



## Information Pack for Wessex Regional Flood and Coastal Committee (WRFCC) Applicants

Closing date for applications is: Monday 5 November 2018

Interviews will take place on: Friday 23 November or Monday 26 November 2018

Term of appointment begins: 1 April 2019

First Committee meeting date: Tuesday 9 April 2019

Contact: [wessexrfcc@environment-agency.gov.uk](mailto:wessexrfcc@environment-agency.gov.uk) or 020 30 250180

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# The Environment Agency

The Environment Agency was established by the Environment Act 1995. We are an executive non-departmental public body (ndpb) responsible to the Secretary of State for the Environment, Food and Rural Affairs. We were established in 1996 to protect and improve the environment. Our head office is in Bristol and we have another office in London. We have offices across England, divided into 14 areas.

Within England we're responsible for:

- Regulating major industry and waste
- Treatment of contaminated land
- Water quality and resources
- Fisheries
- Inland river, estuary and harbor navigations
- Conservation and ecology
- Managing the risk of flooding from main rivers, reservoirs, estuaries and the sea

Lead local flood authorities (LLFAs) are responsible for managing the risk of flooding from surface water, groundwater and ordinary watercourses and lead on community recovery.

Our priorities are to:

- Work with businesses and other organisations to manage the use of resources
- Increase the resilience of people, property and businesses to the risks of flooding and coastal erosion
- Protect and improve water, land and biodiversity
- Improve the way we work as a regulator to protect people and the environment and support sustainable growth

For more information on the Environment Agency and what we do please visit [www.gov.uk/government/organisations/environment-agency](http://www.gov.uk/government/organisations/environment-agency)

## What are Regional Flood and Coastal Committees?

Regional Flood and Coastal Committees (RFCC) are committees established by the Environment Agency under the Flood and Water Management Act 2010 which bring together members appointed by Lead Local Flood Authorities (LLFAs) and independent members with relevant experience for 3 purposes:

- to ensure there are coherent plans for identifying, communicating and managing flood and coastal erosion risks across catchments and shorelines;
- to encourage efficient, targeted and risk-based investment in flood and coastal erosion risk management that represents value for money and benefits local communities;
- to provide a link between the Environment Agency, LLFAs, other risk management authorities, and other relevant bodies to build understanding of flood and coastal erosion risks in its area.

Being a member of an RFCC is an exciting opportunity to play an important local role in guiding flood and coastal management activities within catchments and along the coast.

RFCCs play an important role in deciding on local priorities, making sure that investment is

co-ordinated at the catchment and shoreline scale, raising local levies and approving programmes of work. Our committees also have a critical role in supporting us and lead local flood authorities to work with communities and other partners to identify and bring in funding contributions. They are also responsible for promoting the consideration of climate change impacts in local decision making.

The Wessex RFCC covers Somerset, Dorset, Bristol, South Gloucestershire, most of Wiltshire and part of Gloucestershire and Hampshire.

## Membership and vacancies

Each committee has its own composition document which sets out how many members it should have and who should appoint them. Defra appoints the Chairman, lead local flood authorities appoint members from local authorities and we recruit the independent members.

Vacancies and composition of the Wessex Regional Flood and Coastal Committee is as follows:

<b>Wessex Regional Flood and Coastal Committee</b>		
Representatives	Number of members	Vacancies
Chairman	1	Appointed by Defra
Local Authorities	10	Members appointed by the lead local flood authority
Environment Agency	8	3 vacancies

## Role of our members

Regional Flood and Coastal Committees have a valuable role in shaping and developing our plans and working closely with partners and communities. This is an exciting opportunity for you to become a part of this work. We are looking for enthusiastic and committed people who will bring new ideas and have a passion for flood and coastal management.

Our members will also have a critical role in working closely with us and lead local flood authorities to help bring in external contributions to enable us to do more for communities and really make a difference.

The Environment Agency members of the committee play a vital role ensuring strategic aims and guiding principles of the National Flood and Coastal Erosion Risk Management Strategy<sup>1</sup> are embedded within decisions and advice provided by the wider committee. Your role is to help ensure that there is consistency between strategic and local plans.

For more detail on the role of members in the context of the committee, please see the RFCC purposes document in appendix 1 and the role profile in appendix 2.

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<sup>1</sup> Please see Further Reading for links to the Strategy

# Skills and capabilities required

To fill the vacancies on our committees, we look for people with a wide range of skills, knowledge and capabilities.

In addition to the main members, each committee should have one conservation / environment expert who will be responsible for advising the committee on wider environmental issues and a member who is a coastal expert. You will be asked to demonstrate on your application if you have such specific knowledge and experience in these areas and are interested in these specific roles.

For most members we are looking for people with broad areas of expertise and experience to ensure there is the right balance of skills across the committees. For example:

- Local community flood forums or action groups with experience of flooding
- Coastal process
- Agriculture, farming and land management
- Partnerships and collaborative projects in infrastructure and growth
- Financial and business experience
- Planning, economics, development and/or regeneration
- Engineering and construction
- Asset management
- Water and utility company background
- Understanding of surface water flooding issues
- Managing resilience and recovery
- Social health and deprived communities
- Flood risk mapping and modelling
- Procurement skills
- Fluvial and coastal flooding knowledge
- Flood insurance

Please note that we will appoint members as impartial individuals in their own right and not as representatives of any particular organisation. You will be expected to bring your personal skills and experience to the committee, drawing on your sectoral and professional knowledge.

