



BOARD MEETING

**Minutes of the Meeting held on Tuesday 16th October 2018 at
CIWEM, 106-19, Saffron Hill, Farringdon, London EC1N 8QS**

Directors Present: **Robert Caudwell (RC) – (Chairman)**
Keith Caswell (KC), Tim Farr (TF), James Hereford (JHd), David Hickman (DH), David Jenkins (DJ), Andrew McLachlan (AMc), John Markwick (JM), Trevor Purlant (TP), Hazel Durant (HD) (Defra), Will Staunton (WS), Duncan Worth (DW), Catherine Wright (CW)

Company Secretary: Peter Bateson (PB)

In Attendance: Innes Thomson (IT), Ian Moodie (IM), Sue Crowther (SC), Bronwyn Buntine (BB) (Kent County Council/ASA), Andrew Leadbetter (AL) (Peterborough City Council/ASA)

Vice Presidents (present): Jean Venables (JV)

Vice Presidents (not present): Anne McIntosh (AM), Neil Parish (NP), David Riddington (DR),

Apologies: Tony Bradford (TB), Bryan Collen (BC), Priscilla Haselhurst (PH), John Heading (JHg), Lord De Ramsey (LDR)

Ref	Minute	Action
158	<p>Welcome, Apologies and Declarations of Interest RC welcomed everybody to the meeting, especially guests, BB and AL from the Association of SuDS Authorities who attended until the conclusion of item 162.</p> <p>See above for apologies. There were no declarations of interest.</p>	
159	<p>Minutes for Approval The Minutes of the Board meeting held on 4 July 2018 as presented at this meeting were agreed as a true and fair record by the Board.</p>	
160	<p>Matters arising Item 144 – All directors had returned declarations of interest forms.</p> <p>146 – IT reported ongoing preparation of an ADA risk register, working with TF as part of next ADA Business Plan.</p> <p>147 – IT reported ongoing work to retender for payroll services. SC has prepared a shortlist to approach.</p> <p>149b. – IT reported new insurances now in place through Towergate Insurance. This had provided a saving over previous years.</p> <p>149c. IT reported that the appointment of those Branch Directorships specified was in hand.</p> <p>149e. – RC reported that Richard Benyon MP had declined an invitation regarding becoming ADA President, owing to his existing wider activities.</p> <p>The Board had a discussion regarding other prospective candidates to approach. A strong candidate in the House of Lords from northern England was identified and the matter would be discussed further at the next ADA Board meeting.</p> <p><i>Action: Each Board Member to reflect upon suitable candidates and to make every effort to propose a possible candidate at the next Board meeting.</i></p> <p><i>Action: IT to prepare a brief for the role of ADA's President</i></p>	<p style="text-align: right;"><i>ALL</i></p> <p style="text-align: right;"><i>IT</i></p>

