

Somerset Rivers Authority Board Paper

SRA 2021-22 Memorandum of Understanding (MoU)

RECOMMENDATIONS

The SRA Board is asked to:

1. Review and comment on the revised 2021-22 Memorandum of Understanding (MoU).
2. Agree that the existing SRA Memorandum of Understanding and constitution should be rolled over to 2021-22 with the recommended amendments or any other changes agreed by the Board
3. Sign the 2021-22 Memorandum of Understanding on behalf of their organisation.

Purpose of the item

To review and approve the changes made to the Memorandum of Understanding (MoU) to enable signing by SRA Board Members on behalf of each organisation.

Background and context

The current Local Memorandum of Understanding and Constitution requires an annual review and currently contains clauses that tie it to 2020-21.

Latest status

The 2020-21 MoU has been reviewed and the changes listed below are proposed. Most changes are relatively minor and relate to date changes, name changes and updating of shadow precept amounts. Some other changes are more substantive. The reason for these changes is explained below. Changes have been highlighted in the MoU for ease of reference.

1. Changes in MoU dates to reflect new financial year – highlighted yellow
2. Updated with 2021-22 shadow precept contribution value and Internal Drainage Boards contribution - highlighted yellow.
3. Changes to Board Member representation since the last MoU was agreed - highlighted yellow
4. Changes to Management Group personnel since the last MoU was agreed - highlighted yellow
5. A proposed change to better reflect the interplay between coastal flood risk and river and surface water flooding– highlighted green (pages 5 and 22)

Rationale for the change:

The existing MoU explicitly excludes activities associated with coastal flood risk from the scope of SRA work (para 2.3.8). The proposed change at para 2.3.9 is to acknowledge that, whilst it will not generally be the norm, there are occasions where the SRA may wish to provide some funding towards an activity that is associated with coastal flood risk if that activity supports delivery of the Somerset Flood Action Plan. For example, where a project will aid with the evacuation of water from an inland location out to sea.

6. A change to say that the scheme of delegation will be kept under review and amended as deemed necessary by the Board – highlighted blue
7. Addition of the SRA Grant guidelines as Appendix 7 to the Memorandum of Understanding – highlighted blue – (page 22 onwards)

Rationale for change:

SRA grant guidelines were reviewed by the Board in July 2020 but were not formally part of the MoU. The guidelines form the basis for criteria used to assess proposals seeking SRA funding and as such are integral to the work of the SRA . Adding the guidelines to the MoU formally captures their role in shaping the work of the SRA and will ensure that they are reviewed annually along with the MoU.

8. Addition of a reference to climate change in the SRA Grant guidelines – highlighted blue – (page 22).

Rationale for change:

SRA grant guidelines were reviewed by the Board in July 2020. At that time the guidelines did not have any reference to climate change. The Board requested that climate change be explicitly included as part of the criteria for assessing funding proposals.

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Date: 25 February 2021

Author: David Mitchell, Senior Manager, Somerset Rivers Authority

'Simple' proposed Changes in yellow (e.g. dates, names, precept figures)

More substantive changes in blue (e.g. SRA grant guidelines)

References to coastal matters in green

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 2022. Section 2 of this Local MoU sets out 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 2021 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 2022.

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 March 2020. 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 **Sarah Wakefield** for
and on behalf of **Somerset
West and Taunton Council**

Date

ITEM 6



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

Date

Signed by **Matthew Martin**
for and on behalf of **Mendip
District Council**

Date

Signed by **Michael Caswell**
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 **Emma Baker** 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 2021-22 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.~~

2.3.9 The SRA will not generally include within its scope of activities issues associated with coastal flood risk. In instances where the SRA Board agrees that a coastal flood risk project supports Flood Action Plan objectives, grant funding could be considered.

2.4 Funding

2.4.1 Funding totalling £2.942m will be available to the SRA for 2021-22, raised by Somerset's local authorities and the Parrett and Axe Brue Internal Drainage Boards as follows:

Authority	Contribution
Somerset County Council	£2,560,700
Somerset West and Taunton Council	£97,909
Sedgemoor District Council	£73,784
Mendip District Council	£76,060
South Somerset District Council	£113,122

Somerset Internal Drainage Boards	£20,000
Total	£2,941,586

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 Human Resources (HR) and Information Technology (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 ringfence 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 2021, 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 2021-22 Enhanced Programme (see Appendix Three).