## Diversity

We want to ensure our committees represent the communities we serve and we welcome applicants from all walks of life. We make all public appointments on merit, following a fair, open and transparent process.

# Time commitment

The committees meet four times a year and are open to the general public. The meetings move around the committee's area and dates for 2019 are:

**Tuesday 8 January 2019**  
**Tuesday 9 April 2019**  
**Tuesday 9 July 2019**  
**Tuesday 15 October 2019**

You will be expected to attend all meetings, and you will need to read the pack of papers in advance. You may also be asked to take part in sub-groups to advise on specific issues. There may be site visits arranged alongside meetings to give context to Committee discussions and members are encouraged to attend these where possible.

You will be appointed for terms of between two and four years, and you may indicate your preference as part of the application process. Members can serve no more than 10 years in total on the committee.

Member posts are unpaid. Members may claim expenses, including travel, subsistence and, where applicable, a fixed allowance for loss of earnings.

## How to apply

Please submit a covering letter of application, along with a completed application form, CV and the optional diversity monitoring form. You must complete all sections of the application form as this will be the main source of information for shortlisting candidates.

Please return your covering letter and completed forms to Stacie Bristow, Environment Agency, Rivers House, Sunrise Business Park, Higher Shaftesbury Road, Blandford Forum, Dorset DT11 8ST or [wessexrfcc@environment-agency.gov.uk](mailto:wessexrfcc@environment-agency.gov.uk)

Covering letters and completed application forms are to be received no later than **5pm on Monday 5 November 2018**

Please check your eligibility for appointment against the criteria listed in paragraph 11 of the RFCC regulations as well as the Seven Principles of Public Life (Appendix 4).

## Selection and interviews

The selection and interview panel will consist of the Committee Chairman, Wessex Area Manager and an independent member. The selection panel will determine which candidates best demonstrate they have the specified qualities and experience. They will also consider the balance of skills and experience required across the committee. Short-listed candidates will then be invited for interview.

It is therefore essential for both your covering letter and application form to give full but concise information and evidence relevant to the appointment.

Interviews will take place on: **Friday 23 November, or Monday 26 November 2018.**

References may be checked at this point.

Candidates will not be able to claim expenses incurred travelling to and from the interviews.

# Appointments

Appointments will commence **1 April 2019**.

If you are successful, some of the information entered on your application form will be made public (your name, brief background and other public appointments). If we place information in the public domain, we will agree it with you first.

All new members will be required to fill in a 'declaration of interest' form which must be returned before attending their first meeting. They will also be required to fill in a new form annually.

# Induction

In order to ensure new members have a good understanding of their role and to meet our staff and other members, an induction event will take place prior to the first meeting. The induction process will include attendance at the Wessex Regional Flood and Coastal Committee meeting on **Tuesday 8 January 2019**, location to be confirmed.

# Complaints

We have a complaints procedure which should be followed for any complaints relating to these appointments.

Details are available here <http://www.environment-agency.gov.uk/contactus/36316.aspx>

by telephoning 03708 506506 or

emailing [enquiries@environment-agency.gov.uk](mailto:enquiries@environment-agency.gov.uk)

## Appendix 1

# RFCC Purposes – England & Wales

## Purposes

The Regional Flood and Coastal Committee (RFCC) is a committee established by the Environment Agency under the Flood and Water Management Act 2010 that brings together members appointed by lead local flood authorities and independent members with relevant experience for three purposes:

- to ensure there are coherent plans for identifying, communicating and managing flood and coastal erosion risks across catchments and shorelines;
- to promote efficient, targeted and risk-based investment in flood and coastal erosion risk management that optimises value for money and benefits for local communities;
- to provide a link between the Environment Agency, lead local flood authorities, other risk management authorities, and other relevant bodies to engender mutual understanding of flood and coastal erosion risks in its area.

## Statutory Functions and the role of the RFCC

Section 23 of the Flood and Water Management Act 2010 requires the Environment Agency (the Agency) to:

- consult with each RFCC about the way it proposes to carry out its flood and coastal erosion risk management functions in the Committee's region (s23(1)(a))
- take into account representations made by the Committee about the exercise of its flood and coastal erosion risk management functions in the Committee's region (s23(1)(b))
- obtain the consent of the RFCC before the Agency can implement its regional programme for the Committee's region (s23(2))
- obtain the consent of the RFCC before the Agency can issue a levy under Section 17 of the Act (s23(3))
- obtain the consent of the Committee to the spending of revenue under Section 118 of the Water Resources Act in the region where the revenue is raised (s23(4))

## Additional considerations

In pursuit of these purposes, the RFCC will:

- support the delivery of Government flood and coastal erosion risk management policy and strategy, taking into account Defra and Welsh Government and Agency guidance
- support the Agency in its strategic overview role by providing a link between national and local flood and coastal erosion risk management and in assisting lead local flood authorities in the development of their Local Flood Risk Management Strategies
- review lead local flood authority outputs under the Flood Risk Regulations 2009 and other current requirements imposed on lead local flood authorities by legislation and guidance
- review and endorse Catchment Flood Management Plans and Shoreline Management Plans
- review and endorse medium and long term business plans for its region



