

Minutes of the 60th meeting of the Lindsey Marsh Drainage Board held at Great Carlton Village Hall on Tuesday, 24th November 2009, at 2.00 p.m., being the annual general meeting.

* 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)  
\* A. McGill (Clerk and Chief Executive designate)  
\* 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 Board for the ensuing year.

#### 2. ELECTION OF CHAIRMAN

It was proposed by Cllr H. Marfleet and seconded by Cllr R.J. Palmer that Mr M. Clark continue as Chairman of the Board.

RESOLVED unanimously

that Mr M. Clark be elected Chairman of the Board for the ensuing year.

Mr Clark took the chair. He thanked the members for their vote of confidence and particularly the Vice-Chairman for his support over the last year.

#### 3. ELECTION OF VICE-CHAIRMAN

It was proposed by Mr D.R. Tagg and seconded by Mr R.J. Palmer that Mr H. Marfleet continue as Vice-Chairman.

RESOLVED unanimously

that Mr H. Marfleet be elected Vice-Chairman of the Board for the ensuing year.

4. APOLOGIES

Apologies for absence were received from Messrs G. Allan, G. Billings, P.W. Pridgeon and R.A.D. Unsworth.

The Chairman introduced Mr A. McGill, the new Clerk and Chief Executive who would start with the Board on 4th January 2010 and would officially take over from Mr C. Hinchcliffe on 1st February 2010.

Members were sad to hear of the death of Mr T. Brian who had served on the Skegness District Internal Drainage Board. Members stood for a minutes' silence.

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5. NOTIFICATION OF ITEMS OF ANY OTHER BUSINESS

It was agreed to discuss the East Lindsey District Council's Executive Committee resolution on internal drainage board membership under any other business.

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6. BOARD MINUTES (Pages 703 to 722)

RESOLVED

that the minutes of the meeting of the Board held on 29th September 2009 be confirmed as a correct record.

7. MATTERS ARISING

7:1 Minute 7:2, Page 704 - Consortium Arrangements

The Clerk reported that the draft Consortium Agreement prepared on behalf of the Association of Drainage Authorities had been approved by the Audit Commission. The agreement would be presented to a meeting of all the Chairmen and Vice-Chairmen in December.

Members were reminded that delegated authority had already been given to the Chairman and Vice-Chairman to negotiate with the other boards the details of the consortium agreement, however, the Clerk confirmed that the final document would be presented to the individual boards for their approval.

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7:2 Minute 7:3, Page 704 - Audit of Accounts for the Year Ended 31st March 2009

The Clerk confirmed that a report would be presented at the estimates meeting in December 2009.

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7:3 Minute 8, Page 706 - Draft Flood and Water Management Bill

The Clerk confirmed that the Flood and Water Management Bill had been presented to Parliament on 19th November 2009. There would be a total of six readings before the Bill received

Royal assent. It was expected that the Bill would come into force in May 2010.

RECEIVED

7:4 Minute 13:4, Page 708 - Members' Disbursement Fund Account

The necessary documents had been obtained to close the account with the Co-operative Bank and transfer the balance to the Norwich and Peterborough Building Society. The forms would be signed by the Chairman, Vice-Chairman, Mr D.R. Tagg and Mr T.H. Heys at the close of the meeting.

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7:5 Minute 21:3, Page 721 - Association of Drainage Authorities (ADA) Lincolnshire Branch

The Chairman, Clerk and Engineer had attended the ADA Lincolnshire Branch meeting on 1st October 2009 at Bainland Country Park, Woodhall Spa.

The Environment Agency had updated the Branch on the Flood and Water Management Bill and given a presentation on partnership working.

Following the success at the 2009 Lincolnshire Show, the Branch had agreed to have a stand in 2010.

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7:6 Minute 23, Page 721 - Visit to Holland

The Director of Operations reported on the recent visit to the Hoogheemraadschap van Delfland (a dutch water board) in Holland.

The visit had included a trip to Eekels, the manufacturers of the Betsy pump. The Director of Operations confirmed that it would be possible for the Board to have an agreement with Eekels for delivery of pumps within 24 hours.

A guided tour of the Maeslantkering (storm surge barrier), a visit to the Herder factory and the Neeltje Jans (storm surge barriers) completed the visit.

It was noted that the visit to Holland had been financed by the members at no cost to the Board.