2.7.3 The Parties shall, by 31 March 2021, agree the budget for 2021-22, arrangements as to the way in which SRA funding for 2021-22 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 will elect a Chair and a Vice-Chair who are members of the Board. Thereafter, and until the SRA is set up as a separate precepting authority, they will hold office until they cease to be members of the Board or at the two-year anniversary of the last election, whichever is the earlier. 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 by 5pm three 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 three 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 where the purpose is to represent their parent organisation.

2.9.13 Where a Board representative is required to attend meetings or functions on behalf of the SRA travel and subsistence costs will be met by the SRA. Expenses and costs will be refunded in accordance with Somerset County Council’s travel and subsistence policy.

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 all SRA Enhanced Programmes 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
- Chris Hall, Somerset West and Taunton Council

- Haylee Wilkins, Mendip District Council
- Martin Woods, South Somerset District Council
- Helen Smith, Somerset County Council
- 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 Centre for Effective Dispute Resolution (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

- 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
- MHCLG Ministry of Housing, Communities and Local Government
- SCC Somerset County Council
- SRA Somerset Rivers Authority

Appendix 3: **2021-22 Enhanced Programme to be added once approved**

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. 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
- Chris Hall, Somerset West and Taunton Council
- Haylee Wilkins, Mendip District Council
- Martin Woods, South Somerset District Council
- **Helen Smith**, Somerset County Council
- Donna Gowler, Natural England
- Roger Burge, Somerset Drainage Boards Consortium
- 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:

- Environment Agency
- Somerset Drainage Boards Consortium
- Somerset County Council – (Lead Local Flood Authority and Highways)
- District Councils
- Wessex Water
- Farming & 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~~
- These delegations will be kept under review and amended as deemed necessary

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 5 March 2021.
- Outstanding works from previous years of the SRA's Enhanced Programmes.

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 by the SRA Senior Manager in consultation with the Chair and Vice-Chair of the SRA Board.

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.

Appendix 7: SRA Grant Guidelines

SRA grant guidelines are approved by the SRA Board and used to ensure a consistent approach to assessing proposals submitted for SRA funding.

1. Geographic scope

- Fundable works can be in or outside the county as long as they deliver FAP objectives of benefit to Somerset. Spend outside the county boundary will only be in exceptional circumstances
- The important thing is where the benefit is gained i.e. there is no requirement for equal spend by district
 - We will develop a programme annually that is balanced; geographically, and by type of activity, and will use judgement to assess this balance
 - The SRA will not **generally** fund works for protection from coastal flooding, with the coast as defined by The Coastal Protection Act 1949

2. Financial

- The SRA will fund those projects and schemes that deliver our objectives that cannot be funded from current funding streams
- SRA funding is to deliver extra over and above what would otherwise be affordable. SRA funding cannot be used to replace existing funding
- The SRA will expect that partners and other applicants have tried to secure other sources of funding before seeking SRA funding
- The SRA will encourage proposals which will lever in additional funding from other sources (i.e. jointly funded projects/works)
- The SRA does not fund emergency response and recovery actions which are the responsibility of the agencies best placed to respond to such emergencies.

3. The long view

- The SRA will assess proposals for funding SRA against the following:
 - a) Whole life costs – to understand if there will be ongoing costs and how they will be funded
 - b) Community benefits/dis benefits – to understand what additional benefits a scheme may deliver and if there could also be negative impacts
 - c) Economic benefits/dis benefits – to understand how a proposal will support the local economy and also if it could have a negative impact on it
 - d) Environmental benefits/dis benefits – to understand what benefits or possible negative impacts a proposal may have on wider environmental issues
 - e) **Addressing the Climate Emergency – to encourage projects which directly support Somerset’s response to climate change by increasing resilience and encouraging adaptation to the effects of climate change**

- f) Long term strategic plans – to understand how the proposal can support the strategic plans and objectives of other organisations

4. Flood Risk and evidence

- The SRA will support proposals that meet one or more of the 6 Flood Action Plan flood risk management objectives
- Concurrent with taking action and delivering works on the ground the SRA will take the opportunity to gather evidence and monitor the impacts of its actions and activities
- The SRA will rely on technical professional judgement from SRA partners, combined with existing modelling to assess in-combination effects across the catchments

5. Responsibilities

- The SRA only fund and undertake works/projects that benefit the wider community
- The SRA expect property owners (land, buildings and infrastructure) to make themselves and their property more resilient and put plans in place to manage their flood risk
- The SRA will seek to raise awareness about riparian responsibilities and encourage riparian owners to fulfil those obligations and responsibilities

6. Relationships and weightings

- The SRA use a scoring mechanism, based on the six Flood Action Plan objectives, to determine the relative importance of different types and scales of need, flood risk management work and different benefits/dis benefits