

Consultation on future engagement arrangements for EPACs and RLFACs

Proposals for future engagement arrangements following the proposed abolition of the Environment Agency's statutory regional advisory Committees.

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Scope of the consultation

1. Defra, like all other departments, has been examining its network of arm's-length bodies to increase accountability and improve efficiency. As part of this, the Department has been reviewing the role of Environment Agency's statutory Environment Protection Advisory Committees, and Regional and Local Fisheries Advisory Committees (also known as the Fisheries, Ecology and Recreation Advisory Committee – FERAC) in parallel with Parliamentary scrutiny through the Public Bodies Bill.
2. The Government is minded to use the powers in the Public Bodies Bill to implement the proposals outlined in this consultation in relation to the proposed abolition of the Environment Agency's statutory Environment Protection Advisory Committees, and Regional and Local Fisheries Advisory Committees. The Public Bodies Bill, as currently drafted, requires that Ministers consult on their proposals before laying a draft order, and the Government accepts this requirement which supersedes any previous announcements of a confirmed policy position in relation to the proposed abolition of the Environment Agency's statutory Environment Protection Advisory Committees, and Regional and Local Fisheries Advisory Committees. On that basis, the Minister invites comments on these proposals as measures that might be carried forward by an order under the Public Bodies Act, subject to the outcome of this consultation and Royal Assent of the Bill. All responses, including those which propose an alternative to the Government's preferred option, will be given due consideration.
3. The proposal to abolish both these Committees in England and to replace them with non statutory, local arrangements is because Defra believes that more flexible, non statutory arrangements will enable more proactive local engagement and greater local accountability. Any new arrangements should build on existing good practice, allow civil society to play a greater role in delivering local environmental outcomes and encourage further transparency of environmental data and information.
4. This consultation asks for stakeholder views on the proposed abolition of these Committees and for views on the proposed arrangements for future engagement that would be used instead.

Proposed abolition of the existing committees

5. In October 2010, as part of the Arms Length Body Review Defra announced proposals for the Environment Agency's statutory Environment Protection Advisory Committees, and Regional and Local Fisheries Advisory Committees (also known as the Fisheries, Ecology and Recreation Advisory Committee – FERAC) to be abolished in the Public Bodies Bill. The Committees would be replaced by non statutory, more flexible arrangements to engagement as detailed below.
6. There were a number of reasons for this proposal including:
 - i) the detailed nature of the relevant legislative sections in the Environment Act 1995 has constrained the committees from evolving easily to tackle modern environmental approaches and challenges such as the Water Framework Directive in a holistic way.
 - ii) a desire to enable local communities and civil society to take a more active interest in their environment, encouraging local partnerships and community or civil society led action on local environmental issues and building on existing good practice such as Wildlife Trust engagement and involvement in influencing and delivering local environmental outcomes.
 - iii) reforming Defra's arms length bodies and ensuring resources best deliver frontline engagement and environmental delivery.
7. The new approach proposed would aim to empower local communities to have greater involvement and a clearer voice about the delivery of environmental outcomes in their local area. The Environment Agency would provide data and information and encourage communities and civil society to be involved in tackling environmental priorities in their local area. This would provide direct local scrutiny of the work of the Environment Agency but also brings greater responsibility for local communities, partners and NGOs to work with the Environment Agency to tackle the environmental challenges we face together such as the delivery of the Water Framework Directive – improving local water quality for local communities to enjoy.
8. The current membership schemes of the Committees are shown at Annex A and B. The Environment Protection Advisory Committee scheme is statutory while the Regional and Local Fisheries Advisory Committee (RLFAC) scheme is informally adopted for practical purposes.

Question 1.

Do consultees agree with the principle of abolition of the Environment Agency's statutory Environment Protection Advisory Committees (EPACs) and Regional and Local Fisheries Advisory Committees (RLFACs) [also known as the Fisheries, Ecology and Recreation Advisory Committees – FERACs] and the establishment of flexible non-statutory arrangements?

