

## **BUCKINGHAM AND RIVER OUZEL INTERNAL DRAINAGE BOARD**

### **BOARD MEETING**

**Minutes of the meeting held at 2pm on 15 May 2018 at Vale House, Stewartby.**

**PRESENT:** P Hirons (Chairman), V McPake (Vice Chairman), P Bowsher, F Chapman, A Dransfield, R Exon, J Hawes, H Hunt, J Kane and A Webb.

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

**1 APOLOGIES** were received from Messrs Gurney, Haynes, Osborn, Perham, Prosser and Spurr.

#### **2 DECLARATION OF MEMBERS' INTERESTS**

There were no declarations of interest.

#### **3 MINUTES OF BOARD MEETING HELD ON 6 FEBRUARY 2018**

**The minutes of the Board Meeting held on 6 February 2018 were accepted as a true and accurate record for the Chairman to sign.**

#### **4 MATTERS ARISING FROM THE MINUTES**

##### **Joint Management Committee – Vacancy**

The Clerk said there remained a vacancy on the JMC. She said would report back to the JMC regarding amendment of the Committee's standing orders which currently requires five members from the Beds & River Ivel Board and four from the Buckingham & River Ouzel Board. At present the Buckingham & River Ouzel Board only has three.

##### **Caldecotte Flood Risk Management Scheme – Walnut Tree**

Mrs McPake asked whose responsibility the bent bars on the trash screen would be. The Director of Operations said arrangements had been made for operatives to go and look at the trash screen. As far as responsibility is concerned, Anglian Water own the main public sewer although he thought the twin pipes and trash screen may have been subject to a legal agreement which handed responsibility to Milton Keynes Council. He added that he would investigate this.

Mr Bowsher said he would also look into the matter. He suspected Milton Keynes Parks Trust clear the trash screen as a gesture of goodwill. *(Post-meeting note: The Clerk identified the legal agreement which confirmed that long-term responsibility had been accepted by Milton Keynes Council and sent a copy to Mrs McPake and Mr Bowsher).*

##### **Health & Safety – Haulage of Excavators**

The Chairman asked whether a low loader, for the 'in house' haulage of the Boards' excavators, had been purchased yet. The Director of Operations said he was waiting until the new Site Manager Eastern was in post in order to involve him and Site Manager Western, with the purchase.

### **Reinstatement**

The Chairman said he understood that the Board recommends that farmers do not enter Stewardship Schemes when a watercourse is within the Board's district. The Director of Operations said this was always on the Board's Notices of Entry and Natural England guidance documents and forms.

Mr Hunt said most farmers are aware and it depends on what time of year and what crop is being grown. He said a good period of notification of planned works was helpful. The Director of Operations said the Board has tried sending out early notices of entry, notice of entry letters aligned with works on site and both an early and a pre-commencement notice, all with various degrees of success. Regarding the Notices of Entry, the Board has a statutory right of access. The notice of entry letter can be shown to the Rural Payments Agency and the farmer should not be penalised.

### **Watling Street, Milton Keynes**

The Chairman asked if the Director of Operations had written to the EA regarding the blocked culvert. The Director of Operations said the EA had been contacted regarding this.

### **Crownhill and Crematorium, Milton Keynes**

Mr Dransfield asked whether the Board had made any contact with Anglian Water regarding the two screens, which the Director of Operations had previously stated was AW responsibility as it was outside the Board's district and at the inlet to the public storm sewer. The Director of Operations said any ordinary watercourse not inside the drainage district is in a Lead Local Flood Authority area, in this case Milton Keynes Council. The policy of LLFAs is usually to write to the riparian owners regarding maintenance. Mr Dransfield maintained it was worth the officers of the Board having a conversation with Anglian Water. The Director of Operations said the Board had not been involved since the watercourse was culverted. Mrs McPake suggested that Milton Keynes Council be asked to contact Anglian Water regarding this.

### **Byelaws**

The Clerk said all the necessary publication of notices and consultation had taken place regarding the new byelaws, with a few days remaining of the local authority consultation period. The byelaws would then go to Defra for the Minister to approve.

