

**BLACK SLUICE INTERNAL DRAINAGE BOARD**

**MINUTES**

of the proceedings of a Meeting of the Board

held at the Offices of the Board on  
14<sup>th</sup> February 2018 at 2pm

**Members**

Chairman - \* Mr K C Casswell

- |                  |                     |
|------------------|---------------------|
| * Mr W Ash       | * Cllr R Austin     |
| * Mr J Atkinson  | * Cllr P Bedford    |
| * Mr V Barker    | * Cllr C Brotherton |
| * Mr J Fowler    | * Cllr M Brookes    |
| * Mr P Holmes    | * Cllr M Cooper     |
| * Mr R Leggott   | * Cllr C Rylott     |
| Mr P Robinson    | Cllr B Russell      |
| * Mr M Rollinson | * Cllr P Skinner    |
| * Mr N J Scott   | Cllr Mrs S Waring   |
| * Mr J R Wray    |                     |

\* Member Present

In attendance: Mr I Warsap (Chief Executive)  
Mr D Withnall (Finance Manager)  
Mr P Nicholson (Operations Manager)

1218 APOLOGIES FOR ABSENCE - Agenda Item 1

Apologies for absence were received from Mr P Robinson, Cllr B Russell and Cllr Mrs S Waring.

The Chairman announced the sad news that Cllr R Clark passed away, he had served on the Board from 2013, the Chairman added details of the funeral arrangements and stated that he would be attending on behalf of the Black Sluice IDB. A minute silence was observed.

1219 DECLARATIONS OF INTEREST - Agenda Item 2

There were no declarations of interest.

1220 MINUTES OF LAST BOARD MEETING - Agenda Item 3

The Minutes of the last meeting of the Board held on the 29<sup>th</sup> November 2017, copies of which had been circulated, were considered. It was AGREED that they should be signed as a true record.

1221 MATTERS ARISING - Agenda Item 4

(a) Asset Transfer Financial Projections - Minute 1199

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.

(b) ADA Model of the Land Drainage Byelaws - Minute 1201

The Finance Manager stated that the byelaws were reviewed at the last Board meeting and delegation of authority was given to the Executive Committee to sign the appropriate version which was signed, they have not been sent to Defra. He stated he has raised the Boards proposals; they have taken on one which is "as a result of development" - the restriction which had been introduced into byelaw 3, this is currently with Defra lawyers discussing how that can be changed. The Finance Manager reminded Members that it was not there in the first place and could not see why there is an issue. He explained that in addition to this the Bedford Group of IDBs have requested an addition which the Finance Manager displayed on the screen which allowed for them to enforce the byelaws on the sustainable urban drainage systems and obviously from this Boards point of view as we move forward with the WRE South Lincs Water Partnership this may come in useful for this Board. This is the second amendment they are proposing to the model IDB byelaws. The third one is in relation to amended Environment Habitat Regulations all the environmental legislation has been placed into one Act in 2017 so they want to get the wording on this is correct.

The Finance Manager explained that some IDBs have submitted byelaws already and the Minister is going to use their powers to amend them before they are finally approved. The Finance Manager added that the point Mr R Leggett raised at the previous Board meeting regarding the clarification on "who's judgement it was" Defra have decided not to put this in, but it has been raised and if it does get questioned it will be subject to a legal challenge. Mr R Leggett responded this is rather disappointing, as the Chief Executive stated last time it could lead to future challenges, if ADA have been told that it is decided then we will have to go along with it. The Chairman clarified that it is more Defra than ADA driving this.

***Byelaw Amendment:***

***"2. (c) for the purposes of these Byelaws, references to a watercourse are to be construed as including:***

***a drainage system as defined by the Flood and Water Management Act 2010;***

***a large raised reservoir as defined by the Reservoirs Act 1975; and***

***a body of water as defined by the Water Environment (Water Framework Directive) (England and Wales) Regulations 2017"***

The Finance Manager asked if Members were agreed to remove the "as a result of development" and the other two amendments the byelaws can then be moved on this basis and the Chairman can sign them. All AGREED.

