

BLACK SLUICE INTERNAL DRAINAGE BOARD

MINUTES

of the proceedings of a Meeting of the Board

held at the Offices of the Board on
13th June 2023 at 2pm

Members

Chairperson - * Mr K C Casswell

- | | |
|-------------------|------------------|
| * Mr W Ash | * Mr J Atkinson |
| * Mr V Barker | * Cllr P Bedford |
| * Mr J Fowler | * Cllr M Geaney |
| * Cllr A Hagues | * Mr P Holmes |
| Cllr Z Lane | * Mr M Leggott |
| Cllr D Middleton | Cllr C Mountain |
| * Mr R Needham | * Mr P Robinson |
| * Mr M Rollinson | * Cllr C Rylott |
| * Cllr D Scoot | Cllr H Staples |
| * Cllr S Welberry | Mr C Wray |
| * Mr M Brookes | |

* Member Present

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

2158 Recording the Meeting - Agenda Item 1

Members were informed that the meeting would be recorded.

2159 Apologies for Absence - Agenda Item 2

Apologies for absence were received from Cllr H Staples, Cllr D Middleton, Cllr Z Lane and Mr C Wray.

The Chairperson welcomed the new appointed Board members following council elections. Board Members introduced themselves.

2160 Declarations of Interest - Agenda Item 3

A declaration of interest was received from Mr W Ash in relation to the review of the annual value of rating account 30-3030-5 (neighbour of Mr W Ash).

2161 Minutes of the last Board meeting - Agenda Item 4

The Minutes of the last meeting of the Board held on the 14th February 2023, copies of which had been circulated, were considered and it was AGREED that they should be signed as a true record.

(a) Operation Flyswat - Minute 2090(a)

The Chairperson questioned if there is any update? It was confirmed that one of the Board's Officers has challenged the cost and service provided but there is no further update yet. The Board are awaiting the assignment of a Cllr to Operation Flyswat to get in contact with.

(b) Transformer at Gosberton Pumping Station - Minute 2090(c)

The Finance Manager confirmed that this has been installed and fully funded by Grant FCERM. The Board commended the work of the Operations Manager and team for achieving full funding. Mr P Holmes questioned whether future projects of the same nature will attract grant funding? The Operations Manager responded that they potentially will, noting that Wyberton Marsh Pumping Station is in progress.

Mr V Barker noted that he saw some of the equipment that was removed from Gosberton Pumping Station during this work, especially referring to the copper cables, and that he had asked those completing the work to return it to the depot and they wouldn't. Mr V Barker therefore noted the value of copper and the possible sale of such things? The Chief Executive responded that in this instance, the agreement was on a 'trade-in' basis whereby they were to remove, dispose and replace. Mr V Barker also noted the poor condition and deterioration of a section of the cable, which he wanted the Board's Officer's to be able to see by it being returned to the depot.

(c) Plant - Mitsubishi L200 Trucks Replacement - Minute 2091(a)

The Board were informed that the four new Toyota trucks on order are now expected for delivery in September 2023.

(d) Pay Award 2023/24 - Minute 2092(b)

The Finance Manager confirmed that they conducted an employee feedback exercise on the offer which was 100% accepted. The Union were not happy with the way in which the exercise had been conducted but have now accepted it with assurance that it will be done differently going forward.

(e) Replacement options for the Twiga SPV2 - Hooby MH115 - Minute 2095

The new Hooby on order is now due for delivery in March / April 2024. They are honouring the agreed price.

(f) Aebi Machine Change - Minute 2095(ii)

The Board's existing Aebi has now been sold to Witham 3rd IDB and the new one arrived and in use. It cost under £50,000 to change the machine, as agreed.

(a) Environment Committee

The Chairperson of the Environment Committee presented the unconfirmed Minutes of the Environment Committee meeting held on the 7th March 2023, copies of which had been circulated. The Board RESOLVED that the Minutes should be received.

