

BEDFORDSHIRE AND RIVER IVEL INTERNAL DRAINAGE BOARD
Board Meeting

Minutes of the Board meeting held on 5 June 2017 at 2pm at Vale House, Stewartby.

PRESENT: D McMurdo (Chairman), R O Bennett, A D Brown, M Egar, F Firth, B Huckle, J Russell, J Scott, B Spurr, M Towler, T Turner and T Wootton.

IN ATTENDANCE: F C Bowler (Clerk), J J Oldfield (Engineer) and R C Easom (Committee Clerk)

D Gowing, Internal Auditor, was also in attendance.

A minute's silence was held in memory of Mr Lewis Birt who had died on 1st February 2017. Mr Birt was a Central Bedfordshire Council representative who had served on the Board since 2009.

1 APOLOGIES FOR ABSENCE were received from J Davison (Vice Chairman), D Hodgson, S Hunt, R Odell and J Ream.

2 DECLARATION OF MEMBERS' INTERESTS

Mr Bennett declared an interest in respect of Consent no. 1058 (Agenda item 8 - Schedule of Consents within the Technical Report).

The Chairman declared an interest during discussion of Agenda item 13 – Local Government Pension Scheme 2014 Employer's Policy Statement – Pension Discretions, as he is Chairman of the Bedfordshire Pension Fund Committee.

3 VACANCY ON JOINT MANAGEMENT COMMITTEE

The Clerk informed members that following the death of Mr Birt, there was a vacancy on the JMC. No member expressed an interest and the Chairman asked that members consider it and let the Clerk know if they are interested.

4 MINUTES OF THE BOARD MEETING HELD ON 30 JANUARY 2017

The minutes of the Board meeting held on 30 January 2017 were accepted as a true and accurate record for the Chairman to sign.

5 MATTERS ARISING FROM THE MINUTES

Bedford to Milton Keynes Waterway Park

Mr Brown asked for an update on the invitation to the Bedford to Milton Keynes Waterway Trust to give a presentation. He said this will be a major initiative affecting Central Bedfordshire and Milton Keynes, if it goes ahead. Officers said a date had not yet been fixed. The Chairman asked that a date be fixed as soon as possible for both the Bedfordshire & River Ivel and the Buckingham & River Ouzel Board members to jointly attend a presentation.

6 UNCONFIRMED MINUTES OF JOINT MANAGEMENT COMMITTEE MEETING HELD ON 15 MAY 2017

The Chairman presented the unconfirmed minutes which were noted.

Discussion took place:

Plant Update – Proposed Replacement of JCB 3CX

Mr Brown commented that the trade-in of £16,000 for the JCB Excavator seemed low. The Director of Operations said the JCB 3CX was ten years old, had done 7,500 hours and had cost approximately £40,000 back in 2007. Mr Bennett said he considered that a reasonable trade-in.

The Chairman said it was the Boards' policy to replace plant regularly and offered to discuss the matter further with Mr Brown outside of the meeting.

SuDs – Charging for development advice

Mrs Turner asked whether it had been agreed to proceed with charging for development advice. The Clerk said that JMC members had agreed to explore the possibility of charging for development advice and she and the Director of Operations hoped to bring recommendations to the JMC in October 2017. The Chairman said there was a need to know more and suggested local planning authorities could be a helpful source of advice on such an issue.

7 PROGRESS OF WORK FROM APRIL 2016 TO MARCH 2017 FOR THE WORKS PROGRAMME 2016/17 AND WORKS PROGRAMME 2017/18

The Director of Operations presented the Progress of Works report, referring members to the A3 plan showing works completed, which was approximately 90%. He said some of the outstanding work, shown in red, had been awarded to contractors. Flitwick and Tempsford had not quite been completed due to birds nesting. It had been a good year for working conditions as it was dry and mild but this had also meant birds had begun nesting earlier.

WORKS PROGRAMME 2017/18

The Director of Operations presented the Works Programme 2017/18 and the A3 plan showing carried forward work, in orange, which is to be included in the 2017/18 programme.

Members accepted the Works Progress Report for the period from April 2016 to March 2017 for the Works Programme 2016/17 and the Works Programme 2017/18.

Discussion took place:

Mrs Turner referred to the works on watercourse 87 at Upper Caldecote and thanked the Director of Operations for adding watercourse no. 87a to the programme to alleviate flooding problems in the village. She said this issue had come to light as part of a Neighbourhood Plan and asked when it was that works would be carried out. The Director of Operations said it would be autumn/winter 2017/18 as dredging and clearing is usually a winter activity.

Mr Firth asked whether the 'carried over' works take priority. The Director of Operations said they did not. Category 1 watercourses take priority, such as Elstow Brook. Carried over work is programmed in when logistically possible. There are often issues to resolve such as access being

difficult, poor ground conditions or sometimes it is necessary to accommodate more unusual farming activities like avoiding game shoots.

