

**AT A MEETING of the  
NORTH EAST LINDSEY DRAINAGE BOARD  
held at the AMETHYST HOTEL, EAST HALTON  
on TUESDAY 3<sup>rd</sup> February 2015**

**Present      *Elected Members* :**

Julian Hargreaves (Chairman), Lionel Grooby  
(Vice-Chairman),  
John Dodds, John Finch, Philip Hoyes, Ian Pickersgill, Kit Read,  
Ted Shepherd and George Turner

***Council Appointees* :**

**North East Lincolnshire Council -**

Councillors Iain Colquhoun, Jane Hyldon-King, Bill Parkinson  
and Terry Thurogood

**North Lincolnshire Council -**

Councillor Peter Clark

**1                    APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillors Tim Mickleborough  
and Ron Shepherd.

**2                    MINUTES**

The Minutes (as circulated) of the Annual Meeting of the Board held on the  
4<sup>th</sup> November 2014 were approved and signed by the Chairman.

### 3 RATES AND FINANCE

The Clerk reported that the position as at the 21<sup>st</sup> January 2015 was as follows :

#### (a) Collections -

##### (i) Rate Income :

Rate Income totalled £491,390 which represented some 93% of the rate levied.

##### (ii) Other Income :

|                                 |                                       |          |
|---------------------------------|---------------------------------------|----------|
| Environment Agency<br>44,643-00 | - Highland Water Claim 2013/14        |          |
| Northern Electric<br>4-60       | - Wayleave                            |          |
| Able UK Ltd                     | - Consultants Fees re Temporary Works | 3,830-00 |
| Npower<br>815-90                | - Refund - Immingham P.S.             |          |
| Environment Agency              | - Balance of 2012/13 Highland Water   | 20-00    |
| Able UK                         | - Consultants Fees re Temporary Works | 497-55   |

#### (b) Financial Statement -

|                                  |   |            |
|----------------------------------|---|------------|
| General Account                  | £ | 1,604-65   |
| Disbursement Account<br>2,766-35 | £ |            |
| Active Saver Account             | £ | 214,204-71 |
| Barclays (Conoco) Account        | £ | 278,638-53 |

#### (c) Accounts Paid

The accounts paid net of VAT (23<sup>rd</sup> October 2014, cheque No. 102691 to 21<sup>st</sup> January 2015, cheque No. 102729) together with direct payments totalling £222,801-54 were considered by the Board. The Clerk's action in drawing orders on the Boards Bankers in respect of the amounts paid was approved.

**(d) Amounts Irrecoverable**

The following amounts are required to be written off in the Board's accounts for the reasons stated.

| <u>Parish</u> | <u>Amount</u>   | <u>Reason</u>  |
|---------------|-----------------|--|
| Goxhill 1089  | £ 29.63         | New occupiers found but legally can recover current and last preceding rate. £29.63 relates to arrears pre 2013/14 |
| Goxhill 1009  | £ 122.24        | Land developed   |
| Goxhill 1057A | £ <u>102.04</u> | Assessment duplicated  |
|               | £ <u>253.91</u> |  |

**RESOLVED** that the foregoing amounts be written off as irrecoverable in the Board's accounts.

#### 4. TO LEVY RATE FOR 2015/2016

The Clerk presented his estimates of Income and Expenditure for the year ending 31<sup>st</sup> March 2016 (See Appendix 'A') and asked the Board to approve a rate of 3.71p in the £, the same as last year.

After due consideration it was **RESOLVED** unanimously.

- (a) that a rate of 3.71pence in the £ be levied.
- (b) that the proportion of their expenditure to be raised by the drainage rates in respect of agricultural land and by Special Levies on local authorities are 4.9% and 95.1% respectively.
- (c) that the proportion between local charging authorities and the amounts raised by the Special Levies are set out against the special levies for each charging authority ; and
- (d) to make the Drainage Rates and Special Levies set out below and that the Common Seal of the Board be affixed to the Drainage Rates and Special Levies Certificate.

#### **DRAINAGE RATES**

|                                   | <b>£</b> |                       |
|-----------------------------------|----------|-----------------------|
| New Works and Improvements        | -        |                       |
| Precept - Environment Agency      | 163,000  | (1.23p)               |
| Maintenance Works                 | 228,437  | (1.72p)               |
| Administration and Other Expenses | 101,604  | (0.76p)               |
|                                   | <hr/>    |                       |
|                                   | <b>£</b> | <b><u>493,041</u></b> |

#### **SPECIAL LEVIES**

|                                 |   |            |          |
|---------------------------------|---|------------|----------|
| North East Lincolnshire Council | £ | 353,665-32 | (71.68%) |
| North Lincolnshire Council      | £ | 114,485-99 | (23.21%) |
| West Lindsey District Council   | £ | 1,028-93   | (0.21%)  |

## **5 AUDIT OF ACCOUNTS 2013/14**

The Clerk referred to the last meeting when it was reported that Littlejohns (Agents for the Audit Commission) had stated in their 2013/14 Audit Report that the Board were unable to provide evidence to demonstrate that:

- (a) It had reviewed the effectiveness of internal control arrangements ; and
- (b) that risk management had been considered by those charged with governance during the year.

