

BLACK SLUICE INTERNAL DRAINAGE BOARD

MINUTES

of the proceedings of a meeting of the Executive Committee

held at the Offices of the Board on
19th December 2018 at 10am

Members

Chairman - * Mr K C Casswell

* Cllr P Bedford

* Mr J Fowler

* Mr M Rollinson

Cllr M Brookes

* Mr P Holmes

* Member Present

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

1370 APOLOGIES FOR ABSENCE - Agenda Item 1

Apologies were received from Cllr M Brookes.

1371 DECLARATIONS OF INTEREST - Agenda Item 2

There were no declarations of interest.

1372 MINUTES OF THE LAST MEETING - Agenda Item 3

Minutes of the last meeting held on 12th September 2018, copies of which had been circulated, were considered and it was AGREED that they should be signed as a true record.

1373 CONFIDENTIAL MINUTES OF THE LAST MEETING - Agenda Item 4

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.

1374 MATTERS ARISING - Agenda Item 5

(a) THE BOSTON BOROUGH COUNCIL LETTER AND RESPONSE - Minute 1324

It was generally felt that the letter of response sent to Boston Borough Council was well received.

(b) 8 YEAR PLANT BUDGET - Minute 1327(b)

It was confirmed that the budget was approved at the last Board Meeting on the 7th November 2018 and the deal for the new machine has now been secured.

(c) SOUTHERN WORKS COMMITTEE MEMBER - Minute 1329(f)

Mr M Rollinson clarified that Nick is the Farm Manager of Elveden Estates in Donington, which is owned by the Duchy of Lancaster.

(d) CONFIDENTIAL SALARY REVIEWS - Minute 1327(c)

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.

1375 TO CONSIDER THE 2019/20 BUDGET AND TEN YEAR ESTIMATES - Agenda Item 6

The Finance Manager presented the 2019/20 Budgets and ten year estimates as follows:

There were additional funds added to the reserves last year which has enabled more flexibility in this year's budget and also allowed the option of freezing the rate for a third year. The aim of the budget is a General Reserve at 20% of expenditure in year 10 with a balanced budget.

Income - Rates & Levies

With the income consistently less than expenditure, to reduce the income there is a risk of the annual deficit being insurmountable in year 11 if this is not considered. Therefore, it has been split as follows:

- Hold the rate for a further year
- 1.8% years 2 – 5
- 2.8% years 6 – 10

This will give the board the aimed result and will not result with an issue in year 11.

The Chairman questioned if Cllr P Bedford foresaw any problems with having to increase the rate after holding it? Cllr P Bedford made reference to other Board's in the area that haven't frozen their rate at all and so there shouldn't be any problems with it.

Mr P Holmes questioned how it is known what the rechargeable income is going to be? The Finance Manager explained that he has included £250,000 per year plus the expected South Forty Foot Drain cleansing work for 2019/20, 2020/21 and 2021/22 and then an increase of 2% each year in the following years.

Mr P Holmes further questioned how the Environment Agency precept figure is reached? The Finance Manager stated that it has been kept at worst case scenario, however, the Chief Executive noted that he will be pushing the Environment Agency to reduce the precept due to the decommissioning of the Black Sluice Pumping Station (Boston) and the de-maining.

The penny rate calculations are not yet completed and are done as at 31 December 2018, they will therefore be presented at the Board Meeting on 8th February 2019. An increase is expected due to the movement from agricultural to special levy.

Income - Interest

Interest has been included at £18,500 (£1000 + £17,500 for Brewin Dolphin).

Income - Grants / Local Levy

The local levy agreed last year will hopefully be realised this year in 2019/20. It is £409,000 of the RFCC Local Levy and £124,000 of the Flood Defence Grant in Aid towards the two schemes.

Income - Contribution Development Fund

The realignment of the Wyberton Towns Drain is due to be completed in 2019/20, this will be funded directly from the developer. It has also been approved within the Schemes that the board may also complete some work on the fringes of that to improve the board's system.

Income - Other

The rental income and discharge agreements have been included at the same rate as previous years and the committee were invited to review this. All happy.

There have been thirty consents allowed for per year (£50 per consent). In addition to this, Triton Knoll have paid the board £7,500 for consenting works over a five-year period and so it has been equally split at £1,500 per year.

Highland water has been included as the same as last year (based on actual spend for the financial year).

Solar Panel income is above expectation by £2,800 due to the hot summer despite one of the inverters not working for a prolonged period of time. It has been left as government predictions in this year's budget.

Expenditure - Capital Schemes

The capital schemes have already been presented to and approved by the board.