Mr Russell asked whether the Board uses penalty clauses to guard against late delivery when using contractors. The Director of Operations said the Board uses them, but rarely enforces them, given the uncertainties around the weather and bird nesting causing delays. He said officers are more concerned that contractors resource the job properly in the first place.

Mr Brown asked about the red dot shown in the middle of Shefford on the A3 plan of the Works Progress Report. He said it was a major problem due to a pillar of a bridge which holds back debris and he was concerned about work there being carried over. The Director of Operations said he believed Mr Brown was referring to the Main River which was the responsibility of the EA. He said he would provide Mr Brown with a larger scale map after the meeting and Mr Brown could then contact the EA.

Mr Brown asked that the Director of Operations ensure that all planned works are completed. The Chairman said he would look at the programme with the Director of Operations. The Director of Operations added that part of the programme involved working with Rail Track concerning land north of Sandy, which could be problematic.

Stotfold

Mr Firth asked whether the Board was confident that there would not be any flash flooding at Stotfold. The Chairman said the Board had done everything in its power to mitigate any flood risk and the Board's operatives frequently check the watercourse. Mr Brown said there was a flood committee, residents had received flood kits and a consultant, working on behalf of Central Bedfordshire Council was carrying out a study and would return his findings before September 2017. The Chairman said the study was a work in progress and could take from 18 months to two years.

The Director of Operations added that the trash screen had gone but the platform remained and he was waiting for Stotfold Town Council to comment on a fence before the Board's contractor removed the platform and reinstated the area. He said, the previous week, the Board's operatives had been out clearing debris and four or five days later it had been necessary for the residents to remove more vegetation again.

Mr Bennett said he was pleased that Hertfordshire County Council was at last involved.

Mr Russell said that Pix Brook was one of the top catchments promoted locally for national Defra funding by the Catchment Partnership where up to £50,000 may be available for natural flood management schemes.

Mr Wootton asked whether the Board was a member of the Stotfold Flood Committee. The Chairman said the Board was not. CBC were taking the lead and working with the community. Mr Spurr asked whether the Board were kept fully informed. The Chairman said they were and the Board kept CBC fully informed of all that came to their notice too.

8 TECHNICAL REPORT FOR THE PERIOD JANUARY TO MAY 2016

The Director of Operations presented the Technical Report.

Members accepted the Technical Report.

Discussion took place:

Fields Road (south) Wootton – Commercial Development site

Mr Bennett said he was very concerned about the prospect of the developer retaining the SuDS ponds for maintenance and management. He was concerned about redress if a management company goes into liquidation and asked who the Board could take action against in such a situation. The Chairman agreed this was a serious concern. He referred Mr Bennett to the JMC minutes of 15th May 2017 under the heading ‘Uncertainly about Maintenance presenting barriers to SuDS adoption, survey finds’ – Envirotech magazine article and the resolution that the Board should, together with other IDBs, and via ADA, continue raising the issue of Sustainable Drainage and ask that representations be made to Andrea Leadsom, Secretary of State for Environment, Food and Rural Affairs and David Cooper, Deputy Director of Flood Management Defra. The Chairman added that as soon as a new Government had been formed, following the general election, he and officers would continue to pursue this issue.

The Director of Operations also referred to the section of the technical report, under the heading of ‘Consultation’: ‘Officers had stated that they had submitted a response to the Fixing the Broken Housing Market consultation, promoting the benefits of strategic integrated and maintainable SuDs which should be funded by the developer and maintained by a public body, as per the Marston Vale Surface Waters Plan and the Milton Keynes Tariff models.’

Mr Huckle voiced his concern about development sites being finished with nobody responsible. The Director of Operations said the Board was trying to address the issue at a local level with deeds of agreement by trying to include a parent company to agree to take on the responsibility if the subsidiary company goes into liquidation. Also, as regards consenting, extra paragraphs have been included in the letter of consent which ‘ties in’ new owners.

Mr Wootton suggested that the issue be an agenda item for next time in order that members can be brought up to date with progress made, possibly with new Government ministers in place. The Clerk agreed and added that Defra had been examining how the new planning guidance was progressing and their report may be out in time for the next Board meeting.

Consultation - Response to Black Cat and A428 consultation

Mr Brown asked whether the consultation was the current work in the vicinity of the Black Cat roundabout or a consultation on part of the new Oxford to Cambridge Express Way. The Director of Operations said it was a consultation relating to improvements to the Black Cat to Caxton Gibbet but he would find out more details and share with members.

Oxford to Cambridge Express Way

Mr Egar asked what officers were doing to ensure that the Board was kept up to speed with regard to the new Oxford to Cambridge Express Way as it would be a major initiative for the area. The Director of Operations said they were trying to keep up with all consultations. Officers consult with Rail Track but have no links with Highways England. Mr Russell said it was part of the National Infrastructure Commission and part of that was Highways England.

