

BUCKINGHAM AND RIVER OUZEL INTERNAL DRAINAGE BOARD

BOARD MEETING

Minutes of the meeting held at 2pm on 9 June 2015 at Vale House, Stewartby.

PRESENT: H Powell-Shedden (Chairman); P Hirons (Vice Chairman); P Bowsher; F Chapman (*arr. 2.20pm*); A Dransfield; R Exon; H J Hunt; V McPake; D Osborn; B Spurr; and A Webb.

IN ATTENDANCE: F Bowler (Clerk/Chief Executive), J Oldfield (Director of Operations), R Easom (Committee Clerk) and D Gowing (Internal Auditor).

1 APOLOGIES were received from Messrs Hawes; Haynes; Hopkin; Warren and Ms Patey-Smith.

2 DECLARATION OF MEMBERS' INTERESTS

There were no declarations of interest.

3 JOINT MANAGEMENT COMMITTEE VACANCY

The Clerk explained the Joint Management Committee was a committee with representation from all three Boards in the Group and which meets twice per annum in April and October. It sets the administrative budget for the Group each October, reviews the division of expenditure and the minutes of the Executive Working Group. Buckingham & River Ouzel Board membership on the Joint Management Committee comprises the Chairman, Vice Chairman and two members. A vacancy had arisen due to Mr Hirons, who was previously a member of the JMC, becoming Vice Chairman.

A majority of members voted for Mrs McPake to fill the vacancy.

Buckingham & River Ouzel Board Membership on the Joint Management Committee now comprises: H Powell-Shedden (Chairman); P Hirons (Vice Chairman); V McPake and D Prosser.

3 (a) INTERNAL AUDIT (Listed as Agenda item 11 in the Board papers)

(i) To Receive the Annual Internal Audit Report

Mr Gowing presented the Annual Internal Audit Report. His opinion, in respect of areas covered by the report was that he could provide adequate assurance on the system of controls and would expect to be able to record substantial assurance following the next review.

Members approved the Internal Audit Report dated May 2015.

Discussion took place:

Executive Summary 1.5 - It is noted that unlike other large IDBs the Bedford Group has no rating officer

Mr Bowsher asked whether the fact that the Bedford Group did not have a rating officer was a significant issue. Mr Gowing said it was not significant, not high risk and did reduce the cost of administration. The Clerk explained that she was the Rating Officer but that the rating administration was shared between two other members of staff.

The Chairman said only a small amount of rate revenue is written off. The Clerk said little is written off because the Board can go back six years in order to recover rates, although this can be time consuming. Mr Hirons said he did not think the services of a bailiff were justified.

Recommendation 04.05.01 – Obtain HR advice on the calculation of staff pay when they are on leave.

Mr Gowing said employees who work overtime were not currently paid an additional amount when on leave. This additional amount of pay takes account of overtime worked in the previous 12 weeks on the first 20 days of annual leave. This should be paid in accordance with new legislation. He added that the Clerk had recently attended a training course on how to implement this Working Time Directive.

The Clerk said she intended to discuss this issue with the EWG and would be proposing that a lump sum be paid at the end of the financial year rather than at the time the holiday is taken. This is due to the fact that overtime is not available during the bird nesting season and much of the winter months and that the payment of a lump sum at the end of the financial year should prevent workforce members being reluctant to take holiday at a time when the Board would prefer it and discourage them from taking holiday at a busy time. The Chairman said he was in favour of this neutral position. Mr Gowing said this was an approach which other Drainage Boards were planning to adopt and to which he had no objection.

Mr Hirons asked how much money was involved, the Clerk said in total the amount would be approximately £5,500 to £6,000 per annum.

Mr Spurr asked whether the money was to be paid retrospectively. The Clerk said it would not. Mr Gowing added that the legislation only came into force in November 2014.

Members agreed that the Board should follow the recommendation to pay the additional overtime element in employees' leave pay in view of the fact that it was a legal requirement.

Recommendation A – Add a Data Transparency section to the website

Mr Hirons asked for clarification on the data transparency issue. Mr Gowing said currently certain items concerning data transparency were not easy to find on the Board's website and there were also outstanding a few items which needed adding in order to comply with Data Transparency legislation. Work to rectify this was in progress.

Mrs Chapman arrived.

(ii) To Approve the Internal Audit Strategy & Audit Plan 2015/16

Mr Gowing presented the Internal Audit Strategy & Audit Plan 2015/16 which was a follow up to the 2014/15 Audit. He said the plan covered all three Boards in the Group and the total plan days were four.