	<p>157 – IM reported that a contact at the Environment Agency had shared information regarding the use of the Open Government Licence (OGL) to share IDB boundaries data.</p> <p>Action: IM to write to all IDBs requesting their agreement to share this data openly via an OGL.</p> <p>AMc advised that the PSCO was signed confirming the three year agreement with EA and wished his thanks to be passed on via CW.</p> <p>Other actions from the previous meeting were subject to discussions in other items within the meeting.</p>	IM
161	<p>Association of SuDS Authorities (ASA)</p> <p>BB and AL introduced the proposals for the formation of ASA, following up on earlier proposals discussed at ADA’s February Board Meeting. Both sit on the Interim Board that is establishing ASA. ASA’s role would be to represent LLFAs, and other local authorities, in relation to planning and surface water management.</p> <p>AL described the reasons for ASA’s establishment. Namely that since the formation of LLFAs, their prospect role in relation to managing surface waters through SuDS has changed to that of a statutory consultee but there has remained ambiguity in what this entails. No one organisation currently provides advice and help coordinating LLFAs in relation to sustainable drainage, leading to inconsistencies, limiting capacity and availability of training for officers involved. This also can act as a barrier to closer coordination and partnership working with other risk management authorities. AL also noted current topics that retained a high level of interest in this area for prospective members of ASA, namely the new National Planning Policy Framework and Sewers for Adoption 8.</p> <p>BB explained that ASA’s Interim Board had been working on what was needed to form such an organisation, and how it would function and be administrated. There was a strong need for proper oversight and reporting, and this had led the Interim Board to choose for ASA to apply to become a Community Interest Company (CIC). It was now proposed that ASA would seek a Memorandum of Understanding (MOU) and Service Level Agreement (SLA) with ADA, setting out the administrative services ADA would provide under contract over a fixed period of three years.</p> <p>BB explained that the SLA would set out a maximum level of work for a fixed fee, and an hourly rate/s for works undertaken outside of these agreed tasks that ADA will perform for ASA. ADA and ASA share a strong synergy of interests, and working together offer both organisations a stronger voice in the future on shared topics of interest.</p> <p>BB and AL were seeking for the ADA Board to make commitment to form a MOU and SLA. However, if the ADA Board chose not to move forward with these then ASA would seek alternative administrative services, but would seek to continue to work closely with ADA.</p> <p>IT outlined how ADA would provision these services for ASA. ADA’s interest is an alignment of interests, catchment perspective, added exposure to local authority members and RFCCs, and development and its impact on drainage, water level and flood risk management. There is a natural linkage between both organisations which can provide ADA with additional help to widen its interests across the water sector. In the present financial climate, ADA has seen a reduction in local authority members and the opportunity for ADA to talk to and positively engage with a wider breadth of local authorities is greatly enhanced by the association with ASA.</p> <p>IT explained that a number of options for ADA delivering administrative functions for ASA had been explored but the proposed SLA was the simplest, and provided the greatest clarity to both ASA and ADA, with the least business risk. In short, ADA’s role would be to deliver administrative functions for ASA as set out within the SLA. It would not involve more technical functions unless these are specifically called for by ASA, and separately agreed between both parties, which would be dependent on the availability of ADA resources/staff.</p> <p>The Board then had a detailed discussion regarding the proposals presented from ASA and the basis for an MOU and SLA. The Board supported the strategic direction set out and was broadly much more comfortable with the working relationship proposed between the two</p>	

	<p>organisations than that previously discussed. They agreed that the technical aspects of ASA's work were also of interest to ADA's wider membership.</p> <p>DJ stated that ASA needed to be clearer whether it would be a membership body for officers of local authorities, or for the local authorities themselves.</p> <p>CW asked about how the collaboration would affect local authorities seeking to be members of both ASA and ADA. BB explained that both ASA and ADA proposed to offer a reduced subscription fee for those local authorities who took out membership of both associations. This would be a 25% reduction of both organisations relevant membership fee.</p> <p>The Board discussed representation of ADA within ASA's governance structure and vice versa. The Board considered and decided that there was no immediate need to appoint an ASA representative onto ADA's Board, and vice versa.</p> <p>Action: IT/BB to explore governance arrangements to enable mutual involvement of ADA/ASA in discussions as required without the need for Board representations.</p> <p>Other discussion points included consideration of wider support for ASA amongst the LGA and ADEPT, and implications of GDPR.</p> <p>Decision: The Board gave its support for the establishment of an MOU and SLA, with an emphasis on giving clear details of ADA's role within the MOU and SLA.</p> <p>Action: MOU & SLA to be reviewed by P&F Committee with recommendation to Board for approval to proceed with ASA.</p>	<p>IT</p> <p>TF/IT</p>
<p>162</p>	<p>Finance Reports 2018</p> <p>IT presented ADA's bank account balance, income and expenditure, and debtors report for 2018 as at 30.08.18. Debt recovery was in a better position compared with 2017. Income remained in line with that anticipated.</p> <p>Expenditure was below what was expected within the 2018 budget. Some expenditure items had been deferred to 2019, such as for five workshops for the Good Governance Guide (£5,000) and work around criminal byelaws (£5,000). Both would be included in the 2019 budget. Some other costs were running below those forecasts, for instance savings in insurances negotiated this year.</p> <p>RC noted that the revision of ADA's PR activities, to move to a pay on delivery basis with Kendalls PR & Marketing Agency was working more effectively and managing costs better. At the same time ADA had received some positive media coverage over the summer, led by news coverage of the summer drought.</p> <p>Action: PB to provide further details on SAAA funding to IT, and IT to update ADA Budget 2019 income accordingly.</p>	<p>PB/IT</p>
<p>163</p>	<p>Business Planning</p> <p>a) ADA Office Key Activities</p> <p>IT presented the key activities undertaken by IT, RC and IM since the previous Board meeting. Upcoming meetings are reported quarterly as a news item on the ADA website. Objective is to support all of the ADA Branch meetings, and RFCC meetings as invited, and split attendance accordingly between the three of them.</p> <p>DJ had asked RFCC chairs to attend ADA Branch meetings.</p> <p>Action: IT to ask Branch Secretaries to make sure RFCC chairs are routinely invited to all ADA Branch Meetings.</p> <p>b) Business Planning 2017-20 Checklist</p> <p>IT updated the Board on the ADA Business Plan, progress tracker O14 Local Authority Membership – Objective remains red, 30 local authority members have paid subscriptions in 2018, but IT expect this to increase slightly before end of the year.</p> <p>c) Staff Resources</p>	<p>IT</p>

