

NORTH EAST LINDSEY DRAINAGE BOARD

Minutes of a meeting of North East Lindsey Drainage Board, held on Tuesday 15th September 2020 via video conference at 2pm.

Present: Mr. S. Bedford
Cllr. P. Clark
Alderman I. Colquhoun
Cllr. M. Green
Mr. L. Grooby **Vice Chairman**
Cllr. S Harness
Mr. J. F. D. Hargreaves
Cllr. B. Parkinson
Cllr. G. Sheridan
Cllr. D. Wells.

In Attendance: Miss J. Flower, Executive Assistant
Mrs. J. Froggatt, Chief Executive
Mr. Guy Hird, Engineering Services Officer
Mr. S. Larter Director of Finance & Governance
Mr. M. Shilling, Director of Operations & Engineering

1. Apologies

Apologies for absence were received from Mr. M. Archer, Mr. J. Finch, Mr J. Fussey, Cllr. R. Hannigan, Mr. P. J. Hoyes (**Chairman**), Mr. R. Kirk, Alderman P. Mills, Cllr. L. Nici MP, Cllr. M. Patrick, Mr. S. Shepherd 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.

3. Chairman's Announcements.

In the absence of the Chairman, the Vice Chairman Lionel Grooby welcomed members to the September meeting of the Board and chaired the meeting.

4. Minutes of the Board Meeting held on 23.06.20.

The minutes of the Board's previous Meeting held on Tuesday, 23rd June 2020 were proposed, seconded and were APPROVED as an accurate record.

MATTERS ARISING:

There were no matters arising, all items being covered by the agenda.

5. Minutes of the Joint Services Committee Meeting held on 20.07.20.

The minutes of the Joint Services Committee meeting held on Monday, 20th July 2020 were received and noted.

MATTERS ARISING:

5.1 Anglian (Northern) RFCC (minute 6.3 refers)

It was highlighted that at the RFCC meeting held on Friday, 17th July 2020 members endorsed and ratified Chairman's action to pay the reimbursements (Statement of Claim) to 3 of our Witham and Humber 4 IDBs (not Upper Witham). The Chief Executive expressed her disappointment at how this had been portrayed during the meeting, as more of a goodwill gesture to prevent IDBs from 'financially going bust', rather than as the legitimate reimbursement to IDBs of third-party costs incurred to support the EA during the last set of heavy rainfall events in Autumn 2019.

Discussion had taken place on how best this could be rectified. As an observer at the RFCC meeting, the Chief Executive had not had the opportunity to speak. It was felt by the JSC that the most useful approach would be clarification in the RFCC minutes via members of the four IDBs who sit on the RFCC.

Lionel Grooby asked if any progress had yet been made on rectifying the minutes. He was advised by the Chief Executive that there was a meeting with Norman Robinson, Area Director at the EA, on Wednesday, 16th September and this would be raised.

5.2 Joint Services end of year 2019/20 outturn position, 31.03.20. (minute 8 refers)

The approved Joint Services Budget for 2019/20 was £839,620. Against this budget, expenditure of £933,572 had been incurred, therefore a negative variance of £93,952 (11%) across the 4 Boards. These figures were included in the individual Board outturn positions approved at the respective June 2020 Board meetings. The main variances were external support £61k for Finance and HR staff, ICT £12k for additional hardware and software licences and equipment for home working. Some of these issues had been addressed in the 2020/21 budget, such as the Finance Support role is now directly employed, and the ICT budget had been increased from £12k to £20k. Mr Peter Gilbert, Witham First DIDB Chairman who had chaired the particular JSC meeting, had suggested that the HR cost pressure again this year should be addressed in budget setting for 2021/22.

5.3 Insurance Renewals for the four Boards (minute 9 refers)

The Boards undertook a market test for their insurance arrangements ahead of the 2018/19 renewals and established a framework contract which is available to all IDBs nationally. This framework is hosted by Witham Third DIDB on behalf of the Witham & Humber group of Boards.

The OJEU compliant procurement exercise was undertaken by The Risk Factor Limited on behalf of and at no cost to the Boards. The process undertaken also ensured compliance with Public Contracts Regulations 2015.

The framework contract means that any IDB in the country can now access their insurance requirements without having to undertake a separate tendering exercise and be compliant with the various public sector procurement regulations. The main insurances are held by Fiducia (Travelers & Lloyds of London) and Zurich Municipal

Insurance, large insurance providers in the public sector. The motor cover was transferred from LV to Allianz in 2019, who the Boards were with previously, due to the takeover of LV by Allianz earlier in the year. This year 2020/21, due to increases proposed by Allianz, the motor cover has been placed with Unicorn Underwriting for W1 and W3 (it remains with Allianz for UW and this is not an issue for NELDB).

Work was ongoing to ensure the Boards had relevant and cost-effective insurance cover in place, especially in areas such as Cyber cover where a combined policy has been put in place to cover the 4 Boards. Furthermore, the value of the risks had also changed. For example, the value of plant and equipment has increased mainly due to recent replacement of excavators, and the turnover of the 4 Boards has increased with PSCA income for works for the EA.

Through undertaking this procurement exercise significant savings were made for the Boards of £25k in the first year 2018/19. The renewal exercise for 2020/21 had been completed.