(c) Drainage Rate Account 30-2445-9 Gosberton Clough - Minute 1202(a)

The Finance Manager stated that this property whereby a write off of £589.72 the liability of the drainage rate passes to the owner of the land because the owner

repossessed the property from the occupier – he was invoiced £586.48 on 15<sup>th</sup> November 2017 which has not been paid yet, and we are following the Boards normal recovery procedures.

(d) Period 07 Management Accounts - Minute 1202(e)

The Finance Manager stated regarding drainage rates we have taken seven cases to court, all but one of them has been settled now either directly or by bailiffs – the one outstanding is for £34.02 and we believe this person is incarcerated.

(e) South Forty Foot Scheme - Minute 1202(f)

The Finance Manager stated this will be covered in more detail later in the agenda, the orders have been promised to finish off the South Forty Foot Scheme for this financial year by the year end.

1222 MINUTES OF THE EXECUTIVE COMMITTEE MEETING - Agenda Item 5

The Chairman presented the unconfirmed minutes of the meeting held on the 13<sup>th</sup> December 2017, copies of which had been circulated. The Board RESOLVED that the minutes should be received.

(a) Inspection Tour Netherlands - Minute 1211

The Chief Executive explained briefly information regarding the Inspection Tour to the Netherlands, he presented slides on the screens. If anybody is interested in attending let an Officer know within a week of today with £100 deposit. He outlined the route by coach over the four day tour on screen.

The Chairman outlined to Members, the funding for this tour which will be a third paid for by the Member and two thirds by the Board of which a third will be out of the Chairman's fund for those who actually put into the Chairman's Fund – those who do not put into the Chairman's Fund will have two thirds of the cost to pay themselves. He hoped this seems fair, as some Members do not pay into the Chairman's Fund.

The Chief Executive stated that once we have details of Members attending we will book the KLM flights whilst contacting Members for passport information. The Chief Executive asked if there were any further questions, Mr Barker asked about the arrangement for transport to the Airport, he responded that Members found their own way to the airport or coordinate with other Members for a lift.

The Chairman added that if we don't get the numbers within the Board we will ask the Associate Members from the Works Committees if anyone is interested.

(b) Rationalising the Main River Network Project - Minute 1211(b)

The Finance Manager stated that the news item which was placed on the Boards website has been viewed by 186 people and 122 of them have come through Facebook and Twitter, this is something worth carrying on with. The Chairman referred Members to this minute that the Board has pulled out of two of the

watercourses transfers because the Boards machinery could not access upstream due to an area of wooded trees and shrubs.

The Chief Executive stated that the Public Consultation closed on the 12<sup>th</sup> February 2018.

The Chairman added that he had attended the ADA Board meeting. The EA Members were bothered about the low amount of responses to the Public Consultation. The EA mentioned that more of the public had attended the drop in sessions in the Autumn. The Chairman mentioned that other IDBs had dropped out of transfers from the EA because they were "just not up to scratch" which is disappointing. Sir James Bevan (EA) has always stated that nothing would be transferred that was not up to scratch and put into full working order this has been recorded so it is the case of the top showing a lot of will but there does not seem to be any will at the lower levels or money to follow through.

Mr N Scott asked the Chairman if he had seen Abigail's (EA) email feedback response? Mr Will Howe, Fork Farm, Ewerby catchment and himself had walked along the watercourse and their thoughts and pictures were sent in an email to the EA they responded: "we will give it up anyway its not important". Mr Scott reiterated the point being that someone high in the EA is saying that they will not hand it over unless it's in a good state.

The Chairman responded that this has not filtered down within the EA. Mr N Scott added that it is in a shabby state and it could use some maintenance before the Black Sluice IDB take it on otherwise the Black Sluice will have to do it. The Chairman concluded that this is the reason we have walked away from two of the watercourse transfers.

(c) 2017/18 Budget & 10 Year Projections - Interest - Minute 1212(b)

Mr V Barker asked about the interest on the deposits, he understands the problems elsewhere, should it be left in low interest or invest in a better return. The problem is that we are governed by what we can invest in and investment into other things would mean that the Board in its entirety would have to be responsible. He feels it needs further thought and discussion.

