

Minutes of the 59th meeting of the Lindsey Marsh Drainage Board held at Saltfleetby Village Hall on Tuesday, 29th September 2009, at 2.00 p.m.

* Messrs M. Clark (Chairman)	Cllrs	H. Marfleet (Vice-Chairman)
* G. Billings		G. Allan
* W. Cooper	*	D.G. Andrews
* G. Crust	*	S.W. Eyre
* T.H. Heys	*	C. Finch
* J.M. Mowbray	*	G.M. Gooding
* R.H. Needham	*	A. Howard
* P.W. Pridgeon	*	R.J. Palmer
* D.R. Tagg	*	W. Parkinson
* R.A.D. Unsworth	*	M. Preen
		R.B. Shields

\* Present

\* Messrs C. Hinchcliffe (Clerk and Chief Executive)  
\* D.J. Sisson (Engineer)  
\* M. Mitchell (Director of Technical Services)  
\* R.P. Mitchell (Director of Operations)  
\* S. Thackray (Director of Finance)

\* In attendance

#### 1. APPOINTMENT OF CHAIRMAN PRO TEM

RESOLVED

that the Clerk be appointed Chairman pro tem to conduct the election of Chairman of the newly constituted Board.

The Clerk explained that because of the reconstitution it was necessary to elect the Chairman and Vice-Chairman, however, he stated that the next meeting of the Board would be the annual general meeting in November and, in accordance with the Board's Standing Orders, the Chairman and Vice-Chairman must be elected at that meeting.

Members unanimously agreed that it would be sensible for the existing Chairman and Vice-Chairman to remain in post until the annual general meeting. It was noted that the Clerk would send out nomination forms at the beginning of November.

#### 2. ELECTION OF CHAIRMAN

RESOLVED

that Mr M. Clark remain in post as Chairman of the Board until the annual general meeting in November 2009.

#### 3. ELECTION OF VICE-CHAIRMAN

RESOLVED

that Mr H. Marfleet remain in post as Vice-Chairman of the Board until the annual general meeting in November 2009.



4. APOLOGIES

Apologies for absence were received from Mr R.H. Needham and Cllr H. Marfleet.

5. NOTIFICATION OF ITEMS OF ANY OTHER BUSINESS

The Clerk reported two items of any other business: the ADA Lincolnshire Branch meeting which would be discussed under item 21, and the trip to Holland which would be discussed under item 23.

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6. BOARD MINUTES (Pages 692 to 702)

RESOLVED

that the minutes of the meeting of the Board held on 7th July 2009 be confirmed as a correct record.

7. MATTERS ARISING

7:1 Minute 5:3, Page 693 - Flooding Problems at Maltby le Marsh

The Director of Technical Services reported that surveys had been completed and he was in the process of arranging to attend the Maltby le Marsh Parish Meeting with Lincolnshire County Council to discuss the options.

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7:2 Minute 5:6, Page 694 - Consortium Arrangements

The Clerk reported that the Association of Drainage Authorities draft agreement was still not available but the draft agreement which extended to several pages had been reviewed by the Board's Engineer. The Engineer confirmed that the first draft had been referred to Counsel and would be presented to the Audit Commission for approval on 14th October. Members were pleased to note that the agreement would be available for consideration/adoption at the November meeting.

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7:3 Minute 10, Page 696 - Audit of Accounts for the Year Ended 31st March 2009

The Clerk reported that the accounts had not yet been finalised. He hoped that the accounts would be finalised in October and that the auditor would present a report to the Board at the November meeting.

The Clerk stated that a simplified explanation of the Superannuation liabilities would also be presented to the November meeting.

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7:4 Minute 17:1, Page 701 - Barn Owl Box at Crabtree Lane, Sutton-on-Sea

The Clerk reported that any necessary repairs would shortly be undertaken to the two owl boxes on Crabtree Lane, Sutton-on-Sea.

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7:5 Minute 17:3, Page 701 - Lincolnshire Coastal Country Park

Mr G. Crust reported that he had heard a rumour that the above project had been shelved. The Engineer stated that as far as he was aware the project was ongoing although there may have been a setback with funding.

