

WITHAM FIRST DISTRICT INTERNAL DRAINAGE BOARD

Minutes of the one hundred and eighteenth meeting of Witham First District Internal Drainage Board, held on Tuesday, 28th September 2021 at Branston Booths Village Hall at 2pm.

Present:

Mr. P. Gilbert	Chairman
Mr E Applewhite	
Mr D K Busby	
Cllr I Carrington	
Mr P Carrott	
Mr S Cobb	
Mr W R B Grantham	
Mr M D Harrison	
Cllr M Head	
Cllr G Hewson	
Mr D Jackson	
Cllr P Lundgren	
Dr B Maplethorpe	
Mr S Maplethorpe	
Mr A R Means	
Mr C R Oxby	
Dr V Stanton	
Cllr P Vaughan	
Cllr Mrs S Waring	

In attendance:

Mr Ian Coupland	Acting Director of Operations
Miss Jayne Flower	Executive Assistant
Mrs Jane Froggatt	Chief Executive
Mr Guy Hird	Acting Head of Technical & Engineering Services
Mr Steve Larter	Director of Finance & Governance
Mr Martin Shilling	Director of Engineering & Technical Services

2477 Apologies for absence.

Apologies for absence were received from Mr D C Armstrong (Vice Chairman), Cllr B Bean, Mr J R Crust, Mr R A Fletcher, Mr R C Hickling, Mr A G Hodgson, Mr D G Leggate, Mr S B Leggate and Mr I J Mair.

2478 Declarations of Interest.

Declarations of interest were received from members appointed by City of Lincoln Council and North Kesteven District Council, in matters relating to their respective Councils.

2479 Chairman's Announcements.

The Chairman warmly welcomed members to the September meeting of the Board. He was delighted that the Board was able to meet in-person again, the last 5 Board meetings having

been via video-conference due to the Covid-19 pandemic. However challenging an impersonal, technology had meant it had been possible to keep the Board's business going during the last 18 months and staff had been able to keep communications going, internally and with staff of other organisations. Office business continuity with people working from home, site visits, pump lifts and repairs, depot functions, delivery of summer and winter maintenance programmes by Operatives etc had all continued with appropriate Covid-19 risk assessments and mitigation measures.

The Chairman took the opportunity to welcome new member Cllr Mrs Susan Waring to her first Board meeting. Susan was a member nominated by NKDC in May but was unable to attend the May Board meeting via zoom.

The Chairman advised that he was especially pleased to meet in person, as this his final full meeting of the Board as Chairman. At the November meeting, he would be standing down as Chairman, after 5 years as Chairman and 5 as Vice Chairman for the Board.

He impressed upon those directly elected members that Friday, 01st October was the closing date for the submission of Election 2021 Nomination Papers. These were posted to members on 31st August for completion and return to Witham House office.

2480 Minutes of the Board meeting, 25.05.21.

The Minutes of the Board's previous meeting, held on Tuesday, 25th May 2021 were proposed by Pat Vaughan, seconded by Bridget Maplethorpe and APPROVED as an accurate record.

MATTERS ARISING:

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

2481 Minutes of the Executive Committee meeting, 07.09.21.

The minutes of the Board's Executive Committee meeting held on Tuesday, 07th September 2021 had been circulated with the agenda and were proposed by David Jackson, seconded by Peter Gilbert and APPROVED as an accurate record. The recommendations to the Board from the subcommittee were noted.

MATTERS ARISING:

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

2482 Minutes of the Joint Services Committee meeting, 19.07.21.

The minutes of the Joint Services Committee meeting held on Monday, 19th July 2021 had been circulated with the agenda and were noted.

MATTERS ARISING:

2482.1 Break-in to Upper Witham IDB Depot, Meadow Lane, North Hykeham (item 6.2 refers).

It was highlighted to members that on Sunday 11th July 2021 shortly after 10.30pm a break in occurred. Considerable damage to the premises was

caused, along with the theft of powered hand tools, an Ifor Williams trailer and fuel tanks. Offenders had entered at the rear of the site, cutting the fence before driving into the end roller shutter door and gaining access to the strong room by ramming a 4x4 vehicle into the breeze-block wall until it collapsed. The incident had been caught on CCTV and reported to Lincolnshire Police [but was not to be investigated further as all 5 offenders were wearing hoodies and gloves]. The insurers had been informed, but it was extremely unfortunate that the 4 Boards' Property Insurance had only been renewed on Thursday 08.07.21.

