

# 1. Governance

## 1.1 Declaration of Interest

Board Members are advised to declare a pecuniary or non-pecuniary interest on any item in the Agenda.

## 1.2 Apologies for Absence

## 1.3 Chair's Announcements

## 1.4 Minutes of the meeting held on 25 January 2023

Members Present	12.5.2021	24.11.2021	26.01.2022	15.06.2022	23.11.2022	25.01.2023
Paul Andrews PA	-	A	✓	✓	-	✓
Christy Bolderson CB	✓	-	✓	✓	✓	A
Sebastian Bowen SB	✓	A	✓	A	-	-
John Cawley JC	✓	A	✓	✓	-	-
Zita Chilman ZC	✓	A	✓	✓	✓	✓
Richard Corbett RC	A	A	✓	A	-	✓
Malcolm Davies MD	✓	✓	✓	✓	✓	✓
Noorissa Davies ND	✓	✓	A	✓	A	A
Nic Eynon NE	A	-	-	✓	✓	A
John Hardwick JH	✓	✓	✓	✓	-	✓
John Harrington JHa	A	-	✓	✓	-	A
James Hereford JHe	✓	A	✓	✓	✓	✓
Peter Jinman PJ	✓	-	✓	A	✓	A
James Makin JM	A	A	✓	✓	-	✓
Tony Mitcheson TM	✓	✓	✓	✓		
Roger Phillips RP	A	✓	A	A	-	A
Charles Pudge Vice Chair	✓	✓	✓	✓	✓	✓
John Stone JS	A	A	✓	✓	-	-
David Summers DS	✓	✓	✓	✓	✓	✓
Elissa Swinglehurst Chair	✓	✓	✓	✓	✓	✓

### In attendance on behalf of JBA Consulting

Officer: Craig Benson  
Anne-Clare Landolt  
David Blake

Clerk  
Engineer  
Finance Officer

### Members of the Public in Attendance

Martin Knight

River Lugg Canoe Club

### Declaration of Interest

**2023.1** None.

### Apologies for Absence

**2023.2** Apologies were received from Christy Balderson, Noorissa Davies, Nic Enyon, John Harrington, Peter Jinman and Roger Phillips.

### Chair's Announcements

**2023.3** The Chair had no announcements to be made but advised that there was a member of the public present and that he wished to ask a question of the Board. The Chair felt it was important to have a standing Agenda Item on all future meetings to give the public opportunities to speak to the Board. The Clerk confirmed that this would be addressed.

### Public Forum/Question's

**2023.4** Mr Knight introduced himself as the Chairman of the River Lugg Canoe Club and informed members of the issues that they have faced with regard to the extent of weed (floating) in the River. After listening to his concerns, he was advised that maintenance of the River Lugg falls with the Environment Agency and that he should direct his concerns to them.

**2023.5** Minutes of the meeting held on 23 November 2022 were considered. Chair proposed, vice-Chair seconded and members approved as a true and correct record.

### Matters arising not discussed elsewhere on Agenda

**2023.6** 2022.73 - The FO confirmed that the cost of issuing the solicitor's letter to the outstanding debtors was £270 (£15 per letter) and that the cost to pursue the debts to court was £600. The Board, under present legislation, can only recover £70 court costs plus interest on the amount outstanding.

### Complaints/FOI/EIR requests

**2023.7** None received. The Clerk did report on two issues that were currently being dealt with that may result in a formal complaint being submitted by the ratepayers if they were not satisfied with the outcome.

### CLERK REPORT

**2023.8** Policy – Clerk advised Members that following the consultation stage and final issue of the revised national Flood and Coastal Erosion Risk Management Strategy the Board's Policy Statement and Risk Register had been updated to reflect the new guidance. Both documents had been reviewed and commented on by Christy Bolderson, whose input was gratefully received, and were now presented to the Board for formal approval. **Approval proposed by Chair, seconded MD, All Members in agreement.**

**2023.9** Environment Agency–The Clerk confirmed that the link in the meeting papers would allow members to review the Flood Risk Management Plan that covered the Board's district.

### FINANCIAL REPORT

**2023.10** Rating Report – FO advised the balance outstanding was £7,196 and related to 9 accounts. Steps were being taken to recover the debt.

**2023.11** Proposed Rate Removals – FO informed members of the need to write off £166.47 of uncollectable drainage rate arrears. Current rates were being collected on the land. **Vice Chair proposed that the amount be written off, this was seconded by the Chair and approved by members.**

**2023.12** Internal Audit – For Note.

**2023.13** Rates and Special Levies for the Year Ending 31 March 2024

The Board considered an Estimate of Income and Expenditure for the year ending 31st March



2024, copies of which had been previously circulated to members.

FO reviewed the forecast out turn figures with the current year's budget and then took members through the estimates for the following financial year. The FO was recommending an 8.5p penny rate. Following discussions, **the Vice Chairman proposed an 8.5p rate, this was seconded by the Chair and approved by all members.**

In accordance with Section 37 of the Land Drainage Act, the Board determined that aggregate annual value of chargeable properties in the district on the aggregate value of all other land in the district as at 31st December 2022 for the financial year beginning 1st April 2023 as follows:

- a) Aggregate annual value of chargeable properties £ 1,639,875
- b) Aggregate value of all other land £ 1,072,317

It was agreed that for the purpose of defraying costs, charges and expenses etc. incurred by the Board under the Land Drainage Act 1991 for the period 1st April 2023 to 31st March 2024, and in pursuance of the Internal Drainage Board (Finance) Regulations 1992, that the Board make a drainage rate for their district in respect of agricultural land and agricultural buildings and a Special Levy as follows:-

The amount of the Board's expenses to be met by drainage rates was £91,154 by way of a drainage rate of 8.5p in the £ on the basis of the annual value of agricultural land and agricultural buildings in the district.

