

NORTH EAST LINDSEY DRAINAGE BOARD

Minutes of a meeting of North East Lindsey Drainage Board held on Wednesday, 14th September 2021 at Stallingborough Grange Hotel at 2pm.

Present: Cllr P. Batson
Mr J. Finch
Mr. L. Grooby **Vice Chairman**
Cllr. R. Hannigan
Mr. J. F. D. Hargreaves
Mr. P. J. Hoyes **Chairman**
Mr R. Kirk
Cllr N. Pettigrew
Mr S. Shepherd
Cllr D. Wells

In Attendance: Mr I. R. Coupland, Acting Director of Operations
Miss J. Flower, Executive Assistant
Mrs. J. E. Froggatt, Chief Executive
Mr. S. Larter, Director of Finance & Governance

1. Apologies.

Apologies for absence were received from Mr. M. Archer, Mr. S. Bedford, Cllr. P. Clark, Alderman I. Colquhoun, Mr. J. Fussey, Cllr. S. Harness, Alderman P. Mills, Cllr B Parkinson, Cllr. M. Patrick and Mr. P. Wilkins.

2. Declaration of Members' interests.

Members nominated by North Lincolnshire and North East Lincolnshire Councils declared interests relating to their respective Councils. The Chairman declared an interest in matters raised pertaining to North East Lincolnshire Council.

3. Chairman's Announcements.

The Chairman welcomed members to the September meeting. He was delighted that the Board was finally able to meet again in-person, the last five meetings having been via video-conference due to the Covid-19 pandemic. However challenging and impersonal, at least modern technology had meant it had been possible to keep the Board's business going during the pandemic. Throughout the last 18 months officers had been able to keep communications going, both internally and with staff in other organisations. Office business, site visits, pump lifts and repairs, depot functions and our contractor's maintenance, together with delivery of some minor improvement schemes like those at Barton New Cut Drain and Middle Drain access road culvert had continued, with appropriate Covid-19 risk assessments and mitigations.

Not all members felt able to join the meeting, perfectly understandably some members did not yet feel confident about meeting in-person whilst others had

wanted to stop meeting via videoconference and meet in-person. It was a balancing act.

In terms of today's venue, it was noted that for a long time the Board's meetings were held at The Amethyst Hotel in East Halton. The owners had the Hotel on the market for some time, and officers had been notified that they felt it was time for them to close. Members recorded their thanks for the hospitality to the Board over many years at The Amethyst. The Chairman asked for members' feedback on the venue today, to himself at the end of the meeting or indeed to Jane or Jayne afterwards.

He was pleased to welcome two new members to the Board, Cllr Paul Batson and Cllr Nick Pettigrew, both nominated by North East Lincolnshire Council. The Council had also nominated five existing members to continue, namely Alderman Iain Colquhoun, Alderman Peter Mills, Cllrs Bill Parkinson, Stephen Harness and Matthew Patrick.

The 3 NELC nominated members therefore leaving the Board were Cllr Marie Green, Cllr Lia Nici MP and Cllr Gemma Sheridan and the Chairman asked that thanks for their input be recorded.

There were no changes to membership nominated by North Lincolnshire Council.

Directly elected members of the Board, were reminded that they should have received in the post a Nomination Paper for the October Election, IDB elections being held every 3 years. Members were asked to please complete this and ensure it was returned in the envelope provided no later than 12 noon on Friday, 01st October. The new 3-year term of office starts on 01st November 2021.

4. Minutes of the Board Meeting, held on 26.05.21.

The minutes of the Board's previous meeting held on Tuesday, 26th May 2021 were proposed, seconded and APPROVED as an accurate record.

MATTERS ARISING:

4.1 Environment Agency (Minute 20 refers).

The EA is advancing the development of the scheme to improve the tidal defences and outfalls along the frontage from Middle Drain to New Cut Drain at Barton. The Outline Business Case was approved in July 2020. One aspect of this scheme is to consider how best to sustain the conveyance of Oldfleet Drain. Members had continued concerns that the EA outfall at Oldfleet is completely blocked and not functioning. The EA is also looking at options to improve the defences and outfall at Mawmbridge Drain.

This potentially has an impact on Middle Drain pumped catchment, Mawmbridge pumped catchment and Oldfleet Drain.

An initial meeting was held on 24th November 2020 with the EA where options to divert flows from Oldfleet Drain into the Middle Drain or Mawmbridge Pumped Catchments were discussed. Initially Middle Drain Branch 3 (6C)

adjacent to the Humber bank is favourable. Further analysis and modelling will need to be done to establish how the connection is made and whether the Oldfleet gravity outfall is abandoned. The EA gravity outfall and Board pumped outfalls will be looked at, to see whether it is feasible to combine them like at Middle Drain, to ensure the gravity outfall is not obstructed by silt.

Potentially the schemes can use GiA funding, either combined with the EA or separately for the Board. Further meetings and a site visit are expected later in 2021.

Barton to New Holland Sea defence improvements - NE Lindsey IDB liaison (ND-5613-2021-GEN). The EA is advancing the development of the scheme to improve the tidal defences and outfalls along the frontage from Barton to New Holland. The EA do have a provisional project plan and Morgan Wray of the EA is due to present this to the November Board meeting.

North Killingholme Outfall and Habrough Marsh Drain Outfall (ND-5364-2020-DRA). Contractors for the EA have advised they will survey and inspect two outfalls with a potential for them to be refurbished/replaced.

5. Joint Services Committee, 19.07.21.

The minutes of the JSC meeting held on Monday, 19th July 2021 had been circulated with the agenda.

