



# **Cynulliad Cenedlaethol Cymru** **The National Assembly for Wales**

## **Y Pwyllgor Cyfrifon Cyhoeddus** **The Public Accounts Committee**

**Dydd Mawrth, 18 Mehefin 2013**  
**Tuesday, 18 June 2013**

### **Cynnwys** **Contents**

Cyflwyniad, Ymddiheuriadau a Dirprwyon  
Introduction, Apologies and Substitutions

Materion sy'n Codi o Ganfyddiadau Adroddiad Swyddfa Archwilio Cymru 'Bwrdd Draenio Mewnol Cil-y-coed a Gwastadeddau Gwynllŵg'  
Issues Arising from the Findings of the Wales Audit Office Report 'Caldicot and Wentlooge Levels Internal Drainage Board'

Papurau i'w Nodi  
Papers to Note

Cynnig o dan Reol Sefydlog Rhif 17.42 i Benderfynu Gwahardd y Cyhoedd o Weddill y Cyfarfod  
Motion under Standing Order No. 17.42 to Resolve to Exclude the Public from the Remainder of the Meeting

Cofnodir y trafodion yn yr iaith y llefarwyd hwy ynddi yn y pwyllgor. Yn ogystal, cynhwysir trawsgrifiad o'r cyfieithu ar y pryd.

The proceedings are recorded in the language in which they were spoken in the committee. In addition, a transcription of the simultaneous interpretation is included.

**Aelodau'r pwyllgor yn bresennol**  
**Committee members in attendance**

Mohammad Asghar	Ceidwadwyr Cymreig Welsh Conservatives
Jocelyn Davies	Plaid Cymru The Party of Wales
Mike Hedges	Llafur Labour
Sandy Mewies	Llafur Labour
Darren Millar	Ceidwadwyr Cymreig (Cadeirydd y Pwyllgor) Welsh Conservatives (Committee Chair)
Julie Morgan	Llafur Labour
Jenny Rathbone	Llafur Labour
Aled Roberts	Democratiaid Rhyddfrydol Cymru Welsh Liberal Democrats

**Eraill yn bresennol**  
**Others in attendance**

James Harris	Cyn-aelod o Fwrdd Draenio Mewnol Cil-y-coed a Gwastadeddau Gwynllŵg Former Board Member of Caldicot and Wentlooge Levels Internal Drainage Board
--------------	---

**Swyddogion Cynulliad Cenedlaethol Cymru yn bresennol**  
**National Assembly for Wales officials in attendance**

Dan Collier	Clerc Clerk
Joanest Jackson	Uwch-gynghorydd Cyfreithiol Senior Legal Adviser
Tom Jackson	Dirprwy Glerc Deputy Clerk

*Dechreuodd y cyfarfod am 9.05 a.m.*  
*The meeting began at 9.05 a.m.*

**Cyflwyniad, Ymddiheuriadau a Dirprwyon**  
**Introduction, Apologies and Substitutions**

[1] **Darren Millar:** Good morning, everybody, and welcome to today's meeting of the Public Accounts Committee. I remind everybody that, in the event of an emergency, they should follow the instructions of the ushers, who will guide us to the nearest safe exit. I also remind everybody that the National Assembly for Wales is a bilingual institution and that Members and witnesses should feel free to contribute to the proceedings of this meeting in English or in Welsh, as they see fit. Headsets are available for translation. I have one final reminder, and that is to switch off your mobile phones, BlackBerrys and pagers, because they can interfere with the broadcasting and other equipment. We have received no apologies today, so we will go straight into the next item on our agenda.

**Materion sy'n Codi o Ganfyddiadau Adroddiad Swyddfa Archwilio Cymru  
'Bwrdd Draenio Mewnol Cil-y-coed a Gwastadeddau Gwynllŵg'  
Issues Arising from the Findings of the Wales Audit Office Report 'Caldicot  
and Wentlooge Levels Internal Drainage Board'**

[2] **Darren Millar:** I am pleased to welcome to the committee this morning James Harris, a former board member at the internal drainage board. I remind Members and our witness today that we are looking at the scope of the inquiry that we agreed as a committee a number of weeks ago. That scope was to look at the Welsh Government's actions to reassure itself that there were approved decision-making frameworks for drainage boards in Wales; the Welsh Government's role in working with the Caldicot and Wentlooge drainage board to deliver the improvements that are needed as a result of the Wales Audit Office report; the future of internal drainage boards in Wales; the role of civil servants and why concerns were not raised sooner; local authorities' presence on public boards and bodies; and the Wales Audit Office methodology for the audit of internal drainage boards.

[3] This is our third session at which we will take formal evidence. We have already taken evidence from the Welsh Government, the general manager of the board, the former clerk and engineer, the Association of Drainage Authorities, the Wales Audit Office and the Audit Commission. Mr Harris, we are grateful for your attendance today and for the letter that you kindly sent in advance of your attendance. We are up against the clock today—we need to finish this particular session by 10 a.m.—so, rather than asking you to make any opening remarks, we will go straight into questions, if that is okay.

[4] **Mr Harris:** Thank you, Chairman and Members, for the invitation to attend.

[5] **Darren Millar:** The Wales Audit Office report made quite alarming reading. It identified all sorts of failures in governance at the internal drainage board, including the failure to declare appropriate interests and the fact that there were no minutes of meetings of the establishment committee even though major decisions were being made. What do you think went wrong?

[6] **Mr Harris:** I think that the drainage board became a self-interest group that derided any input from local authority members. It wanted to remain an independent organisation, yet it took the revenue support grant, which is substantial in Monmouthshire, Cardiff and Newport councils. It lived off that. The actual drainage rates were low. It cost a considerable amount of money to collect £38,000—an excessive amount of money. There was no correlation.

