

Proposed Amalgamation

1. Further to the approval in principle of the Pros & Cons of Amalgamation Paper last year by each of the 3 Member Boards in the Bedford Group of IDBs and following receipt of positive feedback on the proposals from most of the constituent billing authorities, board members and key partners; members are now asked to consider and approve an amalgamation of the Alconbury & Ellington IDB, Bedfordshire & River Ivel IDB and the Buckingham & River Ouzel IDB into a single new Statutory Board of 37,709 hectares, as follows:

Constitution

2. The new Statutory Board will have a total of 29 members, in response to a request from Milton Keynes City Council to be entitled to appoint 3 members (as opposed to 2): 14 directly elected members and 15 appointed members (please see Appendix 1, that shows the composition and make-up of the new Statutory Board with each billing authority's entitlement to appoint members, which has been calculated in accordance with the Land Drainage Act 1991). Entitlements will continue to be reviewed every 3 years, in accordance with the Act.
3. It is important to note that there will be nothing in the new Statutory Board's constitution that prevents a council from appointing substitute members to attend Statutory Board meetings, should one or more of their appointed members be unable to attend. Therefore, if a council's constitution/rules about appointing members to committees and/or outside bodies allows for substitutes to be appointed, then that will be permissible.
4. The new Statutory Board will be called "The Upper Ouse Water Management Board".
5. The new Statutory Board will have 3 Electoral Divisions which cover the same areas as the 3 existing Internal Drainage Districts, to ensure that agricultural drainage interests in each of the 3 areas are adequately represented on the new Board (please see Appendix 2): The Alconbury & Ellington Electoral Division will have 4 representatives, the Bedfordshire & River Ivel Electoral Division will have 5 representatives and the Buckingham & River Ouzel Electoral Division will have 5 representatives (14 members in total). The 3 existing Electoral Divisions within Alconbury & Ellington IDB will be abolished (please see Appendix 3).
6. The names of the first directly elected members of the new Statutory Board will need to be submitted to and approved by Defra on completion of the statutory process. Therefore, the 3 existing IDBs will need to decide who should take up the places in each respective Electoral Division on the new Statutory Board and on the process by which they should be selected: Alconbury & Ellington IDB will need to lose 4 elected members on the Statutory Board, Bedfordshire & River Ivel IDB will need to find another 1 elected member to take up all 5

seats on the Statutory Board and Buckingham & River Ouzel IDB will need to lose 1 elected member on the Statutory Board.

7. All rights, powers, duties, obligations, liabilities, and property as immediately before the date of amalgamation that are vested in or fell to be discharged by the 3 existing IDBs shall be transferred to and be vested in or fall to be discharged by the new Statutory Board.

Governance

8. The new Statutory Board will establish 3 Strategic Advisory Boards (previously referred to as Works Committees in the Pros and Cons of Amalgamation Paper) with the terms of reference set out in Appendix 4, after adopting Defra's model Standing Orders for IDBs: The Alconbury & Ellington Strategic Advisory Board, the Bedfordshire & River Ivel Strategic Advisory Board, and the Buckingham & River Ouzel Strategic Advisory Board. The 3 Strategic Advisory Boards will cover the same areas as the 3 existing Internal Drainage Districts shown in Appendix 2 and will make recommendations to the Statutory Board on a number of important matters which are set out in Appendix 4.
9. The new Statutory Board will seek to introduce Defra's model Byelaws for IDBs and Local Authorities to regulate development and other activities inside its Internal Drainage District, so as not to increase flood risk, compromise the efficiency of its drainage system, reduce biodiversity, or adversely impact on safety and the Board's operations. The new Byelaws will replace the current Byelaws in each of the 3 existing Internal Drainage Districts, which were made in 2018, approved by Defra in 2021 and are very similar.
10. The new Statutory Board will work closely with constituent Local Planning Authorities and Lead Local Flood Authorities to regulate development and other activities outside the Internal Drainage District, where such development and activities have the potential to increase flood risk inside the Internal Drainage District.
11. The new Statutory Board will work closely with the Environment Agency and other Risk Management Authorities, Natural England and other key partners to reduce flood risk and drought within its Internal Drainage District and watershed catchment.
12. The new Statutory Board will seek to pay its Chair an allowance for the purposes of enabling him/her to meet the expenses of his/her office. The amount sought will be determined by the new Statutory Board and will need to be approved by Defra's Secretary of State.

