

BEDFORDSHIRE AND RIVER IVEL INTERNAL DRAINAGE BOARD
Board Meeting

Minutes of the Board meeting held on 11 November 2019 at 2pm at Vale House, Stewartby.

PRESENT: D McMurdo (Chairman), J Scott (Vice Chairman), A Brown, J Davison, F Firth, S Jarvis, C McHugh, R Morris, J Sampson and T Wootton.

IN ATTENDANCE: B Agass (Clerk and CEO), F C Bowler (former Clerk and CEO), J J Oldfield (Director of Operations), R C Easom (Committee Clerk), N Souter (Accountant) and A Smith (Administrator)

The Chairman welcomed new members to the Board: Mr S Jarvis, North Herts DC; Ms C McHugh, Bedford BC and Mr J Sampson, Bedford BC.

The Chairman welcomed Mrs Beverly Agass, the new Clerk and Chief Executive, who commenced the post on 1 November 2019.

The Chief Executive thanked the Chairman for his welcome and said she was pleased to be joining the Bedford Group of Drainage Boards.

1 APOLOGIES FOR ABSENCE were received from S Dixon, D Hodgson, B Huckle, M Nawaz, J Ream, M Robins, J Russell, B Spurr, M Towler and T Turner.

2 DECLARATION OF MEMBERS' INTERESTS

There were no declarations of interests.

3 MINUTES OF THE BOARD MEETING HELD ON 13 MAY 2019

The minutes of the Board meeting held on 13 May 2019 were accepted as a true and accurate record for the Chairman to sign, with a correction under 'Apologies': J R Davison was not Vice Chair at that time.

4 MATTERS ARISING FROM THE MINUTES

Planning Authority issues

The issue was raised regarding the Board not being statutory consultees in relation to planning applications lodged with Local Planning Authorities. A member had been advised by a Local Authority planning officer that to take account of representations by bodies who were not statutory consultees would add too great an administrative burden. In addition, all planning information was on the Council's website.

The Chairman said he believed that members of the Board should look to represent the concerns of the Board to their Council's planning departments. He referred to an application in the Board's list of objections, enclosed with the papers, and said he had asked for it to be referred to the relevant Planning Committee and the case officer had liaised with the agent. Another member explained when she was a councillor on the former Mid-Beds Council, she remembered comments from IDBs being considered by the planning authorities. The reason

was that local knowledge of flood risk was recognised as being key issue when determining applications.

The former Clerk clarified that officers of the Board look at planning applications from all authorities. Officers were requesting, input from Board members where the Board makes objections to planning applications only and not all planning applications.

A member said the Board should be suggesting conditions.

The Chief Executive advised that where appropriate, conditions are requested by the Board. It also makes objections and explains why. One member quoted concerns, from the minutes, about the amount of time some developers take to discharge conditions attached to of planning approvals and asked whether there was a legal requirement to satisfy conditions within a certain period of time. and it should be confirmed that all conditions had ben complied with or enforcement action should be instigated. The Chairman added that the point the member was making was that that it may be that conditions are often not completed in timeframe required and he understood the frustration this can cause.

It was queried how often the Board's objections are not taken into consideration. The Director of Operations advised this was more often than the Board's officers would like, and the Board's byelaws may be compromised on occasion. Officers try and work with developers to reach a satisfactory outcome. Once the Board's new byelaws are fully approved by DEFRA this should provide an opportunity to take a clearer stance and perhaps refine the Board's comments, so they are more easily incorporated as a condition.

It was agreed that the Chief Executive to proactively engage with the 3 main planning authorities which fall within the Boards district.

Group Engineering/Administration Costs

Insurance – One member asked what reduction was achieved in the Boards' annual insurance costs. The former Clerk said some policies had been moved to a different insurer and there was an approximate reduction of £4,000 in the current year's costs compared to the previous year.

Internal Audit fees – A member again raised why the audit fees were so much more in 2018/19 compared to the previous year. The former Clerk reiterated that the 2017/18 audit was the last year of audit by the previous internal auditor and more work is involved with a new auditor. She said it would reduce in 2019/20 but would still vary. The member said it represented more than 100 percent increase and asked what the estimate was for the current year. The Clerk outlined the internal auditor estimates for the current financial year

5 UNCONFIRMED MINUTES OF JOINT MANAGEMENT COMMITTEE MEETING HELD ON 14 OCTOBER 2019

The Chairman presented the unconfirmed minutes which were noted.