- promote partnership with project sponsors to secure external contributions and consider how levy funding will be used along with other sources of funding to deliver the regional programme and longer term strategic objectives
- monitor and review reports on the performance and financial management of flood and coastal erosion risk management functions
- work with partners to raise awareness of flood and coastal erosion risk management within its region
- take into account wider environmental considerations within its region that will be influenced by flood and coastal erosion risk management decisions
- Report periodically on its work

## Appendix 2

# Regional Flood and Coastal Committee (RFCC) Environment Agency Members' Role Profile

Environment Agency appointed RFCC members are divided into three categories:

1. General members (with skills in specific areas – see application pack for details);
2. A Conservation member
3. A Coastal member (in those RFCCs with a coastline)

Their specific roles are outlined below:

### General Committee Member

Committee Members are responsible for:

- Providing effective input to RFCC meetings to help ensure it meets its statutory responsibilities;
- Using their skills and experience in their particular area to actively advise and provide opinions during committee meetings as appropriate;
- Providing strategic advice to help support the delivery of Government's National Flood and Coastal Erosion Risk Management Strategy, as well as contributing to the delivery of local plans and strategies
- Helping to inform plans proposed by the Environment Agency and challenge and debate any issues that arise;
- Helping to support and engage communities on flood risk and coastal erosion issues;
- Actively engaging with local communities, particularly to gain external financial contributions;
- Communicating local priorities and successes, seeking views from external stakeholders and community groups to help raise awareness of flood and coastal erosion risk management work;
- Keeping abreast of flood and coastal erosion risk issues in the region and policy developments in Defra and the Environment Agency; and
- Contributing to the work of sub-groups, if set up by the Committee.

Members must have an interest in, and willingness to learn about, flood and coastal erosion risk management and the principles of sustainable development.

Not all members need to be technical experts, but across the committee we are looking for some technical understanding. No specific academic or professional qualifications are required. The Environment Agency provides training and awareness sessions to support members in their role.

## **Nature conservation and wider environmental issues Member**

Conservation Members are expected to contribute to general Committee discussions, as above, but are also responsible for:

- Providing an environmental perspective at Committee meetings;
- Helping the Committee understand the views of the conservation community about specific plans or projects, if they arise;
- Monitoring and reviewing programmes of work on flood and coastal erosion risk management and conservation issues needing to be addressed; advising on relevant legal compliance and
- Providing a link between the Committee and Natural England and other conservation organisation in the Committee area.

To be effective the conservation member needs to demonstrate significant knowledge of nature conservation and wider environmental issues relevant to flood and coastal erosion risk management. This should include legislation such as Water Framework Directive, Habitat Action Plans and the England Biodiversity Strategy; the requirements of the EU Habitats and Birds

Directive and the Conservation of Habitats and Species Regulations (2010). They must also have knowledge of shoreline management plans, water level management plans, coastal habitat management plans and catchment flood management plans.

## **Coastal Member**

Coastal Members are expected to contribute to general Committee discussions, as above, but are also responsible for:

- Providing a coastal perspective at Committee meetings;
- Helping the Committee understand issues affecting coastal communities and the risks associated with coastal processes;
- Monitoring and reviewing flood and coastal erosion risk management and coastal issues needing to be addressed;
- Providing a link between the Committee and coastal groups in the Committee area.

To be effective the coastal member needs to demonstrate significant knowledge of coastal issues and processes including a working knowledge of shoreline management plans, coastal strategies and integrated coastal zone management.

# RFCC Maps



## Appendix 4

# Further reading

RFCC Regulations – enclosed with this pack. Also available at:  
<http://www.legislation.gov.uk/ukxi/2011/695/contents/made>

Cabinet Office's Code of Conduct:

<https://www.gov.uk/government/publications/board-members-of-public-bodies-code-of-conduct> , which includes the Committee on Standards in Public Life – Seven Principles of Public Life – <https://www.gov.uk/government/publications/the-7-principles-of-public-life>

National Flood and Coastal Erosion Risk Management Strategy –

<https://www.gov.uk/government/publications/national-flood-and-coastal-erosion-risk-management-strategy-for-england>

Flood and Coastal Resilience Partnership Funding –

<https://www.gov.uk/government/publications/flood-and-coastal-resilience-partnership-funding>

Flood and Water Management Act –

<https://www.legislation.gov.uk/ukpga/2010/29/contents>

Although these appointments do not come within the remit of the Commissioner for Public Appointments, we are making the appointments using a process which takes into account the Commissioner's Code of Practice.

### The Seven Principles of Public Life

The Committee believes that 'Seven Principles of Public Life' should apply to all in the public service. These are:

#### **Selflessness**

Holders of public office should act solely in terms of the public interest. They should not do so in order to gain financial or other benefits for themselves, their family or their friends.

#### **Integrity**

Holders of public office should not place themselves under any financial or other obligation to outside individuals or organisations that might seek to influence them in the performance of their official duties.

#### **Objectivity**

In carrying out public business, including making public appointments, awarding contracts, or recommending individuals for rewards and benefits, holders of public office should make choices on merit.

