

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

### **BOARD MEETING**

**Minutes of the meeting held at 2pm on 25 June 2019 at Vale House, Stewartby.**

**This was a re-scheduled Board meeting. The meeting scheduled for 21 May 2019 was not quorate and following discussion members decided to re-schedule rather than informally discuss the Board papers.**

**PRESENT:** P Hirons (Chairman), V McPake (Vice Chairman), P Bowsher, A Brown, S Cole, A Dransfield, R Exon, A Gurney, J Hawes, N Miles and D Osborn.

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

**1 APOLOGIES** were received from Bowyer, Darlington, Dixon, Haynes, Hunt 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 5 February 2019 were accepted as a true and accurate record for the Chairman to sign.**

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

##### **Oxford to Cambridge Expressway (OxCam) and East West Rail**

Mrs McPake said there was an East West Rail Inspector's Report due mid-September 2019 and consultations on the final route option for the Oxford to Cambridge Expressway are due to take place early November 2019.

##### **Bedford and Milton Keynes Waterway**

Mr Brown said in his capacity as a Central Bedfordshire Councillor he no longer had involvement with the Bedford and Milton Keynes Waterway and would no longer be reporting to the Boards following meetings of the consortium.

**Mrs McPake agreed to report to both the Buckingham & River Ouzel and the Bedfordshire & River Ivel Boards on developments regarding the Bedford and Milton Keynes Waterway consortium.**

##### **Office Equipment and IT hardware and software upgrades/replacement**

Mr Dransfield voiced concerns about 'cloud' based backup and the risk of ransomware. The Clerk said it was planned to have the document management system cloud based but programs such as Sage would be physically backed up. Mr Dransfield said he would raise the issue under Agenda item 9 – To approve the revised Risk Register.

### **Review of Development Contributions**

The Director of Operations tabled a briefing note entitled 'Adoption by IDB funded by developer to guarantee maintenance' which gave examples of how commuted sums are arrived at including how discounting is arrived at using HM Treasury, The Green Book.

Mrs McPake asked whether contingencies for such eventualities as discovery of great crested newts, were included in the calculations. The Director of Operations said such contingencies were not currently included and, whilst all eventualities cannot be foreseen, officers mitigate where possible such as minimizing the consequences of great crested newts with a preference for dry ponds.

The Clerk added that she had been working with ADA on the Policy and Finance Committee regarding development contribution and they were considering the possibility that an additional 3 – 5% could be added to contributions to cover, not just unforeseen ecological issues, but also ecological enhancement.

Mr Bowsher asked whether PPG25 was still relevant. The Director of Operations said the principles had been incorporated in the National Planning Policy Framework and the Board's policy is for commuted sums to be paid up-front and based on a 30 year period for areas benefitting inside the district and based on a 50 year period for areas benefitting outside the district. The Clerk added the PPG25 was still referred to.

The Director of Operations said that over the past twenty or thirty years the Boards have refined the calculations and can justify how the figures are arrived at. Also, technical changes such as solar power have meant costs have come down.

Mr Bowsher added that a developer could choose to go down another route, leave the maintenance of the asset in private hands and not pay the commuted sum for the Board to adopt it. The Director of Operations agreed and said the Flood and Water Management Act 2010 actually made developers more aware that they do not need to have the Board adopt such assets. The Clerk said the Government Sustainable Drainage (SuDs) Review does state that a responsible body should carry out continued maintenance. Mr Dransfield asked about the situation if a management company has that responsibility and that company goes bankrupt and who would then be responsible for the maintenance. The Clerk said this was a key issue which should come out of the National Policy Framework consultation and it could be individual householders who are held responsible. Mr Brown pointed out that it was the same with other infrastructure such as roads and sewers; if not adopted then the householder is responsible.

The Clerk said the Boards have always maintained it should be a public body who is responsible for such maintenance and also planning permission should be dependent on provision of adequate maintenance.

Mrs McPake asked about the report on the SuDs Review. The Clerk said she would send it out to members when it was available.

