

BLACK SLUICE INTERNAL DRAINAGE BOARD

MINUTES

of the proceedings of a meeting of the Executive Committee

held at the offices of the Board on
14th September 2023 at 2pm

Members

Chairperson - * Mr K C Casswell

* Cllr P Bedford

* Mr J Fowler

* Mr M Rollinson

Mr M Brookes

* Mr P Holmes

* Member Present

In attendance: Mr D Withnall (Chief Executive)
Mr P Nicholson (Capital Projects Director & Deputy CEO)

2185 Recording the Meeting - Agenda Item 1

Committee members were informed that the meeting would be recorded.

2186 Apologies for absence - Agenda Item 2

Apologies were received from Mr M Brookes.

2187 Declarations of Interest - Agenda Item 3

There were no declarations of interest.

2188 Minutes of the Meeting - Agenda Item 4

Minutes of the meeting held on 23rd May 2023, copies of which had been circulated, were considered and it was AGREED that they should be signed as a true record with the following amendment:

- Minute 2151(a)(i) – Spelling mistake – ‘...and is barley noticeable’ should be ‘...and is barely noticeable’.

2189 Confidential Minutes of the Meeting - Agenda Item 5

Confidential Minutes of the last meeting held on 23rd May 2023, copies of which had been circulated, were considered and it was AGREED that they should be signed as a true record with the following amendment:

- Minute 2156 - ‘...affluently’ should be ‘...fluently’.

2190 Matters Arising - Agenda Item 6

(a) Pay Award 2024/25 - Minute 2150(a)

The Chief Executive noted that negotiations for the Pay Award 2024/25 will be ongoing at a meeting of the ADA Pay & Conditions Committee next week.

The figures used to create the formula for the pay award have been published as follows:

- 12 Month average year on year figure = 6.45% (adopted to generate the 2.1% last year)
- 3 Month average year on year figure = 12.2% (Figure previously used)
- CPI(H) July 2023 = 6.4%
- RPI July 2023 = 9%

Unison have submitted a pay claim of an increase on all salary points / wage rates equal to July 2023 Retail Price Index (RPI) 9% plus 2%.

It was noted that the IDB's involved with the negotiations are as follows:

- Black Sluice IDB
- North East Lindsey IDB
- South Holland IDB
- Upper Witham IDB
- Witham First IDB
- Witham Third IDB
- Witham Fourth IDB

(b) Electricity (Woldmarsh & Pumping Regime) - Minute 2151(a)(i)

Mr J Fowler noted that he believes there is an emerging trend in electricity prices where the lower night rates are being increased, meaning the night rate is not that much cheaper than the day rate. Mr J Fowler believing that the electricity companies are overcoming the Ofgem price cap by increasing the night rates, noting that careful observation needs to be given to this in any electricity negotiations.

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

It was noted that the Board's £500,000 invested with Brewin Dolphin is not doing well, currently at £398,962. The Chairperson felt it would be beneficial for the Brewin Dolphin representative to attend the next Executive Committee meeting in December to discuss this. All AGREED.

(d) 2023/24 10 Year Plant Replacement Budget - Minute 2153(b)

The Projects Director informed the committee that the four new Toyota Trucks are due to be delivered in October (three trucks on the 14th October and the fourth on the 24th October). The trade in value of the current Mitsubishi trucks will need to be established.

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

The Chief Executive informed the committee that the penetration testing has now been completed, with the following three vulnerabilities identified and corrected as below:

- Port open on the telemetry – was used by Oriel to work on them, a different secure access has now been given to Oriel.
- SSL Certificates were self-signed – cost of £300, now not self-signed.

- User Portal open (used by users to log into firewall to download the software to access the system) – has been shut down.

The Board's network is now as secure as it can be.

(f) Starlink Internet - Minute 2157(c)

The Chief Executive questioned how Mr P Holmes was finding Starlink? Mr P Holmes reported that he is getting on well, hasn't has any issues and it seems stable.

(g) Finance Assistant - Alexandra Emms - Minute 2156

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.

2191 Period 05 Management Accounts - Agenda Item 7

The Chief Executive presented the management accounts.

