

BUCKINGHAM AND RIVER OUZEL INTERNAL DRAINAGE BOARD

Board Meeting

Minutes of the meeting held on 10 February 2015 at 2pm at Vale House, Stewartby

PRESENT: H Powell-Shedden (Chairman); P Bowsher; A Dransfield; R Exon; A Gurney; N Hawes; P Hirons; H Hunt; V McPake; B Spurr; N Warren (*arr. 2.07pm*) and A Webb.

IN ATTENDANCE: F C Bowler (Clerk/Chief Executive); J J Oldfield (Director of Operations); R C Easom (Committee Clerk).

1 APOLOGIES FOR ABSENCE were received from Messrs R Haynes; D Hopkin and K Janes. Mrs F Chapman gave her apologies the following day.

2 DECLARATION OF MEMBERS' INTERESTS

Mr Bowsher declared an interest as he is an employee of The Parks Trust.

3 ELECTION OF VICE CHAIRMAN

Members agreed unanimously to the election of Mr Hirons as Vice Chairman.

4 TO CONSIDER VACANCIES ON THE BOARD AND CO-OPTION OF MEMBERS

The Chairman advised members that there were currently four elected member vacancies on the Board. He asked members to consider re-constituting the Board to a 21 member Board. The current membership should comprise 25 members in total – 13 council representatives and 12 elected members. There were only 8 elected members on the Board at present. The Chairman said, if members wished, a General Purposes Committee meeting may be held to discuss the matter further. The Clerk said she had written to Mr Woods and Mr Osborn with a view to co-opting them on to the Board. To date there had been no response from Mr Woods but Mr Osborn had agreed to put his name forward for co-option.

Members agreed to the Co-option of Mr Osborn to the Board.

Mr Warren arrived.

5 MINUTES OF BOARD MEETING 4 NOVEMBER 2014

The minutes were accepted as a true and accurate record.

Mr Dransfield pointed out that 'Crownhill', Milton Keynes should be one word not two, as shown in the minutes.

6 MATTERS ARISING

Broughton Brook Sewer Outfall from Maidstone Road / cascade weir

Mr Bowsher asked for an update on the situation. The Director of Operations said there had been no progress and he was still awaiting a response from Anglian Water. Mr Bowsher said he would try and get some contacts as the Parks Trust was concerned from a public safety point of view.

Padbury Brook

Mr Hirons asked whether there had been any progress in obtaining funding for maintenance works to be carried out on this section of Main River. The Director of Operations referred members to agenda item 14 – the Technical Report and the item on Local Choices. This new initiative involves officers of the Board working with EA officers in order to agree where the Board's precept is spent on Main River.

Crownhill / Watling Street, Milton Keynes

Mr Dransfield said he was concerned about run-off in this area. The Director of Operations said he would discuss the matter with Mr Dransfield after the meeting in order to establish the exact area to which he was referring.

7 UNCONFIRMED MINUTES OF THE JOINT MANAGEMENT COMMITTEE HELD ON 3 NOVEMBER 2014

The Chairman presented the minutes which were noted.

Mr Dransfield pointed out that the Chairman was referred to several times in the minutes but it was not clear who the Chairman was. The Chairman said Mr Bennett, Chairman of the Bedfordshire and River Ivel Board was the Chairman of the Joint Management Committee. The Committee Clerk apologized for the omission.

Discussion took place:

Plant Replacement Items

The Director of Operations said all new items of plant as listed had now been purchased and were in place and the Berti SB100 mulcher attachment has been replaced with a more appropriate one for the size of the excavator. He added the Boards now had two tractor pumps and a towable 6" pump to tow on the back of a four wheel drive vehicle.

New Guidance from Vole Society

Mrs McPake asked what the current situation was regarding the new guidance from the Vole Society. The Director of Operations said, in response to ADA and Natural England preparing a draft class licence for IDBs working on watercourses where there are water voles, the Bedford Group, the Ely Group and the Water Management Alliance IDBs had sought a legal opinion on the Wildlife and Countryside Act. The advice from a leading solicitor in conservation has stated that the Wildlife and Countryside Act is clear: It is an offence to intentionally or recklessly disturb a water vole's places of rest or shelter (i.e. only its burrow) and not the wider environment of the water vole (i.e. the water or bankside vegetation). Therefore, strimming is not an offence. Best practice has been to trim the bank where water voles are present, causing the water vole to vacate the burrow and relocate further along the bank. As the burrow is no longer used it is not a water vole's place of rest or shelter. This then enables any necessary bank re-profiling to then take place. After the works have taken place, the water voles can move back and form new burrows. The legal opinion has therefore confirmed that the way the Boards have operated in the past is lawful and this information has been passed on to ADA in order that any changes in procedure are correct.

