

EUXIMOOR INTERNAL DRAINAGE BOARD

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21 May 2020

Mr Chairman and Gentlemen

Meeting of the Board
3rd June 2020

I enclose the Agenda for the Meeting of the Board to be hosted at the Middle Level Offices at 6.00 pm on Wednesday the 3rd June 2020.

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 Board

To the Chairman and the Members of the Euximoor Internal Drainage Board

AGENDA

1. Apologies for absence

2. Standing Orders

To allow the Board to modify the manner in which they hold meetings (for a temporary period) whilst special arrangements are in place to deal with COVID19 Defra have agreed to the adoption of modified standing orders. (Copy pages 12-17) show an adapted set of the new model orders, as supplied by ADA, which includes two extra clauses at the end of them which allow a change to the way in which meetings are held to allow remote attendance etc.

The Board's approval to these revised Standing Orders are sought.

3. Declarations of Interest

Members to declare any interests relating to the agenda.

4. Confirmation of Minutes

To confirm the Minutes of the Meeting of the Board held on the 5th June 2019.

(Copy pages 18-31)

5. Matters arising from the Minutes

6. Election of Board Members

The Clerk will report that the term of office of the Members of the Board will expire on the 31st October 2020 and will submit the proposed register of electors which is applicable to the 2020 election.

7. Vacancies in Membership

Further to minute B.982, to further consider the filling of the two vacancies in the membership of the Board.

8. Water Transfer Licencing

Further to minute B.947, the Clerk will report that the relevant licences have been applied for for the MLC and associated Boards. These are in the process of being validated and following this the EA have 3 further years to determine them. It is worth noting that the EA have confirmed that only MLC system to IDB transfers do not require a separate licence.

9. Flail mowing in the District 2020/2021

- a) To consider flail mowing operations in the District for 2020/2021.
- b) To consider flail mowing charges for 2020/2021.

10. Possible Amalgamation with March East IDB

Further to minute B.984, the Clerk will refer to the notes of the Amalgamation Meeting held on the 16th July 2019 and will report.

(Copy pages 32-33)

11. Complaint – Mr Wild

Further to minute B.997, the Clerk to report.

12. Clerk's Report

The Clerk advises:-

i) COVID-19 Actions

That following the instructions given by government on 23rd March the following list of actions have been taken (this list is not exhaustive);

- Arrangements were made for all MLC staff to have the facility to work from home. This included access to email, and in most cases full remote access to work computers. This was implemented and fully operational by Wednesday 25th March.
- MLC operatives continue to attend work but in a more restricted manor following NHS guidelines.
- A skeleton rota to ensure that the office phones are manned has been put in place, post is received and processed and letters sent out where necessary.
- Other temporary arrangements have been implemented to help support the continued operation of the office whilst the COVID-19 government restrictions remain in place, this includes allowing more flexible hours of work, allowing access to the office as and when required to collect or deposit papers making arrangements for the post to be collected and delivered to a safe location outside the office.
- A licence to run video conferencing meeting was obtained and arrangements made to hold meetings by telephone and/or video. Chairmen were contacted at each stage as government advice emerged.

- A policy statement was issued via the MLC website stating the actions the MLC were taking.
- Consultation with ADA on more or less a daily basis were undertaken in the first few weeks encouraging them to take proactive action. Of value to us (and as called for) ADA have been able to secure IDBs 'Key Worker' status and have obtained approval from Defra to move to web/telephone conference meetings.

ii) Middle Level Commissioners and Administered Boards Chairs Meeting

That a fourth Chair's Meeting was held on the 26th November 2019.

The meeting commenced with a presentation with slides covering the lottery funded 'Fens Biosphere' bid. This UNESCO designation would have no statutory backing but instead aims to draw attention to the unique nature of the area. Good practice sharing would be facilitated and a framework of support for positive action developed. The idea is to frame the application around the Cambridgeshire peat lands and the IDB districts which provide a network of interconnecting watercourses. As this designation would not lead to a set of actions which would be enforced but could have a positive impact on the area the Board are asked (at this stage) to consider giving its approval in principle to the bid. A summary document detailing the vision is appended.

(Copy pages 34-37)

The Board's approval in principle is sought.

