

MARCH WEST AND WHITE FEN INTERNAL DRAINAGE BOARD

At the Inaugural Meeting of the newly constituted March West and White Fen Internal Drainage Board held at the Middle Level Offices, March on Tuesday the 12th April 2016

PRESENT

T E Alterton Esq	C Miller Esq
N J Bates Esq	M J Mottram Esq
J L Brown Esq	J A Neal Esq
R A Dring Esq	R Potts Esq
H T Kisby Esq	H W Whittome Esq

The Clerk to the Middle Level Commissioners and Miss Samantha Ablett were in attendance.

Apologies for absence

Apologies for absence were received from M Cornwell Esq, D J Fountain Esq and M C Kisby Esq.

B.1 Declarations of Interest

The Clerk 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.2 Confirmation of Minutes

RESOLVED

That the Minutes of the Meetings of the March and Whittlesey Internal Drainage Board and the White Fen District Drainage Commissioners held on the 15th March 2016 are recorded correctly and that they be confirmed and signed.

B.3 Anglian Water Services Ltd – Bank Slippage at Hostmoor Attenuation Pond

Further to minute B.1148 (March and Whittlesey IDB), Mr Alterton confirmed that the attenuation pond slackers had been greased but were fixed open so that the ponds were never used but bypassed.

RESOLVED

That the Clerk write to Anglian Water Services Ltd.

B.4 Works affecting the District system – Mr D Betts

Further to minute B.1150 (March & Whittlesey IDB), the Clerk reported that Mr Betts had collected the necessary byelaw application forms and that he was looking at remedial works for which he was likely to need a contractor.

B.5 Residential Property – Australia Farm – Mr C Baxter

Further to minute B.1151 (March & Whittlesey IDB), the Clerk reported that Mr Baxter had collected the necessary byelaw application forms but that nothing further had been received.

B.6 Flail mowing

Further to minute B.1152 (March & Whittlesey IDB), Mr Potts wondered if any more had been heard from Mr Beeton.

Mr Brown confirmed that the Board's flail mowing requirements for the ensuing year would be undertaken by G Ashman, as previously agreed by the former March and Whittlesey IDB.

B.7 Constitution of the Board

Further to minutes B.1112 (March & Whittlesey IDB) and C794 (White Fen DDC), the Clerk reported that the Secretary of State for the Department for Environment, Food and Rural Affairs in exercise of the powers conferred upon her by paragraphs 3 and 7 of Schedule 3 of the Land Drainage Act 1991 had now confirmed the March West and White Fen Internal Drainage Board Order 2016 (S.1.2016 No 482) made on the 1st April 2016 confirming the Scheme submitted by the Environment Agency Anglian Region for confirmation under section 3(1) of that Act. He also reported that the Order came into force on the 2nd April 2016 and confirmed that the Secretary of State for Environment, Food and Rural Affairs had made the following initial appointments as Board Members, viz:-

T E Alerton Esq
N J Bates Esq
J L Brown Esq
R A Dring Esq
D J Fountain Esq
H T Kisby Esq
M C Kisby Esq
C Miller
M J Mottram Esq
J A Neal Esq
R Potts Esq
D G West Esq
H W Whittome Esq

and that the above named Members would serve until the first election to the Board due in November 2017. The Clerk further reported that Fenland District Council were entitled to make five appointments to the Board.

The Clerk reported that although the letters of appointment from Defra were still awaited, Defra had confirmed to him that letters would be sent out that day and that the members had been appointed as per the list.

The Clerk further reported that the effect of the Statutory Instrument was to automatically transfer the rights, liabilities and property of March and Whittlesey IDB and White Fen DDC to March West and White Fen IDB.

B.8 Appointment of Chairman

RESOLVED

That J L Brown Esq be appointed Chairman of the Board.

B.9 Appointment of Vice Chairman

RESOLVED

That M J Mottram Esq be appointed Vice Chairman of the Board.

B.10 Appointment of Clerk

RESOLVED

That the Middle Level Commissioners be appointed Clerk to the Board.

The Clerk informed the Board that he 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 would keep the Board informed.