Expenditure - Pumping Station Maintenance

Pumping Station Maintenance has been left at £370,000 for the fifth consecutive year. Although there was an overspend at the beginning of this year, it is now being pulled back.

Mr J Fowler noted that he felt the board need to be prepared for a possible large increase in electricity costs, it is currently rapidly rising.

Expenditure - Drain Maintenance

Additional income has allowed an increase in spending on drain maintenance and following an overspend of the 5.6% increase in 2018/19 a detailed exercise has been completed to calculate the requirements to maintain this level. This has resulted in a 6.67% increase for 2019/20.

Expenditure - Environmental Works

The environmental budget has remained the same as last year at £20,000.

Expenditure - Administration and Establishment

There is an overall increase of 6.64% which is mostly in relation to the salaries. A 2.7% Pay Award has been agreed with the Lincs ADA Pay & Conditions Committee which will be ratified at the Lincolnshire ADA Branch Meeting in February 2019 so that has been included in the budget. Sue Knox's salary has also been included as it is not yet known how this role will be filled.

There may also be a need for additional income to purchase a new server as the current server will be five years old in July 2019 and is beginning to slow down. Quotations are currently being obtained from the IT company.

Development Reserve

The Chief Executive made reference to the Development Control Charges & Fees Policy, in particular, the impermeable hectare rate. He explained that he has not been able to arrange a meeting with South Holland IDB until 10 January 2019 to be able to see the calculations used to reach their rate. It was generally agreed that the board use this calculation and implement our own figures, so once this information has been obtained it will be brought to the next relevant meeting.

Wages On-Cost Reserve

This covers all employment costs for the workforce which are then apportioned to the expense codes in the budgets. The aim is to be zero at the end of each year, however, with £600,000 of costs this is almost impossible and so the aim is as close as possible which can be maintained at a recharge rate of 220%.

8 Year Plant Replacement Estimates

This has been approved by the Board at the previous Board meeting held on 7 November 2018.

General Reserve

Overall, the 2019/20 budget is expected to produce a deficit of £119,533. With an average 2% inflationary increase in expenditure it is estimated that in year 10 the general reserve will decrease to £587,000 which is 19.85% of expenditure for that year with a balanced budget.

Questions were invited.

1376 TO CONSIDER THE PERIOD 08 MANAGEMENT ACCOUNTS - Agenda Item 7

The Finance Manager presented the Period 08 Management Accounts, noting the following:

Rates & Levies

£34,000 of this is the Special Levies that have been paid early.

Other Income

This includes the Triton Knoll consents, as previously mentioned, to be split over a five-year period.

Solar Panel Income

This is up by £2,800 due to the good weather during the summer.

Schemes

There is an underspend on Schemes for culvert replacements due to additional work being required in drain maintenance.

Pumping Station Maintenance

This has increased by £2,000 in Period 08.

Drain Maintenance

The Chief Executive explained that there is an overspend of C£84,000 for Drain Maintenance due to the extended winter, snow and heavy rainfall leading to increased pump activity. This has therefore meant more involvement and work for the workforce to complete such as removing additional weed and having to clear additional dump areas at Gosberton and such like. Large emergency slip repairs were also undertaken in Bourne, Silk Willoughby, Dyke Fen, Dunsby Fen and Aswarby. Furthermore, additional emergency culvert cleansing and blockage removal was carried out due to high water levels at Bourne Fen. Although there is an overspend of C£84,000 in Drain Maintenance there is an underspend on Schemes of £69,000 therefore giving a net of £15,000.

Mr J Fowler questioned if the £69,000 underspend in Schemes is planned to be spent? The Chief Executive responded that it is planned to be spent in the rest of the financial year.

The Chief Executive further noted that in January 2019 the desilting and bushing works will commence along the Hammond Beck (old and new) commencing at the Chain Bridge End. This is a labour intensive project. It was further noted that the Hammond Beck was last completed eight years ago.

Environment Agency Precept

This is currently showing as half the money favourable due to it being paid after the Period end. With that adjustment, the overall expenditure is £49,407 adverse whilst the income is £110,151 favourable. This results in an additional £61,000 to be charged to the General Reserve if it is the same at the end of the year.

Income & Expenditure Summary

99.63% of drainage rates have been collected, with 13 cases awarded liability orders at court to the value of £5,705.10. Only 9 of these were sent to the bailiffs – 3 were paid before they were sent and one was agreed to hold onto until mid-January 2019 when the ratepayer's redundancy money is expected.

