

WATER MANAGEMENT ALLIANCE

**GUIDANCE TO LOCAL
AUTHORITIES WHEN MAKING
APPOINTMENTS TO IDBs**

GOVERNANCE

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Reviewed by: WMA Consortium Management Committee

Adopted by:

Broads Internal Drainage Board
East Suffolk Internal Drainage Board
King's Lynn Internal Drainage Board
Norfolk Rivers Internal Drainage Board
South Holland Internal Drainage Board
Waveney, Lower Yare and Lothingland Internal Drainage Board
Pevensy and Cuckmere Water Level Management Board

This Guidance is intended for Local Authorities when making appointments to the WMA Internal Drainage Boards (IDBs). The Guidance clearly sets out the role of appointed members and describes the skills IDBs need and the contribution they expect from those members.

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1. What are the Board's objectives?

- 1.1. Reduce the flood risk to people, property, infrastructure and the natural environment by providing and maintaining technically, environmentally and economically sustainable flood defences within our coastal zone and hydraulic sub catchment area.
- 1.2. Become the delivery partner of choice for all flood risk, drainage and water level management services in our coastal zone and hydraulic sub catchment, by working closely with the Lead Local Flood Authority, the Environment Agency and other partners.
- 1.3. Enable and facilitate land use for residential, commercial, recreational and environmental purposes by guiding and regulating activities that would otherwise increase flood or coastal erosion risk.
- 1.4. Nurture, enhance and maintain the natural habitats and species, which exist in and alongside watercourses.

2. What is the role of appointed members?

- 2.1. Appointed members should constructively work with the directly elected members and officers to help develop proposals on strategy. They should scrutinise and monitor the Board's performance in meeting agreed goals and objectives. They should satisfy themselves on the integrity of information and that controls and systems of risk management are robust and defensible. They should keep their Council apprised of all IDB plans, decision making and discussions, and vice versa.
- 2.2. The role of appointed members has never been as important as it is today. With the implementation of the Flood and Water Management Act, Lead Local Flood Authorities are charged with taking the lead on all surface water drainage and water level management issues within their areas. IDBs and other Flood Risk Management Authorities will therefore need to work much more closely on a range of issues, and opportunities for collaborative working should be fully exploited to avoid unnecessary duplication of effort and increased cost to the local taxpayer. Therefore, appointed members need to be able to demonstrate a track record of working collaboratively and constructively with Officers and/or other Risk Management Authorities in the public sector.

3. Why is objectivity and independence so important?

- 3.1. Appointed members do not represent the Council – they represent the interests of the urban drainage ratepayer. As members of the Board, they are duty bound to consider all proposals in the context of what is in the best interest of the Board, which may be different to what is in the best interest of their Council or to their personally held views. All members must take decisions objectively in the interests of the Board and all members must accept the collective decisions taken by the Board, even if they personally disagree with them. If they do not feel able to do this, they should not be appointed by the Council or they should resign as a Board member.

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4. What does the legislation say about appointing members?

4.1. The number of members that a Council is entitled to appoint will depend on the proportion of the Board's expenses that are raised from the charges levied on such a Council, subject to this number not exceeding by more than one the number of elected Board members. This number is reviewed every 3 years, in accordance with Schedule 1, Part 2, Section 6 of the [Land Drainage Act 1991](#). A Council does not have an obligation to appoint members to serve on the Board. However, the Board actively encourages each constituent Council, as a key partner, to take up its full entitlement and make their appointments, subject to the following:

4.1.1. A Council should not just appoint anyone to serve on the Board: they should appoint persons who know the area or have relevant knowledge/experience, and crucially have shown capacity in such matters. (Schedule 1, Part 2, Section 5, Sub Section 2 of the Land Drainage Act 1991). It is important to note that appointed members do NOT have to be Councillors.

4.1.2. They must also not seek to appoint a person who is an un-discharged bankrupt or who has made a composition or arrangement with their creditors during the last 5 years. (Schedule 1, Part 3, Section 9, Sub Section 1 of the Land Drainage Act 1991).

5. How will the Board interpret the legislation when a Council seeks to appoint members?

5.1. Each Council should provide the Board's Chief Executive with the names, addresses, telephone numbers and email addresses of all those persons that it would like to appoint in writing. The number of applicants must not exceed the Council's entitlement. Crucially, such applicants should have a proven track record of working collaboratively and constructively with Executive Officers and/or other Risk Management Authorities in the public sector, and should satisfy at least one of the following conditions (the Council should state which of these qualifications is being claimed for every applicant, when applying):

5.1.1. The applicant must have lived within the Internal Drainage District for a period of not less than 5 years in the last 10 years, as their permanent residence and be able to demonstrate considerable local knowledge of the Drainage District. Or

5.1.2. The applicant must have worked in one or more of the following types of business for a period of not less than 5 years within the last 10 years: Flood Risk Management, Land Drainage, Water Level Management, Civil/Mechanical Engineering, Local Government, Land/Estate Management, Plant/Asset Management, Environmental Stewardship, Recycling, Health and Safety Management or Building/Construction. Or

5.1.3. The applicant must have worked at a senior level as a qualified professional in any organisation for a period of not less than 5 years within the last 10 years: for example, as a Civil/Mechanical Engineer, Legal Advisor, Accountant, Management