## **5 UNCONFIRMED MINUTES OF JOINT MANAGEMENT COMMITTEE MEETING HELD ON 15 APRIL 2019**

**Members noted the unconfirmed minutes of the Joint Management Committee meeting held on 15 April 2019.**

Discussion took place:

### **Accident Record Book – 23 January 2019**

Mr Cole made reference to the accident recorded when a land drainage operative was directing traffic and a speeding driver caused grit to hit him in the face, causing a small cut below his eye and asked whether the Board provides safety glasses for LDOs when working on roads. The Director of Operations said safety glasses are made available but the wearing of them is not mandatory as the Board's work is not on construction sites. Mr Cole questioned whether the Board could take the risk given that the accident had occurred. He felt that the risk had not been mitigated by not enforcing the wearing of glasses. The Director of Operations said he had adopted a pragmatic approach. The workforce has minimal exposure to work on roads and it would not be appropriate to align the Board's working practices with some construction sites where safety glasses are mandatory. Mr Bowsher felt that the Board should get health and safety advice from the Boards' consultant. Mr Dransfield agreed with seeking advice but pointed out that the incident occurred due to the behaviour of another road user.

**Members agreed that the Director of Operations should seek advice from the Boards' Health & Safety consultants on whether safety glasses should be worn when working on public highways.**

Mr Osborn asked whether the Board used red or white diesel given that an excavator was on the public highway. The Director of Operations said officers had sought advice previously and he believed that if a vehicle does watercourse maintenance then it can be run on red diesel. Mr Osborn said there was a difference between transporting and going to a job. Some members suggested seeking advice from Customs and Excise.

**It was agreed that the Clerk should contact ADA to get up to date advice on which diesel the Boards should be using.**

### **Personnel – Engineering Staff – Site Manager (Western)**

Mr Osborn asked about the Site Manager (Western) leaving. The Clerk said it was confidential. There was now one Site Manager for the whole of the Boards' areas and a Land Drainage Operative, already employed by the Board, had been appointed as Foreman over the whole area.

## **6 WORKS PROGRESS REPORT FOR THE WORKS PROGRAMME 2018/19**

The Director of Operations presented the Works Progress report 2018/19.

**Members accepted the Works Progress Report 2018/19.**

Discussion took place:

The Chairman asked about bird nesting. The Director of Operations said works with machinery would recommence in mid-July. This is a risk based approach as birds could still be nesting, but daily checks through August mitigated the risk of disturbance.

Mr Dransfield asked for an update on the use of glyphosate. The Director of Operations said the Board was still using it as the licence had been extended to 2022. If it was to be banned after that date then the Board would have to revert to weedcutting which would be more labour intensive, costly and emits more carbon.

## **7 TECHNICAL REPORT – JANUARY TO APRIL 2019**

The Director of Operations presented the Technical report.

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

Discussion took place on:

### **Eaton Bray Flood Risk Management Scheme**

The Chairman asked whether the Director of Operations felt that the Eaton Bray Flood Risk Management Scheme was necessary. The Director of Operations said the area last flooded in 2007, apart from some flooding since which was caused by a blocked culvert, but there remained a flood risk. The project consultants had arrived at a sum of £1.5M which the Director of Operations thought excessive. The Clerk asked whether the Board should consider carrying out the work in-house. However, the Director of Operation said, given that the initial findings of the consultants' report suggests that the scheme is not viable, using the current Partnership Funding Calculator process, he considered it prudent to suspend the project for the time being.

### **Kings Weir, Broughton Brook**

The Chairman said he would like to see this project brought to a conclusion and asked whether the affected area was getting larger and whether the work needed doing. The Director of Operations said the affected area may have stabilised and officers were reviewing the consultant's report but were presently unsure how to reduce costs which at £200,000 to £300,000 were much higher than the original £50,000 estimated three or four years ago. Mrs McPake asked whether there were any development funds available.

**Officers agreed that they would work on producing a proposal for the Kings Weir project and that they would bring it to the Board prior to the 2020/21 estimates.**

### **Caldecotte Brook**

Mrs McPake asked if there had been any problems with Caldecotte Brook. She was not aware of any flooding there recently and the Parks Trust had been helping with keeping rubbish from causing blockages. The Director of Operations said it had coped with heavy rain but there would probably have been problems if the extreme rainfall which Lincolnshire had recently experienced had fallen there. He believed that the development which was to take place in the area provided opportunities for betterment as well as flood plain attenuation to better reduce flood risk.

### **HS2**

Mr Dransfield raised concerns about the delay with the legal agreement and whether the Board would be able to get back the cost of administering consents if it was not agreed. The Director of Operations said the Board would not. The Clerk said she was confident that the legal agreement would be signed within the next couple of months.

Mr Cole asked about the Act of Parliament which HS2 were working under and whether the Director of Operations had read it. The Director of Operations said he had read parts of it. His interpretation was that HS2 have dis-applied the Land Drainage Act and Flood and Water Management Act wrongly. They have picked up on coastal flood defence and SuDs but not referred to the Land Drainage Act, which is what the Board issue land drainage consents under, and which is concerning fluvial flood defence. Officers were awaiting a response from the Board's solicitors.

