

MARCH THIRD DISTRICT DRAINAGE COMMISSIONERS

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PLEASE NOTE CHANGE OF DATE

24 April 2019

Mr Chairman, Lady and Gentlemen

Meeting of Commissioners
15th May 2019

I enclose the Agenda for the Meeting of the Commissioners to be held at the Middle Level Offices, March at 7.00 pm on **Wednesday the 15th May 2019**.

PLEASE NOTE THAT THIS AGENDA INCLUDES CONFIDENTIAL PAPERS. APART FROM THE COPY RETAINED WITH THE CONFIDENTIAL MINUTES THEY WILL BE DESTROYED FOLLOWING THE MEETING AND MEMBERS ARE REMINDED THAT THEY MUST NOT BE DISCUSSED WITH ANYONE OTHER THAN A BOARD MEMBER.

AFTER THE MEETING PLEASE DESTROY YOUR COPY OF THE PAPERS OR RETURN THEM TO THE OFFICE TO BE DESTROYED.

Please telephone or e-mail to confirm your attendance as soon as possible.

Yours truly

D C THOMAS

Clerk to the Commissioners

To the March Third District Drainage Commissioners

A G E N D A

1. Apologies for absence

2. Declarations of Interest

Members to declare any interests relating to the agenda.

3. Confirmation of Minutes

To confirm the Minutes of the Meeting of the Commissioners held on the 3rd May 2018.

(Copy pages 11-23)

4. Matters arising from the Minutes

5. Appointment of Chairman

To appoint the Chairman of the Commissioners.
(Present Chairman – R Manchett Esq)

6. Land Drainage Act 1991
Fenland District Council

The Clerk will report that Fenland District Council have re-appointed Councillors M Cornwell and S R Court to be Commissioners under the provisions of the Land Drainage Act 1991.

7. Appointment of Commissioners

Further to minute C.1027(ii), the Clerk will report that Creek Farms Ltd and Pashler Farms have been written to on two occasions inviting them to nominate a representative and no responses have been received.

8. Cannon Kirk

Further to minute C.1029, the Clerk to report.

9. Rental of Pillards Corner, March

Further to minute C.1030(b), the Clerk to report.

10. Updating DDC Byelaws

Further to minute C1041(e), to consider the Commissioners' updated Byelaws.

(Copy pages 24-35)

11. Policy Statement

Further to minute C1041(f), to review the Commissioners' updated Policy Statement on Water Level and Flood Risk Management.

(Copy pages 36-45)

12. Requirements for a Biosecurity Policy

Further to minute C1046, to consider the Commissioners' Biosecurity Policy.

(Copy pages 46-50)

13. Clerk's Report

The Clerk advises:-

i) Middle Level Commissioners and Administered Boards Chairs Meeting

That a second Chair's meeting was held on the 17th October 2018 and that discussions centred around meeting Health and Safety legislative requirements and the possible options for increased efficiency in delivery of IDB/DDC services. Outline detailed proposals on the latter are to be brought before the next Chair's meeting for consideration.

That a third Chair's Meeting was held on the 11th March 2019 and that discussions at this centred around :-

- 1) The provision of increased support to IDBs on Health and Safety management and control.
- 2) The Future investment planning for the Lower River Great Ouse catchment.
- 3) Future planning for IDBs and DDCs administered by the Middle Level Commissioners.
- 4) Member training.

One option for future Board arrangements discussed at the second and third meetings was the subject of a briefing paper, viz:-

(Copy pages 51-53)

ii) Association of Drainage Authorities

a) Annual Conference

That the 81st Annual Conference of the Association had been held at the ICE building in Westminster on Wednesday 14th November 2018 and had been well attended with the main speakers being Sue Hayman MP, Shadow Secretary for Environment Food and Rural Affairs, Robert Hössen crisis management expert from the Netherlands, John Curtin, Executive Director of Flood and Coastal Risk Management at the Environment Agency and David Cooper Deputy, Director for Flood and Coastal Erosion Management at Defra.

Sue Hayman – Shadow Secretary of State for Environment, Food & Rural Affairs spoke about her first-hand experience of flooding in Cumbria, the impact of flooding on mental health, building on flood plains and river management without environmental change and funding.

Robert Hössen, an expert for a government organisation in Holland gave a presentation on how incident management is organised and dealt with in the Netherlands.

John Curtin from the EA gave a presentation on the effects of Climate change and referred to the government's discussions regarding the likelihood, impact and severity of climate change.

David Cooper from Defra referred to the 25 year environment plan and to various Government publications made in 2018, which can be reviewed online.

That the Officers had been re-elected, subscriptions would be increasing by 2% for the following year and the Conference marked the launch of the Good Governance Guide for Internal Drainage Board Members.

