

HUNDRED FOOT WASHES INTERNAL DRAINAGE BOARD

At a Meeting of the Hundred Foot Washes Internal Drainage Board
held at the Middle Level Offices, March on Tuesday the 12th April 2016

PRESENT

S A Calton Esq (Chairman)	S Davis Esq
L J Marshall (Vice Chairman)	P Harrington Esq
C Carson Esq	D Hoccom Esq
J Taylor Esq	

Mr Robert Hill (representing the Clerk to the Board) was in attendance.

Apologies for absence

Apologies for absence were received from S O'Driscoll Esq.

B.1047 Declarations of Interest

Mr Hill reminded Members of the importance of declaring an interest in any matter included in today's agenda that involved or was likely to affect any individual on the Board.

B.1048 Confirmation of Minutes

RESOLVED

That the Minutes of the Meeting of the Board held on the 7th April 2015 are recorded correctly and that they be confirmed and signed.

B.1049 Clerk to the Board

Mr Hill informed the Board that Mr Iain Smith intended to stand down from the office of Clerk of the Board at the end of 2016, that the Middle Level Commissioners would be taking appropriate steps to appoint his replacement and that the Clerk would keep the Board informed.

The Chairman expressed his thanks to Mr Smith for his services to the Board.

RESOLVED

That the Board's appreciation of the service the Clerk had given to the District be recorded in the Minutes.

B.1050 Appointment of Chairman

RESOLVED

That S A Calton Esq be appointed Chairman of the Board.

B.1051 Appointment of Vice Chairman

RESOLVED

That L J Marshall Esq be appointed Vice Chairman of the Board.

B.1052 Ouse Washes Strategy Group

Further to minute B.1019, Members considered the minutes of the Ouse Washes Strategy Group dated the 5th May and 15th September 2015.

The Chairman reported that there was nothing significant to report from the meeting of the 15th March 2016.

B.1053 Ouse Washes Habitat Group (Ouse Washes Strategic Group)

Mr Hill reported that a new group, of which the Clerk of the Board and David Hoccom were members, had been set up by the Environment Agency to deal with "strategic" matters. There had been two meetings held on the 9th July 2015 and the 5th February 2016 and it had been agreed that, as the Wildfowlers were large landowners, they should also be represented on the Group. This was supported by the RSPB and the WWT and it was agreed that Steve Calton be written to as a Wildfowling representative.

Mr Hill confirmed that the meetings had generally started to set terms of reference and membership and that the next meeting, scheduled for September 2016, was likely to be first "real" meeting of the Group.

B.1054 Water Framework Directive

Further to minute B.1022, Mr Hill reported that the Anglian River Basin Liaison Panel of which the Clerk was a member have considered the draft updated River Basin Management Plan revision and the regional programme of projects funded by Defra for WFD. He reported that he had also been advised that the statutory Plan to be sent to Ministers would be a "high level" generalised document and not contain the list of local "measures" which appeared in the many schedules to the 2009 Plan. Whilst this made the 2009 Plan rather cumbersome, it did at least set out the measures expected in relation to a water body, whereas the present framework leaves the relevant measures to be discussed locally. Part of the ongoing work is to settle what "mitigation measures" are appropriate to the artificial and heavily modified water bodies of the Fens to ensure that they satisfy the requirement to reach Good Ecological Potential. The Middle Level Commissioners' Environmental Officer, Cliff Carson, is a member of a Group, looking at reasonable mitigation measures for such bodies, which are likely in fact to correspond with what was already in our Biodiversity Action Plans and therefore require, as previously advised, little additional work.

Mr Hill advised that the Clerk had commented on the revised plan but had to date received no feedback on either this or on the earlier flood risk management plans despite promises from the Environment Agency that this would occur.

Mr Hill reported that the Clerk had, however, continued discussions with the Environment Agency's local Water Framework Directive teams and confirmed that the River Basin Management Plan had been confirmed by Government.

B.1055 Water Transfer Licences

Mr Hill reported that Defra have advised that they propose to bring into force the changes to the water abstraction licensing system, which were outlined and enacted in the Water Act 2003. Successive proposed implementation dates have, however, come and gone. Most significant amongst these changes is the requirement that abstractions simply transferring water from one watercourse to another by IDBs become subject to licensing.

Mr Hill reported that the Environment Agency have however also now consulted on a proposed charging regime for transfer licences. This following correspondence with Rory Stewart MP, the Parliamentary Under Secretary of State, appears to be a "one off" charge of £1,500 imposed to "recover the Agency's costs of considering the grant of the Transfer Licence", rather than an annual charge but he had continued to object to it on the basis that, since water is transferred to serve licences granted to end user abstractors by the Agency, the costs of administering such licences should already be met. He had also taken the opportunity to raise this matter during the Ministerial Visit to Denver, as did representatives of the Downham and Ely IDB Groups. It was also pleasing to report that ADA, after inaction on the matter, appeared at last to be taking this up with Defra.

