

OVER AND WILLINGHAM INTERNAL DRAINAGE BOARD

At a Meeting of the Over and Willingham Internal Drainage Board
held at the Over Community Centre, The Doles, Over on Thursday the 5th May 2016

PRESENT

B R Burling Esq (Chairman)	L M Cook Esq
T Henshaw Esq (Vice Chairman)	C Cross Esq
M Church Esq	J Thorp Esq

The Clerk to the Board was in attendance. Messrs K Bird and R Woodbridge of Hanson Aggregates also attended the meeting.

Apology for absence

An apology for absence was received from S O Burling Esq.

B.42 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.

Mr Church declared an interest in agenda item 16.

Mr Cook declared an interest in flail mowing contractors.

B.43 Confirmation of Minutes

RESOLVED

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

B.44 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 that he would keep the Board informed.

B.45 Board Membership

The Clerk reported that Mr Brian Chapman had left Hanson Aggregates and therefore vacated his position as their representative and that Mr Keith Bird had been nominated as his successor.

RESOLVED

That Mr Bird be formally co-opted to membership of the Board

B.46 Filling of vacancies

Further to minute B.9, the Chairman reported that Mr R Holland had agreed to fill a vacancy on the Board.

RESOLVED

That Mr R Holland be co-opted to membership of the Board.

B.47 Land Drainage Act 1991

Board Membership – South Cambridgeshire District Council

The Clerk reported that South Cambridgeshire District Council had appointed Councillor C Cross to be a Member of the Board under the provisions of the Land Drainage Act 1991. The Clerk also reported that Councillor Manning was not re-appointed.

The Chairman welcomed Messrs Bird and Cross.

B.48 Water Framework Directive

Further to minute B.17, the Clerk reported that the Anglian River Basin Liaison Panel of which he 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.

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. He confirmed that the River Basin Management Plan had been confirmed by Government.

B.49 Water Transfer Licences

The Clerk 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.

The Clerk 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.

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.

The Board felt that the extension of IDB powers was not a good idea.

B.50 Provision of automatic weedscreen cleaning equipment at the pumping station

The District Officer tabled his estimate for the proposed works. He reported that whilst the present weedscreen operative did a very good job, he was concerned regarding health and safety. He confirmed that the estimate included required changes in fencing.

In response to Mr Cook, the District Officer said the lifespan of the weedscreen cleaner should be at least 20 years. The Vice Chairman wondered if, when Mr Cook finished, no one would carry out the work and Mr Cook felt that the present would be a good window of opportunity to get the work done.

Mr Cross wondered if there were competing projects for the Board's funds. The Clerk drew attention to the Board's Capital Programme.

RESOLVED

- i) That the provision of automatic weedscreen cleaning equipment at Over pumping station be approved.
- ii) That an amount not exceeding £40,000 be borrowed from the Public Works Loan Board over a period of 15 years, and that the Chairman be authorised to agree the actual amount required.
- ii) That the District Officer liaise with the Consulting Engineer; that three quotations be obtained and circulated to the Chairman and Members and that the Chairman, Vice Chairman and District Officer be authorised to make the final decision.

B.51 Capital Improvement Programme

Members considered the Board's future capital improvement programme.

The Clerk drew attention to the proposals for control equipment and weedscreen cleaner in the following two years.

Mr Woodbridge queried whether the pumping station would need to be made eel friendly.

RESOLVED

That the Capital Programme be approved in principle and kept under review, save that it be revised to take account of the provision of the weedscreen cleaning equipment referred to in minute B.50.

B.52 Pumping Station Insurance Valuation

Further to minute B.19, the Chairman reported that he had authorised the rise in insurance valuation of the pumping station to £650,000, which had incurred an additional premium of approximately £207. He advised that engineering insurance would cost approximately £202.

The District Officer recalled that the weedscreen needed replacing 2 years ago due to damage caused by a foreign body.

Mr Thorp felt that there was more chance these days of foreign matter being in the pump.

RESOLVED

- i) That the actions of the Chairman in insuring the pumping station at £650,000 be approved.
- ii) That engineering insurance be taken out.