MATTERS ARISING:

5.1 Chief Executive's Briefing – Covid-19 Arrangements (Item 6.1 refers).

Officers were still operating a precautionary approach. As of 19th July, national restrictions on working from home and the wearing of masks and observing social distancing were lifted as step 4 of easing national lockdown. This was no longer the Government's national requirement. Local discretion in arrangements had now been introduced and personal responsibility was encouraged. Therefore, management team had agreed to continue with the precautionary approach taken by the Boards and the following would remain in place:

- The wearing of face coverings inside the 4 Boards' premises [office and 4 depots] in all circulation spaces. These may be removed when at a workspace, with the agreement of work colleagues.
- The Perspex Screen at Witham House office reception would remain in place.
- Although Working from Home wherever possible is lifted from today as a national requirement, the staff booking system continues for the use of Witham House office, with a maximum of 4 people in the main open-plan office at any one time. For the short-term, the balance of time working from home, at site meetings or in the office for office-based staff is with individual staff members providing the work gets done [and considering differences in vaccination status, clinical vulnerability and health status].
- Social distancing, wherever possible, to continue.
- Continue to make PPE like face coverings, hand sanitiser, aerosol fogging spray, gloves available at Witham House and the 4 depots.

- Single vehicle cab working to continue, except for one-off situations like vehicle breakdowns where vehicle sharing would be permitted.
- Covid-19 RAMS to continue.
- The situation will continue to be reviewed weekly, considering what is happening to the Covid-19 infection/transmission rate, the hospitalisation rate and the number of deaths. It was noted that the infection rate is currently increasing exponentially.

The 3 priorities for the Boards remain to maintain a safe working environment for staff, to provide business continuity and as much of a near normal service as it is practicable to do, and to preserve staff welfare and resilience in order to be able to respond to heavy rainfall or flood events.

It was noted that not all staff had yet been offered and received both their vaccinations. Also, the last year had taught us that a hybrid model of staff working from home part of the week and in the office for specific duties did bring some efficiencies in working arrangements. It was envisaged that as the transmission rate eases staff will gradually resume working from the office on a more regular basis, but flexible working will be supported coupled with being available to the public and colleagues for meetings as required.

5.2 Update on Insurance Renewal (minute 8.14 refers).

It was highlighted to members that there had been detailed discussion at the JSC meeting on 19th July on the insurance renewals for all 4 Boards from 08.07.21. It had been difficult renewals process this year which was a significant issue not just for our 4 Boards but for the 112 IDBs nationally. Some of this difficulty related to the impact of the Covid-19 pandemic on the insurance market nationally and some relates to the reticence in the market to insure IDBs given the claims history arising from floods in autumn 2019 and winter 2020. In future, insurances are going to be a key issue for the Boards, both from the perspective of cost and from a liability impact of what items can and cannot be insured. Flooding is a key issue with the insurance companies, and so we may have to be realistic in what level of insurance cover we can obtain in future, particularly for pumping stations. Also, the age of the assets has resulted in mechanical breakdown cover being essentially withdrawn.

There followed discussion at the JSC meeting on the information provided. It was recognised that Property was not an attractive proposition for insurers, regarding public bodies. The high cost increases due to number of restrictions and the number of postcodes not covered for flooding or subsidence were noted by members. Premium costs were clearly being driven by postcodes and flood maps. The cost of NELDB's insurances from 08.07.21 was £18,270.39.

The discussion at the JSC meeting on 19.07.21 was noted.

6. **New Model Byelaws for the Board.**

A paper proposing adoption of new Byelaws, together with a set of those Byelaws, had been circulated with the agenda and was presented by the Chief Executive.

- 6.1 As previously advised, IDBs nationally had been awaiting Defra's support to amend current Byelaws. The new Model Byelaws for IDBs [& Councils] have been published by Defra and Ian Moodie at ADA has sent them through to all IDBs, along with the process for approval. The purpose of these Byelaws is to give Boards powers to prevent an increase in Flood Risk or to effectively manage Land Drainage

As with the exercise for revised Standing Orders recently completed, we have drafted a set of new Byelaws for each of the 4 Boards in this Defra prescribed format. The new model does provide on page 4 for a maximum 9 metres Byelaw distance [the maximum a Board can set without making a special case to the Minister]. At present, the current Byelaw distances are W3rd and W1st both 9 metres, NELDB 7 metres and UW 6 metres.

- 6.2 Before we advertise the Byelaws for consultation, we must agree them and get the 'appropriate persons' (i.e., Chief Executive, Chairman) to sign and date them. They are brought to the September 2021 Board meetings (NEL 14th September, UW 20th September, Witham Third 21st September and Witham First 28th September 2021) for this purpose and to commence the process for approval.

If approved today, the Board must publicise the proposed Byelaws. The advertising should show that, whatever media is used, it gives everyone an equal opportunity to object to the proposals. For example, advertise online and in at least one local newspaper in the area affected by the Byelaws, and write to all affected parties. We must send a copy of the notice with the Byelaws to every local authority whose area lies wholly or partly within the affected area and to any other public authorities who might be concerned and provide a copy of the byelaws at Witham House for public inspection for a period of at least one month.

Boards must tell anyone who wants to object to the proposals to write to the Board at Witham House with their objections.