Proposals on future engagement arrangements

9. Defra, the Environment Agency and the existing Environment Protection Advisory Committees (EPACs) and Regional and Local Fisheries Advisory Committees (RLFACs) have been exploring ways of establishing more flexible, non-statutory arrangements that can enable more proactive local engagement and accountability at the local level, together with a more integrated approach between environmental protection, conservation and fisheries.
10. This would potentially allow more direct engagement and a flexible approach required to deliver the environmental outcomes we need. It would help empower civil society to take the lead where appropriate, rather than the current focus of the committees in advising the Environment Agency rather than being able to act.
11. These proposed arrangements would be put in place if the Environment Protection Advisory Committees and Regional and Local Fisheries Advisory Committees are abolished. Many of them build on existing good practice such as engagement across a range of spatial levels – sector level for industry, local level of communities, catchment or water basin level for water quality improvements etc. Partnership is the key to success in establishing these more flexible non-statutory arrangements to deliver environmental objectives. Defra and the Environment Agency are committed to developing innovative and effective ways to engage and work closely with local communities, customers and stakeholders. To underpin this, the Environment Agency has developed a number of high level principles (see below paragraph 12) in discussion with the existing Committee Chairs and members as well as local and national stakeholder groups. A comprehensive mapping exercise (Annex C) has also been carried out to identify stakeholders covered by the Advisory Committee networks and to inform development of future flexible arrangements.

High Level Principles

12. What matters for engagement:
 - i) Value for public money – effective engagement that is focused on priority environmental outcomes, does not overlap where others could do the job better and is realistic of our resources.
 - ii) Delivering Government and Defra priorities – by empowering communities and civil society groups under Big Society principles, working with local authorities through localism, working with other Defra arms length bodies (Natural England, Forestry Commission etc) to maximise effectiveness and through local level delivery of the Water Framework Directive.
 - iii) A focus on outcomes – focusing on priority environmental outcomes and working with communities and partner organisations to achieve the most we can together.

- iv) Local flexibility – making sure that the right engagement happens in the right place to achieve local buy-in, adapting appropriately to local needs and priorities.

13. How the Environment Agency will work with these customer groups:

- i) Transparently – using local websites and social media to provide better access to local data and evidence to help people understand environmental quality and concerns in their areas. For example, the Environment Agency is engaging with the Yorkshire anglers, by answering questions through web-chats hosted by the Yorkshire Fishing forum website.
- ii) In partnership – the Environment Agency will not always lead new groups or local environmental work. Instead the Environment Agency will work with and inform others to achieve the necessary local outcomes in the most appropriate way (see below and Annex D).
- iii) Constructively – behaving in an open, honest and customer focused manner; listening, encouraging and motivating others, see below – pilot catchments.

14. The Environment Agency will:

- i) Evolve the River Basin Liaison Panels (RBLPs) – Working with Defra and key stakeholders / partners to make sure the River Basin Liaison Panels are a representative, challenging and effective group that can enable the delivery of cycle 2 of the Water Framework Directive.
- ii) Trial new ways of working – for example the catchment based approach – the Environment Agency has set up 10 'Pilot Catchments'. Through these, the Environment Agency will deliver Water Framework Directive objectives by working locally with communities, customers and stakeholders.
- iii) Work holistically – ensuring that Flood and Coastal Risk Management (FCRM) and Water Quality and Management issues are considered together at catchment and local levels. The Environment Agency will work with Regional Flood and Coastal Committees (RFCCs) and Internal Drainage Boards (IDBs) to ensure that environmental protection and biodiversity matters are considered; and that Flood and Coastal Risk Management matters are considered at River Basin Liaison Panels.
- iv) Work with other organisations in the Defra family – the Environment Agency will work with Defra and the Defra family to ensure that pilots, projects and initiatives are joined up wherever that is appropriate, that the most relevant Defra delivery body leads on the most relevant outcome, and that customers receive an integrated and timely service.
- v) Provide advice to inform Government policy making - using intelligence gathered from customers to inform delivery and the policy making.

15. The Environment Agency will evolve these principles and continue to keep them under review – in consultation with customers and Defra - to ensure that they work in the most appropriate way to deliver local and national priority environmental outcomes as well as Defra and Government priorities. This will ensure that the future approaches to engagement remain flexible and focused, evolving over time.

Question 2.

Do consultees agree with the proposed high level principles against which to design future stakeholder engagement? Are there any gaps?

