

## **BLACK SLUICE INTERNAL DRAINAGE BOARD**

### **MINUTES**

of the proceedings of a Meeting of the Board

held at the Offices of the Board on  
6<sup>th</sup> February 2013 at 2pm

#### **Members**

Chairman - \* Mr M J Scott

- |                   |                            |
|-------------------|----------------------------|
| * Mr W Ash        | * Cllr P Bedford           |
| * Mr J F Atkinson | Cllr C Brotherton          |
| * Mr V A Barker   | Cllr M Brookes             |
| * Mr K C Casswell | * Cllr D Dickinson         |
| * Mr J Fowler     | * Cllr Y Gunter            |
| * Mr P Holmes     | Cllr A Lee                 |
| * Mr R Leggott    | * Cllr A Puttick           |
| * Mr P Robinson   | * Cllr B Russell           |
| * Mr M Rollinson  | * Cllr R Singleton-McGuire |
| * Mr J R Wray     | * Cllr S Woodliffe         |

\* Member Present

In attendance: Mr S M Hemmings (Chief Executive)  
Mr I Warsap (Operations Manager)  
Mr D Withnall (Finance Officer)  
Mr P Nicholson (Operations Supervisor)

Before commencement of the meeting the Chairman announced to the Members that this would be Stuart Hemmings last Board meeting as he retires on the 15<sup>th</sup> April 2013. He thanked Stuart for his efforts over many years on behalf of the Board and wished him well in his retirement.

The Chairman updated the Board that the staff restructuring process is now complete and the new positions will formally be taken up tomorrow and Paul Nicholson, who will become the new Operation's Manager, was welcomed to his first Board meeting.

The Chairman also commended the work of the sub-committees of the Board for the amount of work they were producing which is clearly evident from the meetings extensive papers. Particular mention was made of the Audit & Risk Committee who are continuously reviewing and updating policies to ensure the best possible governance of the Board.

#### 346 **APOLOGIES FOR ABSENCE**

Apologies for absence were received from Cllr M Brookes, Cllr C Brotherton and Cllr A Lee.

347 DECLARATIONS OF INTEREST

There were no declarations of interest.

348 MINUTES OF LAST BOARD MEETING

The Minutes of the last meeting of the Board held on 7<sup>th</sup> November 2012, copies of which had been circulated, were signed by the Chairman as a true record.

349 MATTERS ARISING

(a) Boston Barrier - Minute No 282(a)

The Chief Executive reported that the project appraisal report had been completed and will need to be approved by the Environment Agency Large Projects Review Group who are meeting next week. Upon their approval it will then also need approval by the Environment Agency's Chief Executive and finally Defra in August 2013 and then the design work can be started.

(b) Flooding in Swaton Village – Minute No 282(b)

The Chief Executive stated that three proposal ideas had been sent to the Parish Council. He stated that the Parish Council believe that the flow is being held up at the bridge but the Environment Agency have stated that there is no evidence of this. An alternative route south of the village would not reduce water levels significantly.

The Environment Agency are proposing individual property resilience measures.

(c) LCC Boston Waste Transfer Station at Slippery Gowt Lane - Minute No 293(d)

The Operations Manager reported that the 180 metres of riparian watercourse south of Slippery Gowt Lane has been improved and these works have been paid for by Lincolnshire County Council with a payment to maintain this drain for fifty years being made. The total cost will be in the region of £10,000.

(d) Date of Meetings – Environment Committee – Minute No 305

The date for the Environment Committee meeting will need to be rearranged due to the study visit to Italy.

350 MINUTES OF THE EXECUTIVE COMMITTEE MEETING

The Chairman presented the confirmed minutes of the meeting held on 7<sup>th</sup> November 2012, copies of which had been circulated.

The Board RESOLVED that the Minutes should be received. There were no matters arising from these minutes.

351 MINUTES OF THE EXECUTIVE COMMITTEE MEETING

The Chairman presented the confirmed minutes of the meeting held on 10<sup>th</sup> December 2012, copies of which had been circulated.

The Board RESOLVED that the Minutes should be received.

(a) Review Recommendations on Staff Restructure – Minute No 317

It was agreed and thereby RESOLVED to exclude the public from the next part of the meeting due to the confidential nature of the business to be transacted, in accordance with section 2 of the Public Bodies (Admission to Meetings) Act 1960. The confidential minute was reviewed by the Board.