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8. BOARD MINUTES (Page 703)

The Engineer reported that the Draft Flood and Water Management Bill was being developed into a 5th Session Bill (reduced number of clauses bill). He stated that the Environment, Food and Rural Affairs (EFRA) Committee had responded and been critical of the proposed legislation particularly the speed at which the legislation had been developed. It was noted that many of the stakeholder groups, including the Association of Drainage Authorities, agreed with the EFRA Committee.

The Engineer confirmed that the 5th Session Bill (to be known as the Water Emergencies Bill) would include local and national flood risk management strategies, the new role for upper tier authorities, the duty to exchange information and powers to do works for other authorities. The Engineer stated that the Bill should be announced in the Queen's speech on 18th November 2009. If the Bill was not included within this last session of Parliament, it is most likely that it would be carried forward into the new parliament but in the form of a major piece of legislation, including all items on which consultations had been undertaken.

Cllr R.J. Palmer had heard a rumour that the government was no longer going to allow the flooding of good agricultural land. The Engineer was unaware of this but reported that there was an ongoing national debate regarding food security and it was beginning to impact upon flood risk management evaluation. The Engineer further reported that the Bill continued to strengthen the position for parties to be able to carry out flooding if it was beneficial to the area.

The Chairman stated that Mr J. Morris had been one of the speakers at the Association of Drainage Authorities Annual Conference and had spoken about making the best possible use of land.

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9. STAFFING AND RESOURCES COMMITTEE MINUTES

The Chairman thanked all those involved in the recruitment process for the new Chief Executive. Members joined Cllr S.W. Eyre in expressing their thanks to the Chairman.

Messrs C. Hinchcliffe, D.J. Sisson, M. Mitchell and R.P. Mitchell left the meeting whilst the item regarding Mr Hinchcliffe's pension was discussed. The Chairman informed members that the cost of the early release of Mr Hinchcliffe's pension would be £22,000 to be paid over three years. Members were assured that this would be the total cost payable by the Board.

RESOLVED

- (a) that the attached minutes of the meeting of the Staffing and Resources Committee held on 22nd September 2009 be adopted,

- (b) that Mr A. McGill be appointed Clerk and Chief Executive of the Board from 1st January 2010,
- (c) that the Board pay the cost of the early release of pension for the Chief Executive (Mr Colin Hinchcliffe); a total of £22,000 to be spread over three years,
- (d) that a ex gratia payment of £500 be paid to Mrs C. Berrington-Davies in acknowledgement of the extra work undertaken during the interview process for the new Chief Executive.
- (e) that the Clerk continue discussions with the Association of Drainage Authorities regarding the reimbursement of the cost of providing extra support,
- (f) that a review of the staffing structure be undertaken in July 2010,
- (g) that officers continue discussions regarding office accommodation for consideration by the Committee,
- (h) that the loans pool be stopped from 1st April 2008, that the 2008/09 accounts be adjusted to reflect this new policy, and that the income and expenditure account be credited with £217,806.37, and
- (i) that Mr Danny Harrison be regraded to Grade I for the period 1st July 2009 to 31st October 2009 whilst he was undertaking weedcutting works, that his salary be reviewed in March 2010, and, if his career development had continued successfully, Mr D. Harrison be regraded permanently to Grade I from 1st April 2010.

10. PLANT AND COMPENSATION COMMITTEE MINUTES

The Clerk presented the attached minutes of the meeting held on 28th September 2009. Regarding the office and storage facilities at Strubby depot, the Clerk suggested that the allocation made in the 2009/10 estimates for alterations/new administration offices, be used to fund the alterations at Strubby as follows.

Allocation in the 2009/10 estimates	£155,000.00
Alterations already undertaken on offices at Strubby	<u>£-108,000.00</u>
Balance remaining	£47,000.00
New storage building and hardstanding area at Strubby	<u>£-90,000.00</u>
Shortfall	£-43,000.00

The Clerk stated that the new storage and hardstanding would not be completed during the current financial year, therefore, a provision of £43,000 could be made in the 2010/11 estimates. It was noted that the whole amount should be recovered from 15 year lease to the Environment Agency.

The Clerk confirmed that he would be seeking written confirmation that the Environment Agency would be leasing space at Strubby prior to any more work commencing.

Mr G. Billings enquired whether the Environment Agency could pay towards the cost of the new storage building but it was agreed that the Board must keep ownership of the premises and a lease was the preferred option.