2458.2 Insurance Renewals (Item 8 refers)

It was highlighted that there had been detailed discussion at JSC in July on the insurance renewals from 08.07.21. This year the policies had been renewed on a group basis across the 4 IDBs, which had achieved some economies such as with the one cyber insurance policy. However, the whole renewals process had been challenging this year, which had been a significant issue not only for our 4 Boards but for the 112 IDBs nationally. Some of this related to the impact of Covid-19 on the insurance market nationally and some relates to reticence in the insurance market to insure IDBs, given the claims history arising from heavy rainfall events in Autumn 2019 and winter 2020. Although each Board's budget had been increased in anticipation of renewals, the increase in costs was in excess of budget provision this year. For Witham First, last July 2020 at renewal it cost the Board £30,301 against a budget of £20,730 for insurance, but the budget was uplifted this year to £35,000 and the actual cost for renewals 08.07.21 was £42,168.03.

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, and the additional requirements for vehicle security may mean operational changes may be required.

Self-insurance was recognised to be a partial way forward, and work would be done in the next 12 months to plan the extent of this approach

Members received and noted the minutes of the Joint Services Committee meeting on 19.07.21.

2483 Proposed new Byelaws.

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

2483.1 As previously advised, IDBs nationally have been awaiting Defra's support to amend current Byelaws. The new Model Byelaws for IDBs [& Councils] had 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 and to effectively manage Land Drainage

As with the exercise for revised Standing Orders recently completed, a set of new Byelaws for each of the 4 Boards had been drafted in the Defra prescribed format. The proposed Byelaws do 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]. The current Byelaw distances are W3rd and W1st both 9 metres, NELDB 7 metres and Upper Witham has the least Byelaw distance at 6 metres. There is therefore no proposed change in the Byelaw distance for the Board in these proposed new Byelaws.

2483.2 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 had been submitted 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 then we commence the process of consultation.

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, we are obliged to advertise online and in at least one local newspaper in the area affected by the Byelaws and write to all affected parties [including the EA, Natural England, the 2 relevant District Councils relevant for Witham First DIDB, LCC etc]. The Board must provide a copy of the Byelaws at the office for public inspection, for a period of at least one month.

Boards must advise anyone who wants to object to the proposals to write to the Board at Witham House, with their objections set out in writing.

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., 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 may 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.

Each Board must send to Defra 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.

2483.4 The increase of Byelaw distance to 9m, from 7m for NELDB and 6m for UWIDB.

Witham First and Witham Third District IDBs have operated a Byelaw distance of 9m for several years [since the 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 consent applications rising, but this will be marginal inconvenience compared to the benefits for the Boards.

The main purpose of the 9m 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 several criteria:

- 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 Witham & Humber Boards. This has not changed since the Land Drainage Act [1991] was enacted, whilst other Boards have increased their fees or introduced developer fees and charges.

2483.5 Assuming all four Boards approve and sign the Byelaws at their September 2021 meetings, and it was reported that the other 3 Boards had met and done so, then complying with 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, it can be assumed that the Byelaws will be available and advertised for at least the duration of October, and beyond depending upon what date of newspaper publication is used.

Any objections received will be responded to in writing, and we will then 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.

2484 Chief Executive's Report.

The Chief Executive's report had been circulated with the agenda and the following items were highlighted:

2484.1 Covid-19.

The Prime Minister's announcement on 19.07.21 for England removed all restrictions, although advice was given to continue to observe safe social

distancing, hand washing and the use of face coverings in public spaces e.g., when using public transport.

The 4 Boards' Management Team continues to review weekly the latest guidance in order to determine any necessary changes to our systems and ways of working. The priorities remain to maintain business continuity, both in terms of office-based functions and operationally, to provide our staff with a safe working environment and to maintain sufficient resilience in our teams to be able to respond to an emergency flood event should that happen.

We have had several unannounced HSE Covid-19 compliance visits to both Witham Third DIDB and Upper Witham Depots, all have been satisfactory to the Inspector.

The Boards' insurers are encouraging a precautionary approach to reopening full services, doubtless mindful of future potential claims against the Boards.

We continue to limit Witham House main office space to 4 staff at any one time, with bookings through Jayne Flower. In practice the office is staffed during office hours now during most of the working week and is open to the public by prior appointment. Staff are working a hybrid, flexible pattern of time in the office, time working from home including video-conference meetings [ICT equipment having been purchased last year] and some of their time out at site meetings.

In keeping with practices in other public bodies, we are still asking Operatives and office-based staff to observe single cab use wherever practicable [and this does have some consequences, e.g., vehicle moves].

The Boards continue to make PPE available for the use of all staff, from gloves, wipes, face coverings and hand sanitiser through to vehicle fogging canisters for use between drivers and in depot vehicles.

In-person meetings resumed on 07.09.21 when Witham Third DIDB and Witham First DIDB subcommittees met at respective depots for the first time since January 2020, and on 08.09.21 Upper Witham's subcommittee met in Witham House Boardroom. Covid-19 RAMS were completed ahead of the meetings.