352 MINUTES OF THE EXECUTIVE COMMITTEE MEETING

The Chairman presented the unconfirmed minutes of the meeting held on 17<sup>th</sup> January 2013, copies of which had been circulated.

The Board RESOLVED that the Minutes should be received.

353 MATTERS ARISING

(a) Period 9 Management Accounts - Minute No 339

The Finance Officer presented to the Board the Period 9 management accounts and stated that at the end of Period 9 the total expenditure was £116,000 adverse compared to budget.

He made further reference to the following items:

- Pumping Station Maintenance is over spent compared to budget by £87,660 which includes £24,000 of Electric bills in November and £42,000 in December which is a huge increase directly related to weather conditions resulting in long pumping hours. £52,000 of scheme budget will not now be spent to try and offset the additional electric costs.
- It was AGREED to defer the minor repair works to Dowsby Fen Roof and plan in future budgets for replacement of the roof.

The forecast indicates that the Board will be an estimated £75,137 adverse compared to budget at year end.

(b) 2013/14 Budget and Ten Year Projections - Minute No 340

The Finance Officer stated that the projections have been extended to ten year projections as requested by the Executive Committee and highlighted the following projections.

- **Penny Rate** – To be maintained at a rate of 12.15p in the £ for the fourth successive year.
- **Development Reserve** – Due to the reduced movement in the development reserve it is recommended that the Administration charge should be maintained at £5,000.
- **Investment interest** – interest kept at lower levels due to the Bank of England interest rate which is not expected to rise substantially.
- **Drain Asset Schemes and Pumping Stations Schemes** – hoping to receive £110,000 FDGIA grant for syphons and Kirton Marsh resilience works. Black Hole Drove weedscreen cleaner brought forward due to HV lines having been moved by Western Power.
- **Pumping Station Maintenance** – In 2013/14 a budget of £350,000 has been included; electricity consumption has increased three fold more than last year.
- **Drain Maintenance** – The budget has been increased from £614,000 to £664,500 in 2013/14 reflecting the additional cutting requirements in 2012/13.
- **Environmental Works** – Due to other priorities very little environmental work has been undertaken in 2012/13 and due to the success of the Flyswat Scheme the 2013/14 budget has been reduced to £30,000 compared to £40,000 budget in 2012/13.
- **Administration & Establishment** – following the restructuring exercise the budget has reduced from £560,000 to £473,000. Savings have been allocated to Schemes, Pumping Station and Drain maintenance. Without the restructuring the Board would have been unable to maintain the rate at 12.15p in the £ without detriment to Drain and Pumping Station maintenance.
- **EA Precept** – no increase is expected in 2013/14.
- **Wages On-Cost** – recharge rate maintained at 240%.
- **Revenue Reserve** – estimated balance to remain above £500,000 when Carlton Road is sold.

The Board RESOLVED to receive the 2013/14 budget.

(c) Plant Account 2013/14 - Minute No 341

The Operations Manager presented the budget for the Plant account as recommended by the Executive Committee. The Committee recommended the following plant purchases for 2013/14.

(i) Replacement of JCB JS130

The Committee recommend replacement of the JCB JS130 with the Hitachi ZX130LCN.

The quotations received are (in ascending order):

£87,982 Hyundai R140LC-9  
£95,000 Hitachi ZX130LCN  
£99,464 JCB JS145HD  
£99,965 CAT 312E HSRL2  
£100,375 CASE CX130LC

The Board have been offered £20,000 for the JS130 trade in by Hitachi and it is recommended to purchase the new Hitachi for a total cost of £75,000 which includes delivery and sign writing.

(ii) Replacement of Transit Tipper

The Operations Manager stated that a pre-registered Vauxhall Movano crew cab 1.3 tonne tipper with front wheel drive had been purchased with a trade in for the Transit of £3,095 making the cost to change £12,058 plus the cost of a tow bar, amber lights and trash cage.

(iii) Low Loader Trailer

The Committee discussed the proposal for extending the life of the existing low loader and RESOLVED that approximately £5,000 should be spent to refurbish and repaint the existing low loader which would delay its replacement for another three years.

(iv) Weed Cutting Bucket

The Committee RESOLVED to recommend the replacement of a weed cutting bucket.