The basis of the renewals considered key factors for the Boards, including turnover, number and cost of employees, asset values, plant and machinery values, etc. The values used for 2020/21 (compared to 2019/20) were:

	NEL			UW			W1			W3		
	2019/20	2020/21		2019/20	2020/21		2019/20	2020/21		2019/20	2020/21	
Turnover (Inc PSCA)	£ 711,352	£ 737,310	4%	£ 1,410,000	£ 1,432,622	2%	£ 925,200	£ 985,865	7%	£ 1,220,403	£ 1,657,517	36%
Employees	1	1	0%	12	12	0%	7	7	0%	18	21	17%
Staff Costs	£ 54,560	£ 59,050	8%	£ 499,120	£ 524,870	5%	£ 317,290	£ 350,070	10%	£ 761,375	£ 935,650	23%
Asset Values	£ 3,260,000	£ 3,356,000	3%	£ 3,567,700	£ 4,786,436	34%	£ 5,362,900	£ 5,522,437	3%	£ 7,380,000	£ 7,597,260	3%
Plant & Machinery	£ -	£ -	n/a	£ 608,800	£ 892,800	47%	£ 450,600	£ 683,100	52%	£ 819,700	£ 839,000	2%
Registered Vehicles	1	1	0%	21	21	0%	13	14	8%	22	24	9%

Policy Type	2017 Renewal Premium	2018 Renewal Premium	2019 Renewal Premium	2020 Renewal Premium
	£	£	£	£
Business Combined	11,594.83	5,883.92	6,350.21	6,772.73
Management Liability	1,203.53	813.96		
Professional Indemnity	1,658.63			
Contractors Combined	n/a	Inc Business Combined	372.40	532.00
Fidelity Guarantee	n/a	117.60	117.60	123.48
Loss Recovery	292.60	n/a	n/a	n/a
Engineering Inspection	1,923.64	875.00	1,465.06	1,435.03
Engineering Insurance	520.68	957.60	957.60	1,005.48
Personal Accident	186.93	117.60	117.60	117.60
Commercial legal expenses	55.00	294.56	294.56	294.56
Motor	532.00	638.00	686.00	
Cyber Liability	930.00	Group Policy W3rd	Group Policy W3rd	Group Policy W3rd
Revised total	18,897.84	9,698.24	10,361.03	10,280.88

*: excludes Commercial Vehicle Policy for NELDB due for renewal 22.10.20 (estimated premium £700 for Isuzu)

There were changes for North East Lindsey IDB linked with higher turnover, payroll costs, etc. However, the Board was still making significant savings of 44% compared to the 2017 baseline cost.

Members were advised that some premiums had merged and some separated. This was part of the ongoing strategy to try to streamline the insurance arrangements and ensure the most appropriate cover in place for the risk involved.

5.4 Update on the replacement UW Depot / Joint Office accommodation (minute 10 refers)

Following a Business Case and procurement process to select a preferred contractor, Upper Witham IDB's JCT demolition and build contract with Taylor Pearson [Construction] Ltd (TPCL) commenced on 01st May 2019, for a 40 week period to 05th February 2020.

Office staff began the relocation phase from the old offices on The Point, Weaver Road, to the new offices and depot on Meadow Lane, from the week commencing Monday 10th February 2020, with staff being fully relocated by Thursday 13th February 2020. Some TPCL staff remained on the Meadow Lane site, finishing remaining contract items and work started on checking and formulating a snagging list. The sale of the former office at J1 The Point completed on Monday, 17th February at a sale price of £255,000, which has been paid into a capital reserve for Upper Witham IDB.

Due to the COVID-19 pandemic and following Government guidance, the site was closed to visitors and office staff began to work from home from 19th March 2020 (with TPCL making the decision to remove their staff from the site on 24th March 2020, the day that national lock down formally commenced).

Client-side progress report meetings had been held every 2 weeks between the Project Manager [Garry Winterton, Enforcement Officer and Building Inspector by background], the Director of Finance and Governance and the Chief Executive, to ensure transparency and control in that any variations authorised by the client representative were agreed by senior management.

Following legal advice from Upper Witham Board's solicitors, TPCL were issued with a 'Notice of Non-completion' on 7th May 2020 which in effect required a response from them within 14 days for the completion of the remaining items contained within the original JCT Contract.

Contractual Items Outstanding were:

- Tarmac Entrance Bell Mouth
- Painting to workshop floor
- Workshop area heating system
- White Lining to carpark & Health & Safety markings
- Various snagging list items

On 15th May 2020, TPCL entered administration. On 21st May 2020, JW Butler and AJ Nichols of Redman Nichols Butler were appointed joint administrators of TPCL. The assets of TPCL were auctioned online on Monday, 15th June 2020.

Officers liaised with the Administrators for information on whether the contract could be concluded. A site visit was due to be held on 23rd June 2020 with the administrators' appointed Quantity Surveyor but, after receiving a likely 'final account' figure for the works outstanding, they concluded that there was no value

in completing the works. Upper Witham Board's Solicitor therefore issued a notice of termination of the contract to TPCL on 13th July 2020. The monies not yet paid to TPCL would now be utilised to complete any outstanding works. However, if any sums are remaining compared to the original contract value plus variations, then any difference will be due to be paid to TPCL. Officers are now planning arrangements to undertake the outstanding works.

The bulk of the contractual works had been completed and there was a further £38k due to be paid to TPCL for outstanding works yet to be completed under the contract and retention monies being held at 2.5%. There was a further £2.5k due to TPCL for acting as Principal Designer. The payment of these monies will only be due if the administrators agree TPCL is able to complete the contract.

Officers had taken phone calls from a number of TPCL's sub-contractors stating that they had not been paid for works completed [e.g. the main entrance gates, electrical installation, fire safety works etc.], despite the Board having paid TPCL for these works. At this stage, whilst sympathising with these sub-contractors, officers advised them to contact the joint administrators for TPCL with details of their claim as the board have paid TPCL for all works completed which will include these items.

The project is largely complete. The main areas that require completion are:

- Entrance to the site
- Heating to the depot area
- Completion and receipt of certificates

It was noted that the Board would be advised of completion on the depot and joint office scheme.

6. Chief Executive's Report.

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

6.1 Covid-19

Since Operatives returned to a wider range of work duties on Monday, 18th May, with the national easing of lockdown arrangements, all 4 Boards are now well underway with the summer 2020 maintenance programme. Restrictions on the use of all 4 depots remain in place, with these being closed to visitors and the public unless by prior arrangement. Similarly, a policy of single vehicle cab use continues [which has caused some logistical issues in moving vehicles and plant around]. All necessary PPE is provided, including hand sanitiser gel, gloves, wipes and face masks. Risk assessments and method statements have been completed for generic operations and for specific one-off jobs.