In order to comply with the spirit of these requirements, it is proposed that following approval of the proposed Byelaws by all 4 Boards by 29th September 2021, we advertise the proposed new Byelaws on the 4 Boards' website for the required period of one month from Thursday 30th September to Monday, 01st November 2021. It is also necessary to place the notice of proposed new Byelaws in a newspaper in the relevant drainage district, so we propose for Upper Witham, Witham First District and Witham Third District IDBs to use the Lincolnshire Echo and for NELDB to use the Scunthorpe Telegraph and Grimsby Telegraph.

The Boards will need to advise all relevant Councils and public bodies in their drainage districts [e.g., for NELDB NELC, NLC, WLDC and Natural England, the Environment Agency etc] at the start of the consultation process on 30.09.21, to give them an opportunity to comment on the Byelaws and to raise any objections.

We will respond to any/all objectors in writing, explaining why we believe the proposed Byelaws are justified, or how we intend to change them in response to their comments received through consultation.

The Boards are also required to invite objectors to consider withdrawing their objections, giving a period of at least 2 weeks for them to withdraw or sustain their objections, or offer further comments. If objectors do not respond, their objections stand.

If we significantly amend the Byelaws, to meet objectors' concerns, the Boards should then further advertise the amended Byelaws. Affected parties can then comment on the new proposals [in effect, a second consultation process].

If any objections are not withdrawn or resolved before we submit the proposal to the Defra Minister for confirmation, the Minister may consider those objections when a Board submits the proposed Byelaws for confirmation

Boards can apply to the minister for confirmation of the Byelaws one month after either of the following:

- the date of publication of the notice [i.e., 30.09.21].
- the last date of publication if more than one newspaper is used [date TBC].

Each Board must send 2 sealed copies of the Byelaws [i.e., sealed with the Board's seal] signed by an authorised person, i.e., the Chairman and Chief Executive, and:

- an explanation of why the Byelaws are necessary.
- a statement of where the Byelaws were deposited and advertised, with the dates and times.
- a copy of the newspaper pages and any website pages where the Byelaws were advertised, with a statement that the Board made appropriate efforts to reach all affected parties.
- copies of any objections sent to the Board and your response. If the Board did not receive objections, include a statement explaining that there were no objections
- a statement of when the local and other public authorities (Environment Agency, Natural England, local navigation authority or harbour authority) were notified.

6.3 The increase of Byelaw distance to 9m, from 7m for NELDB and 6m for UWIDB.

It is proposed to increase all 4 Boards' Byelaw distance to the maximum 9 meters allowed for consistency. Witham First and Witham Third District IDBs have operated a Byelaw distance of 9m for several years [since last adoption], to no ill-effect. This distance is also used amongst many of the county's IDBs [LMDB, BSIDB, W4IDB, Ancholme all currently operate a 9m byelaw distance.] The increase for NELDB and UW may result in the number of applications rising, but this will be marginal inconvenience compared to the benefits for the Boards.

Why 9m should be standardised across the 4 Boards:

- The main purpose of this Byelaw is to protect the Board's access to those watercourses maintained by the Board. It enables the Board to control any development or other work within their access and working

areas adjacent to the watercourse scheduled for maintenance by the Board.

- The distance of 9m is determined by a number of criteria and is made up of the following considerations: size/width of operational plant [4-5m including the swing of an excavator], safe working distance from bank top [1 – 2m] safety zone to rear of machine to reduce risk of crushing [1-2m], wear and tear of channel batter through slips and or erosion [1m], space to dispose of material removed from maintained watercourse [including cut vegetation and silt removed on periodic basis].
- In certain instances, the distance can be relaxed to allow development within the 9m distance and still provide unobstructed access for the Board's maintenance activities or those of the Board's contractor. However, this is considered on a case-by-case basis by application and a standard 9m starting point for negotiation seems a good precaution when Defra is allowing that as the maximum Byelaw distance without additional special request.

The need for the Board's prior written consent does not suppose refusal. The Board cannot unreasonably withhold its consent (s23(3) of the Land Drainage Act 1991).

The fee remains at £50 for the W&H Boards. This has not changed since the Land Drainage Act 1991 Act was enacted, whilst other Boards have increased their fees or introduced developer fees and charges.

- 6.4 Assuming all four Boards approve and sign the Byelaws at their September 2021, and then meeting the advertising process and inspection period of at least one month, we propose the consultation period on the Byelaws commences from 30th September 2021 and closes on Monday, 01st November 2021. Therefore, the Byelaws will be available and advertised for at least the duration of October or beyond, depending upon what date of newspaper publication is used.

Any objections received will be responded to in writing, and we may give objectors a period of 2 weeks to withdraw the objection.

Following this period of at least one month we can then apply to the Defra Minister for confirmation, as set out.

The Boards may have the new Byelaws in place before the end of this year, subject to consultation responses/objections received and whether a second consultation period is therefore required before applying for Ministerial Confirmation. The process then is dependent upon the time taken for Ministerial Confirmation of the Byelaws.

Following discussion members were content to APPROVE the revised Byelaws for the Board and authorise the Chairman and Chief Executive to sign them, prior to commencement of a period of consultation as set out.

7. Chief Executive's Report.

The Chief Executive's report had been circulated with the agenda and issues highlighted included:

7.1 Training.

The Boards did not host a member training event last year, the last being in Woodhall Spa on 27.11.19. Following the Elections and APMs in November, it was suggested that Boards host a member event in late November / early December. Members were asked for their views on whether an online training event or an in-person event was preferable. A potential date suggested was Wednesday 01st December 2021.

