



ADA comments on the Review of Internal Drainage Boards Report by East Riding of Yorkshire Council

October 2017

Introduction

ADA received a copy of the draft report “Review of Internal Drainage Boards” from East Riding of Yorkshire Council (ERYC) on 21st September 2017.

This note is prepared to provide feedback to the Council on that report ahead of it being considered by the full council on 11th October 2017.

ADA very much welcomes the Council’s acknowledgment of the service provided by Internal Drainage Boards (IDBs) and their continued support of the work carried out by IDBs within the Council’s boundaries.

ADA also welcomes the Council’s focus on IDB governance, financing, increasing public awareness and building working relationships. The following comments are intended to assist ERYC in progressing solutions to some of the issues raised. ADA is happy to play an active part in helping actions progress in collaboration with all its members.

Summary of Key Comments

1. ADA concurs with ERYC that more responsibility and decision making powers need to be devolved and made locally.
2. ADA agrees that financial settlements and PSCA agreements need to be set in place for periods of several years at a time and not just limited to a 12 month cycle.
3. Current experience from those IDBs that have formed consortia or amalgamated to create larger business entities with shared services is that these changes have achieved efficiencies of scale. ADA is keen to ensure that all IDBs are challenging themselves to provide these efficiencies, whilst retaining local knowledge and expertise. ADA believes that this is most constructively obtained through the Boards themselves recognising the benefits of amalgamation and leading that process from within their current organisations. ERYC, ADA and others can play an important role in advising, encouraging and providing leadership to IDBs that choose this solution.
4. Council appointed members on IDBs are not restricted to elected councillors and the Council has the right to appoint anyone of its choice to sit on the Board of an IDB. Clearly, the choice of person should be made to assist with the good governance of that IDB, and represent interests within the drainage district. The Council can help in providing people with different business and technical knowledge to complement those of the rest of the Board. ADA consider that it is perfectly reasonable, for example, to consider town and parish councils as sources of competent people to take seats on IDB Boards.
5. Training of IDB Board members is an important issue which ADA is keen to help address in more detail. We plan to increase our work on preparing and making available consistent training packages and materials to IDB Boards over the next 12 – 18 months. In particular, the initial focus will be on Health, Safety & Welfare responsibilities of IDB Board members.



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6. ADA is also working to help produce a series of data metrics for IDBs and, as a starting point, work is underway to provide a standard GIS-based map layer of all IDB districts across England. Building on this work, the mapping can then be used to provide key details for each of the IDB districts which, in turn, can be used to raise the public profile of the work that each IDB is carrying out.
7. Councils have a key role in assisting with the promotion of the work of IDBs to their ratepayers. In Somerset, for example, agreement has been reached to include an additional line on Council Tax bills to highlight the Special Levy which is collected on behalf of IDBs. With East Riding's strong role and tradition in water level and flood risk management, such an action could be highly beneficial for both the Council and IDBs.
8. IDBs are independent public authorities with an excellent democratic balance of appointed and elected members and, if that balance is correctly maintained with the right people involved, the need for any intervention by Defra, the EA or others should be minimal. Defra, the EA and the LLFAs do have statutory roles related to the operation of IDBs which can serve a useful purpose when there are high-level legislation or national strategy considerations involving IDBs. ERYC's example of review of IDB activities through a local Scrutiny Committee is welcomed by ADA and they will continue to support this approach and advocate it to other councils.

ADA Responses to Recommendations made

The Report makes 11 recommendations for action and, for each of those recommendations, ADA provides the following comments;

Ref	Recommendation	ADA Comment
1	That the Lead Local Flood Authority works with Defra agencies to develop a wide-ranging licensing scheme for each Internal Drainage District with a form of standing advice.	ADA supports the aim of this recommendation to reduce administrative burdens and continues to encourage Defra and the EA to work towards better regulation and less bureaucracy for local water level management. With particular focus on better use of Bylaws and Land Drainage consents, ADA will be happy to collaborate further with ERYC on this point. Wider support from other government departments such as DCLG could also be helpful.
2	That ADA, in conjunction with the LLFA, lobbies Defra to work with the EA in order that Public Sector Co-Operation Agreements can be extended for longer periods.	ADA supports this recommendation and reports that work ongoing. ADA provides part-funding towards the cost of an EA staff member to work nationally on the promotion of PSCA agreements.
3	That ADA, in consultation with the LLFA, supports very small Internal Drainage Boards to form consortia or amalgamate where appropriate.	Agreed in principle whilst recognising it is important that the Boards themselves initiate discussions on amalgamation, joining existing or forming new consortia. ADA will provide advice and support to interested IDBs.
4	That ADA, in consultation with the LLFA, encourages IDBs to cap their membership at a maximum of 17 members where appropriate.	ADA considers the guidance provided in during the Defra Review of IDBs provides a good indicator of the upper limit for total Board membership, this stated that Boards in general should not be larger than 21. The key issue here is to ensure that the size of IDB Boards is appropriate for the number of people that can and wish to take an active part at the Board meetings. ADA believes that the precise numbers on each board are a function of several

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		variables and should be determined by the Boards themselves. ADA and the LLFA can play key roles in advising and leading the Boards towards making the right decisions.
5	That, when vacancies arise on IDBs, Democratic Services, on behalf of the Chief Executive, considers approaching town and parish councils to seek suitable local representation.	Agreed and ADA would encourage the Council to seek IDB Board appointees from the widest possible range of sources to strengthen local representation on the Board. We would strongly recommend that the Democratic services manager consult with Board staff on this matter when a vacancy becomes available.
6	That ADA, in consultation with the LLFA, reviews the number of appointed members on smaller IDBs.	The number of appointed members on an IDB is a proxy of the number of elected members stated within the order establishing (or reconstituting) an IDB and the proportion of total drainage rates payed verses special levy due. The number on the Board therefore relates to the balance of payments between total drainage rates and special levy paid to the Board. The number cannot be altered without also altering the number of elected members on the Board and thus is a matter for individual IDBs. ADA is a membership organisation and represents its member's interests. ADA would not have a role to formally review IDB Board numbers but can play a strong role in advising and leading IDB to make their own decisions.
7	That IDB members newly appointed by the Council be provided with a briefing regarding their role and remit on drainage boards and operations of IDBs.	ADA will be happy to assist the Council in providing a range of briefing materials.
8	That the LLFA liaise with ADA in establishing a standard set of Key Performance Indicators for IDBs in order to encourage the sharing of good practice.	ADA has and continues to work with Defra and the NOA on reporting indicators which in recent years have increased resulting in a higher level of scrutiny. ADA would not wish to add to this already considerable administrative burden unnecessarily.
9	That the Environment and Regeneration Overview and Scrutiny Sub-Committee undertake a rolling programme to receive IDB annual reports and review vacancy levels.	ADA supports this action and is happy to work with the LLFA to minimise vacancy levels on IDB Boards.
10	That Internal Drainage Boards raise their profile within their communities and demonstrate their operational spend and value for money of the levy placed on the Council and paid for by taxpayers.	ADA supports this recommendation but would place equal emphasis on ERYC assisting the raising of the profile of IDB work through communications with ratepayers and council appointed members.
11	That Internal Drainage Boards and town and parish councils within known flood risk areas be encouraged to work together to form riparian owner working groups and raise awareness of riparian ownership.	ADA supports this recommendation in principle but additionally recommends that all other relevant parties (EA, Yorkshire Water, Non-Governmental organisations, Community groups, etc) also take an active role in such groups.

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October 2017

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