THE ROLE OF REPACS IN FOSTERING INSTITUTIONAL TRUST IN THE ENVIRONMENT AGENCY

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PREFACE

This report was carried out between April - July 1999. Jason Teal was a placement student studying for an M.Sc in Sociology of the Environment at the University of Surrey. The placement was supervised by Dr. Clare Twigger-Ross, Social Issues Officer, NCRAOA . The data collected were used for Jason Teal's dissertation which was supervised by Dr. Kate Burningham, Lecturer in Sociology at the University of Surrey. It was carried out with the help of David Viles, Head of Committee Services and Bryan Rayner, Anglian Region committee services as well as all the respondents.

The project was carried out at a time when the role of REPACs was being debated, with the Secretary of State for the Environment suggesting that the committees might take a more scrutineering role with respect to the Agency. In addition, "Procedural guidelines for EPACs and FERACs" were approved by the Agency's board in May 1999 (see Appendix 4), which made changes to procedures for those committees. The research findings have been presented to the REPAC chairs and discussed in regions. This project provides an example of how social research can provide information and analysis that can contribute to the work of the Agency.

CONTENTS

EXECUTIVE SUMMARY

In the light of the Secretary of State for the Environment's proposals to enhance the role of Regional Environmental Protection Advisory Committees (REPACs), this report assesses their role in the context of building trust in the Environment Agency as a public institution. Further, it evaluates the suggested changes that could be implemented in order for them to serve as an effective and useful element in the consultation and advisory process. The study examines the Anglian REPAC in detail; analysing the composition of the committee, its level of representativeness, examining its members' attitudes and opinions about the environment and its regulation. Finally, the proposed future enhancement of its remit to become more independent, monitoring and ambassadorial is assessed.

Given that trust is seen to stem not only from proven competence, objectivity, fairness and consistency, but also from a perceived independence from vested interests, it is suggested that REPACs can help promote the Agency as a responsible and considerate guardian of our physical future by their own independent and fair, advisory and monitoring input into the Environment Agency.

Two REPAC committee meetings were attended, previous agendas and minutes were analysed and twenty-four interviews were conducted in order to gain a sufficiently wide and detailed insight into the committee. This research is an exploratory, pilot study in terms of the Environment Agency. However, the largely standardised membership of REPACs suggests that the analysis of the Anglian committee can be extrapolated to the other seven – although it is acknowledged that further research is needed to determine the study's validity. Five analytical categories were identified in the analysis around which the results are presented.

INFLUENCE

- REPAC was seen by its members as a means of providing free, professional advice to the Agency.
- The majority of members did not perceive the committee as being wholly influential.
- Four reasons for this were identified all of which were linked to a generally perceived lack of definition and direction of the REPAC, compounded by a lack of feedback as to what had happened to comments and recommendations made.
- In relation to public trust, the committee's public relations role was acknowledged and accepted.
- There was a general consensus that the committee was an under-utilised resource.

REPRESENTATION

- The scope of representation was generally considered appropriate given the size constraints of the committee – both legally and in practice.
- Comments were made concerning the balance of representation but only from a minority of members, and the general composition of the Anglian REPAC was

considered satisfactory. Non-represented groups were thought to be implicitly included in discussions and this was observed at the meetings

- Members were content that the committee was representative, but were concerned that due to the technical nature of some agenda items, it was sometimes difficult for non expert members to contribute to the debate which meant that only a narrow range of opinions might be expressed.

AGENDA ITEMS

- Items were generally thought sufficiently relevant to members, given REPAC's strategic remit.
- Respondents welcomed becoming more proactive in being able to place items on the agenda and lobbying or politicising was not considered a significant problem.
- To heighten both members and the public's confidence in consultation as a more inclusive process, concern was expressed about the need to increase general understanding and participation in the meetings, particularly on high-level technical issues.
- The wider application of presentations and sub-groups was endorsed. Consultation papers should be more consistent with clearly framed questions. An explanatory summary was also considered useful.

MONITORING

- The committee largely considered itself an appropriate body to undertake a more scrutineering role.
- There was concern that this could jeopardise REPAC's working relationship with Agency officers and also the implications this has for credibility – since most members are Agency-appointed.
- There was no real consensus over what should be appraised.
- It is clear that in implementing a monitoring mechanism , it must be a serious attempt that fosters accountability and transparency.

AMBASSADORIAL

- An ambassadorial role for REPAC was largely thought to be problematic.
- Members did not see themselves as being sufficiently representative of the Agency.
- This was compounded by the view that members did not perceive themselves as having enough influence or overview to be effective in undertaking such a role.
- The public's perception of Agency-appointed persons endorsing the Agency was also considered problematic.
- A suggestion was made for greater integration of the Agency's committees with other established external fora in the region.
- It was noted that publishing annual REPAC reports serves, at least in part, some publicity function.

• Essentially, a durable, robust and credible image will only come from demonstrated competence, objectivity and fairness.

The main point which can be concluded from this study is that REPAC perceives itself as a potentially valuable but under-utilised resource. The intrinsic value of having such a collection of experts, who can be consulted, was appreciated by both members and Agency respondents alike. However, members typically felt that this was not fully appreciated to any great extent within the Agency *per se*. As such there was an underlying concern that the committee was in danger of becoming a procedural formality.

It is clear that the fundamental question of the relationship between the Environment Agency and its REPACs has to be addressed so that a clear purpose and value of the committee can be made more explicit, strengthening links with both the Agency's customers and the general public.

It is acknowledged that several of the issues raised in this study have already been addressed in the paper on the 'Role of REPAC and its Relationship with other Bodies'. Any redefinition of roles, however, must be seen to be wholehearted and credible to both committee members and the wider public in order to be effective. Procedural and business management aspects are also being addressed as a result of the "Procedural Guidelines for EPACs and FERACs" approved by the Board on 26 May 1999. These guidelines were only beginning to come into effect when the fieldwork for this case-study was being carried out. A copy is attached as Appendix 4.

It is evident that the Environment Agency has a lot to gain from the possible extension of REPACs' remit. However, any enhancement of role will need careful management, design and implementation so as to promote a feeling of value and credibility.

1. INTRODUCTION

In the light of the Secretary of State for the Environment's proposals to enhance the role of Regional Environmental Protection Advisory Committees (REPACs), this report seeks to determine how they can be used to provide a more effective and transparent inlet into the workings of the Environment Agency. The study examines the Anglian REPAC and evaluates whether it perceives itself as an effective and useful tool for the Agency. Do REPACs have a role to play in kindling faith and trust in the Environment Agency without compromising the confidentiality needed for an effective regulatory system?

In explaining public attitudes to environmental uncertainties, much of the research literature centres around the concept of risk, its perception and communication. Cases such as the radiation of Cumbrian sheep, 2,4,5-T herbicides, the Woburn leukaemia incident in the USA, BSE or GE-foods illustrate the discrepancy between accepted scientific or political wisdom and that of the lay-person and as such, have done a lot to change the relationship between the 'expert' and the public. Given that trust is seen to stem not only from proven competence, objectivity, fairness and consistency, but also from a perceived independence from vested interests, it is suggested that REPACs can help promote the Agency as a responsible and considerate guardian of our physical future by their own independent and fair, advisory and monitoring input into the Environment Agency.

This research is an exploratory, pilot study in terms of the Environment Agency, looking specifically at the Anglian REPAC. The committees' standardised membership allows an element of extrapolation to the Agency's other REPACs, although this has not been verified within this study. This study examines the effectiveness of the committee, and its findings may subsequently contribute to attempts to foster greater institutional trust. It is acknowledged however that further research would be required to test their reliability nationally.

2. METHOD OF STUDY

The collection of data was from a variety of sources. Two REPAC meetings in April and July, 1999 were attended, initially to introduce the researcher to members and acquaint him with the procedures, format and scope of the meeting and latterly, to test any conclusions he had drawn during the project. The agenda and minutes of the previous six meetings were also analysed in order to gain an idea as to the typical issues and items that come before REPAC and the responses – both style and content – that are made. The researcher also attended the Welland and Nene Area Environment Group (AEG) meeting in May, 1999 to establish the links and relevance between the two committees. The main part of the project was the analysis of the interview transcripts since the nature of the REPAC, its aspirations and values were best obtained with this approach.

All eighteen members of the Anglian REPAC – including the Chair – were interviewed in the course of the study. So that a more generic picture could be established, these were supplemented by interviews with the Regional General Manager, the Regional Environment Protection Manager, the Facilities and Services Manager, the Senior Administration Officer, the Welland and Nene AEG Chair and the Southern region REPAC Chair[1]. Interviews took place mainly in the four week period immediately after the April meeting and were conducted at a time and place convenient to the respondents. They were semi-structured in design and took on average between 45 minutes to an hour to complete (Appendix 1 interview schedule). The interviews were taped and then transcribed to allow a more thorough analysis of responses.