Health and Safety discussions followed and it was agreed that the new arrangement with Cope Safety Management was working well.

The future vision for the MLC and IDBs was discussed and is covered as a separate agenda item.

On member training, after discussion, it was agreed that members would benefit from training on 'communications and engagement' as it was felt that Boards generally had challenges in getting messages across to the public.

The only other item covered in any detail was in relation to Board agendas and minutes. It was resolved that the Chairs supported the move to reducing the amount of paper leaving the MLC offices and it was also agreed, for reasons of efficiency, that Chairs be provided with an action points list as soon as practical after the meetings but in advance of issuing draft minutes.

That a fifth Chair's Meeting was held on the 10th March 2020.

Topics discussed included health and safety, effective communications with the public, the move to electronic agendas, consideration of the level of planning information included in reports, planning fees and the work of WRE.

Planning and Consenting

One of the agreed actions from the last Chair's meeting was that each Board be asked to consider the degree of delegation and reporting they require on planning and consenting matters. This was in response to several queries over the extent of detail being reported on such matters and the delays in issuing responses due to the number of people being consulted.

I have outlined several possible options below to assist the Board but of course there are many other permutations and it is for the Board to decide which suits its interests best.

- a) Remain with the current arrangements.
- b) Continue to delegate all commenting on consent applications and relevant planning matters to the chairman and in his absence (or where he has an interest) to the Vice Chair. The Chair to have the power to decide if a matter should be raised at the board meeting for its consideration where legal timeframes permit this. All matters however to be reported generally more briefly within the Board report, ie number of applications responded to and number of consents issued or refused.
- c) As above but leaving the Clerk with the power to determine the appropriate responses to consent applications and planning matters without reference to the Chair or Vice Chair.

The Board's instruction is sought.

iii) Association of Drainage Authorities

a) Annual Conference

That the 82nd Annual Conference of the Association had been held at the ICE building in Westminster on Wednesday 13th November 2019.

The conference was very well attended and the speakers this year were:-

Stuart Roberts - Vice President National Farmers' Union – an arable and livestock farmer who has also worked for Defra and Flood Standards Agency – who shared his views on the need for more radical and bold thinking on flood risk management and the supply of water for agriculture.

Bryan Curtis – Chair Coastal Group Network – Chartered Engineer and a member of CIWEM and ICE.

Bryan is Chairman of the Coastal Group Network. This is a network of Councils, Ports, Government bodies who provide a collective voice for the coast and management of the shoreline.

Robin Price – Interim Managing Director – Water Resources East (WRE)

Water Resources East is a partnership from a wide range of industries including water energy, retail, the environment, land management and agriculture who are working in collaboration to manage the number of significant risks to the future supply of water in the East of England. The NFU and ADA (via the David Thomas) have membership on the Board of WRE.

The conference was introduced by Robert Caudwell who asked all present to mark their appreciation of the work being done in the north east of England to respond to and manage the impacts of the floods. He stated his opinion that warnings at previous ADA conferences over the lack of river maintenance had fallen on deaf ears and that the flooding taking place at the time was clear evidence of the need to better balance capital investment with maintenance spending. He then went on to outline ADA's intention to

lobby all parties throughout the general election. This included sharing the 7-point plan detailed below;

1. Long term investment horizons in the face of climate change challenges

Flood risk management delivers enduring benefits and authorities involved need to be able to plan ahead financially over multiple years and need to receive a sensible balance of capital and revenue funding, spread across the river catchments, in order to find efficiencies through climate change adaptation and resilience, and attract business investment.

2. Promote co-operation and partnership working to manage the water environment and reduce flood risk

Close cooperation between flood risk management authorities, water companies, communities, business and land managers needs the continued strong support of government to deliver adaptive and resilient flood risk maintenance and similar activities more efficiently and affordably.

3. Total catchment management

Total catchment management is now the widely accepted approach to managing our water and now is the time to increase and empower local professionals and communities to manage and operate these catchments together.

4. Sustainable drainage systems (SuDS)

The next government needs to fully implement Schedule 3 of the Flood & Water Management Act 2010, to ensure future development can keep pace with the challenges of the changing climate, by ensuring that SuDS are maintained over the lifetime of a development.