7.2 Responsible Finance Officer.

A report had been presented to the 4 Boards' JSC meeting on 19.07.21 which set out the rationale for designating a Responsible Finance Officer [RFO] role for each of the 4 Boards, and what the role entails. There is no requirement under the Land Drainage Act [1991] to have the equivalent role to the Section 151 Officer role in the Local Government Act [1972]. However, as part of improving clarity and transparency in the Boards' governance arrangements, it is good practice to designate which role carries the RFO responsibilities.

The JSC has recommended that the RFO role be agreed, as set out in the minutes and with no cost consequences. Each Board was therefore recommended to approve that the RFO role be assigned to the 4 Boards' Director of Finance & Governance post. This was AGREED by members.

The Chief Executive's report was received and noted.

8. **External Auditors' Notice of Closure on the IDB Annual Governance and Accountability Return (AGAR) 2020/21.**

The Director of Finance and Governance introduced the item for which a briefing note had been circulated with the agenda. The Annual Return 2020/21 was agreed at the Board meeting on 26th May 2021, subsequently published on the Board's website for public inspection and despatched to the External Auditor on 11th June 2021. The public inspection period was from 14th June 2021 until 23rd July 2021.

The Board had until 30th June 2021 to submit its Annual Return 2020/21 and the External Auditor has until 30th September 2021 to complete their work and publish their report.

The External Auditor has a statutory deadline of 30th September to complete their external audit and publish the formal Completion of Audit certificate. Usually, the Board has been in receipt of this by the September Board meeting. At the time of writing this report, the certificate has not yet been received, with only minimal communication from the Auditor. A verbal update was provided, and it was NOTED that as of today, no Notice of Closure had been received, so it will be reported to the November meeting, to enable the financial year 2020/21 to be formally closed by the Board.

9. **2021 Election Process.**

A verbal update on the 2021 Election process was given by the Chief Executive.

The current 3-year term of office for those directly elected members of all 4 Boards in the group expires on 31.10.21. The new terms of office will run from 01.11.21 to 31.10.24. Those members nominated by the relevant Councils to NELDB are unaffected by these elections. A timetable for the 3-year elections for all 4 Boards had been approved at the January meeting and the Chief Executive was appointed as Returning Officer.

The four Electoral Registers had been prepared, validated and advertised as available for Inspection from Friday, 30th April to Thursday, 20th May 2021.

It had been confirmed there had been no objections, inaccuracies or anomalies raised by any inspections by c.o.p. 20.05.21, and each Board approved the Electoral Register at their May meetings. The approval of the Electoral Registers was advertised on the website www.witham3idb.gov.uk and at Witham House office.

Members were reminded that Nomination Papers were issued on 31st August 2021 and must be completed and returned by members standing for election by no later than noon on Friday 01st October 2021. Any members not wishing to stand were requested to advise the Chairman or Chief Executive at their earliest opportunity. If any members had a problem with these dates (e.g., away on holiday) or indeed if any members required assistance on completion of the Nomination Paper, they were asked to inform Officers well in advance of the closing date, so support to members could be provided.

Members noted the update.

10. Revised Financial Regulations.

A summary of 5 minor updates to the Financial Regulations and Statement of Internal Control had been circulated with the agenda and was presented by the Director of Finance & Governance. The existing joint Financial Regulations were last reviewed in 2018.

The full document had been presented to the JSC at its meeting on 19th July 2021 and Members of the JSC were content to recommend them for approval at September Board meetings.

Members noted the summary presented and were content to APPROVE the revised Financial Regulations.

11. Schedule of Expenditure, 01.04.21 to 31.08.21.

The schedule of expenditure for the five months ended 31st August 2021 had been circulated with the agenda and was presented by the Director of Finance & Governance. The schedule was of invoices paid in the period, and therefore some expenditure incurred in the five months period was excluded. Items highlighted to or raised by members included:

- Item 55: £494.00 (net) to David Neal Electrical for the supply & fit of a surge protector to New Holland Outfall Pumping Station.
- Item 58 £80,509.50 (net) to Environment Agency for Flood & Coastal Erosion Risk Management Precept (1st of 2 payments 2021/22, total due £161,019.00).

- Item 64: £14,540.00 (net) to Eric Carnaby & Son Ltd for Replacement of steel pipe across the Humber Bank access track at Middle Drain Culvert. Members were advised that emergency repairs were undertaken by the Board and the EA had agreed to reimburse 50% with the landowner also having been asked to pay the other 50%. Negotiations with Synthomer were ongoing.

Members noted the schedule of expenditure incurred for the five months 01st April to 31st August 2021, which totalled £363,727.19 gross or £323,720.97 net of £40,006.22 VAT. Recharges to other bodies during this period totalled £21,391.40.

12. Financial Performance Report 2021/22, to 31st August 2021.

The Financial Performance Report for 2021/22 to 31st August 2021, had been circulated with the agenda. The Director of Finance and Governance presented the position, summarised as:

	2021/22 Estimate	Profiled Budget	Actual	Variance
	£	£	£	£
Income	(689,869)	(367,266)	(382,683)	(15,417)
Board & General Admin	20,050	7,498	7,623	125
One Off Schemes	17,000	0	14,540	14,540
Conservation	2,500	1,317	273	(1,044)
Depot	8,360	3,555	3,783	228
Drains	142,420	13,596	2,494	(11,102)
Pumping Stations	70,850	30,637	26,111	(4,526)
Staffing & Joint Admin	102,192	27,935	27,961	26
Consents & Enforcement	2,121	0	0	0
Engineers & Works Supervisor	161,746	52,626	55,239	2,613
Contribution to/(from) Reserves	0	0	0	0
PWLB				0
Rechargeable Works	0	0	16,382	16,382
EA Precept	162,630	81,315	80,510	(806)
FRS17 Pension Adjustment (net)				0
Wages & Plant Holding Account				0
(Surplus)/Deficit	0	(148,787)	(147,768)	1,019

The Board's budget profile as of 31st August 2021 was an anticipated positive variance of [£148,787] and the actual position was a positive [£147,768], so on profile with only a minor positive variance of [£1,019]. Members were reminded however that some of the higher risk spend areas had not yet been incurred such as electricity during winter months etc.

