that the existing SRA Memorandum of Understanding and constitution should be rolled over to 2019-20 without amendment, other than those minor changes set out under 'Latest status'.
3. Arrange for necessary approvals within their own organisations to enable formal signing of the revised MoU at the June Board meeting.

Purpose of the item:

To review and approve the changes made to the Memorandum of Understanding (MoU).

Background and context

The current Local Memorandum of Understanding and Constitution requires an annual review and currently contains clauses that tie it to 2018-19.

On 1 April 2019, Somerset West and Taunton Council will replace Taunton Deane Borough Council and West Somerset Council. This change will need to be reflected in the updated MoU. Elections for the new council are to be held on 2 May.

All District Councils are holding elections on 2 May. Only after these elections will it be possible to confirm District Council representation on the SRA Board for 2019-20.

Latest status

Changes made to the MoU are listed below:

- changes in MoU dates to reflect new financial year
- removed references to Taunton Deane Borough Council and West Somerset Council, replaced with Somerset West and Taunton Council
- Updated with 2019-20 shadow precept contribution value and IDBs contribution
- changes to Management Group personnel since the last MoU was agreed

Date: 20 February, 2019

Author: David Mitchell, Senior Manager, Somerset Rivers Authority

Local Memorandum of Understanding & Constitution

1. Background and Context

1.1 The Parties

Somerset County Council (SCC), the Axe Brue and the Parrett Internal Drainage Boards (IDBs), Mendip District Council, Sedgemoor District Council, South Somerset District Council, Somerset West and Taunton Council, the Environment Agency, Natural England, and the Wessex Regional Flood & Coastal Committee (together the “Parties”) comprise the Somerset Rivers Authority (SRA). These Parties, to whom this Local Memorandum of Understanding (MoU) applies, are those agreed to be represented on the SRA Board.

1.2 The Somerset Flood Action Plan

The Parties, together with Defra and MHCLG (the Ministry of Housing, Communities, and Local Government, formerly the Department for Communities and Local Government – DCLG) are committed to reducing flood risk and increasing resilience to flooding in Somerset via implementation of the Somerset Flood Action Plan, including the delivery of its vision for the Levels and Moors (*Appendix One*). The SRA Board agreed that this will require additional expenditure on water and flood risk management and that this should be secured via an SRA precept.

1.3 Memorandum of Understanding 8 December, 2014 and sustainable funding mechanism

Pursuant to the commitment in para 1.2 above, on 8 December 2014, a Memorandum of Understanding was agreed by the local authorities, the IDBs, Defra and DCLG, which confirmed funding totalling £2.7m available to the SRA for 2015-16. That MoU included a commitment to work together to review the options for a sustainable local funding solution for the work of the SRA from 2016-17 onwards, and provide an assessment of the options for consideration by Ministers in July 2015.

In September 2015, it was decided that the preferred funding mechanism was the establishment of the SRA as a precepting body and the Chairman of the SRA wrote to both the Secretaries of State for Environment, Food and Rural Affairs, and for Communities and Local Government with a view to discussing and agreeing how to implement this as soon as possible.

The government in its response to the Efra Committee report on Future Flood Prevention, published in February 2017, gave a commitment to put the long-term funding of the SRA on a statutory basis when parliamentary time allows.

1.4 Local Government Finance Settlement 2016-17

The Local Government Finance Settlement 2016-17 included the provision of alternative notional amounts for council tax levels so that pending the establishment of the Somerset Rivers Authority as a precepting body, Somerset County Council and all Somerset district councils could set a shadow precept of up to the equivalent of a 1.25% increase in Council Tax, for the purpose of funding the Somerset Rivers Authority.

1.5 This Local Memorandum of Understanding (Local MoU)

This Local MoU document is not intended to be legally binding on the Parties, but the Parties agree to the Local MoU, intending to honour their obligations set out in it. It will cover the period up to 31 March, 2020. Section 2 of this Local MoU set outs a constitution for the SRA. Information on background papers, technical terms and acronyms, can be found in Appendix Two.

1.6 Term & Amendment

This Local MoU shall come into effect on 1 April, 2019, and shall continue in force unless terminated in accordance with this Local MoU. It will be reviewed before the end of the financial year, no later than 31 March, 2020.

Proposals for amendments should be communicated to the SRA Senior Manager, no less than 30 days ahead of any Board meeting at which they would need to be considered. Proposals would then be circulated for comment, and any recommendations made to the SRA Board would, in accordance with its decision-making arrangements, be decided by a simple majority.