All 4 September Board meetings have been held in-person [the technology for permitted hybrid meetings is being explored, but we do not feel able to offer this facility yet]. Venues have been assessed for ability to space out participants and NELDB met at Stallingborough Grange Hotel on 14.09.21, UW's meeting was at the EPIC centre at Lincolnshire Showground on 20.09.21, W3rd's venue was Tattershall Village Hall on 21.09.21 and W1st's meeting today returns to Branston Booths. In keeping with guidance, Risk Assessments had been completed.

2484.2 Board Membership.

The Board's former Chairman Bob Fletcher will not be standing for election for the electoral district of Blankney & Martin Fens. The Board also has a vacancy for the electoral ward of Sleaford.

2484.3 Staffing Issues.

Land Drainage Operatives.

There have been some staffing difficulties in Boards, particularly in Upper Witham, relating to a combination of vacancies, some absences due to planned elective operations and some relating to confirmed Covid-19 cases and/or the requirement to self-isolate due to someone in the household testing positive. One week this summer, Upper Witham had 3 Operatives available out of a workforce of 9. Witham First had one member of staff on long-term ill-health absence, but pleasingly that Operative returned to work in August and the Board is back to a full workforce.

Enforcement Officer.

Following the retirement of the 4 Boards' Enforcement Officer, Garry Winterton, on 30.04.21 after 8 years in the role, a recruitment process concluded with interviews on Monday 06.09.21. Sandra Neill, whose background is 5 years in the British Army and 27 years with Lincolnshire Police, had been appointed and starts on 26.10.21.

Consents & Planning Engineer.

Following original advertisement of this post without success, the post was readvertised with a closing date of 14.09.21. Again, it attracted no applicants.

2484.4 Responsible Finance Officer.

A report was presented to the 4 Boards' Joint Services Committee 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 that role entails. There is no requirement under the Land Drainage Act 1991 to have an equivalent role to that of the Section 151 officer role in the Local Government Act 1972. However, as part of improving clarity and transparency in our Boards' governance arrangements, it is good practice to designate who carries the RFO role.

The JSC has recommended that the RFO role be agreed, as set out in the minutes of its meeting on 19.07.21 and with no cost consequences to the Boards. Members were content to **APPROVE** that the RFO role be assigned to the 4 Boards' Director of Finance & Governance post.

2484.5 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 2021, it was suggested we host a member event in late November/early December. Members are asked for their views on whether an on-line training event or an in-person event is preferable. A potential date is Wednesday, 01.12.21.

The Chief Executive's report and update was received and noted.

2485 External Auditor's Notice of Closure AGAR 2020/21.

The Annual Governance & Accountability Return [AGAR] for 2020/21 was agreed at the Board meeting held on 25th May 2021, subsequently published on the website for public inspection and despatched to the External Auditor on 11th June. The External Auditor, PKF Littlejohn LLP, completed their audit and published the formal Completion of Audit Certificate

(section 3 of the Annual Governance and Accountability Return (AGAR)) and it was issued and received on Sunday 20th September 2021.

This confirmed that regulatory requirements had been met. Under other matters to draw to the attention of Board members, they reported “The AGAR was not accurately completed before submission for review. The AGAR had to be sent back for amendment’. This was due to a transposition error in the previous year’s box 9 Fixed Assets, which was corrected and signed. The revised version was published on the website. This completes the External Audit for 2020/21 and pleasingly all 4 Boards received the same clean Audit opinion. All Notices of conclusion of audit on 2020/21 would be displayed at the office, depots and on the website www.witham3idb.gov.uk

Members noted the External Audit Notice of Closure on the IDB Annual return 2020/21.

2486 Elections 2021.

The Chief Executive gave a verbal update on the Election process. 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 2 relevant Councils to Witham First’s Board 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 Electoral Register was advertised on the website www.witham3idb.gov.uk and at Witham House office.

To reiterate the Chairman’s earlier comment, 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 required assistance with completion of the Nomination Paper could meet with Jane and Jayne at the end of the meeting today.

Members noted the update.

2487 Revised Financial Regulations for the 4 Witham & Humber IDBs.

A summary of 5 minor updates to the proposed revised Financial Regulations and Statement of Internal Control had been circulated with the agenda and was presented by Steve Larter, Director of Finance & Governance.

The existing Financial Regulations had last been reviewed in May 218. 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 the revised regulations for approval at each of the 4 Witham & Humber September Board meetings.

After discussion and in response to a question from Val Stanton about debt write-offs, members noted the summary presented and were content to APPROVE the revised Financial Regulations.

2488 Schedule of Expenditure, 01.04.21 to 31.08.21.

The Schedule of Expenditure for the five months' period from 01st April to 31st August 2021 had been circulated with the agenda and was presented by the Director of Finance & Governance.

Gross expenditure totalled £435,842.86 or, net of £36,133.98 VAT, £399,708.88. It was emphasized that this is the invoices paid in the 5 months period, and some invoices relating to the period may not be included [e.g., electricity costs at pumping stations are invoiced in arrears].

