

HADDENHAM LEVEL DRAINAGE COMMISSIONERS

At a Meeting of the Haddenham Level Drainage Commissioners
held at the Baptist Hall, Station Road, Haddenham on Thursday the 28th April 2016

PRESENT

M Church Esq (Chairman)	P G Dennis Esq
G L P Wilson Esq (Vice Chairman)	K J Furness Esq
T B Chambers Esq	P Mappedoram Esq
S G Cheetham Esq	S M Smith Esq
A J W Darby Esq	N E Tebbitt Esq
Mrs M E Darby	R B Waddelow Esq
R J Darby Esq	N R Wright Esq
A R Yarrow Esq	

The Clerk to the Commissioners, Miss Samantha Ablett and Mr David Jordan (District Engineer) were in attendance.

The Chairman welcomed Commissioners and Miss Ablett whom he introduced.

Apologies for absence

Apologies for absence were received from C H Bidwell Esq, I C Chambers Esq, J Dennis Esq, D Gillett Esq, H C Hurrell Esq and G R W Wright Esq.

C.61 Declarations of Interest

The Clerk reminded the Commissioners of the importance of declaring an interest in any matter included in today's agenda that involved or was likely to affect any of them.

The Chairman declared an interest in agenda items 12(i), 32, and 33 and stressed the importance of interest forms being completed.

C.62 Confirmation of Minutes

RESOLVED

That the Minutes of the Meeting of the Commissioners held on the 12th November 2015 are recorded correctly and that they be confirmed and signed.

C.63 Pumping Station Bungalow

Further to minute C.51, the Chairman confirmed that the legionella assessment had been carried out.

C.64 Information regarding Asbestos

Further to minute C.55, the Chairman had undertaken a check for asbestos and confirmed that none had been found.

RESOLVED

That the Register record no asbestos present.

C.65 Clerk to the Commissioners

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

C.66 Appointment of Chairman

RESOLVED

That M Church Esq be appointed Chairman of the Commissioners.

C.67 Appointment of Vice Chairman

RESOLVED

That G L P Wilson Esq be appointed Vice Chairman of the Commissioners.

C.68 Health & Safety

Further to minute C.41, the Chairman reported that Croner had informed him that they would be visiting the Commissioners on the 20th June 2016.

C.69 Contravention of Byelaws

Further to minute C.42, the Chairman referred to the hedge at Wilburton and to a previous meeting at which it had been agreed that the hedge would be moved. He reported that this had not been the case but that he had now had written confirmation that the hedge would be moved this autumn together with the heap of spoil.

The Chairman referred to the unconsented ditch filling at Vipans Farm and advised that the land had recently been sold and the new owner had agreed to re-excavate the ditch.

C.70 Water Framework Directive

Further to minute C.45, the Clerk reported that the position remained as reported at the last meeting save that the River Basin Management Plan had been confirmed.

C.71 Water Transfer Licences

Further to minute C.46, the Clerk reported that 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.

The Clerk 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.

The Clerk 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.

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

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

In response to Mr Yarrow, the Clerk confirmed that the longer term Defra proposal would be to give IDB powers that the Environment Agency currently had to raise charges for their water resources function.

C.72 District Work Report and Proposed Repairs to Slackers

- (i) The Chairman reported that all drainworks had been completed and that private work amounting to £7,390 had also been undertaken.

The Chairman advised that a small slip on Wilburton Main Drain had been piled and the wire ropes for Sutton pumping station had been purchased but not yet fitted.

He reported that to repair the brake failure on Haddenham weedscreen had cost £5,795.16. An electrical inspection had revealed that there was no earth bonding to the bungalow and the pumping station also required earth bonding for the water supply. The Chairman reported that the cost to carry out these works would be £445 and £440 respectively.

RESOLVED

That the Report and the actions referred to therein be approved and the Chairman in conjunction with the District Engineer be authorised to arrange for the District work programme to be undertaken.

- (ii) Consideration was given to future District work arrangements.

The Chairman declared an interest and the Vice Chairman took the Chair.

RESOLVED

- (i) That the Commissioners agree that the sum of £2,000 be allowed for the services of the Chairman for 2016/17, together with all legitimate expenses.
 - (ii) That the Chairman submit half yearly invoices to the Commissioners in respect of his fees.
 - (iii) That the Commissioners agree that 45p per mile be allowed for travelling expenses incurred on behalf of the Commissioners by Mr Church.
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The Chairman resumed the Chair

C.73 Capital Improvement Programme

The Commissioners considered their future capital improvement programme.

The Chairman reported that photographs of the slackers had been sent to the Environment Agency.

Mr Yarrow wondered if the weedscreen problem would re-occur. The Chairman explained that it was not an electrical fault but a problem with the brake unit. Mr Yarrow wondered if this was a design fault. The District Engineer reported that only one had gone wrong before. The Chairman was not aware of modifications having to be made. The Commissioners wondered if the repair was guaranteed.

RESOLVED

That the Capital Programme be approved in principle and kept under review.

C.74 Environmental Officer's Press Releases and BAP Report

The Clerk referred to the Environmental Officer's Press Releases dated December 2015 and April 2016, previously circulated to the Commissioners.

The Chairman referred to Mr Carson's recent interview on Radio Cambridgeshire.

The Chairman referred to the Ouse Washes Partnership which had arranged a water plant identification day on the 20th July to be held at the Arkenstall Centre.

The Commissioners considered and approved the most recent BAP report.

C.75 Tidal River Action Plan Scoping Workshop

Further to minute C.49, the Clerk reported that he was hopeful that work as a pilot on the Stowbridge Hump would be undertaken later this year. He added that he had been advised that the general plan however, required further base evidence and the drawing up of a 'vision' so was unsure of progress regarding the Hundred Foot River. The Chairman felt that the Hundred Foot River at Earith was not moving with levels notably high at Mepal. Mr Dennis agreed that adjacent fields were affected.

