



Department
for Environment
Food & Rural Affairs

Internal Drainage Boards

Research into the factors affecting IDB board membership and their impact on board governance

FINAL, August 2019



CAG
CONSULTANTS



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Glossary

Association of Drainage Authorities (ADA)

The Association of Drainage Authorities (ADA) was founded in 1937. It is a membership organisation that exists to represent the organisations involved in the management of drainage, water levels and flood risk management. ADA provides advice and support to its members and works to raise awareness of their work amongst the wider public.

Appointed Member (AM)

An appointed member (AM) is one of three types of board member that may be found on the board of an internal drainage board. AMs are appointed by levy-paying local authorities and are usually local councillors, but local authorities may choose to appoint other individuals as they see fit. The number of AMs on a board is determined by the proportion of an IDB's total income derived from the special levy, but may not exceed the number of elected members by more than one.

Chair

An IDB Chair may be either an appointed or elected member. The Chair is responsible for the operation of the board and for ensuring that proper procedure is followed.

Clerk

The Clerk is answerable to the board and may be an employee of the IDB or contracted in to provide services to the board. The Clerk provides advice, administrative and financial support, and implements the IDB's decisions. Where a Clerk is an employee of the IDB and is responsible for the management of other IDB staff, they may be referred to as a Chief Executive or Senior Officer.

Co-opted Member

Co-opted members are non-voting IDB board members who are on the board to represent a specific area, or issue, of interest to the board. They are usually appointed where a board identifies that it has a gap in its expertise or experience.

Democratic Services Officer (DSO)

A democratic services officer (DSO) is a type of local authority officer. They may be found in all types of local authority, although in some councils their function may be fulfilled by other types of officer. The main purpose of DSOs is to provide advice and support to political leaders and senior officers to ensure that council functions and decision-making

processes are undertaken in an open and accountable fashion, and in accordance with relevant legislation.

Drainage Rates

Drainage rates are one of the principal sources of IDB income and are paid directly by the occupiers of agricultural property within an IDB area.

Elected Member (EM)

Elected members (EMs) are elected by agricultural ratepayers to represent their interests on an IDB board. Elections for EMs are expected to be held every three years. Only occupiers of property, liable to pay Drainage Rates to the IDB, are eligible to vote for Ems. EMs are usually farmers and land-owners/managers.

Internal Drainage Board (IDB)

An internal drainage board (IDB) is a type of local public authority that manages water levels where there is a particular need to ensure effective drainage. They are generally found in broad open lowland areas, such as the Somerset Levels, or within the floodplains of rivers.

Precept

The Precept allows local funds raised by an IDB to finance works on Main Rivers (statutory designated watercourses which are the responsibility of the Environment Agency (EA)) within, adjacent or flowing from or into an IDB's Drainage District. In principle, the money is raised by the EA from the IDB for the benefit of the respective District or Districts served. The payment of an EA Precept is compulsory, however an IDB may appeal this precept if they feel it unfair, and may request details of how it has been spent by the Agency.

Special Levies

Special levies are one of the main sources of income for IDBs. All land and properties within an IDB District are deemed to benefit from the work it undertakes and are therefore required to contribute to its costs. The special levy is set by the IDB, but local authorities collect and pay the special levy to the IDB board.

Executive summary

Context

Internal Draining Boards (IDBs) are independent public bodies responsible for managing water levels in areas where there is a special need to ensure the quality and effectiveness of drainage. They are funded mainly through drainage rates paid by landowners and farmers, and levies on local authorities. There are currently 112 IDBs in England, covering 9.7 per cent of England's land area. Collectively, IDBs oversee 22,000km of watercourse and 500 pumping stations.

IDBs employ around 600 staff and annually invest over £60million in managing water levels and reducing flood risk. IDB investment is also used to leverage other flood risk management funding and support other authorities through Public Sector Cooperation Agreements. IDBs therefore make a significant local, regional and national contribution to flood resilience. As such, it is important that IDB governance is strong, and that their boards are sufficiently engaged, diverse and experienced to manage their responsibilities and work effectively in partnership with local authorities and other Risk Management Authorities (RMAs). However, a 2017 National Audit Office (NAO) report, questioned whether current IDB governance and accountability arrangements were sufficient to ensure that they are able to meet future demands¹.

The report noted that some local authorities find it challenging to secure the participation of local authority elected councillors and specialist officers as board members in IDBs. This was reinforced by Department for Environment, Food and Rural Affairs (Defra) analysis of IDB annual returns (2016/17), which found that 20 per cent of IDBs had appointed board member vacancies in excess of 50 per cent. Defra also identified that there appears to be a lack of commitment to attending IDB meetings among a significant number of local authority members.

Consequently, this research was intended to explore the question of IDB board membership in more detail, and in particular to identify the issues that influence the level of engagement and commitment from local authorities.

Aims and scope of the project

CAG Consultants were commissioned by the Department for Environment, Food and Rural Affairs (Defra) to undertake a review of the factors affecting Internal Drainage Board (IDB) board membership and their impact on governance. This report presents the findings from the review.

¹National Audit Office, 2017. *Internal Drainage Boards*.

The overall objectives of the research were to:

Understand how to better support IDBs in establishing and maintaining a wide board membership, including specialist expertise where needed, and how to encourage and support active engagement by members in board meetings.

The specific aims of the project were to:

1. Identify and assess how local authorities can support greater IDB accountability via their role in appointing IDB board members.
2. Understand the factors that influence IDB governance. In particular, understand how some boards have a wide and diverse membership with active engagement by members.

The high-level research questions Defra asked the review to consider were:

1. How do local authorities make decisions about appointing representatives to the IDB boards?
2. What is the make-up of IDB board membership across elected, appointed and co-opted members?
3. Why are there differences between the number of elected, appointed and co-opted board members between IDBs?
4. What role does a wide and diverse board membership play in the performance and effectiveness of IDBs?
5. What are the factors that influence active engagement, including attendance at meetings, by board members?
6. What good practice can be identified in (a) establishing and maintaining a wide IDB board membership including specialists, and (b) encouraging high attendance at meetings?

Approach and methodology

The research involved three main strands of fieldwork, which took place sequentially:

1. Scoping interviews and document review. Interviews were conducted by telephone with representatives from the Association of Drainage Authorities (ADA) and the Environment Agency (EA). The purpose of the calls was to draw out interviewee's views on key issues in relation to IDB governance, and to provide insights to inform an online survey and case studies. The document review involved a systematic review of six documents identified to CAG by Defra and ADA. The primary aim of this exercise was to inform the development of research instruments (survey and topic guides). Where relevant, insight has been triangulated with the other research findings.

2. An online survey of all IDBs, largely quantitative and designed to generate an outline understanding of the key issues relevant to local authority engagement (members and officers) with IDB governance. In addition, questions were included to help refine the proposed approach to sampling for the qualitative research.

3. Qualitative interviews with 15 'case study' IDBs. The qualitative research involved a case study approach, involving up to four interviews each with 15 IDBs. In order to gain a rounded picture of IDB governance experience and issues, interviews were sought with the following for each case study IDB:

- IDB leads (the operational lead, e.g. the Chief Executive Officer (CEO) or Chair)
- IDB Elected Members (EMs)
- IDB Appointed Members (AMs)
- Local authority officers involved in the IDB board appointment process.

Purposive sampling was used to ensure that the case study sample was sufficiently diverse to gather insights from a wide variety of IDB types. In particular, the sampling approach was designed so that the sample of case studies was stratified to focus on two main types of IDB:

- IDBs who appeared to have good governance foundations and a good track record of engaging with local authorities and co-opted members
- IDBs whose governance foundations appeared less strong and who appeared to have been less successful in engaging with local authorities and co-opted members.

Key topics explored in the case study interviews were:

- Factors that influence active engagement by board members, including attendance at meetings
- The type and variety of skills and expertise that is represented on the board, and the extent to which this affects the performance and effectiveness of the IDB
- The effectiveness of recruitment processes and why differences exist between the number of elected, appointed and co-opted members between IDBs

Analysis was undertaken using a 'Framework'² case and theme-based approach, which allowed for analysis within case studies (i.e. analysing several/all themes across one case study) and across themes (i.e. analysing a theme across several/all case studies). The

² An approach developed by NatCen Social Research for analysing qualitative data in policy research.

qualitative analysis was then triangulated with insights from the online survey and scoping activity.

Findings

Q1. How do local authorities make decisions about appointing representatives to the IDB boards?

- Local authorities typically follow the same process as appointments to other outside bodies, with appointments led by the council leader or chief executive, followed by approval by full council.
- A common approach to identifying appointees was to rely on councillors volunteering to fill the roles.
- Once appointed, appointees often continue to sit as IDB board members beyond the four-year electoral cycle (local authority cycle), unless they are not re-elected as councillors or the political composition of the council changes.
- Geography was the most common factor consideration in the appointment process; i.e. whether or not an IDB fell within, or overlapped with, a council ward. In a small number of cases it was reported that AMs had been selected, or self-selected, on the basis of individual expertise and experience; however, no local authorities were found to conduct any formal assessment of potential appointees
- Local authorities containing multiple IDBs can find it challenging to ensure council representation. In some cases, the problem is compounded by the size of boards.
- Most IDBs do not engage with the appointing local authority to help them identify suitable people with expertise to appoint to the board.
- Many EM interviewees and, to a lesser extent, CEOs expressed concern about the effectiveness of the appointment process. A particular concern expressed by these respondents was that new AMs were often felt to be lacking the necessary knowledge or experience to effectively contribute to the operation of the IDB.
- The vast majority of AMs are local authority councillors, with only two per cent being local authority officers and six per cent appointed from other stakeholder organisations. For many, the extent to which local authorities were willing to appoint officers or specialists to IDB boards was linked to the interviewee's perception of the role of AMs.
- The appointment of specialist (co-opted) board members is unusual within IDBs.

Q2. What is the make-up of IDB board membership?

- Most IDBs have fewer than 24 seats on their boards, with 19 being the average number of seats per board. Only three IDBs have 35 or more seats, with the largest having 45 seats.
- The vast majority of AMs are local authority councillors, with only a small percentage who are local authority officers or from other stakeholder organisations

- In terms of the skills required by IDBs, a particular distinction was drawn between IDBs where the drainage management was mostly or wholly gravity-based and those requiring the operation of more complex management systems.
- IDBs reported that board members provided the organisation with access to a wide range of skills and expertise.
- While generally confident that their boards had no (or limited) obvious skills/expertise gaps, IDBs were not dependent on board members for technical expertise as they also accessed skills and knowledge via other IDB staff and/or via consortia or ad-hoc arrangements with larger IDBs.
- Biodiversity/ecology and planning were most commonly reported as the topics on which IDBs would benefit from additional expertise. There were concerns in some IDBs about having insufficient expertise to respond adequately to planning applications.
- There may be a tendency for IDBs to be focused on routine operational issues and less able (or inclined) to take a more strategic medium- to long-term perspective.
- Gaps in skills and expertise are addressed in a variety of ways, including through membership of a consortium, the establishment of contractual arrangements with consortia or larger IDBs, and procuring or retaining specialist consultancy. A small number of case study IDBs reported that they co-opted board members in order to address identified gaps in skills or expertise.
- Some interviewees expressed concern about what they perceived as the increasing complexity of the demands being placed upon IDBs.

Q3. Why are there differences in the make-up of IDB boards?

- Thirty-eight per cent of boards reported having EM vacancies and 45 per cent reported having AM vacancies (n=87).
- Boards were most likely to have larger numbers of vacancies for AM than for EMs.
- A small number of case study IDBs reported that they deliberately maintained a number of vacant seats in order to operate with a smaller board.
- Low levels of AM vacancies were associated with there being high levels of flood risk in the area and levels of rurality, among other factors.
- The EM recruitment process is often quite informal and there is a very low turnover rate among EMs.
- Most IDBs expressed concern about the challenges of future recruitment of EMs, partly as a result of the concentration of land ownership.
- Many case study IDBs reported that their local authorities found it difficult to fill all of their AM board seats. The most commonly cited reason for this was that local authorities simply lacked enough councillors to meet all of their allocated seats.

Q4. What role does a wide and diverse board membership play in the performance and effectiveness of IDBs?

- A small number of interviewees (CEOs and EMs) stated that they felt they would like more EMs on their board as they valued their 'eyes on the ground' and practical

experience. Some of these interviewees also suggested that AMs held too much sway in decision-making.

- Interviewees' views on the role and value of AMs varied by type. The predominant view among AM interviewees, across all case study IDBs, was that their role included aspects of financial accountability and communication/information sharing. A small number of EMs and CEOs suggested that AMs prioritised the interests of their council when acting as a member of the IDB board, and that this was inappropriate.
- Many EMs, and a small number of CEO interviewees, expressed the view that their IDB needed to have better communication with local authority officers, in particular planning departments.
- A small number of case study IDBs have decided to operate with smaller boards. In some cases, this has been done in response to challenges they have faced in securing board members, but in others it was a matter of choice. One IDB emphasised the importance of balancing a manageable board size against the need to maintain both the necessary skills and expertise of board members, and the geographic coverage of EMs – a view echoed by some other interviewees.
- Establishing sub-committees was another mechanism used in some cases to enable effective management with a large board.
- All IDBs reported that turnover rates for board members were low, especially for EMs. In most instances, interviewees who commented on this matter felt that this was beneficial.
- A small number of interviewees queried whether the low rates of turnover may have negative effects through constraining innovation, leading boards to focus primarily on routine rather than strategic matters.

Q5. What factors influence active engagement in IDB boards?

- Average attendance at board meetings was 60 per cent (n=85). No significant correlation was found between attendance levels and board size or the number of board vacancies.
- Factors reported as positively affecting attendance included organising meetings to avoid busy times in the farming calendar and known council commitments; meetings being well chaired and run; the level of interest of members in the work of the IDB; and holding meetings at convenient locations and times of day.
- Case study interviewees felt that EM board members who attended meetings engaged effectively in discussions and decision-making. The picture was more mixed with regard to AMs. Over 50 per cent (n=83) of the IDBs who responded to a survey question on the challenges associated with engaging AMs reported that they find it challenging to engage them in the management of the IDB. The main challenges reported in the survey were time constraints, followed by IDB business being seen as a low priority by AM councillors and lack of interest.
- Effective chairing was identified as a key factor in ensuring that board members were engaged. Other factors identified included board size, the profile of flood risk management, incidence of flooding, and the reputation and profile of the IDB.

- Local authority officers are rarely appointed to boards. One CEO suggested that it would be inappropriate for local authority officers to participate in IDB board meetings, as there would be a conflict of interest between their 'day job' and their board membership.
- Specialists from stakeholder organisations are also rarely appointed. One DSO dismissed this option on the basis that they were not confident about the ability of members from stakeholder organisations to represent the local authority's position.

Q6. What good practice can be identified in establishing and maintaining a wide IDB board membership, and encouraging high attendance at meetings?

- IDBs identified two key challenges in terms of board membership: securing future EMs when faced with a diminishing pool, caused by the concentration of land in fewer hands and increasing demands on landowners; and sustaining AM membership in the face of increasing demands on councillors' time and, in some cases at least, a diminishing number of councillors.
- Many interviewees suggested that the number of board members should be reduced, or capped (12–15 was suggested by some as a workable number).
- Many IDBs reported that they had or were considering drawing on parish councillors to address deficits in councillor AM numbers, and this was seen as good practice.
- Many IDB interviewees reported concerns regarding their ability to meet what they described as an increasingly onerous administrative burden; additionally, some reported that they faced increasingly complex demands on their time. A small number expressed concern about their ability to meet these growing demands.
- In response to such challenges, some smaller boards reported that they were considering joining consortia. Other interviewees commended this approach, as it enabled the attainment of economies of scale while removing the need for a large number of board members. However, interviewees from two IDBs that had joined consortia felt that this had reduced the effectiveness of service delivery in their area.
- Some IDBs reported that they had found it beneficial to buy in expertise and other forms of assistance from larger IDBs – something that some larger IDBs, who supplied such services, felt was a 'win-win' situation. Others noted the benefits of accessing expertise via consortia, while some consortia reported being able to 'sell' their services to smaller boards as beneficial.
- A small number of IDBs had found that operating sub-committees to address specific issues and priorities had enabled them to become more responsive, but noted that this demanded more of board members. One IDB reported that they co-opted farmers and land managers onto sub-committees, both as a source of additional support and as a way of generating potential new EMs.

Discussion and suggested actions

Discussion

This section is organised under the twin aims of the research.

How can local authorities support greater IDB accountability via their role in appointing IDB board members?

Some AMs saw their role as being to hold IDBs to account and, in particular, to provide financial oversight and scrutiny – to protect the interests of councils and local taxpayers. This view was supported by many non-AM interviewees, who reported that they saw AMs as placing local authority financial interests above the priorities of the board. In some cases, this was reported as a source of tension between board members.

There may, therefore, be a need to do more to ensure that there is a common understanding of the nature of AMs' responsibilities to the IDB board, local levy payers and the appointing authority. In particular, it may be beneficial to ensure that boards have access to guidance on how best to address tensions that may arise between (a) an AM's obligations as a councillor and as an IDB board member; and (b) an EM's interests as a member elected by local landowners and the interests of the wider community, who contribute to the upkeep of the board through special levies.

An important function of board members is to bring relevant local issues to the attention of the IDB. While AMs were often seen as effective in identifying issues of concern to local communities, some interviewees raised concerns about their effectiveness in facilitating communication on matters of joint interest between the local authority and the IDB. In some cases, IDBs reported difficulties in engaging with local authority officers, and were frustrated that councillor AMs were seemingly unable or unwilling to facilitate engagement between their IDB and local authority. ADA guidance recommends that AMs work to establish two-way communication between local authorities and IDBs. However, the research suggests that AMs are not routinely required to report on IDB matters to their authority, and more work may be required to ensure the existence of effective communication channels.

The research indicates that filling board seats – and AM seats in particular – is a significant challenge for IDBs and local authorities. One suggested response was to raise the profile of IDBs among councillors and the wider community to generate greater interest in and appreciation of the value of their work. A number of local authorities reported that they had considered or were considering the appointment of non-councillors as AMs. Views on the merits of this approach differed, but there was evidence of support for the appointment of parish councillors in place of, or in addition to, local authority councillors.

The pool of prospective EM board members was reported to be diminishing – primarily as a result of the concentration of land in the hands of ever fewer landowners. While EM recruitment was reported as being less challenging than AM recruitment, participation in the system appears to be reliant on the goodwill of an ageing generation of landowners,

and there was widely reported concern about where the next generation of EMs would come from. The research also found very low levels of turnover within the EM community. Although not widely reported, there was concern that the low levels of EM turnover may diminish IDB boards' ability (and perhaps inclination) to respond to emerging new challenges and demands.

A number of IDBs reported that they had considered or were considering reducing the number of board members. This was seen as an appropriate response to the challenge of filling board places. In some cases, this was also associated with other benefits; for example, enabling more efficient decision-making. However, some concern was expressed about boards becoming too small to maintain the necessary breadth of skills and geographic coverage required for effective governance. An alternative approach being considered by some independent IDBs was to join consortia. This was seen as a way of enabling continued local representation, while reducing demands on board members.

Factors that influence IDB governance, particularly attendance and engagement of board members

Case study interviewees regularly drew a distinction between AMs who attended and whose contribution was valued, and those who did not attend or did not contribute when they did. Some AMs were reported as having never attended a board meeting.

The research suggests that an important factor influencing non-attendance and engagement by AMs is a lack of interest – something also identified as an issue affecting the recruitment of AMs. There is some evidence to suggest that lack of confidence or unfamiliarity with the role, subject matter and nature of board discussions may contribute to poor attendance and engagement among AMs. Some AMs reported that, while they had initially been cautious about engaging in the business of the board, they had become more confident and involved over time. This suggests that more upfront training may be useful to assist in building AMs' confidence and understanding.

While most interviewees did not report a lack of board member skills or expertise as being problematic for their IDB, previous research has identified access to environmental expertise as an issue for the sector, and 40 per cent of IDBs in the survey reported that they would benefit from additional access to environmental expertise. The research also found that at least some IDBs require support in dealing with matters such as health and safety, data protection and transparency. Local authorities have ready access to a mechanism for addressing IDB skills and expertise gaps as they are able to appoint non-councillors to AM roles. However, as already noted, there was a reluctance among some to appoint non-councillors as AMs, and some work may be required to persuade local authorities of the merits of this approach. As it stands, the process of appointing AMs rarely takes account of the skills and expertise needs of IDBs, and in the majority of cases there appears to be no contact between IDBs and local authorities regarding their appointments.