To adopt the following:

(i) Environment Committee Terms of Reference

The Environment Committee Terms of Reference were presented.

The Board RESOLVED that the Environment Committee Terms of Reference be adopted.

(ii) Policy 11: Biodiversity Action Plan

The Biodiversity Action Plan was presented.

The Board RESOLVED that the Biodiversity Action Plan (Policy No. 11) be adopted.

(b) Structures Committee

The Chairperson of the Structures Committee presented the unconfirmed Minutes of the Structures Committee meeting held on the 21st March 2023, copies of which had been circulated. The Board RESOLVED that the Minutes should be received.

Matters Arising

(a) Byelaw infringements and how the Board can engage more with the local planning officers - Minute 2118(c)

Mr W Ash questioned what approach the Board are taking to development within the 9-metre byelaw allowance?

The Chief Executive noted that this has been raised with the new appointed Board Members during the morning's induction, who can appreciate the point of view of the Board and the importance of clear access for the Board and are going to take it back to their respective councils. Lincolnshire ADA have also acknowledged it and want to complete a national piece of work around it.

The Chief Executive confirmed that currently the Board consent to some applications within the 9-metre byelaw area that is not believed will affect the Board's access and maintenance, for example, the planting of a hedgerow six meters from the watercourse. Mr W Ash disagreed with this. The Chief Executive noted his delegated authority means he can consent to things he feels comfortable won't affect the Board's operations but will present anything he is not entirely comfortable with to the committee for approval. All consents given are also listed within the Board agenda.

(b) Supporting a Rate Payer with a claim against Network Rail - Minute 2121(b)

The Board were informed that the Board's Professional Indemnity insurance did not cover the Board producing a specialist report, providing an opinion, so the Board just provided the information.

To adopt the following:

(i) Structures Committee Terms of Reference

The Structures Committee Terms of Reference was presented.

The Board RESOLVED that the Structures Committee Terms of Reference be adopted.

(ii) Policy No. 9: Structures Replacement Policy

The Structures Replacement Policy was presented.

The Board RESOLVED that the Structures Replacement Policy (Policy No. 9) be adopted.

(c) Northern Works Committee

The Chairperson of the Audit & Risk Committee presented the unconfirmed Minutes of the Audit & Risk Committee meeting held on the 13th April 2023, copies of which had been circulated. The Board RESOLVED that the Minutes should be received.

(d) Audit & Risk Committee

The Chairperson thanked those at Boston Borough Council for allowing Mr M Brookes to continue as a Lay Member of the Board, enabling him to continue chairing the Audit & Risk Committee.

The Chairperson of the Audit & Risk Committee presented the unconfirmed Minutes of the Audit & Risk Committee meeting held on the 25th April 2023, copies of which had been circulated. The Board RESOLVED that the Minutes should be received.

Matters Arising:

(i) Insurance arrangements - Minute 2139

The Finance Manager presented the quotations he has received for potential changes in insurance policy at the request of the Audit & Risk Committee, for the Board's consideration.

Motor Fleet and Commercial Vehicles

This considers the providing of a vehicle if the Board's was not able to be used.

For motor fleet vehicles, the insurer can only offer up to £30 per day, the annual premium would be £1,248.96. The Finance Manager felt this was a lot of money in comparison to the little gain of £30 per day.

For commercial vehicles (five excavators), the insurer can only offer up to £100 per day, the annual premium for 30 days is £781 and for 90 days is £1,562. Again, the Finance Manager felt the premium was high in comparison to what the Board would benefit if used.

The Board felt these were not value for money.

Business Interruption Terminal Ends

This would be to ensure the Board had a source of electricity. The Finance Manager noted the Board's 34 pumping stations, and that electricity could easily be lost in a major event.

However, the insurer is not able to offer this, as the underwriters have advised this due to the type of cover being typically taken out when the majority of the income is derived away from the premises (34 pumping stations at separate locations).

Public and Products Liability

The Board currently has £10million of cover, this considers an increase to £15million or £20million cover.