The Chairman suggested writing to both the National Infrastructure Commission and Highways England. Mr Egar advised against accepting any comments which come back stating that the Board’s involvement is premature. Mr Wootton agreed saying the Board should offer to assist them.

The Chairman asked that the Oxford to Cambridge Express Way be a standing item on future agendas.

Planning Applications – Objections enclosed

The Chairman referred to the list of planning application objections and said Council representative members needed to be aware of the lack of understanding amongst some of their Planning Department colleagues regarding the need for access to maintain watercourses. There is a tendency to allow landscaping and various street furniture which can leave the Board without good access to the watercourse. The Director of Operations added that the Board's byelaws state that development should not take place within 7 meters of the bank top of a watercourse, within the Board's area, without prior consent of the Board. The EA byelaw distance in this area is 9 meters.

Bell Lane, Cotton End – Mr Russell asked whether the removal of the Board's objection had been confirmed. The Director of Operations said it had, the planning authority had been emailed. However, there were various agreements including a Deed of Consent with the Board to be completed.

9 INTERNAL AUDIT

(i) TO RECEIVE THE ANNUAL INTERNAL AUDIT REPORT 2016/17 AND THE UPDATED MANAGEMENT ACTION PLAN

The Internal Auditor, Mr David Gowing, presented the Annual Internal Audit Report. He said he had been very happy with the audit. Financial records and transactions were accurate and well-presented and he had provided Adequate Assurance. He added that the Boards had accepted the low administration costs which meant that full segregation of duties cannot be achieved which is why substantial assurance cannot be given.

Members approved the Internal Audit Report dated April 2017.

Mr Gowing took questions based on the following:

The Boards having no dedicated rating officer which results in more outstanding queries and arrears than most other main IDBs

Mr Russell asked whether any analysis had taken place on cost effectiveness. Mr Gowing said no exact analysis had taken place and arrears were quite low at approximately £14,000 across the three Boards. However, a dedicated rating officer would free up the Clerk/Chief Executive to carry out other duties. The Clerk said she mainly dealt with the more difficult queries as the Accounts Assistant and the Admin Assistant carried out a lot of the day to day work and she did not think a dedicated rating officer would be cost effective. Mr Gowing agreed it would be an additional cost.

The recommendation to consider removing one stage of the recovery process so only one reminded letter is sent

Mrs Turner asked if the Boards were now going to send one reminder. The Clerk said she had spoken with Mr Gowing and said she would continue to send out two which was in keeping with ADA recommendations.

The recommendation to consider introducing the use of debit or credit cards as a method of payment

Mrs Turner asked about the introduction of debit and credit cards. The Clerk said she had had a meeting with Lloyds and also, DRS (the drainage rate software program) was to be web enabled and payments could then be made on-line.

In the light of Mr Gowing's retirement, after the completion of the internal audit for the current financial year, Mr Bennett said he would like it recorded that Mr Gowing had provided a very helpful and valuable contribution to the Boards.

(ii) TO APPROVE THE INTERNAL AUDIT STRATEGY & AUDIT PLAN 2017/18

Mr Gowing presented the Internal Audit Strategy & Audit Plan 2017/18. The plan covered all three Boards in the Group and Mr Gowing said he was proposing 3 days to cover essentials, he said he could not go below that level.

Members approved the Internal Audit Strategy & Audit Plan 2017/18

(iii) NATIONAL AUDIT OFFICE REPORT ON INTERNAL DRAINAGE BOARDS

The Clerk presented the report on drainage boards from the National Audit office. ADA's Policy and Finance Committee, which the Clerk sits on, had reviewed the document and as a result amendments were made due to some of the points raised being incorrect or misleading. Unfortunately, only the main body of the report was amended, not the Executive Summary. The Clerk added that the Bedford Group comply with all of the actions and comments made. One of the main findings of the report was that some Board's do not have access to an ecologist. The Bedford Group use a well-respected consultant ecologist as and when necessary.

Discussion took place:

Mr Russell suggested the Boards use the report and an opportunity to raise their profile and put right areas which are unclear or incorrect. The Chairman said officers should do that together with ADA.

Mr Scott asked about the allegation that there was a lack of environmental expertise amongst Board members. He asked whether members were to be pressured more and more over ecology and said it was not a balanced approach. The Clerk explained that the reason for the ecological bias of the report was probably due to the fact that the report had come about due to a freedom of information request regarding a conservation issue.

Mr Bennett said he had been a voluntary member of a drainage board for nearly 40 years, looking after land drainage and trying to protect people against flooding. There was an ever increasing amount of duties being put on drainage boards and he was very concerned that the report was written with an environmental slant. He was not impressed with the whole tenor of the report.