6 PROGRESS OF WORK FROM APRIL TO SEPTEMBER 2019 FOR THE WORKS PROGRAMME 2019/20

The Director of Operations presented the Progress of Works report, referring members to the A3 plan showing works programmed, in progress and completed. He said there had been progress and a large proportion of works were completed.

Members accepted the Works Progress Report for the period from April to September 2019 for the Works Programme 2019/20.

Discussion took place:

Conservation Challenges

The Recent issue regarding correspondence with the Greensand Trust was raised The Chairman said he had not had sight of the whole report but had discussed the issue with the Chief Executive and former Clerk and there had been a robust rebuttal from the Board. The Director of Operations advised that the Board's response had been sent to the original circulation list of the Greensands Trust, which included the Area Manager of the Environment Agency (EA), the County Ecologist at Central Bedfordshire Council and Forest Director at The Forest of Marston Vale Trust, in his capacity as a Board member.

The Director of Operations said it was not clear of the purpose of the f the initial. He said the only response to the Board's rebuttal had been from the EA.

The Chairman requested that all members be made aware of the full report which the Greensands Trust had commissioned from the Wild Trout Trust.

Members agreed that clarification should be sought from the organisation in question with regards to the Board's response to the original report.

Works programme progress

The Director of Operations was asked two points:

- what assurances officers could provide if the Board were to experience a similar amount of rain to that which has recently fallen in South Yorkshire.
- The Board seemed to be well ahead of the works programme. Was this the case?

In response the Director of Operations said the watercourses outlined in blue were awarded but still to be completed and he added that the last few weeks had been very wet, and it has been difficult to undertake flailing work with tractors. If wet ground conditions continue tractors will not be used as they cause too much damage. A member said it would be helpful to have different colour to show works which have been "awarded to contractors and completed".

The comment was raised regarding which elements of the work had been completed by contractors The Director of Operations explained that a lot of work which had taken place in the early part of the year by the Board's workforce had been handwork, flailing and weed control; and dredging and clearing is carried out later. The Chairman said he believed to have carried out 43% of dredging by this time of the year was good, but he understood there may be more difficult challenges ahead.

The Chairman requested that a baseline figure for works completed be put in subsequent reports in order to make comparisons. All future work progress maps to show “awarded to contractors and completed” in a different colour to clearly differentiate between the work which has been carried out by the Board’s workforce.

A member enquired as to why it seemed that, despite the heavy rainfall, there seemed to be very little water being carried in watercourses and asked whether the ground water was still low. The Director of Operations said officers get a weekly update from the EA and soil moisture deficit in the area is high. The system has not recovered from a 2-year dry spell and is struggling to get enough water although the situation can change quickly.

Fencing

Members discussed bank clearing and maintenance regarding access particularly where fencing was in place. The issue was discussed, and members concluded, if access is required, there may be occasions where the cost will fall with the landowner.

It was asked what type of fencing and which areas were of concern. The member considered that, as the Board required access, the Board should consider attributing costs to the landowner for the reinstatement.

The Director of Operations advised that there were a broad range of issues including distance from bank top, height and state of fencing, and the amount of vegetation. Sometimes the equipment can reach over a fence but not if too high. Also, for example, some fences may be in a poor state of repair and collapse when the Board attempts to work around it. The Board tries to be flexible and work with the landowner where possible. Also, it may be the case that one landowner’s working bank is always used, in which case the Board would try and be more accommodating, but it is becoming more of a problem.

7 TECHNICAL REPORT FOR THE PERIOD MAY TO OCTOBER 2019

The Director of Operations presented the Technical Report. He highlighted the current situation regarding legal agreements:

West of Bedford Growth Area

The three agreements (Marsh Leys, Culvert 6 and Ponds D2&E) have been signed by the Chairman and Clerk and are awaiting legal input by the Board’s external legal advisor. The solicitor has informed the other parties of the Board’s legal fees and VAT rates are now being clarified.

The Chairman said he had been briefed regarding the current situation with these legal agreements and the Chief Executive would be contacting the Board’s solicitors in order to progress.