(NB) – The Chairman and Mr Whittome declared interests (as Board Members of the Middle Level Commissioners) when this item was discussed.

(NB) - Mr Potts declared an interest (as a Middle Level Commissioner) when this item was discussed.

B.11a) Appointment of Pumping Station attendants

RESOLVED

That the current pumping station attendants be re-appointed.

b) The Board gave consideration to the payments in respect of pumping station duties for 2016/2017

The Chairman drew attention to the difference in the payments between the attendants for the old March and Whittlesey IDB and White Fen DDC. He proposed that the White Fen pumping station attendant's payment should therefore be brought in line with the rates previously paid by March and Whittlesey IDB.

RESOLVED

- i) That no change be made to the rates payable to the attendants previously paid by the March and Whittlesey IDB.
- ii) That the fee allowed for the attendant for White Fen pumping station be increased to £880.
- ii) That the Board agree that that the sum of £5,455 be allowed for the provision of pumping station duties for 2016/2017.

(NB) – The Vice Chairman and Messrs Bates, Dring, Kisby, Potts and Whittome declared interests when this item was discussed.

B.12 Appointment of Consulting Engineers

RESOLVED

That the Middle Level Commissioners be appointed Consulting Engineers to the Board.

(NB) – The Chairman and Mr Whittome declared interests (as Board Members of the Middle Level Commissioners) when this item was discussed.

(NB) - Mr Potts declared an interest (as a Middle Level Commissioner) when this item was discussed.

B.13 Appointment of Bankers

- a) Members considered the appointment of the Board's bankers and to authorise the necessary arrangements for the operation of the banking accounts including National Savings Account.

RESOLVED

- (i) That the Board's banking accounts remain with the March branch of Barclays Bank and that the necessary arrangements as required by that bank for the revised mandate, direct debits and internet banking be authorised.
- (ii) That appropriate arrangements be made with Barclays Bank to appoint the Chairman and the Vice Chairman as signatories empowered to sign cheques on behalf of the Board, in addition to Mr I Smith and Mr R Hill as officers of the Board.
- (iii) That the Chairman and Mr I Smith be appointed as the current signatories on the Board's National Savings Account.
- (iv) That the Clerk be authorised to take any steps required by the Bank to implement their appointment and this Resolution.

b) Changes to the bank mandate

The Clerk reported that, due to his 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, consequent on Mr Smith's retirement.

B.14 Insurances

Members considered the appointment of insurers.

The Clerk reported that the Board's policies would be consolidated

RESOLVED

That the Board remain with the Middle Level Commissioners' existing arrangements.

B.15 Differential Rating Order

The Clerk reported that the Board had previously suggested a 5 year Differential Rating Order, which would need to be processed by the Environment Agency and Defra, and would, it is hoped, be in place for the 2017/2018 rate.

RESOLVED

- i) That a Differential Rating Order empowering the Board to levy separate differential rates within the former Districts of the March and Whittlesey IDB and White Fen DDC respectively for a period of 5 years be made;
- ii) That the form of the Order be (subject to the above) that agreed between the Clerk and Defra
- iii) That the Chairman in conjunction with the Clerk be authorised to agree the final form of the Order and to affix the seal of the Board to the Order.

B.16 Common Seal

Members considered the purchase of the Board's Common Seal.

RESOLVED

That the necessary arrangements be made to purchase a new seal for March West and White Fen IDB.

B.17 Standing Orders

The Clerk reported that March and Whittlesey IDB had formal standing orders but that, as former Commissioners, the Orders applicable to the White Fen DDC had been informal. He invited the Board to consider the making of new standing orders.

He advised that the March West and White Fen IDB had thirteen members plus three Council representatives (although this could be a maximum of five) and that, over the previous four years, the average number of members that had attended March and Whittlesey meetings was eleven.

RESOLVED

That Standing Orders be made in the format of the model orders approved by Defra and that a minimum of eight Board members be required to form a quorum.

B.18 Policy Statements

Members reviewed the Policy Statements of the March and Whittlesey IDB and the White Fen DDC.