Witham House office also remains closed to visitors and the public, unless by prior arrangement. Office based staff have continued to work from home since 24.03.20 but are using the office as necessary, each of us booking the use of the office in advance to ensure a maximum of 4 people present at any one time. Site visits, e.g. for assessment of enforcement cases & consents, projects and schemes, continue with observance of safe social distancing. External meetings are continuing via videoconferencing, using Zoom and MS Teams, the 4 IDBs' partner organisations

like the EA, LCC and District/ Unitary Councils having adopted similar working practices.

Priority was to ensure business continuity, whilst providing all staff with a safe system of work and compliance with national guidance. The Boards need to preserve the ability to respond to an emergency flood event, as and when necessary, and the working arrangements seek to minimise the risk of cross-infection and the impact on the workforce, should any member of staff have Covid-19 symptoms. Working practices during the Covid-19 pandemic are reviewed weekly by Management Team, via Zoom.

Julian Hargreaves informed the meeting of an apparent outbreak reported at New Holland, in particular a timber yard. It affected between 10-16 people.

6.2 New Cut Barton Drain.

The Board had supported the design and construction of a new cut drain designed to direct flows of excess ground water into the Board maintained Barton Drain Branch No1. Eric Carnaby & Son Ltd had provided a cost estimate of £24k for the works, including watercourse construction and installation of 3 culverts. The Board received agreement of 50% funding from each of Wren Kitchens and North Lincolnshire Council, given the problems of flooding in this area during autumn 2019. Both Able UK, the landowner, and the tenant farmer agreed to the scheme which was undertaken during July and completed on 18.07.20. NLC have paid the £12k contribution and it was envisaged that Wren Kitchens would similarly soon pay their contribution.

6.3 East Halton Railway Culvert.

An order had been issued to AmcoGriffen to reconstruct the culvert under the disused railway line near East Halton. This work has an estimated cost of £12,297. Officers had been advised that the work may begin in September. A start date of 14th September had been confirmed, however, due to a further delay this start would now be during the week commencing 21st September 2020.

The Chief Executive's report was received and noted.

7. External Auditor's Notice of Closure on the AGAR 2019/20

A report had been circulated with the agenda and was presented by the Director of Finance and Governance.

The Annual Return 2019/20 was agreed at the Board meeting on 23rd June 2020, subsequently published on the Board's website for public inspection and was despatched to the External Auditor on 02nd July 2020. The public inspection period was from 06th July until 14th August 2020.

Due to the impact of the COVID-19 lockdown, the Board had until 31st July 2020 to submit its Annual Return 2019/20 (normally 30th June) and the External Auditor has until 30th November 2020 (normally 30th September) to complete their work and publish their report.

The External Auditor has a statutory deadline of 30th September (extended to 30th November for 2020 only) 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 meeting, the certificate had not yet been received with only minimal communication from the Auditor.

The update on the certificate will be reported to the November meeting.

Members noted the report and were content to receive an update on the External Audit Notice of Closure on the IDB Annual Return 2019/20 at the November Annual Public Meeting.

8. Risk Register

A report and revised Risk Register had been circulated with the agenda and was introduced by the Director of Finance and Governance.

The four Witham and Humber IDBs share a common Risk Management Policy, Risk Strategy and Risk Register, last approved at the September 2019 round of Board meetings. The Risk Register captures the high-level risks that the four Boards face. These are generic to all four Boards, with any specific risks to a particular Board highlighted.

Following the series of heavy rainfall events during Autumn 2019 and the impact this had on the 31st March 2020 year end outturn positions, several risks had been reviewed. Also, with the significant impact of COVID-19 upon the 4 Boards' operations, several risks had been revised and new risks and mitigation measures added.

The key measures put in place to address the COVID-19 Pandemic were:

- Initially Operatives worked alternate days undertaking pump runs, checking for blockages, bridges and culverts, etc.
- Operatives are now undertaking summer maintenance works whilst maintaining '1 person 1 vehicle/item of plant'. No more than 1 operative per vehicle including vans & 4x4's.
- Hand work outsourced to private contractor.
- Office staff working from home where possible. Office phones are accessible via Unity app. Staff set up with home working facilities (laptops, screens, etc). All ICT systems available from home.
- Access to office on a booking basis with a maximum 4 people at any one time with procedures when entering/leaving the office.
- Virtual meetings held via Zoom. Key staff (e.g. Management Team) not meeting 'face to face'.
- Hand sanitiser, masks, wipes, etc, provided to all staff (Operatives and office staff).

The Risk Register is considered by the Boards at least twice annually, usually in January ahead of agreeing the Budget for the following financial year and in May when the Annual Governance Statement is completed. However, as it was not reported in May 2020 it is now being reported to encompass all the current risks and mitigation measures, including those relating to the COVID-19 pandemic.

Following consideration and discussion Members were content to APPROVE the revised Risk Register as of September 2020, noting the measures in place to reduce COVID-19 impact.

9. Schedule of Expenditure for the period 01.04.20 to 31.08.20.

The schedule of expenditure for the first five months ended 31st August 2020 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 by members included:

- Item 39 £80,509.50 (net) to Environment Agency for the first of two payments for Flood & Coastal Erosion Risk Management IDB Levy.
- Items 47 to 52 various payments to Eric Carnaby and Son Ltd, the Board's Contractor for works that were extra to the main summer season and not part of the maintenance contract.
- Item 53 £1,597.50 (net) to Fisher German LLP for valuation of the Board's land at Kings Road, Immingham.
- Items 66-70 various payments to North East Lincolnshire Council. It was noted that this should state North Lincolnshire Council, as it is for the rent on the Board's depot within North Lincs district.
- Item 77 £19,554.00 (net) to Perry's Pumps Ltd for repair and refurbishment works to pump number 2 at Middle Drain Pumping Station.
- Items 81 to 83 £6772.73, £532.00 and £1,005.48 (net) to The Risk Factor Ltd for the Insurance Renewals.
- Items 148 to 150 £393.76, £1,136.07 and £123.48 (net) to Zurich Municipal for the Insurance renewals.