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7:7 Land adjacent to Trusthorpe Pumping Station

The Clerk reported that the land and chip shop adjacent to the Woldgrift outfall and Trusthorpe pumping station had recently been put on the market at an asking price of £80,000. This piece of land would be vital to the Board for any further development of the Trusthorpe pumping station/Woldgrift outfall. The District Valuer would be employed to value the land on behalf of the Board.

RESOLVED

- (a) that a sub-committee be formed to negotiate the purchase of land adjacent to Trusthorpe Pumping Station,
- (b) that the Chairman, Vice-Chairman, Mr D.R. Tagg, Cllrs S.W. Eyre and R.B. Shields be

appointed to that sub-committee.

#### 8. PLANT AND COMPENSATION COMMITTEE MINUTES

The Clerk presented the attached minutes of the meeting held on 28th October 2009.

The Director of Operations reported that he had met with officers from the Environment Agency and had offered the Board's assistance with desilting the Great and Long Eau rivers. The Environment Agency had been informed of the Board's concern that the work would only be carried out up to the confluence; negotiations continued. Members were pleased to note that the Environment Agency hoped to bring forward the desilting of the Woldgrift and this would hopefully be carried out by the Board's workforce.

Cllr R.B. Shields queried whether cleaning out the Woldgrift would cause problems further downstream as the water would get to Trusthorpe pumping station quicker. The Engineer confirmed that the impact of the work would be assessed but stated that the desilting work would free up the outfalls and reduce overtopping. The Engineer stated that it would be easier to deal with the water at the pumping station than dealing with overtopping upstream.

RESOLVED

that the recommendations made by the Plant and Compensation Committee at the meeting held on 28th September 2009 be approved.

#### 9. STAFFING AND RESOURCES MINUTES

RESOLVED

that the recommendations made by the Staffing and Resources Committee at the meeting held on 26th October 2009 be approved.

#### 10. MEETING DATES

##### 10:1 Board Meetings

After discussion it was RESOLVED

that the 2010 Board meetings be held at 2.00 p.m. on 26th January, 30th March, 25th May, 27th July, 28th September, 30th November (annual general meeting) and 7th December (special meeting to consider estimates).

##### 10:2 2009 Estimates Meeting

Members were reminded that a special meeting to consider the estimates of income and expenditure would be held on 8th December 2009 following a tour of the Board's area.

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#### 11. APPOINTMENTS TO COMMITTEES

##### 11:1 Plant and Compensation Committee

The Clerk reported that the Plant and Compensation Committee had delegated authority to approve plant purchases within the budget set by the Board. The Committee would also consider

compensation rates annually and make a recommendation to the Board.

RESOLVED

that the Chairman, Vice-Chairman, G. Billings, T.H. Heys, R.H. Needham, P.W. Pridgeon, Cllrs S.W. Eyre and R.J. Palmer be appointed to the Plant and Compensation Committee for the ensuing year.

11:2 Staffing and Resources Committee

The Clerk reported that the Staffing and Resources Committee would consider all matters relating to personnel and administration and would make recommendations to the Board.

The Clerk stated that he would be asking the Staffing and Resources Committee to elect a small sub-committee to review the performance and salary of the new Chief Executive.

RESOLVED

that the Chairman, Vice-Chairman, Messrs G. Billings, G. Crust, P.W. Pridgeon, D.R. Tagg, Cllrs G.M. Gooding, and R.B. Shields be appointed to the Staffing and Resources Committee for the ensuing year.

11:3 Standards Committee

The Clerk reported that the Standards Committee had been formed to deal with any complaints regarding the conduct of members and the Committee had delegated authority to conduct an investigation and, if necessary, a hearing. If a member was found to be in breach of the Board's Code of Conduct, the Committee would also have the authority to impose sanctions.

It was noted that a member would have the right of appeal and members, therefore, agreed that the Chairman of the Board should not be a member of the Standards Committee as he may have to hear the appeal.

The Clerk reported that the Committee was also responsible for ensuring that the Board's Code of Conduct was adequate and up to date, recommending any changes to the Board for approval. The Committee would also make recommendations regarding training for members.

RESOLVED

that the Vice-Chairman, Messrs G. Crust, R.H. Needham, Cllrs C. Finch, and R.J. Palmer be appointed to the Standards Committee for the ensuing year.