	<p>IT introduced a staff resourcing paper containing proposals for two new staff members for ADA:</p> <ol style="list-style-type: none"> (1) a fixed-term, part time, Senior Technical Advisor, and (2) a full time Graduate Technical Officer. <p>IT explained that ADA had an immediate requirement for (1) to provide technical support, on a limited basis, to ensure that ADA provided a continuity of service, not only during IM paternity leave in the final quarter of 2018, but over the forthcoming year. ADA has the opportunity to appoint a former senior technical member of IDB staff who is immediately available, highly skilled, and willing to provide a day per week of paid support to ADA. They would specifically lead on ADA's Committees' work over the forthcoming year, provide support to IM, and to act as a mentor to the proposed Graduate Technical Officer.</p> <p>IT explained that (2) was a longer term requirement to maintain ADA's resilience of service on technical matters. IT highlighted that this had been particularly raised by Lincolnshire IDB Clerks, who had a clear desire for ADA to deliver more technical services to its members. Therefore the proposal was for a full time post and ADA would be seeking a person with a natural sciences/geography/technical background.</p> <p>IT emphasised that both proposals were entirely separate from a future working relationship with ASA.</p> <p>JV strongly supported the proposals and the ability of the proposed senior technical advisor to fulfil the role proposed and act as a highly effective mentor to a new staff member of ADA.</p> <p>AM supported the proposal, but asked whether all ADA vacancies should be made through an open tender process.</p> <p>The Board discussed this, but agreed to support a direct employment route on this occasion for (1) given the amounts of money involved, urgency of appointment, time limited appointment (12 months), and limited number of days to be worked.</p> <p>Decision: Board approved recruitment of both roles as outlined.</p> <p>Action: IT to update the job specifications and recruitment process for both roles in accordance with the Board's discussions.</p> <p>Action: During 2019, IT to prepare and set out a plan for returning ADA income and expenditure to a breakeven basis by 2021.</p> <p>The Board also discussed ADA utilising graduates from within the Environment Agency's graduate programme for future time limited roles (typically six months). RC wanted ADA to continue to support new entrants into the sector and noted that 20 flood foundation year students from Brunel University were again being invited to attend the ADA Conference in 2018.</p> <p>d) ADA Budget 2019 IT presented the draft budget.</p> <p>Decision: The Board supported the budget as proposed, with a revision on tax expenditure related to Gazette advertising, and increased income from SAAA.</p> <p>CW wished to draw attention to a need for ADA to have a more structured position on the balances it held.</p> <p>e) ADA Business Plan 2020-2023 IT asked the Board to consider its involvement in planning and producing the next ADA Business Plan for the period 2020 – 2023.</p> <p>Action: RC requested TF pull together a working group to report via P&F to the Board, revising and updating the ADA Business Plan post-2020.</p> <p>f) Company Secretary updates – verbal update</p>	<p>IT</p> <p>IT</p> <p>TF</p>
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	<p>PB highlighted that 4our Directors are coming to end of term. All can re-apply and need to notify their branches/committees to follow through the process as set out in their constitutions. The 4 Directors concerned are TP, DJ, DW & JH, need to be clear which have been reaffirmed –</p> <p>Action: IT/IM to notify Branch Secretaries ahead of Branch Meetings</p> <p>IT reported that Bryan Collen has also intimated that he wishes to stand down as an ADA Director for personal reasons and Eastern Branch is currently working with Bryan and local members to seek and appoint an alternative representative.</p>	<i>IT/IM</i>
164	<p>Health, safety and welfare</p> <p>IM reported that the IDB Health Safety and Welfare Survey 2018 was issued by ADA at the end of July, and 51 out of 112 IDBs had responded by the end of August deadline. IM is chasing up those IDBs who had yet to respond.</p>	
165	<p>Managing members' data under the General Data Protection Regulations (GDPR)</p> <p>IM reported that ADA had now published a fully revised and updated Privacy Policy on the ADA website, which would be referred to whenever gathering personal data. A new Members' Communications Form was also published to gain consent from individuals for emails, post and telephone, principally to enable the distribution of the ADA Gazette and ADA News Stream. A new Communications section has been created on the ADA website and this was referred to in the ADA Gazette and October 2018 ADA News Stream.</p> <p>IM reported that ADA planned to delete all personal data where explicit consent has not been received from the individual in 2019.</p> <p>Action: IM to write to all members regarding new Communications process.</p> <p>Action IM to write to clerks to request that they include the Communications Form in upcoming Board Meeting papers and collect and return these signed forms to ADA.</p>	<i>IM</i> <i>IM</i>
166	<p>National Updates</p> <p>a) Environment Agency Matters CW provided an update on the following matters:</p> <p>Water Transfer Licences - The Environment Agency was keen to make progress on in principle discussions that clarify the key role and expertise of IDBs in this area ahead of a visit by Harvey Bradshaw to the Middle Level Commissioners in January 2019.</p> <p>Action: IT/CW to continue liaison on water transfer licences for IDBs.</p> <p>Rationalising the Main River Network (De-maining) - The Environment Agency hoped to issue decision notices for all four pilots in December 2018, with watercourse transfer and removal from the main river map occurring by the end of January 2019, with the exception of those related to River Stour IDB that would be transferred at the end of April 2019. A workshop for those involved in the pilot projects in November would gather the key lessons learnt, with a view to further simplifying the process. This information gathered would be key to shaping the final report to Defra on the de-maining process.</p> <p>Skills and training - The Environment Agency is leading a Trailblazer group, developing a new apprenticeship standard 'Water Environment Worker'. The Agency is currently working towards its submission to be fully approved by the Institute for Apprenticeships over the next few months and will be recruiting to that apprenticeship next year. Thanks was noted to Carrie-Anne Porter from the Somerset Drainage Boards Consortium, who had been representing ADA and IDBs in its development. There will be opportunities for IDBs to come forward to provide a placement for graduate trainees.</p> <p>National FCERM Strategy - The National FCERM Strategy remained a major piece of work for the Environment Agency. The rounds of stakeholder engagement had been completed over the summer and the Environment Agency was now turning this into an</p>	<i>IT/CW</i>

