

BUCKINGHAM AND RIVER OUZEL INTERNAL DRAINAGE BOARD

BOARD MEETING

Minutes of the meeting held at 2pm on 13 June 2017 at Vale House, Stewartby.

PRESENT: P Hirons (Chairman), S Cole (Vice Chairman), P Bowsher, F Chapman, A Dransfield, R Exon, J Hawes, V McPake, D Prosser and A Webb.

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

Also in attendance: Mr D Gowing, Internal Auditor.

1 APOLOGIES were received from Messrs Brown, Gurney, Haynes, Hunt, Osborn and Spurr.

2 DECLARATION OF MEMBERS' INTERESTS

There were no declarations of interest.

3 MINUTES OF BOARD MEETING HELD ON 7 FEBRUARY 2017

The minutes of the Board Meeting held on 7 February 2017 were accepted as a true and accurate record for the Chairman to sign.

4 MATTERS ARISING FROM THE MINUTES

Milton Keynes Council - Flood and Water Management Group

Mrs McPake said there were still staffing issues in the department but contracts had been issued and officers should be in post by late July. In the meantime, Gordon Boote is handling some of the work on a part-time basis.

Chemical Weed Control – Glyphosate (Roundup) the future

Mrs McPake asked whether there were any further developments regarding the use of Glyphosate as she knew that some authorities had stopped using it. The Director of Operations said he had no further updates to report other than the ADA information paper tabled at the Board meeting on 7th February 2017.

Anglian Water Services – Watercourse M20, North Marston

The Chairman asked about the current situation with the AWS pipe, which crosses the open channel, which was hit by Board personnel. The Director of Operations said it was on-going; in the last few days AWS had threatened legal action. The Clerk said that she had responded stating that consent should have been applied for and the Board would contest any legal action.

Investments

Mr Dransfield asked about the current situation with investments. The Clerk said nothing had been progressed. She had heard nothing further from the Co-Op bank and the majority of funds were still with Lloyds.

The Chairman said some members would like to see a wider spread of risk and the issue of investments will continue to be monitored. The Clerk said the investments are reviewed at every Joint

Management Committee meeting and that she had discussed the issue with the Lincolnshire Clerks and the internal auditor. Mr Gowing said he was aware that many other drainage boards have the same problem and some boards, because interest rates are so low, keep funds in current accounts.

Adoption of Works

Mr Dransfield said he believed there was an issue with adoption of works given that Anglian Water Services charge for connecting to their system but the Board does not receive any payment to receive new development flows where they discharge from the AWS system into Board watercourses. The Director of Operations said he believed charging a developer for discharging into the Board's system, via a public storm sewer, was unenforceable.

Mr Dransfield said he believed there were implications, in, for example, the Western Expansion Area of Milton Keynes, where there are large storm pipes into a public sewer. The Director of Operations said the onus was on AWS who have the right not to accept the connection. Also, the extra run-off which arises through development has to be attenuated. The Director of Operations added that the Milton Keynes Tariff system was negotiated with this situation in mind.

The Chairman asked officers to investigate the issue and report back to the next Board meeting.

Requests for Work

The Chairman asked whether all the requests for work had been carried out. The Director of Operations said it had not as plant was currently at a standstill due to the bird-nesting season.

Astral Park, Leighton Buzzard

The Clerk reported back on the query about the £2,233 commuted sum balance attributed to Astral Park. She said development work was carried out adjacent to watercourse no. 49 and the Board received a payment of £2,038 in 2013. There is a small balancing pond on the site and last year a small amount of maintenance work was carried out but none is planned for the current financial year.

Milton Keynes, Watling Street

Mr Webb said he had contacted the EA regarding the Japanese knotweed at the back of Manor Fields and he would continue to pursue this. He added that he also had concerns about the weed at the development site on Penn Road as the entire site was now prolific.

Mrs McPake said she would raise the issue at the next Milton Keynes Council meeting.

Post-meeting note from the Director of Operations: Invasive species are the responsibility of the land owner.

Bedford to Milton Keynes Waterway Park

The Director of Operations reported to members that the Beds & River Ivel Board members were in favour of a joint meeting prior to the next Board meeting in November.