Items highlighted to or raised by members included:

- Item 42: £41,515.50 (net) to EA for flood and coastal Erosion Risk Management IDB Precept (1st of 2 payments, total due 2021/22 £83,031.00).
- Item 98: £9,359.87 (net) to Mastenbroek Environmental Ltd. for weed cutter spares for the 2021/22 season.
- Item 139: £4,961.96 (net) to SMT GB Volvo AE13 BYN, supply and fit of a new transfer coupling.
- Item 161: £3,833.00 (net) to Toby Clowes Tyres Ltd for the Atlas FX64 DZG, fitting of 4 new tyres and disposal of the old tyres.

Members received and NOTED the expenditure incurred between 01.04.21 and 31.08.21.

2489 Financial Performance Report to 31st August, month 5 of 2021/22.

The Director of Finance & Governance presented the Financial Performance Report for the position as of 31st August 2021. This had been circulated with the agenda. A summary table of the overall income and expenditure position was presented, as follows:

	2021/22 Budget £	Profiled Budget £	Actual £	Variance £
Income	(1,022,281)	(717,562)	(738,829)	(21,267)
Board & General Admin	14,670	5,818	7,589	1,771
One Off Schemes	35,000	2,500	0	(2,500)
Conservation	1,750	289	273	(16)
Depot	13,440	10,608	10,654	46
Drains	346,040	185,070	150,237	(34,833)
Pumping Stations	216,590	43,147	56,781	13,634
Joint Admin/Witham House	102,192	27,935	27,961	26
Consents & Enforcement	10,603	0	0	0
Director of Operations/Engineers	69,336	35,340	36,491	1,151
Contribution to/(from) Reserves	40,000	0	0	0
PWLB	27,970	13,047	13,047	0
Rechargeable Works	60,000	15,571	18,148	2,577
EA Precept	84,690	42,345	41,516	(830)
FRS17 Pension Adjustment (net)				0
Wages & Plant Holding Account	0	(19,962)	(1,504)	18,458
(Surplus)/Deficit	0	(355,854)	(377,637)	(21,783)

The Board's budget profile as of 31.08.21 was an anticipated positive position of [£355,854], whereas the actual position was slightly better at [£377,637], a positive variance of [£21,783]. Members were reminded that it was still early in the financial year with some of the high risk spend areas not yet incurred such as electricity costs through winter months, full overtime costs for the weed cutting season etc. There had though been approximately £18k rechargeable works costs incurred in undertaking the PSCA works for the EA, and at the end of September these would be invoiced for the first 6 months which means the underlying realistic position is closer to a [£40k] positive variance. The current in-year financial position was therefore healthy.

On drainage rates income, of [£521,830.98] due to the Board in 2021/22 the collection rate was at 91.3% as at 31.08.21 compared to 79.1% at the same point in the previous year. After adjustments, [£45,400.62] remains as outstanding income due to the Board. Final reminders were posted on 28th September 2021 and a court date for unpaid bills would be set for January 2022.

Special Levy payments from NKDC and City of Lincoln Council had been received in May 2021, totalling [£199k] income to the Board, with the second and final payments for 2021/22 due to be paid in November.

Also, in relation to income streams, the Highland Water claims were submitted to the Environment Agency. This is the balance on actual costs incurred 2020/21 of (£4,690) and for the 2021/22 Estimated claim of (£25,600), 80% of which (£20,480) is due to be paid in September 2021. The total amount payable by 30.09.21 by the EA is therefore [£25,170]. This amount was not included in the figures reported, as the income was not received at the time of writing, but it was confirmed verbally that the Highland Water income anticipated had been paid to the Board by the EA on 21.09.21.

The contribution from Lincolnshire County Council relating to Lincoln Eastern Bypass, as agreed at the May 2021 Board meeting, has been received at (£19.8k) and is included.

For one off schemes, the main scheme to be undertaken is the refurbishment works at Metheringham Pumping Station totalling £168,000 with FDGIA grant awarded of £163,000. The remaining funding of £5k will be resourced by the Board, as previously approved. (£163,000) has been received in previous financial years to undertake these works. Only minimal spend has been incurred so far on this scheme, although many of the orders are placed and works progressing, e.g., for the new MCC panel with Paktronic in Grantham.

The Bank Balances as at 31.08.21 were set out as follows:

Natwest	£	494,286.92
Nationwide Instant Access	£	359,882.03
Nationwide 90 Day Notice	£	-
Total	£	<u>854,168.95</u>

The Board's Public Works Loan Board loan was being repaid, with £171,127.80 now outstanding on the original loan to be repaid over the next 6 years:

2.41% **£ 146,680.84**

*Original loan £354,480. Loan period 14.5 years from 17/12/2012. Maturity date 17th June 2027
Repayments made 17th June and 17th December each year.*

Members noted the financial performance 2021/22 for the five months 01st April to 31st August 2021.