It is acknowledged that at the outset of the project the researcher had a limited understanding of the purpose, role and procedures of a consultation and advisory process. As such, he adopted a 'learner role', initially identifying a number of potentially useful analytical ideas and allowing the research to define sequentially the questions with greater precision, laying down the guidelines for further data collection. This approach then enabled him to engage in a dialogue to establish what problems could be best studied, what hypotheses would be fruitful and worth pursuing and what observations would best serve as an indicator of the presence of a phenomenon. The transcriptions were analysed and assessed on an ongoing basis to allow comparison of responses so that relevant analytical categories could be developed and extracted and modified as new issues came to light. The categories presented in this report were developed through careful analysis of the transcripts in the context of the questions raised by the proposed changes to their duties.

To ensure that responses were as truthful and valid as possible, respondents were assured of anonymity in the report (Appendix 2 introductory sheet). Consequently

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[1] At the time of data collection the Anglian REPAC Chair had only been appointed for six weeks. Another REPAC chair was interviewed in order to gain a more seasoned insight into the practicalities and workings of the committee.

no quotes are attributed to individuals. However to provide some context of where comments came from, quotes shall be differentiated between 'members' and 'Agency respondents' and interviewees will be referred to collectively as 'respondents'[2].

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[2] Although 'Agency respondents' includes the three chairs (Anglian REPAC, Southern REPAC and Welland and Nene AEG) who are not strictly speaking Environment Agency employees, they have been placed in this category for ease of classification and to ensure a level of anonymity.

3. FINDINGS

3.1 Introduction

The role of trust in any public institution is paramount for its continued credibility amongst the population it serves. Social trust is the process by which the public assigns responsibility for work on certain tasks to other – in this case – institutions and is determined by five crucial components; competence, objectivity, fairness, consistency and faith. These values are determined by historical performance, but are also related to an institution's drive to become more credible[3].

Although they provide the foundation, REPACs in their present form are neither encompassing nor utilised enough to play an effective part in the building of institutional trust. But, because of the independence of the committees and the function they currently serve, they are have a potentially valuable role to play. This section will analyse the extent to which the Anglian REPAC in its present state is able to do this.

Five categories have been identified; influence, representation, agenda items, monitoring and ambassadorial, which will be taken in turn, to describe the current position and demonstrate the changes that can and need to be implemented so that REPACs may more effectively fulfil their potential role in the fostering of trust.

3.2 Influence

First and foremost, prior to a REPAC being externally perceived as credible, it must perceive itself as such. In order to deliberate on the public's behalf, the committee must feel that what it does has an intrinsically useful value and as one respondent said, is not simply 'whistling in the wind'.

When asked what members thought the value of a REPAC was to the Agency, most saw it as providing free, professional advice – an advisory body to the Agency. Most tended to see themselves as a 'sounding board' of a variety of interests, against which the Agency could gauge the type of response the proposal would prompt. It was constantly reiterated by members that they did not see themselves as being part of the Agency *per se*, but that their value was derived from them being outsiders making a contribution. As such it was felt that the committee was important to serve the public relations face, 'from a political need to be seen consulting widely', although this was not considered its primary role.

At the time of the study, the Anglian REPAC didn't wholly see itself as being influential. Only a minority of members thought that the views and

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[3] They can also be seen to be intrinsically interrelated in that for example, greater levels of objectivity builds perceptions of fairness, increased visible competence and objectivity encourages public faith in an institution, and so on.

recommendations of the committee were appreciated by the Agency as an organisation. The main concern was that REPAC was 'just a cosmetic talking shop' and that the impact of any deliberation was questionable.

Four reasons came to light as to why this was the case. Firstly, half the committee felt that the decisions they were being asked to discuss had already been made;

'By the time REPACs are consulted the decisions have already been made and nobody wants to backtrack. But we are part of the consultation process and so we are consulted and then our comments just go into a black hole'.

Secondly, a few pointed out that the competency of the Agency officers or the authors meant that they usually had a clear idea of the issue at hand, and so REPAC couldn't bring to light anything of great significance that was not already known;

'I get the feeling that 20% of the time the advice is useful, other times you often get the feeling that the officers are way ahead and they are just being polite'.

'It's my perception that the consultation goes forward, REPAC in many cases make obvious comments and whoever is writing the legislation or preparing the papers says 'oh yeah, we've considered that one and that one and we disregarded that one ages ago'.

Thirdly, although a majority of members thought that the committee was viewed as a collective entity, a few felt that the Agency was only really interested in the specific expertise that it could tap into, given the set issues that it was currently involved with;

'They [the Agency] view the REPAC as a collection of individuals, not useful uniformly but useful in certain circumstances'.

All these concerns then appear to be linked together by a perceived lack of definition and direction of the committee, by its members;

'I've heard a lot of comments that they don't know what they want from us and why we are discussing this and what do they want from us again, so there's definitely an element of people not understanding where REPAC is or going to'.

The combination of all these factors then meant that only three members thought that REPAC's comments were seriously considered. The main consensus was that REPAC was successful in bringing 'some extremely eminent people into a room with amazing regularity' but that although responses were collated and returned to the author, the consequences of these were not wholly appreciated any further.

Part of this problem seems to come from the fact that consultation papers come from a wide range of sources on a wide range of issues – either from different departments within the Agency or from other organisations altogether - and as one Agency respondent thought;

'Where we have to be very clear when we go for consultation is whether or not we are asking for informed comment or whether we are asking for recommendations into decisions'.

Clearly then there is uncertainty amongst members as to what is expected of them and a lack of explicit recognition of what actually happens to recommendations and comments once they are made. Consequently, feedback from the Agency to REPAC members about the issues they had deliberated on, was a major issue of contention. All respondents, except three, thought that post-meeting communication needed improving. Members acknowledged that people could find out what had happened to responses themselves by 'chasing-up' an item but it was virtually universally considered that feedback should take a more standardised, procedural form.

An Agency respondent did acknowledge that some information does get lost in the system and this was a concern expressed by a majority of respondents;

'Our comments are channelled back into the Agency's response and it does concern me that we never get to see those'.

This was acknowledged as a short-coming by both members and Agency respondents;

'One thing that is incumbent upon us within the Agency is to be clear about the time-scales and the actions that we're going to take with the information. It's only respectful of us to give that feedback to our members'.

Essentially then there is a concern that the committee is ineffectual and this is compounded by a lack of discernible evidence about how deep its recommendations extend into the Agency – either to its core or to the ground-level;

'The information we don't get is whether REPAC is actually making any impact at all ... speaking with the Agency's inspectors, I get a very strong feeling that they haven't got a clue what happens, so I believe it doesn't go . very far'.

'Just occasionally you find elements that are reflected obviously from all REPACs and then you will get a change in policy, but it is extremely rare'.

The process of feedback was seen primarily as a means of having a progress report on the recommendation or comments in question and therefore a means of gauging the impact of the committee in the Agency – either in part or as a whole.

'The responses from REPAC generally go forward point by point and I would like to know point by point what has happened to them. It may be six months or a year later, I don't care. All REPACs have met, it goes to a higher level, we're rejected or accepted for this or that reason. That would make the meetings, the attendance and the work I put in far more satisfactory because at least I know. I mean now we're all making comments in the faith that someone's going to take notice of them.'

The question of time and resources in collating and disseminating feedback was raised by two Agency respondents but the problem was mostly seen by members to be organisational, rather than regional[4]. This was compounded further since the Agency's response was considered easy enough to convey back to the committee. However, it was acknowledged by some respondents that this has been changing over the last six months or so[5].

The committee essentially saw itself as being a useful and effective public relations tool, but its failings stemmed from the papers it was consulted on, and the manner in which their deliberations were visibly incorporated into the Agency's policies and responses.

Half the members felt that REPAC was becoming a 'rubber-stamp' and as such nearly all members were concerned that the committee was becoming an under-utilised resource;

'I think we could be used more, either for our personal expertise, or corporate analysis of a problem, bringing in all perspectives. I don't think the Agency sees REPAC as a valuable resource on which to draw. It sees it as a quarterly meeting of disparate people who give views and temper the Agency's excesses'.

It is clear then that in order to retain the members' interest and commitment, the importance of having visible and effective influence is necessary. But in building public trust, the importance of being seen to consult externally and then to incorporate those into the policies and strategies of the Agency must also be considered. If the Agency is open to a wide range of external opinions, and is seen to take that regularly on board, then this will ultimately lead to faith being placed

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[4] This was mostly because of the strategic nature of most of the papers submitted to REPAC.

[5] For example the Agency's view on DETR's consultation paper on IPPC was given to REPAC at the April meeting. Anglian REPAC's response to the desulphurisation of flue gases paper was also returned the following meeting in July.

in it, as an accommodating and responsible institution that is open and amenable to all interests within society.