12. DRAINAGE RATES AND SPECIAL LEVIES

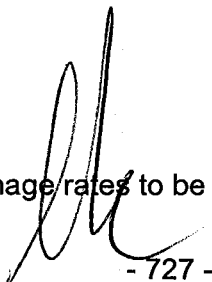
12:1 Rate Collection

The Clerk reported that rates and special levies outstanding at 11th November 2009 totalled £783,243,85. Reminders regarding second instalment payments had been posted on 16th October 2009.

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12:2 Write-Offs

The attached schedule of drainage rates to be written off was presented.



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RESOLVED

that the drainage rates detailed on the attached schedule totalling £228.95 be written off.

12:3 Attendance at Magistrates' and County Court

The Land Drainage Act required the Board to make a resolution authorising an officer to institute or defend on its behalf the proceedings relating to a drainage rate, or to appear on its behalf in any proceedings before a magistrates' court for the issue of a liability order for failure to pay a drainage rate.

RESOLVED

that the Clerk and Chief Executive (Mr Andrew McGill) be appointed to act on behalf of the Board in the Magistrates' in any proceedings relating to drainage rates.

13. CASH RESERVES AND INVESTMENTS

13:1 Investment of Surplus Moneys

The Director of Finance reported that balances were invested as follows:

Barclays Current	£193,080.48	at 0.10%	
Abbey PLC	£354,587.40	at 3.20%	12 months from 3rd September
Beverley Building Society	£400,000.00	at 1.75%	
Alliance and Leicester	£4,089.96	at 0.08%	
Petty cash	£255.27		
<b>TOTAL INVESTED</b>	<b>£952,013.11</b>		

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13:2 External Borrowing

The Director of Finance 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	£400,000.00	20 years	8.125%	£151,232.73
28th July 1997	£500,000.00	15 years	7.25%	£124,234.34
1st September 2005	£240,000.00	15 years	4.3%	£183,291.47
8th September 2005	£250,000.00	15 years	4.25%	£190,755.86
		<b>TOTAL OUTSTANDING</b>		<b>£649,514.40</b>

He further reported that the following loan was outstanding with Caterpillar Finance:

<i>Date Commenced</i>	<i>Amount Borrowed</i>	<i>Period of Loan</i>	<i>Interest Rate</i>	<i>Balance Outstanding</i>
10th February 2009	£38,042.75	three years	3.15%	£29,217.23

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### 13:3 Change of Bank Account Signatories

The Clerk reported that it would be necessary to change the signatories on the Board's bank accounts from 1st February 2010 to reflect the staff changes.

RESOLVED

that with effect from 1st February 2010 the retiring Clerk and Chief Executive, Mr Colin Hinchcliffe, be deleted as signatory on the Board's bank account and that the the new Clerk and Chief Executive, Mr Andrew McGill, be added.

### 13:4 Audit of Accounts 2009/10

The Clerk presented the attached audit report prepared by the Board's internal auditor, G.P. Internal Audit Services, for the financial year 1st April 2008 to 31st March 2009.

RESOLVED

that the attached annual audit report be noted.

## 14. COMPENSATION CLAIMS

The Engineer reported that 87 compensation payments totalling £12,772.70 had been paid since the last Board meeting in accordance with the Board's approved rates.

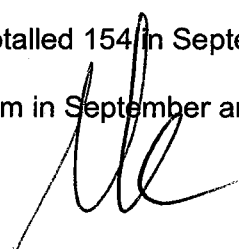
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## 15. WORKS SUPERVISOR'S REPORT

The Engineer presented the following report on works undertaken since the last Board meeting:

- (a) Flailing had been undertaken on 550,738 metres of watercourse.
- (b) Culverting works had been undertaken at Mablethorpe, South Somercotes and Chapel St Leonards; a total length of 223 metres.
- (c) Five private jobs had been undertaken and recharged.
- (d) Pump running hours totalled 154 in September and 334 in October.
- (h) Rainfall averaged 20mm in September and 62.3mm in October.

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16. PLANNING APPLICATIONS

Councillor G. Crust declared an interest in planning application number S090/2110/4 and left the meeting whilst this agenda item was discussed.

Cllr S.W. Eyre declared an interest.

The Engineer reported that 18 planning applications had been dealt with under delegated authority since the last Board meeting. No objections had been made.