#### **Accountability**

Holders of public office are accountable for their decisions and actions to the public and must submit themselves to whatever scrutiny is appropriate to their office.

**Openness**

Holders of public office should be as open as possible about all the decisions and actions that they take. They should give reasons for their decisions and restrict information only when the wider public interest clearly demands.

**Honesty**

Holders of public office have a duty to declare any private interests relating to their public duties and to take steps to resolve any conflicts arising in a way that protects the public interest.

**Leadership**

Holders of public office should promote and support these principles by leadership and example.

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STATUTORY INSTRUMENTS

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**2011 No. 695**

**COAST PROTECTION, ENGLAND AND WALES  
ENVIRONMENTAL PROTECTION, ENGLAND  
AND WALES  
FLOOD RISK MANAGEMENT,  
ENGLAND AND WALES  
WATER INDUSTRY, ENGLAND AND WALES**

The Regional Flood and Coastal Committees  
(England and Wales) Regulations 2011

<i>Made</i>	- - - -	<i>7th March 2011</i>
<i>Laid before Parliament</i>		<i>10th March 2011</i>
<i>Laid before the National Assembly for Wales</i>	- -	<i>10th March 2011</i>
<i>Coming into force</i>	- -	<i>1st April 2011</i>

These Regulations are made—

- (a) in relation to English Committees, by the Secretary of State in exercise of the powers conferred by sections 22(2), 24 and 48(2) of the Flood and Water Management Act 2010(1); and
- (b) in relation to Welsh Committees, by the Welsh Ministers in exercise of the powers conferred by sections 22(2), 24 and 48(2) of that Act.

**PART 1**

Preliminary

**Citation, commencement and application**

1.—(1) These Regulations—

(1) [2010 c. 29](#). The power to make regulations under sections 22(2) and 24 of the Flood and Water Management Act 2010 is conferred on “the Minister”. Section 26 of that Act defines “the Minister” for the purposes of those sections.

- (a) may be cited as the Regional Flood and Coastal Committees (England and Wales) Regulations 2011;
- (b) come into force on 1st April 2011; and
- (c) apply in relation to—
  - (i) English Committees, so far as these Regulations are made by the Secretary of State, and
  - (ii) Welsh Committees, so far as these Regulations are made by the Welsh Ministers.

### **Interpretation**

#### **2.—(1) In these Regulations—**

“the 1991 Act” means the Water Resources Act 1991<sup>(2)</sup>;

“the 1995 Act” means the Environment Act 1995<sup>(3)</sup>;

“the 2010 Act” means the Flood and Water Management Act 2010;

“the Agency” means the Environment Agency;

“composition”, in relation to a Regional Flood and Coastal Committee, has the meaning given in regulation 6;

“composition document” means a document published under regulation 8 or 9 specifying the composition of the Regional Flood and Coastal Committee established for a region;

“constituent authority”, in relation to a Regional Flood and Coastal Committee, means a lead local flood authority any part of which is in the region of the Committee;

“eligibility criteria” means the criteria specified in regulation 11(1);

“levy” means a levy issued under section 17(1) of the 2010 Act;

“Regional Flood and Coastal Committee” means a Regional Flood and Coastal Committee established under section 22 of the 2010 Act; and

“transitional Committee” has the meaning given in regulation 31.

(2) In regulations 13, 18, 19, 22 and 23, a reference to the appointment of a member by or on behalf of a constituent authority includes the appointment of a member by or on behalf of—

- (a) a constituent authority representing a group of constituent authorities; and
- (b) a group of constituent authorities.

## **PART 2**

### **Division of England and Wales into regions**

#### **Map of regions**

**3.—(1)** As soon as is practicable after the first division of England and Wales into regions for the purposes of section 22 of the 2010 Act, the Agency must publish a map of the regions.

(2) The map must—

- (a) specify the boundaries of the regions;
- (b) name the regions; and

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(2) 1991 c. 57.

(3) 1995 c. 25.



- (c) be published at the same time as or before the Agency publishes the composition documents for the Regional Flood and Coastal Committees established for those regions.

### **Revised regions**

- 4.—**(1) The Agency may, before 1st December in any financial year, revise the boundaries of existing regions (“old regions”) to create new regions.
- (2) A revision of the regions does not take effect unless the Agency—
    - (a) has consulted with interested persons for a period of not less than 6 weeks in relation to the proposed revision; and
    - (b) has taken account of any representations.
  - (3) A revision takes effect when the Agency publishes—
    - (a) a map of England and Wales—
      - (i) specifying the boundaries of the revised regions, and
      - (ii) naming the regions; and
    - (b) the composition documents for the Regional Flood and Coastal Committees established for the new regions.
  - (4) Before a revision in any financial year takes effect, the Regional Flood and Coastal Committee for each old region must have consented to—
    - (a) the issue of any levy for that region for that financial year; and
    - (b) the spending of any revenue under section 118 of the 1991 Act<sup>(4)</sup> for that region for that financial year.
  - (5) A revision may not take effect on or after 1st December in any financial year.
  - (6) On the establishment of the Committees for the new regions, the Committees for the old regions are abolished.