3.3   Representation

3.3.1   Inclusivity

The diversity of the committee and the extent to which it reflects the region it represents is fundamental to public perception of its fairness. Statutorily, the Environment Act 1995 lays out the nomination requirements for appointing members onto REPAC. The Anglian REPAC at the time of the study consisted of 17 members – excluding the chair. (Appendix 3 summarises the composition of the committee in April 1999). The cross-section of membership conforms to the requirements of the membership scheme, however there are a number of vacancies[6]. From the region's membership scheme and guidance note, these can be identified as a waste management company, a contaminated land interest, a waste disposal representative and one local authority place[7].

All of the members expressed a concern and consideration for environmental issues. Within this, twelve of the seventeen members saw themselves *primarily* as representing their broad area of concern or work[8]. Generally speaking, the industrialists saw themselves as promoting the industrial corner, the local authority members the public corner and so on[9] - although two non-local authority members said that they felt they were representing their community or the public generally.

It was acknowledged by all respondents that specialists could not be expected to know exactly what is happening in other related fields, but the Agency's position that 'members are aware that they represent a wider view than the field they work in' was generally accepted. In responsibility for their office however, all the members felt an ultimate priority to the bodies who they were there to represent.

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[6] There is an extra member in the first section because the Vice-Chair of the RFDC often attends the meetings on behalf of the Chair who cannot always be there. This in effect left the committee four members short of its quota at the time of data collection. However it is noted that two of these posts had been filled by the July meeting.

[7] It has to be noted however that there is a degree of overlapping of knowledge and experience amongst members. For example one member, although being nominated for another area of concern has a vast amount of experience in waste management and another has a competent level of knowledge on contaminated land issues

[8] It should be noted that three of the remaining five members were the RFDC and the RFERAC delegates.

[9] When asked, three local authority members said that they felt they represented the public, rather than their council *per se*.

Anglian REPAC's level of representation was considered satisfactory by all respondents given the constraints on size of the committee – both legally and in practice. As one member said; 'to represent everything that the Agency did, would mean far too big a committee to manage'[10].

Respondents agreed that increasing the representation and hence size of the committee would ultimately make the meetings too unwieldy, and it is worth noting that greater inclusion need not necessarily lead to greater trustworthiness. Increasing the number of voices would not necessarily increase the integrity of collective responses: the opinion of fifty interested parties is not necessarily more valuable than those of twenty concerned and respected experts – so long as they are open, fair and act in the public interest. Although universal inclusion is a utopian ideal, in practice there is a natural ceiling, whereby increasing the number of members would necessarily diminish the quality of the collective response.

3.3.2 Balance

Accepting that it is unrealistic to have complete representation on the committee, the balance of interests must be sufficient in order to foster perceptions of fairness, consistency and objectivity. Intrinsically however this is more subjective and as such was more contested by respondents. Comments were made concerning the balance of representation on the committee however, those made about over- or under-representation of any affected groups were not necessarily correlated with an individual's own area of work. For example an industrialist stated;

'It feels as though the industry representation is stronger than the conservation at the moment, yes there *are* only two of them'.

However, the fact that this was rarely mentioned by respondents - even if prompted - implies that there is no real perception of an imbalance of representation. Of the responses made, conservation was largely thought to be under-represented on the committee, although it was acknowledged that there were other members, not explicitly environment-related, who 'were very well briefed and certainly capable of presenting [conservation] aspects as well as [the conservation representatives]'.

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[10] The non-inclusion of smaller and medium sized industries was highlighted by four members. However, their inclusion was not considered wholly relevant given the strategic nature of consultation and that these interests were more likely to be picked up in the AEGs and transmitted to REPAC, if pertinent on a regional level. Over half the members were confident that discussion allowed for the implicit inclusion of non-represented parties which was demonstrated in a discussion in the July meeting on the balance between regulation and partnership, where smaller and medium sized industries were repeatedly referred to. However, a level of concern was expressed by a few that they 'weren't encouraged to think broadly enough', across the region on issues.

Two members thought that the democratic membership of local authorities ought to be increased on the basis of the accountability of the Agency. Another however, was concerned why so many councillors were needed, since it was felt that they 'can't contribute very much to a technical, advisory committee'[11]. It was generally accepted however, that;

'It was very important for them to be there from the public's point of view ...[and that they] ... bring a valuable dimension of the sort of ordinary man in the street's perspective, to cut through some of the expert assumptions that go unchallenged'.

Local authority membership was also considered important by Agency respondents since;

'Obviously we want the technical input, but we do want the political input as well, especially the local authorities because there's a lot of politics between the Environment Agency and Local Authorities'.

Local Authority membership was only commented on by a handful of respondents, but their inclusion on the REPAC is fundamental to the actual and perceived accountability of the Agency. However, it remains important that every member possesses an intrinsic degree of experience and knowledge which can be directly applied to the issues placed before REPAC.

3.4   Agenda Items

3.4.1   Nature/Relevance of Issues

On building trust in a national institution such as the Environment Agency it is important that it is seen to be concerned with all three different categories of environmental degradation; local, regional and strategic. Members on the whole were happy with the increasingly strategic nature of consultation papers with typically about half of the papers given for consultation affecting them directly, either as individuals or representatives. The generic nature of the committee then was largely accepted, with members acknowledging for instance that 'we could not hope for all items to be relevant to us individually'.

However, in trying to ascertain regional credibility, the relevance of a particular issue to the region must be made explicit. The desulphurisation of flue gases paper is a point in hand with only one relevant site in Anglia at Tilbury, Essex[12].

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[11] It has to be pointed out here however that a lot of the members were unsure exactly how many local authority members actually sat on the committee, with estimates ranging from three to six.

[12] This was a paper published by the Environment Agency and submitted to Anglian REPAC for consultation in April. It outlined the key proposals by the Agency primarily for the revising of controls for the emissions of sulphur dioxide from existing coal- and oil-fired power stations.

As such the committee was split in that a third of members did not see the relevance of the paper precisely because there is only one site in the region, whereas the remainder perceived the transboundary nature of air pollution and therefore universally relevant. The latter viewpoint however was more aligned to that of Agency respondents;

'We have and I think quite rightly viewed things in a wider, national context – and we should – but we should also be able to translate those into what does that mean for us in a regional perspective'.

As this highlights, the relevance of particular issues will inevitably be contested, indicating that the justification must therefore be made explicit to both members and the public.

3.4.2 Own Agenda

An ability for members to put their own items on the agenda can be seen as beneficial on two counts. Firstly, it is related to perceptions of the REPAC's independence and capability to pursue issues that otherwise may not come to light. Secondly, from the Agency's point of view, it serves to act as a 'gauge', so that issues that the Agency might have missed may be brought to the attention of its officers[13].

Members' opinions of being able to put things on the agenda was closely correlated with members' views on the role of the REPAC. Four members perceived the committee as being strategic in nature and as such saw the committee as primarily dealing with central government and European legislation and therefore didn't think that this was within its remit. The mechanism of being able to submit their own items had already been set up[14] but the majority of respondents welcomed the more explicit opportunity to become more proactive.

The potential problem of lobbying was raised by some members in respect to organisations trying to get their agenda into the policy-making dialogue via REPAC, but it was argued that this could be negated by the proposed items going through the Chair and Regional General Manager for approval when the agenda is drawn up[15].

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[13] Six members thought that AEGs were a more suitable forum for this given that the types of issues raised that were relevant to the Agency were more likely to be localised in nature.

[14] Provision for this was made when REPAC started in 1996 and about 30 or so items were put forward which 'ranged from the totally local to the global issues' and as such varied in their appropriateness to REPAC. It seemed that none of these proposals actually made it onto the agenda *per se* although one member did explicitly state that they had managed to have their own agenda items brought up by asking for them sufficiently in advance. The new "Procedural Guidelines for EPACs and FERACs make specific provision for committee members to submit their own items.

[15] This is the case at present but it is useful to point out here that there was some confusion amongst members as to how and by whom the agenda was drawn up.

3.4.3 Technicality

In terms of building public trust the technicality of papers is not that important *per se* since it is the process of consulting widely and independently that is the fundamental element. It is however important in promoting consistency, objectivity and competence that the committee contributes effectively as a whole. As already argued, representative membership is important, but this needs to be complemented by active and inclusive participation. Therefore, bringing non-experts up to speed on a particular issue is essential to ensure an informed discussion that includes as many perspectives as possible.