Suggested actions

The research suggests that any follow-up action to this report should focus on:

- Raising the profile of IDBs among the general public and local authority councillors.
- Ensuring that local authorities are aware that they can appoint non-councillors as AMs, and encouraging them to take this approach where they find it difficult to fill AM vacancies.
- Improving communication between IDBs and local authorities as regards filling AM vacancies. IDBs should be encouraged to identify skills/experience needs, and local authorities should give consideration as to how best they might ensure a diversity of views and experience on IDB boards.
- Encouraging local authorities to strengthen and formalise the role of AMs as intermediaries between relevant local authority officers and the IDB
- Encouraging IDBs to provide induction and ongoing training for AMs. This could be standardised across IDBs.
- Ensuring that clarification of the role and responsibilities of board members is included in induction and training. In particular, AMs should be advised on how best to recognise and manage the tensions that may arise between their roles as IDB board members and as local councillors.
- Introducing reporting on the attendance of AMs as means of helping to address non-attendance.
- Encouraging IDBs to engage with their AMs, where attendance is low, in order to identify the most convenient time for meetings to be held. For example, daytime meetings may not be convenient for AMs who may be unable, or unwilling, to free themselves from work commitments.
- Addressing the needs of those IDBs that may require additional support to ensure that they are able to fully comply with some forms of regulatory obligation, e.g. health and safety.

Contents

Glossary	3
Executive summary	i
Context	i
Aims and scope of the project	i
Approach and methodology.....	ii
Findings	iv
Discussion and suggested actions	viii
Introduction	1
1.1 Overview.....	1
1.2 Background and rationale.....	1
1.3 Research questions	3
1.4 Approach to the research	4
1.5 About the report.....	5
2. Methodology	6
2.1 Overview.....	6
2.2 Scoping interviews and document review.....	6
2.3 Online Survey	7
2.4 Qualitative research.....	9
2.5 Sampling analysis and sample selection	11
2.6 Challenges and limitations.....	16
3. Findings.....	18
Q1. How do local authorities make decisions about appointing representatives to the IDB boards?.....	18
Q2. What is the make-up of IDB board membership?.....	23
Q3. Why are there differences in the make-up of IDB boards?.....	30

Q4. What role does a wide and diverse board membership play in the performance and effectiveness of IDBs?	33
Q5. What factors influence active engagement in IDBs?	36
Q6. What good practice can be identified in establishing and maintaining a wide IDB membership and encouraging a high attendance at board meetings?.....	42
4. Discussion and suggested actions	44
4.1 Identify and assess how local authorities can support greater IDB accountability via their role in appointing IDB board members.	44
4.2 Understand the factors that influence IDB governance; in particular, understand how some boards have a wide and diverse membership with active engagement by members.....	49
4.3 Suggested actions	52
4.4 Next Steps	54
References.....	54
APPENDIX A: Presentation of online survey findings.....	56
APPENDIX B: Notes from IDB stakeholder workshop	70
Item 1: Introduction.....	70
Item 2: Presentation of key findings and suggested actions	70
Item 3: small group discussions	71
Item 4: Summary of discussions.....	72
Item 5: Potential next steps	72

Introduction

1.1 Overview

CAG Consultants were commissioned by the Department for Environment, Food and Rural Affairs (Defra) to undertake a review of the factors affecting Internal Drainage Board (IDB) board membership and their impact on governance. This report presents the findings from this review.

The overall objectives of the research were to:

Understand how to better support IDBs in establishing and maintaining a wide board membership, including specialist expertise where needed, and how to encourage and support active engagement by members in board meetings.

The specific aims of the project were to:

1. Identify and assess how local authorities can support greater IDB accountability via their role in appointing IDB board members.
2. Understand the factors which influence IDB governance. In particular, understand how some boards have a wide and diverse membership with active engagement by members.

1.2 Background and rationale

IDBs are independent public bodies responsible for managing water levels in areas where there is a special need to ensure the quality and effectiveness of drainage. They are funded mainly through drainage rates paid by landowners and farmers, and levies on local authorities. There are currently 112 IDBs in England, covering 9.7 per cent of England's land area. Collectively IDBs oversee 22,000km of watercourse and 500 pumping stations. IDBs generate multiple benefits; for example, they directly reduce flood risk to 60,000 people and around 800,000 properties. Furthermore, the IDBs' activities make a significant contribution to the protection of critical utilities, industry and commercial assets, agriculture, energy and transport infrastructure³.

In addition, the IDBs also have a specific duty to further the conservation and enhancement of all designated environmental sites within their districts, which include around 400 Sites of Special Scientific Interest.

³ Association of Drainage Authorities, 2017. *An introduction to Internal Drainage Boards.*

To achieve this, IDBs employ around 600 staff and annually invest over £60million in managing water levels and reducing flood risk. IDB investment is also used to leverage other flood risk management funding and support other authorities through Public Sector Cooperation Agreements. IDBs therefore make a significant local, regional and national contribution to flood resilience. As such, it is important that IDB governance is strong, and that their boards are sufficiently engaged, diverse (in terms of skills and expertise) and experienced to manage their responsibilities and work effectively in partnership with local authorities and other Risk Management Authorities (RMAs). However, a 2017 National Audit Office (NAO) report, questioned whether current IDB governance and accountability arrangements were sufficient to ensure that they are able to meet future demands⁴. Specifically, the report identified seven findings related to IDB governance and accountability:

1. There is no statutory governance standard for IDBs, and the government has no legislative powers to ensure that IDBs, as public bodies, meet expectations for good-quality internal governance and sound financial management.
2. There is limited oversight of IDBs' operations.
3. The Association of Drainage Authorities (ADA) supports the Department [Defra] in overseeing the sector and addressing concerns, and the Department supports ADA in providing advice and support to IDBs.
4. Most IDBs report that they do not have board members with appropriate environmental expertise, instead accessing the skills they need through consultants.
5. Some smaller IDBs have reported benefits from merging with each other, forming consortia or working collaboratively.
6. If an individual has a concern about an IDB's conduct, it is not always clear whom they should approach, and no government department has a role under the legislation in ensuring that any concerns raised are addressed.
7. The requirements for oversight and assurance of IDBs are not sufficient to ensure that IDBs are able to meet the expectations associated with public expenditure and leave them vulnerable to potential conflicts of interest⁵.

The NAO report also noted that some local authorities find it challenging to secure the participation of local authority councillors and specialist officers (as board members) in IDBs. Defra analysis of IDB annual returns (2016/17) found that 20 per cent of IDBs had appointed board member vacancies in excess of 50 per cent. Defra also identified that there appears to be a lack of commitment to attending IDB meetings among a significant

⁴ NAO, 2017. *Internal Drainage Boards*.

⁵ *Ibid*, pp.6-7.

number of local authority board members. As noted above, it is important that IDBs are well governed, representative of local interests, and on a strong footing to enable them to continue to play an effective role in the future; however, the NAO report cast doubt on the ability of at least some IDBs to meet these requirements.

Consequently, this research was intended to explore the question of IDB board membership in more detail, and in particular to identify the issues that influence the level of engagement and commitment from local authorities.

1.3 Research questions

The research questions Defra asked the review to consider were:

1. How do local authorities make decisions about appointing representatives to the IDB boards?
 - a) What process is followed and how does this work in practice?
 - b) Are there any local authority governance issues that restrict officers or specialists being appointed to IDB boards?
 - c) How is the competency of specialists assessed?
2. What is the make-up of IDB board membership across elected, appointed and co-opted members?
 - a) Which (relevant) specialist areas are covered by the membership?
 - b) What proportion of local authority members are councillors and what proportion are officers?
3. Why are there differences in the number of elected, appointed and co-opted board members between IDBs?
 - a) What are the factors that are associated with having higher numbers of local authority and co-opted members?
 - b) What factors influence vacancy rates?
4. What role does a wide and diverse board membership play in the performance and effectiveness of IDBs?
5. What are the factors that influence active engagement, including attendance at meetings, by board members?
 - a) What factors influence less active engagement?

- b) Are there issues that prevent officers or specialists from acting formally on behalf of the local authority?
6. What good practice can be identified in (a) establishing and maintaining a wide IDB board membership including specialists, and (b) encouraging a high attendance at meetings?

1.4 Approach to the research

Table 1 sets out how the proposed research methodology sought to address the research questions.

Table 1. Contribution of each strand of research activity in addressing the research questions (the depth of the shading indicates the value of each form of evidence in addressing the research question, e.g. dark green indicates that the method was expected to be the main source of insight).

Research question	Inception interviews and document review	Online survey	Qualitative interviews
1. How do local authorities make decisions about appointing representatives to the IDB boards? What process is followed and how does this work in practice? Are there any local authority governance issues that restrict officers or specialists being appointed to IDB boards? How is the competency of specialists assessed?			
2. What is the make-up of IDB board membership across elected, appointed and co-opted members? Which (relevant) specialist areas are covered by the membership? What proportion of local authority members are councillors and what proportion are officers?			
3. Why are there differences in the number of elected, appointed and co-opted members between IDB boards? What are the factors that are associated with having higher numbers of local authority and co-opted members? What factors influence vacancy rates?			
4. What role does a wide and diverse board membership play in the performance and effectiveness of IDBs?			
5. What are the factors that influence active engagement, including attendance at meetings, by board members? What factors influence less active engagement? Are there issues that			

Research question	Inception interviews and document review	Online survey	Qualitative interviews
prevent officers or specialists from acting formally on the behalf of the local authority?			
6. What good practice can be identified in (a) establishing and maintaining a wide IDB membership including specialists, and (b) encouraging a high attendance at meetings?			

1.5 About the report

- Chapter two summarises the methodological approach for this research
- Chapter three presents the findings from the research
- Chapter four sets out the research conclusions and recommendations.

2. Methodology

2.1 Overview

The research involved three main strands of fieldwork, which took place sequentially:

- a) Scoping interviews and document review
- b) An online survey of all IDBs
- c) Qualitative interviews with 15 'case study' IDBs

This chapter sets out the approach to undertaking each of the three strands, and outlines the challenges and limitations of the research methodology.

2.2 Scoping interviews and document review

Scoping interviews

CAG conducted semi-structured scoping interviews via telephone with Innes Thompson, Chief Executive of the Association of Drainage Authorities (ADA), and Rachael Hill, the National Flood and Coastal Risk Manager for the Environment Agency. The interviews were framed around a list of key questions developed in advance. The purpose of the calls was to draw out interviewee's views on key issues in relation to IDB governance and to provide insights to inform the online survey and case studies.

Review of key documents

The document review involved a review of six documents identified to CAG by Defra and ADA. The aim of the exercise was to identify insight relevant to the research questions. Key findings and reflections on their implications for the research were recorded in a standalone research note. The insight gained from this exercise was used to inform the development of research instruments (survey and topic guides, see below). Where relevant, insight has been triangulated with the other research findings. The documents were:

1. IDB1 returns⁶ for 2017/18
2. Association of Drainage Authorities, 2012. *Internal Drainage Board Membership and Representation Survey Analysis*. London: Defra
3. National Audit Office, 2017. *Internal Drainage Boards*. London: NAO

⁶ Annual information provided to Defra by individual IDBs.

4. Entec, 2010. *Internal Drainage Board Review: Extension. Project Report*. London: Defra
5. JBA, 2006. *Internal Drainage Board Review*. London: Defra
6. Association of Drainage Authorities, (n.d). *Association of Drainage Authorities (ADA) Members Guide*. S.I.

2.3 Online Survey

Survey development

CAG developed an online, largely quantitative survey, designed to generate an outline understanding of the key issues relevant to local authority engagement (members and officers) with IDB governance. In addition, questions were included to help refine the proposed approach to sampling for the qualitative research. The survey was informed by the insight generated via the scoping interviews and document review.

The key topics covered in the survey were:

- Board size, structure and management arrangements
- Level of board vacancies
- Expertise provided by board members
- Attendance at board meetings
- Engagement with local authority councillors
- Engagement with local authority officers
- Engagement with external stakeholders.

The survey was developed using SurveyMonkey and tested internally before launch.

Recruitment

In order to maximise the response rate, the ADA and Defra notified all IDBs about the survey in advance and requested their participation.

CAG issued the invitation email with the survey link to the full list of IDBs⁷. Due to an initial low return rate, the invitation email was sent to a secondary contact list for the IDBs provided by Defra.

⁷ Drainage Commissioners were excluded from this research; these organisations predate the Land

Up to three reminder emails were issued to non-responders. Chasing phone calls were made to those without secondary email contacts who had not responded by the final week.

Response rates

102 of the 112 IDBs were invited to take part in the online survey⁸. An 86 per cent response rate was achieved (see Table 2).

Table 2. Online survey response rates

Total IDBs contacted	102
No. of IDBs that responded	88
No. of IDBs that did not respond	14
Per cent response rate	86

Analysis and reporting

Survey data was cleaned before analysis began to remove duplicates, and anonymised for analysis.

To assess how representative the responding IDBs were compared to non-respondents, the observed frequency distribution of income size (extracted from the 2017-18 IDB1 data) was compared for each group. The distribution showed a good representation and no bias by IDB size. Therefore, coupled with a high response rate, no weighting was applied to the sample.

All data was analysed in Excel to produce outputs for each survey question. Cross tabulation was undertaken to compare variables by type of IDB (consortia and standalone entity) and correlation analysis was undertaken to identify the relationship between IDB factors, including:

- Attendance and total board size
- Attendance and number of board vacancies
- Vacancies and total board size.

Drainage Act (1930), which was responsible for establishing most existing IDBs, and operate a different board appointment process.

⁸ Drainage commissioners were excluded from the IDB population as they have a different legal basis to IDBs and they differ in the way Board members are elected/appointed.

Following analysis, the following outputs were produced:

- An anonymised Excel spreadsheet with the data tables from the survey, by question, including any cross tabulations that were run
- A short PowerPoint presentation of top-level findings from the survey, consisting primarily of descriptive graphs and figures, supplemented with brief commentary. This can be seen in Appendix A and has also been published as a standalone output of the research.

2.4 Qualitative research

Case study approach

The qualitative research involved a case study approach, involving up to four telephone interviews each with 15 IDBs. In order to gain a rounded picture of IDB governance experience and issues, interviews were sought with the following for each case study IDB:

- IDB leads (the operational lead, e.g. the Chief Executive or Chair)
- IDB board members (elected)
- IDB board members (appointed)
- Local authority officers involved in the IDB board appointment process.

Sampling

The approach to sampling was informed by the findings from the online survey, the initial document review, the scoping calls, and input from a project steering group. Purposive sampling was used to ensure that the sample was sufficiently diverse to gather insights from a wide variety IDB types. In particular, the sampling approach was designed so that the sample of case studies was stratified to focus on two main types of IDB:

1. IDBs who appeared to have good governance foundations and a good track record of engaging with local authorities and co-opted members
2. IDBs whose governance foundations appeared less strong and who appeared to have been less successful in engaging with local authorities and co-opted members.

Primary sampling criteria

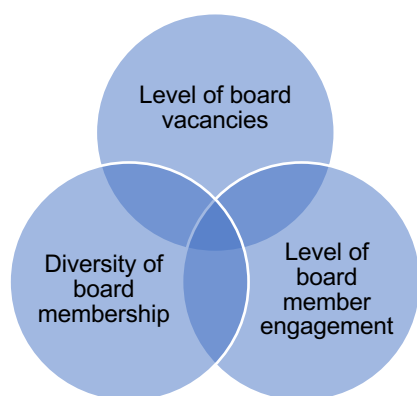


Figure 1. Primary case study selection criteria

Defra suggested three criteria that could be used to identify IDBs corresponding with each IDB type (Figure 1). For each primary sampling criteria, 'proxy data' were identified to enable the ranking of IDBs. Table 3 sets out the three criteria, the rationale for their inclusion, the definition of the criteria, and the proxy data used for each.

Table 3. Primary sampling criteria

Primary criteria	Rationale	Definition	Proxy data
Level of board vacancies	The NAO report noted that some IDBs find it challenging to recruit councillors and specialists to sit on their boards. IBD1 returns analysis highlighted significant vacancies in local authority seats	<i>Number of vacancies for appointed board positions per IDB</i>	Online survey; Question 3 (How many vacancies do you currently have on your board for appointed positions?)
Diversity of board membership	ADA best practice highlights the importance of having a wide and diverse board membership	<i>Proportion of board members that are either local authority officers or other stakeholders</i>	Online survey; Question 1 (How many seats are there on your board?); Question 4 (Has the IDB co-opted any additional (non-voting) board members?); Question 5 (Of the appointed board members, how many are: local authority officers or from other stakeholder organisations?)
Level of commitment/engagement from board members	IBD1 returns analysis highlighted issues with local authority attendance at board meetings	<i>Average attendance at IDB board meetings over the previous 12 months, per IDB</i>	Online survey; Question 10 (What is the average attendance at board meetings over the last financial year (as a percentage of the total number of seats on your board)?)

Secondary sampling criteria

Secondary sampling criteria were applied across the sample to ensure that the case studies selected were sufficiently diverse to incorporate other factors that may influence IDB governance processes. The secondary criteria are set out in Table 4.

Table 4. Secondary sampling criteria

Secondary criteria	Rationale	Data source
Geographic coverage	To ensure that a range of different IDB branch areas and local authority areas were featured in the case studies, avoiding overlap as far as possible	Manual match of IDBs to regions
IDB income	To interview IDBs with a range of different income levels, as income levels are likely to impact on the size of boards, access to expertise, etc.	IDB1 returns data
IDB – single vs consortia	To ensure that the case studies feature both single IDBs and those that are part of consortia. The pooling of resources and governance arrangements may also be an important determinant of board size, access to expertise, etc.	Defra/ADA data
Local authority areas	To ensure that a good spread of different local authority areas are covered (i.e. to avoid having multiple IDBs in the same local authority area)	Defra/ADA data

2.5 Sampling analysis and sample selection

Using the proxy data, IDBs in the top 10–15 per cent for each primary sampling criterion, and – where possible – IDBs that were in the bottom 10-15 per cent, were identified. Based on this analysis, 15 case study areas were purposively selected, using the secondary criteria to ensure a diverse spread of case study IDBs by region, income, local authority area, and those in consortia or not.

There was overlap across categories within the case study sample population, meaning that case study IDBs that were in the top 10–15 per cent of one criterion could be in the bottom 10–15 per cent for another. For example, some IDBs had excellent reported attendance levels, but relatively high numbers of board vacancies. Table 5 shows the relative distribution of IDBs against the primary sampling criteria. For each sampling criterion, there were at least three IDBs in the sample who were both in the top and bottom 10-15 per cent IDBs.

Table 5. Distribution of IDB case studies by primary sampling criteria

Key

Top 10-15 per cent of IDBs
Bottom 10-15 per cent of IDBs

Case study IDB	Number of vacancies for appointed board positions, per IDB	Proportion of board members that are either local authority officers or other stakeholders	Average attendance at IDB board meetings over the previous 12 months, per IDB
1			no survey response
2			
3			
4			
5			
6			
7			
8			
9			
10			
11			
12			
13			
14	no survey response		
15			

2.5.1 Recruitment

For each case study IDB, publicly available lists of board members and other sources of open data were reviewed in order to identify potential interviewees and contact details. Where this failed to generate the desired information, a ‘snowball’ approach (e.g. asking the clerk of each IDB for contact details) was used.

For three IDBs, it was not possible to obtain sufficient contact details to conduct the case study research. These were replaced by ‘reserve’ IDBs from the sample analysis.

In total, 56 interviewees (against a target of 60) were recruited across the 15 IDBs. For 11 IDBs, four interviews were conducted. For the remaining four IDBs, it was not possible to secure interviews with an individual involved in the local authority IDB appointment decision-making process.

2.5.2 Approach to interviews

Four topic guides were developed, one for use with each interviewee type. The topic guides were semi-structured, organised around the key research themes, with specific questions for discussion as well as a series of prompts and probes. The topic guides were informed by the scoping research, input from Defra and the project steering group, and the online survey.

All interviews were conducted by telephone. Key topics explored in the interviews were:

- Factors that influence active engagement by board members, including attendance at meetings
- The type and variety of skills and expertise represented on the board, and the extent to which this affects the performance and effectiveness of the IDB
- The effectiveness of recruitment processes and why differences exist between the number of elected, appointed and co-opted members in IDBs.

The interviews were conducted by CAG Partners and, where permission was granted by the interviewee, recorded and subsequently transcribed. Where permission was not granted, or it proved not possible to record conversations for other reasons⁹, the interviewer produced a written record of the interview. All interviews for each case study were conducted by the same person. Interviews were undertaken in line with Government Social Research Professional Guidance and all data was handled in accordance with the General Data Protection Regulation (GDPR). To encourage open and honest discussion interviewees were assured of anonymity and confidentiality.

2.5.3 Coding and analysis

The coding and analysis of the qualitative interviews was undertaken by a core team of two CAG Partners, both of whom were involved in the interviews, to ensure familiarity with the research material. Analysis commenced with the development of a coding frame structured around the research questions, with sub-codes added to ensure that issues of particular interest to Defra or issues identified through the online survey were captured within the analysis.