ambitious strategy for the future. A public consultation is expected in the first quarter of 2019.

Multi-agency flood plan review - Government working on a formal response to Major Tim Cross' report. Keen to ensure we identify and flag up engagement on emergency response across all RMAs including IDBs.

Climate change predictions - The UK Climate Projections are set to be updated at the end of November. The UKCP18 project builds upon the current set of projections (UKCP09), which provide information about how we can expect our climate to change over future decades. These tools help decision-makers assess the full range of risks from the changing climate and advise how we can adapt.

Open data - The Environment Agency has published five year asset maintenance data that is available for anyone to download and use within their own GIS tools. Also the Environment Agency was working with Coastal Partnerships East on an easy to use app, as an easy way to show data on assets. Interface and approach may be of wider interest.

The Board discussed the underspend of FDGiA by risk management authorities that was reported at the most recent round of RFCC meetings. In particular, RFCC chairs have been asked to keep an eye on IDB underspend.

RC noted widespread concerns from members regarding the somewhat cumbersome project approvals process.

PB noted that the Anglian Northern RFCC was funding a post to offer support to IDBs delivering FDGiA funded projects.

CW reported that the forecast for approvals was now looking better and noted a substantial uplift in the thresholds for approvals, a direct response from previous feedback from IDBs and ADA.

RC highlighted that the uplift related to whole scheme costs, and often the uplift in approvals did not assist projects where FDGiA funding was just one element.

KC noted that a definite percentage of project funding is routinely being spent by schemes to simply get them through the Environment Agency's approval process and AMc noted that the MPASS system does not work effectively for smaller schemes, and is proving a blockage.

Action: CW to look into current scheme progress and approvals process.

CW

b) Defra Matters

HD gave an update on the following matters:

Government policy statement for floods intended to be released this winter by Defra. Defra has used Environment Agency engagement to help steer the policy statement as well as the new national strategy.

New Minister: David Rutley MP, who stood in for Thérèse Coffey, has taken up the EU Exit brief within Defra. In addition his brief will include climate change adaptation, animal welfare, food chain strategy, and forestry.