Despite assertions by members of being able to comment as general members-of the public, the danger of 'letting it gloss if you don't understand or feel you can't contribute' and hence the discussion becoming stifled, was acknowledged almost universally. Thirteen respondents explicitly expressed the need to increase understanding and participation in this area;

'It could be a danger and a weakness of something that has such a wide interest of subjects that people only took on issues that they were involved in, which really makes a mockery of the debate. We really ought to try to bring in everybody to try to understand a bit of the others' problems because it diminishes the discussion and any evaluation of it'.

It was accepted that everyone is expected to be aware of and contribute to the wider issues dealt with by REPAC outside of their area of specialism. However, in practice it was typically felt to be difficult to contribute to a paper if you only had a grounding in the basics and were 'confronted by a pile of technicalities'. Conversely however it was pointed out by a few members that 'most people read the papers or know someone who is proficient in that field and tend to have some views on a subject'[16]. It is worthy of note that there was general acknowledgement amongst respondents that 'people could do more to inform themselves better'.

3.4.4 Clarity of information

As mentioned above, three quarters of members indicated that they were sometimes unsure what was being asked by a particular paper, suggesting that a clearer indication of what is required on a consultation is needed. This can be achieved in a number of ways: presentations, standardised format of papers and sub-committees, each of which is discussed in turn below.

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[16] This is supported by an example of three members who said that they submitted the agendas to other people in their organisation for comments and to advise them on any issues where they felt less competent.

3.4.4.1 Presentations

The use of presentations at the outset of a meeting allows members to interact with the officers and clarify the main points and any areas of uncertainty of understanding. Their greater use was largely endorsed by respondents[17], although not on a blanket basis since this was felt to take the onus away from the member to come already informed to the meeting[18].

The sheer size of the April consultation document on the desulphurisation of flue gas for example, and the fact that it assumed a level of understanding of what the issue was, the technological options available and policy framework within which it operated, meant that it presented 'a huge challenge' to all the members[19]. Even an IPC specialist thought;

'It was hard going, even for me and I'm fairly immersed in it'.

It is evident then that the benefit derived from the clarification of details and main points would enable a more informed and inclusive discussion than if members merely read the paper on their own. There were some reservations expressed as to the constraint on time in the meetings, however ten members said that they would be willing to stay longer, if the agenda demanded it and seven said that they would consider this as a permanent arrangement[20]. A case in hand is the system used by Southern REPAC where half an hour is put aside at the start of meetings to present the papers to ensure a universal understanding of the issues to be deliberated. It was felt that although this used up a proportion of an already full meeting schedule, it meant that 'we had much fuller and more lively discussions'.

3.4.4.2 Written Format

It was the written format of the consultation papers however, that was most criticised by respondents generally. It was felt that inconsistencies in the writing of different papers meant that members were not necessarily able to fully grasp,

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[17] An Agency respondent pointed out that he himself had presented about a dozen or so papers to REPAC over the last three years – one every meeting - and they had invited in a guest speaker, although it is pointed out that this was rarely mentioned by members.

[18] Although as will be discussed in the next section, there may indeed be a tendency not to read the paper as thoroughly as one might.

[19] It is accepted that this was not a typical paper but was the most pertinent to members being the most recent and 'one of the toughest papers we've had to comment on' and hence may have distorted the results.

[20] A reservation was expressed by virtually all respondents however that this could lead to a loss of focus - both of the members themselves and the meeting - if this were to occur.

comment upon or glean what was expected from them on particular issues[21]. It was generally considered impossible, on more specialist issues, for REPAC members to contribute in a meaningful way, which suggests that this particular format could be counterproductive;

'If you are faced by a huge great thick wad of regulations that have come through, which tends to be the style at the moment, then it's daunting unless you've got a direct involvement in that issue'.

Some members felt that they had a 'duty and responsibility' to read and try and understand all the papers presented, but others said that it was 'something you may or may not find the time to do as thoroughly as you might' or that they 'simply weren't interested' in certain issues.

Some standardisation of the format of papers making the issue clearer and more defined together with an introductory sheet setting out the main points and what needs to be considered, would certainly help focus thought and comment. This was acknowledged by the Agency respondents who thought that 'questions more simply framed and directed to specific issues would help REPAC's feedback'.

It has to be pointed out that there have been numerous attempts to standardise the format of papers;

'We've gone round endless times producing guidelines about what the papers should look like ... they shouldn't be too long and turgid, too technical and they should have summaries on the front'.

This however had not typically been implemented although it is acknowledged that this was included in the 'Role of REPAC and its Relationship to other Bodies' report item put before the committee in the July meeting, and the new "Procedural Guidelines for EPACs and FERACS approved by the board in May.

The inclusion of an introductory and explanatory summary was enthusiastically endorsed by most members since it was felt to act as a guide, highlighting and directing the reader through the sometimes highly technical and specific literature. This then would lead to a more digestible paper and hence more inclusive debates during the meeting. A few respondents warned however, that this could lead to 'wild politic comments' or the tailoring down of technical detail and hence feedback, thus reducing the value of REPAC's recommendations.

Although it was accepted that the pushing of vested interests or politicising was a possibility, it was not considered too much of a problem since members

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[21] As mentioned previously, consultation papers come from a variety of sources – the Environment Agency, DETR and the different departments therein – and hence vary in presentation and detail according to where they originated and their author.

considered themselves aware and conscious enough of allegiances – both their own and of others' – and so there was an implicit balance to the debates. The point that this could lead to the 'softening' of issues however, was countered by an Agency respondent who saw the Environment Agency as having a political element to it and hence needed to have some political input;

'There are political issues involved because it [the Agency] has to take into account of, for example, what the DETR have already decided politically in terms of the effect on industry or employment. So very often the papers cannot be looked at purely on technical grounds'.

A few respondents raised the point that the doctoring of information was dangerous because 'people could be directed to answers and told what to think by the Agency', or that REPAC would merely endorse or reject the Agency's stand on an issue, rather than actually come up with their own ideas, thoughts and contributions[22]. It was also warned that the inclusion of a shorter summary could lead people to treat it as *the* consultation paper, rather than as the explanatory introduction.

The use of presentations or summaries to avoid reading the whole paper is perhaps inevitable, but relying on the discretion of the individual together with the provision of feedback on contributions, should minimise this.

3.4.4.3 Sub Groups

Some issues, however, are inherently technical and therefore cannot hope to be satisfactorily comprehended purely by reading a paper and attending a presentation[23]. The establishment of sub-groups to discuss these issues was advocated by all respondents and considered to be a more efficient and productive use of REPAC's time, freeing up the agenda and reducing the burden and need to inform members so fully on high-level technical matters.

The use of such sub-groups could have negative implications for perceived fairness in the sense that representation may not be as encompassing as the full committee. It is important to have a spread of expertise throughout REPAC so that retaining a sufficient degree of representation would not be hugely problematic[24]. Channelling the specific expertise present on the committee in this

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[22] Four members seemed happy for this to be the role of REPAC although a similar number strongly felt that 'if we get too cosy to the Agency then we don't have any value anymore'. Members typically felt that they had something of value to contribute and were typically uncomfortable with the idea of being a 'rubber stamp'.

[23] For example, issues relating to IPPC and specific industrial emissions and controls.

[24] A sub-group on IPPC was being organised at the time of data-collection, which was to include at least one member from each section of the membership scheme with specific personal knowledge and experience in this area. However, for various reasons, a few members were no longer on the committee in

manner would enable members to contribute and focus more adeptly, therefore utilising the committee more proficiently. Sub-group recommendations would then be reported back to REPAC for approval and although it is recognised that this could effectively be a procedural formality, it would serve to ensure accountability in the consultation process. Inadvertently, it may also arguably result in an increased perception of trust in the committee due to the fact that such highly technical issues are being competently deliberated upon by those with directly relevant expertise.

3.5 Monitoring

Increasing the level of faith in the Environment Agency is of obvious importance and can be derived from a variety of sources – proven objectivity and competency being two. Faith could also be directly built via a mechanism of standardised procedural openness thereby negating any potential aspersions that the Agency may not be acting in the wider public interest. REPAC as a body of external interests therefore, has a crucial role to play in this process.

The committee considered itself sufficiently diverse and representative to constitute an appropriate forum for the monitoring of regional objectives. The prospect of REPAC's adoption of a watchdog role was largely endorsed by respondents in principle since it considered itself sufficiently independent and regionally aware, and would serve both to heighten the public accountability of the Agency and the sense of usefulness of the committee collectively.[25]

'I think we should be influential because we are representatives of the stakeholders – the public ... but REPAC is at a lower level and by its nature more diverse'[26].

'If we just keep giving advice and it apparently gets ignored, the only benefit of being a member is getting advance information of legislation so there has to be some extension of what the REPAC actually does to keep members' interest and sense of value'.

July which, despite most members expressing a willingness to take part in one if called upon, resulted in a shortfall of volunteers.