Firstly, noting a correction on the bottom of the balance sheet, as displayed below:

		Current Interest Rate @ 12/09/2023	Balance	Annual Equivalent Income
Natwest	Drawings Account	N/A	£ (91,219)	
Natwest	Call Account	N/A	£ 10,000	
Natwest	Natwest Reserve Account	1.71%	£ 881,408	£ 15,072
Natwest	35 Day Notice Account	3.25%	£ 1,500,000	£ 48,750
	Petty Cash	N/A	£ 425	
Natwest	Chargecard	N/A	£ (2,797)	
Loughboough BS	12 Month fixed term deposit	5.65%	£ 200,000	£ 11,300
Vernon BS	12 Month fixed term deposit	6.00%	£ 200,000	£ 12,000
			£ 2,697,817	£ 87,122

The Chief Executive highlighted the Loughborough and Vernon Building Society's interest rates of 5.65% and 6%. Also noting 3.25% on the Natwest 35-day notice account, noting that there is another option with Natwest for a 95-day notice account, but it is only attracting 4.25% and so the Chief Executive didn't believe it was worth changing to the longer notice period.

The Chief Executive also noted that BGC have not yet provided an option for investing another £200,000 for twelve months.

Mr M Rollinson questioned how the Board would stand with Government Bonds? Noting that it is 6.2% for 12 months.

The Chief Executive responded that he can ask if the Board can take them out direct. Adding that it is not currently permitted within the Board's Financial Regulations, but that could be considered and reviewed by the Audit & Risk Committee if it were a possibility.

(i) Insurance Renewal

The Chief Executive presented the insurance renewal premium as displayed below (like for like 2022/23 to 2023/24):

	NFU 2022/23 after adjustments in year	NFU 2023/24	Increase in Premium	Premium Increase %
Motor Fleet	£ 16,112.61	£ 15,670.34	-£ 442.27	-2.74%
Commercial Combined	£ 52,310.01	£ 48,053.11	-£ 4,256.90	-8.14%
Excess Liability (Extra £10m Public, £5m Employers)	£ 3,528.00	£ 3,472.00	-£ 56.00	-1.59%
Environmental Liability (cover doubled)	£ 3,808.76	£ 6,050.24	£ 2,241.48	58.85%
Engineering Inspection	£ 9,555.07	£ 9,824.50	£ 269.43	2.82%
Professional Indemnity	£ 3,024.00	£ 3,024.00	£ -	0.00%
Management Liability	£ 2,232.72	£ 2,232.72	£ -	0.00%
TOTAL PREMIUM	£ 90,571.17	£ 88,326.91	-£ 2,244.26	-2.48%
VAT	£ 1,911.01	£ 1,964.90		
	£ 92,482.18	£ 90,291.81		

It was noted that the renewal price has not been received yet for the figures highlighted in yellow.

The committee noted the positive insurance renewal figures.

The Chief Executive also noted the recent insurance inspections carried out by Vulcan, who are being very thorough and detailed. Some immediate concerns have been raised about elements at the pumping stations, which will be prioritised and resolved. The Projects Director added that although it must be safe, it still needs to be operationally feasible.

2192 Direction on 2023/24 Budgets and Ten-Year Estimates - Agenda Item 8

The Chief Executive noted that the Board has not needed to use the extra finance budgeted for electricity and so a large favourable budget is showing. However, how much is needed in the remaining financial year is very much weather dependant, the favourable weather conditions being noted. Currently the Board is in a positive financial position and so hopefully a reasonable increase will only be required, following the large increase last year. The Chief Executive also noted that because the electricity prices have reduced and are now known, the figure the Board are aiming towards (to be able to fund a minimum of two consecutive "Wet" years of electricity from the General Reserve) will be less than what was being aimed for when setting the budgets this time last year.

Mr M Rollinson noted how varied the electricity prices have been.

It was noted that the funding received from the government to help the councils pay the Speical Levies last year was described as a one-off, but is not strictly not possible in the future, now it has been done once.

(a) 2023/24 Capital Schemes Budgets

The Projects Director noted that he has removed some possible Board contributions for catchment studies for next year (£30,000 across Bicker Fen, Dunsby Fen and Ewerby Fen), as it is not known yet what these contributions may be.

