

## **HADDENHAM LEVEL DRAINAGE COMMISSIONERS**

At a Meeting of the Haddenham Level Drainage Commissioners  
held at the Baptist Hall, Station Road, Haddenham on Thursday the 26<sup>th</sup> April 2018

### **PRESENT**

M Church Esq (Chairman)  
C H Bidwell Esq  
I C Chambers Esq  
S G Cheetham Esq  
A J W Darby Esq  
Mrs M E Darby  
R J Darby Esq

K J Furness Esq  
H C Hurrell Esq  
P Mappedoram Esq  
N E Tebbitt Esq  
R B Waddelow Esq  
N R W Wright Esq  
A R Yarrow Esq

Miss Lorna McShane (representing the Clerk to the Commissioners) was in attendance.

The Chairman welcomed Commissioners.

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### **Apologies for absence**

Apologies for absence were received from T B Chambers Esq, J Dennis Esq, P G Dennis Esq, D Gillett Esq, R J Lee, Cllr S M Smith and G R W Wright Esq.

Mr D Jordan (District Engineer) also apologised for being unable to attend today's meeting.

### **C.182 Declarations of Interest**

Miss McShane 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 8(ii), 17 and 37.

Mr Wright declared an interest in agenda item 17.

Mr Mappedoram declared an interest in agenda item 15.

### **C.183 Confirmation of Minutes**

### **RESOLVED**

That the Minutes of the Meeting of the Commissioners held on the 9<sup>th</sup> November 2017 are recorded correctly and that they be confirmed and signed.

### **C.184 Appointment of Chairman**

### **RESOLVED**

That M Church Esq be appointed Chairman of the Commissioners.

### C.185 Appointment of Vice Chairman

#### RESOLVED

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

### C.186 Water Transfer Licences

Further to minute C.164, Miss McShane referred to a letter received from ADA dated the 27<sup>th</sup> October 2017 and to the Clerk's response to Defra and also to the fact that licencing of water transfers came into force on the 1<sup>st</sup> January 2018. She advised however, that only one licence is required per EA water body transferred from even if multiple intakes exists and each licence costs £1,500 but lasts for 12 years.

### C.187 District Work Report

i) Further to C.167, the Chairman reported on the works which had been undertaken during the last six months in respect of drain maintenance. He reported that it had been reasonably dry up to the Christmas period, however, in recent weeks a lot of pumping had been undertaken.

The Chairman reported that the Commissioners' machine would need some attention and an engineer had been engaged to look at it.

#### 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.

The Chairman reported that he would continue to carry on with the normal maintenance programme.

#### RESOLVED

(i) That the Commissioners agree that the sum of £2,000 be allowed for the services of the Chairman for 2018/2019, 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

(NB) - The Chairman declared an interest when this item was discussed.

#### C.188 Capital Improvement Programme

The Commissioners considered their future capital improvement programme.

#### RESOLVED

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

#### C.189 Environmental Officer's Newsletter and BAP Report

Miss McShane referred to the Environmental Officer's Newsletter, previously circulated to the Commissioners.

The Commissioners considered and approved the most recent BAP report together with the information sheets about floating pennywort.

The Commissioners confirmed that they would be vigilant about floating pennywort near inlets.

#### C.190 Association of Drainage Authorities

##### a) Further Research on Eels

Further to minute C.145(e), the Commissioners considered making a further contribution towards the research on eels.

#### RESOLVED

That the Commissioners approve to contribute an additional £100 towards further research on eels for 2018/2019.

##### b) Updating IDB Byelaws

Further to minute C.173(e), Miss McShane informed the Commissioners that the Clerk is looking to update all administered byelaws together and that work on these would commence at the conclusion of this year's IDB Board meetings.

#### C.191 Restricted access to District drains

Further to minute C.165, Miss McShane reported that the Clerk had met with Mr Jeremy Tyrrell on the 5<sup>th</sup> March 2018. The Clerk has reported that it was an amicable meeting and that there was no dispute over the Boards right of access and Mr Tyrrell was grateful for the opportunity to have matters clarified. It was agreed that Mr Tyrrell would obtain consent for a roadway and gate which would be within the Commissioners' Byelaw strip. He accepted that the Commissioners would need to use this when accessing the watercourse from his land. Mr Tyrrell had been provided with the necessary Byelaw application forms.