Members noted the schedule of expenditure incurred for the five months 01st April to 31st August 2020, which totalled £284,882.69 gross or £249,744.59 net of £28,365.37 VAT. Recharges to other bodies during this period totalled £11,897.00.

10. Summary Financial Performance Report to 31st August 2020, month 5 of 2020/21.

The Financial Performance Report for the first 5 months of 2020/21 to 31st August 2020, had been circulated with the agenda. The Director of Finance and Governance presented the position, summarised as:

	2020/21 Estimate	Profiled Budget	Actual	Variance
	£	£	£	£
Income	(658,310)	(348,473)	(388,797)	(40,324)
Board & General Admin	16,650	3,440	3,191	(249)
One Off Schemes	0	0	21,444	21,444
Conservation	2,500	1,317	265	(1,052)
Depot	8,250	3,485	3,618	133
Drains	142,420	13,596	2,516	(11,080)
Pumping Stations	74,450	19,237	3,924	(15,313)
Staffing & Joint Admin	96,410	27,216	28,582	1,366
Consents & Enforcement	0	0	0	0
Engineers & Works Supervisor	155,000	49,248	50,041	793
Contribution to/(from) Reserves	0	0	0	0
PWLB				0
Rechargeable Works	0	0	35,227	35,227
EA Precept	162,630	81,315	80,510	(806)
FRS17 Pension Adjustment (net)				0
Wages & Plant Holding Account				0
(Surplus)/Deficit	0	(149,619)	(159,479)	(9,860)

The Board was anticipating a 31.08.20 budget surplus of [£149,619] and the actual budget surplus was [£159,479], a positive variance of (£9,860).

On income, Special Levy payments by the 3 councils (NELC, NLC and WLDC) had been received (£286k) for the first half year payment, the second tranche of monies due in November. Drainage Rates invoices for 2020/21 had been posted out in April 2020. The collection rate for drainage rates income as of 31st August 2020 was 71.5% (compared with 82.1% for the same point in 2019/20). First reminders had been posted on 18th August 2020 and the final reminders would be posted in October 2020. A court date for non-payment would be set for January 2021.

Also on income, Highland Water claims had been submitted the EA for the 2019/20 actual claim with a further balance of (£149,955) due and for 2020/21 Estimate (£68,000). 80% of the estimated claim for 2020/21 (£54,400) was paid in August 2020 along with the balance for 2019/20 being (£14,955).

For Rechargeable Works, a new cut drain had been completed at Barton Upon Humber, works undertaken by the Board's contractor at a cost of £24k. This was recharged to Wren Kitchens and North Lincs Council on a 50/50 basis. Payment had been received from NLC and it was confirmed just prior to the meeting that Wren were making the payment today, 15th September 2020.

The bank balances as of 31st August 2020 were set out as follows:

Barclays Bank plc

Payments Account	£ 14,059.96
Receipts Account	£ 84,941.20
General Deposit Account	£ 265,000.00
Developer Contributions Account	£ 131,952.49
Nationwide Instant Access (Dev Cont's)	£ 152,104.37

Total £ 648,058.02

Members noted the financial performance report for the five months of 2020/21 from 01st April to 31st August 2020.

11. Write off of Drainage Rates.

A report on outstanding drainage rates on uncollectable accounts and accounts under £2.50 had been circulated with the agenda and was presented by the Director of Finance and Governance.

The Board has a policy for writing off Drainage Rate demands under £2.50. The 32 accounts outstanding as of 31st August 2020 but were under £2.50 for 2020/21:

Account	Value £	Account	Value £
59	£ 2.23	288	£ 0.35
72	£ 2.27	318	£ 2.00
95	£ 0.59	333	£ 2.07
107	£ 1.21	368	£ 1.76
108	£ 1.68	375	£ 1.72
122	£ 1.41	377	£ 0.98
129	£ 2.00	388	£ 2.35
144	£ 1.37	394	£ 0.96
162	£ 0.16	398	£ 1.14
174	£ 1.41	410	£ 1.80
208	£ 1.29	418	£ 1.06
215	£ 0.74	419	£ 1.53
237	£ 1.88	423	£ 2.00
238	£ 1.92	0433 -2017/18	£ 2.09
241	£ 2.00	0433 -2018/19	£ 2.10
244	£ 2.35	0433 -2019/20	£ 2.10
259	£ 2.43	0433 -2020/21	£ 2.15
271	£ 0.98		
		TOTAL	£ 56.10

As each account's annual drainage rates are under £2.50, the Board was recommended to write off the debt, totalling £56.10.

In addition, account 0118 holds land that had arrears carried forward from 2016/2017 and before. There is currently no land in this account, as it has been allocated to other paying accounts, but we are unable to collect these arrears as we have no forwarding address for the previous occupier. The balance is £41.81.

Similarly, account 0124 holds arrears for rates prior to 2016/2017. The land has now been correctly allocated to paying ratepayers, but we have no contact details for this previous occupier. The balance is £6.97.

The demand notes for account 0186 were returned marked 'Gone Away'. Looking back in the Board's records, rates on this account have not been paid for at least the last 10 years. The land has been transferred to the 'Unregistered Land' account and investigations continue to establish the current owner / occupier. It is requested that the balance of £66.20 is written off, as we do not have any forwarding details for the previous occupier (although he is believed to now be deceased). The balance is £66.20.

The demand notes for account 0256 were returned as 'gone away'. The land, which is not attached to the residential property, has been allocated to the correct occupier, but once again we have no forwarding details for the previous owner. The balance is £4.13.

Account 0293 is for some now developed industrial land. The balance of £134.91 is for arrears of drainage rates prior to 2016/17.

Similarly, account 0337 holds arrears for land that has now been developed and transferred to the Special Levy. The balance is £57.76.

Account 0365 holds the Drainage Rates for land that has been transferred to Special Levy. The balance of transfers that were completed after the Special Levy calculations were carried out as of 31st December stands at £473.36 (this value represents two years, 2019/20 and 2020/21). It is requested that the Board write-off this amount as it has been billed incorrectly and should have been within the Special Levy calculations [this will be done as at the next calculation of 31.12.20].

