

MIDDLE LEVEL COMMISSIONERS



MIDDLE LEVEL OFFICES
85 WHITTLESEY ROAD, MARCH
CAMBRIDGESHIRE. PE15 0AH

Telephone: (01354) 602003
Fax: (01354) 659619
Email: enquiries@middlelevel.gov.uk
Website: www.middlelevel.gov.uk

Clerk, Chief Engineer & Chief Executive
David C Thomas B.Eng, M.C.M.I.

16 October 2020

Mr Chairman, My Lord, Lady and Gentlemen

Meetings of 5th November 2020

I enclose the papers for the undermentioned Meetings to be hosted at this Office on Thursday the 5th November 2020.

Board Meeting	-	9.30 am
Commissioners' Meeting	-	12.45 pm

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

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.

Yours truly

D C THOMAS

Chief Executive to the Commissioners

To the Chairman and Members of the Middle Level Board

Board Meeting Agenda – 1-9
Commissioners' Meeting Agenda – 10-12

MIDDLE LEVEL COMMISSIONERS

Board Meeting to be held at the Middle Level Offices, March on
Thursday the 5th November 2020 at 9.30am

A G E N D A

1. Apologies for absence

2. Declarations of Interest

3. Confirmation of Minutes

To confirm the Minutes of the Meetings of the Board hosted on the 30th April and 29th June 2020.

(Copy pages 13-31)

4. Death of former employee

The Chief Executive will refer to the death of Mr Maurice Bunton, former St Germans Pumping Station Engineer, on Monday the 4th May 2020.

5. Land Drainage Act 1991
Board Membership

The Chief Executive will report that :-

- a) Huntingdonshire District Council have re-appointed Councillor J R Clarke to be a Member of the Board under the provisions of the Land Drainage Act 1991.
- b) Fenland District Council have re-appointed Councillors Mrs D Laws, A Miscandlon and W Sutton to be Members of the Board under the provisions of the Land Drainage Act 1991.

6. Annual Report of the Board for the year 2019/2020

To consider the Annual Report of the Board for submission to the Commissioners.

(Copy enclosed)

7. Payments by the Commissioners

To consider payments amounting to £2,346,567.38 during the period from 1st April 2020 to 30th September 2020.

(Schedule pages 32-41)

Please note that the Board have resolved that since all payments are now seen and approved by a member of the Board prior to the meeting any queries regarding such payments must be raised with the Chief Executive prior to the meeting otherwise the payments will be taken as approved.

8. Miscellaneous receipts

To consider receipts amounting to £36,556.22 during the period from 1st April 2020 to 30th September 2020.

(Schedule pages 42-43)

9. Determination of annual values for rating purposes

The Chief Executive will submit the recommendations for the determination of annual values for rating purposes.

(See Confidential Papers – Page 1)

10. Rate arrears

To consider a recommendation to the Commissioners to write off rate arrears.

(See Confidential Papers – Page 1)

11. Contributions from Developers

With reference to minute B.1779, the Chief Executive will report that the following contributions towards the cost of dealing with the increased flow or volume of surface water run-off and treated effluent have been received.

(See Confidential Papers – Page 2)

12. Staff

a) Applications for re-grading

Further to minute B.3601(ii), to consider the recommendations of the Executive Committee.

b) Senior Engineer's request to investigate reduced hours working

Further to minute B.3601(e), the Chief Executive will report that the Senior Engineer has not yet communicated any change in circumstances for reduction in hours as previously discussed

c) Technical Services staffing

Further to minute B.3601(f), the Chief Executive to report.

c) Appointment of Electrical Engineer

Further to minute B.3601(h), the Chief Engineer to report.

13. MLC & IDB Health and Safety

i) COVID-19 measures

The Chief Executive will report 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) Recorded Accidents/Near Misses

The Chief Executive to report on any incidents requiring investigation/action.

iii) IDB Service Provision

Further to minute B.3602(ii), the Chief Executive to report.

14. Property

(a) 10 Deerfield Road, March

Further to minute B.3604(a), the Assistant Clerk/Solicitor will report that the sale of the garage to Mrs Coffield, the new owner of 10 Deerfield Road, was completed on the 11th May 2020.

