Commissioners' Meeting

Wednesday 30th April 2025, 12.45pm

Middle Level Offices, March

Agenda:

Item No	*Topic*	*Format*	*Lead*
1	Welcome & apologies	Verbal	Chairman
2	Declarations of Interest	Verbal	Chairman
3	Minutes of last meeting and matters arising	Pages 2 - 7	Chairman
4	Constitution & Membership • Commissioner declarations	Pages 8 - 11	Chairman
6	Annual Report: Items escalated by the Board	Verbal	Chairman
7	Chair & Vice Chair Role & Responsibilities and associated proposal for expenses.	Pages 12 - 14	Chief Executive
8	Finance and Governance • 2025/26 budget and rate decision • To consider the recommendation of the Board concerning payment/expenses for Chairman and Vice-Chairman • Rate arrears - **confidential papers** • 156 penalties issued 2024/25 (141 penalties issued 2023/24)	Verbal	Head of Finance
9	Miscellaneous Items • Complaints update	Verbal	Chief Executive
10	Date of Next Meeting	Verbal	Chairman
11	Any other business	Verbal	Chairman

Middle Level Commissioners Meeting

At a meeting of the Middle Level Commissioners held at the Middle Level Offices, March on Thursday 7th November 2024 at 12.45pm pursuant to notice thereof duly given by advertisement in the newspapers of general circulation in the Level.

Present

J Brown (Chairman)	Lord De Ramsey	Ms A Morris
H Whittome (Vice-Chair)	J Heading	S Raby
P Allpress	Ms S Howell (HDC)	S Whittome
D Boughton	Dr D Langslow	
R Brown	M Latta	
C Crofts (BCKLWN)	A Lensen	

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

Welcome and Apologies

The Chair welcomed Andrew Wool, the new Head of Finance at MLC to the meeting.

Apologies were received from: Ms D Laws, A Miscandlon, P West, D Fountain & R Potts.

C.923 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.924 Minutes of the last meeting and matters arising

RESOLVED

The minutes of the Meeting of the Commissioners held on the 24th April 2024 are recorded correctly and that they be confirmed and signed.

C.925 Constitution and membership

Members appreciation to Commissioners on their resignations

The Chairman invited everyone present to celebrate the 3 Board members who have decided that this is their last meeting – Mr Raby, Mr J Heading and the Lord De Ramsey.

The Board members have confirmed they are not standing for membership of the Board again have given a total of over an impressive 110 years' service to the Middle Level Commissioners:

Lord De Ramsey – Joined the Board on 6th November 1980 – was Vice-Chair 6th November 1986 until 4th November 1993, then Chair 4th November 1993 until 3rd November 1994 and then retired from the Board on 7th November 2024 – 44 years.

Mr S Raby – Joined the Board on 7th November 1991 – 7th November 2024 – 33 years.

Mr J Heading – Joined the Board on 7th November 1991 – was Vice-Chair 4th November 1993 until 2nd November 1995, then Chair 2nd November 1995 until 2nd November 2000 and then retired from the Board on 7th November 2024 – 33 years.

The Chairman added that it is sad to lose such vital minds who have made massive contributions to this Board and to the Middle Level as a whole, and he invited all present to thank them for their work which was met with unanimous agreement.

RESOLVED

i) That the Board have their thanks recorded in the minutes for the many years of service & commitment by these members given to the Middle Level Commissioners. Although they will all continue as Commissioners with a re-declaration.

ii) That the Clerk is to update a Commissioner Eligibility Claim Form and approach all known eligible Commissioners for an updated re-declaration.

To elect the Chairman of the Commissioners for the ensuing year

Mr S Whittome proposed Mr J L Brown be Chairman for the ensuing year. This was seconded by Mr C Croft and agreed unanimously.

RESOLVED

The Commissioners voted and agreed the Chairman of the Commissioners during 2024/2025 be Mr J L Brown.

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.