8 WATERCOURSE SURVEYS REPORT

The Director of Operations presented the Watercourse Surveys report.

Members approved the Watercourse Surveys report and the associated expenditure.

Discussion took place:

Mr Dransfield asked why the Board would spend money on surveying downstream Loughton Brook. The Director of Operations said it would not be re-surveyed. All high risk watercourses had now been surveyed and additional budget was required to enable incidental survey works to be procured as necessary, such as following flooding incidents or to check as built surveys provided by developers.

Cottingham Brook/Jubilee Brook, Milton Keynes

Mr Webb said concerns had been raised by resident about the watercourses being overgrown. Jubilee Brook has trees slipping down the bank and blocking the watercourse.

The Director of Operations said Water Eaton Brook was Main River, which comes under the jurisdiction of the Environment Agency. Mrs McPake asked whose responsibility Cottingham Brook was. The Director of Operations said he would investigate, as it was not in the Drainage District.

9 REVIEW OF DEVELOPMENT CONTRIBUTIONS

The Director of Operations presented the Review of Development Contributions report adding that the adoption of works would come under the Tariff System in Milton Keynes.

Members approved the report and the following recommendations:

- (i) The general development contribution should be increased to £4.35 per impervious square meter from 1st April 2015;**
- (ii) Where the outfall flows into a Board watercourse the Board take a development contribution and/or where the outfall flows into a tributary, the developer will fully fund any necessary adoption;**
- (iii) The Clerk should be authorized to negotiate appropriate commuted sums from developers when the Board agrees to adopt new works.**

SUDS Approval

Members expressed their concern regarding the Defra announcement on the 18 December 2014 that they will be implementing the proposal to abolish the introduction of the Sustainable Approval Body (SAB). Discussion took place about the Board's responsibilities should flooding arise due to inadequate SUDS being provided by developers. The Director of Operations said the Board could exercise its powers; it may reduce the maintenance regime and it has the choice as to whether or not to charge a land owner for its services. In addition, when legal agreements are being formulated officers endeavour to include the parent company.

10 PROGRESS OF WORK REPORT - APRIL TO DECEMBER 2014 FOR THE WORKS PROGRAMME 2014/15

The Director of Operations presented the Progress of Work report. He said by the end of the year he forecast that all programmed works would be carried out except the areas outside of the M1 area. The programme had been bigger than usual due to the amount of work carried forward from the previous year and again this year there was a problem with the ground being saturated.

Members approved the Progress of Work report April – December 2014.

Discussion took place:

Mr Hirons said he was concerned that only 40% of the mechanical clearing and 40% of the dredging had been carried out at the time of the report. The Director of Operations said it was due to the saturated ground. Restrictions regarding bird nesting were also a factor. In addition he was concerned about the restrictions on hedge cutting under the Common Agricultural Policy cross compliance. Mr Bowsher said he thought this would only affect farmers. The Director of Operations said some technical groups were concerned that drainage boards could be prosecuted. He said ADA had asked Defra for a blanket exemption from the hedge cutting restrictions.

Crownhill / Watling Street, Milton Keynes

Mr Dransfield asked whether the outfall from the watercourse leading out of the western flank, eastwards was sufficient given the planned development. The Director of Operations said the watercourses are as existing and the developer has to attenuate to the green field run off rate or better. The Director of Operations added that although in the Board's area, this stretch of watercourse is an Anglian Water sewer system which was re-engineered for the development and it has superseded the Board's system. Mr Dransfield asked about the open watercourse in that area. The Director of Operations said he would discuss the matter with Mr Dransfield outside of the meeting in order to establish the exact location of the area he was concerned about.

11 REVIEW OF WORKS PROGRAMME 2015/16, 2016/17 AND 2017/18 COMMENTARY

The Director of Operations presented the review of works programme.

- **Members approved the Works Programme 2015/16**
- **Members approved the following request for work:**
 - Twyford watercourse S75 – request from landowner to maintain 1100 metres of medium risk, cat 3 watercourse.**
- **Members approved the continued partnership working with the Parks Trust and contributions to watercourse maintenance works that are in line with the Works Programme.**

12 TO REVIEW ESTIMATES OF INCOME AND EXPENDITURE FOR THE 2015/16 FINANCIAL YEAR

Officers presented the estimates of the income and expenditure. The Clerk reminded members that JMC had agreed the Group Account estimates at their meeting on 3 November 2014 and explained the under-spend on the estimated costs for the 2014/15 Engineering and Administration staff was due to the Engineering department being under-resourced for a large part of the financial year.

Capital and Maintenance Development Fund

The Director of Operations said the total under the heading 'Funding to IDB' should have read £1,922,947 not £1,922,0947.