(d) Development Consent Fee Account - Minute No 342

The Finance Officer stated that very little income has been received into this account in 2012/13. The Executive Committee has requested that suitable projects should be investigated that could be financed from this fund an example of this could be Marsh Lane Industrial Estate.

353 Cont.....

(e) Bourne Fen Farm Account - Minute No 343

The Finance Officer reported that the rate of alleviation will be maintained at 2.4p in the £ as resolved at the Executive Committee meeting.

354 MINUTES OF THE AUDIT & RISK COMMITTEE MEETING

In the absence of the Chairman of the Audit & Risk Committee Mr R Leggott presented the unconfirmed minutes of the meeting held on 16<sup>th</sup> January 2013, copies of which had been circulated.

The Board RESOLVED that the Minutes should be received.

355 TO APPROVE BOARD'S POLICIES – Agenda Item No 8

(a) 2012/13 Business Plan

The Finance Officer presented the main changes from the 2011/12 business plan which included a paragraph on the staff restructure and an update of the information from the letter from DEFRA regarding the future of IDB's.

The Board RESOLVED that the 2012/13 Business Plan be adopted.

(b) Risk Management Strategy and Policy

The Finance Officer presented the changes which the Audit & Risk Committee had reviewed in depth including a new section concentrating on Communications and IT.

The Board RESOLVED that the Risk Management Strategy and Policy be adopted.

(c) Freedom of Information Policy

The Finance Officer presented this new policy.

The Board RESOLVED that the Freedom of Information Policy be adopted.

(d) Data Protection Policy

The Finance Officer presented this new policy.

The Board RESOLVED that the Data Protection Policy be adopted.

(e) Procurement Policy

The Finance Officer highlighted the changes to this policy with the main one's being job title changes following the staff restructure. The financial bands have also been increased to allow greater flexibility particularly in the lower bands as the simplest of vehicle services for example cost over £250.

The Board RESOLVED that the Procurement Policy be adopted.

(f) Financial Regulations Policy

The Finance Officer presented the amended policy and highlighted that following the staff restructure it was recommended that the Finance Manager become the Responsible Finance Officer. This would improve governance and split the Chief Executives responsibilities.

The Board RESOLVED to appoint the Finance Manager, Daniel Withnall as the Board's Responsible Finance Officer.

The Board RESOLVED that the Financial Regulations Policy be adopted.

(g) Delegation of Authority Policy

The Finance Officer presented the policy that following the staff restructure has title changes and the Chief Executive's the authority now split between the Finance Manager and the Chief Executive.

The Board RESOLVED that with the above amendment the Delegation of Authority Policy be adopted.

(h) Risk Register

The Finance Officer stated that the Audit & Risk Committee had reviewed the risk register which had been amended to reflect changes in the Risk Management Strategy and Policy at their meeting.

It was RESOLVED that the Register be received and adopted.

(i) Chairman Expenses

The Chairman declared an interest.

Mr Leggott presented to the Board a proposal from the Audit & Risk Committee for annual payment to the Chairman of the Board of £1,500 for his out of pocket expenses in undertaking the position of Chairman of the Board.

355 (i) Cont.....

The Board voted on the proposal which had been seconded by Cllr J Dickinson and all AGREED.

The Policy will now be sent to the Defra Minister to be signed off.

The Finance Officer stated the Audit & Risk Committee would be reviewing in their October meeting which policies are to be published onto the Board's website.

356 TO RECEIVE THE INTERNAL AUDITOR FOLLOW UP REPORT 2011/12 AND SPECIAL REPORT ON CALDICOT AND WENTLOOGE IDB - Agenda Item 9

(a) Internal Auditor Follow Up Report

The Finance Officer stated that the agreed action points within the Internal Auditors report had been adhered to.

The Internal Auditor audited the Bourne Fen Farm Trust Account and no comments were raised.

The Finance Officer informed the Committee that he had contacted Lincolnshire County Council, again, to obtain the templates for the Pensions Discretion Policies and was informed that they were still waiting to be approved by David Vickers.

The Audit & Risk Committee have sent a letter relating to this to Lincolnshire County Council requesting this information be forwarded as soon as possible.

(b) Caldicot & Wentlooge Public Interest Report

The Finance Officer stated that a review of the learning points from the Caldicot and Wentlooge IDB public interest report had been conducted by the Internal Auditor and Finance Officer with the results being included within the papers for this meeting.