1377 TO REVIEW THE CONTRIBUTION TOWARDS THE DAMAGE TO A CONCRETE FARM YARD AT CLAYDYKE, HOLLAND FEN - Agenda Item 8

The Chief Executive explained that this issue has been discussed at various Committee and Board Meetings prior to this.

Mr R Gadd has spoken to the new NFU Representative and it seems that the issue is that he is not happy because he was not given the opportunity to meet the Northern Works Committee at the Inspection in the Spring. He has again, through the NFU Representative, requested to meet on site. The board has answered his questions and he has accepted the situation with regards to the byelaws. However, he keeps coming back to wanting to meet on site.

The Chief Executive proposed that Mr R Leggott and Mr P Robinson (the two Board Members Mr R Gadd has spoken to regarding this) along with himself and the Operations Manager meet Mr R Gadd on site.

Mr P Holmes stated that Mr R Gadd was offered multiple dates to meet which have not been taken up. He further noted that a decision will not be able to be made on site – it will have to go back to Committee.

The Chief Executive responded that the meeting is a matter of respecting Mr R Gadd's wishes to meet on site, the decision to withdraw the offer has already been made. He further noted that if Mr R Gadd wants to re-lay the concrete he will have to apply for byelaw consent to do so which includes the consenting conditions that the board are not responsible for the new works.

The Chairman agreed that the contribution offer has been withdrawn but that the two Board Members and Officers should still meet Mr R Gadd on site. If the Officers then feel the contribution offer should be given then it will have to go to the Board meeting in February 2019.

Mr M Rollinson felt that Mr P Holmes should also attend the site meeting as Chairman of the Northern Works Committee.

Mr J Fowler suggested that if Mr R Gadd wishes to accept a renewed offer that he should request it in writing before the Board meeting on the 8th February 2019.

1378 TO REVIEW THE COST ALLOCATION FOR THE DAMAGE CAUSED TO AN UNCONSENTED OBSTRUCTION AT ASGARBY BECK - Agenda Item 9

The Chief Executive explained that one of the board's machines has recently damaged an irrigation pipe which was laid on the top of the bank. This irrigation pipe was not consented and the landowner was notified. As a result of this, the board have invoiced the landowner for the damage caused to the watercourse. They have subsequently sent an invoice to the board for repairs and replacement of the irrigation pipe.

Mr M Rollinson stated that he hasn't discussed this with the landowner but has looked into this issue as a 'whole' further. He noted that the landowner could argue that it predates consent and questioned what the policy was for retrospective consents when consenting was brought in? The Finance Manager clarified that retrospective consent can't be issued as per the Land Drainage Act.

Mr M Rollinson further referred to Policy 08 (Relaxation of Board Byelaw No.10) explaining that everything is mentioned apart from irrigation hydrants and Anglian Water mains which he felt required adding. The Chief Executive questioned whether everything should be itemised / listed as any structure within the 9m should be consented.

Mr M Rollinson felt that all ratepayers should be contacted and given a twelve-month amnesty for all that predated consent. The Chairman agreed and added that he felt it isn't really the board's 'fault' or the landowners – it is just not being marked and the drivers don't know it is there.

The Chief Executive has also spoken to the NFU representative who has said he would be happy to publicise the problem of non-consenting equipment such as irrigation pipes and the damage it can cause for both the board and the landowner. He has also suggested that an article be included in 'British Farmers and Growers'.

Mr M Rollinson referred back to Policy 08 stating 'If works are carried out without consent then a fine may be imposed and the works removed'. Mr M Rollinson felt that a set period of amnesty be given and if there are still remaining unconsented works after that then the board have the right to act on this.

Mr J Fowler suggested that it is first of all said 'the board will not be responsible for any damage caused to the equipment' and that the board then have the right to remove it as he didn't want to risk alienating ratepayers.

The Chief Executive clarified that the Board wouldn't be retrospectively consenting already completed works but instead would be consenting the marker post to identify it is there. Discussion then took place round whether the £50 consent fee should also be waived during the period of amnesty. It was felt it would be more successful if there was no consent fee as the landowner will already have a cost associated with putting in the marker post.

Cllr P Bedford questioned who would decide on the specification of post? It was clarified that the Chief Executive, Operations Manager and the Chairmen of the Works Committees would discuss this.

The Chief Executive clarified that the amnesty will include no consent fee and conditions of the type of marker to be erected. It can then be logged on the board's GPS system and should then avoid being hit in future.

Mr M Rollinson noted that the GPS is the most important aspect of this, as marker posts could be knocked down. However, the board need to be aware of where they all are first.

Mr P Holmes suggested that Mr P Green could be employed for a few hours of the day to visit the landowners to gather this information. The Chairman felt this was a good idea. Mr M Rollinson noted that there are also particular ratepayers that need to be prioritised i.e. those that are regularly irrigating.