RESOLVED

That the Clerk write to the Environment Agency expressing the Commissioners' dissatisfaction with the Agency's progress on the Scheme.

C.76 Ouse Washes Section 10 Reservoir Inspection

Further to minute C.50, the Clerk reported that ground and crest level investigations were being carried out together with option appraisal and environmental assessment before moving onto design.

The Clerk reported that the Environment Agency felt that the South Level Barrier Bank was not a reservoir bank as it had "no deliberate intention to store water" and was constructed close to the river to limit flooding. He advised that further assessment of modelling was currently being undertaken to assess the impact on the South Level Barrier Bank.

C.77 Charges for hire of plant when engaged on private work

Consideration was given to whether any revisions were necessary in the Commissioners' charges for hiring plant for private work (last reviewed – April 2015).

Terex 360 Wheeled Excavator

Present charges - £25 per hour in the District) inclusive of operator's wages and
£35 per hour outside the District) travelling time

RESOLVED

That no change be made to the hire charges.

C.78 Environment Agency – Wetland Creation

In Mr Gillett's absence, the Clerk reported that he had been advised that there had been no progress at all in relation to the Sutton site which would impact on the Commissioners and that there had been no further land purchases in the area.

C.79 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.

C.80 Environment Agency – Precepts

- a) The Clerk reported that the precept for 2016/2017 would remain unchanged at £32,426.
- b) Local Choices Update

The Clerk referred to the Environment Agency's newsletter dated April 2016 and updated the Commissioners on the recent Environment Agency/IDB Strategic Meeting.

C.81 Claims for Highland Water Contributions – Section 57 Land Drainage Act 1991

- (a) The Clerk reported that the sum of £9,006.79 (inclusive of supervision) had been received from the Environment Agency (£9,459.62 representing 80% of the Commissioners' estimated expenditure for the financial year 2015/2016 less £452.83 overpaid in respect of the financial year 2014/2015).
- (b) Further to minute C.23, the Clerk referred to the discussions with the Environment Agency over the monies available to fund highland water claims.

RESOLVED

That the position be kept under review.

C.82 Rate arrears

Consideration was given to writing off rate arrears amounting to £1,050.24.

The Chairman reported that the arrears had been discussed previously and mentioned that Mr Cave had gone away. Mr Cheetham advised that Mr Cave had units on the Industrial Estate in Fen Road, Chesterton, Cambridge. The Clerk agreed to check.

RESOLVED

That the rate arrears be reconsidered at the next meeting.

C.83 Association of Drainage Authorities

The Clerk 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 Commissioner 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) Floodex 2016

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

C.84 Cambridgeshire Flood Risk Management Partnership Update

Further to minute C.26, the Clerk 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 was involved with. The Clerk advised that the Planning Engineer did not feel that this document was yet in a suitable state commenting in particular, that it was too generic, did not really apply to the special needs of the Fens or properly set out the roles and functions of IDBs.

The Chairman referred to the meeting he had attended at East Cambridgeshire District Council regarding water use to 2030.

C.85 Governance and Accountability for Smaller Authorities in England

The Clerk 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.

C.86 Budgeting

The Clerk referred to the budget update reviewed by the Chairman and Responsible Financial Officer.

C.87 Review of Internal Controls

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

C.88 Risk Management Assessment

- a) The Commissioners considered their current Risk Management system.

The Clerk reported that the Commissioners had in place a Risk Management Policy which was last reviewed in 2015.

He reported that the Commissioners 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 Commissioners.

The Clerk 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 Commissioners. 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 Commissioners 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) The Commissioners reviewed and approved the insured value of their buildings.

C.89 Appointment of the External Auditor

The Clerk 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.

The Clerk 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. The Clerk 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.

The Clerk 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 Commissioners would opt in to the Sector Led body.

RESOLVED

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

C.90 Exercise of Public Rights

The Clerk 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.

C.91 Annual Governance Statement – 2015/2016

The Commissioners 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 Commissioners, for the financial year ending 31st March 2016.

C.92 Payments

The Commissioners considered and approved payments amounting to £183,407.49 which had been made during the financial year 2015/2016.

(NB) – The Chairman declared an interest in the payment to him.

(NB) – Mr N Wright declared an interest in the payments made to A G Wright & Son.

C.93 Annual Accounts of the Commissioners – 2015/2016

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

In response to Mr Chambers, the Chairman outlined the period of the loan and Miss Ablett confirmed that the payments were split of principal and interest.

The Chairman complimented the Middle Level Commissioners on the speed in which the accounts were produced.

RESOLVED

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

C.94 Expenditure estimates and special levy and drainage rate requirements 2016/2017

The Commissioners considered estimates of expenditure and proposals for special levy and drainage rates in respect of the financial year 2016/2017 and were informed by the Clerk 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 64.42% and 35.58%.

In response to Mr Wright who wondered whether it would be appropriate to make further capital repayment on the loan, the Chairman explained the need to retain balances and that there would be a penalty for repayment at present. The position would, however, be kept under review.

RESOLVED

- i) That the estimates be approved.
- ii) That a total sum of £187,058 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 £120,495 and £66,563 respectively.
- iv) That a rate of 37.00p in the £ be laid and assessed on Agricultural hereditaments in the District.
- v) That a Special levy of £66,563 be made and issued to East Cambridgeshire District Council for the purpose of meeting such expenditure.
- vi) That the seal of the Commissioners 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.

C.95 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.

C.96 Date of next Meeting

The Clerk reminded the Commissioners that the next meeting will be held on Thursday the 10th November 2016.