⁹ Six interviews were not recorded either because the interviewee preferred not to be recorded, or due to technical problems, e.g. poor line quality.

Table 6. A Framework matrix template

	Case study 1	Case study 2	Case study 3	Case study 4
Theme 1				
Theme 2				
Theme 3				

A 'Framework'¹⁰ case and theme-based approach to analysis was undertaken (see Table 6 for an example of a Framework matrix). This allowed analysis to be undertaken within case studies (i.e. analysing several/all themes across one case study) and thematically (i.e. analysing a theme across several/all case studies). This approach was enabled through the use of additional coding descriptors, based on the sampling criteria, to allow for an efficient analysis of the similarities and differences that exist between different cases.

The analysis team piloted the coding frame (this involved analysing one to two interview transcripts each), then collectively reviewed and revised the frame before completing coding. To ensure consistency of approach, the coding frame included brief descriptions of each code. Additional 'emergent' codes were added to the coding frame where researchers identified new themes or issues of interest within the data; potential new codes were identified and agreed between the analysis team as they emerged. Once coding was completed the research team reviewed and interpreted material across and between all cases, and developed a summary of key findings in relation to each research question.

The qualitative analysis was subsequently triangulated with insights from the online survey and scoping activity, with all insights assigned to the relevant research heading. Quotes, drawn from both the qualitative interviews and open-ended survey questions, have been included to illustrate and explain key points in the narrative.

Note: A key part of the evidence presented in this report is drawn from qualitative fieldwork. In presenting the results of this work, we have aimed to provide insight into the range of views and experiences held by those interviewed.

The qualitative element of the work does not quantify the number of participants who held particular views or had particular experiences. This is because "the purpose of qualitative research is not to measure prevalence, but to map range and diversity, and to explore and explain the links between different phenomena."¹¹

However, to assist the reader to understand the prevalence of a given view or experience within the sample group, a range of qualitative terms are used. These include 'many', 'some', 'most', and 'a few'.

¹⁰ An approach developed by NatCen Social Research for analysing qualitative data in policy research.

¹¹ Ritchie, J., Lewis, J., McNaughton Nicholls, C. and Ormston, R. (2014). *Qualitative Research Practice: A Guide for Social Science Students and Researchers* (2nd edition). London: SAGE.

2.6 Challenges and limitations

Securing case study interview contact details. Securing interviewee contact details proved extremely challenging in many cases. Both the research team and Defra had assumed that the names and contact details of board members would be in the public domain. In practice, while it was possible to secure lists of board members for many boards, most did not provide contact details and these had to be tracked down via protracted web searches. In some cases, IDBs provided very little online data. In other cases, IDB board members and clerks reported that contact details had originally been provided online but had been removed owing to concerns that their provision may be in contravention of GDPR.

Securing participation of interviewees. In a small number of cases, interviewees (mainly appointed board members) were unwilling to be interviewed as they did not feel able to contribute to the research. In other cases, it was difficult to secure the engagement of potential interviewees and many required multiple contact attempts before interviews were agreed. Most of the elected board member (EM) and appointed board member (AM) interviewees that were prepared to be included in the research reported that they regularly attended meetings (although in some instances attendance was found to be irregular); however, these members are presumed to be 'engaged' and therefore it is likely that there is an element of bias to the findings.

It was not possible to secure the engagement of three of the IDBs initially selected as case studies. Two of these were small and one medium-sized, the latter is on record as having a very low board attendance rate. One interview was conducted with one of these case studies; however, despite considerable efforts being made to identify and engage with interviewees, it proved impossible to secure interviews with the remainder. These IDBs were replaced by others with similar characteristics, but some useful insight may have been lost as a result of the non-participation of the first preferences.

Securing participation of local authority decision-makers. There were several case studies for which it was difficult to either identify a relevant local authority IDB board decision-making contact (e.g. because none of the board members interviewed could identify a relevant contact), or to secure the participation of an identified contact (e.g. because they did not think they had anything to contribute). This may be indicative of a wider theme from the research, whereby some local authorities had limited direct engagement with IDBs.

Self-reporting bias. The qualitative interviews explored participant views of IDB effectiveness. The names and details (IDB membership) of individuals have not been shared with any outside body, and interviewees were informed of this to encourage them to provide free and frank information. However, it is possible that, in at least some cases, respondents overestimated the effectiveness of their IDB board through a desire to cast their organisation in a positive light. As the research did not gather independent, third-party

evidence about individual board effectiveness, it was not possible to triangulate and independently verify IDB board member responses on this topic.

Population bias. IDB boards are predominantly male. The approach to sampling precluded the targeting of female respondents and consequently very few interviews were conducted with women. This may be a source of bias within the research.

Potential survey reporting limitations. While the survey generated a high response rate, it should be noted that responses were often generated by officers acting on behalf of multiple IDBs (i.e. participants in consortia). Many of the survey questions were intended to gather quantitative data, which officers might reasonably be expected to have access to; however, it is not clear that they would be well placed to address qualitative questions.

3. Findings

This section presents the key findings, from both the survey and the qualitative case study findings, under the five research questions described in the method section. Where relevant it also draws on insight from the document review. Discussion and interpretation can be found in Section 4.

Q1. How do local authorities make decisions about appointing representatives to the IDB boards?

Q1.1 What process is followed and how does this work in practice?

Local authorities routinely appoint councillors, and on occasion other individuals, to the boards of a wide range of what are usually referred to as 'outside bodies'. In many cases interviewees reported that this process is facilitated by a democratic services officer (DSO); interviews with DSOs (for this research) indicated that the process of appointing council representatives to IDBs is the same as for any other type of external body.

The process

The interview findings indicated that a potential list of appointments to IDBs are generally collated by, or on behalf of, the leader or deputy leader of the majority political group within the local authority, and then submitted for approval at a meeting of the full council or cabinet. In a small number of cases it was reported that appointments were made by the council leader or chief executive.

After the district council elections, party leaders sit down and allocate seats on committees right through council. Part of that procedure is that all of the drainage boards have representatives. The party leaders will then ask members of their party, proportionately or whatever, if they will sit on a drainage board.

(CEO)

The ways in which potential appointees are identified varied across the local authorities in our sample. A common approach was to rely on councillors volunteering to fill the roles, although in some cases this was preceded by party leaders requesting that particular councillors come forward.

In one case, the DSO (in this case a senior officer) had responsibility for identifying potential appointees and suggesting these to the party leaders.

In a small number of cases, it was reported that there was competition amongst councillors to be appointed to an IDB. In these instances, board members were selected via a council vote.

Many AM interviewees noted that, once appointed, appointees often continue to sit as IDB board members beyond the four-year electoral cycle (local authority cycle), unless they are not re-elected as councillors. Since some appointments are made on the basis of political proportionality, changes to IDB appointments after council elections may occur where the political composition of a council changes.

Q1.2 How do local authorities make decisions about appointing representatives to the IDB boards?

Factors accounted for in the appointment process

A small number of AM interviewees reported that appointments to outside bodies were governed by the 'Widdecombe Rules'. These rules reportedly require that external council appointments are split, pro rata, between the political parties represented on a council.

Predominantly, interviewees (of all types) reported that geography was the most common consideration in the appointment process; i.e. whether or not an IDB fell within, or overlapped with, a council ward.

Usually board members sit on boards that fit within or overlap with their area.

(AM)

In many cases, AM interviewees reported that geography was a key factor in their being an IDB board member, and in a small number of cases suggested that they were expected to fill these positions.

Other factors reportedly considered by local authorities included council role – for example, an AM interviewee suggested they had volunteered because they held the council's environment portfolio; and councillor interest in flood risk, whereby some councillors in wards affected by flood risk reported that they had volunteered for the role.

Capacity as a factor in board appointments

In a small number of cases, AMs and DSOs reported that they found it challenging to supply sufficient councillors to meet the demands for councillor board members of outside bodies. More specifically, in relation to IDBs interviewees reported that local authorities containing multiple IDBs could find it challenging to ensure council representation. In some cases, the problem is compounded by the size of boards – larger boards mean a need to supply more board members.

...when you've got ones that have 25 members in total, you know, and we've got to fill 13 seats. It just seems a bit ridiculous. It just seems a bit overkill, really, that there has to be so many. You know, if they could all [board sizes] be capped at, let's say, 17 or something, and then you only have to fill six or seven members.

(DSO)

In one case, it was reported that it had been decided that the authority would limit the number of councillors appointed to each IDB board in their area.

Other reported responses to addressing capacity issues included councillors sitting on multiple IDB boards and councils appointing non-councillors, for example parish councillors, to AM roles.

Expertise

In a small number of cases it was reported that AMs had been selected, or self-selected, on the basis of individual expertise and experience. For example, some AMs were appointed on the basis of having a farming background or civil engineering expertise.

We've got a guy that worked for the [name of an environmental organisation] for donkey's years. Absolutely brilliant.

(CEO)

In some cases, these individuals were ex-councillors or others who had had an association with the board and whose expertise it was felt useful to retain, but who were not eligible to stand as EMs.

One or two haven't been re-elected to the council, but the council have still actually reappointed them to the board. I think they value their input and the work that they've done on the board

(CEO)

Although, as described above, some local authorities were taking expertise into consideration when making appointments, no local authorities were found to be conducting any formal assessment of potential appointees. One DSO interviewee suggested that any screening of potential appointees would only serve to increase the challenge of making all of the necessary appointments.

IDB engagement in the process

The survey found that most IDBs (78 per cent, n=85) do not engage with the appointing local authority to help them identify suitable people with expertise to appoint to the board.

In the case study research, many CEOs and EMs suggested that they had no knowledge of the process by which appointments were made. Some suggested that the process was a 'political' one and that they considered it in-appropriate for an IDB to engage in this process.

For those IDBs (n=25) who reported (in the survey) that they did engage with the local authority on the appointment of board members, the most commonly reported approaches were:

- Informal conversations (n=10); and
- Issuing a list of suitability criteria for local authorities to consider (n=12).

One case study IDB reported that the CEO and DSO work closely together to identify appropriate appointees. The DSO stated that this was the policy of the local authority.

A small number of other instances of IDB engagement in the appointing process were identified, but these were less formal and involved the CEO having informal discussions with representatives of the local authority regarding the skills needed by the IDB, or to suggest particular individuals that they felt may be suitable appointees.

Q1.3 Perceived effectiveness of the appointment process

All interviewees were asked about their perception of the effectiveness or otherwise of the process for appointing AM board members. A mixed range of views were expressed in response.

Many interviewees (all types) reported that the process was effective or worked 'well enough'. Some, though, qualified their remarks to make it clear that they meant the process appointed 'good' people, but that this did not necessarily mean that all vacancies were filled.

I believe the process works appropriately at the moment. That's a way of putting it. In terms of being able to fill all the vacancies, we fail that miserably.

(AM)

However, many EM interviewees and, to a lesser extent, CEOs expressed concern about the effectiveness of the process. A particular concern expressed by these respondents, was that new AMs were often felt to be lacking the necessary knowledge or experience to effectively contribute to the operation of the IDB. One AM interviewee also identified this as an issue. Others noted that the process could result in some AMs being nominated, despite them having limited interest in IDBs.

I get the impression that there are certain members who are very enthusiastic, very strong advocates as far as IDBs are concerned, and understand the local issues as far as drainage very well. There are others who are not so enthusiastic, even though the IDBs are specifically important for their particular areas, their wards or parishes or whatever. I think there's a bit of a mixed bag.

(DSO)

There is no clear correlation between the involvement of IDBs in the appointment of appointed board members and the extent to which it was perceived to be effective. For example, in the small number of cases where the IDB engaged in the appointment process, interviewees had mixed views about the effectiveness of the process.

Q1.4 Are there any local authority governance issues that restrict officers or specialists being appointed to IDB boards?

The survey data indicates that the vast majority of AMs (92 per cent, n=86) are local authority councillors (see Q2.3 below), with only two per cent being local authority officers and six per cent appointed from other stakeholder organisations.

The research did not identify any restrictions on the appointment of officers or specialists, but the case studies suggest that, for many of the interviewed IDBs, the extent to which local authorities were willing to appoint officers or specialists to IDB boards was linked to the interviewee's perception of the role of AMs.

Specifically, where there was a strong sense of the AM's role being to hold the IDB financially accountable, there was seen to be less scope for a local authority to make non-councillor appointments.

Appointment of parish councillors

Survey participants identified parish councils as the main source of non-councillor representation on IDB boards, and many local authorities involved in the case study research reported that they were either appointing, or actively considering appointing, parish councillors to IDB boards. One DSO, following a review of the IDB appointment process by the local authority, suggested that they were doing so to help them to meet the demands of outside bodies for councillor board members.

...we realised that there was a problem. The [redacted] of the council was trying to find appointees for us from within her group. So, it was the [redacted] who decided that we would actually open it out to the [redacted] parish councils.

(DSO)

Views on the appointment of local authority officers

Not all case studies generated views on the use of local authority officers, but the small number that did held mixed views. One CEO was resistant to their involvement on the basis that there would be conflicts of interest with their role as a council officer. Another AM, in a different IDB, suggested that officer appointments would not be appropriate because they saw an AM's primary responsibility as being to ensure that the IDB was held financially accountable.

In the few instances where officers had been appointed, they were engineers and their expertise and area knowledge was highly valued by other board members. In one IDB, the practice of appointing an officer had been stopped as a result of financial constraints, and the CEO and EM both suggested that this was a significant loss to the IDB and the local authority.

There was an excellent local authority officer who attended, and he knew the subject, which made a big difference. So, we think we had a great benefit. It was a mutual benefit for both sides.

(CEO)

Q1.5 How is the competency of specialists (co-opted board members) assessed?

As shown in the response to Q2 (below), the appointment of specialist board members is unusual within IDBs, with only eight per cent of IDBs (n=88) reporting that they had co-opted members. No evidence was found of any formal assessments of the competency of co-opted members, with the selection process being reported as informal. Examples referred to in the interviews included:

- An accountant from a business within the IDB area who was co-opted owing to the significance of their business to the operation of the IDB; and
- A conservation specialist who was co-opted in order to fill an identified gap in terms of ecological expertise.

Q2. What is the make-up of IDB board membership?

Q2.1 What is the make-up of IDB board membership across elected, appointed and co-opted members?

As reported in Q1.5, only eight per cent of IDBs (n=88) have co-opted non-voting members on their boards (Figure 2). Where they do, members are drawn from a range of backgrounds including:

- Site manager of Royal Society for the Protection of Birds (RSPB)
- Natural England representative
- Local National Farmers Union (NFU) representative
- A former council AM with an interest in, and experience of, drainage matters.

The survey findings revealed that most IDBs (79 per cent, n=88) have fewer than 24 seats on their boards, with 19 being the average number of seats per board (this is in line with IDB1 returns, showing an average of 18 seats in 2018). Only three IDBs have 35 or more seats, with the largest having 45 seats.

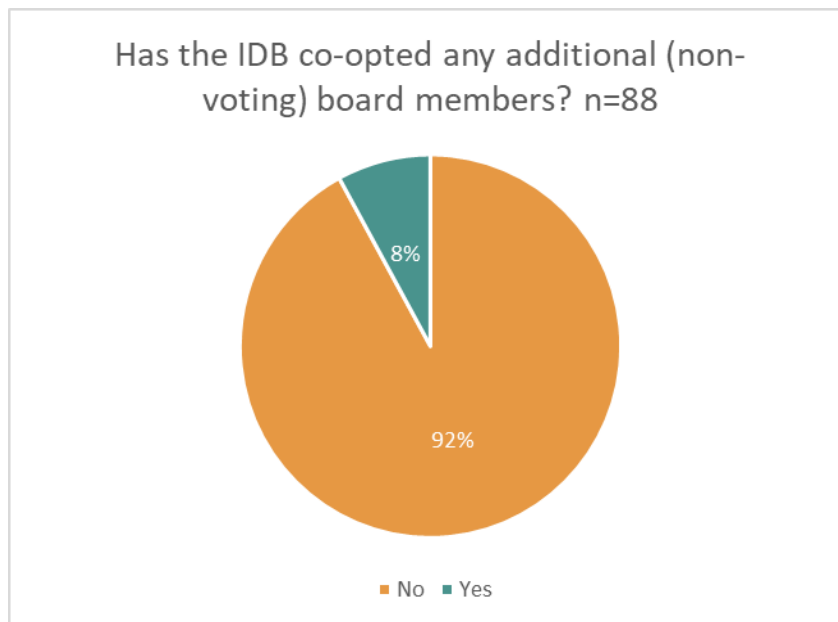


Figure 2. Co-opted members

Q2.2 Which specialist areas are covered by the membership?

Interviewee thoughts regarding the skills and expertise needed by IDBs

The interviews included discussion of what skills or expertise were felt to be needed by IDBs. There were no clear distinctions between the responses from different types of interviewees, or between different types of IDB.

The most commonly identified types of skills/expertise needed by IDB board members included:

- Detailed local knowledge of the drainage systems in the IDB area – with EMs commonly relied upon to provide this
- Technical skills (financial – including budget setting and management, project management, and legal skills; understanding of issues such as by-laws, health and safety, human resources and data protection)
- Project management
- ‘Soft’ skills and/or personal characteristics (‘common sense’; enthusiasm; interest in the subject; communication and diplomatic skills)

While there was broad agreement on the types of skills and expertise required by IDB board members, some interviewees from small IDBs (annual income of less than £100,000) suggested that the skills required by individual IDBs would vary depending on the size of the IDB (in terms of area covered) and the range and complexity of their management challenges.

A particular distinction was drawn between IDBs where the drainage management was mostly or wholly gravity-based and those requiring the operation of more complex

management systems. It was also noted by some of the case study IDBs that those with access to expertise from a consortium arrangement are able to function with a more limited range of expertise on the board.

With a gravity system, you don't need high-powered engineers. I mean, usually, it's just somebody to pull a blockage out of a dyke because somebody's fly-tipped some rubbish. You know, that's the sort of thing that we usually have to deal with. If we do have a major operation like replacing a culvert, or whatever, then we've got the expertise on call from the [consortium name].

(CEO)

Access to skills and expertise

In the survey, IDBs reported that board members provided the organisation with access to a wide range of skills and expertise. Alongside knowledge and experience of the locality and local drainage systems, expertise in business/industry, land management and, to a lesser extent, biodiversity/ecology and planning were the most commonly reported areas of specialism covered by board members (Figure 3).



Figure 3. Board member expertise

However, survey respondents, via the answers to open questions, noted that:

Whilst the board has a broad range of skills and expertise, they are not on the board as technical experts and the board commissions specialist expertise via its officers where this is required, e.g. catchment studies, legal advice.

(Survey response)

This view was supported by the majority of case study IDBs, of all types, who indicated that, while generally confident that their boards had no (or limited) obvious skills/expertise gaps, they were not dependent on the board for technical expertise as they also accessed skills and knowledge via IDB staff and/or via consortia or ad-hoc arrangements with larger IDBs.

Skills/expertise gaps – general

In the survey, biodiversity/ecology (43 per cent) and planning (33 per cent) were most commonly reported as the topics on which IDBs would benefit from additional expertise (Figure 4).

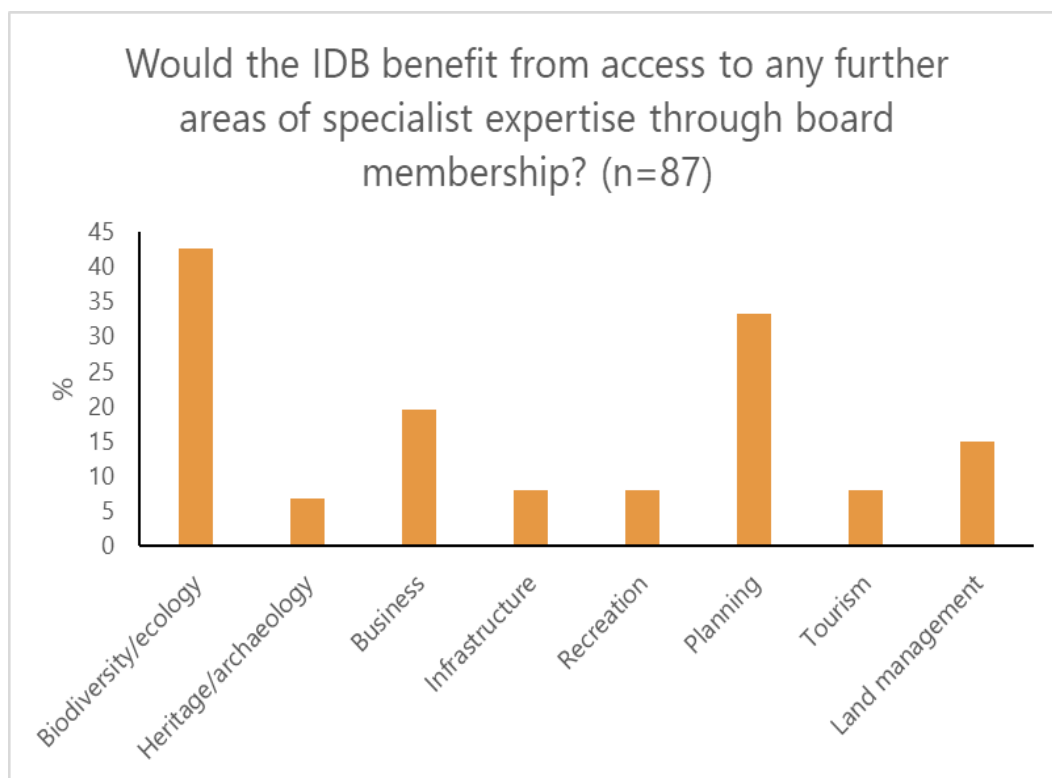


Figure 4. Gaps in board member expertise

These skills were not identified by interviewees as being priorities for board members, but there was widespread recognition of the need to have access to them. A need for more biodiversity/ecology and planning expertise was widely recognised by case study interviewees, although only a small number (in each instance) identified these as being absolute gaps in their IDBs expertise.

