

**BEDFORDSHIRE AND RIVER IVEL INTERNAL DRAINAGE BOARD**  
**Board Meeting**

**Minutes of the Board meeting held on 21 May 2018 at 2pm at Vale House, Stewartby.**

**PRESENT:** D McMurdo (Chairman), J Davison (Vice Chairman), R O Bennett, A D Brown, R Morris, J Ream, J Russell, J Scott, M Towler, and T Wootton.

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

**1 APOLOGIES FOR ABSENCE** were received from S Dixon, M Egar, F Firth, S Hunt, D Hodgson, B Huckle and T Turner.

**2 DECLARATION OF MEMBERS' INTERESTS**

Mr Ream declared an interest during discussion of the works progress report as land which he occupies was mentioned.

Mr Wootton declared an interest during discussion of King's Ditch, Bedford.

**3 MINUTES OF THE BOARD MEETING HELD ON 29 JANUARY 2018**

**The minutes of the Board meeting held on 29 January 2018 were accepted as a true and accurate record for the Chairman to sign.**

**4 MATTERS ARISING FROM THE MINUTES**

**Estimates – Joint Engineering and Administration – additional solar panels**

The Clerk said officers had been in contact with the electrical contractors who originally installed the solar panels and an estimate for the installation of additional solar panels was still awaited.

**SuDS Maintenance**

The Clerk said officers had not yet written to Dr Thérèse Coffey MP, Under Secretary of State at the Department for Environment, Food and Rural Affairs as officers were awaiting the publication of the Department of Communities and Local Government SuDS Review and were also hoping to raise questions on SuDS maintenance with members of the EFRA committee who were due to visit the Bedford Group in June.

**Pix Brook Catchment Study**

Mr Brown said there was a delay with the results of the catchment study modelling on which Central Bedfordshire Council had taken the lead, working in partnership with the Board, Hertfordshire County Council and Anglian Water.

## **5 UNCONFIRMED MINUTES OF JOINT MANAGEMENT COMMITTEE MEETING HELD ON 23 APRIL 2018**

**The Chairman presented the unconfirmed minutes which were noted.**

Mrs Davison requested a change to the wording at the bottom of page regarding her comments on mileage payments. The Chairman asked the Committee Clerk to speak to Mrs Davison after the meeting. (*Post-meeting note: The minutes were amended accordingly.*)

## **6 PROGRESS OF WORK FROM APRIL 2017 TO MARCH 2018 FOR THE WORKS PROGRAMME 2017/18 AND WORKS PROGRAMME 2018/19**

The Director of Operations presented the Progress of Works report. He said that, despite the optimism at the previous Board meeting that the programme would be completed by the end of the financial year, extremely wet ground conditions had been experienced January to March. Contractors were employed in order to try to catch up but there was not sufficient time. There had also been some access issues which required more organisation and management by the Senior Engineer and Ecologist.

**Members accepted the Progress of Works Progress Report for the Works Programme 2017/18 and the Progress of Works report for the Works Programme 2018/19.**

Discussion took place:

Mr Ream declared an interest when the Director of Operations mentioned the Board carrying out a recommended 'light touch' between Potton and Biggleswade. The Board's ecologist had said it would be better to carry out the maintenance works in summer rather than winter. He said the Site Manager would liaise with Mr Ream regarding the works.

Mrs Davison asked about land at Tempsford, adjacent to the Railway line and whether officers had any success with Network Rail regarding access. The Director of Operations said Network Rail were willing to undertake the work themselves but they have yet to start it.

Mr Wootton said he thought the Board had done well to get as much of the programme completed as they had, considering the difficult weather conditions. He asked whether the Board needed more equipment in order to complete works more quickly.

The Chairman said he would invite the Director of Operations and the Engineering team to consider how we procure plant and also look into the point Mr Wootton was making about sufficient equipment.

The Director of Operations agreed that a review would be useful. He had not yet looked into procuring plant for the current financial year as he had been waiting for the new Site Manager Eastern to be in post as he wanted to involve him and Site Manager Western in the plant choices. It may be that there needs to be a different balance between the Board's own workforce and contractors. The Board were still looking to recruit two more Land Drainage Operatives, one to fill the post left by Site Manager Eastern's promotion and one to carry out SuDS work. It had been hoped to appoint two Land Drainage Operatives ( SuDS) last year but it had only been possible to appoint one.

Mr Russell mentioned the carried forward work from 2016/17 still showing on the plan as not completed and asked about a time scale. The Director of Operations it was mainly due to access issues which required more organisation and this was made more difficult as the Board were without a Site Manager for the majority of the year due to sick leave and subsequent retirement. The main areas were Wilden and Ravensden.