Future engagement arrangements

16. The Environment Agency has carried out a stakeholder mapping exercise to inform how the examples for future arrangements should be developed and to demonstrate how stakeholders covered by the existing Advisory Committees will be engaged with under the proposed new approaches.
17. The roles of key stakeholder groups are described in Annex C. The future engagement arrangements for both national and local engagement have been undertaken holistically by considering links and environmental outcomes at a broad level. Environmental challenges will continue to be tackled at national level with partners from an integrated perspective. For example the Environment Agency hosts regular business breakfasts and seminars on specific issues bringing together partners from many industries and communities. The Environment Agency speaks at industry and community-wide events such as the National Flood Forum or Chartered Institute of Water and Environmental Management as well as ad hoc meetings on issues with partners.
18. This consideration of national and local stakeholders is supplemented by detailed regional and local consideration of the best way to approach future engagement and achieve the high level principles.
19. Each Region has developed a model, with their existing Committees and through discussion with local stakeholders, for their approach to future engagement. A broad range of interactions are proposed. The regional engagement models in Appendix D show the relationship between the various fora from national strategy through to local action and delivery. The models are region specific and they will evolve over time based on continual review by the groups involved against priorities thus ensuring the models for engagement are the right ones. For example, new approaches are being developed on working in partnership with regulators and community liaison groups to reduce the risk of flooding. By freeing resources through abolition of the Committees the Environment Agency will be well placed to build on the existing networks and ensure delivery is fully informed from both the local and national perspectives.

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20. It is intended that this network of arrangements will evolve over time and as necessary to make sure they reflect key Government and environmental priorities, local needs and the best practical way of delivering outcomes on the ground.
21. Oversight of the new arrangements will be through the non Executive Board Members who are each responsible for an Environment Agency Region and through accountability of the Chief Executive and Director of Operations to the Environment Agency Board.
22. Additionally there would be ongoing scrutiny and review through Corporate Scorecard targets, the biannual Ministerial Performance Review and direct feedback through a wide number of engagement mechanisms including correspondence, complaints, elected Council members, MPs and the Parliamentary and Health Services Ombudsman. There will also be feedback through national for a such as Sector Groups, the new National England and Wales Fisheries Group, and through the River Basin Liaison Panels.

Question 3.

Do consultees support the more flexible and region specific approaches being developed to allow more engagement at the local level (Appendix D)? Are there any gaps?

Cost Impacts

23. The regional Advisory Committees are currently funded solely by the Environment Agency. There are no costs to business or civil society other than the time given up by the Committee Members who attend on an expenses only basis. Membership of individuals to the Committees is voluntary even though the remit (and for EPACs the approved membership scheme) of the Committees has statutory provision. The Chairs of the Committees receive remuneration for their role at £18,000 per annum for 5 days per month. There is currently one EPAC and one RFLAC in each Environment Agency Region in England – 12 Committees in all¹.
24. The proposed abolition of the statutory Advisory Committees (both Environmental Protection and Fisheries) will result in savings of approximately £418,000 per annum based on 2010/11 costs. This is based on Committee Chairs costs (salaries, national insurance, expenses); member expenses, costs associated with Committee meetings; and Environment Agency staff costs of servicing the Committees.
25. If the Committees are abolished, then the Environment Agency will wholly reinvest funds saved into supporting the establishment of the future approaches to engagement. There will be no additional regulatory costs associated with the future arrangements. The proposed change will be managed on a cost neutral basis.

Impact Assessment

26. The requirement to publish an Impact Assessment on the proposals for the future engagement arrangements has been reviewed against published guidance². The abolition of the regional committees will have no regulatory or other cost impact on the public, business or civil society. The total savings per annum from the proposed abolition of these Committees are approximately £0.5m; the money will be fully reinvested into supporting the establishment of the future approaches to engagement. Impacts on public bodies have a threshold of £5m under which an impact assessment does not need to be published. The assessment concluded that an Impact Assessment does not need to be published on the proposals.

¹ The number of Committees was reduced from 14 to 12 in April 2011 when the Environment Agency merged the South East and South regions for reasons of efficiency.

² <http://www.bis.gov.uk/assets/biscore/better-regulation/docs/i/11-1111-impact-assessment-guidance.pdf>

Responding to the consultation and next steps

How to respond

Comments and views are welcome on any or all of the questions asked in this consultation. The list of questions on which views are invited is on page 12 of this document.

We would welcome responses from any interested parties. A full list of consultees that have been invited to respond to this consultation is available via the Defra web site. The Environment Agency will consult with local and regional stakeholders through existing Committee Chairs and through its local officers who have a direct relationship with these organisations, for example with local Wildlife Trusts. The consultation is not limited to these groups: anyone is free to respond and their views will be taken into account.