Employed Staff

13. All staff currently employed by the Bedfordshire & River Ivel IDB (as the legal employer for the Bedford Group of IDBs) prior to amalgamation will be employed by the new Statutory Board on the same terms and conditions as they were immediately prior to amalgamation, with no break in continuous service.

Financial Structure

14. The new Statutory Board will seek to introduce a Differential Rating Order that creates 3 new Rating Sub Districts, which cover the same areas as the 3 existing Internal Drainage Districts shown in Appendix 2, to ensure that the drainage rates and special levies do not change significantly for any drainage ratepayer or any council immediately after the amalgamation: the Alconbury & Ellington Rating Sub District, the Bedfordshire & River Ivel Rating Sub District, and the Buckingham & River Ouzel Rating Sub District. Rates and Levies will continue to be calculated as they are now i.e., all income and expenditure will be accounted for in each of the 3 new Rating Sub Districts and there will be a separate rate for each of the 3 Rating Sub Districts, which would be the same as or very close to the rate that applies now in each of the 3 existing Internal Drainage Districts.
15. The new Statutory Board will ring-fence all the reserves and balances that each of the 3 existing Internal Drainage Boards has for the benefit of its 3 new Rating Sub Districts, so that the funds are protected and can only be utilised/applied in the area from which they originated.
16. Any profit/loss on disposal of fixed assets that arises after the amalgamation which relates specifically to fixed assets that appear in each IDB's Fixed Assets Register before the amalgamation will be credited/charged to the respective Rating Sub District. Such assets that appear in the Group's Fixed Assets Register which are not in the Bedfordshire & River Ivel IDB's Fixed Assets Register or the Buckingham & River Ouzel IDB's Fixed Assets Register will be credited/charged to each of the 2 Rating Sub Districts, 60% and 40% respectively (please note that Alconbury & Ellington IDB does not currently own any share of the Group's Assets).
17. Any requirement by the Local Government Pension Scheme Fund Actuary to make deficit recovery payments which relate to staff employed (past and present) by the Bedfordshire & River Ivel IDB before the amalgamation will be charged to the Bedfordshire & River Ivel Rating Sub District at a rate of 60%, and to the Buckingham & River Ouzel Rating Sub District at a rate of 40%. The same will apply to any other employment liabilities which may arise (please note that Alconbury & Ellington IDB does not currently have any shared liability for the Group's employees).

18. The new Statutory Board will seek to align the rates in the 3 Rating Sub Districts within 5 financial years of coming into being, so that it could abolish differential rating and remove ring-fencing after that time and have just one rate/Rating District for the new Internal Drainage District, should it ever make sense to do so. The drainage rates for the 3 existing Internal Drainage Districts are currently as follows: Alconbury & Ellington IDB = 4.171p, Bedfordshire & River Ivel IDB = 4.316p, Buckingham & River Ouzel IDB = 5.270p (for the financial year 2022/23).
19. The new Statutory Board would consult its 3 Strategic Advisory Boards on any proposal to abolish differential rating and/or remove ring-fencing. If the new Statutory Board were ever to decide to abolish differential rating it would have to follow another statutory process, which would need to be approved by the Environment Agency and Defra's Secretary of State. Therefore, if the new Statutory Board were ever to decide to abolish differential rating against the wishes of one or more of its Strategic Advisory Boards, members of the Advisory Boards would have the opportunity to object to this decision, as part of the statutory process that would follow, and the Environment Agency and Defra would have to consider such objections before approving the Order that abolishes differential rating. This is an important safeguard.

Reconstitution, as opposed to Amalgamation

20. For completeness, it is important to note what the 3 existing IDBs might look like if they were to reconstitute with fewer Board members, rather than amalgamate into a single new Statutory Board (please see Appendix 5).
21. Interestingly, all councils other than Huntingdonshire District Council (HDC) would actually be no better off, in terms of representation – all but HDC would be entitled to appoint the same or fewer representatives if the 3 existing IDBs decided to reconstitute, as opposed to amalgamate (please see the 'No. of seats if Reconstituted' column in Appendix 5).
22. However, it is important to note that Alconbury & Ellington IDB would probably not be allowed by Defra to reconstitute a new Board of just 3 members, so HDC would need to change its position and agree to appoint more than 2 members if this Board was to reconstitute and not amalgamate (HDC would need to appoint at least 9 members, so as not to displace any of the 8 existing elected members).