1.7 Previous Arrangements

Prior to this Local MoU, the Parties have worked collaboratively in relation to the Somerset Rivers Authority through a Local MoU dated 8 June, 2018. Those arrangements will be superseded by the arrangements put in place under this Local MoU.

Signed by **David Hall** for and
on behalf of **Somerset County
Council**

Date

Signed by for and on behalf
of **Somerset West and
Taunton Council**

Date

Signed by _____ for and on behalf
of **South Somerset District
Council**

Date

Signed by _____ for and on behalf
of **Mendip District Council**

Date

Signed by _____ for and on behalf
of **Sedgemoor District
Council**

Date

Signed by **Tony Bradford** for
and on behalf of the **Parrett
Internal Drainage Board**

Date

Signed by **Jeff Fear** for and on
behalf of the **Axe Brue Internal
Drainage Board**

Date

Signed by **David Jenkins** for
and on behalf of the **Wessex
Regional Flood & Coastal
Committee**

Date

Signed by **Nick Gupta** for and
on behalf of the **Environment
Agency**

Date

Signed by **Matt Heard** for and
on behalf of **Natural England**

Date

2. Somerset Rivers Authority (SRA) - Constitution

2.1 Legal Status of SRA

The SRA will continue as an unincorporated association. This does not require any new statutory powers. In participating in this association, the Flood Risk Management Authorities (FRMAs, see para 2.3.1) are acting in accordance with the co-operation duty under the Flood and Water Management Act 2010, Section 13.

The SRA Board has agreed it is committed to enabling the necessary legislation to be enacted to establish the SRA as an independent precepting body as soon as possible.

The government in its response to the Efra Committee report on Future Flood Prevention, published in February 2017, gave a commitment to put the long-term funding of the SRA on a statutory basis when parliamentary time allows.

2.2 Purpose of the SRA

2.2.1 To bring together and co-ordinate the Environment Agency, Natural England, the Somerset Internal Drainage Boards (IDBs), the Lead Local Flood and Highway Authority (Somerset County Council - SCC) and the other Somerset local authorities, in their roles as FRMAs

2.2.2 To provide a strategic overview of the continued delivery of the Somerset Flood Action Plan, and Flood Risk and Water Level Management in Somerset

2.2.3 To provide a public forum and single point of contact for collective decision-making in respect of Flood Risk and Water Level Management in Somerset

2.2.4 To identify, prioritise, find funding for and oversee the delivery of additional flood risk and water level management work across the whole of Somerset, over and above that which the FRMAs are able to justify within their existing funding streams and to prepare an annual programme detailing that work, to raise the necessary funds and to oversee its delivery.

2.2.5 To enable the FRMAs to take on a broader role, to ensure that Somerset's flood risk and water level management activity benefits from the collective wisdom, experience and knowledge of all its members.

2.2.6 To undertake the detailed planning and, with government, put in place the necessary arrangements for the establishment of the SRA as a precepting body.

2.2.7 To achieve long-term sustainable flood risk management funding for Somerset.

2.3 Scope of Activities

2.3.1 The geographic scope of the SRA is the whole of the area administered by Somerset County Council.

2.3.2 The SRA does not diminish the responsibilities of the individual Parties or those of riparian owners. The existing FRMAs and their existing associated funding streams, responsibilities and accountabilities continue, and their existing powers and discretions are unaffected. However, opportunities will be taken to join up delivery where agreed.

2.3.3 The SRA makes publicly available, in one place, information about all the planned inland flood risk and water level management activity in Somerset, funded from Somerset FRMAs' and other local partners' existing budgets. This information is called the Somerset Common Works Programme.

2.3.4 The SRA prepares an annual Enhanced Programme detailing the additional work outlined in 2.2.4. The SRA commissions the delivery of such actions, details of which in respect of the 2019-20 Enhanced Programme, can be found in Appendix Three.

2.3.5 The SRA co-ordinates the implementation of the Somerset Flood Action Plan whose outstanding actions, are contained in either the Somerset Common Works Programme or the Enhanced Programme.

2.3.6 Public Sector Co-operation Agreements under the Flood & Water Management Act 2010 section 13(4) will be used as appropriate.