[7] We have moved on. It is a historic organisation. There are issues around flood defences in the Gwent levels. I do not want to walk away from that issue, but, for me, the thread of the whole thing was lost. That is not personal; there were some really good people involved in this organisation, who are no longer there. They were pilloried for standing up for decency and good rights and for taking the board forward.

[8] If a business plan was presented from the Caldicot and Wentlooge internal drainage board today, there would be nothing to do with local development plans, because it is dealing with three sets of local development plans for three major authorities in Wales and the lead local flood authorities, which have strategies that should all correlate and interact with the business plan of the drainage board. In essence, urbanisation is also cut out of the plan and it goes into the levels and into the estuary. So, there are quite a few things. Shoreline management and catchment plans are not integrated into the system. I do not—

[9] **Darren Millar:** Mr Harris, the question that I asked was who is responsible for the governance failures at this internal drainage board. Is it the board members?

[10] **Mr Harris:** It is the board.

[11] **Darren Millar:** Is it the lack of oversight?

[12] **Mr Harris:** It is the board members.

[13] **Darren Millar:** Does that include you?

[14] **Mr Harris:** Yes. I take that on the chin.

[15] **Jocelyn Davies:** Rather than make a long list of the failings that were discovered by the Wales Audit Office, I think that we can conclude that the report demonstrates that there was an unacceptable culture within the board. So, what measures, do you think, should have been in place to prevent that from happening?

[16] **Mr Harris:** For an organisation that is based on the principles of a parish council, there was no monitoring officer and there was no training for board members.

[17] **Jocelyn Davies:** So, you received no training at all.

[18] **Mr Harris:** No. I just arrived. There was no training. Although I had training as a county councillor, you must accept that the landowner farmers came from their daily work. There was no training for the farming community. I feel that it was just a case of, 'You have arrived'. There were no issues around health and safety, and there was no training. I was trying to bring the county council ethos to the drainage board.

[19] **Jocelyn Davies:** So, it must have been a bit of a culture shock for you. You come from a certain culture where you have rules, standing orders, a certain ethos, a monitoring officer, training and so on, and then you are attending this as a local authority appointee and the culture is completely different. So, it must have been like chalk and cheese for you.

[20] **Mr Harris:** Once I started having a go at trying to right the ship, I became sort of at arm's length. They just cut me off completely and the staff refused to speak to me. It was all about dictates, and private reports were correlated at great public expense about my conduct. I thought that I conducted myself very well, to be quite honest. I just feel that—

[21] **Jocelyn Davies:** So, you became a target.

[22] **Mr Harris:** Yes, I was a target.

[23] **Jocelyn Davies:** I notice that the ethos of the board is kind of 'who pays gets the say', or something like that. However, you were just saying that local authorities provide the greatest amount of resource, so why did the local authority members not have the greater say?

[24] **Mr Harris:** I have some extracts of minutes with me. I brought to the attention of the board that there was a lack of appointed members attending the meetings. The reply from the chairman, which is clearly minuted, was that it was down to local authorities to actually get themselves there. The people who did not appear at the board meetings were not actually given documentation and were excluded from meetings. I was excluded from four or five serious establishment committee meetings, and that is documented. I picked up the point made by Mr Hedges. I am not defending the position of a city councillor, but I just feel that we are cut out of the loop completely. That is the problem.

[25] **Sandy Mewies:** Good morning to you. This is quite a complicated situation. You were an appointee from Monmouth.

[26] **Mr Harris:** That is correct.

[27] **Sandy Mewies:** Did your authority, at any time, give you any briefing on what you were expected to do, what your constituency was and how you would report back to the authority?

[28] **Mr Harris:** Yes. I will take the third question first, if I may. Every set of minutes that I received from the drainage board were sent to the clerk of democratic services at Monmouthshire County Council and placed in our library for all members to read. Those minutes, agendas and reports were actually put in the back of the county council agenda for four council meetings. I received no briefing as to my role. It was just a matter of actually turning up at the meeting. However, for me, my concerns were that Monmouthshire County Council, along with other authorities, was handing over large chunks of money and there was no invoice. When someone writes a cheque for £100,000, you would want to look at the invoice. I raised that with my section151 officer at the council.

9.15 a.m.

[29] **Sandy Mewies:** May I just add to that? You were talking about exclusion from some of the establishment committees, and I think that you were getting minutes for the main board. Are you saying that you were actually appointed to committees but that you were not receiving the information to look at?

[30] **Mr Harris:** That is correct

[31] **Sandy Mewies:** Did you ask for that? What was the response?

[32] **Mr Harris:** Yes. I have put this in my paper, but the first issue is that I was accused of breaking into the offices because certain papers were reported. I managed to obtain some minutes by attending the board. So there was –

[33] **Sandy Mewies:** The answer is ‘no’, then. You did not get them.

[34] **Mr Harris:** No, I did not get them, but may I just say that, on 20 April and 31 May 2011, there were two sets of minutes issued for a meeting? As far as I was concerned, there was a conspiracy. There were two sets of minutes and they were completely different.

[35] **Darren Millar:** Councillor Harris, may I just remind you what the scope of our inquiry is?

[36] **Mr Harris:** Okay; I do apologise.

[37] **Darren Millar:** If you would just stick to the issue and to the scope. The difficulty is that, if you make an allegation, then we will need to ensure that people are allowed to respond to that.

[38] **Mr Harris:** Yes. That is fair comment.

[39] **Darren Millar:** We will return to Sandy.

[40] **Sandy Mewies:** May I go on then? There were many concerns raised in the report by

the Wales Audit Office. It seemed to suggest that similar concerns could feature in the governance arrangements of other drainage boards. You may not be able to answer that, but do you think that that is likely, or do you think that these difficulties were unique to the Caldicot and Wentlooge Levels Internal Drainage Board?

[41] **Mr Harris:** I was also a member of the Lower Wye Internal Drainage Board. That was unique to them. There was no governance or accountability or standing orders for that organisation. Through other experiences I had, I feel that certain community councils operate on the same principle. They are not democratically elected organisations, but co-opted on.