### **Renaming of regions**

- 5.—**(1) The Agency may rename a region at any time.
- (2) As soon as is practicable after renaming a region, the Agency must—
    - (a) notify all Regional Flood and Coastal Committees of the change of name; (b) republish the map of the regions specifying the new name of the region; and
    - (c) amend the composition document for the Committee established for that region to specify the new name of the region.

## **PART 3**

### **Establishment of Regional Flood and Coastal Committees**

#### **Composition of Committees**

- 6.—**(1) The composition of a Regional Flood and Coastal Committee is to consist of—
  - (a) a chair appointed by the Minister;

(4) Section 118 of the Water Resources Act 1991 (c. 57) is amended by paragraph 43 of Schedule 2 to the Flood and Water Management Act 2010 (c. 29).

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- (b) persons appointed by or on behalf of—
    - (i) a constituent authority,
    - (ii) a constituent authority representing a group of constituent authorities, or
    - (iii) a group of constituent authorities; and
  - (c) persons appointed by the Agency.
- (2) A group of constituent authorities must agree which constituent authority is to appoint a member under paragraph (1)(b)(ii).
- (3) If the group of constituent authorities fails to agree which constituent authority is to appoint a member, the Minister may decide which constituent authority is to appoint the member.

#### **Number of members of Committees**

- 7.—(1) The total number of members of each Regional Flood and Coastal Committee must—
- (a) be at least 11; and
  - (b) not exceed 25 or any higher number that the Minister approves.
- (2) The total number of members appointed under regulation 6(1)(c) must not exceed 11 or any higher number that the Minister approves.
- (3) The Agency may not issue a levy to constituent authorities in a region for a financial year unless the total number of members appointed under regulation 6(1)(b) is at least one more than the sum of the number of members appointed under regulations 6(1)(a) and (c).

#### **Publication of composition document**

- 8.—(1) A Regional Flood and Coastal Committee is established for a region when the Agency publishes a document specifying—
- (a) the region for which the Committee is established; and
  - (b) the composition of the Committee.
- (2) The Agency may not publish a document under paragraph (1) (“composition document”) unless the composition of the Committee has been approved by the Minister.
- (3) The Minister may require a change to the proposed composition of a Committee before approving the composition.
- (4) The Agency must publish a composition document for each region before 1st December 2011.

#### **Variation of composition of a Committee**

- 9.—(1) Before 1st December in any financial year, the Agency may, on its own initiative or at the request of a Regional Flood and Coastal Committee, vary the composition of the Committee.
- (2) Subject to paragraph (3), a variation takes effect when the Agency publishes a document specifying the matters mentioned in regulation 8(1).
- (3) The variation does not take effect unless—
- (a) the Agency has—
    - (i) consulted with interested persons for a period of not less than 6 weeks in relation to the variation to the composition of the Committee, and
    - (ii) taken account of any representations; and
  - (b) the varied composition has been approved by the Minister.
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(4) The Minister may require a change to the proposed varied composition of a Committee before approving the varied composition.

(5) The Agency may not issue a levy to constituent authorities in a region for a financial year if the composition of the Committee for that region is varied on or after 1st December in the financial year preceding that for which the levy is issued.

### **Constituent authority contacts**

**10.**—(1) Before 1st December in any financial year, the Regional Flood and Coastal Committee must obtain from each constituent authority in its region the name and contact details for a person authorised by the constituent authority to liaise with the Committee in relation to the business of the Committee (“official contact details”).

(2) The Regional Flood and Coastal Committee must keep a list of the official contact details for all constituent authorities in its region.

(3) As soon as is practicable after any change to the official contact details for a constituent authority, the constituent authority must inform the Committee of the change.

## **PART 4**

### **Selection and appointment of members of Regional Flood and Coastal Committees**

#### **Eligibility for appointment**

**11.**—(1) The following criteria must be satisfied before a person is appointed as a member of a Regional Flood and Coastal Committee—

- (a) the person is of good character and sound financial reputation;
  - (b) the person is not an employee of—
    - (i) the Agency,
    - (ii) the Department for Environment, Food and Rural Affairs, or
    - (iii) the Welsh Assembly Government;
  - (c) the person is not a Member of Parliament or a Member of the National Assembly for Wales.
- (2) The criterion in paragraph (1)(a) is not satisfied if—
- (a) the person is bankrupt or has an existing arrangement with creditors;
  - (b) within the 5 years immediately before the proposed date of appointment, the person has served a sentence of imprisonment for a period of 3 months or more.

#### **Appointment of chair**

**12.**—(1) The Minister may invite applications for appointment to the office of chair of a Regional Flood and Coastal Committee.

(2) The Minister may appoint as chair a person who—

- (a) satisfies the eligibility criteria; and
- (b) in the opinion of the Minister, is suitably qualified to hold office as chair.

(3) The method of selection and appointment must comply with relevant principles relating to public appointments.

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### **Members appointed by constituent authorities**

**13.**—(1) A constituent authority may appoint as a member of a Regional Flood and Coastal Committee any person who—

- (a) satisfies the eligibility criteria; and
- (b) has knowledge and experience relevant to the business of the Committee.

(2) The method of selection and appointment must comply with relevant principles relating to public appointments.