2.3.7 Where works are undertaken by a Party, the practices and procedures of that Party shall apply. Each of the Parties shall take responsibility for its own liabilities, including insurance: for example, through appropriate insurance cover or indemnity of Members and officers.

2.3.8 The SRA will not include within its scope activities associated with emergency response and recovery or coastal flood risk.

2.4 Funding

2.4.1 Funding totalling £2.926m will be available to the SRA for 2019-20, raised by Somerset's local authorities and the Parrett and Axe-Brue Internal Drainage Boards as follows:

Authority	Contribution
Somerset County Council	£2,547,400
Somerset West and Taunton Council	£99,090
Sedgemoor District Council	£73,816
Mendip District Council	£74,512
South Somerset District Council	£111,492
Somerset Internal Drainage Boards	£20,000
Total	£2,926,310

2.4.2 The Heart of the South West Local Enterprise Partnership Growth Deal funding totalling £13.049m is available to SCC as the accountable body for the SRA for the 6-year period 2015-16 – 2020-21

2.4.3. SCC will account for the use of all funds to the Parties as set out in para 2.7.

2.5 Host Authority

2.5.1 As recipient and accountable body for the funding contributions from Somerset's local authorities, SCC shall act on behalf of the SRA Board as Host Authority.

In particular it shall:

- Provide the services of its Chief Financial Officer and Monitoring Officer at no cost
- Provide accounting, financial analysis, accounts payable and receivable
- Provide procurement services to all contracts SCC awards on behalf of the SRA and, on request, on those of the SRA's delivery partners as required
- Employ any Host Authority staff and provide HR and IT services in support of them and the SRA website
- Respond to requests for information
- Carry out such other functions as may be agreed

2.5.2 The costs of the Host Authority in this role shall be covered by the funding available to the SRA, and shall be separately identified in the SRA budget for the year as shall any interest accruing in respect of funding made available at the beginning or during the year.

2.5.3 The SRA shall, where relevant and unless otherwise agreed, operate in accordance with Host Authority practices and procedures, including the following:

- Procedural standing orders for the conduct of meetings
- Financial regulations
- Equalities policies
- Policies for dealing with access to information and data protection
- Employment Policies
- Formal decision-making procedures

2.6 Conduct of SRA Board Members

Members of local authorities, IDBs and Regional Flood & Coastal Committees are bound by their own codes of conduct, as are staff of the Environment Agency and Natural England.

SRA board members, including any co-opted members, will in particular need to comply with the principles of the Host Authority's Members' code of conduct as it applies to the declaration of interests, and compliance with the principles of public life set out by the Nolan Committee on Standards in Public Life.

2.7 Obligations

2.7.1 As the accountable body for the funding, SCC shall ring fence the funding, provide quarterly information on spend to date against budget and interest accrued to the SRA Board.

In particular, SCC will apply its normal financial probity and accountability controls, and will maintain reliable, accessible and up-to-date accounting records with an adequate audit trail for at least six years.

2.7.2 The other Parties shall pay to the Host Authority their contribution (see para 2.4.1) on 1 April 2019, following receipt of an invoice from the Host Authority, and shall provide timely information relating to progress, costs, benefits and impacts in connection with their roles as delivery partner in relation to the SRA 2019-20 Enhanced Programme (see *Appendix Three*).

2.7.3 The Parties shall, by 31 March 2019, agree the budget for 2019-20, arrangements as to the way in which SRA funding for 2019-20 shall be spent, managed and accounted for. These shall include mechanisms for handling any underspends against budget, for managing the risk of cost increases, and for facilitating the flow of funding from SCC to meet agreed expenditure incurred by another Party.

2.7.4 SCC will settle all payments within 30 days of agreement and submission.

2.8 Member Organisations (The Parties)

Somerset County Council, the Axe-Brue and the Parrett IDBs, Mendip District Council, Sedgemoor District Council, South Somerset District Council, Somerset West and Taunton Council, the Environment Agency, Natural England, and the Wessex Regional Flood & Coastal Committee.

2.9 SRA Board

2.9.1 Composition of Board: One representative per member organisation, except for the IDBs that shall each have two, totalling 12 members.