One AM expressed concern about whether their board was too focused on routine operational issues and less able, or inclined, to take a more strategic medium- to long-term perspective. This interviewee suggested that this had two principal negative effects:

- A tendency to stick with established practices and approaches. This resonates with others' comments about the need for board members to have an openness to new ideas and be comfortable in questioning why things cannot be done differently.
- The board being less likely to be on the lookout for funding opportunities to support the work of the IDB.

We operate fantastically as an operational board, but what we don't do is operate effectively as a risk management body.

(AM)

While this view was not directly supported by other interviewees, there was a clear tendency among most interviewees to focus on routine operational matters when responding to interview questions.

Impact of gaps

Case study interviewees provided limited insight into the impacts of identified skills/expertise gaps. The most significant reported issue, identified by a small number of interviewees, referred to concerns about having insufficient expertise to respond adequately to planning applications within the IDB area. It was suggested that an inability to represent IDB concerns effectively may have a negative impact on the drainage system in the longer term.

One small IDB reported that it was heavily reliant on external support, including from neighbouring larger IDBs and from external consultants. This was a source of concern for both the EM and AM, with the EM suggesting that decisions were not always well informed and that the board were sometimes reluctant to follow the advice that it received.

How gaps are filled

As noted above, there are several ways by which boards address gaps in skills and expertise. These include:

- Through membership of a consortia
- Establishment of contractual arrangements with consortia or larger IDBs
- By procuring or retaining specialist consultancy. Many reported bringing in consultants for specific jobs involving, for example, health and safety, ecology and law. Others indicated that they had retained external consultants for frequently required services such as engineering or surveying.
- In a small number of case study IDBs, bringing in co-opted members to address identified gaps in skills or expertise.

Many IDBs reported using a combination of these approaches.

Future skills needs

Some interviewees expressed concern about what they perceived as the increasing complexity of the demands being placed on IDBs. Specific concerns related to health and safety, data protection, and duties that they feared may be devolved to them via changes in national policy. One CEO envisaged that, if this continued, it would lead to further expertise being required.

At the local board level, we're okay. General management committee – that can get a bit more complex at times. At the moment, I sit on it and the vice chairman. I think we're coping. As life does become, all these things become so complex at times. One wonders if we'll continue with the understanding of it all.

(CEO)

Only one large IDB reported that they had systematically reviewed their future skills requirements, in this instance in line with the future strategic direction of the IDB.

Q2.3 What proportion of local authority members are councillors and what proportion are officers?

The survey data indicated that the vast majority of AMs are local authority councillors (92 per cent), compared to six per cent who are local authority officers and two per cent who are from other stakeholder organisations (Figure 5). Some of the factors behind this are discussed in response to Q1.2.

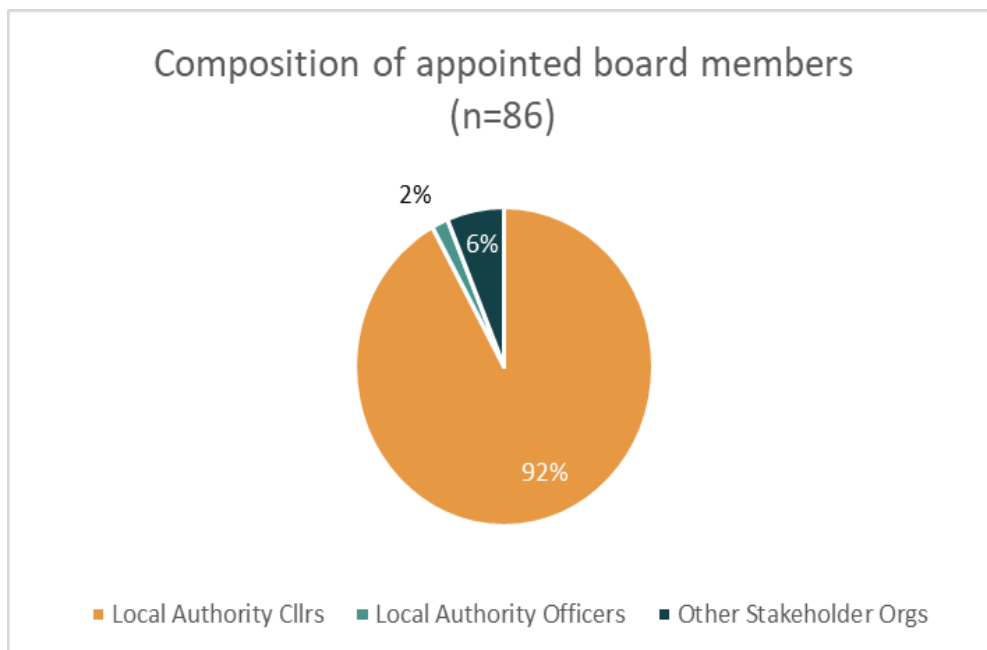


Figure 5. Composition of appointed board members

Most local authority officers who are board members are also flood risk management officers or highways/drainage engineers (Figure 6).

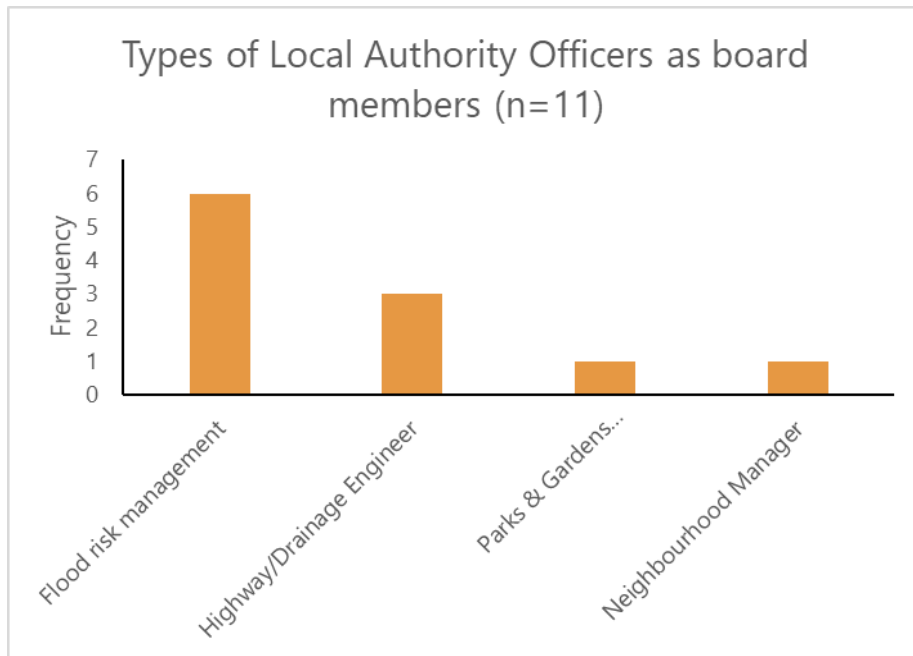


Figure 6. Types of local authority officers on boards

Other stakeholder organisations mainly include town/parish or district councillors, followed by environmental bodies (e.g. wildlife trusts, RSPB, River Trust or Natural England representatives) (Figure 7). This mix is consistent with previous findings in the ADA Survey (2012).

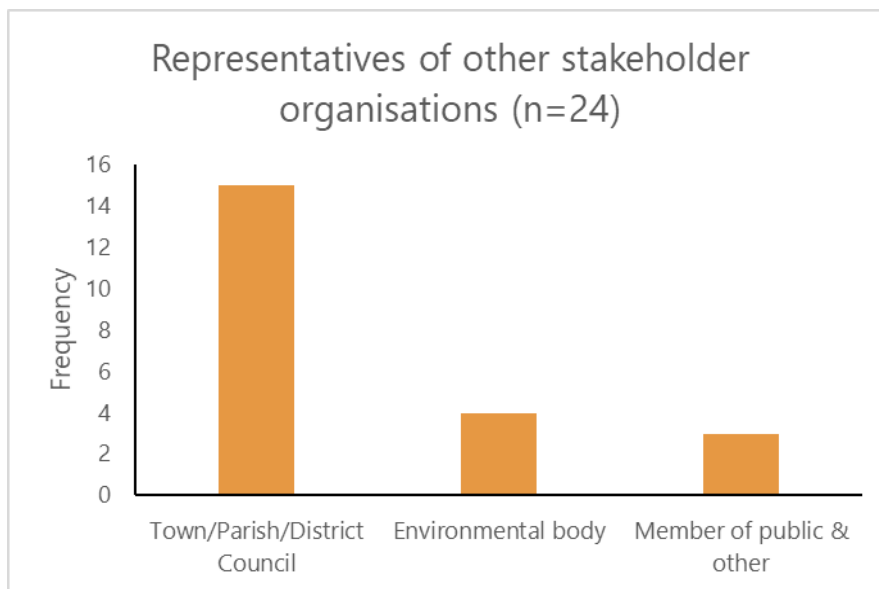


Figure 7. Other organisations represented on boards

Q3. Why are there differences in the make-up of IDB boards?

Q3.1 Why are there differences in the number of elected, appointed and co-opted members between IDB boards?

The number of board members on individual IDBs varies across the country. Such variation is inbuilt and is determined by the constitution of the IDB (which sets the number of EMs) and the proportion of income derived from the Special Levy (a payment made by local authorities, which determines the number of AMs).

The survey found that 38 per cent of boards reported having EM vacancies and 45 per cent reported having AM vacancies (n=87). Boards were most likely to have larger numbers of vacancies for AM than for Ems (Figure 8). Seventeen per cent of boards had more than five vacancies for AMs, compared to three per cent of boards with more than five vacancies for EMs.

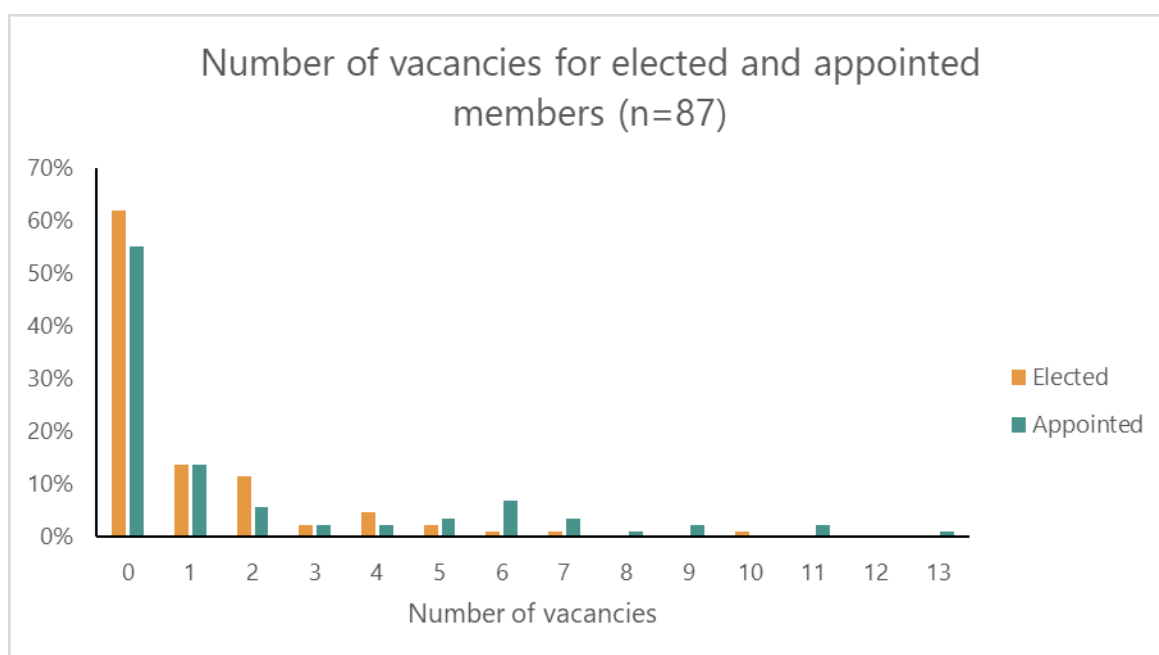


Figure 8. Number of vacancies for elected and appointed members

A small number of case study IDBs reported that they deliberately maintained a number of vacant seats. For example, one IDB reported difficulties in securing the defined number of AMs and had agreed with the local authority that the authority would only fill a proportion of their allocated seats. In another case, an IDB had determined that the official board size was too large and had decided to operate with a smaller board. Another IDB reported that they did not regard board vacancies as a problem, with one interviewee suggesting that the regulations governing board size were outdated.

Co-opted members are non-voting board members who may be brought in to meet identified gaps in skills and expertise, but in practice this option is rarely exercised by IDBs. Only a small number of case studies provided observations regarding the use of co-opted members.

As noted under Q2.2, interviewees reporting that they had co-opted members stated that they had been brought in to address specific issues. One smaller IDB noted that they had been unable to identify any members to co-opt within their area.

Q3.2 What factors are associated with having higher numbers of local authority and co-opted members?

As described in the section 2.4 above, some case study IDBs were selected on the basis of having low or no AM vacancies. Interviewees' views on why this was the case were consistent and included:

- AMs representing flood-prone wards and therefore perceiving importance and value in representing their area
- AMs in rural areas often have associations with land management, e.g. perhaps being farmers or ex-farmers and therefore having an above average level of interest in the work of IDBs
- Continuity of service, i.e. AMs having held their council or parish council position for a long time and therefore not being required to give up their IDB board position.

One IDB reported that their local authority had taken a decision to appoint local parish councillors (as well as some local authority councillors) to ensure that the authority was able to fill its allocated seats.

Q3.3 What factors influence vacancy rates?

Elected member recruitment

The case study research suggests that the EM recruitment process is often quite informal. EMs frequently reported that they had been approached and invited to join the board by their IDB's CEO. In many cases, EMs and CEOs reported that EM elections were often uncontested and that appointments were effectively a formality.

The case study interviews revealed that there is a very low turnover rate among EMs, and identified many examples of EMs serving for 40 years and above. Many EMs reported that they had followed their father onto the board; this type of succession often happened when the latter were moving into retirement.

I replaced a local farmer who had been the chair for 47 years; I think he followed his father [who served] for a similar length of time.

(CEO)

One IDB CEO noted that one reason for the low turnover of EMs was the absence of potential replacements. While the experience of older, longstanding members was generally valued, most IDBs expressed concern about where the next generation of board members would come from, and many reported some level of challenge in recruiting new EMs. The most common reasons given for this included:

- The concentration of land into fewer and fewer individuals and businesses, and the consequent reduction of people eligible to become EMs
- A decline in willingness to serve on boards, of any type, and to give up spare time for 'public service'
- The suggestion among a small number of interviewees (EMs) that a perception that their IDBs run smoothly leads people to feel there is no need to get involved.

Appointed member recruitment

One IDB reported having a 'waiting list' of potential AMs wishing to join their board, but many case study IDBs reported that their local authorities found it difficult to fill all of their AM board seats. The most commonly cited reason for this was that local authorities simply lacked enough councillors to meet all of their allocated seats.

In some cases, the relative lack of councillors was caused by the presence of multiple IDBs within a local authority area – one DSO reported having to appoint 34 AMs from a pool of 39 councillors, and noted that the number of councillors was being reduced at the next election. In another area, the 15 AM seats on one IDB equated to one third of all councillors in the area.

In other instances, a small number of IDBs reported that sitting on IDBs was not a popular option among councillors. Reasons given for this included a lack of interest in IDBs, a lack of understanding of their role, and IDBs (in some areas) having a low political profile – a finding consistent with the ADA survey (2012).

I mean, I've been dealing with outside bodies for over [XX] years now, and appointing to the internal drainage boards in particular has always been a problem. I think one of the valid points that some of our members make is they don't really understand what it's about, so they don't feel that they're going to bring much to the process if they are appointed.

(DSO)

Other factors influencing board vacancies

Reductions in available grant funding for IDB operations was another factor reported as a contributing factor in board vacancies and recruitment challenges. One CEO suggested that there used to be more grants available for significant works to improve drainage, but that this funding had decreased, meaning IDBs were now mostly focused on maintenance. This was seen to have lessened the level of interest in getting involved with IDBs.

Another factor was the perception of how interesting – or not – the work of a given IDB is. One interviewee suggested that larger, more complex, IDBs were more interesting for board members, owing to the range and scale of the challenges that they face.

The CEO of one small IDB suggested that they had no problems filling board vacancies because of the close-knit social network in their area.

Q4. What role does a wide and diverse board membership play in the performance and effectiveness of IDBs?

Views on composition of the board

As reported under Q2.2, the IDB case studies recognised the need for boards to possess a wide range of skills and expertise and felt able to provide most of this from within their own ranks. Interviewees (all types) reported that many of what were identified as being the core practical skills required by an IDB – local knowledge of drainage and water management systems, as well as practical understanding of key issues such as machinery purchase, contractor management, and business and finance skills – were mainly provided by EMs.

A small number of interviewees (CEOs and EMs) stated that they felt they would like more EMs on their board as they valued their ‘eyes on the ground’ and practical experience. Some of these interviewees also suggested that AMs held too much sway in decision-making. For example, in one case, where AMs were in the majority, the EM felt that this led to an undue focus on urban rather than rural interests; while in another, the EM felt that AMs were sometimes a barrier to implementing necessary works because of financial concerns.

An alternative view, expressed by one AM where EMs were in the majority, was that it would be preferable for EMs to sit in a non-voting capacity. However, this was an isolated view and the research did not uncover any widespread concerns among AMs about the balance of opinion on boards. Indeed, several AM and DSO interviewees reported that they did not feel it necessary to fill all of their allocated seats to ensure that their views were represented.

That's the comment they [councillors] make. They don't actually need to have that high level of representation to get their points across by virtue of, whatever you call it, historical circumstances, legislation or whatever.

(DSO)

Most AM interviewees valued the skills and expertise of Ems, and many reported that they would often defer to their expertise on practical and operational matters. This was particularly the case where the professional background of the AM meant that they felt

they were not well placed to contribute to board discussions. A small number of AMs indicated that they viewed EMs as the primary decision-makers for the IDB because of their local knowledge and expertise.

I would defy anybody to be able to walk into one of those meetings and tell them that they're doing it wrong, unless they happen to be a farmer themselves.

(AM)

Interviewees' views on the role and value of AMs varied by type. A small number of AMs said they felt they were there to help ensure that the IDB did not ignore the needs and concerns of non-rural issues. The predominant view among AM interviewees, across all of the IDB case studies, was that their role included the following:

- Acting as a two-way conduit to facilitate the exchange of information between their local authority and the IDB; for example, on planning matters, and the communities they represented in their wards or parishes
- Ensuring that the IDB runs effectively and efficiently, and that money is 'well spent'
- Representing council interests, providing oversight and ensuring that the precept is well spent.

When asked about the role of AMs, non-AM interviewees identified the same three functions, but reported varying views on how effective they felt AMs were in delivering them.

Many EMs, and a small number of CEO interviewees, expressed that their IDB needed to have better communication with local authority officers, in particular planning departments. Some, however, suggested that while they saw the facilitation of such linkages as an important function of AMs, in practice it either did not happen or did not happen effectively. One DSO interviewee also questioned the effectiveness of AMs as conduits between their IDB and the local authority, suggesting that this was because councillors could be prone to be parochial in their concerns.

The interviews with DSOs indicated that, in many cases, AMs do not report on IDB matters, and that there is a lack of a formal feedback mechanism for ensuring the effective interchange of information between IDBs and local authorities. One DSO noted that in ten years of attending full council meetings they could not recall a question being raised about IDBs.

