

BLACK SLUICE INTERNAL DRAINAGE BOARD

MINUTES

of the proceedings of a Meeting of the Board

held at the Offices of the Board on
8th February 2019 at 10am

Members

Chairman - * Mr K C Casswell

* Mr W Ash	* Cllr T Ashton
* Mr J Atkinson	* Cllr P Bedford
* Mr V Barker	* Cllr C Brotherton
* Mr J Fowler	* Cllr M Brookes
* Mr P Holmes	* Cllr M Cooper
* Mr R Leggott	Cllr Mrs C Rylott
* Mr P Robinson	* Cllr B Russell
* Mr M Rollinson	* Cllr P Skinner
* Mr N J Scott	* Cllr Mrs S Wray
* Mr J R Wray	Cllr Mrs S Waring

* Member Present

In attendance: Mr I Warsap (Chief Executive)
Mr D Withnall (Finance Manager)
Mr P Nicholson (Operations Manager)

1381 APOLOGIES FOR ABSENCE - Agenda Item 1

Apologies for absence were received from Cllr C Rylott and Cllr S Waring.

1382 DECLARATIONS OF INTEREST - Agenda Item 2

No declarations of interest were received.

1383 MINUTES OF THE LAST BOARD MEETING - Agenda Item 3

The Minutes of the last meeting of the Board held on the 7th November 2018, copies of which had been circulated, were considered and it was AGREED that they should be signed as a true record.

1384 CONFIDENTIAL MINUTES OF THE LAST BOARD MEETING - Agenda Item 4

It was agreed and thereby RESOLVED to exclude the public from the next part of the meeting due to the confidential nature of the business to be transacted, in accordance with section 2 of the Public Bodies (Admission to Meetings) Act 1960.

1385 MATTERS ARISING - Agenda Item 5

(a) ADA MODEL OF LAND DRAINAGE BYELAWS - Minute 1352(a)

Mr R Leggott questioned if there had been any further progress with this, it was noted there has been no further development.

(b) BLACK SLUICE PUMPING STATION - Minute 1352(f)

The Chief Executive noted that the next scheduled meeting will take place on Friday 1st March 2019 at the Boston Community Hub. Cllr M Cooper and Cllr M Brookes will be attending the meeting on behalf of Black Sluice IDB as on the same day, the board is holding a meeting with Van Heck to develop a Disaster Recovery Plan.

(c) 2019 MEETING DATES - Minute 1358

It was noted that the Audit & Risk Committee meeting originally scheduled for the 24th April 2019 has been rescheduled for Wednesday 1st May 2019 due to the availability of the Internal Auditor. All members of the committee have been informed.

1386 TO RECEIVE THE UNCONFIRMED MINUTES OF THE JOINT WORKS COMMITTEE MEETING - Agenda Item 6

The Chairman of the Northern Works Committee presented the unconfirmed Minutes of the Joint Works Committee meeting held on the 28th November 2018, copies of which had been circulated. The Board RESOLVED that the Minutes should be received.

1387 TO RECEIVE THE UNCONFIRMED MINUTES OF THE EXECUTIVE COMMITTEE MEETING - Agenda Item 7

The Chairman of the Executive Committee presented the unconfirmed Minutes of the Executive Committee Meeting held on the 19th December 2018, copies of which had been circulated. The Board RESOLVED that the Minutes should be received.

The following matters arising were noted:

(a) 2019/20 BUDGET & TEN YEAR ESTIMATES - SOLAR PANEL INCOME - Minute 1375

Mr V Barker made reference to the invertors, questioning whether they are regularly checked? The Finance Manager explained that there is remote monitoring on all sites. However, during the hot summer of 2018 an error went unnoticed with one of the transformers for around four weeks as two transformers were producing the same amount of electricity as the three usually would as a result of the exceptional weather.

(b) DAMAGE TO A CONCRETE FARM YARD AT CLAYDYKE, HOLLAND FEN - Minute 1377

The Chief Executive explained that a site meeting took place on the 28th January 2019 between the landowner and family, Simon Fisher (NFU Representative), Paul Holmes, Richard Leggott, Peter Robinson (Board members), the Operations Manager and Chief Executive (Board officers) at which all parties shared their opinions and views.