The Clerk said a 16% engineering and administration charge is made on income for capital development. Income from this charge has been estimated at £145,000 but the total amount of may be in the region of £67,000 as the timing of some anticipated contributions can be difficult to estimate.

Occupiers' Rate Fund / General Estimates for 2015/16

The Clerk explained there was an error on the A3 table regarding the revised estimate 2013/14 figures. The amendments did not affect the figures for the proposed estimates of expenditure for 2015/16 and subsequent years. A replacement A3 sheet was tabled.

The Clerk said she was recommending a zero percentage increase in the rate and special levy income for 2015/16. This would leave balances in line with auditor recommendations.

Members approved:

- (i) **Joint – Group Account – Engineering and Administration, Labour on cost and Plant Purchases and Funding**
- (ii) **Capital and Maintenance Development Fund; Capital Works – Grant in Aid Capital Programme Funding.**
- (iii) **Maintenance Estimates.**
- (iv) **Occupiers' Rate Fund/General Estimates**

13 TO SET THE DRAINAGE RATE FOR THE FINANCIAL YEAR 2015/16 AND TO AUTHORISE THE CHAIRMAN TO SEAL THE RATE

Members agreed a zero percentage increase in rate and special levy income for 2015/16 resulting in the rate of 4.80p in the pound and rate and special levy income of £617,482 and authorised the Chairman to seal the rate.

14 TECHNICAL REPORT (INC. SCHEDULE OF CONSENTS) – OCTOBER TO DECEMBER 2014

The Director of Operations presented the Technical Report.

Members approved that Technical Report and schedule of Consents – October to December 2014.

Discussion took place:

Ledburn

Mr Hirons said the fact that all the contractors had withdrawn from the tendering process did not bode well for the completion of the works. The Director of Operations said the scheme will be put out to tender again with a view to commencing construction works in the spring. With the additional engineering staff resources now available, it will be possible to put together a detailed programme; hold a pre-meeting and explain that the Board's ecologist will be involved.

Members gave their support to the Director of Operations regarding the Ledburn scheme.

EA/IDB Local Choices

The Chairman said he hoped members would support the Director of Operations regarding the Local Choices initiative and the opportunity for the Bedford Group to see its precept payments to the EA being invested in the long overdue maintenance of Main River. He asked that members lobby their local Members of Parliament.

Members agreed that every effort should be made to take advantage of the Local Choices initiative and following the General Election local MPs should be lobbied regarding this.

Consultation – Flood Risk Management Plans

The Director of Operations said officers had submitted the Boards' response to this consultation on Friday 30th January 2015. He said they were disappointed that, prior to the publication of the plan, there had been a total lack of engagement with IDBs and other flood risk management authorities. The Director of Operations said one statement of particular concern was that the Upper Bedford Ouse was heavily engineered and ultimately unsustainable. He said with the large amount of development there was a need to ensure that the drainage system was well managed: To allow rivers to silt up was compromising the area for future generations. He added that it was a dreadful oversight and a view point inappropriate for a heavily modified waterbody that needs to be maintained to function.

Members were again encouraged to write to local MPs objecting to this standpoint.

15 AUDIT

i) INTERNAL AUDIT REPORT 2013/14

The Clerk presented the report of the internal auditor, David Gowing, which was a follow up of the 2013/14 audit.

In Mr Gowing's opinion the Board continues to have good controls and he provided Adequate Assurance.

Outstanding issues which the internal auditor was recommending be addressed were:

- a. The market testing of engineering consultancy services.
- b. The car allowance scheme; as many IDBs have reduced the mileage rate they pay to staff.

The Clerk said the market testing of engineering consultancy services was currently being undertaken. The internal auditor was currently obtaining information on rates which other drainage boards pay in order to compare.

The car allowance scheme was discussed by the Executive Working Group on 13 January 2015 and it had been agreed that the Clerk should produce a more detailed report to the next EWG and JMC meetings in April 2015.

Members accepted the Internal Audit Report.

Discussion took place:

Car Allowance

Some members were concerned that more than the tax free amount of 45p per mile was being paid while others were concerned that the 45p per mile was too little.

The Clerk said that issue of car allowances would be an agenda item at the EWG and JMC meetings in April 2015 and this will be reported to the June 2015 Board meetings.

ii) TO RE-APPOINT THE INTERNAL AUDITOR

Members agreed to re-appoint Gowing Internal Audit Services Ltd.

Discussion took place:

Mr Spurr asked how long Mr Gowing had been employed by the Boards. The Clerk said three years and that five or six years is generally agreed to be appropriate.

16 FINANCE REPORT TO 31 DECEMBER 2014

The Clerk presented the Finance Report.

Members approved the Finance Report to 31 December 2014.

17 ANY OTHER BUSINESS

There was no other business.

18 DATE OF NEXT MEETING

Board meeting - 9 June 2015.