

BUCKINGHAM AND RIVER OUZEL INTERNAL DRAINAGE BOARD

Board Meeting

Minutes of the meeting held on 6 February 2018 at 2pm at Vale House, Stewartby

PRESENT: P Hirons (Chairman), V McPake (Vice Chairman), P Bowsher, F Chapman, S. Cole, A Dransfield, R Exon, A Gurney, N Hawes, H J Hunt, D Osborn, D Prosser, B Spurr 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 Brown and Haynes.

2 DECLARATION OF MEMBERS' INTERESTS

During discussion of the Works Programme and Requests for Work, Mr Spurr declared an interest as a Leighton-Linslade Town Councillor.

3 MINUTES OF THE BOARD MEETING HELD ON 7 November 2017

The minutes of the Board meeting held on 7 November 2017 were accepted as a true and accurate record.

4 MATTERS ARISING FROM THE MINUTES

Joint Management Committee Vacancy

The Clerk said that there remained a vacancy on the JMC and if no names were put forward then the Standing Orders of the JMC may have to be amended. Again, no names were put forward and the Clerk said she would report back to the JMC.

Loughton Brook

Mr Dransfield asked about the works still to be undertaken on Loughton Brook. The Director of Operations said it was an error on the plan and that the short stretch of watercourse should have been shown as completed.

Caldecotte Flood Risk Management Scheme – Walnut Tree

Mrs McPake asked who should be contacted in the event that the trash screen needed replacing. The Director of Operations said it would be the owner of the watercourse. Mrs McPake said it was not clear who that owner was and Milton Keynes Parks Trust had put in the trash screen. She said she was referring to Brook End not Caldecotte and that it needed keeping an eye on. The Director of Operations said the Board's personnel would look at the trash screen at Walnut Tree, which is believed to have some bent bars on it.

Eaton Leys

The Chairman asked whether officers had had any contact with Anglian Water regarding the mains water pipe adjacent to the Board maintained watercourse. The Director of Operations said they had been issued with consents for 3 or 4 temporary crossings. Mr Gurney said the works were just about completed. He said the Board had not consented to anything else and that it may be outside the nine metre byelaw consent area.

5 UNCONFIRMED MINUTES OF THE JOINT MANAGEMENT COMMITTEE HELD ON 15 January 2018

The Chairman presented the minutes which were noted.

Discussion took place:

ADA Great Ouse Branch

The Chairman asked about the venue for the ADA Great Ouse Branch meeting. The Clerk said it was Ely.

Health & Safety – Haulage of Excavators

Mr Hirons referred to the allowance being made in the Plant estimates for the purchase of a low loader and a tractor in order to carry out 'in house' haulage of the Boards' excavators. He said he would have thought heavy haulage contractors had good health and safety procedures as they were specialists. He asked whether it was a cost-cutting exercise and a way of purchasing another tractor. The Clerk said it was a health and safety issue, brought to officers' attention by the workforce. Excavators being loaded and unloaded on public roads, in order to access an adjacent site, have caused concern regarding traffic. This is to be assessed further but a preliminary allowance has been included in the plant programme.

Mr Dransfield said he challenged the business case for carrying out in-house haulage and agreed with the Chairman regarding specialist hauliers having good health and safety procedures.

Mr Hawes raised the issue of that there may be weight restrictions of 12 tonne or less on tractor/low loader trailer haulage.

Personnel

Job Evaluation and Pay Review

The Chairman said the JMC sub-group was hoping to address recruitment issues. Three LDO posts were available but only two were recruited. The Clerk said officers were soon to advertise for another LDO.

The Chairman said there was a need to consider progression and succession as it was the sign of a healthy organisation. Mr Dransfield agreed and said it was very important to consider the roles of Clerk/Chief Executive and Director of Operations as employees at the top of an organisation were often the most difficult roles to consider in this respect.

Review of Workforce Travel rates

Mr Dransfield said he was not sure that it was correct to deduct the 4 miles per day from the Land Drainage Operatives travel to site each day. He believed that the Inland Revenue had a fixed position on this and it could be zero or the actual distance. The Clerk said she would check but as far as she was aware it could be between 8 miles and zero.