Approximate annual premium for £15million cover is an additional £1,512 and approximate annual premium for £20million cover is an additional £2,352.

The specific example given at the Audit & Risk Committee was noted to the Board about if a teenager got into the depot or a pumping station and injured themselves, whether £10million cover would be sufficient?

The Chairperson was of the opinion to increase to £15million. Mr M Leggott supported this.

All AGREED to increase the public and products liability cover to £15million (the Finance Manager believed this can only be actioned at renewal, but would make the request to NFU).

Environmental Liability

The Board currently has £1 million cover, this considers an increase to £2million cover. The additional annual premium is £1,826.

It was noted the Audit & Risk Committee considered whether £1 million would be enough for clean up costs?

Mr P Holmes questioned what the Board envisage happening to cost over £1million to clear up? It was noted it could be something dumped, the Unimog overturning and oil entering the watercourse.

Mr J Fowler supported the increase in cover, noting that government agencies could be involved in pollution incidents and the clean-up and restoration.

The Chief Executive noted the Environment Agency (EA) introduced the increased cover for the natural flood management works because of illegal dumping, however, noted that for there to be illegal dumping you have to own the land being dumped on and the Board own very little (depot and small areas at pumping stations).

Mr J Fowler noted the circumstances of a poison entering one of the watercourses the Board maintains? The Chief Executive responded that the Board are only responsible for the conveyance of water, pollution in a watercourse is the responsibility of the EA.

The Finance Manager emphasised that this cover is for a pollution the Board caused.

Cllr S Welberry questioned if a risk assessment has been carried out? It was confirmed that one hasn't, and it was felt the likelihood is low.

The Chief Executive gave a realistic example; the Board could be desilting a drain and it be contaminated, which is then pumped into the lagoon on land the Board has rented. The Chief Executive supported the increase in cover.

Mr V Barker gave an example of where a third party had delivered some nitrogen to his farm, which leaked in the following days, and therefore supported the increase in cover.

All AGREED to increase the Environmental Liability cover from £1million to £2million with immediate effect.

To adopt the following:

(ii) Policy Statement Water Level & Flood Risk Management (Policy A)

The Policy Statement was presented.

The Board RESOLVED that the Policy Statement Water Level and Flood Risk Management (Policy A) be adopted.

(iii) Policy No. 1: Risk Management Strategy

The Risk Management Strategy was presented.

Mr M Brookes noted that discussion was had by the Audit & Risk Committee around potentially reducing the maximum amount to be invested in one place from £300,000 to £200,000. However, the Finance Manager noted that the Executive Committee met following this meeting and have a different view based on potential investments being offered. This is discussed further at Minute 2163(e)(i).

The Board RESOLVED that the Risk Management Strategy (Policy No. 1) be adopted.

(iv) Policy No. 3: Financial Regulations

The Financial Regulations were presented.

The Board RESOLVED that the Financial Regulations (Policy No. 3) be adopted.

(v) Policy No. 4: Procurement

The Procurement Policy was presented.

Mr V Barker noted that for some specific products, the Board only has one supplier, questioning if the Board look further than the UK, in Europe, for additional potential suppliers? The Operations Manager responded that, in reference to the trench sheet piles, the Board require a specific profile and can guarantee it and the service from the one same supplier. Other suppliers have been used in the past, that state they are the same profile, but are then not quite the same and don't fit together.

The Board RESOLVED that the Procurement Policy (Policy No. 4) be adopted.

(vi) Policy No. 23: H&S Policy for Display Screen Equipment

The Health and Safety Policy for Display Screen Equipment was presented.

The Board RESOLVED that the Health and Safety Policy for Display Screen Equipment (Policy No. 23) be adopted.

(vii) Policy No. 25: Lone Worker

The Lone Worker Policy was presented.

The Board RESOLVED that the Lone Worker Policy (Policy No. 25) be adopted.

(viii) Policy No. 32: Data Protection

The Data Protection policy was presented.