The amount of the Board's expenses to be met by Special Levies was: -  
Herefordshire County Council £ 140,206

The Chair and Clerk were authorised to seal the rate and the Special Levy on the Local Authority in accordance with the Act and the Finance Regulations.

The Clerk, or their representatives, were authorised to negotiate and carry out proceedings for the recovery of any rates unpaid.

Members agreed that if additional expenditure is required above the agreed budget, it is taken from balances

**2023.14** 5 Year Budget Estimate- The FO talked members through the 5-year budget estimate. This allows members to see the direction of travel and the expenditure levels expected for the next 5 years the effect this had on the rate and reserve level.

**2023.15** Schedule of Payments - Approval proposed by ES, seconded by MD and approved by members.

**2023.16** Banking Arrangements – FO updated members to the options that were available to the Board and circulated further information at the meeting that compared those options. **ZC proposed that the Board should move to Lloyds online for Business banking platform. This was seconded by PA and approved by members.**

## ENGINEERS REPORT

**2023.17** Eng. advised the report was for information with the following updates:

**2023.18** Maintained Ordinary Watercourses – Eng. Confirmed 93% of flailing programme has been completed along with 31% of the spraying. There add been a number of additional maintenance works undertaken and there were more works to be completed (weather permitting)



before the end of March. The total watercourse maintenance cost for the year was expected to be in the region of £140k which is under budget.

It was noted that Wellington village had not flooded this year following on from the maintenance works undertaken. Members were advised by JM that the construction of the three attenuation ponds upstream near Canon Pyon had started.

**2023.19 2023/24 Maintenance Schedule** – The draft schedule was noted by members.

**2023.20 Other matters** – Engineer confirmed that the complaint about Newbridge Brook had been withdrawn

**2023.21 Partnership Meetings** – The Eng. Confirmed that she had attended the first NFM steering group organised by Herefordshire Council in relation to the Herefordshire Natural Flood Management Project which included a NFM Construction Grant Scheme. There was a role for the Board in terms of highlighting this scheme to ratepayers/landowners within the district and linking any interested parties to the project catchment advisors.

**2023.22 Planning** – DS advised the Eng. Of the changes taking place within Herefordshire Council planning department. He recommended that the Eng. should make contact with Tracey Coleman at the Council to keep abreast of the changes.

**2023.23 LDA 1991 Section 21-25 and 66 Breaches** – Wellington Brook Railway Culvert- Eng. confirmed that a meeting with Railtrack had been planned to discuss the issue with the alleged silt build up around the structure.

Honeylake Brook – Members noted the issues with respect to the dispute between the landowners following the creation of a flood bank by one of them.

**2023.24 Maintenance Contractor** – The Eng. informed members of the discussions she has had with the contractor during the current year's maintenance programme and the issues that they have encountered. The Contractor is of the opinion that the spraying of the watercourses could not be carried out using a quad mounted sprayer and hand lance as the contract stated. They have stated that it could not be done in an environmentally acceptable way and would result in blanket spraying of all the vegetation with the watercourse and not just the weeds being targeted. The spraying they did complete in 2022 was all done by operatives walking along the edge or in the watercourse with a knapsack and handheld device. Due to this change in method, the contractor has submitted a new rate for consideration by the Board, for undertaking the spraying on foot. The rate per metre had more than doubled. Members expressed their concern over this issue and noted that the previous maintenance contractor had used a quad and hand lance to spray the watercourses and no issues had been reported by them or the previous Eng. The Chair commented that she would like to see a reduction in the amount of spraying the Board undertook on an annual basis. The Vice Chair could not accept a rate increase, DA queried if this amounted to a breach of contract between the contractor and the Board. RC stated that the contractor should have completed "due diligence" before they submitted their tender and therefore honour the rates submitted and complete all the spraying for the tendered costs.

It was agreed to arrange a site visit with the contractor, Eng. and Board Members to review the stated method of spraying in the contract, quad and hand lance, and to determine

1. If it is possible to spray the watercourses using the method stated in the contract and
2. If not, is the rate increase acceptable as the contractor will be using a different method.

It was also agreed to seek legal opinion with regard to the contract between the contractor and the Board and specifically,

1. Option of removing the spraying element from the contract and awarding that element to a third party

2. The Contractor has submitted tendered rates and therefore should undertake works for the price proposed.
3. Terminate the Contract and appoint a third party to undertake the works.

The Eng. then informed members of the issue with regard to the Brashing work that the contractor was having to complete to enable access to the watercourses. It was noted that the Board could request that the riparian owners could undertake more of this work. The contract allows for clearing the channel to allow conveyance and not removing of overhanging branches.

It was agreed that the Brashing work was not to be undertaken until the Board had received the legal opinion around the contract.

## **HEALTH, SAFETY AND WELLBEING**

**2023.25** Information noted.

## **ENVIRONMENTAL ADVISER'S REPORT**

**2023.26** FO confirmed the report was for note, stating that the ecologist would be attending the ADA Environmental Day that was being held this week.

## **Any Other Business**

**2023.27** None.

28/6/23 

## **Date of Next Meeting**

**2023.28** 14 June 2023. This meeting would include a site visit. Information will be circulated to members once a suitable site and meeting venue has been arranged.

## **1.5 Matters Arising not elsewhere on the Agenda**