At the meeting, the landowner stated that the previous board offer to supply ready mix concrete to the value of £3,000 had neither been accepted or declined.

Following further conversation, the board representatives agreed to go back to the board with the landowners preferred re-worded offer as follows:

The landowner explained that the offer should be in line with Stuart Hemming's letter, dated 10/08/2006, as shown below:

'Dear Sir,

I refer to your conversation with my Foreman, Mr Johnson, when you brought to the Board's attention that damage has been caused to the concrete hardstanding at Claydyke Farm. The Board's JCB 220 excavator had last week tracked over this hardstanding whilst carrying out maintenance operations.

I have visited the site and inspected the concrete hardstanding and make the following observations: -

- 1. There are a number of new cracks that are very recent and no doubt occurred when the Board's machine ran on this concrete.*
- 2. There are a number of older cracks, some of which have opened up significantly.*
- 3. The new section of concrete hardstanding, which was reconstructed by the Board a few years ago, is undamaged.*
- 4. The concrete hardstanding remains serviceable for access to Claydyke Farm at the present time.*

If a landowner approached the Board now stating that he wished to construct a concrete hardstanding in a similar position adjacent to the drain, he would now need to apply to the Board for consent to relax the Bye-laws. This would normally be approved, but a condition would be added stating that the Board would not be responsible for any damage that might occur when Board's machinery travel alongside the drain to carry out regular maintenance. However, I have to accept that when this hardstanding was constructed, probably early in 1970's, the Board would not have expected to receive an application to relax the Bye-Laws.

In conclusion I do not consider that any action is required at the present time, but accept that if the concrete deteriorates significantly over the next few years that it would be reasonable for the Board to come to an agreement with yourself on a suitable contribution towards any works required to refurbish the hardstanding.'

The landowner has therefore requested that a £3,000 contribution is paid to assist towards the future refurbishment of the hardstanding rather than supplying ready mix concrete to the value of £3,000 as it may be refurbished with aggregate in order to offer a higher degree of flexibility.

This work would be completed under consent to relax Byelaw No. 10 with the standard condition; 'The Board does not accept any responsibility for the design and construction of the works referred hereto and any liability for any loss or damage which may arise out of their design, construction, maintenance or use, or for any claim in respect of injury, damage or loss arising out of the execution of undertakings by the Board (or any person working for the Board) in connection with the watercourse.' The usual £50 fee associated with the Byelaw application would also not be applied in this case.

Mr P Holmes noted that although it was agreed to propose the contribution of £3,000 to the board for agreement, the landowner wouldn't commit to agreeing that he would accept the offer if the board were to agree to offer it, he could still refuse the offer. Therefore, Mr P Holmes felt that a stipulation be included that this will be the final offer as the matter has been going on for a long time and it needs to be resolved.

The Finance Manager then noted, and presented on screen, paragraph 23 of the Standing Orders which affects when a revised offer can be given:

'23. No proposal to rescind any resolution which has been passed within the preceding six months, nor any proposal to the same effect as any proposal which has been negatived within the preceding six months shall be in order unless: (a) notice thereof has been given and specified in the Agenda and (b) the notice bears, in addition to the name of the member who proposed the resolution, the names of two other members; and when such resolution or proposal has been disposed of by the Board, it shall not be competent for any member to propose a similar proposal within a further period of six months.'

Mr P Holmes questioned whether the Standing Orders ruling could be overcome by addressing the contribution not as a contribution but as compensation instead? The Finance Manager explained that changing it to compensation as opposed to a contribution wouldn't make a difference in relation to the Standing Orders. Cllr M Brookes was also not happy for the term 'compensation' to be used as he felt it showed acceptance of liability and therefore being opened to legal challenge.