The Board RESOLVED that the Data Protection policy (Policy No. 32) be adopted.

(ix) Policy No. 49: Health & Wellbeing

The Health & Wellbeing policy was presented.

The Board RESOLVED that the Health and Wellbeing policy (Policy No. 49) be adopted.

(x) Policy No. 50: Sickness Absence Management

The Sickness Absence Management policy was presented.

The Board RESOLVED that the Sickness Absence Management policy (Policy No. 50) be adopted.

To approve the following:

(xi) Internal Auditors Report 2022/23

The Internal Auditors Report 2022/23 was presented.

Mr M Brookes highlighted that the Board achieved 'substantial assurance' with no recommendations. Mr M Brookes, and the Board, thanked everybody involved in the achievement of substantial assurance in the internal audit.

The Board RESOLVED that the Internal Auditor's Report be noted.

(xii) Audit Programme 2023/24

The Audit Programme 2023/24 was presented.

The Board RESOLVED that the Audit Programme 2023/24 be noted.

Cllr D Scoot joined the meeting.

(e) Executive Committee

The Chairperson of the Executive Committee presented the Minutes of the Executive Committee meeting held on the 23rd May 2023, copies of which had been circulated. The Board RESOLVED that the Minutes should be received.

Matters arising:

(i) Investments - Minute 2151(a)(ii)

The Finance Manager reminded the Board that the Audit & Risk Committee have discussed about reducing the maximum investment limit to £200,000 from £300,000 to spread it and make the investments safer.

Brewin Dolphin have just been taken over by the Royal Bank of Canada (RBC), who currently have two cash deposit schemes available. The rates are 4.2% for 6 months and 4.5% for 12 months. Currently, the minimum deposit is £400,000 however, it is expected that this will be reduced to £250,000. The Executive Committee discussed and felt comfortable to invest the £300,000 currently with Monmouthshire (0.65%) with the RBC if the minimum deposit is reduced as expected. All AGREED.

The Finance Manager noted that if RBC don't reduce their minimum deposit, there is another option discussed by the Executive Committee with BGC Brokers (the Finance Manager has made initial contact but not had a response yet). All AGREED that if RBC don't drop their minimum deposit, then the Finance Manager to investigate three investments of £200,000 with BGC Brokers.

(ii) Cyber Security - Penetration Testing - Minute 2157(b)

The Board were informed that the order for the penetration test has been placed.

(iii) ADA Flood & Water Live Event - Minute 2157(d)

The Chairperson noted the Flood and Water Live Event being organised by ADA on 5th and 6th July and the importance of good attendance at it, encouraging Board Members to attend.

(iv) Visit from Minister Pow - Minute 2157(f)

The Chief Executive explained that Minister Pow, Minister for Environmental Quality and Resilience, visited the area last week, starting with a tour with Lincolnshire Wildlife Trust at Willow Tree Fen, followed by viewing the major natural flood management works at Swaton, of which she was impressed with the large scale of the work. This was followed by a visit to Swaton Village Hall for a presentation by the Anglian Water team about the Lincolnshire Reservoir. A working lunch was then held at the Board's offices, including a presentation from the Chief Executive about the Board's other natural flood management works, followed by a visit to Boston Barrier and Black Sluice Pumping Station (Boston). The Chief Executive added that the Minister had a lot of knowledge and asked intriguing and challenging questions.

The Chief Executive also noted the Rationalising the Main River Network to the Minister, which is currently in the hands of the Environment Agency to progress. The Chief Executive noting to her that the Board, with the correct finances and conditions, are prepared to take on some of the low consequence highland carriers.

To approve the following:

(v) Period 12 Management Accounts (amended)

The Board RESOLVED that the Period 12 Management Accounts be approved.

(vi) 10 Year Schemes Budget

The Finance Manager noted that the content in red are schemes that have received grant funding but has not yet been spent.

The Board RESOLVED that the Capital Schemes Budget be approved.