Members were asked to consider and approve therefore the following amounts to be written off:

Under £2.50	£56.10
Uncollectable/ Gone Away / Arrears	£119.11
Special Levy	£666.03
TOTAL	£841.24

Following discussion members APPROVED the write offs totalling £841.24.

12. Health and Safety Update.

A report prepared by the Operations Manager had been circulated with the agenda and was introduced by the Director of Operations and Engineering.

Members were advised that since the last report Officers were still dealing with the new regulations surrounding the Covid-19 Pandemic.

On the 18.05.20 the Operatives and Foremen commenced full time days, again in line with national advice. They were provided with all the PPE described and travelled individually in their own vehicle. If working in a team of two they practise social distancing. The office staff were still working from home wherever possible, but measures had been put in place to make the office accessible to a limited number of staff at any one time (maximum of 4). The office was currently closed to members of the public and to unauthorised visits.

There had been one accident that had occurred during the last 5 months, but not on this Board. The accident was a strain injury which resulted in the person being off for more than 7 days. This meant the incident became reportable under RIDDOR (the Reporting of Injuries, Diseases and Dangerous Occurrences) regulations. The member of staff was now back at work completing his full range of duties and at present no action has been heard from the HSE.

The first socially distanced Health and Safety Representatives meeting was now planned for early October.

The Training providers were running reduced courses with limited spaces. The 2 new starters on Witham Third were booked on an Overhead Cable Avoidance Course on 09/08/20. The Operations Manager was in the process of booking refreshers for the Forklift operators.

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

13. Environment Update

A report had been provided by the Environment and GIS Technician, Fiona Scott, and was circulated with the agenda. It was introduced by the Director of Operations and Engineering Services.

Due to Covid-19 restrictions, there were no official owl box checks undertaken by the Wildlife and Conservation Partnership this year. However, Darren Scott, Works Supervisor, had checked the boxes and recorded his results.

Mawmbridge PS wildflower meadow was successful this year and has been topped up with seed in preparation for the summer, and the bank adjacent to the pumping station has also been planted with wildflower seed. A small meadow was also planted at Rosper Road Pits and some species had grown through, such as cornflower (*Centaurea cyanus*) and common poppy (*Papaver rhoeas*) before being topped in late summer. A wetland meadow was planted at the south of the Rosper Road site in early March 2020 during warmer weather. Species in this mix include 17 different wildflowers that cope well on wetlands areas including Red Champion (*Silene dioica*), Lesser Knapweed (*Centaurea nigra*) and Meadowsweet (*Filipendula ulmaria*).

The Rosper Road Pits site remains an important site for NELDB. The land adjacent, owned by the Environment Agency, is part of an upcoming 'Humber Habitat Project' and is just one of the sites included within the project. The Board's officers had been assured that, whilst there have been great delays in implementing the project, it is still ongoing and that the delays have been due to complex legal issues regarding another area of land. The EA have stated that the main scope for the land use being for Special Protected Area (SPA) compensatory habitat with the Agency estimating that they may receive up to £40,000 to develop their land into a project, under their 'Outcome Measure 4' – statutory environmental obligations met through flood and coastal erosion risk management.

Bird monitoring continued at Rosper Road Pits. The site is home to a variety of wetland birds including UK Conservation Red (globally threatened) species: Lapwing (*Vanellus vanellus*), Curlew (*Numenius arquata*) and Black Tailed Godwit (*Limosa limosa*). Numerous black-headed gull (*Chroicocephalus ridibundus*) and swift (*Apus apus*) have also been noted. The islands at Rosper Road were topped up with silt from the pools in February 2020 to provide improved breeding spots for our wetland bird species. Carnaby's have been approached to quote for a further levelling of these islands to be undertaken in September 2020 ready for overwintering and breeding season 2021. Lionel Grooby added that he had made several visits to the site and it had been an impressive sight. Pleasingly, an uncountable number of swifts were seen. On his last visit on 31st August Lionel had counted at least 400 Redshank and a range of other waterfowl and he felt this could make the area of significant importance. As the area was proving so successful for birds, he

suggested that there was no need to undertake any levelling work to these islands as the birds clearly enjoyed the current environment.

The Environment and GIS Technician for the Board had gained Associate membership of the Chartered Institute of Ecology and Environmental Management (CIEEM). Membership of is achieved by providing sufficient evidence of professional competence.

Members received and noted the Environment update.

14. Director of Operations & Engineering Services' Report.

The Operations and Engineering Services Report had been circulated with the agenda and was presented by the Director:

- Coronavirus [Covid19 Virus]

Following the outbreak of Coronavirus [Covid19] throughout the UK in March, the Government had imposed various restrictions on the work and civil environment. Following consultation with the Chairmen and officers, arrangements were put in place that ensured the core functions of the Boards continued, whilst ensuring the safety of employees.

With the gradual easing of restrictions put in place by the Government, vegetation maintenance within maintained channels began on Monday, 18th May. Following the risk assessment of the activities to be undertaken and the creation of suitable method statements, hand work, flailing and excavator weed cutting commenced on channels serving higher risk areas. These are predominantly residential areas.

The main summer maintenance programme commenced as usual despite the unusually heavy growth of vegetation and the predicted delays caused by Covid-19 restrictions.

A regime of hand washing, and barrier protection was put in place at Witham House to protect the officers based there along with visitors to the building. Additional hygiene facilities were also provided to the Operatives along with measures such as no passengers in Boards' vehicles and social distancing measures to be observed. These measures were introduced to reduce the risk of infection. Officers that need to access Witham House to undertake essential work can, but numbers are limited to a maximum of 4 at any one time to reduce the risk of infection and comply with social distancing protocols.

The situation and the various control measures put in place are reviewed on a weekly basis by the management team.

- Work Programmes

This period has seen the commencement of all the Boards' summer maintenance programmes of work. NELDB began work as usual in mid-July with the cutting of channels within the Immingham dock area.

Progress in general has been good, with only short delays caused by incidents of intense heavy rainfall and the usual breakdowns that can be expected during periods of heavy use of machinery.