(b) Cardea Site

Further to minute B.3604(b), the Chief Executive to report.

(c) 33 Sluice Road – tenant issues

Further to minute B.3604(c) the Assistant Clerk/Solicitor to report.

(d) Woodwalton Reservoir update.

The Chief Executive to report.

15. Special Circumstance Policy on Tendering

The Chief Executive will advise Members that there have been issues for some IDBs during the COVID19 pandemic in respect to meeting their normal policy on numbers of valid tenders or quotations. To deal with this the policy (Copy page 44) has been produced. It is intended that this policy will only apply in special conditions such as these and that to invoke the policy the Chairman will need to record what the special circumstance is before it can be used.

The Board are asked to consider this policy and if it feels appropriate to formally adopt it.

16. Maintenance Work
Tin Dump Culvert & Replacement of Iveco Lorry

Further to minutes B.3605 and B.3606, the Chief Executive to report.

17. Chief Executive's Annual Report

To consider the Chief Executive's Annual Report.

(Copy enclosed)

18. Executive Committee

To consider the minutes of the Meeting of the Executive Committee held on the 18th August 2020.

(Copy pages 45-49)

19. Anglia Farmers

Further to minute B.3490, the Chief Executive to report.

20. Public Sector Co-operation Agreements (PSCAs)

Further to minute B.3610, the Chief Executive to report.

21. Middle Level Commissioners and Administered Boards Chairs Meeting

Further to minute B.3612, the Chief Executive will report that the sixth meeting of the Chairmen of all of the Commissioners' administered Boards will be held virtually on the 26th November 2020.

22. Financial Update

a) To receive the Treasurer's Report.

(Copy enclosed)

b) The Chief Executive will refer to the completed IDB1 form for 2019/2020.

(Copy pages 50-59)

23. New Navigation Legislation

Further to minute B.3616, the Chief Executive to report.

24. Inspection of Works 2021

The Chairman will invite suggestions regarding arrangements for an Inspection of Works.

25. Water Resources Committee

Further to minute B.3619, Mr H Whittome to report.

26. WRE/ Lower Nene Water Resources Group

Further to minute B.3620, the Chief Executive to report.

27. Water Transfer Licences

Further to minute B.3621, the Chief Executive will report that water transfer licences have been submitted to the Environment Agency and were now being processed, which may take a few years.

28. Conservation Committee

The Chief Executive will report that due to the continuing COVID-19 situation the Conservation Committee scheduled to take place on the 17th September 2020 had been postponed.

29. Association of Drainage Authorities

The Chief Executive will:-

a) Annual Conference

Remind Members that the Annual Conference of the Association of Drainage Authorities will be held virtually on Wednesday the 11th November 2020.

b) Annual Conference of the River Great Ouse Branch

Report that the Annual Conference of the River Great Ouse branch of the Association will be held in Prickwillow, Ely on Tuesday the 2nd March 2021 and that the next Branch Executive meeting will be held virtually on the 23rd November 2020.

c) Floodex 2021

Report that Floodex 2021 will be held at The Peterborough Arena on the 7th and 8th April 2021.

30. Capital Funding Projects

The Chief Executive will report that at the spring 2020 budget it was announced that government would provide the Environment Agency with a settlement of £5.2bn for capital funding projects over the next 6 years, from April 2021 to March 2027, to better protect 336,000 properties. This includes both homes and non-residential properties and this presents a significant increase over the current 6-year programme. It is noted that the definition of non-residential properties includes shops, businesses, industrial sites, schools, hospitals, etc. and the new arrangements also facilitate funded improvements to habitat and the environment.

