Middle Level Commissioners Meeting

At a meeting of the Middle Level Commissioners held at the Middle Level Offices, March on Wednesday 30th April 2025.

PRESENT

J Brown (Chair)
H Whittome (Vice-Chair)
P Allpress
R Brown
M Heading
M Latta
A Lensen
A Morris
S Whittome

Lord de Ramsey Esq
Mr D Fountain

Paul Burrows (CEO of Middle Level Commissioners), Ruth Martin (Lead Clerk), Nicola Oldfield (Chief Engineer), Andrew Wool (Head of Finance) & Sofi Lloyd (Ecology & Environment Services Manager) were in attendance.

Cllr A Miscandlon was also present as a visitor.

Notice Convening Meeting

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

Welcome and Apologies

The Chair welcomed everyone to the meeting.

C.932 Declarations of Interest

The Chairman 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.933 Minutes of the last meeting and matters arising

RESOLVED

> The minutes of the Meeting of the Commissioners held on the 7th November 2024 are recorded correctly and that they be confirmed and signed.

C.934 Constitution and membership
Viz:

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		
Actual	11	2 FDC, 1 KLWN, 1 HDC	15	5
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

The Chief Executive advised that there are currently 4 vacancies on the Board. The Commissioners need to consider how they fill these vacancies when the elections are held in November 2025.

As reported at the November meeting, formal Declaration forms have been sent out to known Commissioners, and the forms have also been posted on the Middle Level Commissioners website. We need to communicate this to as many prospective Commissioners as possible, but for Land Registry to provide us with the information we need to do this would cost in the region of £70,000 and so we need to look at other ways to do this. As of today, only 16 Commissioners have declared, and 2 deputies have been nominated. There is an assumption that all those seated around the table have declared, and a reminder that they need to complete the documentation if they have not.

The Chair reiterated this, asking the Commissioners to please encourage others to declare their eligibility.

C.935 Annual Report: Items escalated by the Board

The Chief Executive referred the Commissioners to his report and summarised the key areas of focus and decisions made by the Middle Level Board earlier.

Efficiencies and Income Generation

The Chief Executive reported that we are on the cusp of unlocking efficiencies and income generation opportunities, but these may require some up-front investment. We have received some Government Storm Recovery grant funding which has provided over £4 million of investment, some of which has enabled us to unlock other efficiencies such as the solar installations as St Germans. In addition, the optimisation of St Germans and the introduction of a more hands on approach of management of the pumping station is likely to provide £80,000 of annual savings. The Board endorsed the ambition to become Electricity Net Zero, recognising that the solar installations at St Germans are effectively free investment.

Moving to Income Generation, and the improved charging model for development and planning will benefit the Asset Improvement Fund, with greater developer fees which can be invested in our infrastructure. Alongside this is the intent to appoint an Enforcement and Compliance Officer, and also addressing efficiencies within our control whilst facing uncomfortable truths regarding funding and how we unlock that funding.

The Chair advised that the resolutions within the report were passed unanimously by the Board and recommended that the Commissioners endorse the report.

RESOLVED

The Commissioners endorse the Annual Report

C.936 Chair and Vice Chair Role and Responsibilities and associated proposal for expenses.
Viz:

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

The Chair, Vice Chair and Mr Allpress all declared an interest in this item.

The Chief Executive introduced the paper included in the agenda. He advised that the Board had earlier supported the adoption of an expenses approach to renumeration, recognising the evolution of roles over time and increase complexity of issues that the Chair and Vice Chair now need to commit time to. He explained that the Middle Levels Acts, although old but which are still in force, tie our hands meaning the payment of a salary or lump sum fee is not open to us. He referred to the roles and responsibilities for the positions of Chair and Vice Chair that has been developed and sought approval for these to be integrated into the Commissioners Scheme of Delegation.

RESOLVED

That the proposal 'MLC: Chair responsibilities and renumeration' is approved and adopted, including

- Authorising the Chief Executive and Head of Finance to develop the forms and adjust internal controls to implement the expenses approach.
- Authorising 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.
- Authorising the Chief Executive to change and re-publish their scheme of delegation and schedule of reserved matters.

C.937 Finance and Governance – Treasurers report

The Chairman advised the Commissioners of the following.

Drainage rates and special levies for the financial year 2025/2026

In the present financial year, the Commissioners' estimated net Revenue expenditure after deduction of grants and contributions will be £2,765,379. It is estimated that £85,900 will be met from miscellaneous income leaving £2,679,479 to be funded. Further, to finance the St Germans Pumping Station Replacement Scheme Annuity, loans have been drawn down from the Public Works Loan Board, annual repayments being £688,242 and improvement works to be funded through draw down from the Public Works Loan Board, calculated repayment to be £79,519, giving a total of £3,447,240 to be funded.

A rate of 33.50p in the £ on agricultural land and buildings together with Special Levies totalling £1,212,008 would be required to meet this sum under the provisions of the Land Drainage Act 1991.

After very careful consideration of the probable actual expenditure in 2024/2025, taking the likely cash flow requirements for 2025/2026 and the Commissioners' balances fully into account the recommendation of the Board is that for 2025/2026 a rate of 33.50 p in the £ should be levied on agricultural land and buildings and Special Levies totalling £ 1,212,008 should be issued to District Councils in the area.

The Chair proposed that a rate of 33.50p be set. The Commissioners agreed unanimously.

RESOLVED

i) a rate of 33.50 p in the £ on agricultural land and buildings
ii) a Special Levy on Fenland District Council of £ 668,505.
iii) a Special Levy on Huntingdonshire District Council of £ 273,272.

iv) a Special Levy on the Borough Council of Kings Lynn and West Norfolk of £ 270,208, and
v) a Special Levy on Peterborough City Council of £ 23.

C.938 Rate Arrears

RESOLVED

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

C.939 Penalties

The Chief Executive reported that 156 penalty notices were raised during the financial year 2024/2025

C.940 Miscellaneous Items

Complaints Update

The Chief Executive advised that there have been no complaints received that required escalating to the Commissioners.

C.941 Date of Next Meeting

The Chair advised that an inspection will be held on 26th June 2025 for the Middle Level Board to which Commissioners are welcome to join.

C.942 Any other Business

The Chair presented a gift to Lord de Ramsay, in recognition of his many years of service to the Middle Level Board. The Chief Executive reflected that the Board wished to present him with a gift that reflected the importance of geography in the Middle Level, and so they had commissioned topographical map of the Fens which was duly present to Lord de Ramsey.

With no other items raised by Commissioners, the meeting closed at 1.05pm.

…………………………………
Chairman

…………………
Date