Pay and Conditions – 2018/2019 Pay Award

Mr Dransfield said he thought that the pay award of approximately 2.2% was high and asked whether the Lincolnshire Boards were dictating to the Bedford Group.

The Clerk said that for several years the Bedford Group has had an agreement to be aligned with the Lincolnshire Boards for pay and conditions. The Boards have delegated powers to the Joint Management Committee to decide on joint administration expenditure and the recommended pay award (90% of the national increase in annual earnings, as published in the

Sunday Times on the last Sunday in January, applied across all rates) which could be approximately 2.2%, was agreed by JMC members.

The Chairman added that the Bedford Group are having difficulty filling posts. The Boards operate in an area of high economic growth where workers are well paid. If pay was kept down the Boards would not be able to attract workers and Lincolnshire Boards pay rates are probably too low. Mrs McPake said she had some sympathy with Mr Dransfield's point but it had been necessary to consider the level of skills required by the Boards workforce and she believed it was the right decision.

The Clerk said if members wanted to consider moving away from the alignment with the Lincolnshire Boards then that could be taken to the JMC.

Mr Dransfield added that it was difficult to differentiate between the Boards in the joint administration costs. The Clerk said the Bedfordshire & River Ivel Board was the employing authority but all costs were split 60%/40%, with the Buckingham & River Ouzel Board paying 40%.

Mr Dransfield said he felt that the Board did not have control. The Clerk said that the Boards had delegated powers to the JMC and the JMC was comprised of members from all three Boards. This could change. The Chairman said this would mean breaking up the joint board administration.

Mr Bowsher said the Board had control of the budget. He saw the administration of the Board as similar to contracting out that service. The Board can control the budget with a view to carrying out more or less work. The Clerk said that, for example, the Board could request that the administration costs are reduced by 10% next year.

It was agreed to discuss the issue during discussion of the estimates, later in the meeting.

6 REVIEW OF DEVELOPMENT CONTRIBUTIONS

The Director of Operations presented the Review of Development Contributions report.

Members approved the report and the following recommendations:

- (i) The general development contribution should be increased to £5 per impervious square metre from 1st April 2018;**
- (ii) The Clerk should be authorized to negotiate appropriate commuted sums from developers when the Board agrees to adopt new works.**

Discussion took place:

Mr Dransfield asked what the definition was of large and small developments. The Director of Operations said there was no strict definition.

Mr Spurr said he believed it was in the Board's interest to define what a small development was. Mr Bowsher said where a developer is not attenuating there will be an increased charge to contribute towards maintenance of the system they are discharging to. If a large development did not attenuate then the developer would not get planning permission. The Director of Operations agreed.

Mr Dransfield raised the issue again of Anglian Water Services charging for connecting to their system but the Board not receiving any payment to receive new development flows where

they discharge from the AWS system into Board watercourses. The Director of Operations said any development has to attenuate. There was conflicting case law on the subject. Mr Dransfield agreed that to pursue this would result in more legal costs than the Board could recover for receiving water from an AWS system.

Mr Webb raised the issue of a development adjacent to Cottingham Brook. He said he did not have the article to hand but the IDB was quoted. The Director of Operations said that Cottingham Brook was not in the drainage district and was similar to the Salden Chase query at the previous Board meeting. The developers have to carry out a Flood Risk Assessment and will attenuate in accordance with the National Planning Policy Framework.

7 PROGRESS OF WORK REPORT - APRIL TO DECEMBER 2017 FOR THE WORKS PROGRAMME 2017/18

The Director of Operations presented the Progress of Work report including the A3 plan showing the completed works in black. He said the work was currently on schedule and he was confident that the works would be completed by the end of March 2018.

Members accepted the Progress of Work report April – December 2017.

Discussion took place:

Mr Bowsher said he thought that the percentage of mechanical clearing and dredging looked low. The Director of Operations said the reason for that was the working calendar: Mechanical clearing and dredging have recently been started and there was still January, February and March of the programme remaining.