Recommendations

23. It is recommended that Alconbury & Ellington IDB, Bedfordshire & River Ivel IDB and Buckingham & River Ouzel IDB agree to amalgamate in to one new Statutory Board, as proposed above.
24. If all 3 Boards agree to amalgamate, it is recommended that the Bedford Group of IDBs request the Environment Agency's Anglian Regional Flood and Coastal Committee (Central) to start the statutory process of amalgamating the 3 Boards, using powers afforded by s3 of the Land Drainage Act 1991.

Appendix 1

Councils' Entitlement to Appoint Members to an amalgamated Board of 29 Members

Notes	Property/Council	Net Expenditure (Note 1)				Entitlements (Notes 2 and 3)	
		A&E (£)	B&O (£)	B&I (£)	Total (£)	Proportion (%)	Number of Members
	Agricultural Land and/or Buildings	11,290	60,429	73,143	144,862	7.65%	14
	Other Land	85,295	673,007	991,456	1,749,758	92.35%	15
		£96,585	£733,436	£1,064,599	£1,894,620	100.00%	29
	<u>Other Land:</u>						
	Bedford Borough Council (BBC)			611,639	611,639	34.96%	5
	Buckinghamshire Council (BC)		27,109		27,109	1.55%	0
	Cherwell District Council (CDC)		90		90	0.01%	0
	Central Bedfordshire Council (CBC)		280,369	374,393	654,762	37.42%	5
	Huntingdonshire District Council (HDC)	85,295			85,295	4.87%	1
	Milton Keynes City Council (MKCC)		351,164		351,164	20.07%	3
	North Hertfordshire District Council (NHDC)			5,263	5,263	0.30%	0
	South Cambridgeshire District Council (SCDC)			161	161	0.01%	0
	West Northamptonshire Council (WNC)		14,275		14,275	0.82%	0
	Entitlement to Individually Appoint Members	£85,295	£673,007	£991,456	£1,749,758	100.00%	14
	Entitlement to Jointly Appoint Members (suggest 1 for BC, WNC and NHDC)						1
	Collective Entitlement to Appoint Members						15