[25] One respondent pointed out that something similar had been initiated in 1996 when a regional quarterly report of environmental protection issues – citing how many sites had been inspected, how much monitoring had been done, how many prosecutions had been made etc. - was given to REPAC, but was considered too sensitive to be issued to an external body.

[26] It is worthy of note here that this does not tally with members perceptions of themselves as discussed with them in relation to representation. Twelve members saw themselves as primarily representing their broad area of concern or work rather than the wider public, so it is acknowledged that the responses were related to the specific role being asked of members.

It is worthy of note that a few members were worried that this extension would jeopardise the 'trustful and mutually respectful relationship' that had been built up between members and Agency officers. This point was extended by a number of respondents stating that this remit needed careful managing. The committee was thought by Agency respondents to need to work within the grain of the Agency, although it was acknowledged that this has obvious implications for credibility;

'I don't feel like a puppet but I can see questions being asked because we will all have been appointed by the Agency to monitor the Agency'.

However, there was no real consensus over what the committee would actually monitor. A quarter of respondents advocated the writing of an annual business plan, its ratification and formal feedback as to whether targets had been successfully reached. This is not dissimilar to the Agency's current proposals outlined in the 'Role of REPAC and its Relationship to other Bodies' paper, advocating the monitoring of 'customer responsiveness and regulatory and environmental effectiveness'. These range from specific day-to-day objectives (such as numbers of authorisation applications determined within a target time and telephone calls answered within 15 seconds) to general management and environmental objectives (such as offence, inspection and prosecution statistics and the number of SSSIs protected from over abstraction) which largely evaluate the Agency's efficiency as an institution. Although this is an important element, it is argued here that ultimately it is the Agency's efficiency on environmental protection that needs to be evaluated if this development is to be meaningfully accountable and encourage trust and faith from the public.

This does however lead to the problem of balancing public accountability with the needs of the traditional regulation- and policy-making framework of the UK[27]. This has typically been through a fairly closed process. Any procedure developed would need to monitor and publish sufficiently detailed information that actively encourages confidence that the Agency is acting in the public interest, yet is sensitive enough not to significantly diminish the advantages of regulation-setting within a more closed framework. The proposed annual business plan does solve the sensitivity of information problem by using information already in the public domain, however it remains to be seen if this level of monitoring proves effective in the building of trust in the Environment Agency.

It is worthy of note that any extension of REPAC's role to include public accountability would obviously need publicity and require a greater devotion of time and effort by both committee support staff and members. A few members were worried that this process could be merely a procedural formality or 'a token

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[27] In the UK, environmental target-setting has historically occurred on a case-specific basis, with the emphasis on a working relationship between the regulator and the regulated, rather than the regulator demanding compliance – epitomised by the Alkali Inspectorate's prosecution of only 3 cases in 47 years of regulation. This process has typically had to take place 'behind closed doors' to assure the regulated that actual levels of pollution can be disclosed in confidence, without public scrutiny.

ritual', and therefore a clear need for it to be taken seriously – to be credible to both members and the public – is apparent.

It is clear that having a credible system of independent monitoring is potentially of enormous value to the Agency. There is a real danger however that this process could be perceived as a half-hearted exercise in public relations if it were not managed with care. The implications of this are obviously far-reaching and potentially damaging to the Agency and so careful management, paying attention to the needs of the committee, the public, the Agency and its customers, is paramount. In the context of risk communication and institutional trust this is an area which requires further work in order to ascertain the best means by which to balance different interests and maximise faith and trust in the competence of an institution and as such will not be discussed further here.

3.6   Ambassadorial

In contrast to the ease with which trust can be destroyed, trust-building is spread over diffuse, fuzzy and indistinct incidences and as such, is an arduous process. A number of affected but independent individuals publicly advocating the Agency, its actions or policies, would heighten awareness and in principle, aid the Agency in promoting itself and its integrity. However, there are a number of problems that this would entail.

Perhaps most obvious would be the potential conflicts arising from a member's professional allegiance and that of the Agency. As has been shown, members do not see themselves as being part of the Agency, but as an independent input into its workings, which is compounded by their tending to see themselves as representatives of the public and/or their broad area of concern or work. Therefore, although members anticipated an influential role in the Agency, they do not see it as their place to publicly and officially endorse and promote the Agency or its actions. It was also explicitly thought by some that this would be inappropriate given the perceived limited influence they possessed;

'Its tricky, I have a lot of respect for the officers and staff and fully support them, but I don't see how we can go out and advocate the Agency if I feel that we're not really listened to'.

Each member works in and represents a particular area or concern and therefore possesses specific knowledge and experience. It was subsequently argued by a number of respondents that members would not necessarily have enough of an holistic overview to competently promote the Agency in its entirety. The Agency's role was seen as facilitator of different interests in the environment - which members represented - and as such it was felt that they could not wholly champion the Environment Agency.

It appears that members undertaking such a role would cause more problems than it would solve. The Chair, given their relative position and closer workings with

the Agency, has a broader overview and so it seems more sensible and potentially effective for them to take on such a function rather than individual members.

All respondents considered that members were essentially too busy to be able to effectively disseminate information from REPAC outside of the Agency themselves. However, an indirect case in hand is the proposed annual REPAC reports for each region. Rather than adopting an explicit ambassadorial role, the publishing of reports which cover the key issues consulted on, the comments and recommendations given and the committee's assessment of the Agency's performance in the region does – in part at least - address the issue of regional accountability and promotes REPACs as influential and independent scrutineers.

One suggestion however was to disseminate information to·bodies who had nominated candidates – either successfully or not[28]. A criticism made by one member was the lack of outside integration and communication from either the AEGs or REPAC with other forums;

'There should be an established liaison arrangement on pollution matters with existing bodies – for instance there's three in this area that have been around for about 15 years ... but they're not tied in with REPAC or the AEGs, they're like loose cannon around'.

As well as trying to integrate committees within the Environment Agency it was argued there is also room for creating links with other deliberating forums. Ultimately though, it is the responsibility of the Agency to explicitly publicise itself. It should be acknowledged however, that by establishing effective, credible and competent working practices, procedures and structures, the image and perception of a fair, consistent and objective institution will become implicitly established.

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[28] Although it was acknowledged that this takes responsibility away from the member to report back.

4. CONCLUSIONS

This study has explored and highlighted aspects of the effective working of consultative and advisory committees; the particular issues pertinent to REPAC perceiving itself as an effective and valuable resource and those relevant to extending its role to become more proactive and install a more visible form of accountability. These were extended to gauge the value of the committee in fostering social trust in a public institution such as the Environment Agency, based upon five components of competence, objectivity, fairness, consistency and faith. It is evident that these issues are complex and interrelated and as such require careful analysis.

It is noted that there is an attempt to address these issues in the paper on the 'Role of REPAC and its Relationship with other Bodies'. This study took place before the paper was disseminated and as such, is an analysis of Anglian REPAC prior to any proposals for change being formally presented to the committee. Procedural and business management aspects are also being addressed as a result of the "Procedural Guidelines for EPACs and FERACs" approved by the Board on 26 May 1999. These guidelines were only beginning to come into effect when the fieldwork for this case-study was being carried out.

The main point which can be concluded from this study is that REPAC perceives itself as a potentially valuable but under-utilised resource. The intrinsic value of having such a collection of experts, who can be consulted, was appreciated by both members and Agency respondents alike. However, members typically felt that this was not fully appreciated to any great extent within the Agency *per se*. As such there was an underlying concern that the committee was in danger of becoming a procedural formality.

The response to the advertising of positions on Anglian REPAC over the period of data collection suggests that there is a significant outside interest in the committee[29]. This is in contrast however to the degree of disillusionment amongst members over the extent to which their deliberations penetrate the policy-making process and the consequential influence they collectively possess. It is obvious that to sustain committed and diverse bodies such as REPACs their contribution and value must be made explicit to all parties, strengthening links both with the Agency's customers and its relationship with the general public. In building faith in the consultation process and the Environment Agency, a visible and justifiable integration of fair and independent views is required. As such, the question of feedback was felt to act as an indication to the members of how useful their comments actually were in the consultation process[30].

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[29] Agency respondents were extremely happy with the level of response to the advertising of committee posts saying that it was 'quite impressive'.

[30] It is pointed out that such evidence would also encourage members to come to the committee generally more informed on issues since they would be aware exactly what it that is required from them and the impact they could potentially have in the consultation process.

The need to be seen to be collectively competent is important to gain public credibility in REPACs as entities. Therefore not only is a reasonable cross-section of membership and a general perception of influence important, but also a shared understanding of the issues under deliberation. Members generally felt that items placed before them were sufficiently relevant for them to feel engaged and to have something of value to contribute. However, concern was expressed that the presentation of certain items, particularly papers demanding a degree of technicality, did not allow for a full contributions from all members of the committee. As such, although the representation of members was considered satisfactory, the representation of opinions on some issues was felt to need strengthening. This was perhaps compounded by a lack of coherence amongst members as to what was expected from them: advice or recommendations, or technical, political or general contributions. It was widely acknowledged that the greater use of presentations and sub-groups was beneficial, to be complemented with the inclusion of an introductory and explanatory summary and a standard format for papers, clearly framing consultation points and highlighting the key issues[31].