[42] **Sandy Mewies:** Thank you.

[43] **Darren Millar:** Aled, do you want to go on?

[44] **Aled Roberts:** On your discussions with the section 151 monitoring officer at Monmouthshire, were those during public meetings that were minuted, or were they private meetings? What was the result of those discussions?

[45] **Mr Harris:** They were just private meetings. I raised it with the chief executive of the authority, and they thought that they would wait for the outcome of the Wales Audit Office response.

[46] **Aled Roberts:** When did you raise those concerns?

[47] **Mr Harris:** I was raising those concerns in February 2011.

[48] **Aled Roberts:** There is reference in your note to discussions in Newport, where there was a Newport councillor who was concerned regarding the situation.

[49] **Mr Harris:** Yes. Councillor David Williams was very supportive. We both asked on several occasions to meet with the new manager, but we were refused.

[50] **Aled Roberts:** There is also reference to a meeting of the audit committee at Cardiff Council. You say that you do not remember the date.

[51] **Mr Harris:** Yes.

[52] **Aled Roberts:** Would that have been at around the same time, or would it have been earlier?

[53] **Mr Harris:** That was a Cardiff councillor—Mr Kelloway—who raised it at an audit meeting. I do not have the date, but I have read the response, and the audit office came back at the meeting and said that it was an operational issue. That is all that I can say, Chair.

[54] **Darren Millar:** Okay. Julie Morgan is next.

[55] **Julie Morgan:** Thank you, Chair. I was going to ask you about the Welsh Government's role in all this. Would you tell us what the relationship was between the Welsh Government and the drainage board?

[56] **Mr Harris:** I did not actually know that the regulator of the internal drainage board was the head of the flood-risk management Wales committee. I did not know that. The relationship just consisted of the odd visit. I met with Dr Peter Jones, who attended a few meetings. There was not—

- [57] **Julie Morgan:** Not much involvement.
- [58] **Mr Harris:** There was not much involvement, to be quite honest with you.
- [59] **Julie Morgan:** You did not see that you had any relationship.
- [60] **Mr Harris:** I would not say so, no.
- [61] **Julie Morgan:** Were there any occasions that you can remember when officials from the Welsh Government were present when any of the problems that existed were discussed?
- [62] **Mr Harris:** There were not at meetings that I attended, but if there are historic minutes, they may allude to some officials being present at meetings. I know that some Welsh Government officials visited and had a tour of the levels, but that is all I can say.
- [63] **Julie Morgan:** So, you do not know whether the problems were flagged up to Welsh Government officials.
- [64] **Mr Harris:** We did have a meeting some time, down the road. We had a meeting in a building in Cardiff with all the local authorities, and we discussed the issue around the single environmental body and what we thought the issues would be for internal drainage boards. We put our case based on quite a few issues. That was attended by senior officers of local authorities, a councillor from Newport and me.
- [65] **Julie Morgan:** That was not flagging up the issue though—
- [66] **Mr Harris:** It was not a meeting relationship where the Welsh Government official would actually appear at a board meeting. That did not occur.
- [67] **Aled Roberts:** With regard to the meeting on 18 February at Newport Civic Centre, which is referred to in your notes, with Claire Bennett, head of sustainability, and Nicola Edwards, head of flood and coastal erosion risk management, was Nicola Edwards a Welsh Government official?
- [68] **Mr Harris:** Yes. I think that she was just taking over from Dr Peter Jones with regard to flood-risk management and Claire Bennett dealt with sustainability. They were the people that my monitoring officer advised me to contact. I was advised to contact the regulator of the internal drainage boards, which was Nicola Edwards, so we set up a meeting with the whistleblowers and they took their files to the meeting. We met independently and I raised my concerns with the Welsh Government officials.
- [69] **Aled Roberts:** Was there any comeback from the Welsh Government officials regarding what action would be taken after that meeting?
- [70] **Mr Harris:** To be very honest, they were quite confused by it all. They took the information away and it was a couple of months before I had an interview with the Wales Audit Office.
- [71] **Darren Millar:** In terms of the role of the Environment Agency in overseeing the internal drainage board, obviously Environment Agency Wales would have been responsible for coastal flood-risk management, but what was the relationship like between the Environment Agency and the internal drainage board in terms of planned work or anything else to do with flood risk in the area?
- [72] **Mr Harris:** On occasion, when there was an issue around the precept, three officers

from the Environment Agency would attend and talk through certain issues. Certain issues would be raised and built into some sort of programme to be addressed. On other occasions when there were issues around sea defences, they attended meetings. For me, as a board member, they would not have appeared at a regular basis at board meetings. I do not know what the daily working relationship with board officers would be.

[73] **Darren Millar:** Was there not a great deal of discussion between board members about the relationship with the Environment Agency as a key partner in flood-risk management in the locality?

[74] **Mr Harris:** If I can take you back to October 2011, in the local development planogram of plans there was a series of plans around flood-risk management issues. The water level management plan for an internal drainage board is significant, because you would have that in your business plan. It was a draft plan and I asked why the Environment Agency had not commented on that plan, because it was significant and it was to protect the levels and various urbanisations. I gave it to an officer at that meeting, but he never actually came back to me with any response; I do not know if that came back to the board. There did not seem to be a good working relationship.

[75] **Aled Roberts:** On the position regarding the Wales Audit Office itself, as far as its audits were concerned, this was going on for some time. Do you have any concerns about the quality of the audits that were undertaken? You were raising issues, but did you receive any recommendations as a board member regarding action that the Wales Audit Office thought should be taken?