*Cllr D.G. Andrews left the meeting.*

17. BYELAW APPLICATIONS

17:1 Consents Granted Under Delegated Authority

The Engineer reported that consent had been granted for the following under delegated authority:

B053-2009 Lincolnshire County Council - construction of replacement culvert within the Board maintained Partney Beck at national grid reference 42022 66933 in the parish of Ashby by Partney.

B056-2009 Mr and Mrs P. Walker - construction of surface water outfall into the Board maintained West Drain from development at Kingston Cottage, Station Road in the parish of Theddlethorpe (national grid reference TF 47062 88721).

B058-2009 Lincolnshire County Council - increase of surface water flow into the Board maintained Town Lane Drain Branch from car park extension at Mablethorpe Primary School (national grid reference TF 50032 84840).

B059-2009 Mr J. Lowes - increase of surface water flow into the Board maintained Croft Hill Drain from development at 1 St Margarets Close in the parish of Huttoft (national grid reference TF 51059 76469).

B062-2009 East Lindsey District Council - increase of surface water flow into the Board maintained Seacroft Railway Drain from extension to clubhouse at the War Memorial Playing Field, Wainfleet Road in the parish of Skegness (national grid reference TF 55499 63116).

B063-2009 Mr K.R. Janney - construction of surface water outfall into the Board maintained Firsby Sewer from an agricultural building at Eastfield Farm, Eastfield Road in the parish of Firsby (national grid reference TF 45463 64438).

B065-2009 National Grid - installation of replacement gas main within eight metres but no closer than five metres of the Board maintained Wedlands Drain along Skegness Road in the parish of Burgh le Marsh (between national grid references TF 51063 64825 and TF 51383 64753).

B066-2009 Ellis Bros (Contractors) Ltd - increase of surface water flow into the Board maintained Seacroft Railway Drain from development south of Hassall Road in the parish of Skegness (national grid reference 55417 62629).

B067-2009 Lincolnshire Wildlife Trust - construction of timber stockade in O.S. field number 0067 within eight metres of the Board maintained East Mar Drain, off Sea View in the

parish of Saltfleetby St Clement (national grid reference TF 46264 92268). Consent was subject to the applicant agreeing to remove the fence at no cost to the Board should the Board require access to the watercourse from this side.

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17:2 Byelaw Contravention - Skirbeck Drain Branch No. 2, Maltby le Marsh - Don Amott Caravans

The Engineer reported that further investigation had revealed that the concrete bases were on the same footprint as the caravan bases. The situation had, therefore, been formalised by the issue of a new consent.

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17:3 Byelaw Contravention - Cocking Pit Drain, Chapel St Leonards - Mr O'Leary

The Engineer had received a response from Mr O'Leary (the occupier of the property) who stated that he had purchased the property in August 2008 and the shed was already in existence at that time. A dilapidated fence situated on the landward side of the gabions was replaced by Mr O'Leary with the new decking and balustrade 18 inches further forward.

RESOLVED

that retrospective consent be granted to Mr P. O'Leary of 40 Acacia Avenue, Chapel St Leonards to retain the decking, balustrade and the shed within eight metres of the Cocking Pit Drain subject to:

- (a) a deed of indemnity being completed at Mr O'Leary's expense, protecting the Board from damage to and from the decking, balustrade and shed,
- (b) agreement that the offending structures would be removed within seven days should the Board require access and in an emergency the Board would have the right to go in immediately and clear the site, all at no cost to the Board, and
- (c) the Board's interest in the property being noted with the Land Registry.

17:4 Byelaw Contravention - Catchwater Drain, Burgh le Marsh - Stamford Homes

The Engineer confirmed that he had met with Stamford Homes and the development would proceed in accordance with the resolution made by the Board at its last meeting. The development contribution for the site had also been paid.

RESOLVED

17:5 Byelaw Application - Catchwater Drain, Burgh le Marsh - Mrs C. Sherriff

The Engineer reported that application had been made by agents acting for Mrs C. Sheriff to replace a conservatory at the above property with a lounge and study.

In 1998 the Board had granted consent to Mr T.J. Scott to construct a conservatory and ornamental wall within eight metre but no closer than five metres of the bank top of the Board maintained Catchwater Drain. In 2007 Mr Scott had sold the bungalow to Mrs C. Sheriff and a deed of indemnity was prepared for the construction of a patio and ornamental wall within eight metres but no closer than 1.83 metres of the watercourse.