2.9.2 Authority of Board: The SRA Board has the authority to;

- Agree the SRA annual Enhanced Programme and authorise SCC to release SRA funding for the delivery of its current year's activities
- Endorse programmes that reduce both the risk and impact of flooding and other activities supporting the delivery of the Vision and the Flood Action Plan to be carried out by the Parties
- Determine the scope of services provided by SCC as Host Authority

2.9.3 Appointment of Board Members and Period of Office: The Parties have appointed representatives to serve as members of the SRA Board. Board members shall hold office until written notification of their removal and/or replacement is received

by the Host Authority, or shall cease with immediate effect if they cease to hold office within that member organisation.

2.9.4 Nomination of Deputies to Attend Meetings: Each of the Parties shall nominate a deputy for its appointed Board member, to attend and to vote at any meeting of the Board in place of the appointed Board member, who for any reason is unable to attend.

2.9.5 Appointment of Chair and Vice-Chair: The SRA Board elected a Chair and a Vice-Chair, who are members of the Board, on 21 July, 2017. They will hold office until they cease to be members of the Board or until 21 July, 2019, whichever is the earlier and an election will be held at the next meeting of the Board to appoint their successors. If neither the Chair nor Vice-Chair is present, then a member shall be elected from those present to act as Chair for that meeting.

2.9.6 Co-option of additional Board Members: The SRA Board shall have the power to appoint additional non-voting members to the Board. The process for co-option is to invite expressions of interest following agreement to do so by the SRA Board. Any expressions of interest would need to be accompanied by a curriculum vitae setting out relevant skills and experience of the invited individual or representative of the invited organisation. To ensure that adequate time is available for consultation on any co-option proposal any expressions of interest should be forwarded to the SRA Senior Manager, for circulation to Board Members for comment no less than 30 days ahead of any Board meeting at which they would need to be considered. Proposals would then be put as recommendations to the SRA Board, and in accordance with its decision-making arrangements, be decided by a simple majority.

2.9.7 Voting: Decisions to be made by a simple majority of voting members attending. In the event of a tied vote, the Chair shall have a casting vote. In the event of a disclosable pecuniary interest and/or a prejudicial interest arising, a member will need to abstain from participation in accordance with normal practice.

2.9.8 Quorum: A minimum of 9 voting members, including the accountable body for the funding.

2.9.9 Access to Meetings and Information: SRA Board meetings will be open to the public. Papers will be published on the SRA website 5 clear working days prior to meetings. Minutes of Board meetings will also be published on the website.

2.9.10 Public Speaking and Questions: Guidance is published on the SRA website as follows:

“Public Question Time

“You may ask questions and/or make statements or comments about any matter on the agenda. The length of public question time will be no more than 30 minutes in total, unless extended at the discretion of the Chair.

“If you wish to speak at the meeting then you will need to submit your statement or question in writing at least two clear working days ahead of the meeting. This can be done by sending an email to sra@somerset.gov.uk”

“A slot for Public Question Time is set aside near the beginning of the meeting. However, questions or statements about any matter on the agenda for this meeting may, at the chair’s discretion, be taken at the time when each matter is considered.”

“You must direct your questions and comments through the Chair. You may not take direct part in the debate, unless invited to do so by the Chair.”

“The Chair will decide when public participation is to finish.”

“The amount of time you speak will be restricted normally to two minutes only, although it can be extended at the discretion of the Chair.”

2.9.11 Frequency of Meetings: A calendar of meetings for each Board year will be approved by the Board and published by the beginning of each financial year. Full Board meetings are held quarterly and extra meetings will be called in the event of an urgent decision.

2.9.12 Attendance at Meetings: Each of the Parties shall be responsible for meeting any remuneration, costs and expenses associated with attendance at meetings.

2.10 Officer Support and Availability of Information

2.10.1 Where appropriate, the Parties shall make such of their officers and their information available for the purposes of the SRA, and for the Host Authority to meet its responsibilities, and in particular for updating and implementing the Flood Action Plan, the outstanding works of the SRA 2015-16, 2016-17, 2017-18 and 2018-19 Enhanced Programmes, the SRA 2019-20 Enhanced Programme and Somerset’s Common Works Programme.

2.10.2 An officer Management Group has been set up to oversee the delivery of the SRA’s Enhanced Programmes and the outstanding actions of the Flood Action Plan. Their terms of reference are set out in Appendix Four and members of the SRA Management Group are senior officers as follows:

- Paula Hewitt (*Chair*), Somerset County Council
- Doug Bamsey, Sedgemoor District Council
- **TBC, Somerset West and Taunton Council**
- Paul Deal, Mendip District Council
- Martin Woods, South Somerset District Council
- Michele Cusack, Somerset County Council
- Ben Thorne, Farming and Wildlife Advisory Group South West
- Donna Gowler, Natural England
- Roger Burge, Somerset Drainage Boards Consortium
- Dr Rachel Burden, Environment Agency
- David Mitchell, Somerset Rivers Authority

2.10.3 An officer Technical Group has been set up in support of the Board. Their terms of reference and membership are set out in Appendix Five.