The Chief Executive also noted that the Rating Brochure will be sent out in a few months' time and so it could be included in there.

The Finance Manager questioned if this should be tied in with the new Byelaws? They will hopefully soon be signed off, however, it may not be before April 2019, we have already been waiting 18 months. Mr P Holmes suggested that it is included in the brochure that there are new byelaws coming out but they are not yet ready to be published. It was clarified that things can be added into the Policy as long as it doesn't contradict the Byelaws. It was further clarified that it will have to go to the Audit & Risk Committee before the Board.

Discussion reverted back to this particular issue, with the Chairman suggesting that if the board withdraw their invoice then the landowner may withdraw theirs. The Chairman proposed that the invoice is withdrawn. Mr M Rollinson suggested that it is worded to the landowner that an amnesty is being introduced for any unconsented structures within the 9m byelaw distance and as an act of good faith and taking part in this amnesty, the board will withdraw their invoice subject to the landowner withdrawing theirs. It was further added that this issue has brought to attention other unconsented structures which are now being addressed.

All AGREED that something similar to the above should be explained to the landowner, however, the invoice won't be withdrawn until there has been a meaningful response that theirs will also be withdrawn.

Mr J Fowler introduced a new case where equipment has also been damaged. He explained that he has spoken to Bannisters Farm who have had a second incident with their irrigation equipment being damaged under the A16.

Nobody at the farm was informed of the damage and so it was only found when abstraction failed. Mr J Fowler expressed his concern of the attitude around reporting back about incidents from the Operators.

The Chief Executive questioned if consent had been gained for these irrigation pipes? Mr J Fowler was unaware, but added that they were heavily marked. The Chief Executive stated that whether it be consented or non-consented, it is about trying to move away from a 'blame culture' and instead gaining a general awareness. The Chief Executive noted that the Workforce are in a training session tomorrow therefore this can be addressed.

The Chairman recognised that this is a problem that can put landowners 'backs up' and so it needs resolving. The Chief Executive also acknowledged that the boards most important relationship is with the ratepayers / landowners.

Mr J Fowler further noted other comments that always come back to IDBs including that landowners don't know when the board are going to work on their land and the lack of communication, particularly referencing summer cutting. He suggested that a text be sent to notify landowners that there is a Black Sluice IDB machine working in the area.

The Chief Executive suggested that it could be included in the Rating Brochure; for future summer cutting notification via text please return the relevant mobile number and geographical area.

It was concluded that it is not only the Black Sluice IDB Operators that need looking at, but also it is vital to get the landowners 'on-side'.

1379 ANY OTHER BUSINESS - Agenda Item 10

(a) UPGRADE ON DRAINAGE RATING SYSTEM

The Finance Manager explained that there is an upgrade available for the Drainage Rating System that enables a map to be brought up on screen at the press of a button. This was looked at in 2016 but was dismissed due to Sue Knox and Joe Mitchell having experience with the system and not being required. The situation has now changed, with novice users of the system. The upgrade is a cost of £5,000, which does not include any background data cleansing which may be required. This cleansing can be done at an additional £500 per day. The cost is for their time to upgrade the system. The Chief Executive noted that although it is a substantial initial outlay, it will help save in the long term, other Drainage Boards are already using it.

The committee felt it would be beneficial to gain this upgrade to the software, it was felt that if the team are prepared to take on the work and it will assist them in this then it will be helpful and will also bring the board in line with other boards. All AGREED.

(b) DAMAGE TO ROAD CAUSED BY BLACK SLUICE IDB MACHINES

Mr M Rollinson noted that a mess has been left by a Black Sluice IDB machine in Donington Caythorpe. He appreciates that the machine had to pull out on the road to turn around, but it has damaged the road considerably. The Operators will be spoken to regarding this in the training session tomorrow.

Mr P Holmes suggested it would maybe be useful to have a board member present at the training.

(c) SOUTH FORTY FOOT DRAIN DESILTING

Mr J Fowler questioned if there was any progress with the South Forty Foot Drain de-silting? It was stated that the Silt Cutter is in the water and the lagoon is going to commence being constructed on 2nd January 2019. The cutter will then start pumping on the 16th January 2019. On the 7th February 2019, the Royal Smals team will be holding a localised presentation day, with the location yet to be determined. There will also be the opportunity to view the lagoon on this day.

1380 CONFIDENTIAL – TO REVIEW SENIOR STAFF SALARIES - Agenda Item 11

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.

There being no further business the meeting closed at 15:55.