Reinstatement

Mr Bowsher asked whether the works shown on the map as completed, at Leighton Buzzard, were mostly dredging. The Director of Operations said it was reinstatement. The Board used to do more but it began to impact on handwork. The issue was raised at the last Board meeting. There are a lot of benefits to be gained in carrying out reinstatement. For example if the same farmer is inconvenienced because the Board always work on the same bank then reinstatement helps avoid a potential loss of goodwill. Also, if the bank top is left tidy then the ground conditions are better when the Board return to carry out maintenance works again.

The Director of Operations said he was recommending that the Board re-introduce carrying out basic reinstatement of deposit silt where appropriate.

Mr Hawes said different contractors' work has not been as good a standard as the Board. His opinion was that the Board should reinstate, particularly pasture.

Mr Gurney suggested that the land be left as the Board find it, re-seeding pasture but leaving arable. The Director of Operations said the Board should only pay for a basic seed mix. Mr Hawes said he thought farmers should get a derogation but in the early stages of, for example, a stewardship scheme, be compensated. The Director of Operations said farmers should not enter such schemes adjacent to an IDB watercourse. It is beyond their control if the Board serves notice and part of the guidance from Natural England is, if not in full control, the farmers need to declare that. If the Board watercourse is a category 1 then the Board may enter on to the land every year to carry out maintenance. However, a low risk watercourse may be left for as long as ten years.

Mr Cole thanked officers for looking at the issue of reinstatement and said he would like officers to decide on when and how to reinstate but be flexible.

Mr Bowsher agreed that it should be a decision of officers as to whether reinstatement is carried out. He added that the Board should not pay contractors if their reinstatement works were not satisfactory. Officers agreed.

Members agreed that the Board re-introduce the carrying out of basic reinstatement of deposit silt where appropriate.

8 REVIEW OF WORKS PROGRAMME 2018/19, 2019/20 and 2020/21 COMMENTARY

The Director of Operations presented the Review of Works Programme including the schedule and A3 plan showing the categories of watercourses in the Board's district.

Members approved the Works Programme 2018/19.

REQUESTS FOR WORK

Buckingham County Council, Leckhampstead

The Director of Operations reported on the following request from Buckinghamshire County Council, as the Lead Local Flood Authority, undertaking a scheme in Leckhampstead. Buckinghamshire CC had requested that the Board work in partnership with them to assist them in their Natural Flood Management study:

- Leckhampstead, upstream section of watercourse M8-5. The watercourse is outside the drainage district. Leckhampstead village experiences regular flooding. The Council is undertaking a Natural Flood Management study to investigate options to reduce flooding. As a contribution to reduce flooding, the Board could undertake approximately 1500m of watercourse maintenance abutting the district to aid the evacuation of flood water away from the village. Cost estimate of works is £17,000.

Members discussed the above request. The Chairman asked why Buckinghamshire CC were asking the Board to carry out these works. The Director of Operations said it may be that the Regional Flood and Coastal Committee are contributing to the study and they can require local partnership funding in addition to their contribution. The Director of Operations said the issue was raised at a partnership meeting six to nine months ago. Buckinghamshire CC may consider that the Board contributing will attract more partnership funding.

Mr Cole said he would like more technical details. The Director of Operations agreed it would be beneficial to have more details and check that what is proposed makes sense from an engineering perspective.

The Clerk added that the £17,000 expenditure would attract highland water contributions and this would effectively reduce the cost to £11,000.

Mr Spurr said he would like to see other contributors.

Mr Hawes asked whether the Board had the capacity to carry out the works. The Director of Operations said the Board did, for the two or three weeks that it would take.

Mr Dransfield was not in favour of the Board carrying out the works. Mrs McPake was concerned that the Board not agreeing to carry out the works could mean that the RFCC did not fund any of it.

A majority of members agreed that the Board should not commit to carry out the works at Leckhamsptead, at this stage, and that the matter be discussed further at the next Board meeting. Mr Dransfield abstained.