(3) If a person appointed as a member of a Regional Flood and Coastal Committee is an elected member of a constituent authority, and that person ceases to be an elected member of the constituent authority, the person ceases to be a member of the Regional Flood and Coastal Committee—

- (a) at the end of the period of 3 months beginning with the day on which the person ceased to be an elected member of the constituent authority; or
- (b) on any earlier date if the member resigns, is removed from office or a replacement member is appointed.

### **Members appointed by the Agency**

**14.**—(1) The Agency may invite applications for appointment as a member of a Regional Flood and Coastal Committee.

(2) The Agency may appoint as a member of a Regional Flood and Coastal Committee any person who—

- (a) satisfies the eligibility criteria; and
- (b) has knowledge and experience relevant to the business of the Committee.

(3) The Agency must appoint to each Committee—

- (a) a person with experience in nature conservation and wider environmental issues; and
- (b) if the region of the Committee has a coastline, a person with knowledge of coastal processes.

(4) The method of selection and appointment must—

- (a) be agreed with the chair of the Committee; and
- (b) comply with relevant principles relating to public appointments.

## **PART 5**

### **Holding office**

#### **Terms of appointment**

**15.** A member of a Regional Flood and Coastal Committee is to hold and vacate office in accordance with the terms of appointment or re-appointment.

#### **Date of appointment**

**16.** The date of appointment of a member of a Regional Flood and Coastal Committee is—

- (a) if the member was a member of a transitional Committee immediately before the appointment to the Regional Flood and Coastal Committee, the date of appointment determined under the transitional provisions in Part 7;

- (b) for any other person appointed as a member of the first Regional Flood and Coastal Committee established for a region under section 22(1) of the 2010 Act, the day on which the Committee is established in accordance with regulation 8;
- (c) for a person appointed or re-appointed as a member of a Regional Flood and Coastal Committee after that date, the date of appointment specified in the instrument of appointment or re-appointment.

### **Period of office**

**17.**—(1) A member of a Regional Flood and Coastal Committee—

- (a) may hold office for an initial term of up to 4 years beginning with the date of appointment; and
- (b) may be re-appointed for a second or subsequent term of up to 4 years beginning with the date of re-appointment if the person continues to meet—
  - (i) the eligibility criteria, and
  - (ii) any performance requirements set out in the terms of appointment.

(2) Subject to paragraphs (3) and (4), a member of a Regional Flood and Coastal Committee may not hold office for a continuous period of more than 10 years beginning with the date of appointment.

(3) An elected member of a constituent authority who is appointed as a member of a Regional Flood and Coastal Committee may hold office until the end of the period of 3 months beginning with the day on which the person ceases to be an elected member of the constituent authority.

(4) A member of a Regional Flood and Coastal Committee who is appointed as chair of the Committee may not hold the office of chair for a continuous period of more than 10 years.

### **Resignation from office**

**18.**—(1) A member of a Regional Flood and Coastal Committee may at any time resign from office by written notice addressed and delivered to—

- (a) for a person appointed as chair, the Minister;
  - (b) for a member appointed under regulation 6(1)(b), the constituent authority that appointed the member; or
  - (c) for a member appointed under regulation 6(1)(c), the Agency.
- (2) A notice under paragraph (1) must be copied to the Committee.

### **Removal from office**

**19.**—(1) A member of a Regional Flood and Coastal Committee may be removed from office by written notice addressed and delivered to that member by—

- (a) for a person appointed as chair, the Minister;
  - (b) for a member appointed under regulation 6(1)(b), the constituent authority that appointed the member; or
  - (c) for a member appointed under regulation 6(1)(c), the Agency.
- (2) A notice under paragraph (1) must—
- (a) state which condition for removal from office has been met; and
  - (b) be copied to the Committee.
- (3) The conditions for removal from office are—
- (a) the member no longer satisfies the eligibility criteria;
-

- (b) while in office, the member has been convicted of an offence and sentenced to imprisonment for a period of 3 months or more;
- (c) the member is unable to carry out membership duties because of illness;
- (d) the member has been absent from meetings of the Committee for a period of 6 consecutive months without the approval of the Committee;
- (e) in the opinion of the person giving the notice, the member has become unable, unfit or unsuitable to discharge membership duties.

#### **Appointment of acting chair**

**20.**—(1) If the chair of a Regional Flood and Coastal Committee resigns, is removed from office or is unable to act, the Minister may appoint another person to act in place of the chair if the person—

- (a) satisfies the eligibility criteria; and
  - (b) in the opinion of the Minister, is suitably qualified to hold office as chair.
- (2) An appointment under paragraph (1) may be for a period of up to 6 months.
- (3) For the period that a person acts as chair, the person is taken to be the chair.

#### **Temporary absence of chair**

**21.**—(1) A chair who is to be absent from a meeting of a Regional Flood and Coastal Committee may appoint another member of the Committee to chair the meeting.

(2) If a chair is absent from a meeting and has not appointed another member to chair the meeting, the Committee may appoint another member to chair the meeting.