Members approved the Internal Audit Strategy & Audit Plan 2015/16

(iii) To Approve the Revised Risk Register

The Clerk presented the revised risk register and highlighted the following:

- The recent addition of Partnership working involving the Bedford Group giving SUDS advice to Central Bedfordshire Council. She said officers had examined the risk and the Director of Operations had carried out a full risk assessment.
- Loss of income through error or fraud. The external auditors to the Bedfordshire & River Ivel Board had wanted an increase in the Fidelity Guarantee insurance. This has now been

increased to £2M and the premium will be shared 60/40 between the Bedfordshire and River Ivel Board and the Buckingham and River Ouzel Board, respectively.

Members approved the Revised Risk Register dated April 2015.

Discussion took place on:

Protection of Physical Assets

Mr Hirons asked about the protection of physical assets as he said it was not uncommon for there to be a dispute over the ownership of assets, a culvert for example, and asked whether the Board would be covered if something went wrong. The Clerk said that the Board would be covered under its insurance.

Members asked about security of plant following the recent theft of a John Deere Tractor flail. The Director of Operations said a Tracker system is installed on all plant and officers were currently awaiting advice from insurers regarding the most appropriate system. Officers said they were currently reviewing the security of the site and plant.

Risk Assessment

Members queried how the various levels of risk on the register were arrived at. The Clerk said a document entitled Risk Management Policy showing a Risk Assessment Matrix had been provided to members at a previous Board meeting, however, she would ensure that another copy was forwarded on to members as soon as possible after the meeting.

Partnership Working and Emergency Response

Mrs McPake asked if there had been any developments regarding partnership working on the provision of 24 hour emergency response. The Director of Operations said that officers do work with officers from other authorities however the Boards are not emergency responders. Mrs McPake asked why the level of risk was not a '0' or '1'. The Clerk said this was because a workforce duty rota was not yet in place.

Mrs McPake also asked, regarding SuDS advice, whether there had been any suggestion of partnership working with Milton Keynes Council. The Director of Operations said partnership working had been evolving over the last 5 years and officers said they had approached Milton Keynes Council to offer support following the recent change in legislation whereby the LLFAs provide statutory advice to the planning authority on SuDS. MKC had asked if the Group could carry out this function but for only a short time. Officers declined to offer the service as for a short period due to resource issues. The partnership working with Central Bedfordshire Council would take place for a minimum one year period and may continue beyond this time if both parties agree. This is similar to how the statutory consenting function, which the Group carry out on behalf of Central Bedfordshire Council, Milton Keynes Council and Northamptonshire County Council, was initially implemented.

4 MINUTES OF THE BOARD MEETINGS HELD ON 10 FEBRUARY 2015

The minutes of the Board meetings held on 10 February 2015 were accepted as a true and accurate record.

Mr Dransfield pointed out that under 'Re-Appointment of the Internal Auditor' the minutes should have stated that 'Gowing Internal Audit Services Ltd' were re-appointed, not Mr David Gowing as stated.

5 MATTERS ARISING FROM THE MINUTES

Broughton Brook Sewer Outfall from Maidstone Road / cascade weir

Mr Bowsher said he and the Director of Operations were still trying to address the issue of the erosion around the structure but there had still been no action from Anglian Water. The Director of Operations said he now planned to target other stakeholders who were willing to meet with the Board's officers.

Cottingham Brook/Jubilee Brook, Milton Keynes

Following Mr Webb expressing the concerns of residents about this watercourse being overgrown the Director of Operations tabled an A3 plan to show the sections of watercourse in question. They are not within the Board's district. The ordinary watercourse section is under the jurisdiction of MKC (the Lead Local Flood Authority) and the Main River section is under the jurisdiction of the EA. The Director of Operations said the stance of both authorities is similar – it is the responsibility of the riparian owners. Both authorities had a similar stance with regard to the maintenance of the watercourse; they will react to an emergency but will not carry out proactive maintenance. He suggested the matter could be addressed by a community initiative.

Crownhill/Watling Street, Milton Keynes

Mr Dransfield said he was now satisfied that the vast majority of the run-off goes past the crematorium.

EA/IDB Local Choices

Mr Hirons asked about initiative. The Director of Operations said that this was the first year of the initiative which is intended to give the Board more say on how its precept payments to the EA are spent. He said the Board were due to get the requested works on the River Ouzel at Willen Lake, in the Leighton Buzzard area and on Padbury Brook.

6 UNCONFIRMED MINUTES OF JOINT MANAGEMENT COMMITTEE held on 27 APRIL 2015

The Chairman presented the minutes which were noted.

Discussion took place:

Ecology and Conservation – Hedgerow Restrictions 2015

Mr Bowsher asked if the Board could be liable for compensation if the Board's right to carry out maintenance works precluded a landowner from entering a stewardship scheme. The Director of Operations said it would be a matter for the landowner and Natural England to decide if the Board's operations could affect a scheme but he didn't believe that anyone could seek compensation from the Board as the Board would be working under its Statutory Powers of Entry.