Mr Hill reported that the Defra consultation appeared in December but was then withdrawn hours later. It was however, formally reissued in January with a period for responding lasting until 8th April. Despite what had previously been stated, the consultation proposes that Transfer Licences may well have a volumetric quantity based on what has been taken in the previous 4 years. Members will be aware that the water transferred into IDBs in this area is mainly to serve irrigation licences granted by the Environment Agency and the costs in relation to which have already been recovered by the Environment Agency.

Mr Hill reported that it also appears from Defra that their longer term aim, as part of the Water Abstraction Review, would be for IDBs to be given the power to take over water resources management within their catchments, from the Environment Agency. This was an interesting concept and discussion proposals, which would enable IDBs to deliver the abstraction licensing system and recover costs, were awaited. Defra are therefore keen that nothing in this present consultation will prejudice such an outcome and may well be willing to discuss more fully, the effect of the Transfer Licence proposal.

Mr Hill reported that where a Board had more than one inlet, a separate licence would be required at a proposed "one off" charge of £1,500 imposed to recover the Agency's costs of considering the grant of the Transfer Licence, rather than an annual charge, where the abstraction took place from different watercourses.

Mr Hill reported that within the proposals was an exemption for ports abstracting below the tidal limit and that the Clerk had queried why this was not also an exemption for IDBs.

Following discussions with Defra, the Clerk felt it possible that this exemption could also be granted to IDBs.

Mr Carson referred to the difficulty in measuring volumes on tidal ranges.

B.1056 Culverts/Tunnels connecting to the Header Ditch – Mr R Riches

Further to minute B.1025(iii) and (iv), Mr Hill updated the Board on the position since the last meeting. Essentially Mr Riches had failed to comply with a request and then a formal Direction authorised by the Chairman to remove 2 illegal structures and the Board had therefore done so and invoiced Mr Riches for the costs incurred, using powers contained in Section 66 of the Land Drainage Act 1991.

Members gave consideration to a letter received from Mr Riches' solicitor dated 7th April 2016.

The Chairman confirmed that there had originally been a slacker, which Mr Riches had de-commissioned. Later Mr Riches had requested a new inlet and the Board agreed to provide a scheme for the installation but, as it would only serve his land, he would be required to meet net costs, Mr Riches had refused, and the scheme was not progressed. Mr Marshall referred to issues 3-4 years ago with Mr Riches digging grips to supply water onto his land to the detriment of others. He confirmed that he had requested Mr Riches to take levels and make a formal proposal to the Board.

Mr Carson referred to the Board's policy, that inlet slackers are kept under the control of the Washes Superintendents. In response to Mr Hoccom, the Chairman estimated that the land had been out of arable production for approximately 10 years.

RESOLVED

That the Board proceed with action to recover their costs and the Chairman be authorised to deal with the matter further.

B.1057 Ouse Washes Section 10 Reservoir Inspection

Mr Hill referred to a briefing note from the Environment Agency dated August 2015 and reported that works are proposed to the Middle Level Barrier Bank to ensure compliance with the Reservoirs Act. He advised that these works are likely only to involve the raising of the crest level of the Middle Level Barrier Bank and that they are being carried out under Reservoir Provisions and NOT flood defence. Mr Hill reported that the reservoir banks around the Washes are the Middle Level Barrier Bank and Cradge Bank, ie NOT the South Level Barrier Bank.

Mr Hoccom reported that discussions with the RSPB were ongoing concerning mitigation measures required when the works commence.

RESOLVED

That the position be noted and kept under review.

B.1058 Consulting Engineers' Report

The Board considered the Report of the Consulting Engineers.

RESOLVED

That the Report and the actions referred to therein be approved.

B.1059 Washes Superintendents' Reports

The Board considered the Reports of the Washes Superintendents.

Mr Harrington referred to the problems in transporting materials to site for the Common Wash slacker.

The Board considered that in future the best option would be to hire a trailer.

Mr Marshall referred to the issue of TB and that restrictions/measures then necessary were not restricted to the herd, but applied to the whole holding.

RESOLVED

- i) That the Reports and the actions referred to therein be approved.
- ii) That the Reports be forwarded to the Area Manager Environment Agency, Cambridgeshire and Bedfordshire Area.