- Maintenance Programme

The Board's main maintenance programme began in July as usual. Other planned work was put on hold to comply with guidance on social distancing.

- Middle Drain Pumping Station

As per the last report to the Board, conditions at the site remain unchanged. Despite the installation of the new flap-valve, serving the gravity outfall at this site, in late October, it has been necessary to continue with the operation of the pumps at this site. Whilst the gravity outfall was dammed-off, silt accumulated within the outfall structure. This accumulated material is yet to be removed by the EA. Officers continue to seek a programme for the removal of the obstruction to the gravity outfall. The EA have reimbursed the Board for the cost of the additional pumping required caused by the obstructed outfall and an order for the recovery of future additional costs. However, this is a source of frustration.

- East Halton Skitter Branch No.2

An order has been issued to AmcoGriffen to reconstruct the culvert under the disused railway line near East Halton. This work has an estimated cost of £12,297. Officers have been advised that the work will now begin the week commencing 21st September. Once the start is confirmed local landowners will be advised and access arrangements confirmed.

- Barton Drain Branch No.1

A small scheme to reinstate a field boundary dyke has been designed and promoted by the Board following the high flows and flooding of land during the heavy rainfall events of 2019.

With the support of the landowner [Able UK Ltd.], North Lincolnshire Council and Wren Kitchens Ltd. an existing riparian watercourse was re-profiled to convey flows from Branch No.2 to Branch No.1. This channel will increase the system's ability to take additional flows away from the Falkland Way area reducing the risk of flooding to industrial and residential properties. The Board's contribution to the scheme was to design, supervise the work and it will maintain and operate the watercourse in the future. The work was undertaken by Eric Carnaby & Son at a cost of £24,130. Subject to the Board's approval, this watercourse will be added to its schedule of maintained watercourses.

Cllr Wells asked Officers to consider the flooding at Barrow Road as part of this scheme.

Members APPROVED the inclusion of the Barton Drain New Cut on to the Board's schedule of maintained watercourses.

- Ground Water Flooding November 2019

Following the events of November 2019 when flooding was experienced as a result of excess ground water flows in the Falklands Way area of Barton, a multi-agency group has met to discuss improvements in the operational response to future incidents. A meeting held on 24th August involved representatives from the Board, North Lincolnshire Council,

Environment Agency, Humber Emergency planning Wren Kitchens and their nominated Panel Engineer.

Whilst the capacity of the attenuation facility means that it does not meet the threshold requiring it, under the Reservoir Act 1975, Wren Kitchens Ltd. have created an Onsite Pan for the operation of their facility. This plan will set out how they will maintain and operate the facility, consider all risks associated with its operation and full contact details of all parties who need to be advised in a high flow event.

The creation of an 'off site' plan was also discussed, and 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 or increase the likelihood of flooding of this nature in the area.

- Environment Agency

Public Service Cooperation Agreement [PSCA]

The programme of PSCA work to be completed by the Boards is in progress and progressing well overall. In some locations the Board is being refused entry by landowners and so, under instruction from the EA, the Boards' Operatives are leaving these stretches of river.

The bulk of the programme is scheduled for August to October. The Boards are being asked to take on additional lengths of work as a result of 2019 high rainfall events and these have been accommodated where possible. There have also been requests for the completion of winter maintenance work which will also be considered.

The total value of PSCA work estimated for NELDB is £126,803.

The estimates included items for the cost of supervision and administration of the work and a contingency sum of 10% to allow for compliance with any regulations relating to Covid-19. All work is completed on a full cost recovery basis.

The Boards have also received orders to cover costs incurred responding to requests for mutual aid during high rainfall events. Orders with a maximum value of £10,000 each Board will allow costs to be recovered more easily following request for assistance from the EA. Previous events have seen the Boards asked to assist and respond to specific locations, but then it has been difficult to recover the costs associated with this work. This element of work requested under the PSCA will provide a degree of comfort and certainty for the 4 Boards.

Members noted the report.

15. Engineering Services Report.

A report had been circulated with the agenda and was presented by the Engineering Services Officer. 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).

The following two issues and responses submitted were highlighted to members:

Reserved matters DM/1144/19/OUT (Variation Conditions pursuant to DM/0118/15/OUT (Outline application with development (of up to 400 dwellings) Land at Louth Road New Waltham North East Lincolnshire

Amended Plans

Thank you for the opportunity to comment on the above Amended Plans, following our previous comment associated to this site. As previously mentioned, the site is partially within the North East Lindsey Drainage Board area.

Having reviewed the Landscaping Master Plan, it is noted an arrow pointing to Buck Beck and a descriptive note stating, "Buck Beck – Located Off Site – Opportunity for Willow & Alder Tree Groups Within Boundary where easement allows".

Buck Beck is a Board-maintained watercourse at this site/location. Planting of any trees or shrubs in and around the watercourse or on the edge of the bylaw distance is not acceptable to the Board and we strongly object to it. When fully mature, such planting will greatly hinder the access and maintenance of the Board's machinery, on a strategic watercourse. Careful thought and consideration must be given to who will be responsible for the future pruning and maintenance, if such planting, just outside the bylaw distance, then encroaches within the Board's bylaw distance.

As previously stated, the Board has no objection to the proposed discharge rate of 1.4l/s/h, provided it is constructed in accordance with the submitted details and Flood Risk Assessment. However, should anything change in relation to the method of surface water disposal and/or in relation to the flood risk assessment then this Board would wish to be reconsulted.

The Board supports the use of SuDS and would recommend features are included within the site in line with Local and National Policies.

Under the terms of the Land Drainage Act. 1991 the prior written consent of the Board is required for any proposed temporary or permanent works or structures within any watercourse including infilling or a diversion.

Following an exchange of emails confirming that there would be no planting adjacent to the watercourse the Objection was removed.

EIA APPROVED -Development of a sustainable transport fuels facility, associated infrastructure and ancillary works (Environmental Statement Addendum April 2020) Land At Hobson Way Stallingborough North East Lincolnshire

Thank you for the opportunity to comment on the above application. The site is within the North East Lindsey Drainage Board area.