The Finance Manager responded that he has found Aldermore Bank plc they are offering 1.5% for a year's investment if we put £300,000 that would be £3,500 return they are FSE authorised, they are on the FTSE 250 and based in Peterborough. The Chairman asked Members, are they comfortable in putting £300,000 in Aldermore Bank. Mr Fowler believes that you should not put any more than the £85,000 covered – the Finance Manager responded that it's not covered that is only personal investment. Mr Fowler then said then no. Mr N Scott suggested what is their SMP rating they could be AA+.

The Chairman asked if the Finance Manager could find out some more information, Mr Scott suggested finding out their financial security, their SMP rating by Moodys and if it is the same as Barclays then there is no difference in the risk. Mr Scott believes that none of us are financial experts that can assess the risks of Aldermore v Barclays say you have to look at Moodys SMP bank credit rating and draw a line at AA+ or AAA+ or matching one of the big names.

The Chairman concluded that he will ask the Finance Manager to do this and nothing will be done without further consultation.

(d) 2017/18 Budget & 10 Year Projections - Minute 1212(p)

Mr V Barker referred to the replacement of vehicles and asked if consideration had been given to replacing Boards vehicles with hybrid vehicles so that we are up and running with modern technology and know-how – we have several vehicles amongst the fleet. The Chairman responded that the vehicles the Board are looking at, hybrids have not come into this area and are still very expensive. Mr Barker added that there is a £4,500 subsidy on them, he believes the Board should give consideration for one of the fleet of vehicles.

The Chairman responded that we will look at it, but he believes that the hybrids come into the bracket for 4 wheel drive. The Chief Executive concluded that we will look into it. The Finance Manager added that they have gone on trial in London in transit electric style vans.

1223 TO RECEIVE 2018/19 BUDGET & 10 YEAR ESTIMATES - Agenda Item 5

The Finance Manager stated these reports were presented to the Executive Committee on the 13<sup>th</sup> December 2017. He has the following updates:

(a) Interest

Interest has been previously covered.

(b) Pumping Station Maintenance

The Finance Manager stated this year we will have an impact, he has just received a £27,000 refund from British Gas for the electricity contracts which ended May 2017. The position now is the bills have been finalised and the Board has fully moved to Woldmarsh using Npower.

(c) Admin Salaries

The public sector pay cap and pay award for 2018/19. The Finance Manager believes that the public sector pay cap has now been lifted. Therefore the calculation is based on the 90% average increase in annual earnings, as published in the Sunday Times on the last Sunday in January, which was at 2.2% therefore 90% of this is 1.98% therefore the pay award will be 1.98%.

(d) Election

Following the Ministers direction the Board is not going to advertise in local newspapers unless any Members feel otherwise inclined. It will be put on the Boards website and a link to Facebook and twitter. A note on the notice board in the front office and also a notice in the Drainage Rate Brochure for the election due on the 29<sup>th</sup> October 2018.

The Finance Manager concluded that detailed reports are attached on pages 32 – 37 that were put to the Executive Committee with the new objectives detailed we are looking at a balance at the 10 year point of £646,076 which will be 25.22% of expenditure going into the 11<sup>th</sup> year with a balanced budget.

The Chairman asked for any questions.

Mr V Barker asked regarding expenditure in year 2024/25 reference the replacements of pumps at Gosberton Pumping Station, it will be very interesting to understand that a lot of the pump houses these days, in his opinion, the pumps do not pump anything near what or as much now as they used to in the 1960/70s. If Gosberton's all three pumps to be replaced, to keep all three pumps is it necessary. The Chairman clarified its "refurbish". The Operations Manager responded that during that period we look to take out, not all at the same time but, one at a time to inspect it, refurbish it and put it back and then take out another so at any one time we will still have two pumps available. This is an ongoing maintenance programme for all pumping stations. Mr Barker added that these are not generating the number of hours they used to.

The Chief Executive clarified that Mr Barker is saying that we should be assessing the hours of the pumps in relationship to a pumping station with three pumps for the future for there to only need two. Mr Barker agreed there are things like degraded wiring, he understands that those things need replacing but when you look at brass bushes aren't wearing out and go straight ahead he questions if this is the right way forward knowing the hours the pumps are doing. The Chief Executive added that the business is like insurance, we hope never to have to use but if we do have to press the button we want everything to work and this is the process of refurbishment and continuous maintenance, so if we need to press the button it is going to work.