The Internal Auditor (Bob Peyton) and the Clerk had prepared the Risk Management Draft Policy and a Statement of Internal Control (See Appendix 'B') and these had been circulated to Members prior to the meeting.

**RESOLVED that the Risk Management Policy and Statement of Internal Controls be approved and adopted by the Board and reviewed in January 2018.**

## **6 CLERK OF THE BOARD**

The Clerk stated that whilst preparing the Risk Management Policy one item required special attention.

The Board was very dependent on a small staff and in the event of long term illness or retirement it was considered essential that the Board had arrangements in place both for the short and long term.

**RESOLVED that a sub-committee comprising of the Chairman, Vice-Chairman and the Clerk be appointed to consider the options and report back to the Board with their recommendations.**

The Clerk stated that the Information Governance framework set out the way organisations handle information, in particular, the personal data relating to our ratepayers and employees. The framework determined how we collect and store data and specified how it was used, when it could be shared, and how long information was kept.

Information must be downloaded from computers to memory sticks which must be kept in a secure place and after seven years records destroyed. In the case of paper records these must be shredded by a company on the Information Commissioners Office approved list and a certificate issued to the organisation confirming that this had been done.

I attended a meeting of Drainage Boards and Lincolnshire County Council set out the requirements and offered to carry out a check of systems that Boards have in place. Lindsey Marsh Drainage Board have already engaged the Council to review the procedures of their Board.

Non compliance could result in a hefty fine being imposed by the ICO and since 2012 they have collected fines in excess of £4½ million.

Members considered that as the Board is a relatively small authority with few staff there was little danger of non-compliance but the Clerk was asked to review procedures and report thereon at the next meeting. The Members also considered that we await the outcome of system checks with other larger Lincolnshire Boards before taking any further action.

## **8 KILLINGHOLME MARSHES - Associated British Ports**

The Chairman referred to the last meeting when it was reported that the Government Inquiry into the two petitions lodged by ABP against the Able development had been dismissed and this appeared to give the go-ahead for Able to proceed with the development of their Marine Energy Park.

ABP still had the option to ask for a Judicial Review and they have recently announced that they would be submitting an application for this to be carried out. In a statement John Fitzgerald the Humber Ports Director stated *“Regrettably the Able Development Consent Order allows for the compulsory purchase of the Port of Immingham’s last remaining undeveloped land with access to deep water. ABP wishes to use this site to develop as a major fuel product import facility.”*

ABP have now submitted their request and a High Judge will decide whether or not there was a case to answer.

The Judicial Review would be against the Secretary of State and not Able. It was a challenge to the way a decision has been reached rather than the rights and wrongs of the conclusion. It’s main purpose was that in reaching the decision the right procedures had been followed and that all the submissions submitted at the planning application stage had been properly addressed.

**RESOLVED that the present position be noted.**

## **9 ROSPER ROAD PITS**

The Clerk reported as follows:

### **(a) Environment Agency**

The Agency had now agreed to transfer the actual pits (17 acres) to the Board but insist on retaining the 8 acres at the north east corner of the site as mitigation for coastal squeeze.

The Agency had now instructed their solicitors to proceed with the transfer.

### **(b) Associated British Ports**

On the 12<sup>th</sup> January Tom Jeynes telephoned and stated that ABP were happy to proceed with a joint conservation project on the area that would be in the Board's ownership.

Once the transfer was complete details of the project and financial arrangements would be discussed.

In order to comply with Natural England's requirements the Management Agreement must be for a minimum of 99 years. This should not be a problem for the Board providing that we incorporate a clause in the Agreement whereby the Board reserve the right to carry out works in the Pits as a result of drainage requirements in the future. ABP would then enter the Agreement at their own risk.

**RESOLVED that in principle the Board raise no objections to a 99 year lease subject to the reservations detailed above being included within the Agreement.**



## **10 EAST HALTON SKITTER - Environment Agency**

The Chairman reported that the de-silting of the outfall had now been satisfactorily completed by Humber Workboats on behalf of the Environment Agency.

A meeting of the group was held at the Amethyst Hotel on the 15<sup>th</sup> January and as Mark Adams, the Agency's Senior Coastal Advisor on Flood Risk Management parties with interests in the Humber were invited.

Matters discussed included siltation of outfalls, managed realignment and main river maintenance. It was agreed that Mark Adams and our Clerk would liaise with a view to setting up a Working Group.

## **11 EEL PASSES**

The Clerk stated that at a meeting held on the 13<sup>th</sup> May 2014 it was reported that the Environment Agency had identified Medium Priority Pumping Stations where eel passes would be required. Within our district Little Buck Beck and Mawmbridge had been included.

The requirements for the two stations would be assessed by the Agency during the financial year 2015/16 and the cost of this work would be some £6,000. This sum had been included in the Rate Estimates but it was hoped that the cost would be recovered from DEFRA.