B.53 District Work Report

The District Officer tabled his report.

The District Officer referred to a recent telephone call he had received from Mr E Hinde requesting permission to clear the inlet near the Old Willingham pumping station.

He referred to Willingham Lode which was in part was very narrow and required cleansing. He advised that the Environment Agency had however, carried out bushing work on Dockerell Brook and had flailed Willingham Lode. The Chairman reported that the Over end of the drain had also been flailed but still needed slubbing. The District Officer advised that Willingham Lode would be slubbed out on a 3 yearly programme. He reported that Dockerell Brook near Willingham Recreation Ground was still completely overgrown. The Chairman wondered if the Board could put pressure on the Environment Agency to clean this out.

The Chairman considered that the Board's flail mower had performed well.

The District Officer reported that Cambridgeshire County Council had allegedly claimed that the roadway to the pump was not a public roadway and that the issue with the step was that a lower one was required.

Mr Thorp agreed to attend to the trees at the pumping station that required cutting back.

RESOLVED

- i) That the Report and the actions referred to therein be approved and that the Officer be thanked for his services over the preceding year.
- ii) That Mr Hinde be given permission to clear the inlet near the Old Willingham pumping station.
- iii) That the Clerk contact the Environment Agency regarding Dockerell Brook/Willingham Lode.
- iv) That the maintenance programme as proposed by the District Officer be approved and that he be authorised to undertake the necessary action to ensure that it is carried out.

B.54 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 members.

Members considered and approved the most recent BAP report.

B.55 District Officer's Fee

(a) Agreement relating to District Officer's duties

Further to minute B.20(b)(iv), the Clerk reported that Mr M Church had duly signed the agreement.

(b) The Board gave consideration to the District Officer's fee for 2016/2017.

RESOLVED

That the Board agree that the sum of £1,500 be allowed for the services of the District Officer for 2016/2017.

(NB) – The District Officer declared an interest when this item was discussed.

B.56 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 Defra.

RESOLVED

That no proposals be formulated at the present time.

B.57 Agreements between the Drainage Board, Hanson Aggregates and RSPB

Further to minute B.24, the Chairman reported that he had met with the Clerk who had prepared a draft agreement.

Mr Bird advised that he would look at the agreement initially for Hanson's and that David Hoccom was the contact for the RSPB.

RESOLVED

- i) That the draft agreement as prepared by the Clerk be forwarded to Messrs Bird and Hoccom and a further meeting be arranged.
- ii) That the current arrangements between the Board and Hanson Aggregates continue for 2016/2017.

B.58 Gravel Extraction programme for 2016/2017

Mr Woodbridge outlined Hanson's plans for 2016 and referred to the temporary diversion of IDB drains, details of which he would send to the District Officer. He advised, however, that in the longer term Hanson's were thinking of replacing the drain within the site with a new IDB drain. The District Officer felt that this would not be deep and could be maintained. The new drain would form the bank of the cells. The Chairman wished to see a cross section of the new ditch. A route through the site would be created but it was not intended to make it other than a quarry access. The

Chairman and District Officer felt that water appeared to be going in the right direction but issues regarding access etc needed to be settled. The District Officer drew attention to the need for byelaw widths.

This year's diversion would be between 25-7. The Clerk requested plans of the proposals.

RESOLVED

That Hanson's proposals be approved in principle and the details be forwarded to the Clerk.

B.59 Flail Mowing

The Board considered the tenders received from L A Burton and M D Contractors to undertake flail mowing operations on behalf of the Board in 2016/2017.

The Clerk confirmed that 57 hours had been worked in 2015/2016. The Board discussed the merits of the tenders.

RESOLVED

That the tender received from L A Burton in the sum of £28 per hour to undertake flail mowing operations in 2016/2017 be accepted by the Board.

(NB) – Mr Cook declared an interest when this item was discussed.

B.60 Environment Agency – Precept

- a) The Clerk reported that the precept for 2016/2017 would remain unchanged at £14,582.
- b) Local Choices Update

Further to minute B.27, the Clerk referred to the Environment Agency's newsletter dated April 2016 and updated the Board on the recent Environment Agency/IDB Strategic Meeting.