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Consultant, Insurance Advisor, Investment Advisor, Planning Consultant, ICT Consultant or Marketing/PR/External Communications Consultant. Or

- 5.1.4. The applicant must have run their own business(es) successfully for a period of not less than 5 consecutive years within the last 10 years and be able to demonstrate that they possess key commercial skills, which will benefit the Board. Or
 - 5.1.5. The applicant must have an in-depth knowledge of the Planning process and be able to demonstrate that they are capable of ensuring drainage issues are properly integrated into the process. Or
 - 5.1.6. The applicant must possess proven personal qualities and be in a position of influence within their appointing authority that will assist the Board to fulfil its role.
- 5.2. Where a Council is entitled to appoint a relatively high number of members, it would be preferable for them to promote a mixture of individuals who have a proven track record of working collaboratively and constructively with Executive Officers and/or other Risk Management Authorities in the public sector and can cover the full range of relevant knowledge and experience required (items 1 to 6 above). This is to ensure that the Board has access to all the skills needed to meet the expectations of its other partners and stakeholders.

6. What should the personal attributes of appointed members be founded on?

- 6.1. They should be based on:
- Integrity and high ethical standards.
 - Sound judgement.
 - Ability and willingness to work constructively with the directly elected members, Executive Officers and/or other Risk Management Authorities in the public sector.
 - Strong interpersonal skills.

7. How will the Board consider an application from the Council to appoint members?

- 7.1. When seeking to make appointments to the Board a Council may be required by the Board to provide evidence that the applicant satisfies the requirements, as stated above. Otherwise the Board will approve all applications that satisfy these requirements, subject to the appointees' agreement to comply with the [Members Code of Conduct](#). All members are required to complete and submit a Declaration of Interests Form within 28 days of the Board receiving formal notification of the new member. Appointed members should also provide full contact details and a recent photograph for inclusion on the Board's website. It is important to note that the Board may ultimately decide not to accept the appointment of persons where the Council is unable to demonstrate that those persons comply with the

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legal requirements, or where they do not have a proven track record of working collaboratively and constructively with Executive Officers and/or other Risk Management Authorities in the public sector, or where they fail to submit the required information within a reasonable timeframe.

8. Will Board members be paid a salary?

- 8.1. No: Board members are not employees. However, the Board is able to pay its Chairman a modest allowance and reimburses its members certain expenses they incur, subject always to the Board's Chairman's Allowance and Members Expenses Policy.

9. Will Board members be given appropriate training/induction to properly fulfil their role?

- 9.1. Yes. Board members will be provided with the necessary training to properly fulfil their role. Soon after appointment, the Board will arrange to provide a comprehensive, formal, and tailored induction. We will also arrange for site visits and meetings with senior management, and the Governance Advisor or the Board's Internal Auditor, if requested. Members will also be encouraged to liaise with other members, officers, and partners between Board meetings to get a more detailed understanding of the issues.
- 9.2. It's important to remember that appointed members, elected members and officers are on the same team. Officers welcome scrutiny and challenge, but this needs to be done in a way that does not publicly call in to question the professional competence or integrity of an officer (or of the public sector generally) or cause reputational damage to the Board by seeking to stop the Board from taking the decisions that it needs to take when it needs to take them. Therefore, appointed members are always encouraged to raise issues with lead officers well in advance of Board meetings, which, if not addressed beforehand, may result in the Board being unable to take the decisions that it needs to take at the appropriate time.

10. How should Board members handle confidential information?

- 10.1. All information acquired during an appointment is confidential to the Board and should not be released, either during the appointment or following termination to third parties (by whatever means), without prior clearance from the Chairman or the Chief Executive.

11. What is the time commitment?

- 11.1. Overall, we anticipate a time commitment of 8 days a year after the induction phase. This will include attendance at Board meetings, the dates, times and venue for which are

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published on our [website](#), and training. In addition, members will be expected to read the meeting paperwork and liaise with officers before Board meetings and devote appropriate preparation time ahead of each meeting. If a member is also asked to serve on one or more of the Board's committees this will be covered in a separate communication to them setting out the committee(s)'s terms of reference, time commitment and any specific responsibilities that may be involved etc.

12. Are Board members insured?

- 12.1. Yes. Full details of the Board's Insurance policies can be found in the Induction information pack, which is made available to members on appointment. The pack can also be accessed from the Board's [Chief Executive](#). Contact details are shown on the WMAs [Organisation](#) page.

13. How will the performance of Board members be assessed?

- 13.1. There is no statutory requirement for the performance of individual members, the Board, and its committees to be evaluated. However, it is good practice to do so, and this is something the Board and its Officers do periodically. Members should also attend as many Board meetings as possible and actively contribute to the decision-making process at these meetings. The attendance register and minutes of the Board meetings are published on our website.

14. Can Board members get access to independent professional advice, if necessary?

- 14.1. Yes. Occasions may arise when an appointee considers that they need independent professional advice in the furtherance of their duties as a member of the Board. Any current member may obtain such independent advice at the Board's expense if the Board so determines by resolution. All such resolutions will be recorded in the Board's minutes, which will be published on the Board's website.