On income, Special Levies received for the first half of the year from the 3 Councils were (£294k). Drainage Rates invoices for 2021/22 had been posted out in April 2021 with first reminder being sent in August. The collection rate for drainage rates income as of 31st August 2021 was 86.2% (compared with 71.5% for the same point in 2020/21). Final reminders were due to be sent out in October, with a court date being set for December for any unpaid account holders.

Also, on income, Highland Water claims had been submitted the EA for the 2020/21 actual claim with a further balance of (£12,341) due and for the 2021/22 Estimate (£71,500). Of the estimated 2021/22 claim, 80% (£57,200) was paid in August 2021

along with the balance due on the actual claim 2020/21 of (£12,341), so a total of [£69,541] Highland Water income had been received.

For Rechargeable Works, some works (£6k) had been recharged to date with further work due to be invoiced in September (£10k).

The bank balances as of 31st August 2021 were set out as follows:

Barclays Bank plc

Payments Account	£	5,532.03
Receipts Account	£	70,659.40
General Deposit Account	£	250,000.00
Developer Contributions Account	£	132,122.41
Nationwide Instant Access (Dev Cont's)	£	152,200.84
Total		<u>£ 610,514.68</u>

Members noted the 2021/22 financial performance report, for the first 5 months from 01st April to 31st August 2021.

13. Write-off of Drainage Rates.

A report had been circulated with the agenda. The Board has a policy for writing off Drainage Rate demands under £2.50. The following 33 accounts were outstanding as at 31st August 2021, but are under £2.50 for 2021/22:

Account	£	Account	£
59	2.28	333	2.12
72	2.32	368	1.8
95	0.60	375	1.76
107	1.24	377	1.00
108	1.72	388	2.4
122	1.44	394	1.00
129	2.04	398	1.16
144	1.40	410	1.84
162	0.16	418	1.08
174	1.44	419	1.56
208	1.32	423	2.04
215	0.76	433	2.2
237	1.92	0436 – 2017/18 (part year)	0.95
238	1.96	0436 – 2018/19	1.25
241	2.04	0436 – 2019/20	1.26
244	2.4	0436 – 2020/21	1.29
259	2.48	0436 – 2021/22	1.32
271	1.00		
288	0.36	TOTAL	56.93
318	2.04		

As each account holder's annual drainage rates are under £2.50, the Board is recommended to write off the debt, totalling £56.93.

Account 0047 holds land that is already in the special levy account as developed industrial areas of Stallingborough. The balance on this account stands at £39.95 and it is considered uncollectable.

Account 0055 has an arrears brought forward balance prior to 1/4/2017 of £562.07. It is understood that, following the death of the father on this farm, the land was split between his sons. They have all been paying Drainage Rates on the parcels they own since 01st April 2017. Following much investigation, we can find no evidence of where these arrears originally came from, and therefore consider them to be uncollectable.

Account 0390 holds balances of arrears prior to 01/04/2017 where there is no account attached. There are also no land parcels attached to this account, so it is not possible to tie these arrears up with land and ratepayers. It is therefore considered this balance of £835.78 is uncollectable.

In response to a question about the £2.50 limit for raising account invoices, members were reminded that drainage rates collect £24k income to the Board in total. To increase the limit of £2.50 to, say, £5.00 would result in a large proportion of that income being lost. Officers have a duty to maximise the income to the Board, it is unfortunate that this Board does include a high number of small plots of land and the penny rate is particularly low.

Following discussion members AGREED to write off £56.93 of under £2.50 rates and £1,431.80 of uncollectable / arrears on drainage rates.

14. Health and Safety Update.

A report had been circulated with the agenda and was presented by the Acting Director of Operations.

Operatives had been extremely busy with the summer work programme, both in the 3 Boards with a direct workforce and in NELDB where Carnaby's Operatives had made good progress. This makes having one Operative on one machine easier but created the problem of moving vans and machinery from site to site. Whilst it may seem easy just to send two Operatives in a vehicle, we have not been without our cases of Covid-19 or people having to isolate so are very conscious of being able to provide cover should we have a wet weather event. We are having to move machinery by low loader more than normal and in some instances hiring a car transport trailer to move vans from site to site. All staff are still issued with the necessary PPE and equipment to undertake their daily duties.

Office Staff were still working predominantly from home, with measures in place to make the office accessible to a limited number of staff at any one time. Face to face work meetings were now taking place managed by a booking system, with Jayne Flower managing the requests.

The office is currently open to members of the public, but by prior appointment.

All arrangements and risk assessments are reviewed weekly at the Management Team Meetings and any change in national guidance is kept under review.

Cope, external Health and Safety provider, completed their annual audit visits to all Four Boards. NELDB had their first visit from Cope on the 22nd June and this was a very positive visit with a few recommendations, i.e., domestic electrical checks to all buildings to be undertaken, some extra signage, some hand rail replacements and steps with handrails to be fitted at remote screens.