Yes, I mean, on our full council meetings we always have a standing item, which is members can ask questions of outside bodies. IDBs would be one of those. I think, from recollection certainly in the ten years odd I've been working in the committee, there's never been a question raised at IDBs or anything like that. So we haven't had to have members respond to anything.

(DSO)

One DSO noted that they were considering introducing a requirement for councillors to provide formal reports in order to ensure that non-IDB board members (other councillors) would have sight of IDB activity.

Many CEO and EM interviewees reported that their experience suggested that AMs saw financial oversight of the IDB as an important part of their role (this was confirmed by the AM interviews). While these interviewees recognised that AMs had a role in ensuring that money was 'well spent', in a small number of cases, it was suggested that AMs sometimes failed to appreciate that they had a responsibility to put the interests of the IDB above those of their authority when acting as a member of the IDB board.

The wrong type of appointed member can just be thinking for themselves and for what the council wants. Once they're on a board, they are actually there as a board member. That can be a problem sometimes... if a councillor disagrees with something the board is doing from a council point of view, he should declare an interest and probably not be on the board. Once you're a board member, even though you're an appointed member, your loyalty at a board meeting is to the decisions of the board.

(EM)

Elected Members have expressed concern, they consider the appointment of Local Authority Officers to be in a "policing" role, to reduce expenditure where possible thereby reducing the special levy impact on local authorities irrespective of £100,000 year on year budget increase for EA/IDB precept.

(Quote from Survey)

The ADA Survey (2012) also found a small number of boards reporting concerns about the inclination of AMs to place the interests of the local authority over the interests of the IDB communities.

As previously noted, in the small number of cases where local authority officers or specialists had been appointed or co-opted, their inputs appear to have been highly valued.

While gender issues did not emerge as a significant issue in the research, one interviewee highlighted that boards tended to be predominantly male, and that this may be challenging for some female members and off-putting for some potential female board members. That gender issues were not prominent in the research may well be indicative of the population bias referred to in the limitations (section 2.6).

Views on board size

As noted in Q3.1, a small number of case study IDBs had decided to operate with smaller boards. In some cases, this was in response to challenges they had faced in securing board members, but in others it was a matter of choice. Some of those who have taken this path did not report any impacts on the board's ability to function. However, one IDB,

which had changed its constitution to almost halve the size of the board, emphasised the importance of balancing a manageable board size against the need to ensure that they maintained the necessary skills and expertise of board members, and the geographic coverage of EMs – a view echoed by some other interviewees.

One case study IDB with a large board reported that the number of board members could have implications for meeting management, with more voices making it harder to get through agenda items. In response, they had established sub-committees who were tasked with dealing with undertaking investigatory work and then feeding back recommendations to the main board.

Turnover and implications for the functioning of the board

All IDBs reported that turnover rates for board members were low, especially for EMs. In most instances, interviewees who commented on this matter felt that this was beneficial. Reasons given for this included AMs having time to develop useful understanding of the subject matter and issues addressed by the board, and the retention of local knowledge. For example, one interviewee recalled having been involved in the installation of a set of pipes 25 years previously and was now involved in their replacement.

However, a small number of interviewees queried whether the low rates of turnover may have some negative effects; for example, by constraining innovation, leading boards to focus on routine rather than strategic matters, and a gradual reduction in skills/expertise as the experience of older members becomes less relevant.

To just point out the problem a little bit more, out of the six farmers, one is over 90, one is over 80, and a couple of them are over 70. It's very difficult to get people of that age – says he who is 66 – to change their ways and accept that we are duty-bound by these financial regulations. You know, they'll just say, "We've been looking after these marshes for 50 years. My dad looked after this marsh." It's very difficult to get them to move.

(EM)

One EM interviewee noted that their son had told him he would not join the board until his father had moved on, as he did not wish to participate in the conversations of 'old' men.

Q5. What factors influence active engagement in IDBs?

The survey found that average attendance at board meetings was 60 per cent (n=85) (Figure 9).

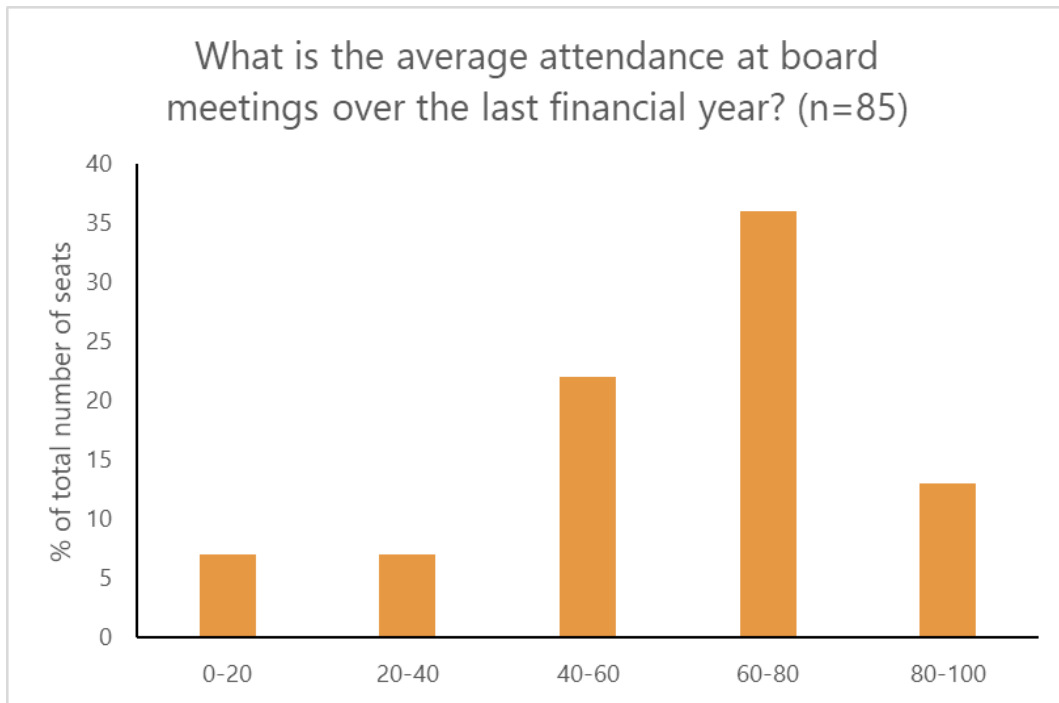


Figure 9. Average board attendance

No significant correlation was found between attendance levels and board size, or the number of board vacancies.

Q5.1 What are the factors that influence active engagement, including attendance at meetings, by board members?

Factors reported as positively affecting attendance

Case study interviewees reported a mixed range of views as to the factors that **positively** affected meeting attendance. The most commonly reported included:

- Organising meetings to avoid busy times in the farming calendar. This was noted as being difficult to avoid when meetings are set every two to four months, but was reportedly addressed by some IDBs that planned their meeting schedule around the agricultural year.
- Avoiding known council commitments (e.g. meetings of full council). One IDB reported scheduling meetings two years ahead to help members avoid diary clashes
- Meetings being well chaired and run
- Members being genuinely interested in the work of the IDB – reasons given included personal interest and commitment to the area, interest in the work of the IDB, and vested interest in the successful performance of the IDB
- Holding meetings at convenient times and locations.

One IDB reported that, in the past, flooding events had helped to bolster attendance.

One IDB CEO reported that their local authority had appointed substitute AMs, who attend meetings if the AM is unavailable.

Factors reported as positively affecting engagement

Case study interviewees (CEO, EM and AM) were predominantly of the opinion that those EM board members who attended meetings engaged effectively in discussions and decision-making. The picture was more mixed with regard to AMs. While a small number of IDBs reported that AM engagement was good, the predominant view was that AM engagement was lower than that of EMs, and in some cases that it was poor and ineffective.

Many AM and EM interviewees reported that meetings were well chaired and that this was a factor in ensuring that board members were engaged. The reported benefits of a good chair included good timekeeping, ensuring that meetings are open and not dominated by 'loud' voices, and allowing all members the opportunity to interject. In some IDBs, there was evidence that AM induction and training sessions were considered useful by AMs.

A small number of IDBs reported that the small size of their board helped to facilitate board member engagement; some members of large boards also reported high levels of member engagement.

Survey respondents reported that the most significant factors affecting the engagement of AM members were the profile of flood risk management, incidence of flooding, and the reputation and profile of the IDB (Figure 10). However, none of these were reported as factors contributing to engagement by case study interviewees.

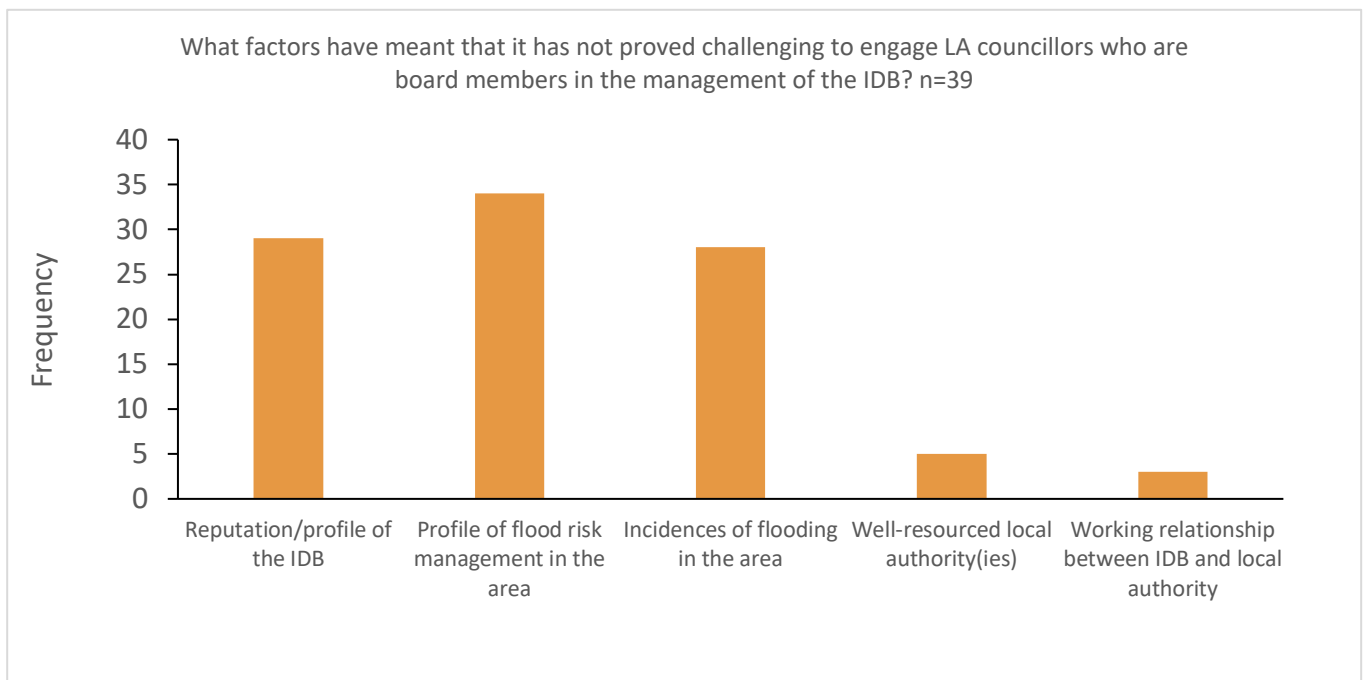


Figure 10. Factors that have enabled the engagement of local authority councillors in the management of IDB boards

Q5.2 What factors influence less active engagement by members?

Factors reported as having a negative impact on attendance

Case study interviewees reported the following as factors which **negatively** impacted on their ability or inclination to attend board meetings:

- Meetings clashing with busy times in the agricultural calendar and/or with council meetings
- Daytime meetings (reported as clashing with working AM commitments)
- Lack of interest (an issue identified by many interviewees as being responsible for poor attendance by AMs)
- Being unavailable due to holiday commitments and/or illness.

One AM reported that they felt that it made no difference whether or not they attended board meetings. A small number of IDBs suggested that some AMs felt that they saw little point in attending as other AMs would represent their views.

Factors reported as contributing to low engagement levels

Over 50 per cent (n=83) of the IDBs who responded to a question on the challenges associated with engaging AMs, and in particular councillors, reported they find it 'a little challenging' or 'very challenging' to engage them in the management of the IDB, e.g. through attending and contributing effectively to board meetings (Figure 11).

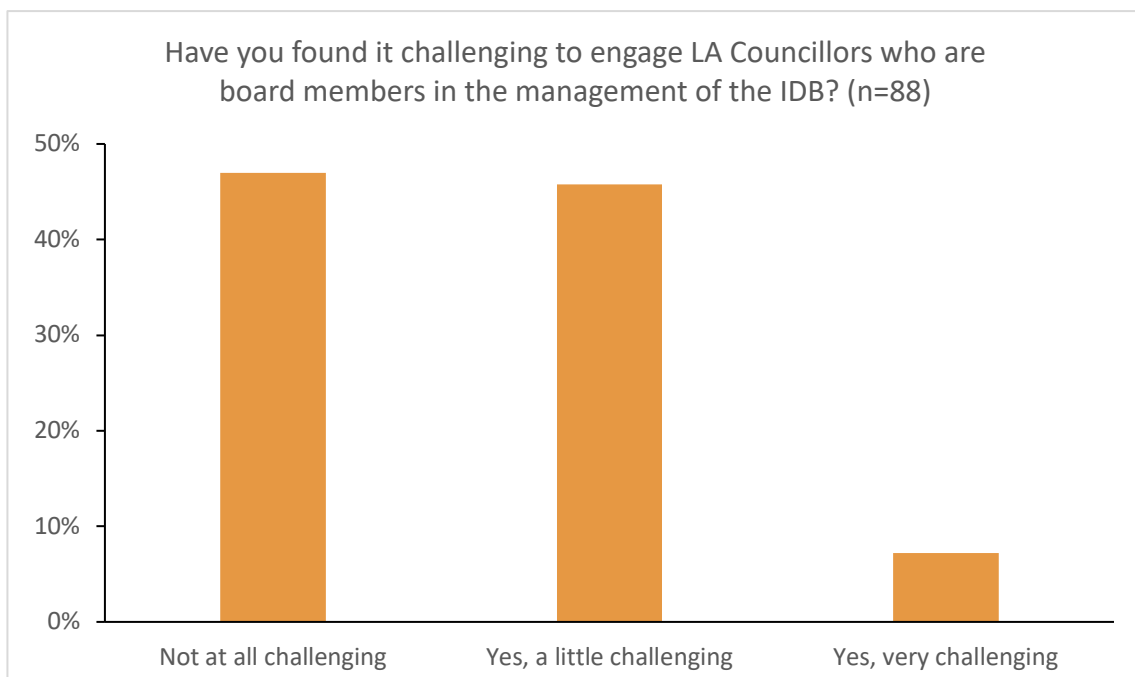


Figure 11. Level of challenge associated with engaging local authority councillors in IDB management

The main challenges reported in the survey were time constraints, followed by IDB business being seen as a low priority by AM councillors and lack of interest (Figure 12).

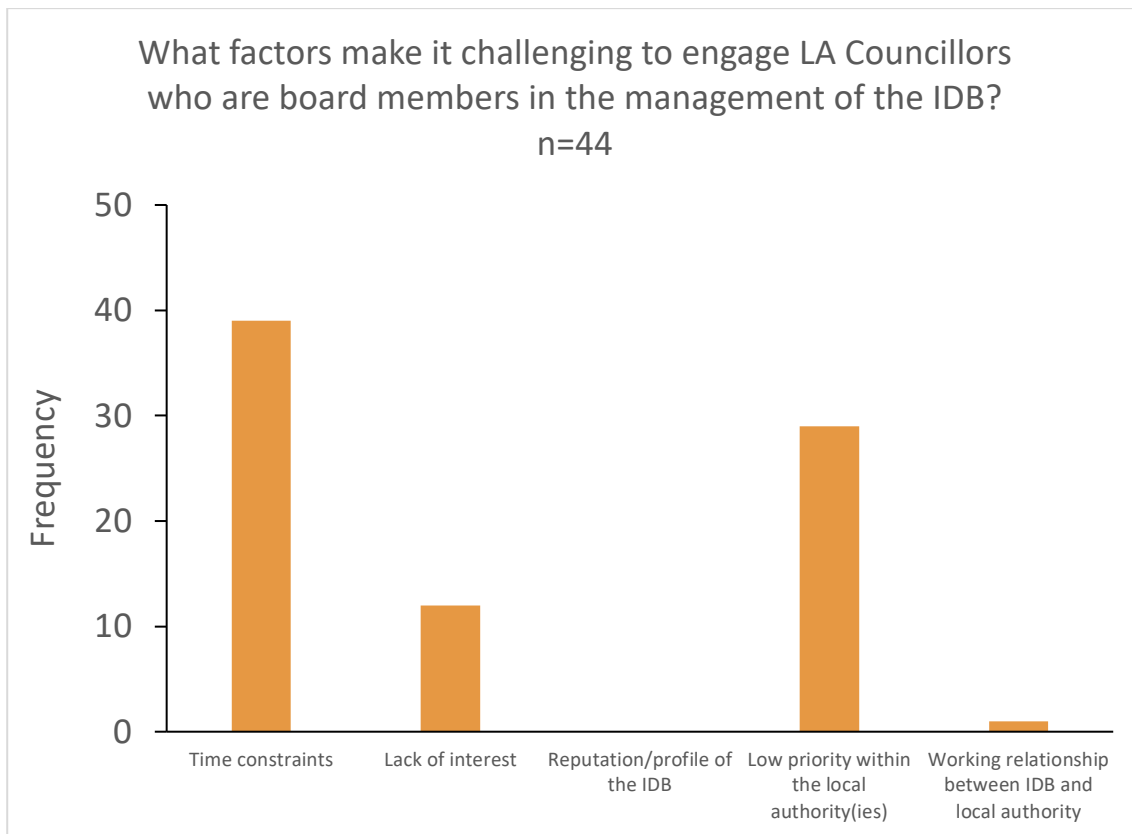


Figure 12. Factors that make it challenging to engage local authority councillors in the management of an IDB

A small number of interviewees reported that time constraints were an issue that affected their engagement with their IDB. In some cases, this was linked to the time that meetings were run; for example, instances were reported of boards holding daytime meetings and AMs not being able to attend owing to work commitments.

How can I put it? It's not seen as something [AM role] that people particularly prize, I wouldn't have thought, particularly if you're a working councillor, as I am. It means you've got to take the day off work to do this, so you lose a day's leave to do this. Those retired councillors, I think, it doesn't make much difference to.

(AM)

While many EMs and CEOs praised the commitment and contribution of AMs, it was evident that some were regarded as disinterested, with interviewees often suggesting that they had a mix of effective and less effective AMs. Some DSO interviewees also reported varying levels of interest among AMs.

I get the impression that there are certain members who are very enthusiastic, very strong advocates as far as IDBs are concerned, and understand the local issues as far as drainage very well. There are others who are not so enthusiastic, even though

the IDBs are specifically important for their particular areas, their wards or parishes or whatever. I think there's a bit of a mixed bag.

(DSO)

Many AM interviewees noted that they felt the professional background and local knowledge of EMs meant they were often better placed to comment on IDB matters. All types of interviewee noted that AMs could initially struggle with the subject matter, and a small number of AMs noted that they had to not be afraid to ask questions. Many interviewees, however, noted that AMs become more able and inclined to engage over time.

Q5.3 Are there issues that prevent officers or specialists from acting formally on the behalf of the local authority?

A small number of EMs and CEOs reported having current or previous experience of working with local authority officers (sitting as AMs) and valued their input. In one case, an officer no longer attended board meetings. This was attributed to local authority cutbacks and a decision by the council to confine the officer to working on local authority work only. Another DSO noted that they felt it was unlikely that their council would be interested in providing officers as board members, owing to resource constraints. Other interviewees stated that it was simply not something their authority had considered.

I don't think we've ever been asked for an officer. If we were asked for an officer, I'm not quite sure how that appointment would be made.

(DSO)

One IDB CEO suggested that it would be inappropriate for an officer – in this case, a local flood risk manager – to participate in IDB board meetings as there would be a conflict of interest between their 'day job' and their board membership.

IDB insight on the use of specialists was also limited to responses from a small number of interviewees. Those that had appointed specialists reported that they had found it useful. Some IDBs reported that their board included volunteers who were not subject experts per-se, but were involved as a result of having relevant experience and expertise.

One DSO expressed concern about the use of specialists, noting that this had been discussed in their authority, but dismissed on the basis that they were not confident about their ability to represent the local authority's position.

We could end up in a situation where, because of other factors, they might have an agenda themselves that we might not know about. They would be our representatives, so we could be tarred with a brush if they started to be a bit of a loose cannon and do things which weren't necessarily appropriate.

(DSO)

Q6. What good practice can be identified in establishing and maintaining a wide IDB membership and encouraging a high attendance at board meetings?