2490 Write-off of Drainage Rates.

The write-off of Drainage Rates is a matter reserved to the Board. The Board has a policy of writing off Drainage Rate demands under £2.50, it being uneconomical to invoice these account holders. The following 7 accounts as of 31st August 2021 were under £2.50 for 2021/22:

Account	Value £
0136	0.59
0159	2.45
0195	2.05
0299	2.20
0844	1.96
0859	1.08
0862	1.96
TOTAL	12.29

Drainage Rates on account 0867 Duplicated Land

Account 0867 has a balance of £70.42 for land parcel TF1858-0033 which was mis-measured and duplicated in account 0332. The land parcel sizes have now been corrected, and this is the balance of the duplicated rates which requires write-off.

Drainage Rates on Account 0885, Ex Poultry Units

Account 0885 has a balance of £814.51 for Drainage Rates arising from a change of usage. The land parcels in question attracted an Intensive Unit grading, as they were previously used for pig rearing, although they had not been used as such for quite some time. However, the land is now not used for that purpose and so the Board's approval was sought to remove this grading from this land and the associated Drainage Rates of £814.51.

Drainage Rates on account 0733 MSG Properties

Account 0733 has a small balance of Drainage Rates of £2.03 belonging to the former owner of this land, MSG Properties. That company was dissolved in 2018 and there is no forwarding address. The new owners for the land parcel have been identified and billed accordingly. Therefore, it is requested this balance is written off.

Drainage Rates on Special Levy accounts

Account 0792 contains land now used as residential housing that should have been included in the Special Levy calculations for the years 2020/21 onwards. Unfortunately, we were not made aware of this until after the rate demands were issued. We also use the Land Drainage Act 1991 guidance of refunding the current year, plus one previous year, meaning that in most cases, two years of drainage rates become due for 'write-off'. It is requested that the Board writes off £10.71 for this account, and these parcels will be transferred to the 2022/23 Special levy calculations in known land movements as at 31.12.21.

Following discussion, members were content to APPROVE the following amounts totalling £909.96 be written off:

Under £2.50 x7	£12.29
Duplicated Land	£70.42

Ex Intensive Units	£814.51
Gone Away	£2.03
Special Levy	£10.71
TOTAL	£909.96

2491 Health and Safety Update.

A Health and Safety update had been circulated and was presented by the Acting Director of Operations.

All 4 IDBs were extremely busy with the summer work programme, making having one man on one machine easier, but creating the problem of moving vans and machinery from site to site. Whilst it may seem easier 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. It was necessary to move machinery by low loader frequently, 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 based staff are still working from home wherever possible, and measures remain in place to make the office accessible. Although we are starting to have small face to face work meetings, this is being managed by a booking system with Jayne Flower managing the requests. The office is currently open to members of the public and visitors by prior appointment. Board meetings in September had all been face-to-face meetings and as such were subject to risk assessments being undertaken and circulated prior to the meetings.

These arrangements and the risk assessments were reviewed weekly at the Management Team Meetings, and any change in national guidance was kept under review.

COPE Annual Visits.

Cope, external Health and Safety provider, completed their annual audit visits to all four Boards. Witham First had minor issues raised such as new signage required at some pumping stations and barriers at North Kyme Booster pump. These recommendations are being implemented.

Near Miss Reporting.

We have had two near miss incidents reported across all Boards since May. Both involved a vehicle being driven through long grass and dropping the front wheel over the edge of a bank slip. These have both been investigated internally and tool box talks 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.

Accident Reporting.

One accident had been reported since May. 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, and he has been advised to always set it and will receive further training.

All Operatives are instructed 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

machine's height limiter. Annual training is taken by all Operatives for working around overhead powerlines

H&S Representatives.

A Health and Safety representatives' meeting was held with no new issues to report. The 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 talks were ongoing with different suppliers of equipment to make this process different and safer.

Construction, Design & Management [CDM] Regulations 2015.

Thirteen staff have now undergone awareness training for CDM Regulations, to ensure we have a better understanding of the requirements on the industry and what changes we need to ensure compliance.

Other Training.

Operatives have undertaken underground cable training and the latest recruits have completed overhead cable avoidance training. Staff 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 is booked for the week commencing 06th September with the training provider to arrange the second phase 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 will also help the Boards to evidence that our 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.

Excavator Cab Handrails.

The company retrofitting the excavator Cab Hand Rails has now fitted them to all Witham First DIDB machines, Witham Third relevant one machine and Upper Witham's machines. This was an updated position on the written report, and it was good to report that this exercise was no complete.

Updates.

As reported previously, Witham First DIDB access bridge to Ringmoor Pumping Station is still being investigated (ascertaining ownership via the Environment Agency).