[76] **Mr Harris:** There was a letter that was circulated to board members on 20 September 2011 with, I think, 37 recommendations. Basically, at that point, I sort of divorced myself from the board, because there are certain issues in that report that have not been raised. I think that the report has been quite cherry-picked, and actually the three files that were presented by people have not been put into that report, as far as I am concerned. In December 2010, I sat by some auditors from the Wales Audit Office, and there were issues, and I was thinking, 'How are you going to justify these expenditures on sea defence cases?'. There was a group of auditors sitting there, and clearly they were giving a fairly clean bill of health to the drainage board, and off they then went. After they had gone through some sort of presentation, off they went. I am not really impressed with the Wales Audit Office, to be quite honest with you.

[77] **Aled Roberts:** You said that it gave the board a fairly clean bill of health in 2010, however, a year later, it was making 37 recommendations. Do you not recall, during previous years, letters being written with regard to recommendations?

[78] **Mr Harris:** From my time in 2008, I have not really seen anything from the Wales Audit Office. It has not said, 'You need to put this right'. There has not been a paper before a board meeting that has stated, 'You need to tighten these things up, or do X, Y and Z'. That did not happen.

[79] **Aled Roberts:** It is common practice in local authorities for the audit office to attend before the executive board, and other council members, to raise any concerns that it has. Were any presentations made to the board by the auditors?

[80] **Mr Harris:** No, not as far as I can remember.

[81] **Jenny Rathbone:** Could you clarify that point? You do not recall seeing any of the audit reports of the earlier years? You were a member from 2008, were you not? Therefore, as far as you can recall, board members never received the 2008-09 report from the audit office.

[82] **Mr Harris:** It was non-existent.

[83] **Darren Millar:** When it gave evidence to us, the WAO suggested that a number of issues had been raised, over a number of years, at the internal drainage board. Do you think that it would be helpful if the WAO had written directly to board members, or had communicated directly with board members, about those ongoing issues, rather than simply putting them in a letter to the clerk of the board?

[84] **Mr Harris:** I think that that is what should have happened, so that the person who is a board member becomes focused, and there are issues. I do not think that that happened—it was just sort of spilt. There was a sort of a syphoning off of certain things, as far as I was concerned, which local authority members were not party to. That is quite well evidenced, Chairman.

[85] **Darren Millar:** Do you have a question on this issue, Jocelyn?

[86] **Jocelyn Davies:** Yes. You said that local authority members were left out of the loop on certain things, and that they were not party to certain things. Could it possibly be that the Wales Audit Office had raised issues, and that you just were not told?

[87] **Mr Harris:** I could not comment on that, because we did not have access to the—

[88] **Jocelyn Davies:** But, it could have happened that—

[89] **Mr Harris:** Someone could have been writing letters, and we may not have been seeing them—I do not know.

[90] **Jocelyn Davies:** You may not have been seeing them, because you know of other instances where you were not kept in the loop about everything that was going on.

[91] **Mr Harris:** Yes, exactly.

[92] **Jocelyn Davies:** Okay.

[93] **Darren Millar:** Mike has the next questions.

[94] **Mike Hedges:** I have a series of questions that relate to working with the authority prior to meetings. Jenny Rathbone will ask you questions about what happened after the meetings, but I wish to ask about what happened prior to the meetings. I used to serve on the flood defence committee for south-west Wales, which was a similar type of organisation.

9.30 a.m.

[95] I have three questions for you. The first one is: when you had the agenda, did you and the other councillors, certainly for the annual meeting or the budget-setting meeting, meet with the county treasurer and the county monitoring officer to discuss the agenda for that meeting?

[96] **Mr Harris:** No.

[97] **Mike Hedges:** Secondly, I have sat on a lot of different organisations, and you talk about elections and local authority people being put forward. What would have happened in my experience, and I think probably in the experience of others, is that the leaders of the three local authorities concerned would have had a chat and said, ‘We need to put a councillor

forward for the chairmanship of this, therefore, we will nominate X'. Did any such discussion take place, or did you just come up to the meeting?

[98] **Mr Harris:** When I was representing Monmouthshire County Council, I was not first choice. I pestered someone because I wanted to get on that board, because I have experienced flooding; I have seen the harm that it does to people and the grief that it causes, and I wanted to be on the board because I am committed to it. I managed to get on that board, but in a local authority there is a load of places to be filled. If anyone has been on a local authority, they know how it works.

[99] **Mike Hedges:** I have been on a local authority for some time, as have probably the majority of people in this room. What we do know is that although your first duty in law is to the organisation to which you are appointed, there has been a history of taking advice from your own local authority before you go to those meetings. I have sat in a room where we have called a meeting of all members of the flood defence committee, saying, 'We're going to this meeting, these are the items on the agenda for the annual meeting, so what is best for Swansea?' I am sure that an awful lot of other people will have taken part in those sorts of meetings. Did you have those sorts of meetings of the Monmouthshire representatives with the engineer, the monitoring officer and the chief finance officer, asking, 'What does Monmouthshire want out of this'?

[100] **Mr Harris:** I can only speak for Monmouthshire, and that did not happen.

[101] **Mike Hedges:** Did you suggest that it should happen?

[102] **Mr Harris:** I had several meetings, but no valid points were raised. I went to the engineer, the head of operations, the section 151 officer, the chief officer of regeneration and the chief executive, saying, 'Look, you've got some issues here'. Until it happens to you, I do not think that flooding is high on many people's agenda.

[103] **Mike Hedges:** But, local authorities do not pay money to a large number of organisations—fire and rescue authorities raise a levy, and there are three or four other organisations to which they pay money. Although they send representatives to probably a hundred or more organisations, they pay money to only three or four organisations, which is a different situation. Did Monmouthshire County Council at a senior level—leader or chief executive level—not take an interest in where its money was going?

[104] **Mr Harris:** No, because one of the questions that I asked was, 'Where is the service level agreement?' If you analysed the different ditches and reins within Monmouthshire, you have to understand that it just did not add up. These were the issues that I was continually flagging up as an elected member, because it is important. That is probably why we are sitting here today.