Mr Brown said he was concerned that there were still a lot of red lines (works still to be undertaken) in the Sandy/Biggleswade area. He was concerned that such a densely populated area should not be left until the following year. The Director said some of the watercourses shown were what the Board had adopted and flood meadows were being created. The red lines to the east were delays due to crops and, whilst being earmarked for development in the Local Plan, were currently still in agriculture.

## **7 TECHNICAL REPORT FOR THE PERIOD JANUARY TO APRIL 2018**

The Director of Operations presented the Technical Report.

### **Members accepted the Technical Report.**

Discussion took place:

#### **West of Bedford Growth Area – Marsh Leys, Culvert 6 and Ponds D2&E**

The Director of Operations said the agreements were currently with Gazeley (Marsh Leys developer) for signature. The Board will be the next and final signatory.

#### **King's Ditch, Bedford**

Mr Wootton asked about the current situation. The Director of Operations said the consultant, Capita, had not yet provided the draft Outline Business Case which had been due since before the end of April 2018. The cost may be in the region of £500,000 rather than the original estimated £200,000 which was to be shared between Bedford Borough Council, Anglian Water, the Environment Agency and the Board. The Bedford Girls School had not been approached as regards making a contribution to the capital cost of the scheme but they had been asked to provide the electricity supply. He added that he does not consider it acceptable that Board personnel can be called up to set up the towable pump, any time of the day or night, to alleviate flooding on the access roads. There is a need for a permanent pump there as there are a lot of issues including safety and the high security fence which surrounds the school.

The Chairman asked that pressure be put on Capita to produce the draft of the Outline Business Case.

Mr Wootton, a Bedford Borough Council member, declared an interest as a fellow councillor lives in the vicinity of King's Ditch.

#### **Lidl development, Goldington Road**

The Chairman asked if the drafting of the legal agreement had progressed. The Director of Operations said it had progressed and it was a very similar legal agreement to the recent one concerning the neighbouring Waitrose store.

#### **Pre-submission Consultation 2018, Central Bedfordshire Local Plan**

Mrs Davison said she found it worrying that Central Bedfordshire Council had not consulted with the Board on its Strategic Flood Risk Assessment or for the preparation of the Local Plan Consultation documents. The documents indicated that the Council was not continuing to embrace the Marston

Vale Surface Waters Plan, and not promoting strategic, integrated and maintainable SuDS, that are adequately funded.

Mr Brown, a Central Bedfordshire Councillor, said he could get a report but he could not comment on why the Board was not consulted on the original document.

### **Planning Applications – Objections**

The Chairman asked whether the Board's officers had invited Planning Officers to the Boards' offices. The Clerk said some time ago Milton Keynes Planning officers visited. The Chairman suggested that Planning Officers from the various local authorities within the Boards' districts be collectively invited to see the Boards' capability.

### **8 AUDIT - TO RECEIVE THE ANNUAL INTERNAL AUDIT REPORT 2017/18**

The report of the internal auditor, Mr Gowing, had given his opinion as 'Substantial Assurance' with no further recommendations as regards a management action plan.

The Clerk said Mr Gowing had now retired and TIAA would be carrying out the internal audit for the 2018/19 financial year. They already carry out internal audit for other drainage boards and will probably be visiting the Boards' offices in November 2018.

The Chairman thanked the Board personnel for the work associated with achieving Substantial Assurance. He added that the reason this could not be easily achieved was due to the small size of the organisation which had made segregation of duties difficult within the finance department.

The Clerk thanked the Board members as Substantial Assurance was also due, in part, to members embracing their governance responsibilities including returning their Declaration of Members Interest forms and accepting the Code of Conduct.

### **Members accepted the Internal Audit Report 2017/18**

### **9 TO APPROVE THE REVISED RISK REGISTER REVIEWED 31<sup>ST</sup> MARCH 2018**

The Clerk presented the Revised Risk Register which had been reviewed by the JMC at its meeting on 23 April 2018. The changes are shown in red:

Page 1- Objective: To provide and maintain standards of sound, needs based, sustainable flood protection – Risk identified: The risk of a major flooding incident occurring and/or the Board being found responsible for being negligent in its use of its powers. This could lead to a loss of confidence in the Board and the Minister of State taking action to stop the Board functioning. Details of how risk will be managed: IDB Governance, pro-active planning, improving emergency response procedures, post-event review in line with EA/LLFA's FRM Strategies. **Byelaws updated in 2018.**

Page 2 – Objective: To provide and maintain standards of sound, needs based, sustainable flood protection – Risk identified: Insufficient staff or other resources to deliver the service needs. Details of how risk will be managed: Staff have general awareness of other team members' essential tasks and can provide cover when required. Other IDBs can provide emergency assistance if required.