There were two near misses reported across all Boards since the last report. Both involved a vehicle driving through long grass and dropping the front wheel over the edge of a bank slip. Both had been investigated internally and tool box talk given to remind Operatives to drive as far from the edge as is possible, and if not sure of the conditions, then do not drive through long grass. This does highlight the importance of Health & Safety flailing cuts before drains banks are driven on. This is made easier with the use of the front flails we now have.

One accident had been reported, this was on Witham First and involved a cable strike. This was a BT cable and not a powerline but is taken just as seriously. Our internal investigation concluded that the Operative did not set the height limiter because it was a BT cable, he has been advised and will receive further training. We have always instructed our Operatives to class all overhead cables as if they are live and as such measure them using the provided 'Suparule', complete the relevant paperwork and set the machines height limiter. Annual training is taken by all Operatives for working around overhead powerlines and this training is extended to colleagues in Carnaby's.

A Health and Safety representatives' meeting was held with no new issues to report, main concerns were for winter piling works on bank slips. This activity has now been risk assessed by Cope the external H&S advisors and liaison with different suppliers of equipment to make this process safer was underway.

Thirteen staff had undergone training for CDM Regulations to ensure a better understanding of the requirements on the industry and what changes to make to ensure compliance.

Some of the teams had undertaken underground cable training and the latest recruits have completed Overhead Cable Avoidance training. We have completed the first round of excavator training, which means that all Operatives on machines have now completed their basic and tracked excavator training, a meeting was booked for the week commencing 06th September with the training provider to arrange the second phase. This was to organise the conversion training from tracked to wheeled excavators and to discuss getting attachment tests on some of the equipment that can be classed as high risk, e.g., excavator mounted tree shears. Undertaking this training would help the Boards to evidence Operatives are competent in the duties they undertake, which is increasingly something we need to be able to do. Annual overhead powerline avoidance training is booked for the 26th and 27th October, again this is made available to Carnaby's Operatives.

Members received, discussed and NOTED the Health and Safety update.

15. Environment Update.

A report by Fiona Scott, Environment & GIS Technician, had been circulated with the agenda and was presented by Ian Coupland, Acting Director of Operations.

As a public body, under the Natural Environment and Rural Communities Act (2006), Internal Drainage Boards must have regard to the purposes of conserving biodiversity in a manner that is consistent with the exercise of normal functions such as policy and decision-making. 'Conserving biodiversity' may include enhancing, restoring or protecting a population or habitat. The detailed report set out the agreements and achievements of the Board's environmental activities from September 2020 to September 2021.

The Board continues with successful monitoring, box maintenance and box replacement (where necessary) of the owl box scheme. Wildflower meadows within Boards' areas continue to be successful with a good maintenance regime.

Rosper Road Pits remains an important site for the Board and have received assurances that the adjacent EA owned land is to be used for a project that will benefit the Board. Bird monitoring here continues to be a success and the WeBS training undertaken by the Environment and GIS Technician will be useful when undertaking surveys.

There has been progression in the Humber Habitat Mitigation Scheme after various delays, and Roger Wardle will be working towards submitting the planning application scheme.

The Boards' Environment & GIS Technician will use the new ADA guidance to create the new Nature Strategy for the 4 Boards, this hopefully coming to the Boards in November.

Members received and NOTED the report and update.

16. Proposed Killingholme Marshes Pumping Station.

A report prepared by the Director of Engineering & Technical Services had been circulated with the agenda.

The Board has been invited to attend the regular meetings of the Able Marine Energy Park Delivery Board. The Director of Engineering & Technical Services has attended 2 meetings to date. The purpose of the Delivery Board is to ensure the delivery of the Park and realise the potential economic benefits that the development could provide. The Delivery Board comprises of several local and national professional partners and is chaired by North Lincolnshire Council.

There has been no progress as to the drawing up of the legal agreement necessary between AUL, NELDB and Crown Estates, allowing access to the various parcels of land to be occupied by the new pumping station, discharge pipeline and outfall structure. The Board has received an order from AUL for the legal fees estimated as necessary to draw up and agree such a document.

The Chief Executive and Director of Engineering and Technical Services have met with the Board's solicitors, Sills & Betteridge of Lincoln, to discuss and agree a position to be taken ahead of any further negotiations with AUL. It has been agreed that:

- There are several pieces of information required from AUL before discussions regarding an easement can progress. This information ranges from basic plans

of the site and the building itself to proof of title referred to in any agreement and licences from other agencies, such as Crown Estates.

- Any Deed of Grant cannot be entered in to without reference to the wider considerations, including access to the site, but especially the value of the commuted sum [Financial information required to complete the commuted sum calculation is also outstanding and awaited by the Board's officers].

This position protects the Board from adopting any liabilities or responsibilities before all aspects of the wider Deed of Grant and value of the commuted sum have been agreed and paid over. Officers have responded quickly to all requests for information.

The construction of the pumping station continues apace. The cofferdam that was created to allow the construction of the various elements is complete and construction of the outfall structure has begun. Delivery to site of the concrete culvert units that will make the outfall culvert is to begin in late August.

Access to the construction site remains open and unfettered for both the Board's officers and their representatives from Stantec, who continue to attend site to monitor work and ensure compliance with the design specification and drawings.

The Director of Engineering & Technical Services has participated in several meetings and email correspondence regarding technical aspects of the station's design and performance. Discussions as to how the pumping capacity required of the station is to be met over the lifetime of the station continue.

Construction of the station is programmed to be complete in February 2022, a slip in the original programme date of January 2022

Members discussed the long-term future of the pumping station with Lionel Grooby asking about the potential for the station to become redundant. Cllr David Wells enquired as to why the IDB had not commented on the planning application for the Able Marine Energy Park. Cllr Richard Hannigan advised that an individual agreement with Crown Estates and North Lincolnshire Council had now been completed.