Q6.1 What good practice can be identified in establishing and maintaining a wide IDB board membership including specialists?

Most IDBs registered some level of concern about the current and future recruitment and retention of board members, both AM and EM. As a result, much of the discussion around good practice focused on how best to maintain and sustain the viability of boards.

IDBs identified two key challenges in terms of board membership:

- Securing future EMs (to replace an ageing membership) when faced with a diminishing pool, caused by the concentration of land in fewer hands of ever-busier landowners
- Sustaining AM membership in the face of increasing demands on councillors' time and, in some cases, a diminishing number of councillors.

The level of challenge and concern varied by IDB, and interviewees offered a range of potential solutions. Many interviewees suggested that the number of board members should be reduced or capped (12-15 was suggested by some as a workable number), and that doing so would help to address the decline in EM availability and difficulties in securing full quotas of AMs. One DSO noted that this would assist their council in dealing with a projected decline in councillors.

We actually have elections in May this year, which will be all out, and we're going down from 39 to 28 councillors because of a boundary review. So, it will be more important to use the fewer councillors that we have more effectively.

(DSO)

Some IDBs noted that they felt smaller boards were more effective in governance terms as they made for a more streamlined decision-making process. One large IDB noted the value of having a larger board, as it brought a greater range of experience and expertise to the table; however, they also reported having previously almost halved their board size, to 20.

As has been reported elsewhere in this document, many IDBs – including some of those who indicated that board sizes should be reduced – reported that they had or were considering drawing on parish councillors to address deficits in councillor AM numbers, and this was seen as good practice.

Many IDB interviewees reported concerns regarding their ability to meet what they described as an increasingly onerous administrative burden, with interviewees referring to health and safety, data protection and national policy. Some reported that, in addition, they faced increasingly complex demands on their time.

It's not just the farmers looking after their own ditches, drains, maintenance pumps or whatever it may be. There are other decisions which are more commercial regarding planning permission, or in the [Organisation] case, the industrial side of business, which actually has a lot of big companies that basically are very professional and require a professional attitude from us.

(EM)

A small number expressed concern about their ability to meet these growing demands, and some reported that they were already failing to operate in accordance with Defra requirements.

In response to such challenges, some smaller boards reported that they were considering joining consortia. Other interviewees commended this approach, as it enabled the attainment of economies of scale while removing the need for a large number of board members. Some IDBs reported that they had found it beneficial to buy in expertise and other forms of assistance from larger IDBs – something that some larger IDBs, who supplied such services, felt was a 'win-win' situation. However, interviewees from two IDBs that had joined a consortia felt that this had reduced the effectiveness of service delivery in their area.

Others noted the benefits of accessing expertise via consortia, while some consortia reported being able to 'sell' their services to smaller boards as beneficial. Another benefit would be to reduce the need for board members.

A small number of interviewees queried the ability of IDBs to respond to external demands in a 'professional' manner, and wondered whether their IDBs, as currently constituted and run, were fit for the present day. For example, one interviewee reported that their board did not meet regularly enough to allow them to deal with all of the issues they needed to address.

We have too much to do and the board isn't designed in the right way in that case, and the fact that obviously if you had more meetings with smaller groups of work parties maybe you could work through some of these decisions. Trying to do it all in one meeting a year is pretty impossible.

(EM)

A small number of IDBs had found that operating sub-committees to address specific issues and priorities enabled them to become more responsive, but noted that this demanded more of board members. One IDB reported that they co-opted farmers and land managers onto sub-committees, both as a source of additional support and as a way of generating potential new EMs.

Q6.2 What good practice can be identified in encouraging a high attendance at board meetings?

This question has been largely addressed under Q5.1 and points made there are not repeated here. Other examples of good practice (actual and proposed) were scarce.

Many interviewees recommended that IDBs engage with their local authorities regarding the recruitment and attendance of AMs, and some DSOs suggested that a system for reporting on AM attendance could be useful.

A small number of AM interviewees reported that they had found training and briefing notes useful, and others (who presumably had not received training) indicated that they would value training. Several survey respondents acknowledged the ADA's *Good Governance* guide for IDB board members, and proposed training as being useful in engaging members on governance issues, raising the profile of governance with IDB members and reinforcing advice given by clerks.

One DSO suggested that there was a need to improve awareness of the role and importance of IDBs, and that this would help in encouraging AMs to attend.

4. Discussion and suggested actions

As noted in the introduction to this report, the specific aims of this research were to:

1. Identify and assess how local authorities can support greater IDB accountability via their role in appointing IDB board members
2. Understand the factors that influence IDB governance; in particular, understand how some boards have a wide and diverse membership with active engagement by members.

This section provides a review and discussion of the key findings, organised under these two main headings and four thematic sub-headings, before concluding with the identification of a series of proposed 'next steps' for consideration by Defra. The discussion draws on the ADA's *Good Governance* guide (2019) to enable comparisons to be drawn between reported views and practices, and accepted good practice.

4.1 Identify and assess how local authorities can support greater IDB accountability via their role in appointing IDB board members.

4.1.1 Interviewees' views on the role of appointed board members

AMs role in relation to financial accountability

The research found some evidence of tension associated with the role and responsibilities of AMs on IDB boards.

Local authority interviewees (DSOs) reported that they routinely allocate councillors to act as board members on outside bodies and provide guidance to councillors to ensure that they understand their role when sitting on non-council boards. Examples of such guidance were examined as part of this research; these stress the need for councillors to remember that, when sitting on outside boards, they are obliged to act in the best interests of the board, rather than those of the local authority.

This separation of responsibilities was recognised and acknowledged by some AM interviewees but did not appear to be fully understood by others, some of whom suggested that they saw their role as being to hold IDBs to account and, in particular, to provide financial oversight and scrutiny – to protect council and local taxpayer’s interests. The existence of this view among at least some AMs was identified by many non-AM interviewees, who reported that believed AMs placed local authority financial interests above the priorities of the board. In some cases, this was reported as a source of tension between board members. For example, the qualitative research identified cases where funding was a source of political tension (within a local authority and between the authority and IDB), where a council’s political leadership were resistant to IDB proposals for a rise in the precept owing to its impact on council funding and spending priorities. In such scenarios, it is clear that AMs – the majority of whom are councillors and therefore hold some form of political affiliation – may be placed in a difficult position.

The research did not generate any simple solutions to this issue, but the findings suggest there may be a need to do more to ensure that AMs are aware of their duties to the IDB board. More specifically, they should have access to guidance on how best to exercise appropriate financial oversight, and how to recognise and address tensions that may arise between their obligations as a councillor and as an IDB board member. It may also be useful to ensure that EMs have access to this information to ensure that they understand the challenges faced by their AM colleagues.

The research suggests there may also be potential value in ensuring that AMs are provided with more general training regarding their IDB role. There is evidence that AMs (and EMs) were often unclear about issues such as the potential for co-opting members, the number of vacancies expected to be held by local authorities on a board, and other relevant matters.

The role of AMs in communicating information to and from IDB boards

The ADA *Good Governance* guidance (2019) suggests that an important function of board members is to bring relevant local issues to the attention of the IDB. This function was recognised and identified in the case study research, but a small number of IDB interviewees (EM and CEOs) reported that they did not feel AMs were effective in this role. A particular concern for these IDBs was that they did not feel AMs were effective in

enabling them to engage with local authority officers, particularly planners, on issues affecting the IDB.

Those AMs who reported that part of their role was to report on local matters occasionally reported that they communicated information on relevant local authority activity; however they tended to focus communicating issues that related to their own electoral wards and communities.

While ensuring that local matters are communicated is acknowledged as a key function of AMs, the research suggests that opportunities may be being missed for AMs to establish effective links between the IDB and the local authority on matters of strategic interest to the IDB. One reason for this may be that the most commonly reported selection criteria for councillor AMs is that they represent wards covered by the IDB on whose board they sit. As such, AMs may not be involved in or have clear sight of matters considered relevant to their IDB, as they may not sit on planning or other relevant committees.

The research suggests that AMs are not required to report back to their local authority on IDB matters. It is not known whether this is common across local authorities, but it is considered worthy of further investigation. The *ADA Good Governance* guidance (2019) recommends that two-way reporting mechanisms be in place, and some interviewees suggested that a reporting mechanism may better enable the development of links between IDBs and local authorities. Conceivably, the introduction of such a mechanism may enhance the role and value of AMs, both in the eyes of other board members and among AMs themselves.

4.1.2 Board member recruitment and retention

AM recruitment

The qualitative research indicates that filling board seats, both AM and EM, is a significant challenge for the case study IDBs, and one which is becoming increasingly difficult to address.

The most significant issue reported by case study interviewees was that local authorities found it hard to identify sufficient councillors to fill their allocated seats. This was a particularly acute issue for local authorities whose area included multiple IDBs. A key factor appears to be that IDBs are effectively competing with other outside bodies for councillors to act as board members. Compounding this, the research found some evidence to suggest that IDB board membership was often not seen as a popular option by councillors, owing to the nature of the IDB's business, a lack of understanding of the role of IDBs, and their low political profile. Conversely, incidences of flooding are associated with higher levels of interest in IDBs.

Some interviewees suggested that more effort needed to be given to raising the profile of IDBs, both among councillors and the wider community, and this was suggested as a way of making board membership a more attractive proposition for potential AMs (particularly

councillors). There was some support for this view in the survey, where the reputation and profile of the IDB was reported as being the third most important factor in ensuring AM engagement with IDBs¹². IDBs being a 'low priority' was reported as a reason for non-engagement by almost a third of respondents (n=44).

Use of non-councillors as AMs

Some local authorities reported that they had looked to address a shortage of councillors by appointing parish councillors as AMs. Aside from ensuring representation, one benefit of this approach was reported as being that parish councillors were well placed to identify and report on local community issues and views.

In a smaller number of cases, it was reported that the local authority had re-appointed ex-AMs (who had previously been officers or councillors) and ex-EMs (who were no longer eligible to stand as an EM). The case study evidence is limited, but these measures appeared to be deemed satisfactory by those who reported on them, and the approach is suggested as a 'good practice' response to the challenge of filling AM seats. The only concern expressed about the use of non-councillors was that substitutes may not be well placed to represent the views of the local authority – an observation which provides further evidence of a misunderstanding of the role of AMs on IDB boards.

The inclusion of local authority officers on IDB boards was seen as a positive thing by the few interviewees who had experience of this (with one exception), owing to their (the officers) ability to bring expertise and direct links with local authority activity. In some cases, interviewees reported that officers had been withdrawn from boards owing to staff cutbacks and the need to focus scarce officer time on council priorities. However, given the infrequency of board meetings (the reported range was one to four meetings per annum) and the reported benefits of their inclusion, there would seem to be a case for encouraging the involvement of local authority officers.

EM recruitment and retention

Structural changes, most notably the concentration of land within IDB areas into the hands of fewer, larger landowners, means that the pool of prospective EM board members is diminishing. While EM participation is generally perceived to be good, the system currently appears to be reliant on the goodwill of an ageing generation. Many EM and CEO interviewees were longstanding board members, often retired or semi-retired, and many case studies reported a very low turnover rate among EMs.

A common concern for EM and CEO interviewees was where replacement EMs would come from, and many reported the problem being compounded by a perceived decline in land managers' willingness to participate on voluntary boards. Reported mitigation measures included examples of CEOs persuading board members to continue, owing to a

¹² The response rate to this question was relatively low (n=39), and it may be that one reason for the high profile of an IDB was the incidence of flooding in the area.

lack of replacements, even when in some cases they may prefer to retire from the board. Where replacements were required, many interviewees referred to CEOs having approached potential members directly to invite them to join the board. In both cases it appears that social networks and accrued social capital are important factors in enabling the recruitment and retention of EMs.

Although not widely reported, there was some evidence in the qualitative research that low levels of EM turnover and the ageing nature of the EM population may diminish IDB boards' ability (and perhaps inclination) to respond to current challenges and demands, despite having benefits in terms of continuity, experience and local knowledge.

One CEO reported that they looked to recruit the next generation of board members by recruiting potential EMs onto sub-committees as a way of introducing new recruits to the working of the board. This was reported as working well and may be a good model for others – although, given the reportedly diminishing number of landowners/managers, this may be of limited relevance to other boards.

Other views and responses to board vacancies

Some IDBs reported that they had accepted their inability to fill AM vacancies and had effectively chosen to 'carry' vacancies. In one case, an agreement had been made with a local authority that the board would operate without a full complement of AMs. To ensure balance on the board in this case, it had also been agreed that the board would maintain an equal number of EM vacancies.

Such ad-hoc arrangements may be pragmatic, but are not considered good practice and may, where EMs are left dominant, reduce the accountability of the board. The principle of moving to smaller boards may represent an appropriate response to the challenge of filling board places (both AM and EM), and may also generate other benefits. For example, a number of interviewees reported seeing IDB boards as an artefact of a previous era, and suggested that smaller boards enabled more efficient decision-making.

Not all interviewees favoured smaller boards, with some reporting concerns that this may lead to boards losing access to local knowledge and expertise. An alternative approach being considered by some independent IDBs was to join consortia. This was reported as a potential means of enabling continued local representation, while reducing demands on board members.

4.2 Understand the factors that influence IDB governance; in particular, understand how some boards have a wide and diverse membership with active engagement by members

4.2.1 Appointed member attendance and engagement

Factors affecting AM attendance and engagement

Concerns about reported poor attendance and engagement of AMs, in at least some IDBs, was one of the drivers for commissioning this research. The survey found that average attendance rates were estimated at 60 per cent, but a significant number of IDBs reported lower – and in some cases much lower – levels of attendance. The survey also found that more than 50 per cent of IDBs reported finding AM engagement to be challenging or very challenging.

Case study interviewees (all types) regularly drew a distinction between AMs who attended and whose contribution was valued, and those who did not attend or did not contribute when they did. Some AMs were reported as having never attended a board meeting.

The research suggests that an important factor influencing non-attendance and engagement by AMs is a lack of interest – something already identified as an issue affecting the recruitment of AMs. In some cases, this may result in non-attendance; in others, AMs were reported as attending but not engaging.

Interviews with board members (EMs and AMs) regarding their understanding of their role indicates that EMs are predominantly focused on operational matters – a focus on the need to ‘keep the water flowing’ was a common refrain. Some AMs reported that they had found it challenging to get to grips with board discussions, and others noted that it was unclear to them what value their contribution to discussions would be, if any. It is therefore suggested that, in at least some cases, the nature of discussion during board meetings may deter AMs from attending or engaging with board discussions.

However, there is also evidence that some AMs, while initially cautious about engaging with board business, became more confident and active over time. It is therefore possible that some non-AM interviewees may have confused AMs’ lack of confidence or unfamiliarity with the nature of board discussions with disinterest. Reported mechanisms for building confidence and expertise included induction sessions and training events for new board members, and there was some recognition of the value of such support and evidence of demand for it among AM interviewees.

Scheduling

Another reported reason for non-attendance was scheduling clashes; for example, IDB meetings clashing with council meetings or holidays. There were also some reports of meetings being scheduled during the day, something that was felt to be a barrier to working AMs, who would be required to take time off work to attend. It is possible that scheduling clashes are being used as a convenient excuse by less interested AMs for non-attendance; however, ensuring convenient scheduling, with meetings agreed well in advance, was identified as good practice by some IDBs and would seem to be an easy measure to introduce.

Reporting systems

A small number of interviewees (CEO and DSO) stated that they reported on AM attendance or had considered this as a mechanism for encouraging attendance. While only one example was found of this approach being successfully applied, it is suggested that it is worth wider consideration. One DSO interviewee suggested that it could be linked to internal council scrutiny processes.

4.2.2 Diversity and skills/expertise

Skills and expertise – general

Almost all EM interviewees were active or retired farmers, and this was often found to be the case for CEOs. A number of AMs, including some parish councillors, were also found to have a farming background or some relationship to commercial land management or related professions, for example civil engineering. The few co-opted members that were interviewed possessed a mix of land management, conservation and business backgrounds.

The predominant view among case study interviewees was that their IDBs had no major skills or expertise gaps, as the necessary knowledge and expertise was either available via board members or could be accessed through other means. The survey confirmed that board members were seen as providing a wide range of expertise, albeit at widely varying levels, and respondents' comments confirmed the interviewees' view that gaps were filled through the use of external specialists.

Board members are not, as far as we are aware, subject to formal skills assessment, and there is therefore no yardstick against which these research findings can be assessed. However, the NAO (2017) report suggests that a lack of environmental specialists on IDB boards undermines their ability to discharge their environmental duties¹³.

Although not identified as a core skills gap, many interviewees referred to environmental matters and noted that they had or were looking to secure expert support. The need for

¹³ NAO, 2017. *Internal Drainage Boards, Report by the Comptroller and Auditor General*.p.6

such support was echoed by over 40 per cent of survey respondents, who felt that their IDB would benefit from access to more expertise in biodiversity and ecology. In most cases, interviewees reported that they expected to, or were looking to, address their support needs via outside specialists. This view was echoed by comments received from survey respondents.

Ability to deal with regulatory requirements

A small number of case study interviewees from smaller IDBs suggested that their board was struggling to deal with the implementation of regulatory requirements. A small number of interviewees also questioned whether their IDBs would be able to continue to meet the demands on them, with some indicating that this concern had led their boards to consider joining consortia. As stated, these issues were not widely reported on; however, the evidence suggests that at least some IDBs require support in dealing with matters such as health and safety, data protection and transparency.

Addressing skills gaps and improving diversity

In theory, local authorities are well placed to help IDBs address board skills and expertise gaps, as it is understood that they are able to appoint non-councillor AMs, including council officers and members of external organisations, to the board. This is noted in the *ADA Good Governance* guide (2019), which suggests that AM appointments provide councils with an opportunity to:

encourage and facilitate the diversity of membership and relevant interests and experiences on your [the local authorities] IDB¹⁴.

Interviews with DSOs and AMs, however, found that the appointment process rarely took account of the skills and expertise needs of IDBs, with appointments primarily being determined by geography. Indeed, in the majority of cases, there appears to be no contact between local authorities and IDBs in relation to the appointment process: the survey identified that only 22 per cent (n=85) of IDBs engaged with their local authority on this matter.

There seems to be a clear case for encouraging greater engagement between local authorities (specifically DSOs, where in post) and IDBs on the issue of skills. For example, IDBs that have identified gaps in their board's skills and expertise could be more proactive in approaching their local authority and identifying their skills needs.

While local authorities should consider direct responses to such requests, it may also be desirable for them to consider whether the board would benefit from the appointment of other individuals. For example, the appointment of an environmental or other type of specialist might better enable an IDB to respond to specific local priorities. This process

¹⁴ ADA, 2018. *Good Governance for IDB Members*, p.20.

could be facilitated by Defra or ADA through the provision of advice to local authorities as to the range of experience that a board should possess.

As identified in the research, some local authorities may not feel it appropriate to appoint non-councillors, while others may resist the appointment of officers owing to capacity constraints. Even where a local authority is prepared to appoint non-councillors, it will still need to identify and secure volunteers to take on this role. This may be viewed as unduly onerous or simply not possible owing, again, to capacity constraints. In short, local authorities may require external support to identify and secure the involvement of suitable AMs.

4.3 Suggested actions

The following list of actions are intended to address specific issues identified in the research findings. In many cases they are consistent with, and therefore reinforce and validate, existing ADA guidance. Beyond this, they may also be useful in identifying priority areas for action.

- **Raising the profile of IDBs among councillors**

Some interviewees suggested that IDBs have a low profile in relation to the significance of their work, and the research suggests that this, in conjunction with a general lack of awareness of the role of IDBs, may deter potential AMs. Raising the profile of IDBs among councillors, perhaps with the assistance of bodies such as the Local Government Association and the National Association of Councillors may therefore serve as a useful means of bolstering interest among potential board members, or at least encourage greater attention to be given to the question of how best an authority might fill its allocated board seats.

- **Use of non-councillors as AMs**

Several case study IDBs reported that they had appointed non-councillors as AMs. The ADA *Good Governance* guidance recommends that local authorities consider this and the research provides evidence that some IDBs have successfully taken this approach. However, it is clear from the qualitative research that not all interviewees were aware that this was an option, and therefore some effort should be made to ensure wider awareness across the sector. Such efforts may benefit from including information about potential sources of non-councillor AMs and reflections on their respective merits.

- **Addressing skills gaps and ensuring diversity**

Local authorities with responsibilities for appointing IDB board members are well placed to assist IDBs in meeting at least some forms of skills gap. IDBs and local authorities should be encouraged to take a proactive, joint approach to the identification and filling of skills/experience gaps. Local authorities should assess

the merits of officer inclusion on boards, but also consider appointing individuals from external bodies, for example wildlife trusts, where it is felt that this would better enable the IDB to discharge its functions.