The Finance Manager clarified that the offer agreed on at the board meeting on the 7th November 2018, £3,000 of ready mix concrete to be accepted before the Joint Works Committee on 28th November 2018 after which point the board will contribute nothing, needs to be rescinded before a revised offer can be made.

The Chief Executive noted that it could be done, if the board so wish, that the offer won't be given until the next board meeting on 26th June 2019.

Mr P Holmes reiterated that it needs to be made clear it is a one-off offer and questioned whether the board can ask the landowner to confirm whether they will agree to the offer in writing before the meeting on the 26th June 2019 so that the matter can be concluded as quickly as possible. Other members also felt that it needs to be made clear that this is the final offer and needs resolving.

The Chairman thanked the board representatives involved for the time they have spent on this matter.

All AGREED that confirmation be requested, in writing, from the landowner that he will accept the offer of a £3000 contribution to assist towards the future refurbishment of the hard standing. If this confirmation is received, then the Board will re-address this matter at the next board meeting on 26th June 2019, where the previous offer will be able to be rescinded and the new offer proposed. The Chief Executive will contact the landowner to inform him of this.

(c) COST ALLOCATION FOR DAMAGE CAUSED TO AN UNCONSENTED OBSTRUCTION AT ASGARBY BECK - Minute 1378

The Chief Executive referred to this matter, explaining that Black Sluice IDB have attended a site at Asgarby Beck to repair a board-maintained watercourse after board machinery hit an unconsented irrigation obstruction causing damage not only to the irrigation equipment itself, but also to the watercourse. The board have then invoiced the ratepayer for this repair work. Subsequently, on receipt of the invoice, the ratepayer has verbally said that they will invoice Black Sluice IDB for the repair to the damaged apparatus. The invoice sent from the board is for £2,058. The invoices for the damaged apparatus total £5,505.97.

The Chief Executive noted that, to date, the board has not received payment for the invoice for the works to the watercourse but have also not received the counter invoice for the repair works for the damaged equipment.

As agreed at the Executive Committee meeting on 19th December 2018, the Chief Executive has been in contact, sending the following email on 24th January 2019 to both the farm contact and the accounts department:

'I have been reviewing the current 'stand-off' relating to our invoice (No. 01299, recoverable works; repairs to bank slip on Board Drain No. 35/7 caused by un-consented structure) and your proposed (verbal) intention to recover costs from the Board. Having spoken to members of my staff along with Paul Holmes and Mark Rollinson (BSIDB Board members) who you have recently spoken with on this subject I would like to offer the following solution.

The Board will withdraw (credit) our invoice when you agree not to pursue any of your own cost recovery from the Board, I will process this subject to receiving confirmation from your accounts department in writing (email). I do hope you find this solution acceptable as the Boards Principal Byelaws are constituted by order of Parliament operating under the terms of the Land Drainage Act 1991 and is designated as a flood risk and coastal erosion 'Risk Management Authority' (RMA) under the Flood & Water Management Act 2010 and I would prefer not to have to use this Parliament Act in order to progress.

Following the meeting my operations staff had with you on the estate and a subsequent review of the Land Drainage Act we are about to invite 'abstractors/irrigators' to an informal meeting in our offices to introduce proposals we have on how best we are able to record and identify Byelaw consented apparatus placed within the 9m Byelaw strip alongside Board maintained watercourses. We also want to discuss any interest there may be in a twelve-month amnesty offered to non-consented Byelaw infringements by any of our ratepayers.

I await your response and would be grateful to hear from you before the 1st February 2019.'

The Chief Executive stated that he has received read reports from this email but has not received any response. The Chief Executive has spoken with the Operations Manager and have concluded that neither of them know the farm contact well enough to discuss the matter over the phone and so the Chief Executive questioned whether any Board Members were acquainted with him to feel comfortable to have a telephone conversation about the matter?

Mr M Rollinson stated that he would be happy to invite the farm contact to attend a meeting at the offices of the board to try and resolve the situation.

All AGREED that Mr M Rollinson will discuss with the board's officers and the farm contact to arrange a suitable meeting date.