RESOLVED

That the undermentioned Commissioners be elected to constitute, together with the Chairman, Mr C J Crofts (appointed by the Borough Council of Kings Lynn and West Norfolk), Mrs D Laws and Mr A Miscandlon (appointed by Fenland District Council) and Ms S Howells (appointed by Huntingdonshire District Council), the Middle Level Board for the ensuing year.

J L Brown Esq (Chairman)	M R Latta Esq
H W Whittome Esq (Vice Chairman)	Dr D Langslow
P W Allpress Esq	A Lensen Esq

C D Boughton Esq
R C Brown Esq
M E Heading Esq
P W West Esq
S W Whittome Esq

Following the resignations of The Lord De Ramsey, Mr J Heading and Mr S Raby, the Commissioners were advised that there are 3 vacancies on the Board.

The Commissioners approved to review this further at their next meeting following recommendations from the Board.

To elect the Vice Chairman of the Commissioners

The Chairman proposed Mr H Whittome be Vice Chairman for the ensuing year. This was seconded by Mr J Heading and agreed unanimously.

RESOLVED (Unanimously)

The Commissioners voted and agreed the Vice-Chairman during 2024/2025 – Mr H W Whittome.

Appointment of Executive Committee

The Commissioners considered the recommendation of the Board and to appoint the Executive Committee for 2024/2025.

RESOLVED

That the Executive Committee for 2024/2025 be constituted as follows:

J L Brown Esq (Chairman)
H W Whittome Esq (Vice Chairman)
P W Allpress
M E Heading
A Miscandlon

Appointment of Employers' Side Representatives for Employment Committee

The Commissioners considered the recommendation of the Board and to appoint the Employers' Side Representatives and the Chairman for the Employment Committee for 2024/2025.

The present members of the Committee are A Miscandlon (Chair), Ms S Howell (Vice Chair), P W Allpress, J L Brown, M E Heading, P W West and H W Whittome.

RESOLVED

> That the Employers Side Representatives for the Employment Committee for 2024/2025 be constituted as follows:
>
> A Miscandlon (Chairman)
> Ms S Howell (Vice Chairman)
> P W Allpress
> J L Brown
> M E Heading
> P W West
> H W Whittome

Appointment of Members' Representatives for the Conservation and Climate Committee

The Commissioners considered the recommendation of the Board and to appoint the Members' Representatives for the Conservation and Climate Committee for 2024/2025. It was clarified that members of this Committee do not need to be Board members but they must be Commissioners.

The present members of the Committee are The Lord De Ramsey, J E Heading, S T Raby, Dr D Langslow, Ms S Howell (Chair) and P W West.

RESOLVED

> That Lord De Ramsey, J E Heading Esq, S T Raby Esq, Dr D Langslow, Ms S Howell and P W West Esq be appointed to the Conservation Committee for 2024/2025.

Appointment of Water Resources Committee

The Commissioners appointed the Water Resources Committee for 2024/2025.

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

RESOLVED

> That J L Brown Esq, R Brown Esq, M E Heading Esq and H W Whittome Esq be appointed to the Water Resources Committee for 2024/2025.

Appointment of the Commissioners' representation on the MLC Navigation Advisory Committee

The Commissioners appointed the Navigation Advisory Committee representatives for 2024/2025.

The present members of the Committee are J L Brown, M E Heading and S W Whittome.

The Chairman reported his understanding the Mr M Heading may wish to stand down from this Committee. He added that this is a positive and supportive committee and invited Commissioners to join. Ms S Howells agreed to join the committee.

RESOLVED

> That J L Brown Esq, S W Whittome Esq and Ms S Howells be appointed to the Navigation Advisory Committee for 2024/2025.

C.926 Fens Reservoir

The Chief Executive reported that, as discussed at the Board meeting, in relation to the Fens Reservoir it is prudent to secure specific delegations and authority to act as one with IDBs in a legally robust manner for a scheme of this complexity and significance.