Members agreed that the Bedford to Milton Keynes Waterway Trust should be invited to give a joint presentation to members of the Buckingham & River Ouzel and the Bedfordshire & River Ivel Boards.

Ecological Enhancement

The Director of Operations said he had emailed Mr Cole with details of ecological enhancement carried out in 2016/17, however, Mr Cole said he had not received the email. The Director of Operations outlined the enhancements which had taken place:

Ledburn: 24 trees, saplings, had been planted in Ledburn to compensate for two which the Board had removed. The saplings had been planted in the corner of a field, away from watercourses.

Claydon Brook: The Board's ecologist had inspected the Brook and was investigating options for environmental, long-term management such as the flow deflectors installed downstream of White Bridge.

Mr Cole asked if, when cutting down trees, the wood was left. The Director of Operations said that generally the Board did not do this as there would be a risk of obstruction. Man-made otter holts are generally not disturbed as they are not on the working bank.

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

Members noted the unconfirmed minutes of the Joint Management Committee meeting held on 15 May 2017.

Discussion took place:

East West Rail, HS2 and Oxford to Cambridge Express way

The Director of Operations said the Boards' Principal Engineer, Trevor Skelding, had recently met with the HS2 team regarding a draft service level agreement which will enable the Board to be reimbursed for costs associated with consent agreements for HS2.

Mr Hawes added that HS2 had just moved into a compound, local to him, and work was underway.

Mr Dransfield suggested there could be implications for the Board if development crops up along the route of the rail line. The Director of Operations agreed and said the track could also be an issue as it may be impermeable. He said officers would pick up any development in the planning process. As regards the railway line, there would probably be a development consent order or Act which is self-regulating and removes the need for drainage consent.

Ecology

Biodiversity Action Plan

Mr Bowsher asked about the Biodiversity Action Plans (BAP). The Director of Operations said they were purely for drainage boards. In 2010 the Board was required to produce one. The Board's BAP is due for review but Officers are still awaiting Defra guidance on updating it.

Conservation Best Practice Manual

The Chairman said he hoped joining with the Ely Group of Boards would mean the Conservation Best Practice Manual would be completed soon. Mrs McPake said the Board's ecologist seemed to be taking a long time to complete this. The Director of Operations said the ecologist was the sole consultant at Ward Associates and the Boards' main priority was to ensure she had reviewed and advised on the works programme. The Boards' Site Managers are able to consult with the ecologist regarding the maintenance programme and the current best practice manual is still followed and environmental risks managed.

Personnel – Workforce

The Clerk reported that one Land Drainage Operative had retired at the end of May and another was due to retire at the end of June. Both employees were banksmen, not machine drivers. One was above the normal retirement age and the other will have just reached it when he retires.

Sick Leave

Mr Webb asked about the situation with sick leave. The Clerk said last year one employee has been off with long-term sickness but this was now resolved.

6 WORKS PROGRESS REPORT 2016/17 AND WORKS PROGRAMME 2017/18

The Director of Operations presented the Works Progress report 2016/17 and the Works Programme 2017/18.

Members accepted the Works Progress Report 2016/17 and the Works Programme 2017/18.

Discussion took place:

Mr Dransfield congratulated the Director of Operations on getting such a large proportion of the 2016/17 works programme completed.

The Chairman said it was a pity that the programme was not entirely completed. The Director of Operations explained it was necessary to 'over-programme' to a certain extent as in times when conditions were favourable there could be a chance of running out of approved, programmed work at the end of the financial year.

7 TECHNICAL REPORT – JANUARY TO MAY 2017

The Director of Operations presented the Technical report.

The Technical Report was accepted by the Board.

Discussion took place on:

Lower Weald

The Director of Operations said the ecological consultant's concerns related to the deterioration in habitat and were mainly relating to trees and the overflow channel. Mr Prosser said he believed there were no trees in the vicinity. The Director of Operations said there were some in the landscape. There was a requirement to obtain an appropriate conservation report and publish an Environmental Impact notice. It was still expected that the project would be delivered in autumn 2017.