The Clerk reported that he proposed to amalgamate the provisions of the previous Boards Policy Statements into a new Policy Statement.

RESOLVED

That the revised Policy Statement be approved and adopted by the Board and that they be consolidated into a combined statement for the Board.

B.19 Financial Regulations and Members' Code of Conduct

Members reviewed the Financial Regulations and Members' Code of Conduct of the March and Whittlesey IDB and White Fen DDC. The Clerk outlined that he proposed to combine these into a single set of Regulations and a Code for the new Board. The Clerk also referred to the current scheme of delegations which had been approved by the former White Fen DDC and March and Whittlesey IDB and suggested that the latter would form an appropriate scheme for the new Board.

RESOLVED

That the revised Financial Regulations and Members' Code of Conduct be approved and that the scheme of delegations previously approved by the March and Whittlesey IDB form (with appropriate amendment) the scheme of delegations applicable to the Board.

B.20 Internal Audit Strategy and Audit Plan

Members reviewed the Internal Audit Strategy and Audit Plan of the March and Whittlesey IDB and White Fen DDC. The Clerk reported that both Boards had approved their Audit Strategies in 2015 and that he proposed to combine these into a single Strategy and Plan for the new Board.

RESOLVED

That the revised Internal Audit Strategy and Audit Plan be approved and adopted by the Board and that they be consolidated into a combined Strategy and Plan for the Board.

B.21 Risk Management Strategy

- a) Members reviewed the Risk Management Strategy of the March and Whittlesey IDB and White Fen DDC. The Clerk reported that both Boards had reviewed their Risk Management Strategies in 2015 and that he proposed to combine these into a single Strategy for the new Board.
- b) Members reviewed the insured value of their buildings.

RESOLVED

- i) That the revised Risk Management Strategy be approved and adopted by the Board and that they be consolidated into a combined Strategy and Plan for the Board.
- ii) That the insured value of the Board's buildings be approved.

B.22 District Plan

Members reviewed the revised District Plan showing the watercourses, structures and assets under the direct jurisdiction of the new Board.

RESOLVED

- i) That this Plan be approved and adopted by the Board.
- ii) That A3 laminated copies be provided for all members.

B.23 Byelaws

The Clerk reported that it would be in order to continue with the existing byelaws which were still in force and had been identical within both former Boards.

RESOLVED

That, for the present and in view of the similar provisions to the former Boards' byelaws, no action be taken to make new byelaws.

B.24 Water Framework Directive

Further to minutes B.1114 (March and Whittlesey IDB) and C.796 (White Fen DDC), the Clerk reported that the Anglian River Basin Liaison Panel, of which he was a member, had considered the draft updated River Basin Management Plan revision and the regional programme of projects funded by Defra for Water Framework Directive. 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 left the relevant measures to be discussed locally. Part of the ongoing work was to settle what “mitigation measures” were 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, was a member of a Group, looking at reasonable mitigation measures for such bodies, which were likely in fact to correspond with what was already in our Biodiversity Action Plans and therefore require, as previously advised, little additional work.

The Clerk advised that he 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.

The Clerk reported that he had, however, continued discussions with the Environment Agency's local Water Framework Directive teams. For IDBs in the MLC area, it has been accepted that the Middle Level area will be designated as one water body for the purposes of the 2015 Plan and that, with the exception of Bury Brook, the whole of the "water body" will be designated as artificial; the exception being Bury Brook which is classed as heavily modified.

B.25 Water Transfer Licences

The Clerk reported that Defra had advised that they proposed 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 had, however, come and gone. Most significant amongst these was the requirement that abstractions simply transferring water from one watercourse to another by IDBs become subject to licensing.

The Clerk reported that the Environment Agency had 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.

The Clerk 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.

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.

B.26 Proposed Retail Park to the west of Hostmoor Avenue, March – Brossman Mills Ltd

The Clerk tabled the Supplementary Report of the Consulting Engineers.