The Audit & Risk Committee had discussed the various aspects raised and RESOLVED to accept the report as a comprehensive review but would like to review the Board's rechargeable policies at the next meeting in October 2013. The Finance Officer was asked to facilitate this review by providing a list of sales invoices for the twelve months preceding the next meeting.



357 MINUTES OF THE ENVIRONMENT COMMITTEE MEETING

The Chairman of the Environment Committee presented the unconfirmed minutes of the meeting held on 6<sup>th</sup> December 2012, copies of which had been circulated.

The Board RESOLVED that the Minutes should be received.

358 MATTERS ARISING

(a) Owl Boxes – Minute No 310(a)

The Chief Executive presented a slide with the detailed activity in each of the Boards boxes in 2012.

(b) Fish & Eel CCTV Monitoring - Minute No 310(d)

The Operations Manager stated that due to exceptional high flows the Chainbridge Pumping Station camera monitoring had not recorded any worthwhile fish movements.

359 TO APPROVE THE CULVERTS & BRIDGES POLICY – Agenda Item 11

The Chairman commended the Culverts & Bridges Committee for their work in producing the policy. He summarised the history of the Helcor piping replacement programme in a number of culverts and reminded the Board that legal advice has been taken in relation to this policy as resolved at the November Board Meeting.

The Chairman highlighted that the policy had been produced with flexibility incorporated to ensure that individual rate payers were not unfairly impacted upon by the paragraph at the end of section 4;

*“this policy is not intended to cover every eventuality and the Board (in formal meeting) may waive the policy and make a determination on the basis of reasonable fairness to all parties”.*

The Chairman went on to highlight that a meeting had been held with Paul Tame, of the NFU, who had outlined their concerns and appeared to now appreciate what was being proposed.

Mr J Atkinson made representation on behalf of the NFU and Crown Estates stating that both parties believed that a policy such as this which could have a considerable impact on the rate payers should be sent out for consultation and a vote should not be held before this consultation had been concluded.

In response the Chairman stated that as the Board is comprised of elected members, representing the agricultural rate payers, and appointed members, from the District and Borough Councils they represented the rate payers and no further benefit would be achieved from further consultation.

359 Cont.....

Mr J Atkinson made further representation to the concerns of the NFU and Crown Estates in relation to the maintenance responsibility of replaced culverts being transferred to the occupier of the land the culvert allows access.

Following these discussions and representations Mr V Barker proposed that the Culvert & Bridges Policy be approved with a comprehensive brochure explaining the policy being sent off with the rate demands and the policy be retrospectively applied to culvert 814 that has collapsed in Hacconby Fen.

Mr R Leggott seconded the proposal and the Board voted 16:1 in favour of the proposal.

The Board RESOLVED to approve the policy.

360 REPORT ON RATING – Agenda Item 12

The Finance Officer presented his report to the Board.

(a) The Finance Officer reported that the Chief Executive had approved writing off the following outstanding drainage rate:

(2690) 01010185	£23.63
Evicted from rented land and property at Frampton Fen on 18 <sup>th</sup> October 2012 No known whereabouts	

(b) Rating Reduction

The Finance Officer recommended the following rating reductions with effect from 1<sup>st</sup> April 2012;

Reference Number	Description	Existing Valuation	Proposed Valuation
2677/02010370 Horseshoe Lane Kirton	Formerly 3.38 acre plant nursery & mushroom growing centre the site has been out of operation for many years	£4,045	£1,313
2532/08010025 New properties Sutterton	Formerly site of 1.73 acres valued as plant nursery	£3,190	Transfer to Special Levy calculation

The Board RESOLVED to approve the reductions.

360 Cont.....

(c) Rating Valuation

Reference Number	Occupier and Location of Revaluation	Description	Existing Valuation	Proposed Valuation
2983/ 02010302	Wyeplants Ltd Donington Rd Kirton	Nursery Extension	£4,406	£28,849

Following a revaluation by a Chartered Surveyor the Finance Officer recommended the revaluation be accepted by the Board for rating with effect from 1<sup>st</sup> April 2013. The Board RESOLVED to accept the revaluation and, Determination Notices should be sent to the occupiers giving details of the proposed changes in valuation and the appeals procedure.