It was noted that the draft report for the whole catchment study is expected this week. There may be some catchments where funding will not be achievable for the works and so contributions will be required from either the Board or partners (e.g. ASDA for work at Allan House Pumping Station).

The Projects Director continued that he has added in 2024/25 and 2025/26 a budget of £75,000 for each year for further Natural Flood Management (NFM) studies. In reference to the NFM works, grant funding has been achieved, with the Projects Director of the opinion that gaining more funding would be achievable, the challenge is delivering those works on site, however, they have now started to roll out. Mr M Rollinson noted his concern that a lot of the NFM schemes will be affected by the Lincolnshire Reservoir. The Projects Director noted that many schemes are on a ten-year basis. The Projects Director noted that Lesley Sharpe, who currently fronts the NFM work, is due to retire in 2025, however, she is training her successor.

Mr M Rollinson referenced the desilting of the South Forty Foot Drain (SFFD) and whether there is apprehension from the Environment Agency (EA) to complete these works due to the potential works on the SFFD as a result of the Lincolnshire Reservoir? The Projects Director noted that they are probably conscious of it. It was noted that if it hadn't been desilted, then the consequences and effects of the fluvial event in 2019 would have been a lot greater. The Chairman noted the importance of maintenance of what has already been done.

Mr P Holmes questioned that, now it can be emptied quicker using the nav lock, is it more self-cleansing? The Projects Director responded that there would be no way of identifying that without regular survey data, however, he did note that the highland carriers contribute a lot of silt into the SFFD.

The Projects Director noted that he had previously priced 150 NFM interventions.

Mr M Rollinson noted that it has now been confirmed that NFM work can be double funded alongside Sustainable Farming Incentive (SFI), if the funding is external from the EA and so this may encourage more NFM works.

It was also highlighted that the Board have put in a bid for a peat project (two sites at Bourne Fen), there were 48 bids received and so it has now gone to a formal Defra bid.

(b) 2023/24 Plant Budget

The Projects Director noted the revised estimated trade in values for the Mitsubishi trucks, being replaced by Toyotas, which are due to be received in November.

The Projects Director next referred to the ride-on lawnmower, noting that he has received some indicative quotes to change, which are coming back at around £28,000. The estimated trade in value is a figure generated from a generic formula, a company trade-in value is being awaited for. It was noted that the Pump Engineer has expressed an interest in an electric lawn mower (current mower is diesel), which would be around the same price.

It was felt that more needed to be known about how long it would last and the logistics of charging it.

Mr P Holmes questioned if there is any update on the Hooby? The Operations Manager noted that there is no update currently.

Reference was made to the Hitachi and the possibility of pushing back its replacement date, noting that it is in good condition. It was noted that the Hitachi's are more expensive but are more reliable, more cost efficient to run, the repairs are cheaper when needed and it holds its value, also preferred by the workforce. It was noted that Hitachi and Volvo will be looked at when changing the excavators, noting their long-term value.

It was also noted that one of the workforce has raised that his JCB excavator is not stable and the track is lifting off the ground with a long reach arm on. It is therefore booked in to have a trial with an adjustment to the counterweight in October.

2193 To receive the External Auditor's Opinion for 2022/23 - Agenda Item 9

The Chief Executive noted that there was nothing of concern raised by the External Auditors. It also being noted that the Finance and Admin Director compiled it for the first time this year.

2194 To consider committee membership - Agenda Item 10

Audit & Risk Committee (2 vacancies) – It was noted that Cllr M Geaney has expressed her interest in joining the Audit & Risk Committee and it was felt she would be an asset on it. It was also noted that only Cllr M Geaney has expressed an interest in the committee, but that there are two vacancies. It being further noted that Cllr Z Lane had expressed an interest in the Environment Committee but there being no vacancy for her, suggested that she may be interested in joining the Audit & Risk Committee. All AGREED Cllr M Geaney be asked to join the Audit & Risk Committee and the Chairperson of the Audit & Risk Committee to discuss with Cllr Z Lane about her also joining the committee.