B.1060 Environmental Officer's Press Release and BAP Report

Mr Carson referred to his Press Release dated December 2015, previously circulated to Members.

He referred to both black poplar trees being replaced and to his disappointment at the lack of progress on the tidal agitation dredging pilot.

He also referred to the opportunity taken to install kingfisher sites at the Churchman culvert whilst it was being refurbished.

Members considered and approved the most recent BAP report.

B.1061 Cleaning of culverts – 2015/2016

Mr Hill reported that the RSPB had invoiced the Board in 2015/2016 for the cleaning of fourteen culverts, at a cost of £10. He advised that, although the WWT had yet to invoice the Board, provision for three culverts had been allowed for in the accounts for 2015/2016.

RESOLVED

That a payment of £10 continue to be made in respect of each culvert.

(NB) – Messrs Harrington, Hoccom and Taylor declared an interest (as employees of the RSPB) in the payment made to the RSPB.

(NB) – The Vice Chairman declared an interest (as an employee of the WWT) in the payment made to the WWT.

B.1062 Washes Superintendents' Fees

a) Agreement relating to Washes Superintendents duties

Further to minute B.1028(b), Mr Hill reported that Messrs Harrington and Marshall had duly signed the agreement.

b) The Board gave consideration to the Washes Superintendents' fees for 2016/2017.

RESOLVED

That the Board agree that the sum of £1,285.00 be allowed for the services of the Washes Superintendents for 2016/2017.

(NB) – The Vice Chairman and Mr Harrington declared a financial interest when this item was discussed.

B.1063 State-aided Schemes

Consideration was given to the desirability of undertaking further State-aided Schemes in the District and whether any future proposals should be included in the capital forecasts provided to the Environment Agency.

RESOLVED

That no proposals be formulated at the present time.

B.1064 Slubbing and Spreading work

a) Slubbing work

The Board considered the tender received from Fen Group to undertake slubbing work on behalf of the Board in 2016/2017.

Members raised concern over the proposed transport charge of £75.00 per hour.

RESOLVED

i) That the tender received from Fen Group in the sum of £39 per hour to undertake slubbing work in 2016/2017 be accepted by the Board.

ii) That Fen Group be advised that the Board were only prepared to accept a transport charge equivalent for travel between their Friday Bridge depot and site.

b) Spreading work

Members considered the question of the undertaking of spreading work within the District.

RESOLVED

That the Washes Superintendents carry out a survey and the Chairman be authorised to take any further action he considers appropriate.

c) Fen Group Terms and Conditions

Mr Hill reported that the Clerk had forwarded a copy to the Washes Superintendents for their comments and both had confirmed they were comfortable with them.

Mr Hill advised that the Middle Level Commissioners would like to utilise these as a general "template" for using contractors.

With regards to insurance for temporary hire, the Washes Superintendents agreed to inform the office when the machine is engaged on the Board's work.

The Washes Superintendents reported that the RSPB and WWT have standard terms of engagement which the Board could review.

RESOLVED

That the Washes Superintendents liaise with the Clerk concerning risk assessments and methods of working when contractors engaged on Board's work.

B.1065 Environment Agency – Precept

a) Mr Hill reported that the precept for 2016/2017 would remain unchanged at £1,196.

b) Local Choices Update

Further to minute B.1032, Mr Hill referred to the Environment Agency's newsletter dated April and reported that because of the appeals against the precept lodged some two years ago by the Board (and other Boards) the Agency had introduced a Local Choices Precept Programme which involved a far greater input from IDBs and IDBs being much more able to influence the Agency on the works on which the precept would be spent. Much of the Agency's work on the Washes or the adjoining main rivers was however funded by Government Grant-in-Aid.

B.1066 Association of Drainage Authorities

Mr Hill reported:-

a) Annual Conference

That the Annual Conference of the Association of Drainage Authorities would be held in London on Thursday the 17th November 2016.

RESOLVED

That the Clerk be authorised to obtain a ticket for the Annual Conference of the Association if a Member wishes to attend.

b) Annual Conference of the River Great Ouse Branch

On the Annual Conference of the River Great Ouse branch of the Association held in Prickwillow, Ely on Tuesday the 8th March 2016.

c) Subscriptions

That it was proposed by ADA to increase subscriptions by approximately 5% in 2016, viz:- from £510 to £536. [The increase in 2015 was 4%]

The Chairman raised concerns over previous increases and value for money and considered that recently there appeared to be a 'Lincolnshire' bias.

Mr Carson supported membership and considered the Board should retain it.

d) Floodex 2016

That Floodex 2016 will be held at The Peterborough Arena on the 18th and 19th May 2016.