In response to this the Environment Agency have issued new partnership funding rules which go alongside this increased funding programme. The new rules are considered critical to delivering the called for better protection to the target of 336,000 properties, but will also allow:

- updated payments which will now account for inflation and be based on new evidence on the overall impacts of flooding, such as mental health
- increased payments for flood protection schemes which also create a range of environmental benefits
- more funding for flood protection schemes which also protect properties that will later become at risk of flooding due to climate change
- a new risk category which will enable schemes that prevent surface water flooding to qualify for more funding

31. What is Good Governance

The Chief Executive will report that Defra have provided a summary of “What is Good Governance?”:-

- Good governance is about the processes for making and implementing decisions. It’s not about making ‘correct’ decisions, but about the best possible process for making those decisions - and therefore good governance, share several characteristics. All have a positive effect on various aspects of Boards including consultation policies and practices, meeting procedures, service quality protocols, officers’ conduct, role clarification and good working relationships.
- Boards should implement decisions and follow processes that make the best use of the available people, resources and time to ensure the best possible results for their community – and try to serve the needs of the entire community while balancing competing interests in a timely, appropriate and responsive manner. A community’s wellbeing results from all of its members feeling their interests have been considered by Boards in the decision-making process. This means that all groups, particularly the most vulnerable, should have opportunities to participate in the process.
- People should be able to follow and understand the decision-making process. This means that they will be able to clearly see how and why a decision was made – what information, advice and consultation Boards considered, and which legislative requirements (when relevant) Boards followed. This means that decisions are consistent with relevant legislation or common law and are within the powers of the Acts.
- Anyone affected by or interested in a decision should have the opportunity to participate in the process for making that decision. This can happen in several ways – community members may be provided with information, asked for their opinion, given the opportunity to make recommendations or, in some cases, be part of the actual decision-making process.
- Accountability is a fundamental requirement of good governance. Boards have an obligation to report, explain and be answerable for the consequences of decisions it has made on behalf of the community it represents.

32. Smart Level System/District Wide Telemetry Bid

The Chief Executive will report that a Local Levy Bid has been submitted that, if successful, will offer a contribution of half the cost of installing telemetry at pumping station sites. This will allow early warnings of pump or weedscreen failure and remote operation.

The Board are asked if they would wish for costings to be provided for the next meeting.

33. Applications for byelaw consent

The Chief Executive will report that the following applications for consent to undertake works in and around watercourses have been approved and granted since the last meeting of the Board:-

<u>Name of Applicant</u>	<u>Description of Works</u>	<u>Date consent granted</u>
Balfour Beatty Rail Ltd	Replace two longitudinal railway timbers on Beggars Railway Bridge, improve retention Ballast and realign the rack either side	1 st May 2020
Richard Moore	Construction of landing stage – river frontage of The Bungalow, Three Acres – paved path and circular paved area and stepping stones – Old River Nene	12 th May 2020
Tony and Patsy Gosling	Landscaping – construction of three tiers with shrubs and plants – Old River Nene, March	2 nd June 2020
Mr P & Mrs N Kightly	Construction of a landing stage – erection of summerhouse, composter, fencing and gate – river frontage 125a West End, March – Old River Nene	23 rd June 2020
Mr and Mrs S Allison	Construction of a landing stage – steps – river frontage of Hambleton House, 26 Well Creek Road, Outwell – Well Creek	14 th July 2020
Mr Stuart Walker	Construction of a landing stage to river frontage of 102 Town Street, Upwell – Well Creek	7 th July 2020
Melvin Green	Construction of a landing stage to river frontage of Creak House, 15 Well Creek Road, Outwell – Well Creek	7 th July 2020
Elaine Susan Hammond	Construction of landing stage and steps to river Frontage of 48 St Peters Road, Upwell	18 th August 2020
Ivor Capsey	Construction of landing stage – river frontage of Chestnut Cottage including erosion protection – Well Creek, Nordelph	5 th October 2020
W G Beaumont & Son Ltd	To undertake maintenance painting works to a Cadent gas pipe installed on the side of the new North Hook Bridge (Middle Level Bridge) – Middle Level Main Drain	14 th October 2020
Anthony & Patricia Gosling	Installation of a summerhouse on the landing Stage at 6 Ashbeach Road, March – Old River Nene, March	14 th October 2020
Natural England	Erect the following:- 3 x 14' standard field gates, a post and wire fence including repair of existing and signage to inform boat users that section of bank is private – Great Raveley Drain/ Woodwalton Fen Nature Reserve	14 th October 2020

34. Rental of Arable Banks

To consider whether to review the rentals on the Commissioners arable banks.