The Chairman said he believed other members felt the same as Mr Bennett. The Clerk added that officers would endeavour to do as Mr Russell had suggested in terms of influencing and raising the Boards' profile.

10 TO APPROVE THE REVISED RISK REGISTER

The Clerk presented the Revised Risk Register. The only changes (shown in red) were changes to the Boards' emergency response. Since the creation of the Lead Local Flood Authorities and the fact that the Boards are not Category 1 or 2 responders it was deemed appropriate to make changes to the

emergency response and not to undertake to provide a 24 hour/365 day emergency response for the community. Officers felt that 999 should be the first number to call. The Boards' answerphone message has been altered accordingly and signage was due to be updated. The Boards' out of hours duty officer roster will be maintained and members of the workforce will be called out if necessary.

Mr Egar recommended changing the wording from 'best endeavours' to 'reasonable' as, in law, there was a significant difference between the two terms.

Members approved the changes to the Revised Risk Register reviewed on 10 May 2017 with the following change to the wording:

To provide an out of hours duty officer, to support Category 1 & 2 Emergency Responders and community in a flood emergency, in such a way as could be reasonably expected.

Discussion took place:

Mrs Turner asked what more could be done with regard to local flood risk and raising public awareness. Officers said this issue was mostly addressed through local flood partnerships. Members were comfortable with the 999 number being the first number for members of the public to contact.

11 FINANCE

(i) To approve the Finance Report as at 31 March 2017

The Clerk presented the finance report which showed receipts and payments through the Board's individual bank account, a cheque/direct debit list showing payments and investment and bank accounts balances. The Clerk added that of the £3,212,456 total balances approximately £2M was ring-fenced for capital works and commuted sums for long term maintenance.

Members approved the Finance Report as at 31 March 2017.

(ii) To approve the Financial Statements for the year ended 31 March 2017

The Clerk presented the Financial Statements for the year ended 31st March 2017.

Members approved the Financial Statements for the year ended 31 March 2017.

(iii) To approve the Annual Governance Statement year ending 31 March 2017

Members approved the Annual Governance Statement for the year ending 31 March 2017 for the Chairman and Clerk to sign, answering questions 1-8 in the affirmative.

iv) To approve the Annual Return for the year ending 31 March 2017

Members approved the Annual Return for year ending 31 March 2017, for the Chairman to sign.

Discussion took place:

Section 1 - Annual governance statement 2016/17 (No 4)

Mr Firth asked how the Board ‘during the year gave all persons interested the opportunity to inspect and ask questions about this authority’s accounts.’?

The Clerk said notices were previously put in the local press but now posting notices on the Boards’ website was acceptable. Notices are also posted at the entrance to the Boards’ offices and members of the public can come into the office to inspect the accounts.

Section 2 – Accounting statements 2016/17 (No 9)

Mr Spurr asked how the figures for ‘Total fixed assets plus long term investments and assets’ were arrived at. The Clerk said they were based on historical values.

12 TO REVIEW THE REVISED INVESTMENT STRATEGY

The Clerk presented the revised investment strategy with amendments shown in red. She highlighted paragraph 4.3 and said the JMC had resolved not to restrict the amount of investment with any particular institution due to the difficulties with finding institutions to invest with and the requirement for personal details of Board members, which members were not content with. The Clerk reminded members that the JMC review investments and interest rates are every meeting.

Members were not content with leaving the £ sign blank in paragraph 4.3. It was agreed to add ‘Will not be restricted at the present time.’

Members approved the revised Investment Strategy with the following amendment to 4.3:

- 4.3 The limit of any such investment ~~will be restricted to £....~~**will not be restricted at the present time** with any one particular institution or group, or such other sum as the Joint Management Committee (JMC) specify from time to time. It should be noted that the Government guarantee of £85,000 which applies to private investors does not apply to bodies such as Internal Drainage Boards.

13 TO REVIEW THE LOCAL GOVERNMENT PENSION SCHEME 2014 EMPLOYER’S POLICY STATEMENT – PENSION DISCRETIONS

The Clerk presented the LGPS – Employer Policy Statement regarding pension discretions and highlighted the one change, shown in red, which was the deletion of B12 on page 6 – a discretion spent entirely after 30th September 2014.

Members reviewed the pension discretions and agreed they should remain the same with the exception of the deletion of B12 from the Local Government Pension Scheme 2014 Employer’s Policy Statement – Pension Discretions.

14 ANY OTHER BUSINESS

Environment Agency Precept

Mr Wootton asked whether there was still concern about the Boards getting value for money from their precept money. The Chairman asked officers to give a verbal report at the next meeting.

15 DATE OF NEXT BOARD MEETING – 13 November 2017

The meeting closed at 3.50pm.