(vii) 10 Year Plant Replacement Budget

The Finance Manager noted that the Aebi change has not been changed on this budget yet and so will be removed from replacement in 2029/30.

The Board RESOLVED that the Plant Replacement Budget be approved.

(viii) 10 Year Estimates to reflect scheme updates and 2022/23 year end position

The Finance Manager noted the aim for the General Reserve, as follows:

- Maintain - Maintain the General Reserve at between three and twelve months of net revenue expenditure. (As per JPAG Practitioners Guide)
- Aim - Aim to be able to fund a minimum of two consecutive "Wet" years of Electricity from the General Reserve.
- Budget - With the General Reserve at the target level aim for a balanced budget.

The Board RESOLVED that the 10 Year 2023/24 Budget and Estimates be approved.

(ix) Confidential - Future arrangements of the Board

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 1(2) of the Public Bodies (Admission to Meetings) Act 1960.

2164 Approval of the Draft Unaudited Financial Statements for Year Ending 31 March 2023 - Agenda Item 7

The Finance Manager explained that the draft unaudited financial statements are a summary of the Period 12 Management Accounts.

The Board RESOLVED for the Chairperson to sign the unaudited financial statements for the year ending 31 March 2023.

2165 To review and approve the Annual Governance Statement - Agenda Item 8

The Finance Manager explained that this is part of the Annual Governance and Accountability Return 2022/23, which is a further summary of the unaudited financial statements.

The Board RESOLVED that the Annual Governance Statement be signed and approved.

2166 Approval and authorisation for the Chairperson to sign the Annual Governance and Accountability Return for the year ending 31 March 2023 - Agenda Item 9

The Finance Manager presented the Annual Governance and Accountability Return.

The Board RESOLVED that the Annual Governance and Accountability Return for the year ending 31 March 2023 be signed and approved.

2167 To receive the minutes of the ADA Joint Lincolnshire Branch and Nene Branch Meeting - Agenda Item 10

The Chairperson presented the minutes of the ADA Joint Lincolnshire Branch and Nene Branch Meeting held on 23rd February 2023.

The Chairperson noted that they received a presentation about the Fens 2100+ project at this meeting, noting that the one element they won't commit to stating anything about is the lifting of the seawalls. Mr M Leggott noted that he asked Amy Shaw about this, who confirmed that they were part of the proposed works.

2168 To receive an update on Local Government Funding Support - Agenda Item 11

The Chairman noted the below allocations of the £3million grant funding, to councils, for the increase in Internal Drainage Board levies:

Local authority	Allocation (£)
Bassetlaw	£181,977
Boston	£318,890
East Cambridgeshire	£104,160
East Lindsey	£927,373
Fenland	£177,281
Folkestone and Hythe	£32,043
King's Lynn & West Norfolk	£205,451
Lincoln	£141,926
Newark & Sherwood	£239,690
North Kesteven	£143,975
North Norfolk	£35,265
South Holland	£298,739
South Kesteven	£87,761
Swale	£41,388
West Lindsey	£64,082
Total	£3,000,000

The Chief Executive believed that the allocations cover the uplifts from the IDBs.

The Chief Executive further noted that he discussed this with Minister Pow and that the councils will be trying for funding again next year, to which the Minister was encouraging.

Mr M Rollinson hoped that this was the beginning of the special levy being centralised and paid by the government rather than the council. The Chairperson noted that the Board may have to operate differently if that happens, as the government may be able to dictate how the IDB operates. Cllr P Bedford didn't think it was likely to happen as it only affects the 15 councils listed above.

2169 To review the annual value of rating account 30-3030-5 - Agenda Item 12

The Finance Manager gave an overview of this matter from a rating perspective as follows. There are certain buildings that attract a special building value. This was determined by the original valuation that commenced in 1988 which gave a special building value to any building that involved intensive farming, e.g., chicken sheds, piggery, glasshouses etc.