2.11 Delegations / Urgent Business

2.11.1 The SRA delegations are outlined in Appendix Six.

2.12 Dispute Resolution

2.12.1 All disputes between the Parties on the meaning and interpretation of the constitution, and all disputes or differences in any way arising from the constitution, shall in the first instance be referred to the next meeting of the SRA Board for resolution.

2.12.2 In the event that the dispute is not resolved through this mechanism, it shall be referred to a mediator in accordance with the CEDR Model Mediation Procedure.

2.12.3 All parties shall use their reasonable endeavours to conclude the mediation with 40 business days of referral of the dispute to mediation.

2.12.4. If the dispute is not resolved in accordance with para 2.12.2 within 40 business days, it shall be referred to an arbitrator to be agreed between the parties in dispute, and failing agreement, to an arbitrator appointed by the President of the Chartered Institute of Arbitrators, and the Arbitration Act 1996 shall apply to any such arbitration.

2.13 Withdrawal / Termination

2.13.1. In order to withdraw from the SRA, any Party shall give not less than 3 months' notice in writing to the Host Authority to expire on 31 March in any year.

2.13.2. The Parties may agree to wind up the SRA through a decision of the SRA Board by giving not less than 3 months' notice to the Host Authority.

2.13.3 If a Party serves notice to withdraw under para 2.13.1 above, or the Parties agree to wind up the SRA under para 2.13.2 above, the Host Authority shall arrange with that Party or the Parties, such operational, administrative and financial arrangements as may be agreed between the Parties.

2.13.4. A Party withdrawing from the SRA, or the Parties winding up the SRA, shall be entitled to receive a fair share of any assets held, offset by any liabilities, to be agreed between the Parties, at the date of the withdrawal or winding up, to be received when those assets are able to be realised.

2.13.5 In the event of the Parties winding up the SRA all redundancy liabilities for directly employed SRA staff will, in the first instance, be met using remaining SRA funds. Should the SRA funds be insufficient then the funding partners (as set out in paragraph 2.4.1) will share the remaining liabilities across the funding partners in the same proportion as their annual contribution as at the start of that financial year.

2.14 Overview and Scrutiny

2.14.1 An SRA Joint Scrutiny Panel has been established, comprising 2 members from each local authority and 1 member of each Internal Drainage Board, to oversee and scrutinise the activities of the SRA.

2.14.2 Officer support and administrative services for the SRA Joint Scrutiny Panel will be provided by Somerset County Council's Democratic Services team.

Appendix 1: A Vision for the Somerset Levels & Moors in 2030

- We see the Somerset Levels and Moors in 2030 as a thriving, nature-rich wetland landscape, with grassland farming taking place on the majority of the land. The impact of extreme weather events is being reduced by land and water management in both the upper catchments and the flood plain and by greater community resilience.
- The landscape remains one of open pasture land divided by a matrix of ditches and rhynes, often bordered by willow trees. Extensively managed wet grassland dominates the scene with the majority of the area in agriculture in 2010 still being farmed in 2030.
- The floodplains are managed to accommodate winter flooding whilst reducing flood risk elsewhere. These flood events are widely recognised as part of the special character of the Levels and Moors.
- The frequency and duration of severe flooding has been reduced, with a commensurate reduction in the flood risk to homes, businesses and major roads in the area.
- During the summer months there is an adequate supply and circulation of high-quality irrigation water to meet the needs of the farmers and wildlife in the wetlands. On the low-lying peat moors, water levels have been adopted which conserve peat soils and avoid the loss of carbon to the atmosphere. Water quality has improved and meets all EU requirements.
- The Levels and Moors are regarded as one of the great natural spectacles in the UK and Europe with a mix of diverse and valuable habitats. Previously fragmented habitats such as fen and flower-rich meadows have been re-connected and are widely distributed. In the north of the area over 1,600 hectares are managed as reed-bed, open water and bog. Elsewhere the populations of breeding waders exceed 800 pairs. Each winter the wetlands attract large numbers of wintering wildfowl and waders regularly exceeding 130,000 birds. Wetland species such as Crane, Bittern and pollinator populations flourish.
- Optimum use is being made of the agricultural potential of the Levels and Moors, particularly on the higher land, whilst unsustainable farming practices have been adapted or replaced to secure a robust, sustainable base to the local economy
- New businesses, including those based on 'green tourism', have developed, meeting the needs of local people and visitors alike, while brands based on the area's special qualities are helping farmers to add value to the meat, milk and other goods and services that they produce.
- The internationally important archaeological and historic heritage of the area is protected from threats to its survival and is justly celebrated, providing a draw to visitors and a source of pride and identity to local communities.

