

South Holland IDB

Guidance to Local Authorities when making appointments to IDBs

What are the Board's objectives?

We aim to REDUCE the FLOOD RISK to people, property and the natural environment by providing and MAINTAINING technically, environmentally and economically sustainable flood defences, by enabling and facilitating land use for commercial, recreational and environmental purposes, by guiding and regulating activities in and alongside watercourses and discouraging inappropriate development in areas at risk from flooding, and by nurturing, enhancing and maintaining the natural habitats, which exist in and alongside watercourses.

What is the role of appointed members?

Appointed members should constructively challenge and help develop proposals on strategy. They should scrutinise the performance of management in meeting agreed goals and objectives, and monitor the reporting of performance. They should satisfy themselves on the integrity of financial information and that financial controls and systems of risk management are robust and defensible.

The role of appointed members has never been as important as it is today. With the publication of the Pitt Report and implementation of the Flood and Water Management Act, Local Authorities are now charged with taking the lead on all surface water drainage and water level management issues within their areas. IDBs and Local 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 Council taxpayer.

Why is objectivity and Independence so Important?

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 on occasion be different to what is in the best interest of the Council. All members must take decisions objectively in the interests of the Board.

What does the legislation say about appointing members?

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 1 the number of elected Board members. This number is reviewed by the Board 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 stakeholder, to take up its full entitlement and make their appointments, subject to the following:

A Council cannot just appoint anyone to serve on the Board: they must 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.

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](#)).

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

Each Council should provide the Board's Chief Executive with the names, addresses and telephone numbers of all those persons that it would like to appoint in writing (email addresses would also be helpful). The number of applicants must not exceed the Council's entitlement. Crucially such applicants should be able to satisfy at least one of the following conditions and the Council must state which of these qualifications is being claimed for every applicant, when applying:

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
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 Engineering, Local Government, Land/Estate Management, Plant/Asset Management, Environmental Stewardship, Recycling, Health and Safety Management or Building/Construction. Or
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 Legal Advisor, Accountant, Management Consultant, Insurance Advisor, Investment Advisor, IT Consultant or Marketing/PR/External Communications Consultant. Or
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.
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.

6. The applicant must possess proven personal qualities that will assist the Board to fulfil its role.

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 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 of the skills needed to meet the expectations of its stakeholders.

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

They should be based on:

1. Integrity and high ethical standards
2. Sound judgement
3. The ability and willingness to challenge and probe
4. Strong interpersonal skills

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

When seeking to make appointments to the Board a Council may be required by the Board to provide evidence that the applicant satisfies the legal 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](#). Such approval will be communicated to the Council in writing within 7 working days of receiving a signed [Members Code of Conduct](#) from each appointee. 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 legal requirements.

Will Board members be paid a salary?

No: Board members are not employees. However the Board does pay its Chair a modest allowance and can reimburse its members reasonable expenses incurred in properly fulfilling their role, subject to the expense claims policy. (Schedule 2, Section 2 of the [Land Drainage Act 1991](#)).

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

Yes. Board members will be provided with the necessary training to properly fulfil their role. Immediately after appointment, the Board will provide a comprehensive, formal and tailored induction. This will include an information pack. We will also arrange for site visits and meetings with senior management and the Board's Internal Auditor. Members will also be expected to undertake a programme of continuous professional development (CPD), in accordance with the Board's policy and DEFRA guidelines.

How should Board members handle confidential information?

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 Chair or the Chief Executive.

What is the time commitment?

Overall we anticipate a time commitment of 8 days a year after the induction phase. This will include attendance at a quarterly Board meeting, the dates, times and venue of which are published on our [website](#), and training. In addition, members will be expected to devote appropriate preparation time ahead of each meeting. If an appointed 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.

Are Board members Insured?

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 Members Area of our website; alternatively please contact the Board's [Chief Executive](#). Contact details are shown on the WMAs [Organisation](#) page.

How will the performance of Board members be assessed?

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 is currently reviewing. In the meantime members should attend as many Board meetings as possible and actively contribute in the decision making process at these meetings. To assist here, the attendance register and minutes are published on the [Board Meetings](#) page of our website.

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

Yes. Occasions may arise when an appointed member considers that they need professional advice in the furtherance of their duties as a member of the Board. Circumstances may occur when it will be appropriate for an appointee to seek advice from independent advisors at the Board's expense. A copy of the Board's agreed procedure under which members may obtain such independent advice can be accessed from the Members Area of our website or directly from the [Chief Executive](#). Contact details are shown on the WMAs [Organisation](#) page. The Board will reimburse the full cost of expenditure incurred in accordance with this policy.

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CHIEF EXECUTIVE