

Your Ref:

Our Ref: 99



25th October 2024

Dear Commissioners

I enclose the papers for the Commissioners Meeting to be held at this Office on Thursday 7th November 2024.

Commissioners' Meeting - 12.45 pm

PLEASE NOTE THAT THIS AGENDA INCLUDES CONFIDENTIAL PAPERS WHICH WILL BE AVAILABLE AT THE MEETING. 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 RETURN THEM TO THE OFFICE TO BE DESTROYED.

A Buffet Lunch will be provided at the conclusion of the Meeting.

To avoid paying for food that is not required please confirm in advance that you WILL BE STAYING for the buffet lunch.

Yours truly

P BURROWS

Chief Executive to the Commissioners



Commissioners Meeting
Thursday 7th November 2024, 12.45pm
Middle Level Offices, March

Agenda:

<i>Item No</i>	<i>Topic</i>	<i>Format</i>	<i>Lead</i>
1	Welcome & apologies	Verbal	Chairman
2	Declarations of Interest	Verbal	Chairman
3	Minutes of last meeting and matters arising	Pages 3 - 4	Chairman
4	Constitution & Membership - Members appreciation to Commissioners on their resignations - To elect the Chairman of the Commissioners for the ensuing year - To elect Commissioners to form the Board for the ensuing year - To elect the vice-chairman of the Commissioners - Appointment of the Executive Committee - Appointment of the employers' side representatives for the Employment Committee - Appointment of members representatives for the Environment Committee - Appointment of the Water Resources Committee - Appointment of the Commissioners' representation on the MLC Navigation Advisory Committee	Pages 5 - 6	Chairman
5	Fens Reservoir	Verbal	Chief Exec
6	Annual Report: Items escalated by the Board	Verbal	Chairman
7	Finance and Governance – Treasurers report - Annual Accounts of the Commissioners for the financial year 2023/2024 - To consider the recommendation of the Board concerning payment/expenses for Chairman and Vice-Chairman - Rate arrears - confidential papers	Enc Pages 7 - 8	Treasurer
8	Miscellaneous Items Complaints update	Verbal	Chief Executive
9	Date of Next Meeting	Verbal	Chairman
10	Any other business	Verbal	Chairman



Middle Level Commissioners Meeting

At a Special Meeting of the Middle Level Commissioners hosted at the Middle Level Offices March in the County of Cambridgeshire on Wednesday 24th April 2024 at 12.45pm pursuant to notice thereof duly given by advertisement in the newspapers of general circulation in the Level.

PRESENT

J L Brown Esq (Chairman)
H W Whittome Esq (Vice Chairman)
P Allpress Esq
S T Raby Esq
S Whittome Esq
C D Boughton Esq
A Miscandlon Esq

Ms S Howell
A Lensen Esq
J Heading Esq
M Heading Esq
P W West Esq
R Brown Esq
Ms A Morris

Paul Burrows - Chief Executive/Clerk, Nicola Oldfield - Chief Engineer, Robert Hill - Treasurer, Sofi Lloyd – Ecology & Environmental Services Manager (Part) & Ruth Martin – Lead Clerk (minutes) were also in attendance.

Notice Convening Meeting

The Chief Executive referred to the publication of the statutory notice convening the meeting.

Welcome & Apologies for absence

The Chair welcomed Ruth Martin, the new Lead Clerk at MLC, and Alison Morris, prospective new Board member to the meeting.

Apologies were received from Lord de Ramsey Esq, M R Latta Esq, D Langslow Esq, C Crofts Esq & Mrs D Laws.

C.918 Declarations of Interest

The Chief Executive reminded the Commissioners of the importance of declaring an interest in any matter included in the agenda that involved or was likely to affect any of them.

C.919 Confirmation of Minutes

RESOLVED

That the Minutes of the Meeting of the General Meeting of the Commissioners held on the 2nd November 2023 are recorded correctly and that they be confirmed and signed.

C.920 Drainage rates and special levies for the financial year 2024/2025

The Commissioners considered the recommendations of the Middle Level Board to set the drainage rate at 33pence.

C.921 Rate Arrears

The Commissioners considered and approved the recommendation of the Board to write off the rate arrears.

C922 Penalties

The Chief Executive reported that 141 penalty notices were raised during the financial year 2023/2024.

Provided by the Middle Level Commissioners		Item No:	5
Meeting:	MIDDLE LEVEL COMMISSIONERS MEETING	Subject:	CONSTITUTION & MEMBERSHIP
Date:	Thursday 7 th November 2024	Officer Responsible:	Polly Tombleson

- 1 The Chairman to report on notification(s) received from Commissioner(s)
- 2 To elect the Chairman of the Commissioners for the ensuing year
- (The Chairman during 2023/2024 - J L Brown Esq.)
- 3 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.

The present Board members are:

J L Brown Esq.	Chairman
H W Whittome Esq.	Vice-Chairman
P W Allpress Esq.	
C D Boughton Esq.	
R C Brown Esq.	
C J Crofts Esq.	nominee of BCKL&WN
The Lord De Ramsey	
J E Heading	Resigned as from end of November Board meeting.
M E Heading	
Ms S Howell	nominee of HDC
Dr D Langslow	
M R R Latta Esq.	
Mrs D Laws	nominee of FDC
A Lensen Esq.	
A Miscandlon Esq.	nominee of FDC
Ms A Morris	
S T Raby Esq.	
P W West Esq.	
S W Whittome Esq.	