Mr Tyrrell confirmed that the trees overhanging the Commissioners' watercourse were on his land and that they would need trimming. He accepted that if a tree fell across the watercourse it would be his responsibility to remove it to avoid the Commissioners having to undertake the work and recharging him. Mr Tyrrell advised that he would attempt to trim the trees himself but in case he was unable to complete the work he would seek a quotation from a contractor that offered a hedge and tree topping service.

#### C.192 Tidal River Action Plan Scoping Workshop

Further to minute C.168, Miss McShane advised that in early February and after significant delays the Environment Agency had finally received the MMO licence for the tidal Ouse agitation dredging pilot. This scheme was due to start several years ago but had suffered a number of setbacks. The Environment Agency advises that they will now start working with their procurement team to revisit the original tender documents and are expecting to carry out work between October/November/December this year. They will also be sharing any recent data from their routing centreline bathymetric survey which is used to monitor the silt movements year on year within the tidal river corridor.

#### C.193 Ouse Washes Section 10 Reservoir Inspection and South Barrier Bank works

Further to minute C.169, Miss McShane reported that the second year of the phased works had commenced.

#### C.194 Request to fill a watercourse at Aldreth

Further to minute C.172, the Chairman reported that following a site visit and discussions with the Consulting Engineer it appeared that the only solution was for a culvert at this location. Mr Mappledoram had obtained quotations from two companies of specialist contractors to carry out the work. The scheme had been devised and approval of the design will be sought from the Clerk to the Commissioners. The works will require a Byelaw consent and the consent will be conditioned that Mr Mappledoram will maintain the culvert.

#### RESOLVED

That, once the Byelaw application is received, the request to culvert the watercourse be approved in principle and the Chairman be authorised to approve with a condition imposed in respect of maintenance and on restricted access to be maintained for the Commissioners.

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

#### C.195 Proposed Development at Haddenham

Further to minute C.174, Miss McShane reported that a flood risk assessment for residential development had been carried out for land behind Metcalfe Way. This land was outside the Commissioners' area but the run-off from the proposed development was likely to end up in the Commissioners' drains.

The Chairman reported that this land was now no longer in the local plan for residential development.

### C.196 Defra IDB1 Returns

Further to minute C.177, Miss McShane referred to a letter received from Defra dated the 24<sup>th</sup> April 2018 and reported on the proposed changes to the Annual Defra IDB1 Returns.

### C.197 Application for Byelaw Consent for the installation of field drains

Miss McShane reported that the Chairman had requested that this matter be placed before the Commissioners for determination as the applicant was Mr Wright.

#### RESOLVED

That the Chairman and Vice Chairman be authorised to approve this application with the condition that any outfalls be at the risk of the applicant.

(NB) – The Chairman and Mr Wright declared interests when this matter was discussed.

### C.198 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 2017).

#### 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 the hire charge for the Terex 360 Wheeled Excavator remain the same when working in the District and be increased to £37.50 per hour when working outside the District.

### C.199 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.200 Environment Agency – Precepts

Miss McShane reported that the Environment Agency had issued the precept for 2018/2019 in the sum of £33,406 (the precept for 2017/2018 being £32,915).

### C.201 Public Sector Co-operation Agreements (PSCAs)

Miss McShane reported on the meeting held on the 26<sup>th</sup> January 2018 with the Environment Agency, and the Chairmen of Manea & Welney DDC, Curf & Wimblington Combined, Sutton & Mepal, Swavesey and Upwell IDBs to discuss entering into a Public Sector Co-operation Agreement. This agreement facilitates (but does not require) Boards to do work on behalf of the Environment Agency and comes out of a clause in the Floods and Water Management Act which allows one public authority to do work for another in relation to many aspects of flood risk management on a cost recovery basis. It is proposed that the Commissioners enter into such agreement which will last five years.

It was noted that the work on the Catchwater Drain may require a Public Sector Co-operation Agreement to be in place.

#### RESOLVED

That the Commissioners enter into a Public Section Co-operation Agreement for work on the Catchwater Drain, if required.

### C.202 Claims for Highland Water Contributions – Section 57 Land Drainage Act 1991

(a) Miss McShane reported that the sum of £1,036.71 (£10,128.77 less £9,092.06 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 2016/2017 together with the sum of £8,971.97 in respect of 80% of the Board's estimated expenditure for the financial year 2017/2018.

(b) Further to minute C.81, Miss McShane 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.203 Contribution from Developers

Miss McShane reported that a contribution towards the cost of dealing with the increased flow or volume of surface water run-off and treated effluent volume had been received.

### C.204 Association of Drainage Authorities

Miss McShane reported:-

#### a) Annual Conference

That the Annual Conference of the Association of Drainage Authorities would be held in London on Wednesday the 14<sup>th</sup> November 2018.