Notes

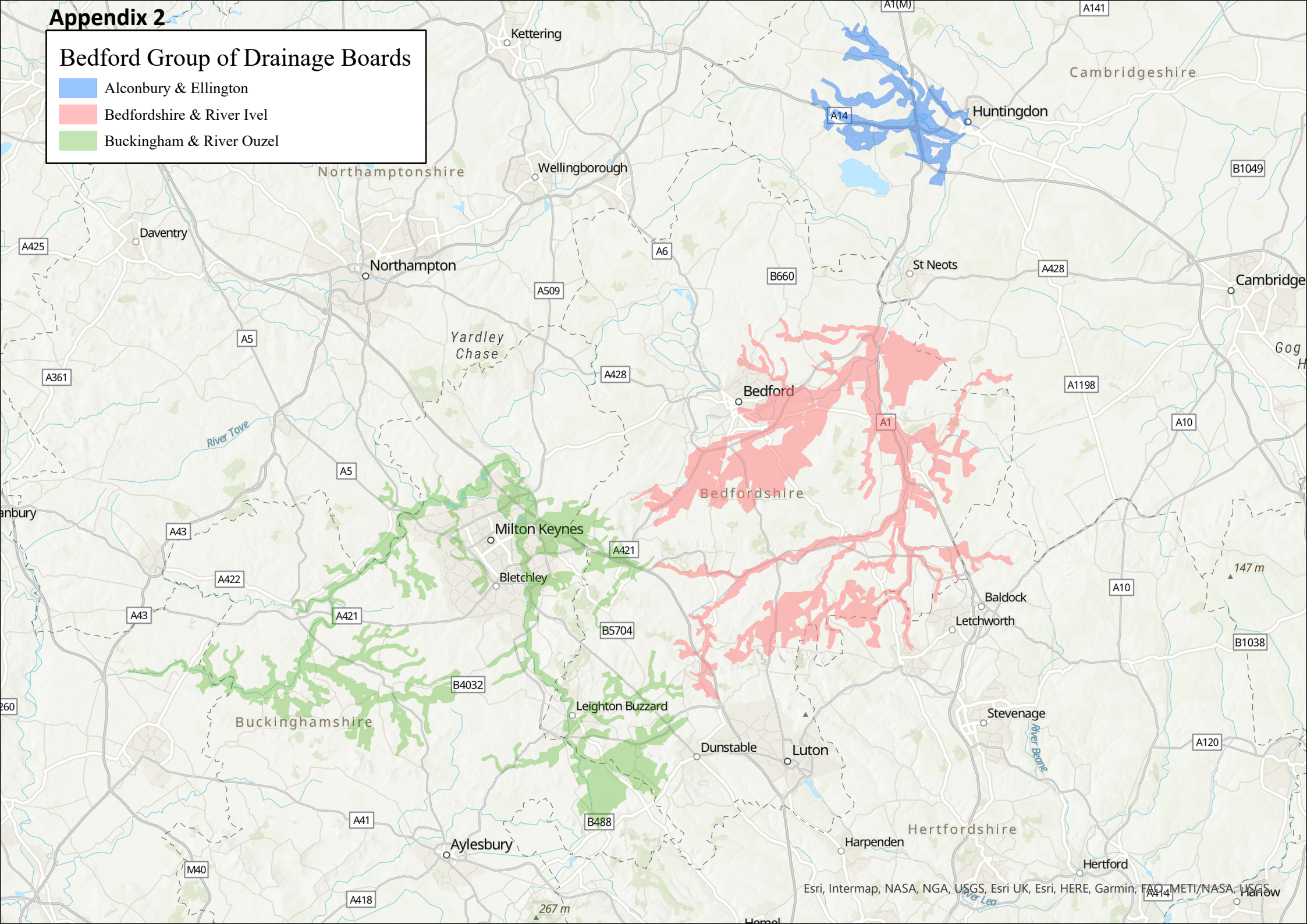
- 1 These figures show the proportions of net expenditure that are being paid for by agricultural drainage ratepayers and each Council for 2022/23, which have been calculated based on their share of Annual Value in each of the 3 existing rating districts as at 31 December 2021, in accordance with Section 37 of the Land Drainage Act 1991.
- 2 The total number of appointed members has been determined by the requirement for MKCC to have 3 members on the new Board and by the proportion of IDB expenses that are raised from special levies, not to exceed by more than one the number of other directly elected (farming) members of the Board, in accordance with Schedule 1, Part 2, Section 6, Sub-Section 2 of the Land Drainage Act 1991, as amended by the Internal Drainage Board (Finance) Regulations 1992, using Annual Values as at 31 December 2021.
- 3 Entitlements for each Council have been calculated in accordance with Schedule 1, Part 2, Section 6, Sub-Sections 1 to 5 of the Land Drainage Act 1991, as amended by the Internal Drainage Board (Finance) Regulations 1992, using Annual Values as at 31 December 2021. Entitlements are reviewed every 3 years, in accordance with the Act.