(See Confidential Papers - 2)

35. Rental of Grass Banks

With reference to minute B.3588, to consider arrangements for the letting of the Commissioners grass banks in 2021.

(See Confidential Papers - Page 2-3)

36. Fisheries

To review the Commissioners' grants of fishing rights and to consider grants for the 3 year period commencing 1st April 2021.

(See Confidential Papers – Pages 3)

37. Dates of next Meetings

To fix dates in 2021 for Meetings of the Commissioners and of the Middle Level Board.

38. Any Other Business

GENERAL MEETING OF THE COMMISSIONERS

To be hosted at the Middle Level Offices March at
12.45pm on Thursday the 5th November 2020

A G E N D A

1. The Chief Executive to refer to the notice convening this meeting.

2. Apologies for absence.

3. Declarations of Interest

The Commissioners to declare any interests relating to the agenda.

4. Confirmation of Minutes

To confirm the Minutes of the Special Meeting of the Commissioners hosted on the 30th April 2020.

(Copy pages 60-62)

5. Annual Accounts of the Board for the financial year 2019/2020

a) The Chief Executive will report that in accordance with the Accounts and Audit Regulations, Internal Drainage Boards' accounts are required to be approved by resolution on or before 30th June, following the relevant year of account.

b) That in accordance with the above Regulations approval of the Annual Accounts for the year ended 31st March 2020 was given by the Board on the 29th June 2020.

c) The Chairman to propose approval of the Annual Accounts by the Commissioners.

6. Annual Report of the Board for the financial year 2019/2020

The Chairman to move adoption of the Annual Report of the Board.

(Copy enclosed)

(The Chairman to vacate Chair)

7. To elect the Chairman of the Commissioners for the ensuing year.
(Chairman during 2019/2020 – M E Heading Esq)

8. To elect 14 Commissioners who together with the Chairman and persons appointed by local billing authorities under the provisions of the Land Drainage Act 1991 shall constitute the Middle Level Board for the ensuing year.

(NB) – The present Board Members are:-

M E Heading Esq (Chairman)	C F Hartley Esq
J L Brown Esq (Vice Chairman)	J E Heading Esq
P W Allpress Esq	M R R Latta Esq
G P Bliss Esq	Mrs D Laws *
C D Boughton Esq	A Miscandlon Esq *
R C Brown Esq	S T Raby Esq
J R Clarke Esq **	W Sutton Esq *
C J Crofts Esq ***	P W West Esq
The Lord De Ramsey	H W Whittome Esq
	S W Whittome Esq

* - Nominees of Fenland District Council

** - Nominee of Huntingdonshire District Council

*** - Nominee of the Borough Council of Kings Lynn and West Norfolk.

9. Vacancy in Membership

Further to minute C.834(ii), to consider the recommendation of the Executive Committee.

10. To elect the Vice Chairman of the Commissioners for the ensuing year.
(Vice Chairman during 2019/2020 – J L Brown Esq)

11. Appointment of Executive Committee

To appoint the Executive Committee for 2020/2021.

(NB) – The present members of the Committee are M E Heading (Chairman), J L Brown (Vice Chairman), M R R Latta, W Sutton, H W Whittome and S W Whittome.

12. Appointment of Employers' Side Representatives for Employment Committee

To appoint the Employers' Side Representatives and the Chairman for the Employment Committee for 2020/2021.

(NB) – The present members of the Committee are Brown, M E Heading and P W West.

(Committee Chairman), P W Allpress, J L

13. Appointment of Members' Representatives for the Conservation Committee

To appoint the Members' Representatives for the Conservation Committee for 2020/2021.

(NB) – The present members of the Committee are The Lord De Ramsey, C F Hartley, J E Heading and S T Raby.

14. Appointment of Water Resources Committee

To appoint the Water Resources Committee for 2020/2021.

(NB) – The present members of the Committee are J L Brown, M E Heading, M R R Latta and H W Whittome.

15. Rate Arrears

To consider a recommendation by the Board to write off rate arrears.

16. Any other matters, which, with the Chairman's permission any Commissioner may wish to bring forward.