The Chairman outlined the proposals and wondered about the likely reaction of Network Rail. Mr Alerton mentioned that the present private ditches proposed to be widened went in "different" directions and felt that the proposals would not be acceptable to the landowner. The Chairman referred to further development proposals for the area. Mr Whittome outlined problems with the same developer at Chatteris and felt that flow models would be required as a minimum. The Chairman drew attention to the watercourse shown through the development at Rugby. The Chairman felt that Mr Whittome should be involved in any discussions.

In response to the Vice Chairman, the Chairman spoke of the need to future proof any works. Mr Whittome felt that any rerouting needed to be of a large enough drain to take all anticipated flows. Mr Potts pointed out that the area would possibly be developed.

Votes were cast; and by a majority, the Board voted to reject any proposal to move the District drain.

RESOLVED

That the developer be advised that the Board are not willing to consider the relocation of the District Drain and that the Chairman, Vice Chairman and Mr Whittome be appointed to discuss development proposals with the developer.

B.27 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.

The Clerk tabled the guideline prices received for the replacement weedscreen cleaner at White Fen pumping station. The Board discussed the proposal and wished to proceed as soon as possible with the works.

RESOLVED

- i) That the Consulting Engineers be instructed to obtain a firm price and to apply for grant-in-aid for the new weedscreen cleaner at White Fen pumping station.
- ii) That the Chairman and Vice Chairman be authorised to take appropriate action on receipt of the Environment Agency's decision on grant-in-aid.

B.28 Health and Safety Audits

The Clerk drew attention to the continuing need to ensure that the Board complied with Health and Safety Requirements and drew Members' attention to the arrangements with Croner which the former Boards had had and which the new Board would now be part of.

B.29 Cambridgeshire Flood Risk Management Partnership Update

Further to minutes B.1130 (March and Whittlesey IDB) and C.807 (White Fen DDC), 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.

B.30 Information regarding Asbestos

The Clerk reported that the Board had a duty to provide details of any asbestos in their installations, especially pumping stations, to be recorded in a Register so that these were known and any contractors could be made aware.

RESOLVED

That the Register record 'not known'.

B.31 Authorisation to appear in court to obtain distress warrants

RESOLVED

That under the provisions of section 54 of the Land Drainage Act 1991, Mr I Smith, Mr R Hill and Miss Samantha Ablett be authorised generally to institute or defend on behalf of the Board proceedings in relation to a drainage rate or to appear on their behalf in any proceedings before a Magistrates' Court for the issue of a warrant of distress for failure to pay a drainage rate.

B.32 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.

B.33 Exercise of Public Rights – March & Whittlesey IDB and White Fen DDC

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.

B.34 Annual Governance Statements – 2015/2016 (March & Whittlesey IDB and White Fen DDC)

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

RESOLVED

That the Chairman be authorised to sign the Annual Governance Statements in respect of the former March and Whittlesey IDB and White Fen DDC for the financial year ending 31st March 2016.

B.35 Payments

The Board considered and approved payments amounting to £99,573.75 for the former March and Whittlesey IDB and £15,707.61 for the former White Fen DDC which had been made during the financial year 2015/2016.

Mr Whittome queried the credit received from Anglia Farmers for Moores pumping station.

Miss Ablett explained the position and that a credit note had been received. The Clerk confirmed that the figure in the accounts took account of the credit note.

(NB) _ The Vice Chairman and Mr Kisby declared interests in the payments made to them.

(NB) – The Chairman and Messrs Potts and Whittome declared interests in the payments made to the Middle Level Commissioners.

B.36 Annual Accounts of the former March and Whittlesey IDB and White Fen DDC – 2015/2016

The Board considered and approved the Annual Accounts and bank reconciliations for the former March and Whittlesey IDB and White Fen DDC 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 Returns, in respect of the former March and Whittlesey IDB and White Fen DDC for the financial year ending 31st March 2016.

B.37 Date of next Meeting

RESOLVED

That, subject to the Differential Rating Order being confirmed, the next Meeting of the Board be held on Tuesday the 2nd May 2017.

B.38 Gas Pipe crossing of District Watercourses

Mr Kisby referred to the gas pipe from IPL which he advised would cross District Drains. The Clerk reported that he had heard nothing further but would check with the Consulting Engineers to see if they had been advised.