

## Somerset Rivers Authority Board Paper

### Title: SRA Precepting Legislation Update

#### RECOMMENDATION

The SRA Board is asked to:

1. Consider and comment on the latest position in relation to progress of the Rivers Authorities and Land Drainage Bill.
2. Note the launch of a Defra consultation on 15 January which explicitly states that '*The government proposes to secure the future of the Somerset Rivers Authority with the necessary legislation*'.
3. Delegate the authority for final sign-off of a Somerset Rivers Authority response to the Defra consultation to the Chairman and Vice-Chairman.

#### Purpose of the item:

To update the Board on progress towards securing the passing of legislation enabling the SRA to become a precepting authority.

#### Background and context

A meeting was held on 20 December 2017 between Dr Therese Coffey MP, Environment Minister, Rebecca Pow MP and representatives of the SRA Board. At the meeting, reassurances were given that progress was being made with signing-off the contents of a draft Bill across government and an MP had been identified to present a Private Members' Bill. No firm timescale were given at this meeting. The decision was taken to move the Bill as a Private Members' Bill as there was unlikely to be any Government time to progress the Bill.

Things moved forward at the end of February 2018 when the Department for Environment, Food and Rural Affairs (Defra) secured all necessary sign-offs across government and agreed that David Warburton MP should present the Rivers Authorities and Land Drainage Bill to Parliament on 6 March (first reading). The Bill was scheduled to receive its Second Reading on 16 March. The Bill was unsuccessful at Second Reading stage.

Since 16 March, 2018 David Warburton put the Bill forward for four further attempts at Second Reading on 27 April, 11 May, 15 June and 6 July. Unfortunately, the Bill did not pass at any of these attempts.

David Warburton re-submitted the Bill again for Second Reading on 26 October but withdrew it as it was unlikely to succeed. He also wanted to allow some time for further discussion with Defra officials and Ministers to try to identify alternative ways of progressing the Bill or the provisions within the Bill.

## Current Status

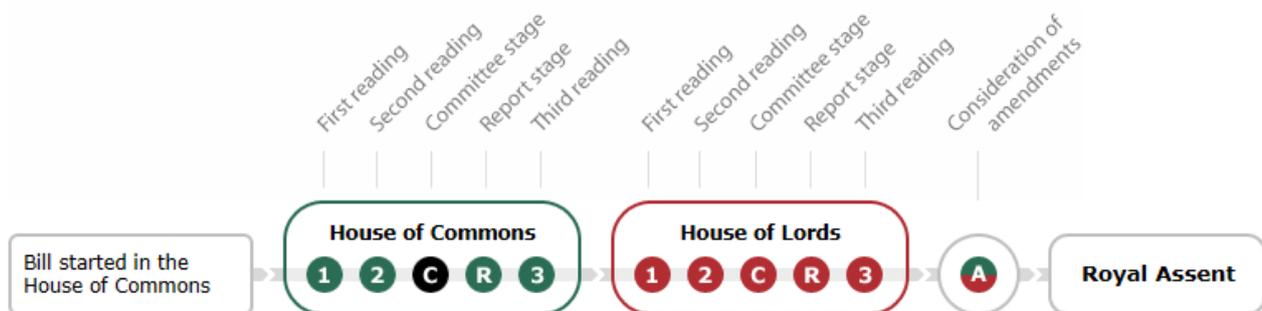
### *Private Members Bill*

On 8 February David Warburton's Bill was presented for its Second Reading. The Bill was debated, receiving support from Conservative MP, the Defra minister George Eustice and Labour's Shadow Flooding Minister and successfully passed its Second Reading. The Bill will now pass to Committee Stage for detailed consideration. Stages the Bill must pass through are shown below. No date has yet been set for the Committee Stage.

**Type of Bill:** Private Members' Bill (Presentation Bill)

**Sponsor:** David Warburton

### Progress of the Bill



David Warburton is hopeful that with government support the Bill can be progressed quickly through these stages. Normal convention is that a Bill will lapse if it does not complete all stages by the end of a parliamentary session. The current session is scheduled to end 'summer 2019'; Parliament rose at the end of July in 2018.

### *Defra Consultation*

On 15 January, 2019 Defra published a consultation into policy areas which may need modernising. For Floods and Water policy these fall into two categories, long-term planning and the regulatory framework. The consultation explicitly references the Somerset Rivers Authority as an example of new ways of funding local food risk management activities.

The consultation document also states that ***'The government proposes to secure the future of the Somerset Rivers Authority with the necessary legislation.'*** It is clearly very good news that the Government is willing to take forward legislation. The government legislation is likely to mirror what is contained within the Private Members Bill discussed above.

It is essential that Defra receives positive responses to the consultation question on the Somerset Rivers Authority if it is to take the legislation forward.

Defra officials recommended that there should be a Somerset Rivers Authority response as well as individual responses from each of the SRA partners.

Individual responses will enable each partner to build upon the SRA response by highlighting the way in which that organisation has benefited from having the SRA and its additional funding to deliver an extra level of flood protection and resilience for Somerset residents. Individual responses will also provide the opportunity for SRA partners to seek clarification on any specific points that may be relevant to that organisation.

The deadline for consultation responses is 12 March, 2019.

The consultation can be found at <https://consult.defra.gov.uk/water/improving-management-of-water-in-the-environment/>. Only question 30 relates specifically to the SRA; respondents can respond only to this question if they wish or provide additional detail via email.

A detailed SRA response is being prepared and will be developed in close collaboration with Management Group and key stakeholders. SRA Board Members will be consulted as the response is developed.

In order to allow as much time as possible to finalise a response to the consultation the Board is asked to delegate sign-off of the final response to the Chairman and Vice-Chairman of the SRA Board.

There is now essentially a twin-track approach to delivering the primary legislation necessary to give the Secretary of State the powers to create Rivers Authorities. Secondary legislation is then required to create a specific Rivers Authority.

#### **Recommendation:**

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**Date: February 21, 2019**

**Author: David Mitchell, Senior Manager Somerset Rivers Authority**