It is acknowledged that using aids such as presentations and explanatory summaries may result in a degree of politicising, although the role of Chair and the balance of opinions within the committee, was thought to neutralise some of these tendencies. The use of presentations or summaries to avoid reading the whole paper is perhaps inevitable, but relying on the discretion of the individual together with the provision of feedback on contributions, should minimise this. It was argued that the 'softening of issues' could decrease the value of REPAC's technical contribution but it was recognised that many of the issues considered by the committee have a political dimension, which was considered important to their deliberation.

The question of extending the role of the committee to include a monitoring element was generally endorsed in principle. However, it is clear that careful consideration has to be given to this in order to ensure it is both practical and meaningful. On the one hand REPAC represents an ideal forum for independent appraisal of the Environment Agency, however it has to be taken into consideration that the majority of members are Agency-appointed. In building public confidence this could be a useful development, although consideration must be given to the type of targets that are used as performance indicators. They have to be meaningful, but the distinction between assessing the Agency as an efficient institution, or as an efficient environmental protector, has to be considered. The balance of regulatory confidence and public accountability must be addressed in order to foster any hope of producing an applicable and indicative measure. The Agency must be seen to communicate fairly and honestly with the public. As such any performance indicators published need to be meaningful and

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[31] It is noted that this point has been addressed in the "Procedural Guidelines for EPACs and FERACS" approved by the board in May 1999.

answer the reasons why they are called for in the first place. The value of declaring appropriate performance measures is enormous in promoting competency, however the potential cynical and damaging effects of not addressing this issue wholeheartedly are far-reaching.

The general consensus was that REPAC was not really an appropriate arena for any significant endorsement of the Environment Agency. Members did not see themselves as either being sufficiently representative, or having enough of a holistic overview, of the Agency. This was compounded by the fact that members did not perceive themselves as having enough influence to be able to actively endorse the Environment Agency. The point that individual members did not essentially have the time or that it may conflict with their professional interests, also adds weight to the view that this role is not appropriate.

However, a number of more indirect and subtle mechanisms complementary to this aim, did come to light. The publishing of REPAC's annual report would, where appropriate, publicly declare the positive working attributes of the Agency and serve to instil the transparency and credibility needed to develop social trust. This would present REPAC as an entity and allow any praise, endorsement or criticism to come from members collectively, rather than individually. Either way, this would serve to raise the profile of REPACs, and hence the Environment Agency, and would help to reduce many of the problems highlighted previously. Another point raised was that REPACs (and the AEGs) needed to become more integrated with outside environmental protection fora. It was felt that there was a role the Environment Agency's committees could play in liaison groups with industry and local authorities on matters either generically such as IPPC or waste management, or more specifically such as power stations or oil refineries[32].

It is acknowledged that several of the issues raised in this study have already been addressed by the Environment Agency. However, any redefinition of roles must be seen to be wholehearted and credible to both committee members and the wider public in order to be effective. Essentially, the value of any enhancement of role must explicitly address the issue at hand to guard against the possibility that the process is perceived in a more cynical and sceptical light. It is evident then, that the Environment Agency has a lot to gain from the possible extensions of REPACs' remit. However, careful management, design and implementation is essential to promote a feeling of value and credibility.

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[32] The scope for this, depending on the issues, is quite large. For example, the AEGs may be appropriate for more site-specific instances, or sub-groups on the more technical matters such as IPPC.

APPENDIX 1 – INTERVIEW SCHEDULE

Developing a snapshot of REPAC – structure, attitudes, aspirations. How it sees itself and the future.

QUESTION AREAS

PERSONAL
Firstly, I'd just like to ask you some questions about you and your background.
- What do you do now, what does that involve?
- How long have you been doing it?
- What did you do before?
- What kind of educational background do you have?

MEMBERSHIP
- How did you become involved with REPAC?
- Did you volunteer or were you volunteered?
    did the EA approach you personally or your organisation?
- Why did you agree to become a member of REPAC?
- What expectations did you have? Have they been realised?
    Why/why not?
- How well do you know the other committee members?
    views, interests, opinions.
- Do you come into contact with any of them outside of REPAC, for example through work?
- How much information do you receive about new members?
    Any, or just when you see them.
- Are you usually familiar with them from established networks?
    Either their name, or personally.
- Is there typically a training or induction process for new members?
    What? How long?

PURPOSE
- What is the value of REPAC?
- Do you think that (previous answer) is a shared consensus?
- Do you think there is a consensus amongst the committee members on what the primary concern or objective of REPAC is?
- Do you feel there is there one objective or is it primarily multi-purpose?
    What is it/are they?
- How do you think this fits into the broader structure of the EA?

INCLUSION
- Do you think there are any significant groups not represented or under-represented on REPAC?

- If groups are not directly represented, do you think that discussion allows for their implicit inclusion?
    Do members typically think of other groups beyond their own remit?

TIME/EQUAL OPPORTUNITY
I noticed at the last meeting that the agenda literature was 130 pages long and the items were quite technical.
- How much time does a meeting typically take? Including pre-reading, the meeting itself and follow-up.
- Do you think that 3 weeks is a sufficient amount of time to digest and absorb the material?
- Is the material sufficient in both content and amount?
    Should it be less technical?
- Should a little background material be included to supplement the technical detail?
- Do you think a presentation of the material would work in some instances?
- What about guest speakers?
- How is the tempo of the meeting typically decided?
    General consensus, chair
- Do you feel as though there is enough time to digest others' technical knowledge or is there a pressure to process a lot of information quickly?
    at the meeting or prior to it.
- Do you have sufficient time in the meeting for discussion?
- Do you feel the atmosphere of meetings is conducive to discussion?

I noticed that items were decided by general agreement.
- Because of the range of interests and opinions on REPAC, do many conflicts arise?
- What would happen if there was no overall agreement or if someone strongly disagreed?

COMMUNICATION
- Do you feel that generally the issues discussed are reactions to problems already arisen or more in anticipation of them?
- How do you feel about this?
    Should it be more/less of one or the other?
- How much communication does *REPAC have* with other committees (AEG, RFDC)?
    in the meetings - rushed, sufficient?
    outside of them - informal, effective?
- Do you feel that there is sufficient feedback *into* REPAC from both the EA and the AEGs?
- REPAC meetings are not widely reported. Why do you think that is?
- Do you think there should be more in the press about them?
    Either specific press (envl papers, scientific, regulatory) or generally in local papers.
- Do you think the awareness about REPAC could be raised another way?
    Members as ambassadors

ACCOUNTABILITY
- Who do you feel you represent on REPAC?
    Industry/LA/conservation generally, or your company specifically?
- Who do you report back to?
- How often do you report back?
- How do you report back?
    Formal dissemination/pick up views or informal briefings?
- Do you think you should be more generally representative?
    To include small businesses, villages, transport, tourists ...
- Are you an expert?

IMPLEMENTATION
- What does the EA do with the information from the meeting?
- How seriously do you feel your conclusions are considered?
- How do you typically know what has happened to a recommendation?
    through the EA, or through work?
- How involved do you feel with the results and implications?
- Is REPAC successful?
    Why/how (not)?
- What improvements do you think could be done?
    Ones below and liaise better with AEG.
    - if nothing, prompt are these improvements.
- What do you think would be the effects of each of these changes?
    greater independence
    broader representation
    setting own agenda (ie regional issues)
    monitoring EA on its performance
    lay-person inclusion (a/c, lay-expert) – would advisory still work
    sub/working groups
    giving material on disk or e-mail
- How do you see the future role of REPACs?

APPENDIX 2 - INTRODUCTORY SHEET

I am currently studying for an MSc (Social Research and the Environment) at the 'University of Surrey' and as part of the course have to undertake a dissertation. My interest is to look at REPAC for the Anglian region, to establish its structure and to examine how it sees itself and the future. I am completely independent of the Environment Agency, and as such my research and my findings will reflect this.

I would like to tape-record the interview for transcription, as is normal practice, for greater in-depth analysis. Neither the tape, nor the transcript will be made available, either publicly, or to the Agency. Likewise, you will remain anonymous - unless you specify otherwise - and anything quoted or concluded will be attributed to 'a/one committee member'. 1 am interested in REPAC as an entity and my paper will reflect this as such. The finished paper will be available in the 'University of Surrey' library and a shorter report will be submitted to the Agency and sent to all participants in draft form.