## RESOLVED

That the Clerk be authorised to obtain a ticket for the Annual Conference of the Association for any Commissioner who 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 6<sup>th</sup> March 2018 and the fact that the administration of this branch has now been passed to the Middle Level Commissioners.

Miss McShane advised that the new members elected to the Branch's Executive Committee included the Middle Level Commissioners' Operations Engineer, Jonathan Fenn and the Chairman, Marc Heading who was appointed Vice Chairman (with Harry Raby of the Bedford Group being appointed Chairman). She added that the agreed aim of this reworked branch will be to be more pro-active and accordingly it was expected that the Executive Committee will meet periodically to discuss catchment wide issues and will then report back to the Branch at its Annual Conference on what it has achieved over the year.

### c) Subscriptions

That it was proposed by ADA to increase subscriptions by approximately 1% in 2018, viz:- from £609 to £616.

## RESOLVED

That the increased ADA subscription for 2018 be paid.

### d) New Model Policy Statement

Miss McShane referred to the publication of the new model Policy Statement issued in late April by ADA.

## RESOLVED

That the Clerk be requested to draft a new Policy Statement for consideration by the Board at their next meeting.

### e) Floodex 2019

That Floodex 2019 will be held at The Peterborough Arena on the 27<sup>th</sup> and 28<sup>th</sup> February 2019.

## C.205 Middle Level Commissioners and Administered Boards Chairs Meeting

Miss McShane reported that a meeting of the Chairmen of all of the Middle Level Commissioners' administered Boards met on the 8<sup>th</sup> March 2018 to discuss the challenges facing Boards. Innes Thomson, Chief Executive of ADA, spoke on the arrangements adopted by other Boards around the country.

Matters raised included:-

- 1) Advantages, disadvantages and barriers to amalgamation.
- 2) Future meetings and the opportunity for Boards to request items be added to the agenda.
- 3) Reviewing Board membership numbers.
- 4) Frequency of Board meetings.

#### C.206 Member training and the appointment of a Health and Safety Officer

Miss McShane reported that ADA has been encouraging member training for a number of years and Defra will, from 2018, require Boards to report upon any training that has been provided to members. This was to be reported by way of an entry on the IDB1 forms and the listed topics on this form are; Governance, Finance, Environment, Health, safety and welfare, Communications and engagement, amongst others. The Commissioners may wish to pick an area where they consider specific tailored training is pertinent for it in a given year or alternatively might ask that the Middle Level Commissioners arrange some joint training with other Boards which they are happy to do.

On Health and Safety, after reviewing arrangements for a number of Boards, it has become clear that it would be helpful if Boards could appoint a member to be in charge of Health and Safety matters. This person would take overall responsibility for Health and Safety supported by Croner through the Middle Level Commissioners. This will help provide clarity going forward as ultimately it is the Boards' role to ensure that sites, equipment and working practices are as safe as can be reasonably expected. Whilst IDBs have an enviable record on safety and much that is needed is likely to already be in place, the HSE would probe the organisational structure should a reportable accident occur and would take a dim view if clarity on the lines of responsibility were unclear.

#### RESOLVED

- i) That the Chairman be appointed Health and Safety Officer.
- ii) That the Commissioners participate in any training organised through the Middle Level Commissioners.

#### C.207 Requirements for a Biosecurity Policy

Miss McShane reported that, from 2018, Board's will be required to advise (through the IDB1 returns) whether they have in place a Biosecurity Policy. This is considered necessary following increased concern over the spread of alien invasive weeds from one waterbody to another, possibly through the use of contracted or shared plant which can carry elements of such plants if not properly cleaned after being moved from contaminated locations. ADA have stated that they support the principle of having a policy in place and, conscious that for most boards the policy requirements will be identical, they are producing a model document. The Commissioners were asked to confirm that they were content to adopt a policy as long as it is suitable and will not include overly onerous steps which might restrict their activities.

#### RESOLVED

That the draft policy be reviewed by the Commissioners at their next meeting.



### C.208 The General Data Protection Regulation (GDPR)

Miss McShane referred to the Guidance Note on the implementation of the GDPR and that all organisations must become fully compliant by the 25<sup>th</sup> May 2018.

### RESOLVED

That Miss Lorna McShane, Solicitor and Assistant Clerk be appointed the Commissioners' Data Protection Officer.