While it is noted that the surface water discharge is 'subject to detail design' the proposed drainage drawing 001 continues to be modified to accommodate change to the other infrastructure, the drawing still fundamentally does not address the issues raised in the discussion between the Drainage Team at NELC and North East Lindsey Drainage Board, particularly relating to points of discharge and the inclusion of effective SuDS features throughout the site. Drainage cannot be fixed into a predetermined layout it has to be an integral part of it incorporated from the start.

No development should be commenced until the Local Planning Authority, in consultation with the Lead Local Flood Authority and North East Lindsey Drainage Board has approved a scheme for the provision, implementation and future maintenance of a surface water drainage system.

Members received and noted the report.

16. Consents and Enforcements Report.

A report had been prepared by the Consents and Enforcements Officers, circulated with the agenda and was presented by the Engineering Services Officer. There were no issues to highlight currently.

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

17. Killingholme Marshes Pumping Station Update.

A report had been prepared by and was presented by the Director of Operations and Engineering Services.

A proposed pumping station development is to be located within the Board's district serving an area of development between the North and South Killingholme Haven outfalls into the Humber Estuary. This development has been promoted by Able UK Ltd. (AUL) for many years and previous involvement by the Board extends over nearly 20 years. In 2017 the new Pumping Station was a scheme being promoted and led by North Lincolnshire Council, who were working with AUL and the EA to apply for EU grant funding. Since then there has been a hiatus of some 3 years. An email was received on 17 May advising that it was AUL's intention to commence construction of the proposed pumping station on 1 October 2020 (with a construction period of 48 weeks), and construction of the neighbouring quay the following summer. AUL is now the lead body for the scheme.

Ahead of these works AUL were seeking renewed, or extensions to, several permissions and licences required to allow work adjacent to the Estuary as a designated site.

Over the last 3 months several video conference meetings had been held between AUL and the Board's officers, the last of these being held on 6th August. These meetings related to several issues relevant to the Board:

- The pumping station's future operation and maintenance by the Board
- Provision of future additional pumping capacity
- Calculation of a commuted sum to cover its future operation
- AUL reimbursement of the Board's costs to cover independent engineering opinion of construction drawings and specifications
- AUL reimbursement of the Board's costs to cover the signing of a legal agreement transferring assets from AUL to NELDB.
- AUL reimbursement of the Board's costs in connection with independent site checks during the construction phase of the pumping station and associated structures

Previous involvement by the Board in the scheme has been based on the premise that the Board will adopt the pumping station, and associated water courses, upon completion to an appropriate design standard and on receipt of an appropriate commuted sum for so doing.

It is on this basis that current discussions continued.

The Board received an order in the value of £10,000 to enable the independent checking of drawings and specifications at design stage. This work has now been completed by Stantec, the Board's retained consultants, and these comments and questions have been forwarded to AUL on 3rd September for advice and response. These comments concern the construction of the station and the outfall, its operation and future maintenance. Stantec (previously known as PBA) have known the proposed scheme for many years.

The Board has been granted access (through verbal assurance) to the construction of the pumping station to ensure compliance with these documents and it will be assisted in this task by consulting engineers Stantec of Cambridge. The Board has been awaiting confirmation that AUL will cover these costs since June 2020. We also await confirmation that AUL will cover the Board's costs associated with the drawing up of the legal transfer agreement and the commuted sum.

Until such time as the Board receives confirmation that AUL will cover its reasonable costs associated with the independent checking and supervision of this project and legal fees associated with the drawing up of the transfer agreement & commuted sum, there will be limited further officer involvement. AUL have been advised of this, given the limited resources of the Board's staff and the clear need to have an independent view from Stantec with appropriate levels of professional indemnity insurance for such work.

Work is programmed to commence on site on 28th September. To date there is no written confirmation or agreement from AUL that the Board can have free and unfettered access to the site during construction and commissioning of the station and its outfall. Nor is there confirmation that AUL will reimburse the Board's reasonable costs associated in receiving independent assurance of the sufficiency of the construction of the station and its outfall.

The possibility exists that construction work commences on site without the knowledge or supervision of NELDB. The site was visited on 04th September, when no work was in progress.

The Board was entirely supportive of the proposed pumping station scheme and welcomes the development as opening up opportunities for wider economic development in the area through the proposed quayside, the pumping station being a part of necessary enabling works and a key part of ensuring the drainage strategy for the area is delivered.

The Board was supportive of the independent pumping station scheme design review work being undertaken on behalf of the Board by Stantec [previously PBA], saw this as essential both in terms of the assurance this work provides for the Board and because of the continuity provided as Engineers at Stantec have been involved in iterations of the proposed pumping station over many years. Members were pleased to note that Able UK Ltd had provided financial draw-down support for this scheme design work, noting this was at a capped level of £10,000 (of which approximately £6,000 has been committed to date).

However, the Board was briefed that since the Board was advised in mid-May 2020 that the project was resurrected, now led by Able UK Ltd rather than promoted by North Lincs Council as was the case in 2017, the Board's officers have been seeking written assurance that the Board's reasonable costs will be met by Able UK Ltd in getting to a stage whereby the pumping station can be transferred to and adopted by the Board for future maintenance. The Board members were disappointed that this assurance has not yet been forthcoming when the scheme is due to start on site on 28.09.20. Specific concerns on which the Board's officers seek reassurance were:

1. the independent checking and site supervision of work during construction and commissioning of the pumping station site.
2. the drawing up of a legal transfer agreement between Able UK Ltd and NELDB for the pumping station and an easement agreement to cover all aspects of land use of the site, which will remain in the ownership of Able UK Ltd.
3. the calculation and agreement of the appropriate commuted sum payment and the futureproofing of future expansion of increased pump capacity (as and when the initial phase of 4 pumps needs to increase to 6 pumps).

The Board wishes to have available to it a suitable, professional technical assurance that the construction is in accordance with all agreed technical drawings and specifications and is built to that appropriate standard. It clearly becomes difficult to evidence this once

construction starts if the Board's ability to commission independent quality assurance technical checks via Stantec, with the costs of so doing clearly underwritten by Able UK Ltd from before construction starts.