Leighton Linslade Town Council

The Director said a second request for works had been received from Leighton Linslade Town Council, just prior to the Board meeting and therefore not in the Board meeting papers, requesting that a watercourse be maintained. It would be light work on approximately 1800m of mostly Board maintained watercourse at an estimated cost of £20,000.

The Clerk said with the highland water contribution taken into account the cost to the Board would be £14,000. In addition, there was some development contribution money from small developers for long term maintenance, under Astral Park/Billington Road Leighton Buzzard, in the sum of £3,500.

Members approved the above request for work from Leighton Linslade Town Council. (Mr Spurr abstained declaring an interest as a Leighton Linslade Town Councillor).

Members approved the continued partnership working with the Parks Trust and contributions to watercourse maintenance works which are in line with the Works Programme.

Discussion took place:

Watling Street, Milton Keynes

Mr Webb reported that the right-hand culvert in Watling Street was blocked, only one channel had water flowing through. He believed debris had been pushed over the bank into the river. Mrs McPake suggested that although the watercourse was Main River and EA responsibility it would be helpful if the Board inspected and formally wrote to the EA.

The Director of Operations agreed that the Board would investigate, although the channel is Main River.

Crownhill and Crematorium, Milton Keynes

Mr Dransfield said there was a similar issue with two screens at Crownhill and the Crematorium, with the Crematorium one being of main concern. The Director of Operations said these were Anglian Water responsibility. Mr Dransfield suggested entering into discussion with AW regarding the issue.

9 TO REVIEW ESTIMATES OF INCOME AND EXPENDITURE FOR THE 2018/19 FINANCIAL YEAR

9 (i) JOINT ESTIMATES

The Clerk presented the estimates of the income and expenditure and reminded members that the JMC had agreed the Group Account estimates at their meeting on 15 January 2017 and explained that the Buckingham & River Ouzel Board pay 40% of the joint cost.

Some members were concerned about the increase in the joint Boards' administration costs, which, overall, was almost 4%. Council representative members talked about savings and efficiencies which have been introduced in councils. It was also suggested that the Group explore ways of bringing in income by thinking more commercially, such as hiring out the Boardroom facilities.

The Clerk said the bulk of the increase was the estimated 2.16% increase in pay, the 1% increase in the employer pension contribution and other costs the Board has no control over such as insurance

premium tax and rating revaluation. There were commitments in terms of staff training and computer equipment.

The Clerk said that savings have been made and the Board's costs have gone down year on year. Moving to the new premises had been a saving, income is being received from local authorities for the administration of land drainage consents and the possibility of charging developers for advice is being investigated. Also, there were costs that were outside of the Group's control, such as, insurance premium tax and the non-domestic rating revaluation of Vale House.

Mr Osborn commented on the increased cost in the revised estimate of Security and Fire equipment. The Clerk said there had been additional CCTV and security lighting installed.

The Chairman and Clerk reminded members that the Board had delegated powers to the JMC regarding the administration of the Group.

The Clerk said the Board's financial position was reasonable for the next few years and members could vote to reduce the rate.

9 (ii) CAPITAL AND MAINTENANCE DEVELOPMENT FUND

The Clerk presented the Capital and Maintenance Development Fund/Grant in Aid Works estimates. She said 16% of the income for commuted sums and discharge contributions had been deducted for Board engineering and administration.

Mr Prosser said he was keen to see the works at The Causeway, Lower Weald carried out. The Director of Operations said officers of the Board had followed due process and he was hoping that a contractor would be commencing the work at the end of February 2018.

9 (iii) MAINTENANCE ESTIMATES

The Director of Operations presented the Engineering Commentary and maintenance estimates.

The Chairman asked where the money would come from for the agreed request for works from Leighton Linlade Town Council, and possibly the Leckhampstead works, as previously discussed. The Clerk said the funds would come from the Occupiers' Rate Fund/General Reserves.