The following reports from the Executive Committee meeting, held on 19th December 2018, were presented and considered:

(d) 2019/20 BUDGET & TEN YEAR ESTIMATES

The Chairman presented and invited any questions regarding the 2019/20 and ten year estimates report, copies of which had been circulated.

Mr N Scott questioned whether the possibility of an increase in the rate within the following few years is being communicated to rate payers? He felt it may be more manageable for rate payers if they knew it was going to happen in advance. The Finance Manager felt that it would have a bigger impact on the special levy payers, of whom which the board has open dialogue with. From a rate payers point of view, the fact that the rate has been held for so long is a surprise rather than it increasing. The Chairman noted that Black Sluice IDB is the only board in the area that has held the rate for so many years. The Chief Executive suggested incorporating an early notice in the Rating Brochure 2019.

Mr V Barker made reference to the rental income for grazing at Bourne Slipes. He questioned whether notice should be given to increase the rent? Noting that the Environment Agency have increased his rent for the South Forty Foot. The Finance Manager noted that the rent charged is reviewed annually, it also being noted that graziers are hard to come by and so the current tenant doesn't want driving away with a rent increase.

The Board RESOLVED that the 2019/20 budget and ten year estimates should be noted.

(e) BUDGET WITH 10 YEAR ESTIMATES

The Chairman presented and invited any questions regarding the budget with ten year estimates, copies of which had been circulated. The Board RESOLVED that the budget with ten year estimates should be noted.

(f) 2019/20 SUMMARY BUDGET BY MONTH

The Chairman presented and invited any questions regarding the 2019/20 summary budget by month, copies of which had been circulated. The Board RESOLVED that the 2019/20 summary budget by month should be noted.

(g) 2019/20 DETAILED BUDGET BY MONTH

The Chairman presented and invited any questions regarding the 2019/20 detailed budget by month, copies of which had been circulated. The Board RESOLVED that the 2019/20 detailed budget by month should be noted.

(h) 10 YEAR CAPITAL SCHEMES

The Chairman presented and invited any questions regarding the ten-year capital schemes budget, copies of which had been circulated. The Board AGREED to approve the ten-year capital schemes budget.

(i) 2019/20 WAGES ON-COST RESERVE BUDGET

The Chairman presented and invited any questions regarding the 2019/20 wages on-cost reserve budget, copies of which had been circulated. The Board AGREED to approve that the 2019/20 wages on-cost reserve budget.

(j) 8 YEAR PLANT REPLACEMENT BUDGET

The Chief Executive presented on screen a revised eight-year plant replacement budget that included the current mileage / hours of each machine, as requested by Cllr T Ashton at a previous meeting.

Mr V Barker questioned whether the Unimog will be replaced with something different? The Chief Executive explained that the initial proposal will be to replace it with a JCB Fastrac 4220.

Mr P Holmes questioned the £15,000 appointed to the Aebi & Flail? The Operations Manager clarified that it is for a new attachment flail to enable the flailing of the Environment Agency PSCA banks.

The Board AGREED to approve that the eight-year plant replacement budget.

1388 FINAL BUDGET WITH 10 YEAR ESTIMATES (AMENDED PENNY RATE) - Agenda Item 8

The Finance Manager explained that this was updated following the Penny Rate being calculated as at the 31st December 2018. As a result of this, there is an additional rates and special levies income of £3,666 which at a ten-year point results in a surplus of £4,996 with the reserve at 21.22% of expenditure (increase from 19.85%).

The Board AGREED to approve the 2019/20 budget.