Work to progress the Fields Road (South) Wootton legal agreement is on-going.

Cardington Sheds Development Area

Despite the agreement being put into place, works are still not concluded. The last time officers inspected on site the ponds were not yet connected, so the Board has not been able to adopt the asset.

Members accepted the Technical Report.

Discussion took place:

Stewartby Park

The Chairman suggested officers consider alternative options to secure relevant legal input to help progress this legal agreement.

Marston Valley/Stewartby Park

A member added that there was an outline planning application for the developer to build part of the Bedford & Milton Keynes Waterway between two lakes at these sites. The Director of Operations said he was aware that the application had been made one year ago and the Board has continued to object to some aspects. Officers had asked the developer for a copy of the modelling several years prior to the planning application being submitted, so that it could be reviewed and agreed early. However, modelling was not shared with the Board until after the planning application was submitted. Officers have asked the EA to review the modelling on the Board's behalf, and there had been several iterations seeking clarity on some aspects.

The former Clerk said she had spoken to the Chair of the Bedford & Milton Keynes Waterway Trust and she had said she was keen to return to the Board's offices to discuss the Trust's proposals. Also, the EA, on behalf of the Trust, will be working on a flood risk management strategy in consultation with the Board and Central Beds Council.

Pix Brook Catchment Study

The Chairman commented on the amount of work which was taking place regarding this study. He said Stotfold was the main community within the Board's area which had been impacted by flooding in recent years, where people and property were affected.

The Chairman asked that the Director of Operations keeps the Chief Executive and Board members informed of progress.

King's Ditch, Bedford

The Chairman expressed the challenges being encountered regarding the project and said he would personally approach Bedford BC in his capacity as a member of the Lead Local Flood Authority regarding a funding contribution

Flitwick Mill Race

An issue was raised regarding the use of plastic piling being used when environmentalists have been pointing out the damage being done by plastic to the environment. The Director of Operations said that recycled plastic piles are recognised as an environmentally acceptable product.

The Chairman requested the Director of Operations to respond to the member outside of the meeting and circulate the response to all Board members.

Oxford to Cambridge Express Way

The Chief Executive advised that she had attended an event on the OxCam Arc which was relating to how to quantify the environmental impact of the development planned within the project. Some of this impact can be quantified through natural capital accounting. Work being undertaken on this project, should be available from OxCam stakeholder team by March 2020

8 EXTERNAL AUDIT

The former Clerk presented the report of the external auditors for the year 2018/19 and reported that an unqualified opinion had been given. There was one matter arising which concerned deferred grants. EA Highland Water contributions are deferred grants and they should have

been shown in the year in which they were received. The former Clerk said the accounts will need to be adjusted to reflect this but there was no change to overall balances.

Members approved the External Audit Report dated 21 August 2019.

9 FINANCE REPORT for the period 1 April to 30 September 2019

The Accountant presented the Finance Report which included:

- a) Receipts and payments through the Board's individual bank account with Lloyds from
1 April – 30 September 2019;
- b) Cheque list for 2019/20;
- c) Investment and Bank accounts balances as at 30th September 2019 – there was an error in the maturity date for the Trade Account investment – this should have read 21/02/20;
- d) Income and Expenditure Account for the period ending 30th September 2019.

Board Bank Account

The former Clerk said she had the necessary paperwork in order to add the new Clerk and Chief Executive as a signatory on the Board's individual bank account and that she required Board approval in order to do this.

Members also approved the addition of Beverly Agass, Chief Executive and Clerk as a full signatory on the Board's individual bank account. The former Clerk and Chief Executive remaining as signatory until this is completed.

Members approved the Finance report for period 1 April to 30 September 2019.

Discussion took place:

Income and Expenditure Account

The nil figure was queried against 'Labour Operations Account' under 'Actual income and expenditure at 30/09/2019'. The former Clerk said the income under this does fluctuate. Because there had been sickness amongst the workforce and some additional training the balance is currently negative. She expected at the year end to have a positive figure against this account.

It was questioned why there was no forecast for the end of the financial year. The former Clerk advised this would be provided as usual to the February Board meeting.

10(i) TO APPROVE THE UPDATED DOCUMENT RETENTION AND DISPOSAL POLICY

Clarification was sought and an error was pointed out in the above policy. The Data Protection Act 2018 had mistakenly been referred to as the General Data Protection Act 2018.