At Witham First Farroway Pumping Station a design has been approved to install a large diameter culvert with a full width weedscreen. This design by Richard Wright has allowed for the culvert to be lower than the bank top, allowing water to overtop the culvert during an event if needed. It is also capable of withstanding a machine crossing, so will give us much needed access to the far bank [as we have limited access through the old EA pumping station yard]. The culvert pipe is ordered and the weedscreen has been built by Skinns of Kirkstead. Just as soon as the culvert is delivered, we will start the installation process.

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

2492 Environment Report.

A report prepared by the Environment and GIS Technician, Fiona Scott, had been circulated with the agenda and was presented by the Acting Head of Engineering and Technical Services.

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 report set out the achievements of the Board's environmental activities from April 2020 to March 2021, and environment plans and activities for April 2021 to March 2022.

The Board continues with successful monitoring, box maintenance and box replacement (where necessary) of the owl box scheme. Badger setts within the Board's district are being mapped and sett activity closely monitored.

The Board Environment & GIS Technician will use the new ADA guidance to update the Board Biodiversity Action Plan.

The Board Environment & GIS Technician will represent the GLNP on the Waterlife Recovery East (WRE) Steering Group and is the Secretary for Lincolnshire ADA Environment Committee.

Peter Lundgren questioned there being no substantial budget for environmental initiatives. Whilst this is accurate, each of the 4 Boards has set £1,750 in the budget and any one-off schemes that come forward are also evaluated and sources of funding would be explored.

Members noted the Environment update.

2493 Plant Programme 2022/23.

A report had been circulated and was presented by the Director of Finance and Governance. The plant, vehicle, machinery and equipment replacement programme is considered by the Board annually as part of the budget setting process for the subsequent financial year. It is important that when the programme is approved, the Board demonstrates that it is affordable in terms of the initial purchase costs (resourced from the Plant Replacement Reserve) and the annual depreciation charges from Revenue Budgets each year.

The proposed replacement programme showed the preceding financial year 2020/21 actual spend on the Wheeled Atlas 150W excavator at £186,650 and 4x4 vehicle at £10,836, the current financial year 2021/22 programme being a fallow year, and the budgeted spend for the following six financial years from 2022/23 to 2027/28.

Over recent years two main issues had arisen. Firstly, the initial cost of purchase was increasing, especially those items manufactured abroad. This was notable for example with wheeled excavators. As many firms increase prices from 01st January, the Plant Programme comes to the Board in September each year enabling orders to be placed by December.

Secondly, the lead-in timescales from order placed to receipt of goods has extended considerably with plant often arriving after the start of the weed cutting season. This can give operational issues if the old plant is traded in. Hence, it is prudent to place orders by December for delivery by 30th June.

There were no changes proposed to the Plant Replacement Programme for this year 2021/22, it was confirmed no purchases were planned.

In terms of next year 2022/23, the Board has a policy of replacement tractor/flails and excavators at 7 years, but due to the condition of the current Case tractor/flail combination, the hours worked and maintenance costs, it was proposed to defer this purchase from next year 2022/23 until the following financial year 2023/24. A 4x4 vehicle was due for disposal now but was still in-use, so it was included as a sale in 2022/23.

Discussion followed on the replacement programme generally, with William Grantham noting that the previous Atlas 140W wheeled excavator had been replaced with a larger 150W machine. Ian Coupland clarified why the 150W had been purchased, mainly to attain the longer reach needed in some watercourses with the 3-part dipper arm and confirming that the different tyres on the 150W wheeled machine did mean that there was no increased pressure on the land. Andrew Means queried whether it was always necessary to replace the tractor/flail combinations as an entire unit and whether the heavy-duty Herder flails could be refurbished and be fitted to a new tractor on replacement given the high initial cost of the flail and that we seem to sell them 7 years on for [£5k] which works out as expensive. It was acknowledged that the Herder flails are heavy-duty and are a significant proportion of the tractor/flail combination costs at circa £85k of the circa £220k total cost. They do have considerable wear over the usual 7 seasons and the extent to which the relevant tractor is initially stripped down to have the flail fitted [including the tractor is sent to Holland for the flail to be fitted before delivery] has meant Boards do tend to treat them as an integrated unit and replace both at tractor replacement.

An assessment had been carried out on the affordability of both the initial purchases (to be met from the Plant & Machinery Renewal Reserve) and the ongoing affordability of the depreciation charges to the Revenue Account.

It was confirmed that the initial purchase cost can be met from the Plant Renewal Fund based on this programme and values along with the current additional fund contribution of £15k per annum. It was also confirmed that the additional depreciation in the short to medium term will be an additional £15k in 2023/24 and then a further £18k in 2024/25.

Following discussion members noted the 2021/22 position and APPROVED the Plant & Machinery Replacement Programme for 2022/23, with no purchases to be made in the year and deferral of the tractor/flail replacement into 2023/24. Members further APPROVED the Plant & Machinery Replacement Programme for the subsequent five years 2023/24 to 2027/28, subject to the proviso that any changes required in either items to be purchased/disposed of or budget allocation be referred to the Board.