RESOLVED

> **Under their Schedule of Reserved Matters, the Commissioners approve material changes in the criteria for exercising statutory powers or in the way in which duties are performed by the Commissioners. As the Fens Reservoir Development Consent Order will disallow/overwrite existing statutory powers held by the Commissioners, the Commissioners acknowledge this need and delegate the decision-making authority to the Chief Executive engaging with the Chair/Vice Chair, MLC Exec or Board as he sees fit.**
>
> **Under their Schedule of Reserved Matters, the Commissioners approve objectives (except where specifically delegated to the Board). The Board then approves the Commissioners' operational strategies. The Commissioners approve the following objective and support the Board's operational strategy.**
>
> **Fens Reservoir Objective**
> *Ensure the interests of the Middle Level Commissioners are managed within the development, delivery and subsequent operation of the Fens Reservoir.*
>
> **Fens Reservoir Operational Strategy**
> *Consider the Fens Reservoir as a high priority objective within the deployment of available resources, accepting that lesser priority business activities will be impacted. Take an agile and responsive approach to inputs, influencing and engagement on the project to ensure risks to the Commissioners are managed and opportunities are maximised.*

C.927 Annual Report of the Board for the year 2023/2024

The Commissioners considered the Annual Report of the Board for the year 2023/2024.

RESOLVED

> The Commissioners approved the Annual Report for the financial year 2023/24.

C.928 Finance and Governance – Treasurers report

Annual Accounts of the Commissioners for the Financial year 2023/2024

RESOLVED

> That the Annual Statement of Accounts for the year ended 31st March 2024 be approved, adopted and passed by the Commissioners.

To consider the recommendation of the Board concerning payment/expenses for Chairman and Vice-Chairman

RESOLVED

> The Commissioners approved that the Chief Executive is to develop a proposal regarding the payment of expenses for the MLC Chair and Vice Chair roles, and to present this for consideration at the April 2025 Board Meeting.

Rate Arrears

The Commissioners considered a recommendation of the Board that rate arrears amounting to £421.52 should be written off.

RESOLVED

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

C.929 Miscellaneous Items

Complaints Update

The Chief Executive advised that Complaints have reduced to a handful and are being worked through, and that generally good feedback is received.

C.930 Date of Next Meeting

Wednesday 30th April 2025 at 12.45pm at Middle Level Offices, March.

C.931 Any other Business

No other items were raised by Commissioners.

The meeting closed at 1pm

Provided by the Middle Level Commissioners		Item No:	4
Meeting:	**MIDDLE LEVEL COMMISSIONERS**	**Subject:**	**CONSTITUTION & MEMBERSHIP**
Date:	**Wednesday 30th April 2025**	**Officer Responsible:**	**Polly Tombleson**

RECOMMENDATIONS

The Board is asked to:

A. Appreciation of Commissioners regarding recent notifications from Board members
B. Note the current status of its membership and the role they each play as members serving the interests of the Board.
C. Review attendance records and identify any resolutions as necessary.
D. Determine whether there are composition changes and/or amalgamations it wishes to progress.
E. Reinforce the need for members to view all five 'Good Governance' videos.
F. Identify any topic areas for additional training, as well as any inspection/site visit requirements.

1. Current status

1.1 The table below outline the current composition of the Board and the quorum as detailed in the standing orders.

	Elected Members	Appointed Members	Total Members	Quorum
Composition	15	N/A		5
Actual	11	2 FDC, 1 KLWN, 1 HDC	15	
Vacancies	4			