If a rate payer informs the Board that they no longer use a special building for its specific purpose, i.e., glasshouses no longer used to grow plants, chicken sheds no longer used to house poultry etc. and are used instead for storage, for example, the Finance Manager will visit the site to determine this. There should be no specialist equipment remaining and clearly not be able to be used for that purpose in order to remove the special building value.

In this case (Account ID: 30-3030-5), the chicken sheds were in place in 1988. If the special building value was to be removed now, it would need to have no specialist equipment and clearly be no longer used for that purpose.

The Finance Manager noted that he visited the site with the owner of the chicken sheds. The Finance Manager explained that he is of the opinion that they are still chicken sheds and could still be used for that purpose. The Finance Manager continued that there is still specialist equipment in place and that the owner intends to sell them as chicken sheds.

Mr W Ash noted that he doesn't believe the current state of the chicken sheds would pass the required condition to be used as a chicken shed, that the owner uses the sheds as storage and has no intention of using them for housing poultry.

The Finance Manager acknowledged this, but noted it is down to how the Land Drainage Act 1991 was written and that if it is de-classified as a special building it can't then be classified as a special building in the future if it were to ever be used as chicken sheds again, by the current owner or any future owners / tenants.

Mr P Holmes felt that given that the owner intends to sell them as chicken sheds they should remain as a special building.

Mr V Barker gave another example whereby existing chicken sheds had been rebuilt, supporting that they should remain as a special building.

Mr M Leggott felt it was within the owner's interest to continue paying rates as a special building to keep them classified as chicken sheds in order to add value to that asset.

Mr M Rollinson noted that the Board does sympathise with the owner, but that it cannot be changed because of the way the Land Drainage Act works.

All AGREED that the chicken sheds should remain classified as a 'special building' with a special building rate.

2170 To review the Risk Register - Agenda Item 13

There is one risk with a risk score of 6, Risk 1.9 Insufficient funds to carry out works, which has this high score due to the volatile electricity prices.

The Board RESOLVED the Risk Register be accepted.

2171 Reports on the following: - Agenda Item 14

(a) Monthly Accounts: (February 2023 - May 2023)

The Board's monthly accounts, inclusive of February 2023 - May 2023, were circulated.

The Board RESOLVED that this report be noted.

(b) Monthly Accounts: Woldmarsh (January 2023 - April 2023)

The Board's monthly Woldmarsh invoices, inclusive of January 2023 - April 2023, were circulated.

The Board RESOLVED that this report be noted.

(c) Schedule of Consents (February 2023 - May 2023)

The Chief Executive presented the Schedule of Consents, consisting of February 2023 - May 2023, copies of which had been circulated.

Mr V Barker acknowledged that grid references are included, but questioned if the location could be included? Mr J Fowler noted that the grid references are identifiable on the Board's interactive catchment map on the website. The Chief Executive confirmed that locations can be included.

Mr M Leggott referred to byelaw consent 2023-B06, erection of boundary fence, questioning the conditions that have been given with this consent? The Chief Executive noted that he will find out and let Mr M Leggott know.

The Board RESOLVED that this report be noted.

(d) Rainfall

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

The Board RESOLVED that this report be noted.

2172 Any Other Business - Agenda Item 14

(a) Membership of committees

Mr M Brookes noted that, following elections, there are now vacancies on committees, questioning when this will be addressed? It was confirmed that there will be a meeting of the Nomination Committee and that any new appointed members that have specific interests to let the Board know.

Cllr M Geaney expressed an interest in the Audit & Risk Committee.

Cllr S Welberry expressed an interest in the Environment Committee.

(b) Thank you to Ian Warsap – Retirement of Chief Executive

The Chairman noted that this is Ian's last meeting as Chief Executive. The Board thanked Ian for his brilliant work as Chief Executive and applauded.

It was noted that the Board will mark Ian's retirement next year, in conjunction with the retirement of the Chairperson.

The Chief Executive thanked the Board for his time and also for the support shown in difficult circumstances over the past year.

There being no further business the meeting closed at 15:33.