Members received and NOTED the update.

17. Operations Report.

The Operations Report had been circulated with the agenda and was presented by the Acting Director of Operations.

Across the group of Boards, we are currently busy with our summer maintenance programme, this involves grass and hedge cutting and in channel vegetation control. We are noticing this year a difference in the crops grown around the area, there seems to be less oil seed rape and peas. The harvest of these crops tended to be earlier, and this gave us some arable land to start working from. With a change in the last couple of years to crop patterns and lot of later crops being grown, everything seems to be coming off at once, giving us a real challenge of a short timescale to undertake our work before the fields are worked. This, on top of the disappearance of a lot of the grass margins we used to work from, is going to lengthen our summer maintenance season.

Darren Scott, the Works Supervisor, has been overseeing the work undertaken by the Board's Contractor (Eric Carnaby & Son Ltd). This work is on schedule as is the PSCA work in NELDB which is undertaken on behalf of the Environment Agency on main rivers. There has been no change to the amount of work the Board has been asked to complete by the EA.

Darren has had a golf ball strike and damage his works truck, whilst parked at Little Buck Beck Pumping Station. We are pursuing the repair through the golf course at present.

Carnaby's replaced a collapsed steel culvert at the access track to the Board's Middle Drain Pumping Station, at a cost of £14,540 [excl VAT]. The EA has agreed to make a financial contribution, as it is also their access track to the Humber Bank, and we have written to the part owner of adjacent land to seek a financial contribution.

Further to the repair to New Holland PS pump No1 as reported last time, the New Holland pump No2 was repaired by Perry's Pump and reinstated at a cost of £12,490 [excl VAT].

The Red / White diesel issue is still being challenged by ADA and other parties. As it stands at this time, we have kept our excavators on red and our tractors that are not used for haulage on red diesel. Keeping the tractors on red is a slight risk as Customs and Excise have confirmed that travelling from one site to another or flailing watercourses in a City, Town or Village would never be classed as an agricultural duty. But to put the infrastructure in place i.e., purchase fuel bowsers on each Board so we can fuel red and white is not affordable or practical when it looks like we will have to put everything on white from April 2022. We can then flush our current bowsers and tanks out and we are just delivering one fuel again. If we do not get the agricultural classification, it is going to be open season on our machines left on site overnight, we fear they will be soft targets. In keeping with the rest of the IDB sector, we are planning on implementing the changes from April. This will also apply to Carnaby's and similar contractors undertaking work for IDBs, so the cost pressure of switching all operations to white diesel from April 2022 will be reflected in contractor prices when the Board goes out to Invitations to Tender for the Maintenance Contract later this year for July 2022.

Across all industries it was very noticeable that all prices were increasing regularly, and stock availability was sometimes weeks or months. This was highlighted as influencing repair and servicing bills, costs were increasing along with the time machinery was standing whilst waiting for parts to arrive from overseas.

The EA and Jacksons Civils are currently using Middle Drain Pumping Station Compound as a site office and storage compound, whilst undertaking remedial works in the area.

A company that produces GRP cabinets have been requested to visit New Holland outfall Pumping Station to measure and price up a replacement cabinet to house the control panels. The steel cabinet there is in poor condition, probably due to the salty air. It would benefit from replacement before corrosion inside occurs.

Members received and NOTED the report and update.

18. Engineering Report.

A report by the Acting Head of Engineering & Technical Services had been circulated with the agenda and was introduced by the Acting Director of Operations.

Pleasingly, there had been no flood events since the May Board meetings on which to report.

Multi agency Rain Gauge Project (JA-5378-2020-ASS).

Officers were exploring on behalf of all four Boards whether to be involved with this multi-agency scheme. Potential partners across Greater Lincolnshire are the 3 Lead Local Flood Authorities [LLFAs] namely Lincolnshire County Council, North Lincolnshire Council and North East Lincolnshire Council. Other partners include Anglian Water and other Internal Drainage Boards (but not the EA). The scheme is proposed to be part funded by the Anglian (Northern) RFCC Local Levy and a draft bid was submitted by Lincolnshire County Council in November 2020. The proposal is to have 'live' web-based rainfall data available to partners during heavy rainfall events and historic data for post event investigations including the LLFA led Section 19 investigations. Approximately 50 sites would be located across the area hosted by partners in appropriate secure sites which potentially could be the Boards' Pumping Stations. However, we need to understand more about locations, potential ongoing maintenance costs for which the Boards may be liable etc before agreeing to participate in what is currently an expression of interest stage project. There had been no change since the May meeting and information is awaited from Anglian Water.

Middle Drain access culvert (ND-5514-2021-ASS, ND-5486-2021-ENF).

The EA had confirmed they would contribute half of the cost of the recent scheme completed to reconstruct the culvert. Contact had been made with the company who part owns the land the culvert, and a contribution requested. They had asked for further details, which have been provided.

Immingham multi-agency study and model (ND-3987-2018-PRO).

A multi-agency approach has been taken to assess the Flood Risk and distribute potential scheme benefits between the parties involved, North East Lindsey Drainage Board, EA, Anglian Water and North East Lincolnshire Council - who are hosting the scheme because they have an in year GiA scheme which has received funding for the work. NELDB commissioned the survey of the watercourses which will be combined in the model which Anglian Water have agreed to undertake.

The results of the work will potentially allow the Board to proceed with GiA funding schemes for Middle Drain Pump Station and Habrough Marsh Drain system.