Mr Rollinson added that it is ok to say that we are not pumping as much as we used to but who can foresee the future, we could be pumping more, he would be very against down sizing pumping stations.

The Chief Executive concluded stating the Drainage Rate Brochure, which is enclosed with the drainage rates in April each year we are in the process of completing this over the next few weeks if any Board members have anything of relevance to include in that brochure or reintroduce or remind or whatever format please contact the Officers.

1224 TO RECEIVE 2017/18 BUDGET AND TEN YEAR ESTIMATES (Third Draft) - Agenda Item 6

The Finance Manager stated this is a spreadsheet we started last year, because of the timings of doing the budgets. He explained that the revaluations and move to special levies are done as at the 31<sup>st</sup> December 2017 but we have the budget setting meeting earlier in December. The only figures which have changed in this third draft is the rates and levies figures – at the ten year period the Board is better off and 32% this will leave us with more manoeuvre room when it comes to doing next year's budget for the long term future of the Board.

1225 TO RECEIVE INTERNAL AUDITORS AUDIT PLANNING MEMORANDUM AND AUDIT PROGRAMME 2017/18 - Agenda Item 7

The Chairman stated that the Internal Auditors have visited the office and they have given a "Substantial Assurance" which has been regained. He congratulated the Finance Manager and the team on getting us the substantial assurance.

1226 TO RECEIVE PERIOD 9 MANAGEMENT ACCOUNTS AND QUARTER 3 FORECAST- Agenda Item 8

The Finance Manager introduced the period 9 management accounts on pages 42 – 47 which have been covered in detail at the Joint Works Committee and then again at the Board meeting there has not been a lot of movement. He highlighted a couple of items

- Drainage rates – we have collected 99.94% of the drainage rates this year
- Rechargeable Income – compared to last year it is £565,000 up with a profit estimate of c£32,000 as we are at the end of period 9
- SFFD – before the end of the year we are expecting c£200,000 which will give another c£10,000 therefore a £42,000 profit
- Pumping Station Maintenance - £27,000 refund from British Gas

The Finance Manager referred Members to page 43, which is the South Forty Foot Scheme Summary – there has not been any movement on this however there is the confirmation now that the order and payment will be forthcoming before the end of the financial year. Which will leave us with £71,000 in hand.

The Chief Executive added that he has received an email from A Clack (EA) stating he has submitted a breakdown of additional costs for the works for this past year, and wrote "this will now allow me to progress toward and allow you to receive payment by the financial year end – allowing for normal procurement system the payment should be with you by the 22<sup>nd</sup> February 2018". The Chief Executive clarified that this is for an outstanding order for £55,280 and the additional costs of £143,640 which is the corrected amount of £198,920 + vat.

1227 TO CONFIRM ARRANGEMENTS AND PROPOSED DATES FOR ELECTION OF THE NEW BOARD - Agenda Item 9

The Chairman stated that the Finance Manager is the Returning Officer and asked if Members had any questions.

The Chairman clarified that after the elections, there will not be, officially, a Chairman for a month after the elections until the Board meeting on the 28<sup>th</sup> November 2018.

The Board RESOLVED that the Election Timetable be accepted.

1228 TO REVIEW THE RISK REGISTER - Agenda Item 10

The Chairman presented the risk register on page 49. The Finance Manager stated that this will be reviewed at the Audit & Risk meeting on the 25<sup>th</sup> April 2018, and he expects that a couple of the risk scores will be reduced.

The Board RESOLVED that the Risk Register be accepted.

1229 TO RECEIVE A REPORT ON RATING - Agenda Item 11

The Finance Manager presented the revaluation report on page 50, stating that this has been a substantial revaluation which was conducted by Mr R Hurst from Fisher German on behalf of the Board. If the recommendation is confirmed then a determination notice will be sent to the occupier. The occupier has the right to appeal within 28 days and then the new rate will apply from the 1<sup>st</sup> April 2018, which is about c£2,600 increase in their drainage rate.

The Board RESOLVED to agree to the above revaluation.