P J CAMAMILE
CHIEF EXECUTIVE

Appendix 2

Bedford Group of Drainage Boards

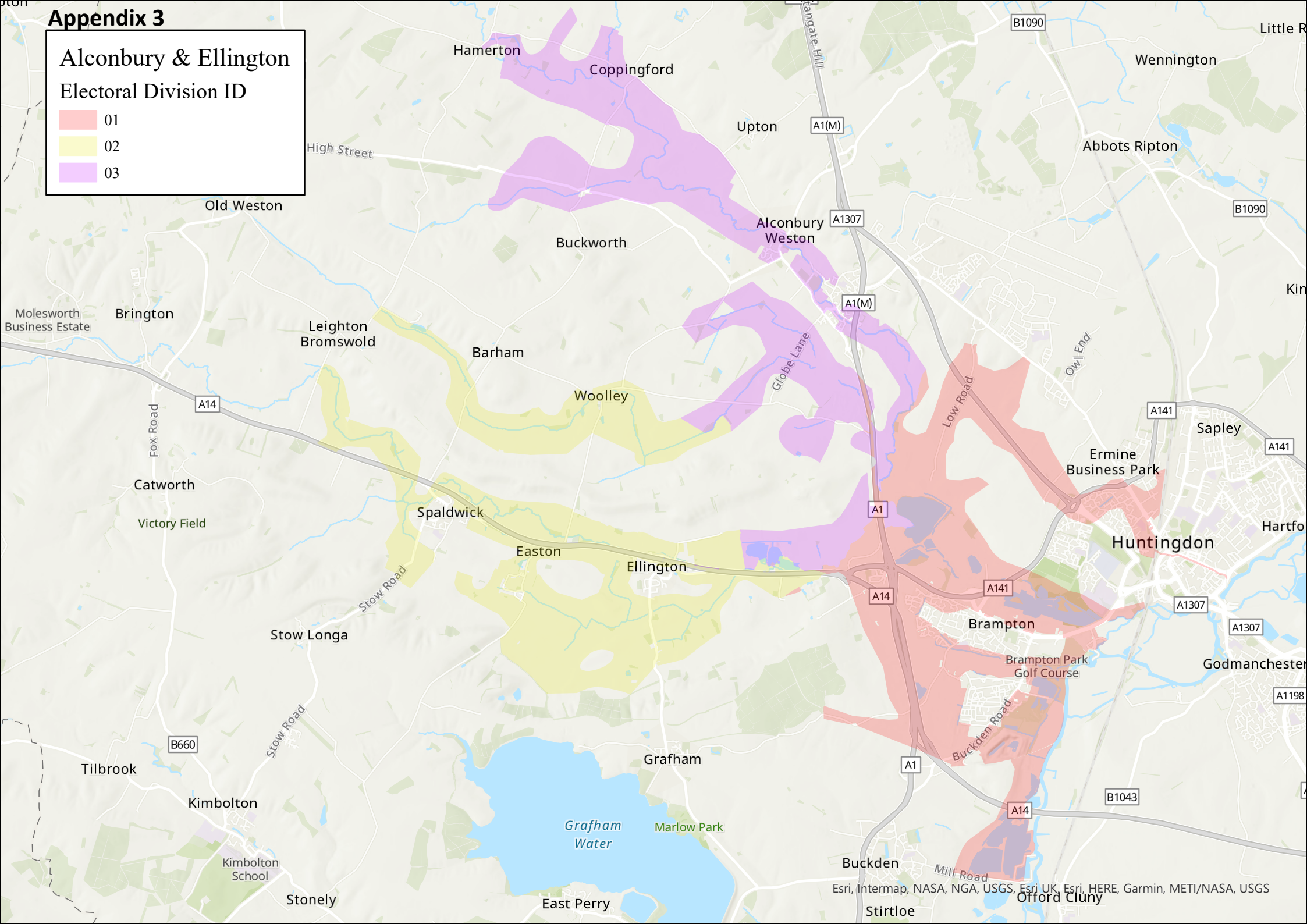
- Alconbury & Ellington
- Bedfordshire & River Ivel
- Buckingham & River Ouzel



Appendix 3

Alconbury & Ellington
Electoral Division ID

01
02
03



Appendix 4

Strategic Advisory Board Terms of Reference

Role of the Strategic Advisory Board

The <Alconbury & Ellington/Bedfordshire & River Ivel/Buckingham & River Ouzel> Strategic Advisory Board shall:

1. Promote and help develop work programmes and projects that seek to reduce flood risk and drought, and improve/maintain the drainage, flood risk and water level management infrastructure, both inside the Advisory Board's area and in the upper reaches of its watershed catchment where such work programmes and projects have the potential to reduce flooding or drought inside the Advisory Board's area.
2. Advise the Statutory Board on what work they would like to see carried out and what is affordable in terms of annual increases in drainage rates and special levies for the area's Rating Sub District and make recommendations to the Statutory Board on adopting and delivering the associated work programmes and projects.
3. Advise and liaise closely with the Statutory Board and its officers on local planning matters that have the potential to increase flood risk or adversely impact on the Board's operations.
4. Advise and make recommendations to the Statutory Board on any proposal to abolish Differential Rating or amend the Differential Rating Order that applies in the Advisory Board's area.
5. Report local drainage issues to the Statutory Board's officers, as and when they arise.
6. Work closely with the Statutory Board and its officers, other risk management authorities, landowners, parish councils, flood/community groups and third-party organisations in a high-rainfall emergency event.
7. Make recommendations to the Statutory Board on who should be elected to fill any casual vacancy which arises in the elected membership for the area's Electoral Division.
8. Support the Advisory Board's representatives who are elected members of the Statutory Board.
9. Work with the Statutory Board and always act in its best interests, as determined by the Statutory Board's Chief Executive.