- 4 To elect the Vice-Chairman of the Commissioners
- (Vice-Chairman during 2023/2024 H W Whittome)

- 5 Appointment of the Executive Committee
- To appoint the Executive Committee for 2024/2025
- The present members of the committee are:

P Allpress Esq
J Brown Esq
M Heading Esq

A Miscandlon Esq
(S Howell – HDC)
H Whittome Esq

6 Appointment of Employers side representatives for the employment committee

- To appoint the Employers sides representatives and the chairman of the employment committee for 2024/2025
- The present members of the committee are:

P Allpress Esq
J Brown Esq
M Heading Esq
S Howell
A Miscandlon Esq
P West Esq
H Whittome Esq

7 Appointment of members representatives for the environment committee

- To appoint the members representatives for the conservation and climate committee for 2024/2025
- The present members of the committee are :

S Howell
D Langslow Esq
S Raby Esq
P West Esq

8 Appointment of the water resources committee

- To appoint the water resources committee for 2024/2025
- The present members of the committee are:

J Brown Esq
R Brown Esq
M Heading Esq
H Whittome Esq

9 Appointment of Commissioners to the navigation advisory committee

- The present members of the committee are:
J Brown Esq
S Whittome Esq
M Heading Esq



**middle level
commissioners**

Proudly managing water levels in the Fens since 1862

For: Middle Level Board & Commissioners

Chair and Vice Chair remuneration

The Board are asked to consider and determine whether to recommend to the Commissioners that they agree in principle to seek, either;

- i) a Ministerial order to enable payment for the position of MLC Chair and/or
- ii) payment of expenses (including for time away from employment) for the MLC Chair and Vice Chair roles.

If the Board make a recommendation to the Commissioners and the Commissioners agree, then a proposal will be developed for review and approval at the April 2025 meeting. At this stage seeking a Ministerial Order is considered too complex given the clauses within the Middle Level Act, therefore an expenses approach is the most likely option that will be developed.

The Commissioners are asked to review and approve any recommendation made by the MLC Board.

Case

The MLC Commissioners appoint a Chair and Vice Chair. The role, responsibilities and associated time commitments on Commissioners who put themselves forward for these roles have increased over the years as the MLC has evolved.

The challenges, reform agenda, expectations and opportunities ahead are arguably far greater than those faced in the past and therefore it seems sensible to review the Commissioners' approach to payments and expenses.

Legislation

Whilst the founding premise underpinning Internal Drainage Board governance is that members are volunteers the Land Drainage Act 1991 (Schedule 2) does allow for:

Payment of the IDB Chairman

The relevant Minister may, if he thinks fit, by order authorise an internal drainage board to pay to the chairman of the board, for the purpose of enabling him to meet the expenses of his office, such allowance as may be specified in the order.

The process for enacting the above is seemingly straightforward, in that if an IDB wants to pay a Chair then the minutes of the resolution are sufficient for Defra to then prepare a Ministerial Order. If the payment is reasonable there should be no issues.

However, part of Section 7 of the 1810 Middle Level Act disqualifies any person holding a place of profit from the Commissioners from being a Commissioner. Although parts of this section were repealed, Section 53 1862 Act, schedule 6, the part concerning disqualifying a person holding a place of profit from acting as a Commissioner was not.

Therefore, under the Acts, if the Commissioners were to pay the chairman for duties as chairman, he would be disqualified as a Commissioner and therefore could not be appointed as chairman.

We are awaiting advice from Defra whether they would be comfortable in preparing a Ministerial Order that needed to over-write or repeal parts of our primary legislation. This may present a risk to the Commissioners anyway which discounts payment as an option we progress.

The Middle Level Act 1810 (13) specifies that the Commissioners must bear their own expenses for any meetings held under the authority of the Act. This was seemingly effectively repealed within the Middle Level Act 1848 (90) which states that payment of reasonable expenses of any committee under this and preceding Acts is allowed. This clause provides for greater flexibility than Schedule 2 of the Land Drainage Act 1991 that covers member expenses.

Local benchmarking

The Anglian (Great Ouse) Regional Flood & Coastal Committee Chair role has a salary of £18,927 (as of Jan 2024) for 5 days per month commitment (equating to £315 per day). This role has significantly less accountability than being Chairman of the MLC.

The IDBs within the Water Management Alliance, including our neighbour King's Lynn IDB, have a [ministerial order](#) from Defra secured in 2007 under Schedule 2 (S1) of the LDA 1991, to pay the Chairman an allowance of £10,000 per annum. This sets the maximum level of allowance.

The IDBs within the WMA currently pay up to £3,500 allowance per annum with a time commitment estimated as one day per month (equating to £290 per day). Each Chairman can decide not to take this allowance or receive a lesser amount.

To enact the above King's Lynn IDB have a [Chairman's Allowance & Members Expenses Policy](#) and a [published document](#) that divides responsibilities between the Chairman and Chief Executive.

Paul Burrows
Chief Executive, [Middle Level Commissioners](#)
chiefofficers@middlelevel.gov.uk
7 November 2024