**Recruitment of additional engineering staff as required.**

Page 3 – Objective: To maintain financial records that are correct and comply with all recommended accounting practice. Risk identified: Adverse audit reports, legal action and loss of confidence in IDB. Details of how risk will be managed: Clerk keeps up to date with legislative changes, discusses latest requirements with internal and external auditors. **Revised Accounting and Governance Guidance for smaller bodies now in place. Changes to regulations means all three Boards will now have the same external auditor which should guarantee a consistent approach to audit requirements.**

Page 3 – Objective: To ensure that all actions taken by the Boards comply with all current UK and EU Legislation. Risk Identified: Non-compliance with legislation or practice. Details of how risk will be managed: Clerk/Director of Operations keep up to date with changes in legislation, seek advice from ADA/Defra/EA/Croner and others as necessary. **New requirements of GDPR to be fully implemented.**

**Members approved the updated Risk Register dated May 2018.**

## **10 FINANCE**

### **(i) To approve the Finance Report as at 31 March 2018**

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.

**Members approved the Finance Report as at 31 March 2018.**

### **(ii) To approve the Financial Statements for the year ended 31 March 2018**

#### **Income and Expenditure Statement as at 31 March 2018**

The Clerk presented the Financial Statements for the year ended 31<sup>st</sup> March 2018 and added that the surplus for the year of £15,000, as forecast in January 2018, had changed and there was a surplus of £127,318. This was mainly due to the under-spending on maintenance expenditure with carried forward work and under-spending on capital works where there have been delays in progressing the schemes.

#### **Balance Sheet as at 31<sup>st</sup> March 2018**

The Occupiers Rate Fund was currently £932,380 and the Board were holding Capital development funds of £2,350,316. The Clerk added that it used to be an audit requirement that the general fund was no more than one year's income which is about the level which it is currently at. However, it can now be up to twice one year's income.

The Chairman recommended getting a definitive answer on the acceptable level of general fund from the new internal auditors.

**Members approved the Financial Statements for the year ended 31 March 2018.**

### **(iii) To approve the Annual Governance and Accountability Return 2017/18 Annual Governance Statement**

**Members approved the Annual Governance Statement 2017/18 (answering questions 1-8 in the affirmative) for the Chairman and Clerk to sign.**

**iv) To approve the Annual Governance and Accountability Return 2017/18 Accounting Statements**

**Members approved the Accounting Statements 2017/18 for the Chairman to sign.**

Discussion took place:

### **Environment Agency Precept**

Mr Wootton asked whether the Board were getting value for money from the EA.

The Chairman said he believed, from the Drainage Board point of view that value for money from the EA could be better. The newly appointed Chairman of the Anglian Central Regional Flood and Coastal Committee, Brian Stewart, who has a background as CEO of the East of England Development Agency, has suggested that the levy should be separated from the council tax. The Chairman said he was very concerned about this and the implications for drainage boards. He added that Mr Stewart is due to meet with each of the local authorities within the RFCC region.

Mr Wootton suggested that the Chairman of the RFCC should be invited to visit the drainage board offices. He felt that the history of the drainage boards was being neglected and the drainage board watercourses are effective.

The Clerk said that officers do have IDB liaison meetings with the EA.

The Chairman said he would speak to the EA and invite Mr Stewart.

Mr Wootton asked whether officers had a list of works that the EA have carried out in the Board's district. The Clerk said that the RFCC used to provide this and she would make enquiries.

### **Capital Development Account**

Mr Russell raised the issue of the £2.35M capital development fund. He was concerned that the funds were not achieving good investment returns. The Clerk said the JMC had been looking into this but it was difficult for the Board to get higher interest rates. Mr Wootton asked if the Board was constrained by the regulations. The Clerk said they were, although investing with other local authorities had been mentioned in the past.

The Chairman agreed that the possibility of investing with other local authorities should be explored.

## **11 GENERAL DATA PROTECTION REGULATION (GDPR)**

### **(i) GDPR update**

The Clerk explained the new General Data Protection Regulation was due to come into force on 25<sup>th</sup> May 2018. She said public authorities had already been working within the Data Protection Act and that she was currently the Data Protection Officer. The Clerk suggested to members that she remains Data Protection Officer. The main data the Board holds are the names and addresses of agricultural ratepayers and the data is never disclosed so there is little change.