- **Clarification of the role of AMs**

The findings suggest that there may be a need to provide guidance (and potentially training) to AMs (particularly councillors) to better enable them to understand and manage the tensions that may arise between their roles as IDB board members and local councillors. It may be useful to ensure that any guidance and training on this topic is also made available to EMs to ensure that they understand the challenges faced by their AM colleagues.

- **AM induction and ongoing training**

The research found some examples of IDBs providing structured induction and training for AMs, and evidence that this was valued by AMs. IDBs should be encouraged and supported to provide this where it is not already made available.

- **Strengthening the role of AMs as facilitators of local authority – IDB engagement**

The research suggests that AMs do not routinely report back to their local authority on IDB matters. In some cases, where there is a strategic convergence of IDB and local authority interests – for example, IDB areas seeing extensive new developments – this may result in missed opportunities for collaboration. It is suggested that greater emphasis be given to the role of AMs in facilitating engagement between IDBs and local authorities. If possible, this should be reinforced by the introduction of two-way reporting systems.

- **Enabling participation**

A number of IDBs reported that they held daytime meetings. The reasons for this were not reported, but this practice was identified as a deterrent for working AMs. Where AM attendance is low, IDBs should be encouraged to engage with their AMs to identify the most convenient time(s) for meetings to be held. For example, daytime meetings may not be convenient for AMs who may be unable, or unwilling, to free themselves from work commitments.

- **Reporting on attendance**

To encourage AM attendance at board meetings, local authorities should consider the introduction of attendance record keeping. This could be linked to internal council scrutiny processes.

- **Fewer members on boards**

Some IDBs favoured reducing the number of board members. One reason for this was to address challenges associated with the recruitment and retention of board members. Overall, however, there were mixed views on this matter. It is suggested that IDBs should be supported to identify appropriate and sustainable responses that assist board member attendance and retention, including reconstituting the size of the board. It is noted, however, that a 'one-size-fits-all' approach should be avoided.

- **Support in dealing with regulatory requirements**

The evidence suggests that at least some IDBs require support in dealing with matters such as health and safety, data protection and transparency. The level of current support is unknown but may need to be extended to ensure that IDBs are complying with their legal obligations in these areas.

4.4 Next Steps

The findings from this report were presented and discussed during a Defra workshop on 3 June 2019. The workshop included representatives from a number of IDBs as well as staff from ADA, the EA and Defra. The event provided an opportunity to discuss, refine and prioritise the report's suggested next steps, and Defra, together with the EA and ADA, are now considering how best to implement agreed actions. Minutes of the meeting are presented in Appendix B.

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APPENDIX A: Presentation of online survey findings



Scope of survey

- Board size, structure and management arrangements
- Level of board vacancies
- Expertise provided by board members
- Attendance at board meetings
- Engagement with local authority councillors
- Engagement with local authority officers
- Engagement with external stakeholders

Survey conducted mid-November to early-December 2018

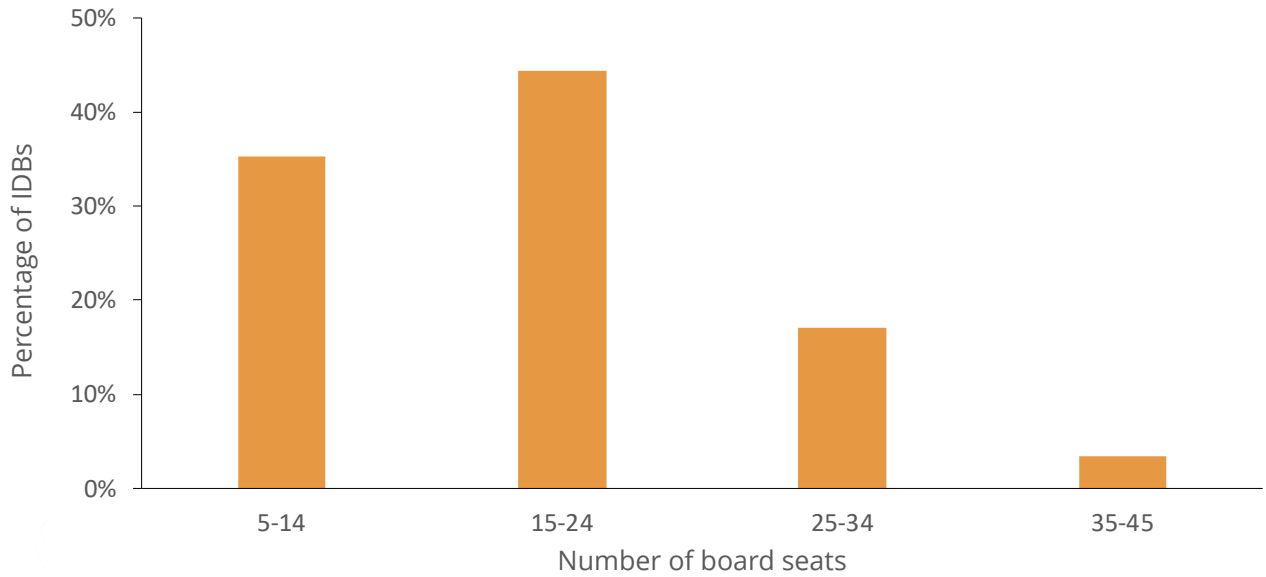
High response rate achieved

Total IDBs contacted	102
Responses received	88
Missing responses	14
% Return rate	86

n=86 throughout unless otherwise stated



Most boards have fewer than 24 seats



Most boards have no vacancies for elected positions

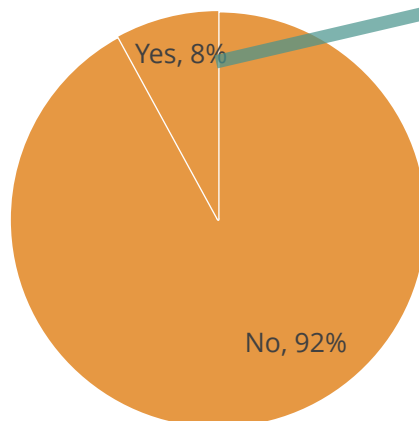
Number of vacancies	Percentage of IDBs
0	62%
1	14%
2	11%
3	2%
4	5%
5	2%
6	1%
7	1%
10	1%

A higher percentage of boards have vacancies for appointed positions

Number of vacancies	Percentage of IDBs
0	55%
1	14%
2	6%
3	2%
4	2%
5	3%
6	7%
7	3%
8	1%
9	2%
11	2%
13	1%

Few IDBs have co-opted non-voting members

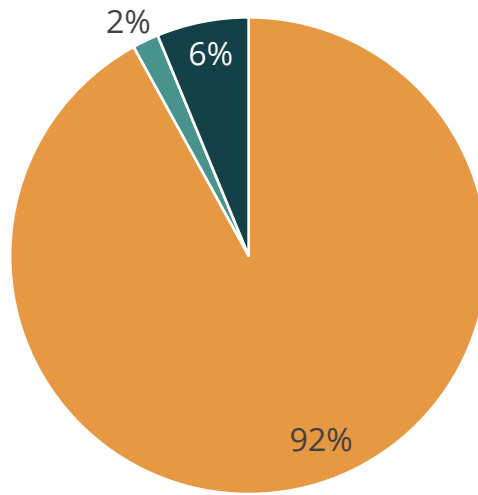
Has the IDB co-opted any additional (non-voting) board members?



Co-opted members include:

- Site manager of RSPB
- Natural England representative
- Local NFU representative
- A former Council appointee with an interest in drainage matters

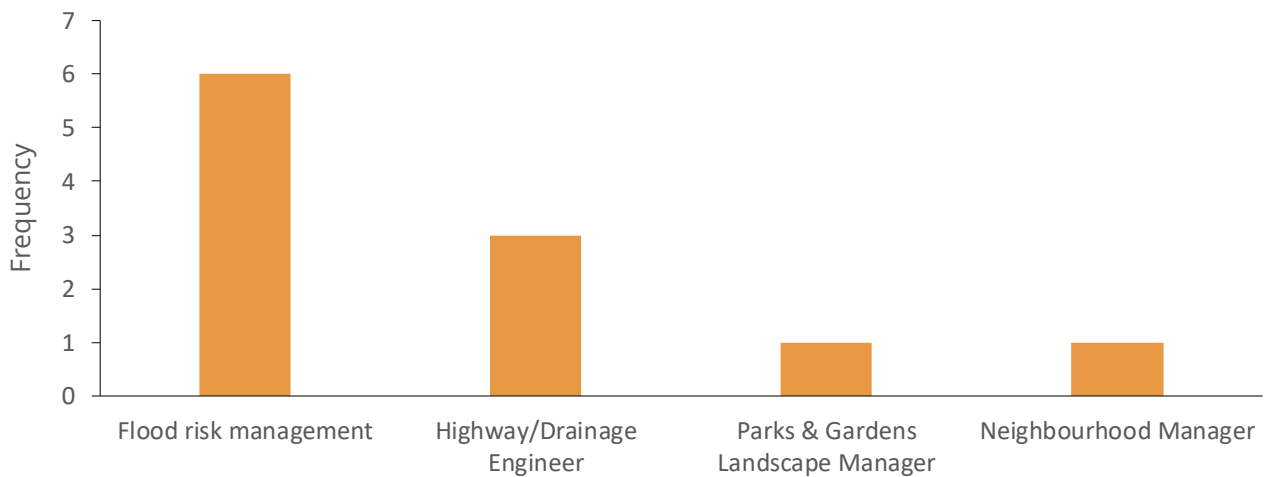
The vast majority of appointed members are LA councillors



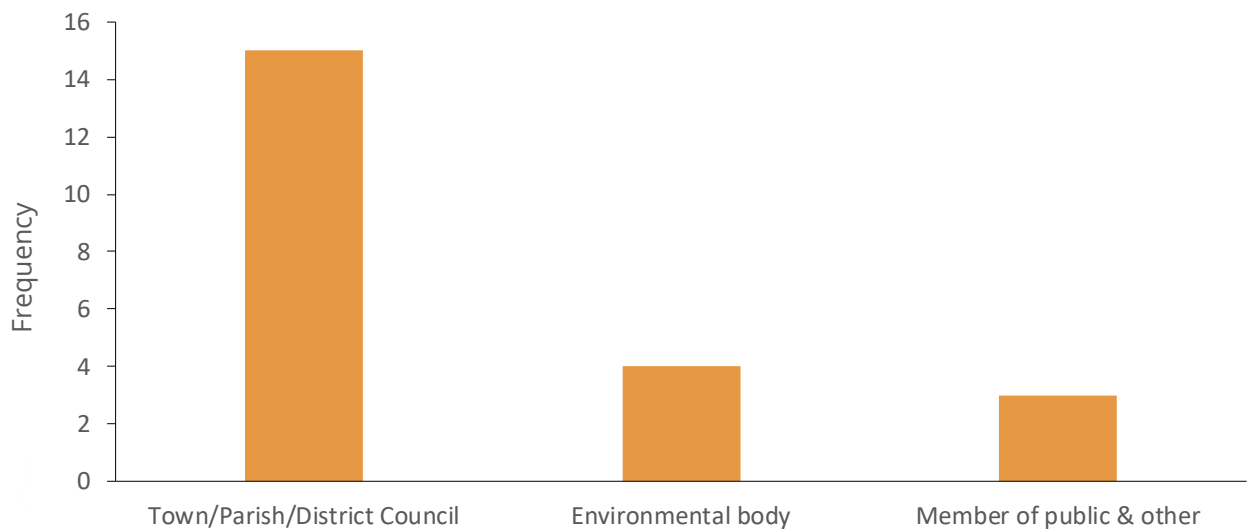
Local Authority Cllrs Local Authority Officers Other Stakeholder Orgs

Most LA officer members are FRM officers or highways/drainage engineers

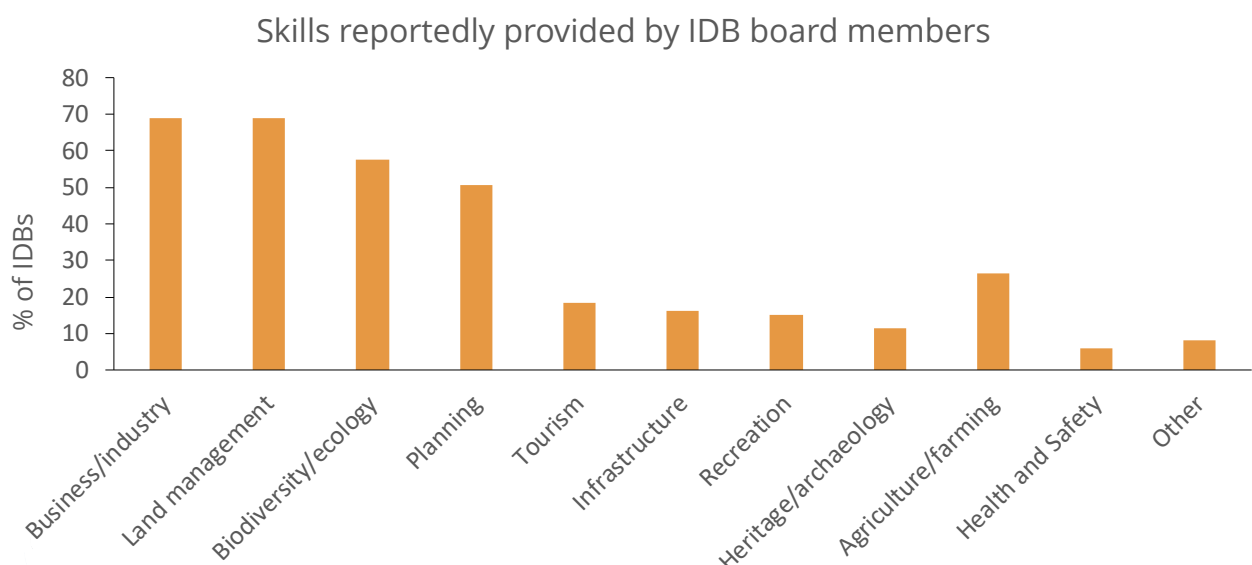
Types of Local Authority officers as board members



Town/parish councils are the principal other type of stakeholder organisation appointed to IDBs

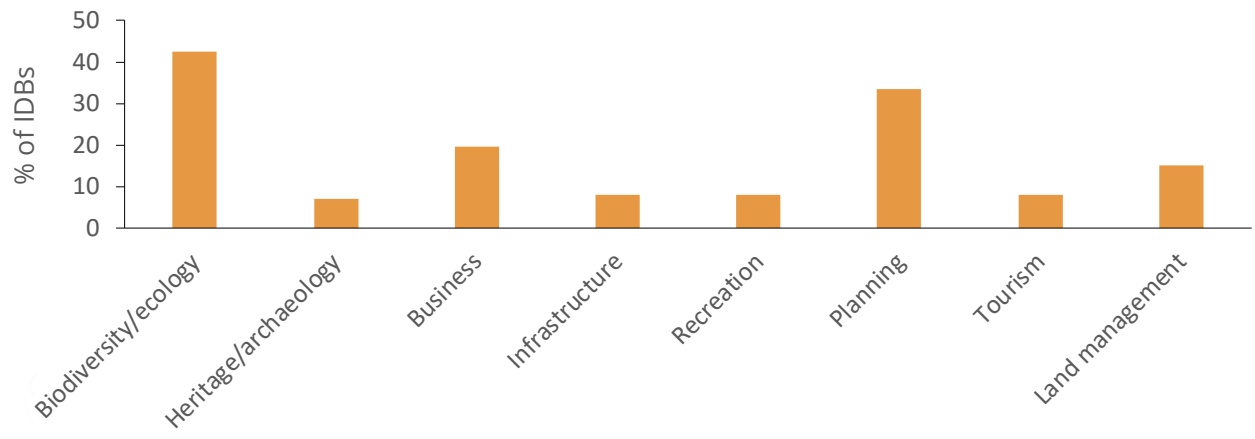


Board members offer a broad range of skills

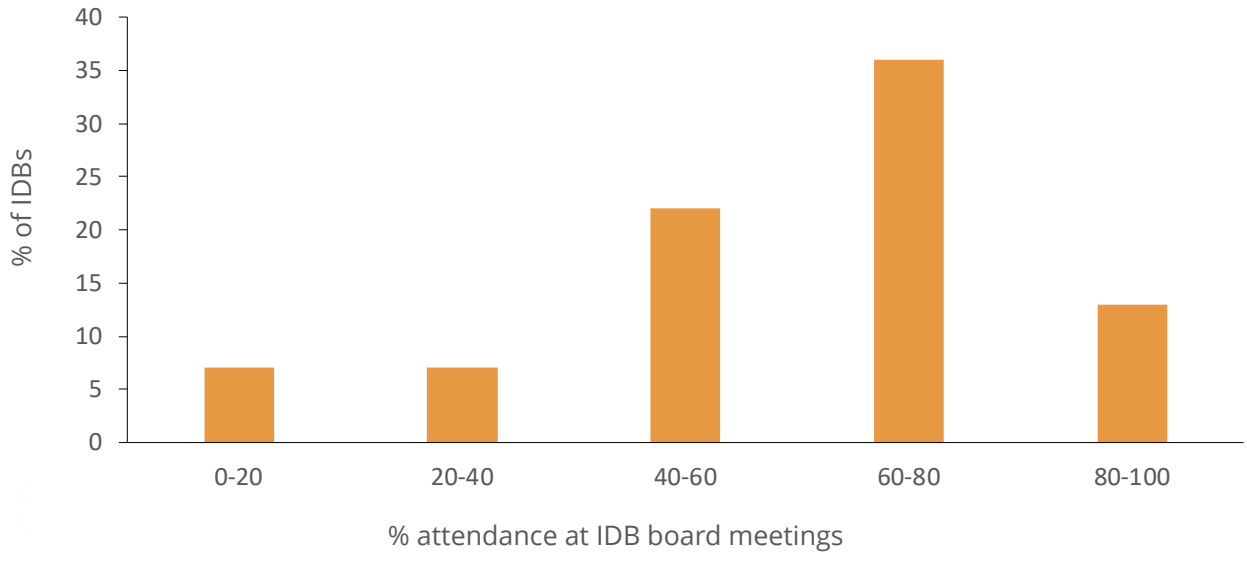


Biodiversity/ecology and planning were most commonly identified as gaps in specialist expertise

Would the IDB benefit from access to any further areas of specialist expertise through board members?

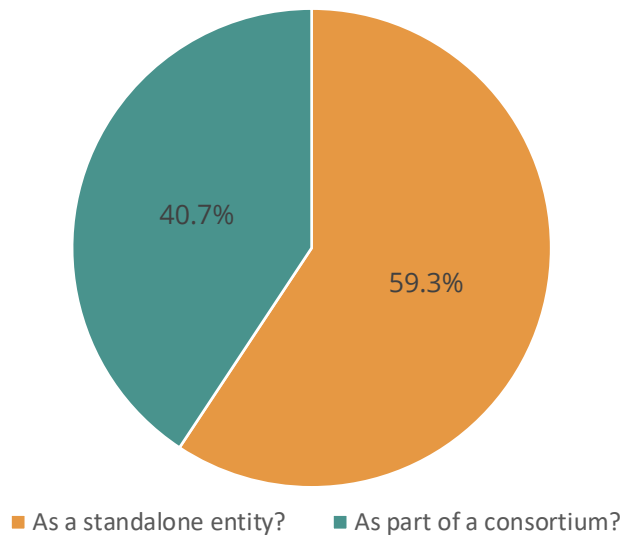


Average attendance at board meetings is 60%



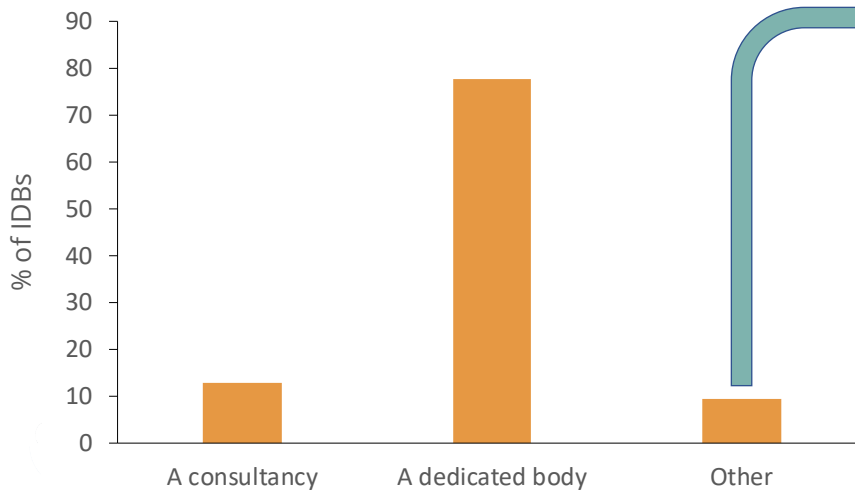
60% of IDBs are managed as part of a consortium

Is the IDB managed...