5. Support local governance in flood and water level management decision making

In some parts of England there is an appetite for greater local maintenance delivery on watercourses and flood defence assets than that currently afforded from national investment. This can be achieved via the careful transfer of some main river maintenance to local bodies or the expansion of areas maintained by those local bodies, such as Internal Drainage Boards, where there is local support and transitional funding.

6. Local Government Finances

It is vital that Special and Local Levy funding mechanisms for drainage, water level and flood risk management continue to be part of this funding landscape to maintain the democratic link with local communities affected.

7. Brexit: Ensuring a resilient regulatory framework for the water environment

The next government needs to provide clear policy messages about how they wish to make the delivery of environmental improvements to the water environment easier and more effective as we transition from European legislation such as the Water Framework Directive.

Unfortunately, because the conference was held during the pre-election period sometimes known as Purdah, which restricts certain communications during this time, there were no representatives available from the Environment Agency or Defra which significantly restricted the debate on flood risk management, funding and maintenance issues. However, there was considerable support from the floor of the conference for the view that lack of maintenance had significantly contributed to the recent problems with the River Don and the flooding of Fishlake village.

Officers of the Association were re-elected, including Lord De Ramsey as President and Robert Caudwell as Chairman.

Subscriptions to ADA would be increased by 2% for the following year.

b) Annual Conference

That the Annual Conference of the Association of Drainage Authorities will be held in London on Wednesday the 11th November 2020.

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 3rd March 2020.

The meeting format was as per the 2019 Conference with a workshop in the morning and the Conference in the afternoon. Topics covered were control of invasive species, water resources, planning and effective communications with the wider public.

That the date of the next meeting is Tuesday the 2nd March 2021.

d) Further Research on Eels

Further to minute B.922(d), ADA have advised that the valuable research work being carried out by Hull University on eels and eel behaviour in pumped catchments will be continuing for at least another two years. ADA consider that the financial support to the project to date provided by IDBs has been positive and noted by the regulator (EA), leading to positive engagement on finding practical solutions at pumping station sites. They therefore consider that it would be useful if IDBs could consider whether they would be willing to continue their annual contributions to this research over that period.

The Board's instruction is requested.

e) Emergency Financial Assistance for Internal Drainage Boards

That whilst in East Anglia we have not had the unprecedented levels of rainfall which have occurred further north and in the west of the county in recent years this by no means equates to there being no risk of it occurring here. ADA have written to DEFRA (Copy pages 38--39) seeking to formalise a mechanism for IDBs providing support to the EA in a major event to recover costs. An update will be given should there be any substantive movement from DEFRA on this matter as a result of this request.

iv) Tactical Plans for the Fens Agreement

That the Environment Agency have set up a multi-partner group (FRM for the Fens) to steer work on developing strategic plans for managing flood risk in the lower Great Ouse catchment. This work is considered necessary to address the impacts of population growth and climate change, which are particularly relevant in this area (Copy pages 40-41). The EA is requesting approval to the approach being taken in principal and follows the letter sent in January 2019. The perceived value of this work is that it pre-apportions the benefits (land and property which would flood if not defended) so that applying for grant should be more straight

forward and the amount of grant possible clearer. This should give increased certainty and clarity and resolves the issue of double counting benefits where for example a property is protected from flooding by both EA and IDB assets. Work on developing the strategy could take up to 15 years though and the proposal also therefore includes a mechanism for allowing grant-in-aided works to progress during this time on a hold-the-line basis.

The Board's approval in principle is sought.

v) Water Resources East (WRE)

That the Middle Level Commissioners' Chief Executive has been appointed as ADA's area representative on the Board of WRE. He will act as spokesman for IDBs who have an interest in the future management and provision of water in the East of England. This is particularly important as government consider plans to make the area more resilient and as the impacts of climate change start to bite in an area of rapid housing growth.

vi) Vision for the Future of Boards administered by the MLC

That Members will be aware that the Chair's meetings hosted by the MLC has had an item on the agenda for the last few meetings on future planning of administration and delivery of operations for the Board's collectively. As part of this process it has been agreed that members thoughts should be sought on what they envisage the collective future can and should look like to ensure the most resilient, delivery focused approach that can be achieved. Members should when developing their vision of water management in the fens in 2030 consider the challenges of maintaining representation, improving financial resilience, reducing duplication of work, the potential for cost savings, advantages and disadvantages of the various options available, the impacts of technology and sharing of resources and knowledge.