In response to Cllr C. Finch, the Clerk reported that separate meters for heating and electricity had not been fitted but the cost of this would be split based on floor space occupied. Mr R.A.D. Unsworth queried whether a generator should be purchased to ensure that the site was operational in an emergency. The Director of Operations confirmed that there was a generator in situ big enough to supply the whole site.

RESOLVED

- (a) that the attached minutes of the meeting held on 28th September 2009 be noted and the recommendations approved,
- (b) that the additional expenditure of £15,000 on the office renovations at Strubby be approved,
- (c) that the allocation of £155,000 for the alterations/new administration offices be reallocated to the alterations at Strubby (total cost £198,000), and
- (d) that a provision of £43,000 be made in the 2010/11 estimates to fund the remainder of the work at Strubby.

11. APPOINTMENT TO COMMITTEES

The Clerk reported that following the reconstitution it was necessary to form committees and appoint members. The following committees and members were appointed by the previous board at its last annual general meeting and all were members of the newly constituted board.

- (a) Plant and Compensation Committee - Chairman, Vice-Chairman, G. Billings, T.H. Heys, R.H. Needham, P.W. Pridgeon, Councillors S.W. Eyre and R.J. Palmer.
- (b) Staffing and Resources Committee - Chairman, Vice-Chairman, Messrs G. Crust, P.W. Pridgeon, D.R. Tagg, Councillors G. Gooding and R.B. Shields.
- (c) Standards Committee - Chairman and Vice-Chairman, Messrs G. Crust, R.H. Needham, Cllrs C. Finch, and R.J. Palmer.

The Clerk reported that it was the Board's usual practice to consider the membership of Committees at the annual general meeting as membership may alter if a new Chairman/Vice-Chairman was elected. As the annual general meeting was to be held in November, he suggested that the members be appointed en-bloc.

RESOLVED

that the above members be appoint en-bloc until the annual general meeting in November.

12. DRAINAGE RATES AND SPECIAL LEVIES

The Clerk reported that drainage rates and special levies outstanding at 21st September 2009 totalled £1,564,957.79. He further reported that 12 liability orders had been issued at Skegness Magistrates' Court on 28th September 2009.

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**13. CASH RESERVES AND INVESTMENTS**

**13:1 Investment of Surplus Moneys**

The Clerk reported the Board's financial position as follows:

Barclays current - £142,466.07 at 0.10%.  
Abbey - £350,000 at 3.20%.  
Beverley Building Society - £100,000 at 1.75%.  
Alliance and Leicester - £4,089.96 at 0.08%.

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**13:2 External Borrowing**

The Clerk reported that the following loans were outstanding with the Public Works Loan Board:

<i>Date commenced</i>	<i>Amount borrowed</i>	<i>Period of loan</i>	<i>Interest rate</i>	<i>Balance outstanding</i>
13th April 1994	£400,000	20 years	8.125%	£164,930.15
28th July 1997	£500,000	15 years	7.25%	£146,535.50
1st September 2005	£240,000	15 years	4.3%	£190,141.68
8th September 2005	£250,000	15 years	4.25%	£197,905.62

The Clerk further reported on the position of the loans taken out with Caterpillar Finance and Volvo finance respectively:

<i>Date commenced</i>	<i>Amount borrowed</i>	<i>Period of loan</i>	<i>Interest rate</i>	<i>Balance outstanding</i>
31st July 2008	£54,300.00	one year	0%	£0.00
10th February 2009	£38,042.75	three years	3.15%	£31,964.61

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**13:3 Internal Borrowing**

This account had been closed as agreed in the Staffing and Resources Committee minutes (item 9).

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**13:4 Members' Disbursement Fund Account**

The Clerk asked members to consider updating the Members' Disbursement Fund bank account. The current signatories were Mr T.H. Heys and Mr D.R. Tagg.

The Clerk suggested that Carol Berrington-Davies be able to discuss with the bank the account on behalf of the members. Carol would have no authority to sign cheques or transfer funds, merely to request forms and bank statements etc. and to confirm that transactions had been completed. He also suggested that the account currently administered by the Co-operative Bank be transferred to a local building society which offered interest on the balance.

RESOLVED

- (a) to close the account with the Co-operative Bank and transfer the balance to the Norwich and Peterborough Building Society,
- (b) to nominate the Chairman and Vice-Chairman as signatories on the Members' Disbursement Fund account, and
- (c) to grant authority to Carol Berrington-Davies to be able to discuss the account with the bank on behalf of the members.