Jason Teal
April 1999

APPENDIX 3 - TABLE SUMMARISING THE REPAC MEMBERS: CURRENT OCCUPATIONS AND BACKGROUNDS – APRIL 1999

	Basis of appointment	Present Occupation	Background/Specialism*
Section (a)			
Kay Twitchen (Chair)	Secretary of State for the Environment	Essex County Councillor	Insurance, Chair Essex County Council Waste Management Committee, Chair Essex County Council Children's Committee on Social Services, Non-Executive Director Southend Hospital NHS Trust, Deputy-Chair LGA Waste and Environmental Management Committee
Humphrey Squier (Chair RFDC)	MAFF	Farmer	Farming, Chartered Surveying
Christopher Penn (Chair RFERAC)	MAFF	(retired) Chairman, Suffolk County Council	Timber Industry, Member of the Committee of the Regions in Brussels, member of the Regional Advisory Panel
David Riddington (RFDC and Welland and Nene AEG link)	RFDC	Farmer	Chairman, Association of Drainage Authorities, founder and ex-President, European Flood Defence Association
Section (b)			
Steven Braxley	IPC Regulated Industry	Head of Safety, Health and the Environment, British Sugar plc.	Production and Environmental Quality Management, Health and Safety Executive Inspector, IPPC, Environment Panel of the Food and Drink Federation
Michael Oldfield	British Energy plc.	Safety and Radiological Protection, Sizewell B power station	Engineering
Robert Bergin	Water Supply Company	MD, Cambridge Water, Gas and Electricity Company	Engineering and water industry
Paul Woodcock	Water Resources Company	Head of Water Quality and Environmental Regulation, Anglian Water	Environmental Management in the Water Industry, ex-Norfolk & Suffolk AEG member
Keith Saveal (Lincs. AEG link)	Chemical Industry	MD, Novartis – Grimsby	-Technical Operations Management, Corporate Environmental Protection Executive, IPPC
Vacancy	Waste Management Company		

Section (c)			
Eddie Lodge	Air quality Specialist	Director of the Environment and Public Protection, North Lincs. Council	Environmental Health, Air Pollution
Robert Watts	Agriculture	Farmer	Regional Rivers Advisory Committee, NFU Water Liaison Committee
Vacancy	Contaminated Land		
Vacancy	Waste Disposal		
Section (d)			
Richard Powell	Conservation	Regional Director, Royal Society for the Protection of Birds	County Council, Manpower Services Commission and Ministry of Agriculture Fisheries and Food, Regional Development Agency, ex member RFDC.
Christopher Stratton	Conservation	Chartered Planner and Landscape Architect and Consultant	Landscape Planner, Suffolk County Council, Chair Forestry Commission Regional Advisory Committee
Kerry Turner	Academia	Professor, Head of CSERGE, University of East Anglia	National Board for Rivers Authority, Norfolk and Suffolk Broads Authority
Section (e)			
Trevor Atkins	Local Government	Chairman, Northants. County Council	Chair, Environment Committee
Ingrid Floering-Blackman (Great Ouse AEG link)	Local Government	Norfolk County Councillor	TV Producer, Director and Journalist, Chair Norfolk County Council Country-side sub-committee, Chair Norfolk Coast Area of Outstanding Natural Beauty
Dave Johnson	Local Government	North Lincs. Councillor	Chair Environment sub-committee, Teacher
Joseph Morris	Local Government	Mid Beds. District Council, Professor, Head of Management and Marketing at Cranfield University	Resource Economics and Management
Vacancy	Local Government		

* this list is not exhaustive but is based on information that came to light during the interviews.

APPENDIX 4 – PAPER TO THE BOARD

<u>**FOR BOARD USE ONLY**</u>   ITEM: 11
                                                                         EA(99)22

<u>**PAPER BY THE SECRETARY**</u>

<u>**PROCEDURAL GUIDELINES FOR ENVIRONMENT PROTECTION ADVISORY COMMITTEES AND FISHERIES ECOLOGY AND RECREATION ADVISORY COMMITTEES**</u>

RECOMMENDATION

That the Board approves the Procedural Guidelines for Environment Protection Advisory Committees and for Fisheries Ecology and Recreation Advisory Committees as set out in the Annex to this paper.

1.0.   INTRODUCTION

1.1. In the Autumn of 1998, the Agency undertook in correspondence with the Minister for the Environment to enhance the role of Environment Protection Advisory Committes (EPACs) and make them more independent. Specifically, in consultation with the Local Government Association, the role of EPACs was defined in terms of independent regional consultative bodies, functioning as focus groups which are representative of the range of interests affected by the Agency's work in the English regions and in Wales. EPACs would have the responsibility of advising on priorities in the English regions and in Wales and in monitoring the Agency's performance. The Agency undertook to give EPACs greater control over their own agendas and the responsibility of producing annual reports on their work and on the performance of the Agency in the English regions and in Wales.

2.0.   PROPOSALS

2.1. Following the Minister's agreement to developing the role of EPACs, procedural guidelines have been developed to give effect to the new arrangements. The process has also been extended to the Agency's Fisheries Ecology and Recreation Advisory Committees (FERACs) which have a similar advisory and performance review role. The outcome of this process is the draft Guidelines which are attached as an Annex to this paper and which have been the subject of extensive consultation, both internally and with EPAC and FERAC Chairmen. Chairmen were generally supportive of the approach adopted in the draft Guidelines and their detailed comments have been incorporated in the text.

2.2. The Guidelines are designed to:

- add value to the Agency by focusing the work of EPACs and FERACs more effectively on key issues

- provide feedback to Committees on the extent to which the Agency has taken note of their advice, and

- facilitate the performance monitoring aspects of the Committees' work.

3.0.   CONCLUSIONS

3.1. The Board is recommended to approve the Guidelines for implementation with immediate effect. There will be resource implications for Head Office in providing feedback to regional Committees which may have to be reflected in charges and levies. The Guidelines will therefore be regularly reviewed to ensure that they do not impose excessive costs while maximising the value added by the Regional Committees. The methodology will also be extended to Flood Defence Committees, with necessary adaptations to reflect their executive responsibilities; a paper on this aspect will be submitted to a future meeting of the Board.

David Viles
Head of Committee Services

OPERATIONAL GUIDELINES FOR ENVIRONMENTAL PROTECTION ADVISORY COMMITTEES AND FISHERIES ECOLOGY AND RECREATION ADVISORY COMMITTEES

1. The role of EPACs and FERACs

1.1. Since the establishment of the Agency in 1996, the Agency has kept under review the role of EPACs and FERACs, in consultation with the relevant Chairmen, Government departments and the Local Government Association (LGA). These Guidelines seek to clarify the role of these Committees in the light of the development of regional government in England and of the National Assembly for Wales, to clarify their role within the Agency structure and to improve the effectiveness of the management of their business.

1.2. The fundamental statutory purpose of EPACs is to provide the Agency with advice about the performance of its functions in each of its English Regions and in the Environment Agency, Wales. The LGA and the Agency agree that within this statutory framework EPACs should provide the Agency with a Regional perspective on the development of Agency policy proposals and advise the Agency on regional priorities for its work. EPACs undertake this role as independent consultative bodies, acting as a focus group which is representative of the range of interests affected by the Agency's work in each English Region and in Wales.

1.3. The role of FERACs is to advise the Agency on matters connected with its responsibilities for recreation, navigation and fisheries. Like EPACs, FERACs provide the Agency with a Regional perspective on the development of Agency policy proposals in the relevant areas of its business and advise the Agency on a focus group basis with regard to its work priorities in the English Regions and in Wales.

1.4. The Agency sees the element of independent comment, criticism and advice as important and central to the role of EPACs and FERACs. The Minister for the Environment has given his support to enhancing the role of EPACs and making them more independent. The Agency values the role of both EPACs and FERACs in helping to provide a balanced Regional and Welsh perspective and to shape policy, including developing authoritative responses to key external consultations.

1.5. In detail, the role of each EPAC and FERAC will therefore be, within the relevant business areas:

- to advise the Agency on the regional and Welsh aspects of its national policy proposals;
- to provide advice to Regional General Managers (RGMs) on issues of concern within the relevant English Region and in Wales;
- to scrutinise the operational performance of the Agency in the relevant Region and Wales, and to report annually to the Agency on Regional performance

As informed advisers to the Agency, the EPACs and FERACs also have a role in helping to promote Agency policy on the basis of advice and guidance provided to the RGM where necessary.

2.   Internal communications

2.1.   In order to enable them to be kept abreast of current internal and external developments, each Regional Committee Chairman (including Chairmen of RFDCs) shall receive his/her personal copy of the Agency's *Annual Report and Accounts* and *Corporate Plan,* monthly *"Focus", "Forward Look"* and the *National Cascade Briefing* from the relevant Region. Regional Committee Services will send each Regional Committee Chairman a copy of the Board decision sheet within seven working days of each Board meeting.