Mr Morris was concerned that the Clerk being the designated Data Protection Officer did not satisfy the independence and competence requirements. The Chairman said that initially the Internal Auditor did not think it appropriate for the Clerk/ Chief Executive to be the Data Protection Officer but following discussion he was now content.

Mr Brown also voiced concerns about the lack of independence and Mr Scott said he would support it only as an interim measure.

The Chairman proposed that members accept the Clerk as the Data Protection Officer. The law comes into effect the following Friday. He said officers should write to ADA for confirmation that this is satisfactory. If ADA are not content then the Clerk would nominate someone else within the organisation.

**Members agreed that the Clerk be the Data Protection Officer, in the interim, subject to ADA approval.**

**(ii) To Approve the GDPR Privacy Policy (incorrectly entitled Data Protection Policy)**

**Members approved the Board GDPR Privacy Policy (incorrectly entitled Data Protection Policy).**

*(Post meeting note: The document presented had an incorrect title although the content, except for the Board name, was correct. The document was actually the Bedfordshire & River Ivel Board Privacy Policy – a requirement of the GDPR. The Clerk sent an email to members directly after the meeting explaining this.)*

Discussion took place:

Mr Morris was concerned that the document was not good enough as a Data Protection Policy. The Chairman proposed that it be accepted but members concerns be raised with ADA. *(This point may have been raised because the document was in fact the Privacy Policy not the Data Protection Policy – see note above.)*

## **12 TO APPROVE THE NEW BOARD POLICY STATEMENT**

The Clerk presented the draft of the new Board Policy Statement and tabled were two addendums to the policy: Assets in Drainage District and Ecological Sites in Drainage District. She said the policy statement had been compiled by the Association of Drainage Authorities in consultation with Defra and the main changes were those necessary due to the enactment of the Flood and Water Management Act. It was now approved by Defra and needed Board approval.

Mr Russell commented on the second bullet point of 9.3 below:

*9.3 When carrying out work, be it maintenance or improvement, and consistent with the need to maintain satisfactory flood protection standards, the Board will aim to:*

- *Avoid any unnecessary or long term damage to agricultural interests and to natural habitats and species;*
- *Carry out the monitoring of any gains and losses of biodiversity and report annually to the Environment Agency and;*
- *Take appropriate opportunities to achieve multiple environmental outcomes and works with natural processes, where possible, including the enhancement of habitats and water bodies within the District.*

He was concerned that if the overall objective was to achieve a net gain then this cannot be established if there is no data on the situation in the first place. The Director of Operations said that there were no gains or losses measured with maintenance works, only capital. Mr Russell suggested that if the aim was specific to capital then that should be added to the wording.

**Members approved the Board Policy Statement with an amendment to 9.3. The Chairman and Vice Chairman to be consulted on the amendment and then members informed.**

## **13 ELECTION**

### **(i) TO APPROVE THE REGISTER OF ELECTORS**

Copies of the Register of Electors were tabled.

**Members approved the Register of Electors.**

### **(ii) THE ELECTION PROCESS**

The Clerk outlined the election process. Notices will be displayed on the Board website as well as at the Board's premises. There will be mention of the election in the Newsletter which is sent out with the rate demands. The closing date for nominations is 17 September 2018. If there are more than 12 nominations then there will be an election on 30 October 2018.

## **14 ANY OTHER BUSINESS**

### **Elected Membership**

The Chairman informed members that the Vice Chairman, Mrs Davison, would be standing down at the end of the current term. She will stand for election to the new Board and if elected continue as an elected member.

The Chairman also informed members that Mr Bennett would not be putting his name forward for re-election. He has served on the Board for 36 years and as Chairman for twenty-five of those years. Mr Bennett said it had been a most enjoyable time and he had gained a good grounding in how drainage boards operate and the systems of East Anglia.

### **O&H Properties**

Mr Morris said he had been approached by O&H Properties who had requested that they be permitted to make a presentation to the Board.

The Chairman said he did not think it appropriate and suggested Mr Morris recommend to O&H Properties that they talk to the Clerk and the Director of Operations.

### **Young Farmers' Rally 2019**

Mr Wootton said the Young Farmers' Rally had taken place the previous weekend and it had occurred to him that taking a stand at the next rally would be an excellent opportunity for the Board to promote its work. In 2019 the rally is to be at Leighton Buzzard and the following year, 2020, it will take place in Renhold.

Given the target audience and the recruitment issues which the Board has had, members agreed that this was an excellent idea. The Chairman added that the Bedford River Festival was another event at which the Board could have a presence.

### **15 DATE OF NEXT BOARD MEETING – NEW BOARD - 5 NOVEMBER 2018**

The meeting closed at 3.44pm.