Environment Committee (1 vacancy) – It was noted that Cllr C Rylott has expressed her interest in joining the Environment Committee and it was felt she would be an asset on it. Further reference was made to succession planning and whether Mr J Atkinson would be prepared to stand down from the Environment Committee and his son, Mr G Atkinson (co-opted member) fill his vacancy. Likewise, it was suggested that perhaps Mr R Welberry (co-opted member) may wish to stand down from the committee in order for his daughter, Cllr S Welberry (Board Member), to join the committee. All AGREED Cllr C Rylott be asked to join the Environment Committee and for the Chairperson of the Environment committee to discuss with Mr J Atkinson and Mr G Atkinson, and Mr R Welberry and Cllr S Welberry about the possible options regarding the committee outlined above.

Structures Committee (2 vacancies) – It was noted that Cllr D Middleton and Mr M Leggott have expressed their interest in joining the Structures Committee and it was felt that they would be an asset on it. All AGREED Cllr D Middleton and Mr M Leggott be asked to join the Structures Committee.

2195 To review the draft timetable for 2024 meetings - Agenda Item 11

The committee RESOLVED to recommend the below timetable of meeting dates for 2024:

Executive	Tuesday 16 th January 2024	2pm
Board	Tuesday 6 th February 2024	2pm
Environment	Tuesday 27 th February 2024	2pm
Structures	Tuesday 19 th March 2024	2pm
Southern Works	Tuesday 9 th April 2024	-
Audit & Risk	Tuesday 30 th April 2024	2pm
Executive	Tuesday 21 st May 2024	2pm
Board	Tuesday 11 th June 2024	2pm
Northern Works	Tuesday 2 nd July 2024	-
Executive	Tuesday 17 th September 2024	2pm
Joint Works	Tuesday 8 th October 2024	2pm
Audit & Risk	Tuesday 29 th October 2024	2pm
Board	Tuesday 19 th November 2024	2pm
Executive	Tuesday 10 th December 2024	2pm

It was noted that there will be a full Board inspection next year to celebrate the retirement of the Chairperson and Chief Executive. It was suggested that this will be tied into the Board meeting on 11th June 2024.

2196 To consider the Wyberton Towns Drain Realignment - Agenda Item 12

The Projects Director reminded the committee that he has requested an indemnification of the Board's work if they carry it out due to the soil conditions and risk of it failing. Chestnut Homes are not happy to do this or any of the other options that have been suggested. The Project Director's recommendation being that if Chestnut Homes can't agree to an indemnification, then the Board won't complete the works.

The Chairperson agreed with the opinion of the Projects Director, noting his concern for the soil conditions there. Mr J Fowler and Mr P Holmes added their support.

It was noted that it is a Board maintained drain, if the work was carried out by a third party and then failed, the Board would remove anything blocking the conveyance of water but would recover the cost.

The Projects Director noted that he has suggested another option to Chestnut Homes of the Board completing the work but at an enhanced specification including revetment measures (additional £20,000), which, again, Chestnut Homes were not in agreement to.

It was suggested that the Board write to Chestnut Homes to outline the following three options Chestnut Homes have:

1. Works are completed by the Board to a high specification including revetment works.
2. Works are completed by the Board to a normal specification with an indemnity.
3. Works are completed by a third party adhering to the Board's specification.

All AGREED.

2197 To consider the current access to Great Hale Pumping Station - Agenda Item 13

The Capital Projects Director informed the committee that the Board require access across private land (132 metres) in order to access Great Hale Pumping Station. It was previously agreed by the Board in 2021 that an annual contribution of £150 would be made to the landowner for this. This year, an invoice was received from the landowner for an increased amount of £170. The landowner felt that the increase was justified given the increase in drainage rates in April 2023.

The Capital Projects Director noted that he has considered this, but also considered other private roadways which are used to access pumping stations.

Mr P Holmes suggested that it is increased now to the £170 and fixed at that for five years.

The Chairperson felt the landowner should get £150, as previously agreed, this year, and increase it for the following five years.

Cllr P Bedford was of the opinion that it should remain at £150.