All types of flood risk are included in the study including surface water, fluvial and coastal.

North East Lincolnshire Council have secured some alternative funding and this joint approach may not continue. This would mean the potential Middle Drain Pump Station and Habrough Marsh Drain schemes would have to be progressed separately by the Board.

However, the work continues, and Anglian Water Services have now provisionally completed the Hydraulic Model of the combined systems. Some additional detail and survey has been undertaken to complete it and the results should be available soon.

Ground Water Flooding November 2019, Barton upon Humber (ND-5379-2020-FLD).

An 'off site' plan for Wren Kitchens is being produced, this would include the setting of various trigger thresholds for alarms and warnings to be issued. The current expansion of the Wren Kitchens site will have no adverse effect upon the local drainage system, nor will it increase the likelihood of flooding of this nature in the area.

A second meeting was held on 17th September 2020, there have been no further meetings or updates since the May meeting.

Humber Wader Migration (ND-3458-2017-ENV).

This site to attract wading birds as part of mitigation for development in the area. It is located adjacent to Mawmbridge pumping station and will include a small pump to top up the wet areas on the site. The scheme has evolved, and the proposal is now to have the pump location remote from Mawmbridge pumping station. Several site meetings have taken place and a Consent application is awaited for the proposed works.

North Lincolnshire Council Operation Flood Group (ND-4485-2019-GEN).

It is a multi-agency meeting to discuss and resolve local drainage issues. Darren Scott attended the meeting on 18th June 2021 the next one was due to take place on 10th September 2021, but no update was available for the meeting.

Stallingborough 3 Sea defence improvements - NE Lindsey IDB liaison (ND-5362-2020-ASS).

The EA is advancing the development of the scheme to improve the tidal defences and outfalls along the frontage from Middle Drain to New Cut Drain at Barton. The Outline Business Case was approved in July 2020. One aspect of this scheme is considering how best to sustain the conveyance of Oldfleet Drain. Furthermore, they are also particularly looking at options to improve the defences and outfall at Mawmbridge Drain.

This potentially has an impact on Middle Drain pumped catchment, Mawmbridge pumped catchment and Oldfleet Drain.

We have been invited to a meeting to discuss the current systems and operations of the Board/EA and how they interact.

An initial meeting was held on 24th November 2020 with the EA where options to divert flows from Oldfleet Drain into the Middle Drain or Mawmbridge Pumped Catchments were discussed, initially Middle Drain Branch 3 (6C) adjacent to the Humber bank is favourable. Further analysis and modelling will need to be done to establish how the connection is made and whether the Oldfleet gravity outfall is abandoned. The EA gravity outfall and Board pumped outfalls will be looked at to see whether it is feasible to combine them like at Middle Drain, to ensure the gravity is not obstructed by silt.

Potentially the schemes can use GiA funding either combined with the EA or separately for the Board.

Barton to New Holland Sea defence improvements - NE Lindsey IDB liaison (ND-5613-2021-GEN).

The EA is advancing the development of the scheme to improve the tidal defences and outfalls along the frontage from Barton to New Holland. The EA do have a provisional project plan and were due to present this at the September Board meeting, this has now been moved to the November meeting.

North Killingholme Outfall and Habrough Marsh Drain Outfall (ND-5364-2020-DRA).

Contractors for the EA have been in contact to undertake survey and inspections of the two outfalls with a potential for them to be refurbished/replaced. Works to replace the penstock on North Killingholme Outfall are programmed for September 2021.

Members received and NOTED the report.

19. Planning & Consultations Report.

A report had been circulated with the agenda and was presented by the Acting Director of Operations, Ian Coupland. The report provided information on the planning applications received by the Board and detail of the comments submitted to the relevant Local Planning Authority (LPA).

There were no issues to highlight to members on this occasion and members received and NOTED the report.

20. Consents and Enforcements Report.

A report had been prepared by the Consents and Enforcements Officers, circulated with the agenda and was presented by the Acting Director of Operations:

Byelaw Consent Applications
None received.

Section 23 Land Drainage Act Consent Applications – District

Reference	Location	Applicant	Details	Date
ND-5664-2021-CON	Off Peploe Lane, New Holland	Network Rail	Grout up redundant railway culvert	16-06-21

Section 23 Land Drainage Act Consent Applications – Extended Area

The Board acts as Agent for Lincolnshire County Council, the Lead Local Flood Authority. North Lincolnshire Council and North East Lincolnshire Council process their own Consent Applications.

None received.

Enforcement Issues – District

Reference	Location	Description / Comments	Actions
ND-5207-2020-ENF	Land adj Brocklesby Ave, Immingham	Encroachment of access strip adj to Habrough Marsh Drain Branch 1 with a fence	Property owner had agreed to move the fence back to the original line, but he has now completed the fence encroaching on the Board's land. Further action will be required either to move the fence or accept the fence on this line and reserve the right to take action in the future.

Enforcement Issues – Extended District

The Board acts as Agent for Lincolnshire County Council, the Lead Local Flood Authority. North Lincolnshire Council and North East Lincolnshire Council undertake their own enforcement.

No current cases.

Members received and NOTED the report on consents and enforcement cases.

21. Any other business.

There were no further items of business and the meeting closed at 16:05.

22. Date, Time and Place of Next Meeting.

The next meeting of the Board, including the Annual Public Meeting, was confirmed for Tuesday, 09th November 2021. The venue was likely to be at Stallingborough Grange Hotel, in-person meetings permitted. It will commence at 2.00pm.

..... Chairman..... Date

NELB BM 14.09.21