That the Conference also marked the first presentation of the Chairman's award which were presented to Ian Russell from the Environment Agency for his work on Public Sector Co-operation Agreements and to Cliff Carson, former Environmental Officer of the Middle Level Commissioners and the Boards, for his work which was instrumental in changing views concerning conservation.

b) Annual Conference

That the Annual Conference of the Association of Drainage Authorities will be held in London on Wednesday the 13th November 2019.

c) Annual Conference of the River Great Ouse Branch

That the Annual Conference of the River Great Ouse branch of the Association was held on Tuesday the 12th March 2019. The meeting format was changed this year and included a morning workshop session led by the EA. Topics covered were water resources, PSCAs and future planning of FRM. Robert Caudwell spoke for ADA in the afternoon followed by talks from Brian Stewart, the FRCC Chair, Paul Burrows, the FRM Area Manager and Claire Jouvray, the Operations Delivery Manager.

That the date of the next meeting is Tuesday the 3rd March 2020.

d) Good Governance Guide for Internal Drainage Board Members

That, at the Annual Conference last November, ADA launched the publication of the Good Governance Guide for IDB Board Members. It provides Members with a comprehensive guide to their role as water managers servicing the local communities. The document has been produced with the financial support of Defra and will provide Members with knowledge to help expand their grasp of the role, and how best to execute their responsibilities on the Board.

That a copy of the Guide for each member has been included with this agenda and can be downloaded from the ADA website.

That ADAs workshops were well attended and are helping to deal with the questions being raised by Defra following the Audit Commission Report which criticized aspects of IDB governance. At least one member of this Board attended one of the two local workshops in the area and hence the Board will be able to record in the IDB1 Defra return that training has been provided on Governance. In addition to governance Defra appear to expect over time that training will be given for the following; Finance, Environment, Health, safety and welfare and Communications and engagement. The Board may wish to consider an order of priority for future training and a timetable for delivery.

e) Workstreams

That ADA annually review their workstreams and an update on these is included.

(Copy pages 54-56)

iii) External Bodies Conservation Initiatives

That there are two projects which may have an impact on the Commissioners:-

a) The New Life on the Old West project being led by Cambs ACRE which aims to improve public understanding of the unique nature of biodiversity in the Fens and to deliver improvements on community green spaces and the ditch network. At the time of report the project has received a £100k grant to develop the project to the point at which a further £3/4 million grant bid will be made to support delivery.

b) The Cambridgeshire Fens Biosphere, Heritage Lottery have provided £10,000 of funding to research what would be necessary to bring Biosphere Reserve status to the Fens. This project is being led by the Wildlife Trust with support from Cambs ACRE. If successful, this would lead to a new UNESCO designation. This would be a non-statutory designation which records the unique nature of the area. Most recently, the project received £1m for field scale alternative farming trial works in the Great Fen area and to assist with the Biosphere bid.

iv) Catchment Strategy

That the EA, LLFA, IDBs and other partners are co-operating in a piece of work which is looking at the pressures on the catchment from a development and climate change perspective. The aim will be to develop proposals which will guide and inform discussion makers.

v) Water Resources East Group Meeting

That the Middle Level Commissioners are setting up a Committee to discuss how they can work more closely with Anglian Water and other partners to ensure that the management of water and the quantity taken from the River Nene can be maximized in stressed years.

vi) Anglia Farmers

Further to minute C.1058, the Clerk advises that the running of the remainder of the Anglia Farmers electricity contract has been monitored and is pleased to report that the service provided has improved.

In view of the significant increase in prices observed a utility specialist was approached and like for like prices at the time of tender, for a sample of meters, were requested in order that a comparison could be made with the prices obtained by Anglia Farmers. Although some savings may have been made, overall the prices obtained from Anglia Farmers were found to be generally competitive.

A verbal report was presented to the Middle Level Commissioners at their last Board meeting and, based on the results of the pricing comparison exercise and in view of the service provided by Anglia Farmers having improved, the Middle Level Commissioners resolved to remain with Anglia Farmers for a further contract period post 30th September 2019.

The Clerk had recommended that the Commissioners also remain with Anglia Farmers. However, should the Commissioners wish to choose to end their current contract, notice was required to be given by late January/early February 2019 following which they would then be responsible for negotiating their own separate electricity contract thereafter.

The Clerk will report that the Chairman had subsequently agreed for the Commissioners to remain with Anglia Farmers.

vii) The New Rivers Authorities & Land Drainage Bill

That this Bill has completed its Committee stage in the House of Commons and passed through its Third Reading. It has now started its progression through the House of Lords.

The Bill, which has been prepared by Defra, aims to put the Somerset Rivers Authority onto a statutory footing as a precepting body, but it would also enable the reform of IDB ratings annual value lists. It does this by recognising the need to ensure that the methodology through which IDBs calculate and collect drainage rates and special levy sits on a sound legal basis that can be periodically updated to contemporary values better reflecting current land and property valuation.