1389 PERIOD 09 MANAGEMENT ACCOUNTS & QUARTER 3 FORECAST - Agenda Item 9

The Finance Manager presented the Period 09 Management Accounts and highlighted the following points:

Income

- 99.76% of drainage rates have been collected, leaving £2,549.67 outstanding at Period 09, at Period 10 it is below £2,000
- 100% of Special Levies have been collected
- Investment income is up by £4,271 in comparison with the budget

Expenditure

- Drain Schemes is underspent by £65,000 which offsets the overspend on Drain Maintenance
- Pumping Station Maintenance is £8000 overspent
- Administration Salary is £22,000 over spent because of the 'acting up' duties taken on due to ill health of the Finance Supervisor, the overlap of GIS Technicians and the increase in salary for the new GIS Technician.
- Underspend of £6,394 in Office Equipment, however, £5,000 has been approved to be spent on a drainage rating system upgrade

The Finance Manager presented the Quarter 3 Forecast, noting that there is a prediction of an additional £120,000 to contribute to the General Reserve above what was expected at the beginning of the year.

1390 IMPERMEABLE HECTARE RATE - POLICY No. 44: DEVELOPMENT CONTROL CHARGES & FEES - Agenda Item 10

The Chief Executive presented this agenda item and invited any questions. There were no questions or comments from board members regarding the impermeable hectare rate in Policy No. 44 (Development Control Charges & Fees).

1391 REVIEW A METHOD FOR THE EASY IDENTIFICATION OF OBSTRUCTIONS - Agenda Item 11

The Chief Executive presented this agenda item and invited any questions.

Mr M Rollinson noted that it had been discussed about altering the byelaws to include a direct reference to irrigation equipment. The Chief Executive noted that the amnesty will purely be for irrigation equipment and not for any other infringement of the byelaws. He further noted that byelaws cannot simply be changed to add the reference to irrigation equipment, they would have to be approved by the DEFRA Minister.

Mr P Holmes made reference to item (d), questioning whether it should be included that any applications made after the amnesty will be subject to a £50 fee. The Chief Executive noted that this information is simply for the purpose of reporting to the board, it will all be included in detail in the Rating Brochure 2019.

The Chairman questioned whether it would be followed up with phone calls to those farmers who have experienced problems with this? Mr M Rollinson noted that it is intended to produce a list of rate payers that irrigate.

Mr V Barker questioned whether consent is required for irrigation equipment even if it is only in place for a short period of time temporarily? The Chief Executive clarified that consent is required, even if only to be used temporarily. Even if only placed temporarily, it could still get damaged and the operators still need to be aware it is there. The Chief Executive further noted that after the amnesty period, if unconsented equipment is found within the 9m byelaw distance, it will be removed.

Mr M Rollinson explained that a workshop will be held for rate payers and irrigators to attend to ensure that everybody is clear on the guidance and requirements around consent, whether permanent or temporary, with regard to irrigation equipment. Black Sluice IDB want to work with those that irrigate, not against them.

Cllr T Ashton added that if damage is done to any equipment, the board will not be liable with no area of dispute.

Mr P Holmes further added that he feels it is important to help the Black Sluice operations team compile a list of anyone that may be irrigating in the area and that it is important to try and not miss anybody.

The Chairman felt it is beneficial to be proactive around this matter as more and more landowners are irrigating and so the issue won't simply 'go away'.

Mr R Leggott referred to agenda item (e), questioning whether a suitable post is still trying to be sourced? The Chief Executive responded that a suitable post has been identified, but unfortunately is only stocked in the USA. Board officers will be discussing it at Floodex to try and identify a possible post. It is the intention of the board to purchase a number of these posts for landowners to subsequently purchase and erect. It was further clarified that the responsibility around the marker post will be detailed in the revised byelaw conditions to be determined.

1392 CONSIDER THE PURCHASE OF A DEFIBRILLATOR - Agenda Item 12

The Finance Manager stated that the closest defibrillator to the board's offices is Swineshead Village Hall. In Lincolnshire, there is a target response time of eight minutes. In a pre-hospital cardiac arrest, after eight minutes with no intervention, the chance of survival is at 10%. If a defibrillator is available before that, for each minute saved before the eight minutes, it increases chance of survival by 10%.

The Finance Manager explained that Unison have offered, for the welfare of their members, a £500 contribution. It is proposed that it is kept in the workforce's canteen. The proposed total cost of £1,114 includes the cost of the defibrillator and a suitable box to keep it in.