B.61 Claims for Highland Water Contributions – Section 57 Land Drainage Act 1991

- (a) The Clerk reported that the sum of £3,307.58 (£4,840.08 less £1,532.50 paid on account) (inclusive of supervision) had been received from the Environment Agency based on the Board's actual expenditure on maintenance work for the financial year 2014/2015 together with the sum of £1,437.14 in respect of 80% of the Board's estimated expenditure for the financial year 2015/2016.
- (b) Further to minute B.28, the Clerk referred to the discussions with the Environment Agency over the monies available to fund highland water claims.

RESOLVED

That the position be noted and the situation kept under review.

B.62 Determination of annual value for rating purposes

The Board considered the following recommendation for the determination of annual value for rating purposes, viz:-

OVER & WILLINGHAM

Determination of Annual Values for Rating purposes

April 2016

2016-2017

		Transfer value to Special Levy - £159.95 per hectare	Area	Agricultural	Special Levies	
			(Hectares)	Land	South Cams	TOTAL
				-	-	-
Opening Values (£)		696.985	696.985	66,189	54,935	121,124
Opening %			54.65%	54.65%	45.35%	100.00%
Hanson Aggregates	<u>Location</u>	<u>Reason for change.</u>				
	Over Fen	Gravel Extraction	-24.2	-2,183	3,871	-2,183
						0
						0
						0
						0
						0
						0
						0
						0
Total determinations		672.785	672.785	-2,183	3,871	-2,183
Closing Values (£)				64,006	58,806	122,812
Closing %			52.12%	52.12%	47.88%	100.00%

RESOLVED

- i) That the determination recommended be adopted by the Board.
- ii) That the Clerk be empowered to serve notices and to take such other action as may be necessary to comply with statutory requirements.
- iii) That the Chairman and the Clerk be empowered to authorise appropriate action on behalf of the Board in connection with any appeal against the determination.

C.63 Tidal River Action Plan Scoping Workshop

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 District Officer confirmed the effect on Over Fen.

In response to Mr Cross, the District Officer explained regime of the Hundred Foot.

RESOLVED

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

B.64 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 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%]

RESOLVED

That the increased subscription be paid for 2016.

d) Floodex 2016

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

B.65 Health and Safety Audits

The Clerk 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.

The District Officer reported that Croner would be visiting on the 24th June 2016.

B.66 Cambridgeshire Flood Risk Management Partnership Update

Further to minute B.32, 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 is involved with. The Clerk 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.67 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.

The District Officer advised that the pumping station roof looked like asbestos.

RESOLVED

That the Register record asbestos present.

B.68 Banking Arrangements 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.

B.69 Completion of the Annual Accounts and Annual Return of the Board – 2014/2015

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

B.70 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.71 Budgeting

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

B.72 Review of Internal Controls

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

B.73 Risk Management Assessment

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

The Clerk 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.

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 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) The Board reviewed and approved the insured value of their buildings

B.74 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 Board would opt in to the Sector Led body.

RESOLVED

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

B.75 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.

The Board approved that any documents for public display should be sent to the Chairman.

B.76 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.77 Payments

The Board considered and approved payments amounting to £27,696.09 which had been made during the financial year 2015/2016.

The Board approved that invoices for flail mowing and electricity be sent to the District Officer for approval, with a copy also to the Chairman.

(NB) – Mr Church declared an interest in the payments made to him and to Haddenham Level DC.

(NB) – Mr Cook declared an interest in the payments made to B Cook.

B.78 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.79 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 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 52.12% and 47.88%.

RESOLVED

- i) That the estimates be approved.
- ii) That a total sum of £31,931 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 £16,641 and £15,290 respectively.
- iv) That a rate of 26.0p in the £ be laid and assessed on Agricultural hereditaments in the District.
- v) That a Special levy of £15,290 be made and issued to South 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.80 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.81 Date of next Meeting

RESOLVED

That the next Meeting of the Board be held on TUESDAY the 2nd May 2017.