### **East West Rail**

Mr Hawes queried the final paragraph of the HS2 report which stated 'That the Board's officers had objected to proposed ecological compensation areas south of Little Horwood, as these new assets could affect the Board's ability to maintain local watercourses.' He believed this was concerning East West Rail and not HS2 as stated in the report. The Director of Operations agreed.

### **Planning Application Objections – South of Little Horwood**

Mr Bowsher referred to the objections to the ecological compensation areas and asked what assessment was carried out prior to these objections. The Director of Operations said the Board's Principal Engineer had consulted with the Board's Ecologist. Mr Bowsher asked if the Board would be able to seek financial compensation to allow the ponds to be built as it would be good if the Board

could be seen to have appraised it. The Director of Operations said he had not considered it as the risks of great crested newts adversely affecting the Board's operations could be significant and difficult to quantify.

## **8 AUDIT - TO RECEIVE THE ANNUAL INTERNAL AUDIT REPORT 2018/19**

The Clerk presented the report of the internal auditors, TIAA, who had given their opinion as 'Reasonable Assurance'. The Clerk said once the five actions listed under the Management Action Plan had been implemented she hoped to receive 'Substantial Assurance' for the 2019/20 financial year. The first three listed actions had already been implemented, including revision of the Financial Regulations – Agenda item 11. The remaining two were to be agenda items for approval by the Joint Management Committee in October 2019:

- A review of the Risk Management Strategy and Policy
- A review of the Boards' objectives to be undertaken to provide synergy between the various sets of objectives; ADA's, the Board's website and those in the Risk Management documents.

**Members accepted the Internal Audit Report 2018/19**

## **9 TO APPROVE THE REVISED RISK REGISTER REVIEWED 31<sup>ST</sup> MARCH 2019**

The Clerk presented the Revised Risk Register which had been reviewed by the JMC at its meeting on 15 April 2019. The changes to the Risk Register, already approved by the JMC, were shown in red.

**Members approved the updated Risk Register dated May 2019.**

Discussion took place:

**Mr Dransfield raised the issue of data security if cloud storage was used and asked that Data Security be given a separate heading under the Risk Register. The Clerk agreed to add this.**

**Objective: To provide a safe and fulfilling working environment for staff**

Mr Cole suggested that accidents should be included in the above section of the Risk Register in order to cover associated risks.

**Objective: To ensure that all actions taken by the Boards comply with all current UK and EU Legislation**

Mrs McPake suggested it may be necessary to add a Privacy Notice to all correspondence to members of the public. The Clerk said she would investigate this.

## **10 FINANCE**

### **i) Finance Report for the year ended 31 March 2019**

The Clerk presented the Finance Report.

**Members approved the Finance Report for the year ended 31 March 2019.**

**Receipts and Payments through the Boards Individual Bank Accounts with Lloyds from 1/4/18-31/3/19**

Mr Hirons asked for clarification that the 'deficit' of £26,410 did not mean there was a bank overdraft. The Clerk said this showed the overall picture of receipts and payments and confirmed there was not a deficit in the bank account.

**ii) To approve the Financial Statements for year ending 31 March 2019.**

The Clerk presented the Financial Statements.

**Members approved the Financial Statements for the year ending 31 March 2019 for the Chairman and Clerk to sign.**

**iii) To approve the Annual Governance and Accountability Return 2018/19 Annual Governance Statement**

**Members approved the Annual Governance Statement 2018/19 (answering questions 1 – 8 in the affirmative) for the Chairman and Clerk to sign.**

**iv) To approve the Annual Governance and Accountability Return 2018/19 Accounting Statements**

**Members approved the Accounting Statements 2018/19 for the Chairman to sign.**

**11 TO APPROVE THE REVISED FINANCIAL REGULATIONS**

The Clerk presented the draft revised financial regulations with the changes shown in red, some of which were a result of the recommendations of the internal auditor.

**Members approved the revised Financial Regulations.**

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

**Clerk and Chief Executive**

The Chairman informed members that the Clerk had indicated her decision to retire and the Joint Management Committee would be dealing with the appointment of a replacement Clerk/CEO.

The Clerk said the post would be advertised within the next month or so and that she did not intend to leave until the post had been filled.

Members agreed that the Clerk had done an excellent job during her tenure.

**13 DATE OF NEXT MEETING: 5 November 2019**

The meeting closed at 3.50pm