1.2 The table below details the current elected members of the Board:
There are currently **4** vacancies

No	Name	Status (one of four categories)	Commentary
1	Patrick Allpress	Landowner/ratepayer	
2	Duncan Boughton	Landowner/ratepayer	
3	Jonathan Brown	Landowner/ratepayer	Chairman
4	Robert Brown	Landowner/ratepayer	
	Lord De Ramsey	Retired from the Board Nov 2024	
	John Heading	Retired from the Board Nov 2024	
5	Marc Heading	Landowner/ratepayer	
6	Dr Derek Langslow	Representative of Wildlife Trust	
7	Mathew Latta	Landowner/ratepayer	
8	Andrew Lensen	Representative of A G Reserves	
	Samual Raby	Retired from the Board Nov 2024	
	Paul West	Resigned from the Board 3rd Feb 2025	
9	Hugh Whittome	Landowner/ratepayer	Vice-Chair
10	Stephen Whittome	Landowner/ratepayer	
11	Alison Morris	Landowner/ratepayer	
12			
13			
14			
15			

1.3 The table below details the current appointed members of the Board.

No	Name	Appointing Council as at July 2023	Commentary (one of three categories)
1	Sally Howell	HDC	Councillor
2	Chris Crofts	BCKLWN	Councillor
3	Dee Laws	FDC	Councillor
4	A Miscandlon	FDC	Councillor

1.4 Special levy paying District Councils appoint members to Boards and their role is to be part of the Board representing all the non-agricultural interests within the Board's district. The Council must consider appointing members who have relevant knowledge or experience that is relevant to the Board and its district.

1.5 Appointed members do not need to be councillors or employees of the Council, therefore can represent wider relevant interests within the district, eg major infrastructure, commerce, community groups, environmental interests.

1.6 All Members are reminded that have equal status to each-other around the Board table and are here to serve the interests of the Board.

2. Attendance

2.1 The table below outlines the attendance record for the last four meetings of the Board.

Elected Members

No	Name	7/11/2024	26/6/2024	24/4/2024	2/11/2023
1	Patrick Allpress	Present	Present	Present	Present
2	Charles Boughton	Present	Apologies	Present	Present
3	Jonathan Brown	Present	Present	Present	Present
4	Robert Brown	Present		Present	Apologies
5	Lord De Ramsey	Present	Apologies	Apologies	Present
6	John Heading	Present		Present	Present
7	Marc Heading	Apologies	Present	Present	Present
8	Dr Derek Langslow	Present		Apologies	Present
9	Mathew Latta	Present		Apologies	Present
10	Andrew Lensen	Present	Apologies	Present	Present
11	Samuel Raby	Present	Apologies	Present	Present
12	Paul West	Apologies	Apologies	Present	Present
13	Hugh Whittome	Present	Present	Present	Present
14	Stephen Whittome	Present		Present	Present
15	Alison Morris	Present		Present	-

Appointed Members (current and previous)

No	Name (Council)	7/11/2024	26/6/2024	24/4/2024	2/11/2023
1	C Crofts BCKLWN	Present	Apologies	Apologies	Present
2	D Laws FDC	Apologies		Apologies	apologies
3	A Miscandlon FDC	Apologies	Present	Present	Present
4	Sally Howell HDC	Present		Present	Present

3. Elections, vacancies & appointments

3.1 Current vacancies – April 2025 – **3**

3.2 Further to discussions at the April 2024 meeting of the Board, the Chairman to report on notifications received concerning members standing down from membership of the Board at the conclusion of the meeting.