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

### **Members noted the unconfirmed minutes of the Joint Management Committee meeting held on 23 April 2018.**

Discussion took place:

#### **Job Evaluation and Pay Review**

The Clerk said all office staff had now received the letter detailing their contract and any changes to it. All Land Drainage Operatives had accepted, in writing, the changes to their contracts and office staff had until the end of May 2018 to respond to their letters. If there were all accepted then the changes would take effect from 1<sup>st</sup> June 2018.

#### **Financial Regulations – Appendix A**

Mr Dransfield asked about the changes to the 'Current, specialist, preferred suppliers' list and enquired about Dams & Reservoirs Ltd replacing CH Consultancy and competition and costing. The Director of Operations explained that the reservoir engineer who had worked under the name of CH Consultancy had retired. Dams and Reservoirs Ltd had taken on CH Consultancy's customers and future liability. The Director of Operations said Dams and Reservoirs Ltd were now the preferred supplier but capital schemes, such as Eddlesborough and Caldecotte, go out to tender for sums above £25,000, in accordance with the financial regulations.

## **6 WORKS PROGRESS REPORT 2017/18 AND WORKS PROGRAMME 2018/19**

The Director of Operations presented the Works Progress report 2017/18 and the Works Programme 2018/19.

### **Members accepted the Works Progress Report 2017/18 and the Works Programme 2018/19.**

Discussion took place:

Mr Dransfield suggested that the amount of works completed so far on the 2018/19 programme should be shown as a percentage. The Director of Operations said there was only hand work taking place at present, due to bird-nesting, so there was little to report. Until mid-July there was a high risk of disturbing nesting birds. It is planned to commence mechanical works again in mid-July, initially carrying out limited clearance of vegetation and daily checks for nesting birds. If nest are discovered 10-15m either side of the nest is left untouched. There was little work carried forward from 2017/18 so the programme should be off to a good start.

## **7 TECHNICAL REPORT – JANUARY TO APRIL 2018**

The Director of Operations presented the Technical report.

### **The Technical Report was accepted by the Board.**

Discussion took place on:

#### **East and Western Expansion Areas – Brooklands Meadow – Phase 1 SuDS**

Mr Bowsher said the agreement was currently on his desk at The Parks Trust offices and he would get it signed as soon as possible.

#### **Oxford to Cambridge Express Way**

Mr Dransfield asked whether local MPs had been contacted. The Clerk said Iain Stewart, MP for Milton Keynes South had been invited to attend a stakeholder conference on 23rd May, being organised by Highways Agency.

The Chairman asked whether the Board had a preferred line for the route of the Express Way. The Clerk said it was outside the Board's remit but there is a route which would require the issue of more land drainage consents. All works/routes would be required to attenuate to greenfield run-off rates and provide flood plain compensation on a like for like basis. Mr Dransfield was concerned about the land drainage infrastructure being 'future proofed' for new development along the Express Way.

#### **National Consultation on de-maining Main Rivers**

The Director of Operations explained de-maining. Mr Dransfield asked which watercourses would be considered for de-maining. The Director of Operations said The Twins, Padbury Brook could be one which may be considered as the EA struggle to get the funding required for rural watercourses. The Twins are an important watercourse for the Board and the only time that the EA has carried out maintenance works in recent times was when the Board requested it through the Local Choices protocol.

Mr Dransfield asked whether the River Ouse should be de-mained and what the implications would be. The Director of Operations said he did not believe that would happen; complete restructuring would be required at Government level.

If Padbury Brook was to be de-mained then the Board would not take it over until it was put in good order, after which on-going maintenance would not be too expensive and there may be scope for the Board to reduce the EA precept, gain highland water contributions towards the cost of the maintenance work and possibly receive the general drainage charge which the EA currently receive. The Clerk said it should be financially neutral and not very onerous as far as the Board was concerned.