Members approved the updated Document Retention and Disposal Policy, with the above amendment.

10(ii) TO APPROVE THE DATA PROTECTION POLICY

Mr Morris had various reservations about the above policy. He felt there were some areas where the Board could clarify its position regarding accountability and governance.

The Chairman pointed out that the policy had already been approved by the JMC and the Buckingham & River Ouzel Board. He recommended that Mr Morris be asked to provide written confirmation of the areas he wished to highlight and proposed the final decision to approve the policy be delegated to the JMC.

Committee Clerk to provide Mr Morris with an electronic copy of the policy to allow him to provide written confirmation

Members agreed that the Board's approval of the revised Data Protection Policy be delegated to the Joint Management Committee meeting on 20 January 2020.

11 ANY OTHER BUSINESS

Electronic Board Meeting Papers

The Chairman proposed that, in future, all Board meeting papers should be sent electronically where possible. Paper copies will only be sent to members if they have specifically requested them. All members would be contacted to inform them of this decision.

Committee Clerk to write to members informing them of the decision to send electronic copies for all future Board meetings, giving them the opportunity to request paper copies.

Bedfordshire Young Farmers Country Show and Rally 2020 – 16th May 2020 – Howbury Hall, Renhold

The Director of Operations asked for members' approval to be an exhibitor at the above show with a suitable stand to display the Boards work with an excavator and tractor flail to demonstrate the need for a clear Byelaws working zone. The former Clerk added that the costs would be shared with the Buckingham & River Ouzel Board on the usual 60/40 basis.

Members approved the purchase of two stands at the Bedfordshire Young Farmers Country Show and Rally 2020.

Ecology and Conservation Handbook

The Chairman noted this was still not available. The former Clerk said it was almost completed and pointed out that there already was a working document, this was a 'refresh' not a new document.

Post Meeting Note: the handbook has been circulated in draft form to all members via drop box due to the size of the file.

Water Resources East

The Chairman outlined the background to Water Resources East and a letter from, the ADA Water Resources East Board representative was tabled. ADA is funding £15,000 across the Anglian Water Region and the Bedfordshire & River Ivel Board's membership fee, payable to ADA, for the first year is £683.48. He recommended to members that this fee be paid, initially for the first year, for the Board to be involved at the early stages of the initiative.

The former Clerk said she had had some involvement with the initiative when she sat on the ADA Policy and Finance Committee and it had become clear that it would be advisable for ADA to have a seat at the table.

The Chairman said he had considered it appropriate for the Board to be involved at the early stages of the initiative. This would be reviewed in the future when more detail is available regarding governance and terms of reference etc. He said he wanted to ascertain more information governance arrangements and he would seek to clarify articles of association, terms of reference, etc.

Mr Brown said he did not approve of the Board paying the membership fee to be part of WRE. He said although it had been approved by the Buckingham & River Ouzel Board, he had voted against it at their meeting. He felt that the ADA contribution of £15,000 should be met in full by ADA rather than via a contribution from all Boards.

One member felt that the Board should be more proactive and positive about the initiative and at least the first year's membership should be paid.

Another member thought it could be a good opportunity to hold ADA to account. Whilst another member believed he wasn't informed enough to make a decision.

Members voted on the following motion:

It was agreed the Bedfordshire & River Ivel Board to pay a subscription, for one year, to Water Resources East in the sum of £683.48.

A majority of five members voted in favour. Mr Brown voted against and one member abstained.

The motion was, therefore, carried.

(Mr Wootton and Mrs McHugh had left the meeting prior to this item being discussed.)

Members Training Morning w/c 16 December 2019.

The Chairman said members would be invited to a training session during the week commencing 16 December. The Bedford & Milton Keynes Canal Trust would be invited to attend and give an update on their project. The session would include other items yet to be finalized. Members were to be contacted with the exact date and more information.

Retirement of the former Clerk and Chief Executive and the Office Manager/Committee Clerk

The Chairman extended an invitation to the former Clerk/Chief Executive and the Office Manager/Committee Clerk to join members and employees in order to mark their retirement.

12 DATE OF NEXT BOARD MEETING – 10 February 2020

The meeting closed at 3.46pm.