The general feeling of the Boards so far was that they recognised there could be problems with Boards and the need to amalgamate possibly 10 years down the road but most seemed happy to continue with their current arrangements. However, this should remain under review and where appropriate amalgamations between Boards supported.

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

To consider the Report of the Consulting Engineers.

(Copy pages 42-67)

14. Capital Improvement Programme

To review and approve the Board's future capital improvement programme.

(Copy page 68)

15. District Officer's Report

To consider the Report of the District Officer.

16. 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 69-81)

17. District Officer's Fee and Pumping Station duties – 2020/2021

With reference to minute B.993, the Clerk will report that the payments in respect of the District Officer's fee and pumping station duties will be increased in accordance with the Middle Level Commissioners' pay award.

18. 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.

19. Environment Agency – Precept

The Clerk will report that the precept for the financial year 2020/2021 has been fixed at £3,851.00 representing a rate (including special levies) of 2.20p.

The precept for 2019/2020 was £3,757.30.

20. Association of Drainage Authorities Subscriptions

The Clerk will report that it is proposed by ADA to increase subscriptions by approximately 2% for 2020, viz:- from £553 to £565.

21. Contravention of Byelaws – Points 21-22

The Clerk to report.

22. Contribution from Developer

The Clerk will report that a contribution towards the cost of dealing with the increased flow or volume of surface water run-off and treated effluent volume has been received.

(See Confidential Papers)

23 Health and Safety

- a) Further to minute B.961, in light of the appointment of Cope Safety Management, it is considered important that the Board reconsider the appointment of a Health and Safety member or officer who will report at board meetings on any matters relating to health and safety.

Should the Board fail to nominate such a person then the default position will be to expect the Chairman to report on such matters.

- b) Further to minute B.999, the Chairman will report and will refer to the report received from Cope Safety Management following their visit to the District on the 13th November 2019. A second visit had been planned for 2nd April but this had been postponed due to the Covid-19 situation. A new date would be made as soon as possible.

(Copy pages 82-88)

The Clerk will remind the Board that it is responsible for ensuring it is compliant with all Health and Safety legislation and is adequately insured. In view of this, all points for action raised by its' Health and Safety consultant must be implemented so as to avoid the Board's insurance policy from becoming invalid.

- c) The Clerk will refer to the ADA Internal Drainage Boards' Health, Safety & Welfare Survey 2018.

(Copy pages 89-94)

24. Completion of the Annual Accounts and Annual Return of the Board – 2018/2019

- a) To consider the comments of the Auditors on the Annual Return for the year ended on the 31st March 2019.

(Copy pages 95-100)

- b) To consider the Audit Report of the Internal Auditor for the year ended on the 31st March 2019.

(Copy pages 101-107)

25. Defra IDB1 Returns

The Clerk to refer to the completed IDB1 form for 2018/2019 and to the letter from the Minister and Annual Report summary and analysis received from Defra dated August 2019.

(Copy pages 108-131)

26. 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 132)

27. Review of Internal Controls

To consider the system of Internal Controls.

28. Risk Management Assessment

- a) To give consideration to the Board's Risk Register

(Copy pages 133-144)

- b) To review the insured value of the Board's buildings.

(Copy page 145)

29. 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.

30. Annual Governance Statement – 2019/2020

To review and complete the Annual Governance Statement.

(Copy page 146)

31. Payments 2019/2020

The Clerk to report on payments made during the financial year 2019/2020.

(Schedule page 147)

32. Annual Accounts of the Board - 2019/2020

To consider the Annual Accounts and bank reconciliation for the year ended on the 31st March 2020 and the completion of Section 2 of the Annual Return as required in the Audit Regulations.

(Copy pages 148-151)

33. Expenditure estimates and special levy and drainage rate requirements 2020/2021

To consider estimates of revenue expenditure and levy and rate requirements in respect of the financial year 2020/2021.

(Copy pages 152-153)

34. Date of next Meeting

35. Any other business