Mr J Fowler questioned whether it would be classified as a public access defibrillator? The Finance Manager responded that the cost was calculated on the basis of it being only for employees, but he can look into the cost of a public defibrillator if the board so wish. Cllr M Cooper noted that if it was a public access defibrillator then Unison would not contribute towards it. Ongoing maintenance costs were also considered, with pads usually lasting three years and batteries typically lasting for five years.

All AGREED to the purchase of a private defibrillator for use by employees.

1393 RECEIVE THE ADA LINCS BRANCH MINUTES - Agenda Item 13

The Chairman presented the ADA Lincolnshire Branch minutes, copies of which were circulated. The Board RESOLVED that these minutes be received.

The Chief Executive made reference to Item 4, Matters Arising, explaining that this position has now been filled. Nicola McGarry started work in the position of Grant Applications Manager on 7th January 2019. The position is an ADA position, working on behalf of all Lincolnshire boards. Therefore, any costs associated with the position will be divided by a memorandum of understanding with all the Lincolnshire boards.

1394 REVIEW THE RISK REGISTER - Agenda Item 14

The Finance Manager highlighted risk 1.1 showing as 'high' explaining that this is because of the wait for the operations manual for the sluice and navigation lock, that the Environment Agency are currently in the process of producing.

The Board RESOLVED the Risk Register be accepted.

1395 REPORTS ON THE FOLLOWING: - Agenda Item 15

(a) MONTHLY ACCOUNTS (NOVEMBER 2018 - JANUARY 2019)

The Board's monthly accounts, inclusive of November 2018 - January 2019, were circulated. The Board RESOLVED that this report be noted.

(b) SCHEDULE OF CONSENTS (NOVEMBER 2018 - JANUARY 2019)

The Chief Executive presented the Schedule of Consents, consisting of November 2018 - January 2018, copies of which had been circulated. The Board RESOLVED that this report be noted.

The Chief Executive presented Item 2 in the Schedule of Consents, explaining that he would have no problem in approving this application through his delegation of powers but that he wanted to present it to the board for any comments or objections.

Mr R Leggott questioned where the attenuation is planned? The Chief Executive stated that it is within the pipelines. Mr R Leggott further questioned if the fencing within the 9m byelaw will be demountable? The Chief Executive stated that it will all be looked at.

There were no further comments or objections.

(c) RAINFALL

The rainfall figures at Swineshead and Black Hole Drove were presented, copies of which had been circulated. The Board RESOLVED that this report be noted.

1396 AUTHORISE THE SEALING OF THE RATE FOR 2019/20 - Agenda Item 16

It was RESOLVED that the Chairman and Finance Manager be authorised to seal the Drainage Rate and Special Levies for the year 2019/20 as follows:

(a) DRAINAGE RATES

	<u>Rate in the £</u>	<u>Estimated Amount of Drainage Rates Payable</u>
Sub-District No 1 – Being so much of the said Internal Drainage District as comprises the area of the Borough of Boston as constituted and in existence immediately before 1 st April 1974.	6.30p	
Sub-District No 2 – Being the remainder of the Internal Drainage District.	12.60p	
		<u>£1,054,351.37</u>

(b) SPECIAL LEVIES

Borough of Boston	£ 787,059.25
South Holland District Council	£ 126,222.77
North Kesteven District Council	£ 68,197.12
South Kesteven District Council	£ 58,113.22
	<u>£1,039,592.36</u>

1397 ANY OTHER BUSINESS - Agenda Item 17

(a) GOOD GOVERNANCE FOR INTERNAL DRAINAGE BOARD MEMBERS

The ADA 'Good Governance for Internal Drainage Board Members' booklet was distributed to all members. There are also three workshops being held in relation to this which can be registered for on the ADA website.

(b) DEFRA SURVEY

The Finance Manager explained that DEFRA are conducting a survey of board members and officers and have requested contact details for all board members. In light of GDPR, members were asked for any objections in sending contact details as requested. All AGREED for contact details to be sent to DEFRA for the purpose of the survey.

There being no further business the meeting closed at 11:13am.