Environment Agency & Defra

Mr Cole asked whether the EA de-maining river pilot project could result in the Board receiving any assets. The Director of Operations said officers had been liaising with the EA about the Twins section of Padbury Brook as a potential river for de-maining, subject to the EA undertaking maintenance on the river to put it into good condition. This was being carried out under the Local Choices initiative. Conservation and boundary issues have prevented the de-maining of some rivers and nationally ten proposed pilot project schemes have been cut to five.

Mr Cole said he was concerned that IDBs may take on assets which are in poor condition, not recognising that they were in poor condition due to a lack of expertise, and this could present huge risks to IDBs.

Officers mentioned the Black Sluice IDB in Lincolnshire which had recently taken over 10 km of watercourse and a pumping station from the EA. The Board was compensated, financially, for taking on the assets. Officers of the Boards within the Bedford Group have always stated that any river would need to be in good condition before it would be considered for de-maining. Also, it would be a decision of the relevant Board.

Consent Application Fee

The Chairman said the consent application fee of £50 seemed low. Officers said the cost to the Board varies but can be nearer £200. Defra is currently reviewing the charge and the Boards' Officers have recommended a sliding scale from £200 to £1000.

8 AUDIT

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

Mr Gowing presented his Annual Internal Audit Report. The Internal Auditor's opinion, in respect of areas covered by the report, was that he could provide Adequate Assurance on the system of controls. He highlighted the following recommendations in the Management Action Plan:

- a) Update the investment strategy;
- b) Consider removing one stage of the recovery process so only one reminder letter is sent;
- c) Apply to the Magistrate Court for summons to recover debts as quickly as possible;
- d) Consider introducing the use of debit or credit cards as a method of payment.

Mr Gowing recognised the fact that an updated Investment Strategy was in the process of gaining the approval of the Boards (Agenda item 11). He also recognised the fact that two reminder letters were ADA's suggested policy and that the Clerk was content with sending two reminders.

Regarding the introduction of the use of debit or credit card payments, the Clerk said she had been talking to Lloyds Bank about providing this service although there was a financial cost. She added that the Drainage Rating System (DRS) was due to be web-enabled and ratepayers would have the facility to pay on-line.

Members approved the Internal Audit Report 2016/17 and Management Action Plan dated April 2017.

Discussion took place:

Mrs McPake commented on no summonses being issued in the current financial year. The Clerk said they had now been issued.

Mr Dransfield and Mr Cole challenged Mr Gowing concerning his terms of reference. Mr Dransfield could not reconcile the fact that although the Boards were providing value for money they could not achieve Substantial Assurance. Mr Cole felt that there was no objectivity in Mr Gowing's reports.

Mr Gowing said he worked according to a strategy approved by the Boards. He said he provided consultancy advice and made reference to his Internal Audit Strategy and Audit Plan 2017-18. Regarding only providing Adequate Assurance; he said this was due to the Boards not employing a dedicated Rating Officer which meant full control, with internal checks, could not be introduced. It was a risk accepted by the Boards and ensured administration costs were low.

Mr Bowsher said he understood that the Boards were paying Mr Gowing for his advice. He said he was content with Mr Gowing making such comments and he understood the issue of

segregation of duties and the difficulty of achieving it with a limited number of staff. Ultimately, it is the Boards' decision as to whether or not to follow all of the advice.

The Clerk and Mr Gowing made it clear to members that there were legislative obligations which needed satisfying; including the part of the Annual Governance Statement which asks if there is an adequate system of internal control.

The Chairman said he was convinced the Board was operating properly in this area and he was content to have the ideas put forward by the Internal Auditor. He believed they were rational and provided good value for money. He also believed that, generally, Board members understood it is advice.

(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 and said he could not go below that level.

A majority of 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.

Mrs McPake and Mr Exon left the meeting at 4.10pm.

9 TO APPROVE THE REVISED RISK REGISTER REVIEWED 31ST MARCH 2017

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 had been altered accordingly and site signage would be updated. The Boards' out of hours duty officer will be maintained and members of the workforce will be called out if necessary.

The Clerk added that the Bedfordshire & River Ivel Board had agreed to 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.

Members also agreed that the 2018 review of the Risk Register should include the risk associated with development which takes place outside of the drainage district.

Discussion took place:

Mr Dransfield suggested adding the additional risk associated with development which takes place outside of the drainage district. The Clerk agreed this could be included in the next review.