## **12 MIDBY DRAIN, BARROW UPON HUMBER**

The Clerk stated that back in 2003 DEFRA identified watercourses to be classified as “Critical Watercourses” and as such transferred to the Environment Agency. Many watercourses under the Board’s jurisdiction were identified but following a review this was reduced to three:

New Cut Drain, Grimsby  
Midby Drain, Barrow  
Drain 1C, Waltham

The New Cut drain was duly transferred on the 1<sup>st</sup> April 2004 but the other two watercourses were identified as Public Drains under the Enclosures Act. In 2006 the Agency agreed that these would be transferred but under a different enmaining process.

Following the 2007 floods we wrote to the Agency on the 16<sup>th</sup> August 2007 stating that the transfer had still not taken place and during the recent rainfall events flooding of property occurred. Although this was not directly attributable to Midby Drain, nevertheless, we may all come under some criticism that the transfer had not taken place.

A response from the Agency dated the 24<sup>th</sup> August 2007 stated that they had hoped to carry out the enmaining of the Board’s watercourses and others in the Anglian Region. The matter had, however, now been passed to their National Team with a view to the transfers being carried out on a national basis.

Nothing more has been heard on the matter.

The Chairman has expressed concerns at the position regarding the difficulty of the maintenance on Midby Drain and considered that the Environment Agency should progress with the transfer as soon as possible and in view of the major works carried out by North Lincolnshire Council they should be made aware of the Board’s concerns as to future maintenance.

The Clerk had written to the Agency setting out our position and concerns and a response was awaited.

**RESOLVED that the position be noted.**

### **13 PLANNING PROCEDURE**

The Clerk stated that the Department of Communities and Local Government have issued a paper on the proposed changes to Statutory Consultee arrangements for planning applications.

They proposed to make Lead Local Flood Authorities (Councils) as a Statutory Consultee in relation to surface water drainage but this is automatically limited to major developments. Drainage Boards had not been included in the paper as a Statutory Consultee.

After consulting all Boards ADA have made a response on the consultation document as follows:

1. Drainage Boards must be included as a Statutory Consultee for all applications within their districts.
2. The Statutory Consultee role must apply to all planning applications and not limited to major developments. Without strong planning controls to manage surface water drainage in smaller developments there is a risk that cumulatively the large number of developments below the threshold will lead to increased surface water and sewer flooding. The argument that over-consultation and the administrative burden on local authorities in dealing with planning applications is not accepted.

It was considered that both Lead Local Flood Authorities (Councils) and Drainage Boards should be Statutory Consultees on all development that raises surface water or other local flood risk issues. This may include issues with groundwater or proximity to a watercourse.

**RESOLVED that the present unsatisfactory position be noted and that the Board be kept informed of developments in this matter.**

## **14 WREN LIVING - Planning Application**

The Clerk reported that a planning application has been submitted by Wren Living on land at Falklands Way, Barton (formerly Kimberly Clark).

The development included 300 houses, 50 bedroom hotel, nursery, small supermarket, 11 fishing lodges and 11.4 hectares of open space.

North Lincolnshire Council have been informed: “That a development of this size will require major infrastructure improvements in order to accept the surface water flows into the open drainage system. The developer must consult with the Board at a very early stage to agree an acceptable way forward and a written consent issued prior to site works commencing.”

The above comments must be included as a condition of any planning approval.”

The matter had been discussed with the Environment Agency and they would be supporting the Board’s comments.

## **15 CONSERVATION MATTERS**

Lionel Grooby reported that so far it had been a very kind winter for wildlife with a lot of birds at Far Ings.

Natural England had paid for the Trust to engage contractors to cut back reeds at Killingholme Haven Wader Pits where they were encroaching onto the mud area. The Pits were an important habitat for wading birds and the area would now be sprayed in order to regain the mud. The Board’s Supervisor, Darren Scott had assisted in managing water levels.

The same contractor had agreed to cut a path through to Rosper Road Pools at no cost to the Board but we would be invoiced for removing a hedge along the drain bank as this strip would be required for future maintenance.

## **16 ADA CONFERENCE - 10<sup>th</sup> November 2014**

The Board were represented at the Conference by Lionel Grooby, Iain Colquhoun, Peter Mills and the Clerk.

Iain Colquhoun considered it very important that the Board continued to have a good representation at the Conference as the networking with other Boards throughout the day was invaluable.

## **17 PLANNING APPLICATIONS**

A schedule of planning application and replies were circulated to all Members and approved.

## **18 DATE OF NEXT MEETING**

The next meeting of the Board was fixed for Tuesday 12<sup>th</sup> May 2015 (2.30pm) at the Amethyst Hotel, East Halton.

## **19 ANY OTHER BUSINESS**

The Clerk stated that ADA's Chief Executive would be retiring on the 31<sup>st</sup> March 2015 and the Chairman, Henry Cator had written to all Boards requesting a small contribution to her retirement present.

**RESOLVED** that the Board donate £20 towards Jean Venables retirement gift.

There being no further business the meeting closed at 4.15pm.

*Chairman*