Mr J Fowler suggested an alternative of payment in gravel.

It was noted that there is a caveat on his deeds, that he hasn't presented himself in a negotiable manner and so ALL AGREED that the Board's contribution to therefore remain at £150, as agreed by the Board in 2021.

The Projects Director questioned if the Board should be looking at alternative access to the pumping station (field access)? It was felt that the caveat on the deeds covered the Board's access.

2198 To receive an update on the new organisation structure in practice - Agenda Item 14

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.

2199 Any Other Business - Agenda Item 15

(a) Attendees for the National ADA Conference - 21 November 2023

The following are to attend the National ADA Conference on 21st November 2023:

- Daniel Withnall
- Keith Casswell
- Paul Nicholson
- Cllr Peter Bedford (provisionally)

Mr P Holmes noted that he will attend if anybody listed above can't make it.

(b) Retirement Lunch for Ian Warsap (Chief Executive)

It was confirmed that the Executive Committee, Chief Executive and Projects Director are to join Ian for lunch at the Black Bull, Donington on 12th October to mark his retirement from Chief Executive of the Board.

(c) Lincolnshire Reservoir Working Partnership Task & Finish Group

The Chief Executive noted that Ian (South Lincolnshire Water Partnership Consultant) has questioned whether the Board would like him to represent the Board on the Lincolnshire Reservoir Working Partnership Task & Finish Group. It being felt that this group is an extension of the SLWP, all AGREED.

(d) South Forty Foot Water Bank Pilot Study

The Chief Executive explained that Lindsay Hargreaves and David Matthews are promoting the SFF Water Bank Pilot Study, with the aim being to improve and make watercourses bigger so that the water can be stored within them, as opposed to the reservoir.

It was felt that this would require a large amount of surface area and not be practical.

It was suggested that the Projects Director to attend this meeting. Mr M Rollinson noted that if Board Member representation is required, he would be willing to attend.

It was also noted that they have requested the use of the Board Room for the first meeting, which the committee agreed were happy to do.

(e) Joint Works Committee – Attendance of SLWP Consultant

The Chief Executive questioned whether the committee want the South Lincs Water Partnership Consultant (Ian Warsap) to attend the Joint Works Committee on the 3rd October to give an update on the Lincolnshire Reservoir? All AGREED it would be beneficial for Ian to attend and give an update.

(f) Wash Barrier

The Chief Executive noted that ADA have been approached to get involved with the Wash barrier, which ADA have declined and noted to IDBs. The Chief Executive continued that he has discussed this with the Chairperson, it being felt that the Board should distance themselves from it at the moment to as remain neutral.

(g) Crop Loss Claim

The Chief Executive explained that some soil has been put on land within a cradge, which has overspilled, photos were displayed on screen. The landowner is seeking to claim crop loss compensation for the cradge and overspill for two years (too wet to push out so is not going to be able to be cropped for another year).

It was confirmed that when the cradge was built, there was no crop on the land and so, ordinarily, the Board wouldn't pay crop loss compensation.

It was confirmed that once the new surveying equipment has arrived, it will be used to attend the site and measure the area in question, noting that the landowner has provided his own measurements. It also being noted that the crop this year was peas.

Mr P Holmes and Mr M Rollinson felt that if the landowner couldn't crop it for two years, then he should be compensated for the area he couldn't crop, including the overspill.

It was confirmed that the Board's crop loss policy is only relevant in cases where a crop has been covered, it doesn't refer to when the land is bare but couldn't be cropped, as it is in this case. Mr M Rollinson felt that if the Board want to keep a good working relationship with landowners, then they should be compensated for cradges on their land, even if they did not lose a crop.

The Chairperson felt he should only be compensated for the second year, as he was notified of it the first year.

Mr P Holmes noted that he hasn't lost the crop, but has lost potential earnings from peas in that area and will then lose potential earnings from his next crop (wheat) if it is too wet to push out and so felt he should be compensated for two years.

Cllr P Bedford left the meeting.

It was noted that the landowner has varied the cradge width on his measurements, as opposed to taking an average line, which the committee felt was a fair measurement.