Mr Bowsher asked about the cost of replacing signage. The Director of Operations said there were only a few so the cost would be relatively small. Mr Webb asked whether the new signs would be tendered for. The Director of Operations said they would be purchased in line with the Boards' procurement rules.

10 FINANCE

i) Finance Report for the year ended 31 March 2017

The Clerk presented the Finance Report. She informed members that the Brooklands legal agreement was still not signed and the commuted sum money, which had been received in advance of completion of the agreement, was being held as a payment in advance.

Members approved the Finance Report for the period 1 April 2016 to 31 March 2017.

ii) To approve the Financial Statements for year ending 31 March 2017.

The Clerk presented the Financial Statements.

Members approved the Financial Statements for the year ending 31 March 2017 for the Chairman and Clerk to sign.

Discussion took place:

Mr Dransfield commented on the increase in fund balances and reserves, a sum of £602,811. The Clerk said the bulk of that was the Brooklands commuted sum and referred Mr Dransfield to page 11 – Note to the Accounts - where Capital Development/Maintenance Income was shown in more detail.

The Chairman asked why the Brooklands legal agreement had not been signed. The Director of Operations said solicitors had been slow in finalizing the agreement.

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

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

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

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

11 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 reviewed investments and interest rates are every meeting.

Members of the Bedfordshire & River Ivel Board, at their meeting on 5th June 2017, had not been content with leaving the £ sign blank in paragraph 4.3 and 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.

Discussion took place:

Mr Dransfield said he believed there should be a percentage limit on investments. The Clerk said she would raise the issue at the JMC meeting in October 2017.

Mr Dransfield suggested that, in order to achieve better returns, the Board explored the possibility of joining with other local authorities for investment purposes. The Chairman agreed this could be worth investigating. The Clerk said the Board could invest with a local authority in England or Wales, or other bodies as specified under '4. Specified Investments'.

Mr Dransfield said he did not believe the Co-Op bank's future was certain. The Clerk said she had talked with Lloyds bank and been told she could switch the Boards' current account to Lloyds within a fortnight.

12 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.

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.

14 ANY OTHER BUSINESS

Caldecotte Brook, Milton Keynes

Mrs McPake said she was pleased to report that there had been no debris in it when she recently checked. Apart from some growth of vegetation it looked in good condition.

East Claydon/Winslow area

Mr Hawes asked if the Board had had any contact with Scottish Power or Southern Electric as contractors were on site filling IDB watercourses with pipes. He said between Winslow and Bicester a major power line was being laid underground and works had been taking place for about eighteen months. The Director of Operations said he did recall consents being issued for cables crossing watercourses but he would check with the Principal Engineer that the correct procedures have been followed.

Loughton Brook – upstream of Salden Chase

Mr Dransfield asked whether the new development, upstream of Salden Chase, had implications for the drainage board area. The Director of Operations said he believed officers had looked at the development and the site was to be attenuated appropriately. Mr Dransfield said he was concerned that developers' calculations may not be correct. The Director of Operations said developers produce a Flood Risk Assessment and it is policed by the planning authority. If the site is in Aylesbury Vale DC area then Buckinghamshire County Council, as the Lead Local Flood Authority will be reviewing it as they are statutory consultees.

Mr Bowsher said he believed that the site had outline planning approval and suggested that the finer details need to be monitored.

The Clerk said officers would email members with information about the Board's response to this particular development.

Milton Keynes Council – Plan:MK, Draft Plan consultation

Mr Bowsher asked officers whether they had commented on the above document as it had not been mentioned in the Technical Report. Officers said they had commented on it but their responses had only been sent the previous Friday, after the Board papers had been sent out.

Mr Bowsher advised officers that the Draft Local Plan for Central Bedfordshire was due to be out for consultation soon.

Ratepayers and charities

Mr Dransfield asked whether charities had exemption from payment of drainage rates. The Clerk said all ratepayers are required to pay drainage rates, although the Board does have some discretion with charities and if there was only a small parcel of land then the Board may not charge.

15 DATE OF NEXT MEETING – 7 November 2017 – New Board

The meeting closed at 4.54pm