[105] **Darren Millar:** We have already talked about the concerns that had been raised by the Wales Audit Office in relation to its annual audits not necessarily being brought to the attention of board members. Do you think that it would have been wise for the WAO to bring those concerns to the attention of the major funding bodies of the internal drainage board, namely the local authorities and Welsh Government? I suppose that, ultimately, all the money comes from Welsh Government.

[106] **Mr Harris:** I believe that local authorities have a link officer with the WAO. I raised that with our link officer, but it does not seem to have happened. There is a mechanism there, but I do not know whether it is used.

[107] **Darren Millar:** The link officer would be in relation to the external audits of the

local authority, would it not? The point that I am making is that if the Wales Audit Office had any ongoing concerns about the organisation, it is one thing to raise them with the clerk, who is effectively the chief executive of the organisation, but it is another matter to raise them with the people who are responsible for the governance of the organisation—the members. To a certain extent, the local authorities were funding the organisation. Should there be any responsibility on the Wales Audit Office to share concerns with local authorities?

[108] **Mr Harris:** It should do, yes. That was not done in respect of Lower Wye Internal Drainage Board, although, obviously, that is an English audit issue. However, issues with Caldicot and Wentlooge Levels Internal Drainage Board were not flagged up with officers—not even in previous audit reports. For example, I do not think that the 2010 report would have got to some officers within the council. Whether they took it on board, I do not know.

[109] **Jenny Rathbone:** You have already told us that you would lodge the minutes of the board meetings with your local authority and that they were circulated to all members in the normal manner. What other methods might you have used to alert your fellow members at Monmouthshire County Council of some of the issues that you saw developing within the board?

[110] **Mr Harris:** I had an ad-hoc meeting with some members—

[111] **Jenny Rathbone:** When you say some members, do you mean members of a particular party?

[112] **Mr Harris:** No, it was not political or anything; it was across the board, because, obviously, flooding affects everybody. I had discussions with board members of the Lower Wye Internal Drainage Board, and the head of operations, the head of waste management and the lead engineer for flood-risk management within the authority—

[113] **Jenny Rathbone:** I am keen to find out whether other members of the council were or were not aware of the minutes. Was it the practice of your predecessor on the council to lodge the minutes in the library and to get them circulated to all members?

[114] **Mr Harris:** I could not comment on that. I do not know.

[115] **Jenny Rathbone:** You were not a member of the council before 2008, is that right?

[116] **Mr Harris:** Yes.

[117] **Jenny Rathbone:** Okay; that is fine. When you said that you met some members, were they councillors?

[118] **Mr Harris:** Yes, they were county councillors.

[119] **Jenny Rathbone:** They were on the environment committee or something similar.

[120] **Mr Harris:** They were actually drainage board members. We also took our concerns to Newport City Council and met its councillors.

[121] **Jenny Rathbone:** So, you met with the other drainage board members who were representing Monmouthshire County Council and you also had meetings with Newport City Council councillors.

[122] **Mr Harris:** That is correct.

[123] **Jenny Rathbone:** You also mentioned that Councillor Kelloway from Cardiff was one of the councillors. So, between the representatives of those three local authorities—who understand how to conduct meetings: how to take minutes, elect chairs et cetera—how was it not possible for you to put the board in order, to get it to operate effectively?

[124] **Mr Harris:** We tried to take control of the drainage board in the election, but, unfortunately, as you know, councillors have full diaries—there are clashes with all sorts of things, there is work with constituents and so on. So, we could not take control. We were under the impression that a councillor could not become chairman of a drainage board. It was quite significantly fed to us that councillors could not become chairman—it was shared between the two different drainage districts of Caldicot and Wentlooge. So, we did try, we spoke to lots—

[125] **Jenny Rathbone:** Did you ask for the standing orders, to see if that was in there?

[126] **Mr Harris:** If you look at the standing orders—I know that this has been raised already by somebody in this committee—you will see that they are from 1930. Some two years ago, I think, I said, ‘Look, these standing orders are from 1930; can you remove them from your website?’ I was stood there, but they would not do it. We were talking to people, but they were not engaging with us.

[127] **Jenny Rathbone:** What I am trying to establish is that while you were told that no councillor could become chair, did you ever test that and ask, ‘Who says? Where is the rule book?’

[128] **Mr Harris:** We did test it. We took some legal advice from monitoring officers, and that advice said that we could actually do that. The other point that I think is worth mentioning, because you had elected and appointed members, is that local authorities are landowners and they have a right to become elected members as well. We tested that point, but that did not quite work out.

[129] **Jenny Rathbone:** I am still struggling to understand why the combined efforts of the councillors from the three local authorities—who were, in any case, the biggest hitters, financially—were not able to reform the operations of the board to make it work effectively.

[130] **Mr Harris:** Well, with respect to the Chair, I ask that you ask the Wales Audit Office to look at the minutes of Caldicot and Wentlooge Levels Internal Drainage Board. It has a red file with all of my e-mails. Ask it to look at that information, because we tried very hard. We knew that things were wrong and, as councillors, we tried very hard. For three years, it had a tremendous impact on my life and other people’s lives. However, I can tell you that we tried. It was not for want of trying.

[131] **Jenny Rathbone:** I absolutely am clear that you personally tried; I am just struggling to understand why collectively, between you, you were not able to turn this around.

[132] **Mr Harris:** We would take it to a board meeting and they just would not listen. That was the point.

[133] **Darren Millar:** A number of Members want to come in here. I will go to Sandy first, then Aled, then Mike.

[134] **Sandy Mewies:** You said that you took minutes, you put them in the library and that they were circulated to all members. Were they an addendum to your monthly meeting report? Is that how they were circulated?

[135] **Mr Harris:** Yes, they go in the back of the—

[136] **Sandy Mewies:** Your monthly meeting? That is, the full council meeting.

[137] **Mr Harris:** That is correct.