The Board's preferred position remained that it is minded to continue with the transfer of the pumping station to its future operation and maintenance. This was the logical arrangement in the Board's drainage district and in line with the drainage strategy.

However, time was running out for Able UK Ltd to provide the written assurances which the Board's officers have been seeking for some time.

Whilst the Board was keen to continue to promote and actively participate in the scheme, as it recognised the land drainage and economic benefits the proposed station presents, as a small public authority spending public monies it was agreed the Board could not place itself at both financial and operational risk by taking responsibility for an asset for which it does not have full and complete knowledge.

Given the advertised intention to commence work on site on 28th September, members supported the earlier suggestion that a suitable programme of inspections and visits is agreed to enable a revised estimate of cost to be calculated for independent checking of site work. Officers requested at the very least written assurance that these costs, previously estimated at just under £60k for the technical inspections as set out but not yet agreed by Able UK Ltd, would be underwritten by Able UK Ltd. Time was now of the essence to conclude these agreements and to have a written undertaking that the Board's reasonable costs would be met. Failure to do so may lead to the Board reviewing its options.

These views would be represented to Able UK and a further update would be provided to the Board's next meeting.

18. Immingham Motorcycle Project on Land off King's Road, Immingham.

A report prepared by the Environment & GIS Officer had been circulated with the agenda and was presented by the Chief Executive.

The Board is the owner of a parcel of land south west of Kings Road, Immingham (TA195146), approximately 4.8 acres (1.94 ha). This land was purchased by the Board from Brocklesby Estates in September 1963 for £500 (approximately £10,830 in present terms) for the purposes of building a pumping station. This was built shortly after purchase and demolished in 1997 as it was no longer required. The land was unused until June 2003 when the Board gave permission for Immingham Town Council, through a lease with North East Lincolnshire Council (NELC), for the Immingham Motorcycle Project 'IMP', a project aimed at tackling vehicular anti-social behaviour. The scheme was considered successful at reducing the behaviour, however reductions in central and local authority funding meant that the project ceased in 2015.

At the start of 2019, Steven Lynn, Anti-Social Behaviour Co-ordinator for NELC, registered interest with the Board to restart IMP due to its previous successes. NELC confirmed that it had no interest in continuing the lease for the site and would be happy to surrender the lease back to the Board, so that another can be drawn up between the Board and Immingham Town Council.

At the May 2019 Board meeting, the Board was presented with three options for how to continue with the land:

1. The Board declares the land surplus to requirements and sells at market value
2. The Board declares the land surplus to requirements and sells to a known bidder
3. The Board does not declare the land surplus to requirements and allow the proposed project scheme to take place, perhaps including an environmental element.

The Board had decided to not declare the land surplus to requirements at that point and to allow Immingham Town Council time to restart the motorcycle project, applying for grant funding to do so. But the Board wished to see the project started in a reasonable time period of one year.

Progress was slow, due to issues with NELC surrendering the lease. In February 2020, a site meeting was held with members from Immingham Town Council, the Auto-Cycle Union (ACU) and one of the Board's officers. The outcome of the meeting was positive, with all present keen to see progress within the next few months. The Board's officer had requested that some progress be made available by April 2020 so that this can be presented in the end of year Board papers. However, due to the Covid-19 pandemic this progress has halted.

Immingham Town Council was keen to push the project forward, however, as members had initially stated that they would prefer project completion to be within a year of the initial decision, members were asked to review their original decision given the amount of time that had passed.

Brocklesby Estate had expressed an interest in purchasing the land from the Board, offering the sum of £15,000 in a formal offer submission on 04.06.20. If the land is sold to either Brocklesby Estate or another party, and the land is valued as suitable for development and subsequently developed within a certain number of years, the Board may wish to include a 'claw-back clause' with the agreement that it would receive a percentage of the value.

As a formal purchase offer had been received and in order to guide the Board's decision making, an independent valuation of the land was commissioned and completed by Robert Hurst of Fisher German LLP (appended). The land was valued at £75,000.

Members were asked to review and consider the options:

- *Option 1:* Consider giving a time extension to the project, allowing Immingham TC to terminate the lease with NELC and progress with the project.
- *Option 2:* Consider that there has been enough time for reasonable progress to be made and, having not been achieved, declare the land surplus to requirements and sell the land on the open market.
- *Option 3:* Consider that enough time has passed for reasonable progress to be made and, having not been achieved, declare the land as surplus to requirements and sell the land to Brocklesby Estate taking into consideration the offered sum of £15,000 and the valued sum of £75,000. The Estate sold the land to the Board in 1963 for the purposes of building a pumping station and have expressed interest in repurchasing. The Chief Executive had forwarded to George Wise at Brocklesby Estate the valuation report and advised him of the £75k FG valuation, and provided the date of the NELDB Board meeting should the Estate wish to increase the offer.

- *Option 4:* Consider an amalgam of other options. Declare the land as surplus to requirements, agree a sale with Brocklesby Estates taking into consideration the offered sum of £15,000 and the valued sum of £75,000, giving the Estate the opportunity to reconsider their original offer, on the proviso that the Estate gives a time extension to Immingham Town Council in order to establish the project.

Members AGREED that sufficient time had been given to ITC / NELC to establish the scheme, but due to Covid-19 to ascertain with some certainty whether the project was likely to get the necessary funding to proceed. It was further AGREED to leave the matter of potential declaration of land surplus to requirements and a subsequent land sale until at least next Spring, taking no further action. Should any further offer for the land or information be received it will be considered at the May Board Meeting. An update would therefore only be provided on the potential Immingham Motorcycle Project.

19. Any other Business.

There were no further items of business and the meeting closed at 16:30.

20. Date, Time and Place of Next Meeting.

The next meeting of the Board, including the Annual Public Meeting, was confirmed for Tuesday, 10th November 2020, with the format and venue to be confirmed [but most likely to be via video conference]. It will commence at 2.00pm.

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

NEL BM 15.09.20