#### **Appointment of replacement member**

**22.** If a member of a Regional Flood and Coastal Committee (other than the chair) resigns, is removed from office or ceases to be a member under regulation 13(3)—

- (a) for a member appointed under regulation 6(1)(b), the constituent authority that appointed the member must as soon as is practicable appoint another person as a member in accordance with regulation 13; and
- (b) for a member appointed under regulation 6(1)(c), the Agency must as soon as is practicable appoint another person as a member in accordance with regulation 14.

#### **Nomination of deputies**

**23.**—(1) A constituent authority of a Regional Flood and Coastal Committee may, by written notice to the chair, nominate a person to act as a deputy for a member appointed by the constituent authority.

- (2) A person may be nominated to act as a deputy for the purpose of—
    - (a) a particular meeting of the Committee; or
    - (b) all meetings of the Committee during a period agreed by the Committee.
  - (3) The Committee may not accept the nomination of a person unless the person—
    - (a) satisfies the eligibility criteria; and
    - (b) has knowledge and experience relevant to the business of the Committee.
  - (4) A person nominated to act as a deputy—
    - (a) may not act as a deputy unless the Committee has accepted the nomination; and
-

- (b) may only act as a deputy for one member.
- (5) The constituent authority may revoke a nomination by written notice to the Committee.

## PART 6

### Proceedings of Regional Flood and Coastal Committees

#### Interpretation

**24.** In this Part, “member” includes a person acting as the deputy of that member.

#### Quorum and consents

**25.—**(1) The quorum for any meeting of a Regional Flood and Coastal Committee is the majority of the total number of members of the Committee.

(2) A consent given for the purpose of section 23(2), (3) or (4) of the 2010 Act may only be given at a meeting of a Committee.

(3) For the purpose of section 23(2) of the 2010 Act, a Committee consents to the implementation of the regional programme if the majority of the members present at the meeting are in favour.

(4) For the purpose of section 23(3) of the 2010 Act, a Committee consents to the issue of a levy if a majority of the members who are entitled to vote are present at the meeting and are in favour.

(5) For the purpose of section 23(4) of the 2010 Act, a Committee consents to the spending of revenue under section 118 of the 1991 Act<sup>(5)</sup> if the majority of the members present at the meeting are in favour.

#### Voting procedure

**26.—**(1) Each member of a Regional Flood and Coastal Committee who is entitled to vote has one vote.

(2) A member who is entitled to vote may only vote if present at a meeting of the Committee.

(3) For the purpose of section 23(3) of the 2010 Act, only members appointed to a Committee under regulation 6(1)(b) are entitled to vote on a motion that the Committee consent to the issue of a levy.

(4) If there is a tied vote on any motion other than a motion that the Committee consent to the issue of a levy, the chair of the Committee has a casting vote.

#### Declaration of interest

**27.—**(1) A member of a Regional Flood and Coastal Committee must immediately disclose any direct or indirect interest in any contract or other matter proposed or discussed at a meeting of the Committee, and the disclosure must be recorded in the minutes of the meeting.

(2) A member who has disclosed an interest in a contract must not take part in any discussion or decision of the Committee on that contract, but the member may be taken into account for the purpose of constituting a quorum of the Committee.

(3) A person who ceases to be a member of a Regional Flood and Coastal Committee may not be appointed to any paid office by the Agency within the first 12 months after ceasing to be a member.

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(5) Section 118 of the Water Resources Act 1991 (c. 57) is amended by paragraph 43 of Schedule 2 to the Flood and Water Management Act 2010 (c. 29).

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- (4) In this regulation, appointment to “paid office” does not include appointment as—
- (a) a chair of any committee of the Agency; or
  - (b) a member of the Board of the Agency.

#### **Authentication of documents**

**28.**—(1) Any notice or other document which a Regional Flood and Coastal Committee is required or authorised to give, make or issue by or under any enactment may be signed on behalf of the Committee by any member of the Committee or any officer of the Agency who is generally or specifically authorised for that purpose by a resolution of the Committee.

(2) Any document purporting to bear the signature of a person expressed to be authorised as mentioned in sub-paragraph (1) is deemed, unless the contrary is shown, to be duly given, made or issued by authority of the Committee.

(3) In this regulation, “signature” includes a facsimile of a signature by whatever process reproduced.

#### **Proof and validity of proceedings**

**29.**—(1) A minute of the proceedings of a meeting of a Regional Flood and Coastal Committee purporting to be signed at the meeting by the chair of the meeting, or at the next meeting by the chair of the next meeting, is evidence of the proceedings and is admissible in evidence without further proof.

- (2) A minute signed in accordance with paragraph (1) is evidence that—
- (a) the meeting was duly convened and held;
  - (b) the proceedings recorded in the minute took place; and
  - (c) resolutions passed at the meeting were properly passed.

(3) The validity of any proceedings of a Regional Flood and Coastal Committee are not affected by any defect in the appointment of a member.

## **PART 7**

### **Transitional provisions**

#### **Definitions**

**30.** In this Part—

“constituent councils” has the meaning given in section 15(6) of the 1995 Act;

“new Committee” means a Regional Flood and Coastal Committee established following the first division of England and Wales into regions for the purposes of section 22 of the 2010 Act;

“old Committee” has the meaning given in regulation 31; and

“specified area” means—

- (a) in relation to a regional flood defence committee established under section 14 of the 1995 Act, the area of that committee as varied by any order under Schedule 4 to the 1995 Act, or
  - (b) in relation to a regional flood defence committee established by order under that Schedule, the area specified in that order as amended by any subsequent order under that Schedule.
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## **Transitional Committees**

**31.**—(1) On the coming into force of these Regulations, a regional flood defence committee established under the 1995 Act for a specified area and in existence on 31st March 2011 (“old Committee”) continues in existence as if it were established as a Regional Flood and Coastal Committee for a region covering the same area (“transitional Committee”).