RESOLVED

That, by a majority vote, the Board should retain its membership of ADA and the increased subscription be paid for 2016 but that ADA be advised of the Board concerns.

B.1067 Tidal River Action Plan Scoping Workshop

Mr Hill reported that the Environment Agency are currently looking to proceed in 2016 with the agitation dredging pilot on the Tidal River, submitting their business case for approval. He advised that the project is, however, unlikely to be funded by Grant in Aid but instead through Local Levy and Precept, via the Local Choices framework.

As regards the separate but linked project on the Hundred Foot, Mr Hill reported that further work is required and that the business case is still being considered, particularly the issues of silt and silt movement.

B.1068 Health and Safety Audits

Mr Hill drew attention to the continuing need to ensure that the Board complied with Health and Safety Requirements and reminded Members of the arrangements with Croner.

B.1069 Cambridgeshire and Norfolk Flood Risk Management Partnership Update

Further to minute B.1037, Mr Hill reported that the main recent items discussed were the County Council's project to install more rain gauges in Cambridgeshire; the impact of the A14 Project; Surface Water Management Plans and the new Supplementary Planning Document on flood risk, which the Middle Level Commissioners' Planning Engineer is involved with. Mr Hill advised that the Planning Engineer does not feel that this document is yet in a suitable state commenting in particular, that it is too generic, does not really apply to the special needs of the Fens or properly set out the roles and functions of IDBs.

B.1070 Information regarding Asbestos

Mr Hill reported that the Board had a duty to provide details of any asbestos in their installations to be recorded in a Register so that these were known and any contractors could be made aware.

The Board considered it was highly unlikely that any asbestos was present in any structures.

RESOLVED

That the Register record "Unknown"

B.1071 Banking Arrangements

a) Changes to the bank mandate

Mr Hill reported that, due to the Clerk's impending retirement relevant changes to bank mandates to name his successor would be required in due course.

RESOLVED

That the Chairman be authorised to make the necessary changes to the Board's bank mandates.

b) Changes to the National Savings Accounts signatories

Mr Hill reported that it was necessary to update the signatories on the National Savings Accounts .

RESOLVED

That the Chairman and the Clerk be the authorised signatories on the National Savings Accounts.

B.1072 Completion of the Annual Accounts and Annual Return of the Board – 2014/2015

a) The Board considered and approved the comments of the Auditors on the Annual Return for the year ended on the 31st March 2015.

b) The Board considered and approved the Audit Report of the Internal Auditor for the year ended on the 31st March 2015.

B.1073 Governance and Accountability for Smaller Authorities in England

Mr Hill referred to the recently issued Practitioners' guide to proper practices to be applied in the preparation of statutory Annual Accounts and Governance Statements which will apply to Annual Returns commencing on or after 1st April 2016.

B.1074 Budgeting

Mr Hill referred to the budget comparison of the forecast out-turn and the actual out-turn for the financial year ending 31st March 2016.

B.1075 Review of Internal Controls

The Board considered and expressed satisfaction with the current system of Internal Controls.

B.1076 Risk Management Assessment

The Board considered their current Risk Management system.

Mr Hill reported that the Board had in place a Risk Management Policy which was last reviewed in 2015.

He reported that the Board had in place operational, financial and governance policies and considered all of their key risks and how to mitigate against them at each scheduled meeting, at which operational and environmental risks were discussed, based upon engineer's reports, officer reports, budgets and costings covering the short/medium and longer term issues. Budgets were prepared and approved by the Board.

Mr Hill reported that insurances were in place that confirmed the cover was appropriate to the business. Budgets/year-end forecasts were reviewed at intervals by the Board. This was deemed adequate for the size of the business and the District system was monitored on a regular basis to identify new/emerging areas of risk.

The Board considered this current policy/strategy to be appropriate in between carrying out more substantial, periodic formalised reviews of risk assessment/management and met the requirements that they were assessed by.

B.1077 Appointment of the External Auditor

Mr Hill reported that, as had been previously mentioned, the recent Local Audit and Accountability Act changes the audit requirements for smaller public bodies including IDBs and such bodies as the MLC and Parish Councils.

The Act abolished the Audit Commission from 1st April 2015 and, from that date, responsibility for external auditor appointments has transferred to a new body, Public Sector Audit Appointments Ltd. Most contracts with existing external auditors will however continue until they expire after completion of the 2016/2017 audits.