Most IDBs are managed by a dedicated body

Who is responsible for the management of the IDB?



Others include:

- Accountancy practice
- Land agent
- Limited company
- Rural chartered surveyor
- Solicitors practice

Most IDBs do not engage with LAs in helping them to identify board members

Do you engage with the appointing local authority(ies) to help them identify suitable persons or types of persons that would provide beneficial expertise to the IDB?

Yes	22%
No	78%

"It is a Local Authority appointment"

"Appointments to the board are political"

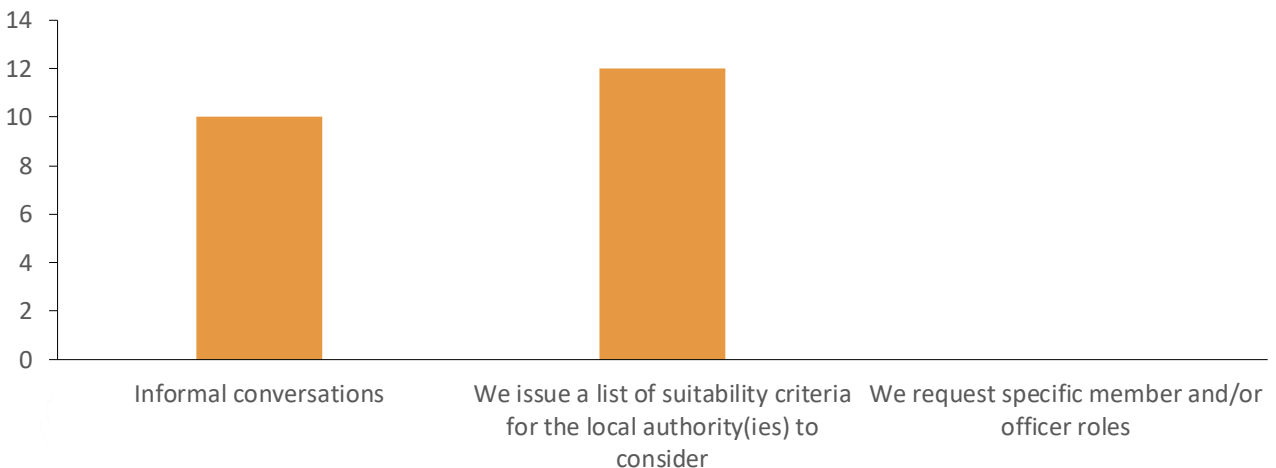
"Councils do not take Boards view into account"

"This is an agricultural dominated Board, it is several years since [AUTHORITY NAME] appointed to its seat."

"We provide information to each local authority.... and rely on them to appoint the most appropriate person(s). Appointments to outside bodies are made on the basis of political proportionality in most Councils."

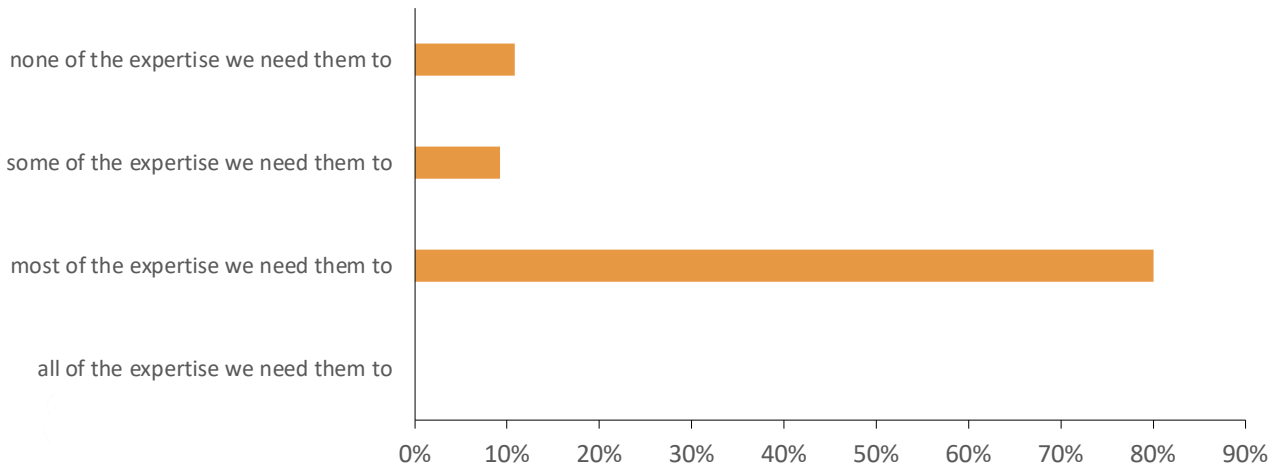
Those who do engage with the appointing LA do so via informal conversations or through issuing a list of criteria

How do you engage with the appointing LA to help them identify board members? n=25



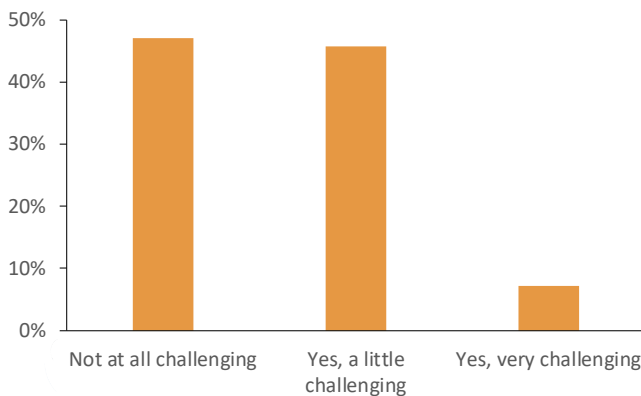
Appointed members do not provide all of the expertise needed by IDBs but in most cases they provide most of it

To what extent does the expertise offered by the appointed board members meet your requirements?



Engaging LA councillors in the management of IDBs can be challenging

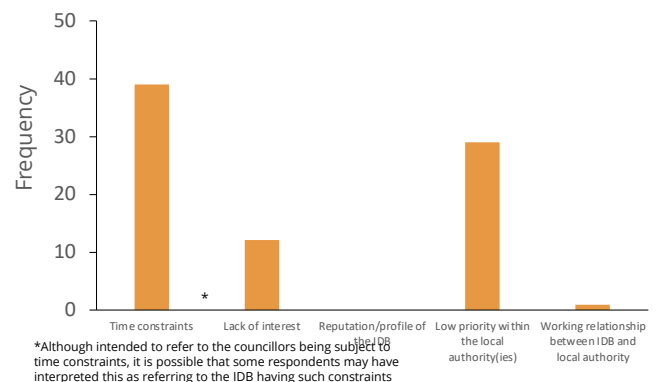
Have you found it challenging to engage LA Councillors who are board members in the management of the IDB?



Time constraints is the principal factor in making it challenging

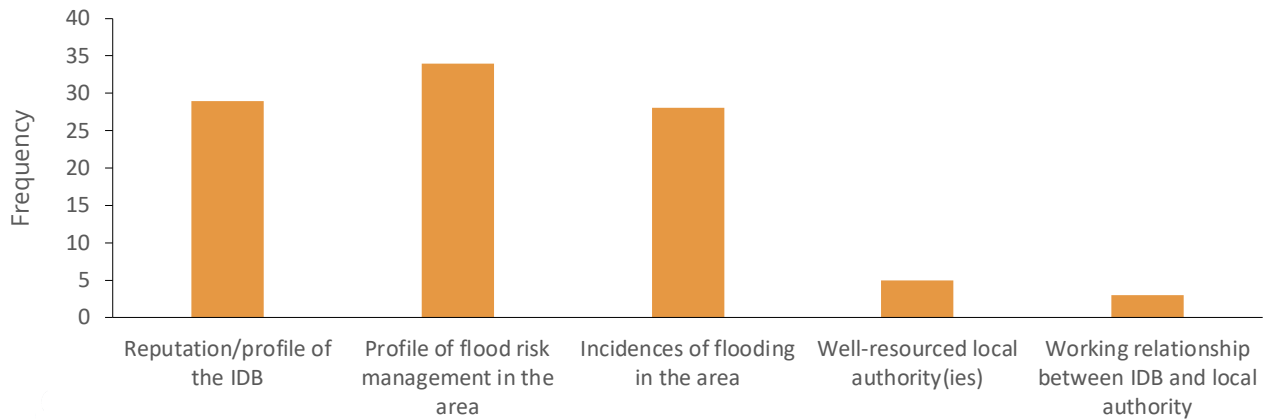
What factors make it challenging to engage LA Councillors who are board members in the management of the IDB?

n=44



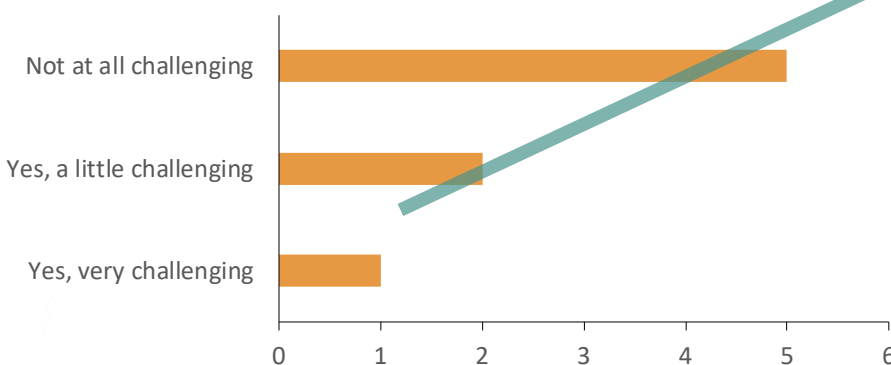
Multiple factors can play a role in making it less challenging to engage LA councillors in the management of the IDB

What factors have meant that it has not proved challenging to engage LA councillors who are board members in the management of the IDB? n=39



Of the few IDBs who have LA officers on their boards most do not report it challenging to engage them in the management of the IDB

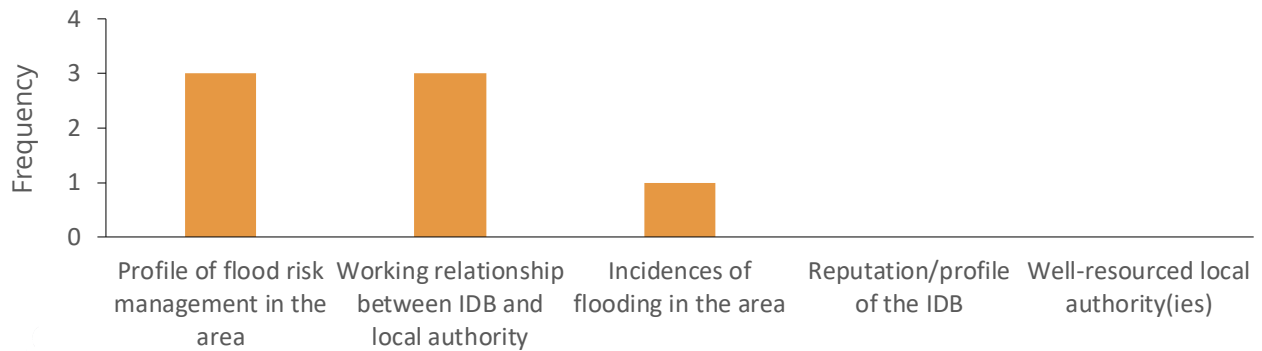
Have you found it challenging to engage specialist LA officers who are board members in the management of the IDB? n=8



Time constraints and the work of the IDB having a low priority within the LA were the two factors cited by IDBs

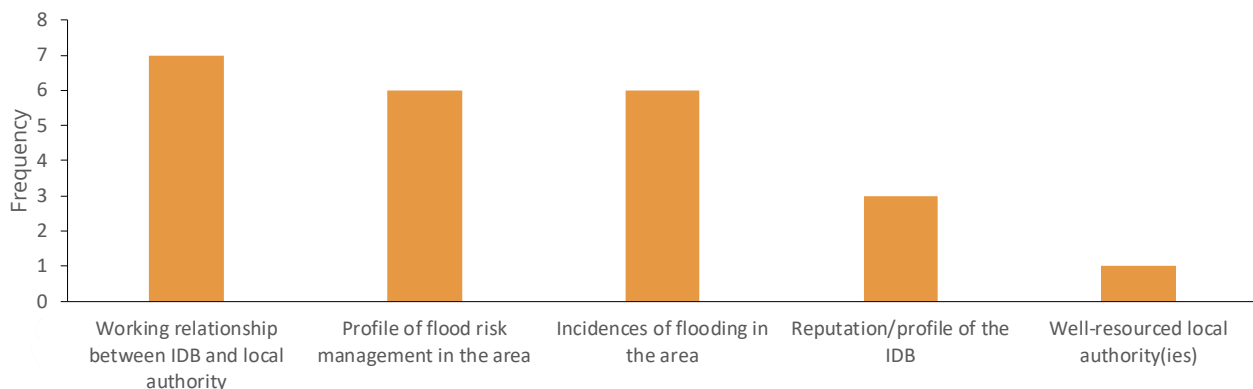
The profile of FRM and a good working relationship are key factors in cases where engagement with officers is not reported to be challenging

What factors have meant that it has not proved challenging to engage specialist LA officers in the management of the IDB? n=5



Among the few IDBs which have external stakeholders as appointed members, none report it challenging to engage them in the management of the IDB. There are a number of factors behind this

What factors have meant that it has not proved challenging to engage external stakeholders appointed by the LA in the management of the IDB? n=2



Other comments

- ADA/Defra Guidance on governance and proposed training cited as being very useful
- *"The Board has considered re-constituting as the LA Council has steadily reduced its councillor representation. We are awaiting the outcome of the Defra Review".*
- *"The Election Rules enshrined in the Land Drainage Act 1991 are very out-dated and do not match the requirements of the several Representation of the People Acts which are used for most types of elections"*
- *"Councillors best represent local interests but I would like to explore the possibility of co-opting Council officers to support IDB activities... this might result in the Board being considered too big"*
- *"It is not clear how many of the Local Authority representatives actually report back to the Local Authority"*

Other comments

- *"It should be made easier for people to become members of IDBs without burdening them with excessive regulatory requirements."*
- *"The non-paid volunteer landowner (elected members) are much more involved in the Boards governance."*
- *"Elected Members have expressed concern, they consider the appointment of Local Authority Officers to be in a "policing" role, to reduce expenditure where possible thereby reducing the special levy impact on local authorities."*
- *"Because members are not paid... only some of them take pride in the role. Paying them would likely make them attend more or contribute more."*
- *"Elected attendance is much better than appointed member attendance (84% v 63%)"*



Thank you



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APPENDIX B: Notes from IDB stakeholder workshop

IDB Governance dissemination workshop

3 June 2019 11:45-14:40

Defra, 2 Marsham Street, London and dial in/webex

Attendees (by organisation): Environment Agency, Natural England, Defra, Internal Drainage Boards, county councils, CAG consultants, Association of Drainage Authorities

Agenda

Time	Item	Aim	Timing (mins)
12.00	1. Introduction	To describe the background to the report and its aims and objectives.	10
12.10	2. Presentation	PowerPoint presentation of key findings and suggested actions (includes time for discussion).	50
13.00	Break		10
13.10	3. Small group discussions	Attendees split into 2-3 (depending upon group size) sub-groups to consider the implications of the findings and potential responses.	50
14.00	4. Feedback from small group discussions	Leaders of each group feedback thoughts and suggested actions from each sub-group. The session includes time for discussion of each group's views.	30
14.30	5. Next steps	To describe follow up activity arising from the dissemination session.	10

Item 1: Introduction

Defra introduced the research project objectives to: “Understand how to better support IDBs in establishing and maintaining a wide board membership including specialist expertise where needed, and how to encourage and support active engagement by members in board meetings.”

Item 2: Presentation of key findings and suggested actions

CAG consultants presented a summary of the research and distributed the slide pack.

Item 3: small group discussions

Attendees split into two sub-groups facilitated by Defra and CAG consultants to discuss the research findings and next steps.

The difficulty obtaining contact details for Board Members was discussed. Guidance with respect to the EU General Data Protection Regulation may be valuable to some Internal Drainage Boards (IDBs) to support public accountability and transparency.

The IDB representatives had mixed views on the appointment of local authority members. Some felt the appointments were too often made politically, whereas others felt this was not the case and appointments were balanced in terms of political representation. More consistently IDB representatives felt that more can be done to promote the role and the responsibilities of local authority members.

One IDB representative noted that it takes time and cost to train new members, and that loss of good members can be disruptive to the functioning of the Boards.

The need to differentiate between access to expertise for operational delivery, and the expertise needed of Board members was acknowledged.

The need for local authority appointees making connections with their local authority planning teams was acknowledged as important.

The future sustainability of recruiting IDB Boards was of concern to some IDB representatives in terms of the 'pool of available people'. For Elected Members (EMs) this was seen as an issue for the near horizon owing to changes in agricultural land ownership. The EM role is largely a voluntary commitment and was seen as dependent on attracting interest and engagement from the next generation of land managers. For Appointed Members (AMs) the availability of people was seen as an issue for today, linked to changes to the size and shape of local government.

Reducing the size of boards was raised several times during the meeting. The general consensus being that Board size needed to reflect local circumstances, balancing efficiency and effectiveness of smaller boards against larger board sizes that can help with engagement and provide greater resilience and access to expertise. Some IDBs have, and others are looking to, reconstitute the size of their boards to make appointments easier and boards more efficient.

Some attendees questioned if AMs non-attendance at board meetings actually changed the level of service delivered by IDBs. The inference was that a number of AMs did not perceive their presence or otherwise to have a significant impact. It was also acknowledged that larger boards made non-presence easier. The research did however record a number of AMs seeing the role as important and interesting, and more could be done to use these AMs to promote the role and function.

One IDB representative questioned whether the function of the board needs to be looked at in terms of balancing operations versus scrutiny. There was a general perspective that boards tend to focus on 'operational matters and keeping the water flowing'. This was not necessarily seen as a negative and perhaps reflects the voluntary nature of appointments and the capacity of boards.

The lack of obligation of AMs to report back to the Local Authorities was acknowledged as a weakness and something that should be addressed.

Appointment of non-councillors to boards was discussed. There was no consensus view on this, and it was agreed as an area where stronger guidance may be beneficial.

It was acknowledged there would be value in comparing IDB governance to Regional Flood and Coastal Committee governance.

Attendees recognised a general need for skills and experience on IDB Boards in relation to health and safety, biodiversity, the local area and environment.

Item 4: Summary of discussions

The discussion demonstrated there is significant 'custom and practice' and 'local context' to IDB Governance which brings significant value to the IDBs, but also makes 'one way of working' and consensus on Good Governance difficult to reach. Attendees identified the main challenge was ensuring strong recruitment and attendance onto Boards and ensuring that Boards retained the capacity to deliver IDBs' functions for the local community, economy, and environment that they serve.

Item 5: Potential next steps

Arising from the discussion, action areas that may inform and support the future governance include:

- In the short-term, clarification of AM responsibilities and promotion of the AM role was seen as critical. This could be achieved by:
 - updating the ADA good governance document
 - updating IDB1
 - holding induction events and training for AMs
 - working with representatives (for example Local Government Association, District Councils' Network, the Ministry of Housing, Communities and Local Government and Lead Local Flood Authorities) to clarify the role that AMs should play in representing their local authority and local taxpayers, identify good practice and promote AM role
 - Strengthening the reporting lines of AMs and the connectivity with Local Authority Planning departments.

- Updating ADA guidance to ensure that local authorities are aware that they are able to appoint a few non-councillors as AMs and encouraged to take this approach where they find it difficult to fill AM vacancies.
- For the medium-term addressing EM and AM availability will be key to securing the governance of the IDBs. This could be achieved by:
 - Clarifying and differentiating between the need for access to expertise for operational delivery, and the wider governance, strategic and scrutiny expertise needed of board members.
 - Encouraging IDBs to identify skills and experience needs and attempting to meet these needs through its members and/or access to experts/consultants.
 - Using ADA good governance guidance to professionalise boards
 - Creating case studies of the advantages and disadvantages of different sized boards and describing how boards can amalgamate/professionalise.
- Defra and ADA working together to build a unified vision of IDBs in the future and potential IDB catchment maps.
- ADA to continue pointing IDB boards to guidance and sources regarding regulatory obligations, for example environmental responsibilities, health and safety, and the EU General Data Protection Regulation.
- Considering if IDBs should be represented on Regional Flood and Coastal Committees.
- Further research may be needed on:
 - Exploring the comparison, synergies and lessons with Regional Flood and Coastal Committee governance.
 - the Netherlands as an example of how to manage water drainage.