361 A REPORT ON BLACK SLUICE CATCHMENT WORKS – Agenda Item 11

The Chief Executive gave a short presentation to the Board updating them on the Environment Agency's study on the Black Sluice Catchment which includes proposals for replacement pumps at Black Sluice pumping station.

It was highlighted that in an emergency situation, when the South Forty Foot Drain reached a level of 2.7m at Black Hole Drove pumping station, the Board would assist the Environment Agency by switching off some of its pumping stations that discharge into the South Forty Foot Drain.

To model the effect of switching the pumps off the Environment Agency has requested a contribution of £8,032 from the Board.

The Chairman stated that as switching the pumps off was an action the Board takes to assist the Environment Agency this should be funded by them.

The Board RESOLVED not to make the contribution of £8,032 towards these works but stated that the Board should remain engaged with the study as it could impact significantly on the Board.

362 REPORTS – Agenda Item 14

(a) Monthly Accounts – Agenda Item 14(a)

The Board RESOLVED that the Board's monthly accounts which included October 2012 to December 2012, copies of which had been circulated, were noted.

(b) Schedule of Consents – Agenda Item 14(b)

The Board RESOLVED that the schedule of consents for Byelaw Relaxations, Culvert Consents, Development Contributions, Tile Drainage Consents and Extended Area Consents issued from November 2012 to January 2013, copies of which had been circulated, were noted.

(i) Report on Consenting Applications

The Chief Executive reported that an application has been received to relax the Board's 9m Byelaw in respect of a building being placed 7.0m from the brink of the North Forty Foot Drain in the Sleaford Road area of Boston.

The application referred to buildings that were already only 4.5m from the drain.

The Chief Executive reported that the buildings referred to were built in contravention of the Board's Byelaw's in 1988 and to prevent the buildings having to be removed the Board agreed to substantial revetment work being carried out to the bank of the drain funded by the developer.

The Board RESOLVED that the application to relax the Byelaw should be denied.

(c) Rainfall – Agenda Item 14(c)

The rainfall figures at Swineshead and Black Hole Drove were presented, copies of which had been circulated.

363 AUTHORISE TO SEAL THE RATE FOR 2013/14 – Agenda Item 15

It was RESOLVED that the Chairman and Finance Manager be authorised to seal the Drainage Rates and Special Levies for the year 2013/14 as follows:

(a)	<u>Drainage Rates</u>	<u>Estimated Amount of Drainage Rates Payable</u>
	Sub-District No 1 being so much of the said Internal Drainage District as: Comprises the area of the Borough of Boston as constituted and in existence immediately before 1 <sup>st</sup> April 1974	6.075p
	Sub-District No 2 – Being the remainder of the Internal Drainage District	12.150p
		£1,008,150.10 (51.24%)
(b)	<u>Special Levies</u>	
	Borough of Boston	£724,806.55
	South Holland District Council	£120,406.01
	North Kesteven District Council	£58,065.82
	South Kesteven District Council	£55,946.25
		£959,224.63 (48.76%)

364 ANY OTHER BUSINESS – Agenda Item 16

(a) Sale of 72 Carlton Road

The Chairman stated whilst under delegation of authority he has the authority to “Negotiate purchases and sales on behalf of the Board” he feels that it would be prudent to obtain additional authority in respect of the sale of the Carlton Road Offices due to the size of the transaction.

The Board RESOLVED that the Chairman and Vice Chairman be authorised to act on behalf of the Board in relation to the sale of the Carlton Road Offices.

(b) Carr Dyke at Haconby

The Board were informed by Mr J Atkinson, that during the recent event following the rapid snow melt that the Carr Dyke had overtopped.

The Chief Executive explained that the Board were investigating the problems in this general area with the Environment Agency.

(c) Black Sluice Vehicles

Mr V Barker raised a concern at the number of private workmen's vehicles claiming mileage to attend pumping stations. The suggestion was that Black Sluice vehicles could be used by the workforce to save on claimed mileage.

The Operations Manager agreed to look into this matter and review current procedures where possible.

(d) Italy Study Trip

The Chief Executive updated the Board that fourteen members had agreed to attend the Italy Study Tour and that unfortunately Henry Cator and Dr J Venables were not now able to attend. Further details will be provided when the flights have been booked.

There being no further business the meeting closed at 16:15.