[138] **Sandy Mewies:** Was there an opportunity to discuss this at the full council meeting? I do not know whether you have a mayor or a chair, but you would go through, as we do, the papers to note or whatever. So, was there an opportunity for issues to be raised, and did that ever happen? The reason I ask you this is to find out whether there was a culture of ‘Well, they are just those minutes that nobody ever looks at’.

[139] **Mr Harris:** Yes, that is correct. It was just something that was at the back of the agenda.

[140] **Sandy Mewies:** So, there was not an opportunity. Your chair did not say under the heading ‘papers to note’, ‘Are there any comments on this, this or this?’

[141] **Mr Harris:** I did actually raise some questions at a meeting of my full council. I was in quite an invidious position, because I had read things that were quite disturbing. I had no guidance.

[142] **Sandy Mewies:** Did you get answers when you raised things at the council meeting?

[143] **Mr Harris:** Not really, no. I do not think so.

[144] **Aled Roberts:** Your notes say that this issue regarding the exclusion of appointed members from the chair and vice-chair positions on the board was challenged in 2011. Was that the first time it was challenged?

[145] **Mr Harris:** I would think so, yes.

[146] **Aled Roberts:** Okay. You said that the candidates put forward were declined by the returning officer; who was the returning officer?

[147] **Mr Harris:** That was the general manager.

[148] **Aled Roberts:** Okay. You were still under the 1943 standing orders, or whatever; what was the reaction of your section 151 officer in Monmouthshire and the chief executive to this situation?

[149] **Mr Harris:** There was no response at all, to be quite honest with you.

[150] **Jocelyn Davies:** Would it be fair to say that they thought that it was insignificant and that, in the big picture for them, this was not something that they wanted—

[151] **Mr Harris:** That is correct. It was just insignificant. That is the point.

[152] **Jocelyn Davies:** So, they did not think that it was any great shakes that some rule had been broken and that you had been turned down by the returning officer to stand as a candidate.

[153] **Mr Harris:** Officers were being put forward to stand to become board members.

[154] **Darren Millar:** In terms of the standing orders, at that time, as far as you understood

it, your interpretation and the interpretation of your local authority legal adviser was that local authority members who had been appointed to the board should have been eligible to stand for election to those officer posts within it.

[155] **Mr Harris:** Well, it was an assumption that I had myself. I took it to the legal officer and said, ‘If we are landowners within a drainage district, surely we’ve got rights. So, we would like to become elected members as well’. It was something that had never been raised, and I raised it. I got a little bit of support from the monitoring officer and head of legal services, with whom I discussed things on a frequent basis.

9.45 a.m.

[156] **Darren Millar:** I am sorry; will you let me get my head around this? You wanted to be an elected member, because you had been given the impression that you were not entitled to hold certain offices in the board unless you were an elected member—

[157] **Mr Harris:** Yes, that is the question. We challenged it and we were told that you could not become a chairman of a drainage board.

[158] **Aled Roberts:** May I ask something briefly? I have noticed in the most recent minutes since all this took place and subsequent to this report that section 151 officers have been in attendance at board meetings. Were any senior officers from the authority present during board meetings when people were being excluded and there were questions regarding decisions that were being taken, or was there no officer representation?

[159] **Mr Harris:** From Monmouthshire County Council, there was no officer representation and from Newport and Cardiff, there was officer representation, so when things got a little bit heated, they turned up, because they probably thought that it was insignificant as well.

[160] **Jenny Rathbone:** Can we clarify that? [*Inaudible.*]—at all the meetings, or at least at some of the meetings, where your attempts to reform the way that it proceeded were rebuffed.

[161] **Mr Harris:** We had two representatives: myself and another elected councillor.

[162] **Jenny Rathbone:** No, the officers of Cardiff—

[163] **Mr Harris:** The only officer attending was from Newport City Council. We also had an engineer later on, who was a senior officer in the authority at Cardiff.

[164] **Jenny Rathbone:** So, the officer from Newport attended every board meeting.

[165] **Mr Harris:** I could not say that he attended everything—

[166] **Jenny Rathbone:** But most of them.

[167] **Mr Harris:** Yes.

[168] **Mike Hedges:** I was going to ask most of what Aled asked, but I have one additional question. I had a situation, when I was leader of the council, in which I had members on an external committee—I do not want to go into what it was—who were not happy with the way that that organisation was run. So, I called a meeting with the chief executive and the chair of that organisation, my council members, who were not necessarily members of my group, who were not happy, the monitoring officer and my council’s chief executive. I got them all around the table, and we discussed the problem or what they were not happy with and how we

could resolve it and what could be done. I take it that such a thing never happened at Monmouth council. Did you suggest that such a thing happened?

[169] **Mr Harris:** We tried to get together a group of people to go to the meeting to pass a vote of no confidence in the organisation, but, unfortunately, it was such a wide spread of local authority members—I think that it was something like 15 from Newport—that we could not get the people there.

[170] **Mike Hedges:** I was not talking about in the meeting; I was talking about outside the meeting and your going to tell the leader, the chief executive, the monitoring officer and everybody else in the organisation that you were not happy with this, and you had your colleagues there saying exactly the same thing. Did the leader and chief executive not say, ‘We need to call the chief executive and chair of this organisation in so that we can discuss with that organisation the concerns of our members?’

[171] **Mr Harris:** At one point, the drainage board met with the chief executive and the leader of Monmouthshire council to get me removed from the board, but, at the end of the day, we explored the avenues, and they would not take that on board, because there was a Wales Audit Office inquiry, and they felt that they would be interfering with that process.

[172] **Mike Hedges:** This is pre-audit. You were not happy before the audit. Were you invited to that meeting with the chief executive and the leader, who were talking with the chief executive and the chair—

[173] **Mr Harris:** I was not invited.

[174] **Mike Hedges:** Did you ask to attend?