Plant Purchases – Tractor Flail

Mr Hirons asked what the current situation was concerning the tractor flail and the Chairman asked about the timescale. The Director of Operations said the tractor had been delivered to the UK dealer who was preparing it to go to Holland for the Herder flail to be fitted. It was hoped to have the tractor and flail back by mid-July to commence flailing works.

Essential User Vehicle/Mileage Allowances (Confidential Report Appendix 2)

The Clerk explained she had enclosed Appendix 2 in order to inform members of the situation regarding the essential user/mileage allowances due to prior discussion at the Board meeting in February 2015. The resolutions of both the Executive Working Group and the Joint Management Committee were shown.

Mr Dransfield pointed out that the resolutions, which were to be in accordance with the Lincolnshire Pay and Conditions Review Body, had omitted to detail the reduction from 45p per mile to 25p per mile for business miles over 10,000.

Mr Dransfield was not in favour of the increase in the annual lump payment without seeing the business case used to support it.

The Chairman said the issue had been discussed in detail at the EWG and included various options. The provision of a lump sum avoids land drainage operatives coming to the depot and wasting at least an hour of the working day. He asked the Clerk whether a business case could be produced. She said it could as it had been produced before. Mr Exon asked how many employee qualified for the lump sum payments. The Clerk responded that there were 11 workforce and 3 staff members.

Members agreed that Mr Dransfield's query about the business case for the annual lump sum should be answered and referred the matter back to the EWG.

Beds & Ivel Board Complaint

Mr Bowsher asked whether the staff had their Board ID cards with them when they were asked to leave the site of the complaint. The Clerk said they did have their ID cards but only gave a business card. The Director of Operations added that the tenant farmer was new to the area and had not received the slip about asset inspections which go out with the annual rate demands. Officers were only walking along a watercourse.

Mr Spurr suggested that land owners are contacted within 3 months of a visit by Drainage Board personnel. Mr Dransfield suggested obtaining email addresses. Mrs Chapman was of the opinion that it was common courtesy to contact occupiers. The Clerk said that ADA is currently reviewing the Home Office Powers of Entry Review which may bring about some changes.

7 PROGRESS OF WORKS PROGRAMME (PROGRESS OF WORKS REPORT 2014/15)

The Director of Operations presented the Progress of Works report including the A3 plan.

The Progress of Works Report 2014/15 was accepted by the Board.

Discussion took place:

Mrs McPake queried the length of watercourse marked orange in the village of Simpson. The Director of Operations said it was a small watercourse in the Caldecotte lake area. It was part Milton Keynes Council land and part Parks Trust. There may be invasive weed in it and chemical weed control may be used.

8 Technical Report (including Schedule of Consents)

The Director of Operations presented the Technical Report and verbally reported on the situation with tenders:

Lower Weald

Four contractors had been invited to tender for the property protection scheme. The amounts tendered varied from approx. £34,000 to £91,000 with one nil return. The contract had been awarded to the lowest tenderer.

Ledburn

Six tenders had been sent out to contractors but two declined to tender. The tenders were not due back until after the Board meeting.

The Technical Report for the period January to May 2015 was accepted by the Board

Discussion took place on:

Buckingham Canal

Members queried the Board's stance on the canal proposals. The Director of Operations said the Board's stance was neutral and the main concern is to ensure that there is no increase in flood risk.

A5 – M1 Link road, Dunstable Northern Bypass

Mr Hunt had queries about this scheme, which the Director of Operations said he would take up with him after the meeting as the Principal Engineer had been dealing with the development.

Lakes Lane, Newport Pagnell

The Chairman said he remembered flooding at the bottom end of Lakes Lane and recommended caution. The Director of Operation said the watercourse in question was a less significant one, not the Main River which has flooded previously, also the risk will be addressed to a certain extent by the embankment.

Public Authorities, Bodies and Utilities - Food and Water Management Act

Central Bedfordshire Council - Public Sector Cooperation Agreement

The Chairman said he had no objection to the planned partnership working with CBC under a public sector cooperation agreement. Mr Hirons enquired whether the Boards' officers were charging CBC for the discussions. The Director of Operations said CBC were not being charged for the discussions about the new function but it was imperative that the Board comment in order to protect the drainage district. Mr Spurr added that IDB officers had been very helpful to CBC.

Milton Keynes Council

Mrs McPake thanked the Board's officer for the work they had done in helping MKC prepare their Local Flood Risk Management Strategy.