### C.209 Charging for Environmental Permits

Miss McShane reported on the consultation on charging for Environmental Permits which closed on the 26<sup>th</sup> January 2018. It is suggested within the consultation that charging should be designed to recover costs and as such there may be significant increases in the charges for obtaining Environment Agency permits for some IDB activities which require such consents. ADA have responded on behalf of the industry and their response is available on their website, [www.ada.org.uk/2018/01/ada-responds-environment-agency-charge-proposals-2018](http://www.ada.org.uk/2018/01/ada-responds-environment-agency-charge-proposals-2018).

### C.210 Cambridgeshire Flood Risk Management Partnership Update

Further to minute C.176, Miss McShane updated the Commissioners on matters considered at the last meeting of the Partnership on the 26<sup>th</sup> February 2018 including staff updates, major projects at the A14, A47 and A48.

### C.211 Review of Internal Controls

- a) The Commissioners considered and expressed satisfaction with the current system of Internal Controls.
- b) The Commissioners considered and approved the appointment of Whiting & Partners as Internal Auditor for the three period 2018/2019 to 2020/2021.
- c) The Commissioners approved the Audit Strategy and Audit Plan.

### C.212 Risk Management Assessment

- a) The Commissioners considered and expressed satisfaction with their current Risk Management Policy.
- b) The Commissioners considered and approved the insured value of their buildings and considered having a revaluation of the Board's real estate assets, as required for audit purposes.

### RESOLVED

That no changes be made to the valuation at this time and for the matter to be reviewed again at the next annual meeting.

### C.213 Governance and Accountability for Smaller Authorities in England

Miss McShane 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 1<sup>st</sup> April 2018.

### C.214 Appointment of External Auditor

Further to minute C.89, Miss McShane referred to the decision by the Commissioners to join the Sector Led Auditor Appointment Body for the appointment of the External Auditor and that the Smaller Authorities' Auditor Appointments (SAAA Ltd) had formed for this purpose. She reported that they had now confirmed the appointment of PKF Littlejohn to carry out the external audit of the Commissioners for a five year period commencing with the financial year 2017/2018.

### C.215 Exercise of Public Rights

Miss McShane 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.216 Annual Governance Statement – 2017/2018

The Commissioners considered and approved the Annual Governance Statement for the year ended on the 31<sup>st</sup> March 2018.

### RESOLVED

That the Chairman be authorised to sign the Annual Governance Statement, on behalf of the Commissioners, for the financial year ending 31<sup>st</sup> March 2018.

### C.217 Payments

The Commissioners considered and approved payments amounting to £162,889.53 which had been made during the financial year 2017/2018.

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

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

### C.218 Anglia Farmers

The Commissioners considered their contractual arrangements with Anglia Farmers for the supply of electricity.

Miss McShane reported that the contract with Anglia Farmers ceases on the 30<sup>th</sup> September 2018 and advised that, in view of the problems encountered over the past 15 months with the operation of the contract, a report had been sent to all Chairmen.

Miss McShane further advised that, although the Clerk was able to recommend to the Commissioners that they remain with Anglia Farmers for a further contract period, usually 18 months to 2 years, during which time the service provided by them will be monitored, it was the Commissioners' decision and should they wish to be removed from the buying group then it would be the Commissioners' responsibility to negotiate its own separate electricity contract with a supplier.

Miss McShane reported that the Chairman had agreed for the Commissioners to remain with Anglia Farmers.

#### RESOLVED

That the actions of the Chairman be approved and the current arrangements be continued for a further contract period, during which time the service provided by them, in relation to the running of the contract, be monitored.

#### C.219 Annual Accounts of the Commissioners – 2017/2018

The Commissioners considered and approved the Annual Accounts and bank reconciliation for the year ended on the 31<sup>st</sup> March 2018 as required in the Audit Regulations.

#### RESOLVED

That the Chairman be authorised to sign the Return, on behalf of the Commissioners, for the financial year ending 31<sup>st</sup> March 2018.

#### C.220 Expenditure estimates and special levy and drainage rate requirements 2018/2019

The Commissioners considered estimates of expenditure and proposals for special levy and drainage rates in respect of the financial year 2018/2019 and were informed by Miss McShane 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%.

#### RESOLVED

- i) That the estimates be approved.
- ii) That a total sum of £187,039 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 £120,476 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.221 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.222 Date of next Meeting

Miss McShane reminded the Commissioners that the next meeting will be held on Thursday the 8<sup>th</sup> November 2018.

C.223 Bank Slippage

The Commissioners discussed some bank slippage that had occurred on the second drain after works had been carried out which were mainly piling.