(2) Subject to regulation 35 (Isles of Scilly)—

- (a) the specified area of an old Committee is taken to be the region of the transitional Committee; and
- (b) the constituent councils of an old Committee are taken to be the constituent authorities of the transitional Committee.

(3) Despite the requirement under section 23(1) of the 2010 Act to consult a Regional Flood and Coastal Committee, the Agency may exercise its flood and coastal erosion risk management functions in the region of a transitional Committee before 1st July 2011 without consulting the transitional Committee.

(4) A transitional Committee may consent to the implementation of the regional programme for its region under section 23(2) of the 2010 Act, but the Agency may implement the regional programme before 1st July 2011 without that consent.

(5) If the requirement for an old Committee to give special consent to the issue of a levy under regulations made under section 74 of the Local Government Finance Act 1988<sup>(6)</sup> for its specified area for the financial year beginning with 1st April 2011 is not given by that date, that requirement is satisfied if the transitional Committee consents to the issue of a levy for its region for that financial year.

(6) A transitional Committee may consent to the spending of revenue under section 118 of the 1991 Act in its region in the financial year beginning with 1st April 2011.

## **Continuation of terms for members of transitional Committees**

**32.**—(1) The members and chair of an old Committee are taken to be the members and chair of the transitional Committee.

(2) The terms of appointment of a member of an old Committee continue to have effect for so long as the member holds office in the transitional Committee.

(3) Any arrangement under paragraph 10 of Schedule 5 to the 1995 Act for the Agency to pay remuneration and allowances to a person who, immediately before the coming into force of these Regulations was the chair of an old Committee, continues for so long as the person is the chair of the transitional Committee.

(4) Any arrangement under paragraph 10 of Schedule 5 to the 1995 Act for the Agency to pay allowances to a person who, immediately before the coming into force of these Regulations was a member of an old Committee, continues for so long as the person is a member of the transitional Committee.

(5) For the purpose of calculating the period of office under regulation 17, the date a person was appointed as a member or chair of an old Committee is taken to be the date of appointment to the transitional Committee.

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<sup>(6)</sup> See the Environment Agency (Levies) Regulations 1993 (S.I. 1993/61). “Special consent” has the meaning given in section 46(7) of the Land Drainage Act 1976 (c. 70). Sections 45 to 47 of that Act were repealed by section 3 of, and Part 1 of Schedule 3 to, the Water Consolidation (Consequential Provisions) Act 1991 (1991 c. 60) but, by virtue of paragraph 2(5) of Part 1 of Schedule 2 to that Act, their repeal does not affect the operation of those sections so far as they have effect under any subordinate legislation made under the Local Government Finance Act 1988 (c. 41) and section 149 of the Local Government and Housing Act 1989 (c. 42) for the purpose of or in connection with the issue of levies by the Environment Agency. Sections 46 and 47 of the Land Drainage Act 1976 (c. 70) have effect under the Environment Agency (Levies) Regulations 1993 (S.I. 1993/61).

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### **Continued existence of transitional Committees**

**33.** A transitional Committee continues in existence until a new Committee is established for the region of the transitional Committee or for any part of that region.

### **Continuation of terms for members of new Committees**

**34.** If a person who was originally appointed as a member or chair of an old Committee continued as a member or chair of a transitional Committee and is appointed as a member or chair of a new Committee—

- (a) the terms of appointment of the person as a member or chair of the old Committee continue to have effect for so long as the person holds office in the new Committee;
- (b) any arrangement under the 1995 Act for payment of the member continues for so long as the person holds office in the new Committee; and
- (c) for the purpose of calculating the period of office under regulation 17, the date the person was appointed as a member or chair of the old Committee is taken to be the date of appointment to the new Committee.

### **Isles of Scilly**

**35.—(1)** On the coming into force of these Regulations—

- (a) the Isles of Scilly form part of the region of the transitional Committee of which the County of Cornwall is a constituent authority; and
- (b) the Council of the Isles of Scilly is taken to be a constituent authority of that transitional Committee.

(2) But that transitional Committee may not consent to the spending of revenue under section 118 of the 1991 Act in the Isles of Scilly in the financial year beginning with 1st April 2011.

(3) The inclusion of the Council of the Isles of Scilly as a constituent authority of a transitional Committee by virtue of regulation 35(1)(b) does not alter the number of members of that transitional Committee.

(4) Before 1st December 2011, the Agency must establish a Regional Flood and Coastal Committee that includes the Council of the Isles of Scilly as a constituent authority.

7th March 2011

6th March 2011

*Richard Benyon*  
Parliamentary Under Secretary of State  
Department for Environment, Food and Rural  
Affairs  
*Jane Davidson*  
Minister for Environment, Sustainability and  
Housing  
one of the Welsh Ministers

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