2494 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, involving 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 the land at once, giving the Board's Operatives 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 and

potentially impact upon winter works. This was noted and some options would be developed when the summer 2021 season was reviewed at the end of season.

Ian Coupland had met with the Foremen and was starting to put a winter maintenance programme together for 2021/22.

Witham First started their summer maintenance with one Operative on long term sick leave, who pleasingly started back on a phased return to work on Wednesday, 18th August. We have had one or two breakdowns, the John Deere tractor flail combination for instance had the height limiter fail. It was beyond repair and out of warranty. We have replaced it with a different brand, that gives us better warranty and is more user friendly (this was not available when the tractor was purchased but is now the height limiter of choice on new machines). This Board is currently on target with its summer programme.

Red Diesel use in Tractors.

The Red / White diesel issue is still being challenged by ADA and other parties. As it stands, excavators remain on red and 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. To put the infrastructure in place as an interim measure, i.e., purchase of fuel bowsers on each Board, is not affordable or practical when it looks like we will have to put everything on to white diesel 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, the risk is also increased to those machines left on site overnight, it is feared they will be soft targets for further theft and vandalism. In keeping with the rest of the IDB sector, the intention is to implement the changes from April 2022.

Staffing.

The interviews have taken place for the Operations Supervisor for the three Boards with their own workforces, these were completed over two days, and we interviewed eight applicants. The outcome was an internal appointee, Wayne Bourne the current Witham Third Foreman.

Supplies, Plant and Machinery.

Across all industries, prices were increasing regularly, and stock availability was sometimes weeks or months. Therefore, repair and servicing bills were increasing along with the time machinery is standing idle whilst we are waiting for parts to come from overseas.

Farroway Pumping Station.

Farroway's Anwick Fen pump will be removed soon for refurbishment. Perry Pumps have confirmed this should be in the next few weeks. This was scheduled previously, but we deferred the work due to weather conditions.

Members noted the Operations Report and presentation.

2495 Engineering Report.

A report had been circulated with the agenda and was presented by the Acting Head of Technical and Engineering Services, Guy Hird.

There had been no flood events to report.

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

Officers are 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 has been no change since the May meeting and information is awaited from Anglian Water.

Lincolnshire Local Resilience Forum (LRF) (JA-1400-2014-ORG)

The next full six-monthly meeting is due to be held on 12th October 2021. In addition to the main meetings the 'LRF Flood Group' subgroup met on 02nd September, the agenda included 'FloodEx2022' which is a significant regional exercise taking place in September 2022 involving all the LRFs along the Trent Catchment as well as all the East Coast LRFs covering both Tidal and Fluvial Flooding.

Lincoln Eastern By-pass (TD-478-2013-PLN)

At the May meetings Witham First DIDB and Witham Third DIDB accepted the contributions offered by Lincolnshire County Council for the impact of the Lincoln Eastern By-pass. The contributions have now been received.

Witham First District Internal Drainage Board	£19,800
Witham Third District Internal Drainage Board	£10,400

Section 19s

A small number of Section 19 Investigation information requests from Lincolnshire County Council have been responded to and it is known that there is still a large number of these flood investigations outstanding.

Metheringham Fen Pumping Station (FD-1143-2014-PRO)

This station has attracted Flood Defence Grant in Aid monies allocated via the EA in the sum of £163,000, subject to a contribution from the Board of a further £5,000 as approved at the June 2020 meeting. These monies will be used to replace or refurbish the elements of the site as listed:

1. Replace existing MCC (pump control panel)- currently under construction by Paktronic, Grantham.
2. Replace outfall flap valves.
3. Refurbish automated weed screen cleaner.
4. Health & Safety improvements including fencing, site lighting and steps.

Billingham Pumping Station and Timberland Pumping Station (FD-5336-2020-PRO)

A business case is currently being produced for a potential application to the EA for a Flood Defence Grant in Aid. The scheme is looking at both pumped catchments and the interaction between them.

Heighington Flooding Group (FE-5548-2021-FLD)

A multi-agency group has been set up following the significant impact of ground water in the village. Although Heighington is remote from the Witham First district boundary there is an impact because the Anglian Water Services' foul sewer system gravitates to Heighington Treatment Works [which is in Washingborough]. The foul sewer system gets inundated with ground water, causing flooding in the village and overwhelming the Treatment Works.

An initial meeting was held on the 9th March 2021 with further meetings to be arranged following the outcomes from the Scopwick Groundwater Flood Risk Task and Finish Group (FE-5321-2020-FLD).

Ian Carrington outlined the current position, being involved with the multi-agency group in another capacity.