2.2.   Regional Committee Services will prepare each February, May, September and November rolling forward plans of items which are scheduled to be submitted to EPACs and FERACs for consultation over the succeeding twelve months. The national policy development and consultation component of the forward plan for EPACs and for FERACs will be collated by the Board Secretariat and forwarded to Regional Committee Services Managers. For each agenda item, the forward plan will include:

• a brief indication of the purpose of the item

• the name of the originator of the item

• for national policy development and consultation items, an indication of the current status of the item

2.3. The national policy development component of this rolling forward plan will be available for information at each quarterly meeting of EPAC and FERAC Chairmen. It will be included in the papers for each Committee meeting

2.4. The Regional/Welsh Board representative will provide periodic feedback to the Regional Committee Chairmen on discussions and decisions of the Board after each Board meeting.

3.   EPAC and FERAC agendas and minutes

3.1. Agendas and minutes will be produced in accordance with the relevant Standing Orders (currently under review to reflect the arrangements set out in these Guidelines) and in consultation with Committee Chairmen.

3.2. Agendas and minutes of each EPAC and FERAC meeting will be made available on request for public inspection in accordance with the Agency's *Customer Charter,* with the ultimate intention of posting them on the Internet. The Press will be notified of each meeting as necessary.

3.3. EPAC and FERAC agendas shall be divided into sections dealing with:

• National (England and Wales) items

• Regional/EA Wales items

• Members' items

These sections may include items which relate to national policy development issues, Regional issues, National Assembly issues in Wales or (prospectively) issues arising from Regional Chambers in the English regions. Agenda items may be for discussion or for noting. Committee Members may request via the Chairman items to be included on the agenda, provided these are of national or Regional/Welsh significance and do not relate to purely local issues. The development of the Regional/Welsh aspects of the agenda shall be a matter for the Chairman's discretion, advised by the Committee and in consultation with the RGM.

4. Papers to EPACs and FERACs

4.1. Papers for meetings of EPACs and FERACs shall be submitted in the format set out in the annex to these Guidelines. A paper shall not normally exceed four sides in length. Detailed aspects shall be in appendices.

4.2. In order to ensure that the Committees are clear as to what they are being asked to comment on or advise about, the format includes an executive summary which will:

    a) set out the main thrust of the paper;

    b) list the items on which the Committee s advice is sought by cross-reference to the main text;

    c) identify the author of the paper and his/her title and office address.

The format will apply to all papers presented to the Committees.

4.3. Papers to be submitted to EPACs or FERACs shall normally be sent to the relevant Regional Committee Services Manager (RCSM) not less than three weeks before the earliest relevant Committee meeting in the cycle. In the case of papers on national policy development proposals and Government consultations, this will allow adequate time for a regional perspective to be reflected in the final documents to be presented to the Committee.

4.4. Because of the unpredictable timing of many Government consultations and the nature of the policy development process, it may be necessary to seek EPAC or FERAC comments on policy development issues between Committee meetings, or as a matter of urgency, when three weeks notice is impracticable. In these circumstances, any papers sent to RCSMs less than three weeks before the meeting or between meetings shall include in the introduction to the paper the reason why it has not been possible to comply with the three week time limit.

4.5. Sub-groups and /or standard delegation arangements may be established, at the discretion of the Committee Chairman, to enable urgent matters to be considered outside the normal Committee cycles with the conclusions reported back to the next full meeting of the Committee.

4.6. In order to ensure consistency and quality control, all papers to be submitted to EPACs or FERACs on national policy development matters shall be sent by the author for final quality assurance to a named individual in the relevant HO Policy Directorate. The papers will then be sent to the relevant RCSM for agenda action and to the Board Secretariat for information.

4.7. Where possible, the relevant Director will ensure that early drafts of key national policy development papers are submitted to quarterly EPAC or FERAC Chairmen s meetings for advance consideration.

4.8. In all cases, adequate time will be provided for the Committee to comment on papers on which their advice has been sought, within any limits set by Government and other originators over which the Agency has no control.

5.   The impact of EPAC/FERAC advice and comment

5.1. The Agency recognises that it is important for EPACs and FERACs, as advisory bodies, to be aware of the degree to which their comments have been taken into account in formulating national policy before final consideration by the Board or Board Sub-Committees. In order to facilitate this process, RCSMs will ensure that EPACs and FERACs submit their observations on national policy development and consultation issues against the list of key items identified in the executive summary (see section 4 above) to the author.

5.2. In order to provide EPACs and FERACs with feedback on their comments, the author will compile a composite list of all the comments received from Regional Committees. The author will then respond in witing to each comment made on the list. The Board Secretariat will ensure that this annotated list (which may be in the form of a further paper to the Committee for information only) is circulated to the RCSMs of relevant Regions no later than three weeks before the next appropriate round of EPAC or FERAC meetings.

5.3. The Board Secretariat will ensure that RCSMs receive a copy of the final policy document for information when it is issued, for distribution to the Committee for information.

5.4. In cases where the EPAC or FERAC have been consulted about an issue which is subsequently submitted to the Board for approval, the Director responsible for the paper to the Board will include a section in the Board paper detailing the views of EPACs and FERACs and how those views were responded to.

5.5. This process will be kept under regular review to ensure that it adds value to the internal communication process.

6. EPAC/FERAC input to the corporate planning process

6.1. The Agency recognises the importance of EPACs' and FERACs' input to the corporate planning process. EPACs and FERACs provide input to the annual Corporate Planning process in a number of ways:

> 6.1.1. EPACs shall receive regular reports and updates on LEAPS, and Regional Sustainable Development Plans, which are key inputs to drafting Area and Regional/Welsh planning documents.

> 6.1.2. EPACs and FERACs advise as relevant on Regional/Welsh priorities and resource plans as input to line management's submission, and on the proposed national charges required to fund the Agency's expenditure plans. This is used to help finalise the Agency's budgets for the next year and develop the national Corporate Plan covering the following 3 years.

> 6.1.3. By commenting on the priorities and resource plans in the national Corporate Plan. This is used to help shape the priorities for the next planning round and next Corporate Plan. EPACs and FERACs should also receive progress and feedback reports on corporate planning issues from Regional management, either oral or written, at each meeting.

6.2. In order to help shape the EPAC input to the process, each Region should consider the establishment of a Regional Corporate Planning Working Group, in accordance with the national corporate planning timetable, which will include the EPAC, FERAC and RFDC Chairmen.

7. Annual Reports

7.1. Each EPAC and FERAC shall from 1999/2000 each compile Regional/Welsh Annual Reports covering the period April to March by May every year. The Annual Reports

shall cover key issues discussed during the year, advice given to the Agency and the Committee's view of the Agency's performance in the relevant Region or Wales over that period. A prototype report will be produced for the financial year 1998/99 based on the existing pilot project in Midlands Region, subject to discussion with Chairmen regarding the scope and content of the performance reporting aspect.

7.2. The Annual Reports should be produced in accordance with the corporate planning timetable and national publishing standards on size and design. Each Annual Report should be made available at appropriate Regional/Welsh events and provided to AEGs and may also be used as an input to other local fora. The Agency will provide the necessary administrative support to enable Committees to produce their Annual Reports.

7.3. The Agency will reflect the conclusions of these annual reports in preparing its own national Annual Report which includes a summary of regional performance against key environmental targets. The annual report will also include a statement of the way in which the Agency has responded to the advice given by EPACs and FERACs.

8. EPACs and AEGs

8.1. The Agency recognises that it is important to ensure that EPACs and AEGs are aware of each other's concerns and priorities. In order to provide for effective liaison, the two groups are working towards cross-representation.

9. Agreement to and review of these guidelines

9.1. These guidelines were approved by the Environment Agency Board on xx 1999, after consultation with EPAC and FERAC Chairmen.

9.2. The guidelines will be reviewed on an annual basis. Any variation will be subject to consultation with EPAC and FERAC Chairmen and the agreement of the Board.

David Viles
Head of Committee Services   26 May 1999

PAPERS TO REGIONAL COMMITTEES – FORMAT   <u>annex</u>

                                                            ITEM
                                                            PAPER REF:

XXX REGIONAL ENVIRONMENT PROTECTION /FISHERIES. ECOLOGY AND RECREATION ADVISORY COMMITTEE

SUBJECT:

PAPER BY:

RECOMMENDATIONS

The Committee is recommended to comment on the following issues set out in the paper:

a) xxxxx(para.x.x)

b) xxxx(para. x.x)

etc

EXECUTIVE SUMMARY:

Key issues

-
-
-

1.0   INTRODUCTION

2.0.   SUBTITLES AS NECESSARY

3.0   CONCLUSIONS

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