Cllr Austin asked a question on drainage rates when there is a large development which would mean a big change in drainage rates what is the time, when does it change from agricultural rates to the new rates for development. The Finance Manager responded – when it ceases to be agricultural land and the valuation office put it on their list so it then is subject to residential / commercial rates. If they are paying residential council tax or commercial business rates then it stops being agricultural, there has been instances in the past where ie packing sheds could fall in either category it's down to the valuation office to determine if it's on their list, if it's not then it's on the Boards.

The Finance Manager clarified that regarding the Q1 Development, which is going to be a substantial difference to Boston Borough Council, he has met with the Officers at the Council and it has been agreed that we will move them over as they start to be occupied and start receiving council tax. If we put the whole site into the special levy this year the Borough will receive no money at all to be able to pay the Boroughs contribution. We are working very closely with the Borough Council Officer's so that when it does move over in future years we will move over the land because it is a large difference.

Cllr Brotherton asked does the developer pay a drainage rate then in the interim, the Finance Manager responded – yes as they will be classed as the occupier of the land, so whilst it's not on the list for residential or commercial they will continue paying a drainage rate to the Board.

1230 REPORTS - Agenda Item 12

(a) Monthly Accounts - Agenda Item 12(a)

The Board RESOLVED that the Board's monthly accounts, which included November 2017 and January 2018, copies of which had been circulated, were noted.

(b) Schedule of Consents - Agenda Item 12(b)

The Chairman presented the Schedule of Consents.



(i) Culvert Consent Application at Six House Bank, West Pinchbeck - BSIDB Dovehirm Drain 22/2

The Chief Executive presented on screen a culvert application and pointed out the existing 320 metre of pipe. This applicant would like to extend the 600mm pipe northwards by 18 metres, because there is already 320 metres of pipe on that drain the Chief Executive sees no issue. All maintenance is carried out on the west side – field side.

The Chief Executive asked if there were any objections to extending the 320 metre length of existing piped watercourse by a further 18 metres northwards.

Mr Leggett asked the Operations Manager if this would cause any future problems that we don't have at the moment. The Operations Manager responded no.

The Board RESOLVED that the Culvert Consent be granted.

(ii) Application to Relax the 9 metre Byelaw Six House Bank, West Pinchbeck - Dovehirm Drain 22/2

The Chief Executive stated that as the Board has consented to the above culvert the applicant is now requesting for a relaxation of the 9 metre byelaw to move the proposed building to within 4 metres of the outside the lateral edge of the pipe in order that they can fit a proposed garage into the building plot. He then presented a map outlining this on the screen. He recommended this application be consented.

Cllr Austin asked if there were any precedent issues, the Chief Executive responded no, the precedent has already been set that there are buildings along this bank which are nearer to the pipe.

The Chief Executive stated that the land to the west of these buildings belongs to Lincolnshire County Council, this land was discussed at a Southern Inspection tour pre 2011 because the Board were looking into purchasing the total length of this field to put an open cut diversion in the same way it has been carried out in Dovehirm but Lincolnshire County Council wanted a large sum of money to purchase the land therefore the scheme did not go ahead.

The Board RESOLVED that the application to relax the 9 metre byelaw be granted.

(c) Rainfall - Agenda Item 12(c)

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

The Board RESOLVED that these reports be noted.

1231 TO AUTHORISE THE CHAIRMAN AND FINANCE MANAGER TO SEAL THE RATE FOR 2018/19 - Agenda Item 13

It was RESOLVED that the Chairman and Finance Manager be authorised to seal the Drainage Rate and Special Levies for the year 2018/19 as follows:

(a) Drainage Rates

	<u>Estimated Amount</u> <u>Drainage Rates</u> <u>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	6.30p
Sub-District No 2 - Being the remainder of the Internal Drainage District	12.60p
	<hr/> £1,053,208.60

(b) Special Levies

Borough of Boston	£784,760.51
South Holland District Council	£126,089.96
North Kesteven District Council	£68,105.02
South Kesteven District Council	£58,113.22
	<hr/> £1,037,068.71

1232 ANY OTHER BUSINESS - Agenda Item 14

(a) Extra Ordinary Executive Committee Meeting

The Chief Executive informed the Executive Committee Members that an extra ordinary Executive Committee meeting will be held on the 5<sup>th</sup> March 2018 at 1:30pm and agenda papers will be sent out seven days in advance.

There being no further business the meeting closed at 3:15pm.