9 (iv) OCCUPIERS' RATE FUND/GENERAL ESTIMATES

The Clerk presented the General Estimates said she was recommending a zero percentage increase in the rate and special levy income for 2018/19. She said the balances were in line with what was acceptable to the auditors. In the 2018/19 financial there was due to be an increased amount of development contributions.

Discussion took place:

Mrs McPake asked about Data Protection Fees. The Clerk said they were due to increase but would be standard fees.

Mr Dransfield asked about the ADA subscriptions. The Clerk said they were based on the size of the Board and the assessable value also ADA are currently reviewing the subscription process.

Mr Dransfield queried the audit fees. The Clerk explained that Internal Audit was carried out as a Group exercise but each individual Board was subject to a separate External Audit.

Members approved:

- (i) **Joint – Group Account – Engineering, Finance 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.**

10 TO SET THE DRAINAGE RATE FOR THE FINANCIAL YEAR 2017/18 AND TO AUTHORISE THE CHAIRMAN TO SEAL THE RATE

Members agreed a zero percentage increase in rate and special levy income for 2018/19 resulting in a rate of 4.80p in the pound and rate and special levy income of £641,087 and authorised the Chairman to seal the rate.

11 TECHNICAL REPORT (INC. SCHEDULE OF CONSENTS) – NOVEMBER TO DECEMBER 2017

The Director of Operations presented the Technical Report.

Members approved the Technical Report and Schedule of Consents – November to December 2017.

Discussion took place:

East West Rail

Mrs McPake said she would appreciate a copy of the Board’s responses to the Round 3 consultation documents, sent to the relevant bodies under the Transport and Works Act schedules.

Lower Weald/new development Western Flank, Milton Keynes

Mr Dransfield asked if some of the new development on the Western Flank in Milton Keynes fed into Lower Weald watercourse and if the attenuation had worked. The Director of Operations said he believed it did, however, it has not been monitored. Mr Gurney said as there had been no big rainfall events in the last two years the system was yet to be tested. The Director of Operations said the road did flood at Lower Weald over the Christmas period but no water went into the houses.

Eaton Bray Flood Risk Management Scheme

Mr Spurr asked when the Director of Operations expected work on the ground to take place. The Director of Operations said next year or possibly the following year.

Bedford to Milton Keynes Waterway Park

The Director of Operations reported that, following the proposal that the Boards be more involved with the Waterway’s consortium, Mr A Brown, Central Bedfordshire Council representative on both the Buckingham & River Ouzel and the Bedfordshire & River Ivel Boards, has agreed, at the recent Beds & Ivel Board meeting to be the Member representative for the Bedford Group.

Members agreed that Mr Brown, should represent the Bedford Group of IDBs in the Waterway’s Consortium as a Member representative, and an Officer Representative should join the Joint Programme Executive.

Environment Agency

The Chairman referred to the visit by the EA Area Manager, Charlie Beardall, to the Bedford Group of Drainage Boards on Monday 5th February. The Director of Operations said officers had pressed the

issue of lack for funding for long term maintenance of SUDs and, locally, the insufficient level of maintenance on Main River. Site visits took place at Stewartby Lake, Brooklands SUDS and River Ouzel next to Willen Lake in Milton Keynes. Officers did manage to get the EA to carry out work there and at Padbury Brook two years ago through the Local Choices initiative. However, currently the flood channel is full of trees and bushes and flood flows are not going to Willen Lake as effectively as designed. The issue was raised in 2014 when the then Secretary of State for Environment, Food and Rural Affairs, Owen Patterson was taken out on site.

The Director of Operations said the underlying message being promoted by the EA is that it is not coming up on their computer system. He said he could only assume that the correct information is not being put into their computer system as Milton Keynes should be a high priority for Defra.

The Clerk said officers also spoke to the EA again about Padbury Brook.

Mr Hawes suggested officers encourage the EA to use the services of the Board. The Director of Operations said that had already been proposed. Officers of the Board had stated that they would want to manage the watercourse under the Board's processes but would first require it to be put in good order. He hoped that the new Area Manager, who had never been to this part of the catchment before, may now have gained a better understanding and progress may be made.