Appendix 4

Strategic Advisory Board Terms of Reference

10. Consider any other issue in detail as may be determined from time to time by the Statutory Board and make recommendations to the Statutory Board accordingly.
11. Consider any other matter that the Statutory Board or its Chief Executive may reasonably from time to time determine and make recommendations to the Statutory Board accordingly.

Delegated authority from the Statutory Board

The Advisory Board will have no power to take decisions on behalf of the Statutory Board. However, the Advisory Board will be expected to make recommendations to the Statutory Board on a number of important matters that have been set out above.

The Advisory Board will include all the elected members of the Statutory Board that represent the area's Electoral Division on the Statutory Board (please see the 'Membership of the Strategic Advisory Board' section below). This link to the Statutory Board should ensure that the Advisory Board's recommendations are always understood and subsequently actioned.

Advisory Board members will be free to discuss all things drainage and water level management without having to consider the formal business that a statutory public body must do. Furthermore, Advisory Board members who are not members of the Statutory Board will not be exposed to any corporate or personal liabilities that may arise as a result of decisions taken by the Statutory Board, unlike Statutory Board members (please check out the 'Duties, Responsibilities and Liabilities of IDB Members Guide' for more details). Statutory Board members can be held personally liable for certain actions taken by the Statutory Board, even though they may not have attended a Statutory Board meeting for some time.

The Statutory Board will take out all the usual Insurance policies which will include but not be limited to Public Liability, Employers Liability, Commercial Fleet, Fidelity Guarantee, Cyber Security, Directors & Officers Liability and Professional Indemnity Insurances for the benefit of the Statutory Board, its committees, members and officers.

Membership of the Strategic Advisory Board

The Advisory Board shall include all the directly elected members that represent the area's Electoral Division on the Statutory Board.

Appendix 4

Strategic Advisory Board Terms of Reference

Other members of the Advisory Board will be a matter for the Advisory Board to determine. Other members are likely to include landowners, individuals, councillors, predecessor IDB members, and risk management authority, parish/town council, flood/community group, cooperative, National Farmers Union, County Landowners Association, or third-party organisation representatives that have an interest in reducing flood risk and drought, and/or improving and maintaining the drainage, flood risk and water level management infrastructure in the Advisory Board's watershed catchment area.

Members of the Advisory Board will not receive any remuneration for their time, but certain expenses may be paid for by the Statutory Board, in accordance with its Expenses Policy.

Chair and Vice Chair of the Strategic Advisory Board

The Chair and Vice-Chair of the Advisory Board will both be directly elected members that represent the area's Electoral Division on the Statutory Board and will be elected by the Advisory Board tri-annually to serve for a period of 3 years.

If the Chair and the Vice Chair of the Advisory Board are not present at an Advisory Board meeting, the members of the Advisory Board shall elect someone of their number to Chair the meeting.

Training for Strategic Advisory Board Members

The Statutory Board will provide Advisory Board members with training on all aspects of fulfilling their role.

Voting entitlement

Each member of the Advisory Board shall have one vote. Decisions will be carried by a simple majority. Such decisions will then become recommendations for the Statutory Board to consider.

Quorum

No business shall be transacted at any meeting of the Advisory Board unless at least one of its Statutory Board members are present. For the avoidance of doubt, members will be present if they join the meeting by video/teleconference.

Appendix 4

Strategic Advisory Board Terms of Reference

Number of meetings per year

The Advisory Board shall meet at such dates and times as it deems necessary. However, it is recommended that the Advisory Board should hold at least 2 meetings a year; one in November at least 4 weeks prior to the Statutory Board meeting that reviews/approves the work programmes and sets the Rates and Levies for the following financial year, and one in May at least 2 weeks prior to the Statutory Board meeting that approves the Final Accounts for the previous financial year.