Officers have pointed out that the drainage infrastructure in Milton Keynes is important and they are waiting for the outcome of pilot studies. In the meantime the Board's officers are working closely with the EA in order to get watercourses in good condition.

## **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.

Mrs McPake thanked the staff for all their work towards achieving Substantial Assurance.

## **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) Finance Report for the year ended 31 March 2018**

The Clerk presented the Finance Report.

**Members approved the Finance Report for the year ended 31 March 2018.**

### **ii) To approve the Financial Statements for year ending 31 March 2018.**

The Clerk presented the Financial Statements.

**Members approved the Financial Statements for the year ending 31 March 2018 for the Chairman and Clerk to sign.**

Discussion took place:

Mr Dransfield asked about outstanding rates. The Clerk referred Mr Dransfield to page 14 of the Financial Statements said there was approximately £2,000 outstanding as there were some queries on some accounts. The balance of Ratepayers/Levy due had reduced to £2,396 from £3,442 the previous year. There were also some small accounts outstanding; for balances under £10 the Board does not take court action. They are not often written off as the Board can go back six years, also if their land is adjacent to a Board watercourse they would be kept on the drainage rate system database for the purpose of notices of entry.

The Chairman asked why there was a big surplus of income over expenditure in 2016/17 compared with 2017/18. The Clerk said it was mainly concerning capital development income. Last year £550,670 was received in total, this year only £4,103. Brooklands' income was £511,560 in 2016/17 but 'nil' in 2017/18. Mr Dransfield asked whether this was shown in Reserves. The Clerk said it was, in the Balance sheet on page 10.

Mr Dransfield asked why more interest had not been received. The Clerk said she could only achieve an interest rate of 0.4% compared with 0.8% the previous year. The 0.25% Bank of England base rate increase has not been reflected in investment interest rates.

### **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.**

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

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

The Clerk explained the new General Data Protection Regulation which 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 as staff already follow the existing data protection rules on confidentiality there should be little change.

*Post meeting note: The document presented had an incorrect title although the content was correct. The document was actually the Board's Privacy Policy – a requirement of the GDPR. The Clerk sent an email to members directly after the meeting explaining this.*

### **(ii) To Approve the GDPR Board Privacy Policy**

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

Discussion took place:

Mrs McPake recommended that correspondence to agricultural rates payers should contain a short passage about use of their data. The Clerk said she intended to add this information to the newsletter which was being sent out to all ratepayers with the rate demands. However, Mrs McPake maintained that there should still be a short passage on the bottom of correspondence to ratepayers.

## **12 TO APPROVE THE NEW BOARD POLICY STATEMENT AND ADDENDUMS: ASSETS IN DRAINAGE DISTRICT AND ECOLOGICAL SITES IN DRAINAGE DISTRICT.**

The Clerk presented the new Board Policy Statement and informed members that the actual policy statement would be uploaded to the Boards' website but not the addendums.

**2.2** - Mrs McPake suggested that 'and compliance with GDPR' should be added.

**3.2.**- The Chairman referred to the last bullet point on page 2 – 'Improving the detection, forecasting and issue of warnings of flooding, co-ordinating a rapid response to flood emergencies and promoting faster recovery from flooding' and made the point that the Board were not first responders. The Clerk said they were Government objectives and the Board's role was to support them and aid where they could.

Mr Dransfield suggested that the wording should be changed to 'National Objectives' and 'The National Objective sets out....'

The Clerk said she would take back to ADA the above suggestions.

**9.4** - The Chairman said '9.4 The District is situated within one national site of designated environment interest, this being Tebworth Marsh Wetland SSSI' should state Tebworth Marsh is 'within the District'.

**Members approved the new Board Policy Statement with 9.4 amended to state: '9.4. Within the District there is one national site of designated environmental interest, this being Tebworth Marsh Wetland SSSI.'**

**13 ANY OTHER BUSINESS AT CHAIRMAN'S DISCRETION**

There was no other business.

**14 DATE OF NEXT MEETING: 6 November 2018**

The meeting closed at 3.50pm