Oxford to Cambridge Express Way

Mr Dransfield suggested that there could be a significant amount of work for the Board as a result of the Oxford to Cambridge Express Way. The Director of Operations said it could be that a separate legal agreement is drawn up, rather than charge the £50 consent fee under the Land Drainage Act each time the line crosses a watercourse. The separate legal agreement would enable the Board to recover all of its costs.

Planning Application Objections – MKC - Application no: 17/03212/REM - Land at Eaton Leys Galley Lane, Little Brickhill

Mrs McPake said she was pleased to see the Board had objected to the above planning application. The Director of Operations said it was all based on lack of drainage detail. Mr Dransfield asked whether Milton Keynes Council could ignore the Board's objection. The Director of Operations said they could as the Board were not a statutory consultee, but the Board's officers endeavour to work closely with Milton Keynes Council planning officers.

12 AUDIT

i) INTERNAL AUDIT INTERIM REPORT 2017/18

The Clerk presented the internal auditor's interim report for 2017/18. She highlighted the final bullet point of 1.3 of the Executive Summary: 'Most systems now have good control so with a continued consistent approach this year it is expected that a substantial assurance opinion will be provided at year end.'

Members accepted the Internal Auditor's Interim Report on 2017/18 Audit.

ii) TO APPOINT THE INTERNAL AUDITOR

The Clerk explained that Gowing Internal Audit Services Ltd would no longer be offering their services to the Board after the current financial year as Mr Gowing was retiring.

The Lincolnshire Drainage Boards, which the Bedford Group are aligned with, has carried out a formal tender process and a company called TIAA had been chosen to carry out the internal audits. Some of the Lincolnshire Boards are already using them for the current financial year. The JMC have

been kept informed of the process. The programme for each annual internal audit will be approximately 4 days @ £300 per day, fixed for the next three years, with the cost shared between the two larger Boards in the Group.

Members approved the appointment of internal auditors, TIAA, to the Board.

13 FINANCE REPORT TO 31 DECEMBER 2017

The Clerk presented the Finance Report which included:

- Receipts and Payments through the Board’s individual bank account with Lloyds from 1 April to 31st December 2017;
- Cheque/Direct Debit list;
- Investment and Bank Account Balances as at 31st December 2017;

The Clerk said there was no longer any joint investment between the Boards as interest rates were still so low. If interest rates improve she will discuss the re-introduction of joint investment with the JMC.

Members approved the Finance Report.

Discussion took place:

Mr Hawes asked whether other investment possibilities had been pursued. The Clerk said, as some members had not been content with the safety and/or security of previous suggestions, such as investing with local authorities, other possibilities had not been pursued. She said she would raise the issue for discussion with the JMC.

14 Byelaws – Defra amendment

The Clerk presented the report on the following Defra amendment to the recently approved Byelaws:

The addition of item 1(c) shown in red.

1 Application of Byelaws

- (a) these Byelaws shall have effect within the District;
- (b) the watercourses referred to in these Byelaws are watercourses which are for the time being vested in or under the control of the Board.
- (c) for the purpose of these Byelaws, references to a watercourse are to be construed as including:

a drainage system as defined by the Flood and Water Management Act 2010;
a large raised reservoir as defined by the Reservoirs Act 1975; and
a body of water as defined by the Water Environment (Water Framework Directive) (England and Wales) Regulations 2017.

The deletion of “*Watercourse*” means *watercourse or waterbody*” from the list of expressions and their meanings under:

33 Interpretation

~~“Watercourse” means watercourse or waterbody;~~

Members approved the Defra amendment to the Byelaws and the revised copy was presented for the Chairman and Clerk to sign and seal.

15 ANY OTHER BUSINESS AT THE CHAIRMAN’S DISCRETION

Mr Cole said he would like to thank officers for the progress they had demonstrated with regard to issues regarding the use of Glyphosate and the re-introduction of reinstatement.

16 DATE OF NEXT MEETING

Board meeting – 15 May 2018.

The meeting closed at 4.35pm.