Meetings can be convened by the Advisory Board's Chair, the Advisory Board, the Statutory Board, or the Statutory Board's Chief Executive.

Notice, Minutes and Meeting Reports

A minimum of 7 days' notice shall be given to members in writing in advance of all meetings, which will also include an agenda, written minutes of the previous meeting and whenever possible the relevant reports to be considered. The minimum notice period shall be waived in the event of an emergency.

All notices, agenda, minutes, and meeting reports shall be sent to the members of the Advisory Board electronically, unless otherwise requested.

At every meeting of the Advisory Board the minutes of the previous meeting and any financial statements submitted at the previous meeting shall be taken as a true record subject to the correction of any mistake's omissions or inaccuracies, and the signature of the Advisory Board's Chair shall be affixed thereto as confirming the same.

The Statutory Board shall receive copies of the minutes of all Advisory Board meetings as soon as is practicable, in accordance with the Statutory Board's Standing Orders.

The Advisory Board members shall receive written notice 7 days in advance of all Statutory Board meetings, so that all Advisory Board members have the opportunity to attend Statutory Board meetings (please note that Statutory Board meetings are public meetings and as such, anyone can attend the general business part of the meetings).

Statutory Board minutes and report extracts will be made available to Advisory Board members on request.

Appendix 4

Strategic Advisory Board Terms of Reference

Attendance of Officers at meetings

The Statutory Board's Operations Manager and Executive Assistant will usually attend Advisory Board meetings, along with any other Officer that the Chief Executive may determine. However, if any of the Officers are unable to attend, their absence will not by itself invalidate the proceedings of Advisory Board meetings.

Venue for meetings

All meetings of the Advisory Board shall take place within the area's catchment unless otherwise determined by the Advisory Board. The location and venue of Advisory Board meetings will be entirely a matter for the Advisory Board to determine.

Video/tele-conferencing, virtual and hybrid meetings will be permitted, and such facilities will be made available by the Statutory Board to the Advisory Board, providing its members have access to Microsoft Teams.

Review of Terms of Reference

The Statutory Board will review these terms of reference after one year from the first occurrence of 1 November following the day on which the Statutory Board is constituted, and every 3 years thereafter.

**APPENDIX 5: CURRENT VACANCIES IN BOARD MEMBERSHIP, AS AT 15 OCTOBER 2022/
REVISED ENTITLEMENTS ON RECONSTITUTED BOARDS
ALCONBURY & ELLINGTON IDB**

Electoral Division/Council	No.of Seats	Current Members	No.of Vacancies	No.of seats if Reconstituted
Elected Members:				
Electoral Division 01	4	4	0	1
Electoral Division 02	4	1	3	0
Electoral Division 03	4	3	1	0
Total number of Elected Members	12	8	4	1
Appointed Members:				
Huntingdonshire District Council	13	2	11	2
Total number of Appointed Members	13	2	11	2
Total number of Board Members	25	10	15	3

BEDFORDSHIRE & RIVER IVEL IDB

Electoral Division/Council	No.of Seats	Current Members	No.of Vacancies	No.of seats if Reconstituted
Elected Members:				
Bedfordshire & River Ivel Electoral Division	12	4	8	4
Total number of Elected Members	12	4	8	4
Appointed Members:				
Bedford Borough Council	7	7	0	3
Central Bedfordshire Council	5	5	0	1
Jointly Appointed (currently North Herts District Council)	1	1	0	1
Total number of Appointed Members	13	13	0	5
Total number of Board Members	25	17	8	9

BUCKINGHAM & RIVER OUZEL IDB

Electoral Division/Council	No.of Seats	Current Members	No.of Vacancies	No.of seats if Reconstituted
Elected Members:				
Buckingham & River Ouzel Electoral Division	12	6	6	6
Total number of Elected Members	12	6	6	6
Appointed Members:				
Central Bedfordshire Council	6	5	1	2
Milton Keynes City Council	6	6	0	3
Jointly Appointed (currently Buckinghamshire Council)	1	1	0	2
Total number of Appointed Members	13	12	1	7
Total number of Board Members	25	18	7	13