Consultation on the River Basin Management Plan (April 2015)

Mr Bowsher said it seemed that the Director of Operations was suggesting that the Environment Agency was spending more on the protection of wildlife than the maintenance of watercourses. Mr Bowsher pointed out that the EA had a duty to preserve wildlife.

Planning Applications

Mr Webb asked about the comments made on Milton Keynes Council and Aylesbury Vale planning applications. The Director of Operations said he would find out after the meeting details of what comments were made and let Mr Webb know.

9 Water Framework Directive

The Director of Operations presented the report on the Water Framework Directive.

Members agreed to the recommendation in the report:

The Executive Working Group continue to take a proactive approach to ensure that there is the right balance between maintaining existing assets to ensure they function to minimise flooding and conserving the natural environment, and to raise the issue at an appropriate national level.

Members were in agreement that the Minister for the Environment, Food and Rural Affairs be written to with a covering letter to the Prime Minister and that all local Members of Parliament within the Board's district should receive copies of this correspondence.

Discussion took place:

Mr Bowsher said he understood the Director of Operation's explanation regarding the Water Framework Directive and the aim for *good ecological potential* not *status* and said he approved of the wording of the recommendation in the report.

Mr Spurr suggested inviting senior EA representatives to the Boards' offices in order to air the concerns.

10 FINANCE

i) Finance Report for the period 1 April 2014 to 31 March 2015

The Clerk presented the Finance Report. She referred to page 29 and pointed out that the expected £588,934 Capital Development/Long Term Maintenance income was only £203,573 as funds from Brooklands, Milton Keynes development had not yet been received.

Members accepted the Finance Report for the period 1 April 2014 to 31 March 2015.

ii) To approve the Financial Statements for year ending 31 March 2015.

The Clerk presented the Financial Statements.

Members approved the Financial Statements for the year ending 31 March 2015 for the Chairman and Clerk to sign.

Discussion took place on the following:

Environment Agency Precept / Highland Water Contributions

Mr Dransfield suggested that the Board ask the Environment Agency for accounts of how the precept money, which is to fund works on main rivers that protect the Board's area, is spent. The Clerk said officers do ask and will continue to do so. The Director of Operations said the recent Local Choices initiative should mean that this year work is carried out in the Upper Ouse.

Mr Bowsher asked what the balance was between what the Board pay to the EA in precept and what it receives in Highland Water Contributions for maintenance works the Board carries out. The Clerk said that the Board currently receive more back than they pay but the Board do carry out maintenance works.

Mr Spurr asked about the 60% / 40% split in the joint administration costs. The Clerk said the Beds & River Ivel Board pay the 60% and the Buckingham & river Ouzel Board the 40%. This is based on the rateable value of the Boards' areas.

iii) To approve the Audit Commission Annual Return and Annual Governance Statement year ending 31 March 2015

Members approved the Audit Commission Annual Return and the Annual Governance Statement (answering questions 1 – 8 in the affirmative) for year ending 31 March 2015 for the Chairman and Clerk to sign.

11 Internal Audit – see item 3(a) above

12 ANY OTHER BUSINESS

Caldecotte Brook

Mrs McPake said there had been a number of problems at Caldecotte Brook and she had been to investigate. She wished to thank the MK Parks Trust for their assistance in removing woody debris. In addition, there had been problems with teenagers building dams which the Parks Trust has also removed. The Director of Operations said the Board's workforce had assisted with this.

Members gave a vote of thanks to the Milton Keynes Parks Trust for their assistance in clearing the watercourse.

Appendix 1 – Confidential report - Workforce versus Contractors

The Director of Operations explained the reason for the report. The Beds & Ivel Board had been concerned that the workforce were not fully utilized during the quiet period when birds are nesting. He explained that this was not the case. Pairs of Land Drainage Operatives carry out brook walking when plant is not in use. In the summer flailing begins and then in the autumn heavy maintenance recommences.

The Chairman said the Boards' direct labour force do an excellent job but it was also good to use contractors and maintain those contacts. Mr Bowsher agreed that it was good to keep a balance of direct labour force and contractors and added that the Parks Trust had recently carried out a similar exercise in comparing the two.

Mr Hirons said he was concerned about the range of quotes from contractors.

Some members pointed out that rather than use the word '*men*' in the report '*employee*' would have been more suitable, despite the fact that the workforce is all male.

13 DATE OF NEXT BOARD MEETING – 9 February 2016

Some members commented that it was a long time until the next Board meeting and suggested a third meeting as occurs in the November of an election year (every three years). The Clerk said that the Executive Working Group, with representative of all three Boards in the Group, meets quarterly and she would raise the suggestion at their next meeting.

The meeting closed at 16.55pm.