Mr Hill reported that from April 2017, smaller authorities will also be legally responsible for the appointment of their own external auditor and that this appointment must be made before the 31st December before the audited year, eg by 31/12/2016 for 2017/2018. Mr Hill advised that the Secretary of State can however, appoint a body with power to appoint auditors for such smaller bodies which must then opt out from an appointing body. This has now been proposed, with a body proposed to procure audit services "en bloc" for these bodies. The new body is also supported and being funded by DCLG. The new arrangements will operate for a period of 5 years initially but is likely to run on 5 year cycles. It is likely that the procedures for opting out of this sector led

body arrangement and appointing an external auditor individually will not be worthwhile for smaller authorities since this will involve the authority establishing an auditor panel and following a statutory appointment process and it is also likely that audit fees will be higher than under the "en bloc" arrangement.

Mr Hill advised that all IDBs had to decide by 31st January 2016 whether they were going to opt out of the new sector body arrangements and that the position can be reviewed during the first five year cycle. The Chairman had, in view of this, agreed that the Board would opt in to the Sector Led body.

Mr Hill also reported that from 2017/2018 smaller public bodies (Boards with income or expenditure less than £25,000) would not be required to undertake a formal audit but would need to have greater publication requirements in place. He advised that it would also be necessary to question the effect of "one off" payments such as development contributions taking the Board above the £25,000 limit, in a particular year.

RESOLVED

That the Board approve the actions of the Chairman to join the Sector Led Auditor Appointment body.

B.1078 Exercise of Public Rights

Mr Hill referred to the publishing of the Notice of Public Rights and publication of unaudited Annual Return, Statement of Accounts, Annual Governance Statement and the Notice of Conclusion of the Audit and right to inspect the Annual Return.

B.1079 Annual Governance Statement – 2015/2016

The Board considered and approved the Annual Governance Statement for the year ended on the 31st March 2016.

RESOLVED

That the Chairman be authorised to sign the Annual Governance Statement, on behalf of the Board, for the financial year ending 31st March 2016.

B.1080 Payments

The Board considered and approved payments amounting to £23,389.38 which had been made during the financial year 2015/2016.

(NB) – Mr Harrington declared an interest in the payments made to him.

(NB)– Mr Carson declared an interest (as an employee of the Middle Level Commissioners) in the payments to the Middle Level Commissioners

(NB) – Messrs Harrington, Hoccom and Taylor declared an interest (as employees of the RSPB) in the payment made to RSPB Sales Ltd.

B.1081 Annual Accounts of the Board – 2015/2016

The Board considered and approved the Annual Accounts and bank reconciliation for the year ended on the 31st March 2016 as required in the Audit Regulations.

RESOLVED

That the Chairman be authorised to sign the Annual Return, on behalf of the Board, for the financial year ending 31st March 2016.

B.1082 Capital Improvement Programme

Members considered the Board's future capital improvement programme.

Mr Marshall reported that, due to erosion, there was an inlet structure that required improvements. He considered that a box type structure platform would be required at an estimated cost of £4,000.

RESOLVED

- i) That the Capital Programme be approved in principle and kept under review.
- ii) That the necessary improvements to the inlet structure be carried out.
- iii) That the Board budget £5,000 every three years for repairs and £1,000 annually for inspections.

B.1083 Expenditure estimates and special levy and drainage rate requirements 2016/2017

The Board considered estimates of expenditure and proposals for special levy and drainage rates in respect of the financial year 2016/2017 and were informed by Mr Hill that under the Land Drainage Act 1991 the proportions of their net expenditure to be met by drainage rates on agricultural hereditaments and by special levy on local billing authorities would be respectively 99.39% and 0.61%.

RESOLVED

- i) That the estimates be approved, subject to the sum of £4,000 being added for improvements to inlet structures.
- ii) That a total sum of £19,610 be raised by drainage rates and special levy.
- iii) That the amounts comprised in the sum referred to in ii) above to be raised by drainage rates and to be met by special levy are £19,490 and £120 respectively.
- iv) That a rate of 19.00p in the £ be laid and assessed on Agricultural hereditaments in the District.
- v) a) That a Special levy of £113 be made and issued to the Borough Council for Kings Lynn and West Norfolk for the purpose of meeting such expenditure.

- b) That a Special levy of £7 be made and issued to East Cambridgeshire District Council for the purpose of meeting such expenditure.
- vi) That the seal of the Board be affixed to the record of drainage rates and special levies and to the special levies referred to in resolution (v).
- vii) That the Clerk be authorised to recover all unpaid rates and levies by such statutory powers as may be available.

B.1084 Display of rate notice

RESOLVED

That notice of the rate be affixed within the District in accordance with Section 48(3)(a) of the Land Drainage Act 1991.

B.1085 Date of next Meeting

RESOLVED

That the next Meeting of the Board be held on Tuesday the 11th April 2017.