- Farmers and landowners are rewarded financially for the public benefits and ecosystem services they provide by their land management including flood risk management, coastal management, carbon storage and the natural environment.

Somerset Levels and Moors Task Force, 31 January 2014.

Appendix 2: Background Papers, Glossary of Terms & Acronyms

A1.1 Background Information and previous meeting papers

- Background information and previous papers can be found on the Somerset Rivers Authority website at www.somersetiversauthority.org.uk

A1.2 Technical Terms

- **Prejudicial Interest** - An interest of an individual Board member, which could be perceived to represent a conflict of interest with any matter considered by the Board
- **Public Sector Co-operation Agreements** - The Flood and Water Management Act 2010 enables an FRMA to arrange for a flood risk management function to be exercised on its behalf by another risk management authority. This can be done under a Public Sector Co-operation Agreement.
- **Riparian Owner** - An owner of land or property adjoining a watercourse.

A1.3 Acronyms

- BC Borough Council
- CEDR Centre for Effective Dispute Resolution
- DC District Council
- DCLG Department for Communities and Local Government
- Defra Department for the Environment, Food and Rural Affairs
- FRMA Flood Risk Management Authority
- HR Human Resources
- IDB Internal Drainage Board
- IT Information Technology
- MoU Memorandum of Understanding
- SCC Somerset County Council
- SRA Somerset Rivers Authority

Appendix 3: 2019-20 Enhanced Programme

Insert Final EP

Appendix 4: Terms of Reference – SRA Management Group

The SRA Management Group is a key part of the SRA structure providing a useful forum for consultation and information sharing between partners and the SRA Senior Manager about SRA progress and the business of the SRA Board. Members of the Group are drawn from senior officers of each of the SRA partners and Farming and Wildlife Advisory Group, South West. The Group also oversees the delivery of SRA-funded activities and the outstanding actions of the Somerset Flood Action Plan.

The Group is involved with these programmes of work:

1. The SRA current year's Enhanced Programme. This comprises the flood risk management works for which funding has been agreed by the SRA Board.
2. The outstanding actions of the Somerset Flood Action Plan that are not included in 1. above.
3. The outstanding works of prior years' Enhanced Programmes

The Group will:

- With regard to the delivery of all the SRA-funded programmes:
 - hold the SRA Technical Group to account by monitoring overall progress and exploring in more detail where delivery/progress is flagged red (using a RAG status)
 - review key risks and issues and identify additional actions where these are insufficiently mitigated
- Monitor, update and review the framework for SRA Enhanced Programmes and prioritisation criteria, advise the SRA Board and direct the Technical Group accordingly
- Review all proposals for change to the agreed SRA Programmes that are outside the SRA scheme of delegation and provide a recommendation to the SRA Board
- Review and comment on all the other work of the SRA Board
- Review, comment and share information on all matters relating to the work of the SRA
- Review the individual Flood Action Plan work streams – overall content and progress

Membership

Members of the Group are senior officers as follows:

- Paula Hewitt (*Chair*), Somerset County Council
- Doug Bamsey, Sedgemoor District Council
- **TBC, Somerset West and Taunton Council**
- Paul Deal, Mendip District Council
- Martin Woods, South Somerset District Council
- Ben Thorne, Farming and Wildlife Advisory Group SouthWest
- Donna Gowler, Natural England
- Roger Burge, Somerset Drainage Boards Consortium

Item 10c



- Dr Rachel Burden, Environment Agency
- David Mitchell, Somerset Rivers Authority

The Group will meet as required, but no more than monthly. A meeting quorum is a minimum of 6 members (or nominated substitutes) including the accountable body and two other funding organisations.