3.3 Current Commissioner Declarations of Eligibility:
Private Land: Number Declared = 7 inc 2 deputies

Ref No	Surname	First Name	Business Name	Date of Claim	Year for Claim Review
MLCR10001	Allpress	Patrick	Allpress Farms Ltd		
MLCR10002	Boughton	Duncan			
MLCR10003	Brown	Jonathan	E C Brown & Sons		
MLCR10004	Brown	Robert	E C Brown & Sons	02/04/2025	2028
MLCR10005	De Ramsey	Lord	Abbots Ripton Estates	27/01/2025	2028
MLCR10006	Fountain	David	C J Fountain & Son Ltd	03/02/2025	2028
MLCR10007	Hartley	Christopher			
MLCR10008	Heading	John	A & EG Heading Ltd	01/04/2025	2028
MLCR10009	Heading	Marc	A & EG Heading Ltd		
MLCR10010	Latta	Mathew	R A Latta Farms Ltd		
MLCR10012	Morris	Alison	E H Morris (Stonea) Ltd		
MLCR10014	Raby	Sam	H Raby & Sons		
MLCR10016	Whittome	Hugh	Whittome Farms	27/01/2025	2028
MLCR10017	Whittome	Stephen	Whittome Farms	30/01/2025	2028
MLCR10018	Bragg	Alex	Royal London Asset Management/Waldersey Farms Ltd	11/02/2025	2028
MLCR10019	Hall	Mark	Royal London Asset Management/Waldersey Farms Ltd	11/02/2025	2028
MLCR10020	Smith	Jack	Royal London Asset Management/Waldersey Farms Ltd	11/02/2025	2028

Public/Charitable Land:

Ref No	Land Ownership: Organisation Name	Organisation Type	Surname	First Name	Organisation of Appointee	Date of Appointment	Year for Appointment Review
MLCR20001	Wildlife Trust	Charity (UK Based)	Langslow	Derek	Wildlife Trust	13/04/2023	2026
MLCR20002	AgReserves Ltd	Charity (Not UK Based	Lensen	Andrew			

4. Composition and amalgamations

4.1 The Board is encouraged to continually monitor and review its membership, financial and climate resilience, along with assessing its influence locally, regionally and nationally. These are all factors that may lead the Board to consider changing its composition and/or amalgamation with (an)other Board(s).

4.2 Amalgamations and composition changes are not swift processes and can take a number of years. They require planning and additional/specialist resourcing by the MLC as your clerk, Environment Agency and Defra. Therefore, the Board is encouraged to think ahead five to ten years in its decision making, thinking about the next generation.

5. Training

5.1 All Members are asked to digest the Good Governance Guide for Internal Drainage Boards published by the Association of Drainage Authorities and view the five accompanying videos intended to bring the guide to life. They are available via https://middlelevel.gov.uk/about/idb-governance/

5.2 To date 0 of 15 Board Members have reported viewing all five videos.
To date 9 of 15 Board members have reported viewing 2 of the five videos

5.3 Members are asked to identify any topics areas they would value further training on as well as any site inspections that would help them undertake their role on the Board more effectively.

5.4 Member training is reported to Defra as part of the annual IDB1 return.

Author Name: Polly Tombleson
Role: Senior Business Support Officer

middle level
commissioners

Proudly managing water levels in the Fens since 1862

Proposal: MLC Chair responsibilities and renumeration

At their November 2024 meetings the Commissioners and Middle Level Board approved that the Chief Executive is to develop a proposal regarding the payment of expenses for the MLC Chair and Vice Chair roles, and to present this for consideration at their respective April 2025 meetings.

The Clause within Section 7 of the Middle Level Act 1810 disqualifies any person holding a place of profit from the Commissioners being a Commissioner and therefore we cannot make a payment to the Chairman, otherwise they could not be appointed as Chairman. This clause has not been repealed and therefore we cannot enact the payment clause within the Land Drainage Act 1991 S2(1) without risk of challenge. Therefore, an expenses approach needs to be applied.

Responsibilities of the MLC Chairman & Vice Chairman

The Commissioners current scheme of delegation and schedule of reserved matters do not specify the role and responsibilities of the Chairman or Vice Chairman. Therefore, if the Commissioners' are to introduce an expenses approach for these roles, then the responsibilities need to be defined and added to the scheme of delegation.

The following responsibilities have been adapted from those adopted by King's Lynn IDB who make payment for the Chairman role via a ministerial order under the Land Drainage Act 1991. It is recommended that the Chairman and Vice Chairman share these duties and therefore the expenses framework applies equally to each incumbent.