With the above in mind ADA has been working with Defra and a number of IDBs to test a new methodology using contemporary valuation and Council Tax lists that could be applied via this legislative change.

14. Consulting Engineers' Report, including planning and consenting matters

To consider the Report of the Consulting Engineers.

(Copy pages 57-94)

15. Capital Improvement Programme

To review and approve the Commissioners' future capital improvement programme.

(Copy page 95)

16. District Officer's Report

To consider the Report of the District Officer.

17. Conservation Officer's Newsletter and BAP Report

The Clerk to refer to the Conservation Officer's newsletter, previously circulated to members, and to consider the most recent BAP Report.

(Copy pages 96-109)

18. District Officer's Fee

To give consideration to the District Officer's fee for 2019/2020.

19. State-aided Schemes

To consider whether to undertake further State-aided Schemes and whether any future proposals should be included in the forward capital forecasts provided to the Environment Agency.

20. Environment Agency – Precept

The Clerk will report that the precept for the financial year 2019/2020 has been fixed at £1,850.26 representing a rate (including special levies) of 0.54p.

The precept for 2018/2019 was £1,762.

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

a) The Clerk will report that following his submission of claims for contributions the gross sum of £611.20 (£2,387.49 less £1,776.29 paid on account) (inclusive of supervision) has been received from the Environment Agency for the financial year 2017/2018 based on the Commissioners actual expenditure on maintenance work for that financial year and the sum of £1,560.58 in respect of 80% of the Commissioners' estimated expenditure for the financial year 2018/2019.

b) Further to minute C.1040(b), the Clerk will refer to the discussions with the Environment Agency over the monies available to fund highland water claims.

22. Association of Drainage Authorities

a) Subscriptions

The Clerk will report that it is proposed by ADA to increase subscriptions by approximately 2% for 2019, viz:- from £542 to £553.

b) Future Communications

The Clerk will refer to a letter received from ADA dated 18th October 2018 (copy page 110) and to the form included with this agenda. Alternatively the form can be completed and returned electronically via the link at www.ada.org.uk/communications.

Please note that ADA requires a completed form from each member in order to continue to receive communications from ADA in 2019.

23. Rate arrears

To consider writing off rate arrears.

(See Confidential Papers)

24. Health and Safety

(a) Further to minute C.1044, the District Officer to report.

(b) The Clerk will report that at the autumn Middle Level and Associated Drainage Board's Chairs meeting, a request was made to seek to either take on an additional employee or employ a contractor to specifically support the Drainage Boards to help them meet their legal Health and Safety requirements and also deliver the specified requirements of the Board's insurers who are calling for evidence that appropriate measures are in place to manage Health and Safety. Quotes are being sought but at this time costs are not available and of course the cost per Board is likely to be reflected by take up of any offer made.

The Commissioners are therefore asked to consider if it is interested in this service offer and if the decision to finally commit can be delegated to a member or members of the Board.

25. Completion of the Annual Accounts and Annual Return of the Commissioners – 2017/2018

a) To consider the comments of the Auditors on the Annual Return for the year ended on the 31st March 2018.

(Copy pages 111-116)

b) To consider the Audit Report of the Internal Auditor for the year ended on the 31st March 2018.

(Copy pages 117-121)

26. Defra IDB1 Returns

The Clerk to refer to the completed IDB1 form for 2017/2018.

(Copy pages 122-129)

27. Budgeting

The Clerk to refer to the budget update reviewed by the Chairman, with comparison to year end out-turn added, and any actions taken.

(Copy page 130)

28. Review of Internal Controls

To consider the system of Internal Controls.

29. Risk Management Assessment

a) To give consideration to the Commissioners' Risk Management Policy.

b) To review the insured value of the Commissioners' buildings and to give consideration to having a professional valuation of the Commissioners' real estate assets, for insurance purposes.

(Copy page 131)

30. Exercise of Public Rights

The Clerk to refer 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.

31. Annual Governance Statement – 2018/2019

To review and complete the Annual Governance Statement.

(Copy page 132)

32. Payments 2018/2019

The Clerk to report on payments made during the financial year 2018/2019.

(Schedule page 133)

33. Annual Accounts of the Commissioners - 2018/2019

To consider the Annual Accounts and bank reconciliation for the year ended on the 31st March 2019 and the completion of Section 2 of the Annual Return as required in the Audit Regulations.

(Copy pages 134-137)

34. Expenditure estimates and special levy and drainage rate requirements 2019/2020

To consider estimates of revenue expenditure and levy and rate requirements in respect of the financial year 2019/2020.

(Copy pages 138-139)

35. Date of next Meeting

36. Any other business