Mr M Rollinson suggested that the rate didn't ought to be at crop loss rate as he hasn't actually lost the crop. Mr M Rollinson therefore suggested that the John Nix Farming Book and use the average gross margin on the crops he would have drilled – peas and wheat. Mr M Rollinson suggested using the high figure from the book.

Mr J Fowler suggested another option of paying crop loss for one year and rent the area from him for the second year.

All AGREED to pay for the potential loss of income for each year, calculated using the high average figures stated within the John Nix book, applied to the area of the cradge and overspill (to be measured by the Board), for one crop of peas and one crop of wheat.

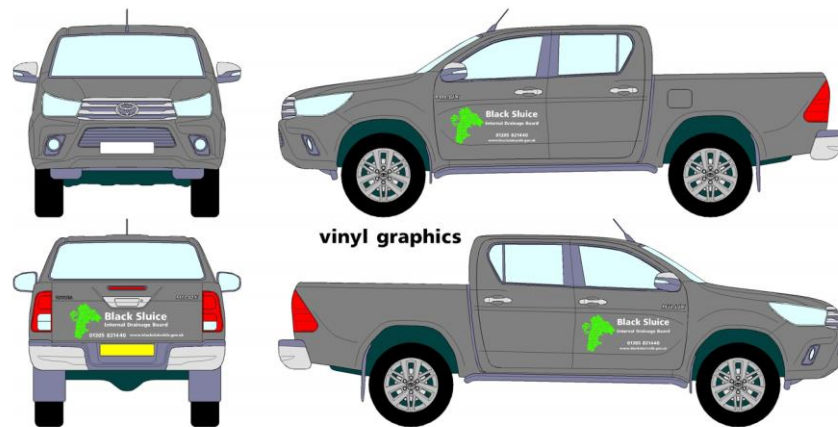
(h) Fens 2100+ Visit - 18 October 2023

The Chief Executive informed the committee that the Fens 2100+ team are visiting the Board on 18th October 2023. The aim of Fens 2100+ is to bring together all the different projects such as the Lower Witham Project, sea banks, Lincolnshire Reservoir etc.

The team are visiting to learn about the role of the IDB and so the visit will include the induction presentation and any other specific topics they might want to discuss. It was noted that the Chairperson and Mr J Fowler will be in attendance.

(i) Vehicle Signage

It was noted that with the new trucks arriving soon, consideration has been given to vehicle signage. Options were displayed on screen. The committee AGREED that the below is the preferred option:



(j) Benches at Langrick Road, Boston

The Chief Executive noted that a Councillor has questioned whether the Board would be willing to fund some benches at Langrick Road, Boston – photos were displayed on screen. The Chief Executive noted that he has explained that the Board would not be able to purchase the benches due to being a local authority. It has since been asked whether the Board would give permission for benches to be put on there funded by others? The committee felt that this should not be supported due to potentially encouraging anti-social behaviour, litter, and a liability for the Board.

(k) Annual Value of rating account 30-3030-5

The committee were reminded of the rating account above and that the landowner is continuing to persist that he does not believe he should be paying the rate of a special building on his chicken sheds when they are not used as chicken sheds.

The Chief Executive noted that he has told the ratepayer that if the equipment is taken down, but stored in the sheds, then the Board would accept that and would no longer be treated as chicken sheds, but whilst the equipment is still in place, they could be used as chicken sheds at any time.

The Chief Executive has also noted the relevant parts of the Land Drainage Act to the ratepayer and told him that he can write and ask the Board to make a formal determination, which he doesn't want to do.

Mr J Folwer noted that by leaving the equipment in place, he is securing his chances of future planning permission.

The option that the ratepayer has put forward is for him to sign something to say he won't use them as chicken sheds, however, this does not change the building. The committee also felt this would set a precedent.

The Chief Executive expressed that he is not sure how to move this forward, as the ratepayer is continually persistent.

All AGREED to formally write to the ratepayer to outline that the equipment (feeders and drinkers) in the chicken sheds need to be dismantled for the special building status to be removed. It was felt it would be beneficial to cc Mr W Ash into the letter.

There being no further business the meeting closed at 16:31.

DRAFT