13:5 Credit Card Limit

Members were asked to consider an increase on the credit card limit for the Board's Director of Operations to cover the trip to Holland in October. The current limit was £1,000. It was noted that the increased limit would remain in place unless a further instruction was issued to the bank.

RESOLVED

that the limit on the Director of Operations' credit card be increased to £3,000.

14. COMPENSATION CLAIMS

The Clerk reported that 30 compensation claims totaling £9,138.43 had been paid in accordance with the Board's approved rates since the last meeting.

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15. OPERATIONS REPORT

The Clerk gave the following update on works undertaken by the direct labour organisation since the last Board meeting:

- (a) Reforming works had been undertaken on the Sudales, Mawthorpe Main, North Field, Ackers, South Field and Tun Drains totalling 2,923 metres. Culverting of 132 metres had also been undertaken together with the installation of 121 metres of timber toe piling and the 13 access culverts.
- (b) Spoil had been spread over 11,661 metres.
- (c) Construction works had been undertaken at Bonthorpe Road, Willoughby (176 metres of culverting), Back Street Sewer (ten metres of culverting), Habertoft (25 metres of culverting, one access culvert and two flap valves), Markby Relief Drain (nine metres of culverting), Boygriff outfall (repairs to concrete spillway), Gayton North Fen Drain (two access culverts replaced and four removed), Trusthorpe Insough Drain (new weedscreen raking area and one access culvert), Scarsbridge Sewer West (one access culvert), and Sea Lane Pumping Station (work on weedscreen decking to cover pump valves).

- (d) Flailing had been undertaken over 1,254,252 metres.
- (e) The weedboat had been used to undertake work on Ingoldmells Main Drain (665 metres) and Cowbank Drain (800 metres).
- (f) Timber toe piling had been installed in the Cocking Pit Drain (77 metres) and the Wigg Lane Drain (76 metres) to repair slips in the bank. A 20 metre section of Holts Drain had been culverted and a manhole constructed, also because of bank slippage.
- (g) Eight private jobs had been undertaken and included weedcutting and grass cutting.
- (h) Pumping station running hours for July totalled 267 hours and for August 376 hours.
- (i) Rainfall at Manby/Strubby averaged 93.65mm in July and 38.65mm in August.

Mr S.W. Eyre thanked the Board for the work done to alleviate flooding at Habertoft.

Mr J.M. Mowbray enquired when water levels would be put to winter settings as the weather was so dry. The Director of Operations stated that water retention structures would be taken out as normal on 1st October and there were no plans to change the pumps to winter levels as yet. He assured Mr Mowbray that the change to winter levels would only be made when necessary.

*Cllr R.B. Shields declared an interest.*

In response to a query from Cllr R.B. Shields, the Clerk reported it was not clear from the plans whether the Board owned the Boygrift outfall, however, he stated that he was in the process of registering all Board owned land with the Land Registry and this should confirm the ownership of the outfall. The Clerk explained that in the 1980s several pumping stations had been transferred to the Board from the Lincolnshire River Board, however, it appeared that the legal aspect of this transaction had not been completed. The Clerk stated that he was in discussions with the Environment Agency to try and get this matter resolved. Cllr Shields reported that work was required on the Boygrift outfall. The Engineer reported that the general principle was that the Board was responsible for ensuring that water from the Board's system could be evacuated.

*Cllr Palmer declared an interest.*

Cllr R.J. Palmer queried when work would be undertaken at Pyes Hall and Kellys Drain as part of the managed retreat scheme. The Director of Operations reported that the work was imminent.

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## 16. PLANNING APPLICATIONS

*Cllr S.W. Eyre declared an interest.*

The Engineer presented a schedule detailing 37 applications for planning permission which had been dealt with under delegated authority since the last meeting.

*Mr G. Crust declared an interest in a planning application submitted by Blue Anchor Leisure, and Cllr G. Gooding declared an interest in the application submitted by Lidl UK at Mablethorpe.*

Officers had objected to two of the applications; N110/1906/09 Lidl UK (erection of signs, flagpole and hoarding at Mablethorpe) and N119/2065/07 Coastfield Leisure Ltd (extension to holiday