The Chairman is a strategic leadership role and accountable to the Commissioners for the running of the Commissioners Meeting, and the Middle Level Board and Executive Committee. Key responsibilities include;

1. Setting the agenda, style and tone of discussions and chairing meetings, to promote effective decision making and constructive debate;
2. Providing representative, objective and inclusive leadership;
3. The Commissioners' declarations and governance, Midde Level Board composition, membership, development and succession;
4. Overseeing the induction and development of newly declared Commissioners and new Middle Level Board members;
5. Securing active contributions from all Middle Level Board members;
6. Addressing any Commissioners and Middle Level Board Member conduct and/or performance issues;
7. Planning and conducting meetings effectively;
8. Deciding whether or not a member can vote on any issue, where the member has a prejudicial interest as set out in the Code of Conduct and the Standing Orders;

9. Ensuring the Commissioners and the Middle Level Board focus on priority tasks, key risks and take decisions in the short, medium and long term interests of the Commissioners' and beneficiaries of their infrastructure and operations;
10. Promoting effective relationships and open communication, both inside and outside the boardroom between Commissioners, IDB Chairman and the MLC employees;
11. Leading the recruitment of the MLC Chief Executive;
12. Establishing a close relationship of trust with the Chief Executive, providing support and advice, whilst respecting executive responsibilities;
13. Being a positive role model and representing the Middle Level publicly, locally, regionally and nationally;
14. Play a figurehead and active role within the Middle Level IDB reform agenda;
15. Understanding the diverse aims and views of the Commissioners, other landowners, ratepayers, Local Authorities and other key beneficiaries and stakeholders of the MLC's infrastructure and operations;
16. Developing and maintaining a good awareness of the legislative and statutory responsibilities that underpins MLC operations and our services to other IDBs, and how compliance, risks and liabilities are managed to ensure a strong reputation and risk exposure is limited;
17. If required, determine employee appeals under the Commissioners' Disciplinary Procedure and negotiate agreement with IDB Chairman should there be a dispute in terms of MLC service provision that the Chief Executive cannot resolve due to their conflict of interest;
18. Delivering any actions as resolved by the Commissioners or Middle Level Board within their meetings.

The Chief Executive has executive responsibility for running the Commissioners' business with key responsibilities for the Chief Executive, Chief Engineer and Treasurer (Head of Finance) specified in the scheme of delegation.

To enact the responsibilities, the Chairman and Vice Chairman are expected to commit time over and above that expected by any other member of the Middle Level Board and its Executive Committee. Expenses for the additional commitment will be payable as follows.

- Casual mileage and subsistence allowances in line with HMRC guidance and to be claimed quarterly via an expenses form supported with receipts.
- Payment of an hourly rate for lost time from employment. Each incumbent will need to provide evidence of earnings to propose and justify their hourly rate (to be reviewed annually) and this will need to be agreed by the Treasurer (Head of Finance) and the Chief Executive. Expenses claims to be made quarterly and supported by a timecard outlining the activities and deliverables associated with the claim.
- Expenses to be reviewed and approved by the Chief Executive and reported to the Commissioners at their November meeting.
- Treasurer (Head of Finance) to undertake spot-checks on expenses claims as they do for all employees. These will also be subject to internal audit review.

The budget provision for these expenses to the Chairman and Vice Chairman will be £5,000 per annum with the level of the budget reviewed annually.

Recommendation:

The Middle Level Board and the Commissioners are asked to review this proposal and approve or otherwise the adoption of it. If adopted, the Middle Level Board and Commissioners:

- Authorise the Chief Executive and Head of Finance to develop the forms and adjust internal controls to implement the expenses approach.
- Authorise the Chief Executive and Head of Finance to review, approve or reject expenses payments and agree the hourly rate proposed for lost time from employment.
- Authorise the Chief Executive to change and re-publish their scheme of delegation and schedule of reserved matters.

Paul Burrows
Chief Executive, Middle Level Commissioners
chiefofficers@middlelevel.gov.uk
27 March 2025