[175] **Mr Harris:** I did not know that it had happened until some time later—

[176] **Jocelyn Davies:** Mr Harris, would—[*Inaudible.*]—banging on about the drainage board and you were not being taken seriously?

[177] **Mr Harris:** Yes, they most probably thought that I was a lunatic.

[178] **Darren Millar:** In terms of the response of the local authorities as well, concerns had been raised by a councillor in Newport and by this other councillor in Cardiff. They met with a similar response from their local authorities, did they, Mr Harris?

[179] **Mr Harris:** That is correct.

[180] **Darren Millar:** So, if we get to the nub of this, you are telling the committee that the local authorities did not pay much attention to what was going on in the internal drainage board, even though they had a sizeable financial interest in these organisations, and that, even when concerns were raised, they were brushed aside.

[181] **Mr Harris:** Correct, Chairman.

[182] **Mohammad Asghar:** Good morning. Thank you for the letter. On the last paragraph of the third page, you mention that I visited Wentlooge drainage board. Just to clarify, we were on the campaign trail, which was well-publicised, the national press was with us and the party leader was there, but, to my surprise, you were in my office. You should have been in the drainage board, but I did not know that you were not going to be there when we went there. We were briefed and everything. So, what was your relationship with other board members? Less than cordial, I suppose? Could you explain why you were in my office, rather

than in the drainage board, when we were all with the high officials and the national media were there?

[183] **Darren Millar:** Oscar, I do not think that that is a relevant question. I think that you ought to—

[184] **Mohammad Asghar:** I am only asking about the relationship between the board members. That is what I want to clarify, Chair. If Mr Harris gives an answer to that, I will ask the next question.

[185] **Darren Millar:** What was your relationship like with other board members?

[186] **Mr Harris:** It is plain and simple—I did not even know that this was going on, so I went to your office to speak to your researcher or personal assistant, and she said, ‘Mohammad is down at the drainage board’. We had a bit of a conversation about some of the issues, and it went on from there. I was not invited. Regarding my relationship with other board members, I have had not had any conflict with anyone. I think that it was okay; I have not seen most of them since, and I have no issues with anyone on that drainage board whatsoever. I have never said anything derogatory about anyone that sits on the board either.

[187] **Mohammad Asghar:** All right, thank you. We understand that the Welsh Government is still considering possible changes to the different boards, such as subsuming them into Natural Resources Wales, or maintaining the status quo. In your experience, what would be the best framework for IDBs in Wales to be operating under, and why?

[188] **Mr Harris:** I think that it has moved on since 1553, when it was first established. It is quite historic. *[Laughter.]* Whatever happens, and whoever takes this on board, whether it is Natural Resources Wales or not, there needs to be local input. I am not discounting that. There also needs to be landowner representation. However, at the moment, there is no correlation with shoreline management plans or the bigger picture of flood risk. I just picked up my iPhone and looked at the flood-risk management plan for Caldicot and Wentlooge Internal Drainage Board, and it was done in 2004. We are putting public money into this organisation, and the document was published in 2004. I would like an updated version of the flood-risk management plan. It is difficult to say, because local authorities, in my experience, do not seem to be that interested in it, the Environment Agency has disappeared and we have Natural Resources Wales, and I do not know how that is going to manifest itself, to be quite honest.

[189] **Mohammad Asghar:** Do you believe that the present funding is adequate for the drainage board?

[190] **Mr Harris:** If you look at the governance and accountability document 2006-07, section 2.8 says that the funding held by drainage boards should be relevant to the rates collected, which would be £38,000. So, why does the drainage board have £1.1 million in the bank? That needs to be looked at. Are ratepayers and council tax payers paying too much? That needs to be looked at.

[191] The other point, before I finish, would be, ‘Let’s find out what a drainage board does’, and that needs to be modelled as to how it correlates with urban drainage and the local development plan. The system needs to be modelled, because I do not think that people really know how it works, to be quite honest with you, Chairman.

[192] **Mohammad Asghar:** What lessons can be learned from the drainage board?

[193] **Mr Harris:** There are quite a lot. I just think that it needs to be looked at very

differently.

[194] **Mohammad Asghar:** In what way?

[195] **Mr Harris:** It needs to be looked at in a broader context. There needs to be some sort of localism, whereby people can have a say. We have board meetings, and we need to have public participation. You need to get the elected members out speaking with people, finding out what their issues are within the drainage district. That does not happen.

[196] **Darren Millar:** Do you think that local authorities are better placed to manage these sorts of flood risks in these areas in the future, or Natural Resources Wales, or do you think we should have internal drainage boards going forward?

[197] **Mr Harris:** From a collaboration point of view, we have GIS systems, local authorities, and we have the drainage rates collection system. We have everything in place. There is not much overlapping. Each local authority produces a biodiversity action plan, so you will have Cardiff, Newport and Monmouthshire all producing biodiversity action plans that include the Gwent levels, because they all cover a part of it. Then you get the drainage board producing its own—if it has one at the moment; I do not know. There is a point about the fact that you could have some sort of system where you have proper controls from local authorities on an operational basis and you still have some landowner farmer input. It needs to be restructured, Chairman, and I am not the expert on that.

[198] **Darren Millar:** I have three Members who want to come in. Jocelyn is first, then Jenny and Aled.

[199] **Jocelyn Davies:** I guess that you are saying that there should be more transparency and integration with other plans, for obvious reasons. You mentioned at the beginning of your evidence that there had been a meeting, with others I think, to discuss the creation of Natural Resources Wales and the position of the internal drainage boards in order to put together a response.

[200] **Mr Harris:** That is correct.

[201] **Jocelyn Davies:** What was the response at that time, and were you signed up to that? Was the response to keep the status quo, despite the shortcomings?