Reconstitutions and IDB membership - Three IDBs (Axe Brue, Parrett, and River Lugg) had recently completed the process of reconstitution, reducing the numbers of Board Members on each IDB.

Defra had commissioned a research project to consider IDB Board membership and IM attended the inception meeting with the new contractor in October.

River Arun IDD - Following a local public inquiry into the proposed abolition of the Internal Drainage District, and receipt of the inspector's report, the Minister issued a decision letter on 19 July stating that the draft abolition order was not being made at this stage. Environment Agency work has now come in, and Defra will be taking that forward.

	<p>Environmental Permitting Regulations - Following consultation in the summer, Defra were proposing to make some minor amendments to the regulation of flood risk activities under the Environmental Permitting Regulations.</p> <p>Brexit - Some members of Defra's flood and water management team were being redirected to assist with Brexit related work for a period of time.</p> <p>Land Drainage Act 1991, Section 23 fee – Updating the fixed fee of £50 to a more contemporary value was something Defra was looking at but requires secondary legislation, and Defra wanted to find a solution so that this does not repeatedly have to return to parliament in the future to update it.</p> <p>Rivers Authorities & Land Drainage Bill - The Government continued to support the reforms within this bill and were looking at options to see it progress through parliament as the current Private Members Bill remains stuck at its second reading in the House of Commons.</p>	
167	<p>Committee Reports: <i>Minutes of the most recent meetings of the Technical & Environment Committee and Policy & Finance Committee were taken as read. There was no further discussion on this item.</i></p>	
168	<p>ADA national activities:</p> <p>a) Consultation responses submitted Response to framework. Comments around sustainable drainage.</p> <p>b) Environmental Principals & Governance Bill ADA has not yet responded. Board members were asked to respond to IM with comments.</p> <p>c) IDB Good Governance Guide IM reported that the text of the Good Governance Guide was now being finalised. ADA was on a tight schedule to design and approve the finished document and have it returned from the printers in time for the ADA Conference 2018. Publication will be followed in 2019 with a series of training workshops around the country. This work has been largely funded by Defra.</p>	
169	<p>ADA Media and Press Report Following a positive change in the working arrangements with Kendalls, the production of press and other media releases has been more spontaneous and helpful. Of particular interest to report back to the Board was the BBC Look North coverage of the EUWMA meeting in Cordoba, Spain, covering drought related issues, irrigation and general water resource questions and how IDBs play a crucial role.</p> <p>The Board were happy to continue to support investment in ADA's PR and Media activities.</p>	
170	<p>Events update</p> <p>a) ADA Conference 2018 IM reported that ADA had to date received 104 delegate bookings and 34 guests had confirmed their attendance.</p> <p>b) Floodex 2019 IM reported that exhibition planning was continuing including the involvement of the UK Irrigation Association with Irrigex and ASA. Seminar speakers were being sourced across three themes (flood risk management, sustainable drainage systems, and irrigation/water resources).</p> <p>c) Flood & Coast 2019 IM reported that the event has opened its call for speakers. ADA was keen for a range of ADA members to speak at the event.</p> <p>d) EUWMA 2019 IM reported that the annual EUWMA meeting in 2019 is to be hosted by ADA in York on the 8-9 September 2019. It was hoped that this would include interaction with City of York</p>	

	Council and use of the Guildhall. The visit on the second day will focus on issues around the Humber Estuary. The theme of ADA's presidency of EUWMA will be 'multifunctional water management'.	
171	<p>Board meeting dates 2019</p> <p>The Board agreed to meet on the following dates in 2019, to be held at CIWEM offices in Farringdon, London:</p> <ul style="list-style-type: none"> • 11.00 – 15.00, Wednesday 13 February 2019, • 11.00 – 15.00, Wednesday 3 July 2019, • 11.00 – 15.00, Wednesday 16 October 2019. <p><i>Action: IM to send out electronic invitations for dates, venue and times to Board Directors for these meetings.</i></p>	<i>IM</i>
172	<p>Any other business</p> <p>AM asked if meeting papers could be put on a secure area of the ADA website.</p> <p><i>Action: IT to prepare policy confirming which papers will be routine published or routinely redacted from publication on the ADA website.</i></p> <p>AM asked about engaging with law society to strengthen guidance around conveyances for building of property owing to byelaw infringements from developers. DJ suggested that before engaging with the Law Society, we should assess the extent of the issue.</p>	<i>IT</i>