This consultation was launched on 1 November 2011. The closing date for written responses to this consultation is 23 January 2012. This will enable the Government to take account of the responses received before draft Statutory Instruments proposing the abolition of the Environment Protection Advisory Committees, and the Regional and Local Fisheries Advisory Committees are laid in Parliament should provisions provided for this in the Public Bodies Bill receive Royal Assent and Ministers decide to pursue this course of action. Given the proposed timetable for drafting and laying the Statutory Instruments, we cannot guarantee that responses received after this date will be taken into account.

Responses should be sent to:

Consultation on future engagement arrangements for EPACs and RLFACs
Environment Agency Sponsorship Team
Defra
Area 2D Ergon House
Horseferry Road
London
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Email: eas@defra.gsi.gov.uk

Telephone: 0207 238 4399

It would be helpful if email respondents would provide their name and/or the organisation they represent.

Additional ways to become involved

If you would like to discuss these proposals in more detail we would be happy to hear from you.

For national queries please contact Lisa Pinney, Head of Strategic Co-ordination at the Environment Agency at lisa.pinney@environment-agency.gov.uk, on 0117 934 5067 or at Horizon House, Deanery Road, Bristol BS1 5AH or Defra's Environment Agency Sponsorship Team (as above).

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A digital copy of the consultation paper is available via the Defra web site: www.defra.gov.uk/consult/. If you require a printed copy of the consultation document then please contact the Environment Agency Sponsorship Team (contact details as above).

Next steps

All the responses received by the deadline of Monday 23 January 2012 will be analysed and a summary of the responses received will be placed on the Defra web site in due course.

In line with Defra's policy of openness, at the end of the consultation period copies of the responses we receive will be made publicly available through the Defra Information Resource Centre, Lower Ground Floor, Ergon House, 17 Smith Square, London SW1P 3JR. They may also be published in a summary of responses to this consultation.

Copies of consultation responses to personal callers or in response to telephone or email requests will be supplied by the Defra Information Resource Centre (020 7238 6575, defra.library@defra.gsi.gov.uk). Wherever possible, personal callers should give the Centre 24 hours notice of their requirements. An administrative charge will be made to cover any photocopying and postage costs.

If you do not consent to this, you must clearly request that your response be treated as confidential. Any confidentiality disclaimer generated by your IT system in email responses will not be treated as such a request nor will it, of itself, be regarded as binding on the Department. Respondents should also be aware that there may be circumstances in which Defra will be required to communicate information to third parties on request, in order to comply with its obligations under the Freedom of Information Act 2000.

Information provided in response to this consultation, including personal information, may be subject to publication or disclosure in accordance with the access to information regimes (these are primarily the Freedom of Information Act 2000 (FOIA), the Data Protection Act 1998 (DPA) and the Environmental Information Regulations 2004).

If you want information that you provide to be treated as confidential, please be aware that, under the FOIA, there is a statutory Code of Practice with which public authorities must comply and which deals, amongst other things, with obligations of confidence.

In view of this it would be helpful if you could explain to us why you regard the information you have provided as confidential. If we receive a request for disclosure of the information we will take full account of your explanation, but we cannot give an assurance that confidentiality can be maintained in all circumstances.

The Department will process your personal data in accordance with the Data Protection Act and in the majority of circumstances this will mean that your personal data will not be disclosed to third parties.

Code of practice on written consultations

This consultation is being undertaken in accordance with the Better Regulation Executive guidance on written consultation as set out at: <http://www.berr.gov.uk/files/file47158.pdf>

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If you have any comments or complaints about the consultation process, as opposed to comments about any of the issues in this consultation paper, please address them to:

Defra Consultation Co-ordinator

Nobel House

17 Smith Square

London SW1P 3JR

Email: consultation.coordinator@defra.gsi.gov.uk

Summary of questions:

Q1. Do consultees agree with the principle of abolition of the Environment Agency's statutory Environment Protection Advisory Committees (EPACs) and Regional and Local Fisheries Advisory Committees (RLFACs) [also known as the Fisheries, Ecology and Recreation Advisory Committees – FERACs] and the establishment of flexible non-statutory arrangements?

Q2. Do consultees agree with the proposed high level principles against which to design future stakeholder engagement? Are there any gaps?

Q3. Do consultees support the more flexible and region specific approaches being developed to allow more engagement at the local level (Appendix D)? Are there any gaps?