[202] **Mr Harris:** There is quite an issue, really, around that, because the manager of the drainage board—I do not know whether the word ‘interfered’ is the right one, but he wanted to look at the minutes and he was unhappy with the minutes of the meeting of Flood Risk Management Wales, because I made some statements about drainage boards, and that was that.

[203] **Jocelyn Davies:** I see.

[204] **Mr Harris:** We thought that it needed to have local input. It has to have local input.

[205] **Jocelyn Davies:** I am just curious about something that has bothered me all the way through this inquiry. For all the shortcomings that we can see, and I am sure that you could tell us a whole mountain more of shortcomings that we cannot go into now, people still seemed to want to keep the drainage board. Can you explain that?

[206] **Mr Harris:** I can, actually. I looked at the consultation replies. The report is quite skewed, because you look at it and there are ex-board members commenting—obviously they have an opinion—and there are board members and organisations, such as One Voice Wales,

who may also have a conflict of interest, too. If you look at the charts within that, it does skew it. They want to keep it because they have a pecuniary interest. It is their land.

[207] **Jocelyn Davies:** Is that why the Environment Agency would put in a response that says that it wants to keep it?

[208] **Mr Harris:** I think that some of the things have actually changed since that report.

[209] **Jenny Rathbone:** Based on your experience, what could have been done to improve the collaboration between the three local authorities and bring it higher up the agenda, particularly in Cardiff and Newport, which had a much bigger financial liability than Monmouthshire?

[210] **Mr Harris:** I think that there should have been an overall flood-risk management strategy for Cardiff, Newport and Monmouthshire that incorporated the drainage system. That, again, is down to resources and officer time. That is what I would have thought would have been a better way forward, to take in all the plans and strategies that are out there.

[211] **Jenny Rathbone:** Have you any explanation as to why you did not receive the political backing of your colleagues on your council?

[212] **Mr Harris:** I do not know, to be quite honest.

[213] **Jenny Rathbone:** Did you represent a political party?

[214] **Mr Harris:** Yes, I represented the Conservative party.

[215] **Jenny Rathbone:** The Conservative party was not listening to your concerns, though, was it?

[216] **Mr Harris:** Well, no.

10.00 a.m.

[217] **Aled Roberts:** It is fair to say that this meeting with the Welsh Government officials on 18 February 2011 detailed, in effect, all the governance issues that you had and raised the issue with regard to the total lack of strategic plans as far as the drainage board was concerned. It also appears that you specifically raised the issue of the cash reserves, which, at that time, stood at £882,000, and you questioned whether the drainage board legally, or certainly in accordance with the practitioner's guide, should be holding those reserves. Was there any response to that during the meeting, or was it just a case of, 'Well, we'll go away and have a think about it' and are you any clearer at this stage about what the Welsh Government handle is on this? Apart from the governance issues, I think that the real issue is the lack of these policies, which you outline.

[218] **Mr Harris:** There was no response, Chairman. We met and there was no sort of, 'You have raised a few points and we will take these forward'. It just sort of lumped the whole thing over to the Wales Audit Office. Perhaps the ombudsman should have looked at it, I do not know, but there was no response to that at all.

[219] **Darren Millar:** Okay. I will allow one final question.

[220] **Jocelyn Davies:** On the issue of reserves, you mentioned the recommendations of the Wales Audit Office earlier. Is any of that about holding reserves?

[221] **Mr Harris:** I do not think so, no.

[222] **Jocelyn Davies:** You do not think so.

[223] **Mr Harris:** No, it is not. I clearly remember 37 of them; it is not, no.

[224] **Darren Millar:** Okay. The clock has beaten us, Mr Harris. Thank you very much for your attendance today. You will be sent a copy of the transcript of today's proceedings to correct if there are any inaccuracies in it. We appreciate you taking the time to come and give evidence and we will give some thought to your contribution to our inquiry. Thank you very much indeed.

[225] **Mr Harris:** Thank you very much, Chairman and Members.

10.02 a.m.

### **Papurau i'w Nodi Papers to Note**

[226] **Darren Millar:** We have two papers to note—a Welsh Government response in respect of its evidence to our inquiry on internal drainage boards, which I will take as noted, and a response from Richard Penn at the Caldicot and Wentlooge Levels Internal Drainage Board in terms of its standing orders. Both purport to attach the standing orders of the internal drainage board, but one seems to have a much thicker document than the other, which I find quite interesting, so we will have some discussion on that, no doubt, when we weigh up our evidence.

[227] **Aled Roberts:** There is a conflict between the two letters as to whether the standing orders appear on the website. One says that they do and the other says that they do not.

[228] **Jocelyn Davies:** Well, they did not when I tried to download them; they might be there now.

[229] **Darren Millar:** I think we will want to discuss some aspects of the correspondence. Moving on—

[230] **Jenny Rathbone:** Before we move into private session, I would like to note that Ian Summers received an MBE in the Queen's honours list; it would be good to record that.

[231] **Darren Millar:** Yes. You will be pleased to know that I have already written to him to wish him hearty congratulations and to thank him for his work on the Public Audit (Wales) Bill, or Act, as it is now. It was Joanest Jackson who brought it to my attention; I really appreciate that. There is no greater tribute to anybody who serves on this committee than to get some sort of honour. Let us hope that there are many more of them to come in the future.

10.03 a.m.

### **Cynnig o dan Reol Sefydlog Rhif 17.42 i Benderfynu Gwahardd y Cyhoedd o Weddill y Cyfarfod Motion under Standing Order No. 17.42 to Resolve to Exclude the Public from the Remainder of the Meeting**

[232] **Darren Millar:** I move that

*the committee resolves to exclude the public from the remainder of the meeting in accordance with Standing Order No. 17.42.*

[233] There are no objections, so we will clear the gallery.

*Derbyniwyd y cynnig.  
Motion agreed.*

*Daeth rhan gyhoeddus y cyfarfod i ben am 10.03 a.m.  
The public part of the meeting ended at 10.03 a.m.*