Appendix 5: Terms of Reference – SRA Technical Group

The SRA Technical Group is a key part of the SRA's structure. It consists of technical officers from SRA partners and associated bodies (such as FWAG SW and Wessex Water) who can contribute expertise towards a co-ordinated and efficient programme of flood risk management works.

The Group helps with the delivery of Flood Action Plan actions.

SRA Technical Group responsibilities include the following:

- Work together to identify opportunities for cost-savings through joining up activities from partner organisations and considering joint/alternative delivery approaches
- Identify opportunities for schemes with multiple benefits that a single organisation may not be able to justify in isolation
- With reference to SRA Enhanced Programmes:
 - Identify and bring forward potential schemes for funding
 - Review the viability of schemes put forward, with respect to benefits, costs, environmental impacts and deliverability, using a set of scoring criteria derived from the main objectives of Somerset's 20 Year Flood Action Plan
 - Prepare programmes of works from partners for approval by the SRA Board, taking demonstrable account of funding criteria and identifying delivery partners
 - Be accountable to the SRA Management Group for the delivery of SRA Enhanced Programme activities and provide information as required on progress with delivery
 - Provide a technical challenge (procurement strategy, flood risk management, project management) to implementation plans and performance
 - Identify any potential changes to Enhanced Programmes for recommendation to Management Group, and thence the Board
- Discuss issues of mutual interest in flood risk management with a view to improving practices and service delivery in Somerset
- Lead the delivery and regular monitoring of performance of actions in the Somerset Flood Action Plan

The Group has a "critical friend" role and as such officers from other organisations can take part of this Group to maximise the value it brings to the process.

Membership

The Group will consist of a balanced mix of officers, including those from the following organisations, many of which contribute schemes to SRA Enhanced Programmes:

- The Environment Agency
- Somerset Drainage Boards Consortium
- Somerset County Council – (Lead Local Flood Authority and Highways)
- District Councils
- Wessex Water
- Farming and Wildlife Advisory Group SouthWest
- Natural England
- Somerset Catchment Partnership

SRA Technical Group meets every 6 weeks.

In addition to the roles above, the Group can also make comment or recommendations on other activities such as consultation requirements for particular schemes, etc.

Appendix 6: SRA Scheme of Delegation

SRA decision-making processes

For as long as the SRA remains an informal partnership and not a legal entity, any decisions of the SRA Board are decisions 'in principle' and are subject to formal approval by its host authority and the accountable body for the funding it has access to. The host authority and accountable body for all the SRA funding is Somerset County Council (SCC), which makes the necessary formal decisions with regard to programmes of work and spend according to the SCC decision making processes including the SCC scheme of delegations. These decisions, however, are informed by the SRA Board's decisions, and the decisions it makes under its own scheme of delegation; it is expected that SCC's decisions will follow the SRA Board's decisions, unless they are either illegal or go against SCC's own code of conduct.

SRA Delegations

The general principles guiding the SRA's scheme of delegations are as follows:

- The SRA Board approves all Programmes of work
- No works in any of the Board approved Programmes can be deleted without SRA Board approval
- No change can be agreed that means the total SRA expenditure exceeds the total funding available across all Programmes.
- All individual works within Programmes have tolerances set
- These delegations will be reviewed after one year

The Programmes of work to which these delegations apply are shown below:

- The SRA's current year Enhanced Programme. This comprises the flood risk management works for which funding has been agreed by the SRA Board on 1 March, 2019.
- Outstanding works from the SRA's Enhanced Programmes for 2015-16, 2016-17, 2017-18 and 2018-19.

Changes to the Programmes can be made by the SRA Senior Manager, in consultation with the Chair and Vice-Chair of the SRA Board, subject to the following:

- Each change requires a formal decision paper and a record of that decision will be kept
- A report of all changes made within the previous quarter will be reviewed by the SRA Board at the SRA Board meeting at the end of that quarter
- The SRA Management Group will review all changes made since the previous Management Group meeting.

The following changes can be made:

1. Additional works can be added as long as they are the next affordable works on the prioritised list of works of the SRA Board approved Enhanced Programme. Tolerance up to £500,000.
2. New works proposed by the Technical Group can be added to the SRA's Enhanced Programme during the course of a year. Tolerance up to £20,000.
3. Cost increases to individual works in SRA Enhanced Programmes. Tolerance up to £500,000 or 30% of the original budget for that works, whichever is the smaller.