Farroway Bankside Drain

The screen and material have been ordered for the replacement Weedscreen deck on Farroway Bankside Drain and it is due to be installed.

Members noted the Engineering report and update.

2496 Planning and Consultations Report.

The Planning and Consultations Report had been circulated with the agenda and was presented by the Acting Head of Technical & Engineering Services.

One issue was highlighted by Steve Cobb and discussed by Members, in relation to a potential Sainsbury's development in Washingborough and the amount of impermeable hard standing this may mean, with impact on the Board maintained Longstone's Drain:

Erection of a new Sainsbury's Store with Car Parking, Access and Landscaping. Land at Lincoln Road, Washingborough.

Thank you for the opportunity to comment on the above application. The site is within the Witham First District Internal Drainage Board area.

The Board's maintained 2001 – Longstone's Drain runs at the northern end of the site.

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.

Under the terms of the Board's Byelaws, the prior written consent of the Board is required for any proposed temporary or permanent works or structures in, under, over or within the 9m byelaw distance of the top of the bank of a Board maintained watercourse.

As the Pre-Advice document states, a large portion of the site is in Zone 2/3 on the Environment Agency Flood Maps and potentially at flood risk.

No development should be commenced until the Local Planning Authority, in consultation with the Lead Local Flood Authority has approved a scheme for the provision, implementation and future maintenance of a surface water drainage system, with run-off limited to greenfield rate. The Board support the idea of sustainable drainage and any proposed development should be in accordance with Local, National and Regional Flood Risk assessments and Management plans.

All drainage routes through the Site should be maintained both during the works on Site and after completion of the works. Provisions should be made to ensure that upstream and downstream riparian owners and those areas that are presently served by any drainage routes passing through or adjacent to the Site are not adversely affected by the development.

Drainage routes shall include all methods by which water may be transferred through the Site and shall include such systems as "ridge and furrow" and "overland flows". The effect of raising Site levels on adjacent property must be carefully considered and measures taken to negate influences must be approved by the Local Planning Authority.

It was agreed that officers should review this application carefully, there being concern to understand on-site attenuation plans with the proposed development and any impact on the Board maintained Longstone's Drain.

Members received and noted the Planning and Consultations report.

2497 Consents and Enforcements.

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

Byelaw Consent Applications:

Reference	Location	Applicant	Details	Date
FD-5682-2021-CON	Dales Drain Head North, Timberland Fen	Savills	15no. 80mm field drain outfalls	24-06-21
FD-5774-2021-CON	Black Horse Fen, Blankney Fen	B S Leggate & Son	2no. 100mm field drain outfalls	18-08-21

Section 23 Land Drainage Act Consent Applications – District:

Reference	Location	Applicant	Details	Date
FD-5753-2021-CON	Dunston Fen Lane to Nocton Wood	Dyson Farming	Biodiversity improvement scheme for Dunston Beck	26-07-21
FD-5776-2021-CON	Grange Farm, Digby Fen, Billingham	Application awaited	Surface and treated foul water discharge from barn conversion	

Section 23 Land Drainage Act Consent Applications – Extended Area:

The Board acts as Agent for Lincolnshire County Council, the Lead Local Flood Authority.

Reference	Location	Applicant	Details	Date
FE-5680-2021-CON	174 Lincoln Road, Branston	Mr Steven Plant	Treated foul water discharge to ditch	02-07-21

Enforcement Issues – District:

Reference	Location	Description / Comments	Actions
FD-3835-2018-ENF	Sleaford Rugby Club	Blocked watercourse	Awaiting response from Network Rail
FD-5564-2021-ENF	Sleaford Golf Club, Willoughby Road, Greylees, Sleaford, NG34 8PL	Flooding	This is mainly a ground water issue, but also a watercourse requires clearing. Network Rail have been advised and have agreed to do the work. Waiting for confirmation work done.

FD-5588-2021-ENF	New Farm, Drove Lane, Sleaford NG34 8FT	Obstruction in Catchwater Drain	Debris is not holding up water. Case closed 17-6-21
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Enforcement Issues – Extended Area:

Reference	Location	Description /Comments	Actions
FE-5491-2021-ENF	Branston Beck, Branston.	Potentially obstructed watercourse	Investigating
FE-5563-2021-ENF	Waste Away Solutions Ltd Unit 19, Woodbridge Road, Sleaford NG34 7EW	Unconsented work (piles) in a watercourse	The works undertaken also do not match the planning submission, but they are not taking action. LCC are considering whether legal action is appropriate

Members received and noted the report on Consents and Enforcements.

2498 Any Other Business.

There were no further items of business and the meeting closed at 16:25.

2499 Date, Time and Place of the Board's Next Meeting.

The Board's next meeting, incorporating the Annual Public Meeting, was confirmed for Tuesday, 16th November 2021 at 2pm in Branston Booths Village Hall.

..... Chairman Date
W1st BM 28.09.21.