

Minutes of the Axe Brue Full Board Meeting Held at Bradbury House, Market Street, Highbridge
Tuesday 13 June 2017 at 10:30hrs **Chairman: Mr Jeff Fear**

1	Attendance and Apologies: Mr Steven Hellard, Solicitor Sedgemoor District Council and Mr Tony Bradford, Vice Chairman Parrett IDB were welcomed to the meeting; respectively agenda items 5 & 6. Apologies as per register appended.	Action
2	Items additional to the agenda: Cllr Gilling expressed apologies for non-attendance at the recent Policy, Finance and Governance meeting and gratitude to Mr Tratt for chairing the meeting.	
3	Declarations of interest: Cllr A Gilling (AG) – all matters relating to planning and Ashford Solicitors.	
4	Opportunity for the public to address the meeting: None present	
The Chairman brought forward agenda item 6 Governance Review Report		
6	<p>Governance Review Report: Mr Bradford advised that he recently met with N Gupta Wessex Area Manager, Environment Agency (EA) and D Jenkins Chair, Wessex Regional Flood and Coastal Committee (WRFCC) where discussion included the National Audit Report and IDB Board membership sizes. The Boards are being scrutinized nationally and it is strongly recommended that we become a more efficient, professional body; membership should be reduced to 21-25 per Board or consideration given to amalgamation. A draft report has been produced by the Clerk, to focus principally on Board membership size and attendance. However concerns have been expressed by Defra about Board practices as well as conflicts of interest and codes of conduct. A timetable of events has been requested from the IDBs for review at the WRFCC July meeting.</p> <p>Discussion was held with the following points of note (this list is not exhaustive):</p> <ul style="list-style-type: none"> • Concern was expressed for the formation of a timetable as senior officer impending vacancies will require effective replacement without interruption. • Fear that the governance process resulting in reconstitution of Boards is being rushed through without adequate time for due consideration. • The timetable would need to reflect that elected members are volunteers. • IDB members have good local knowledge. <p>WRFCC and ADA will assist with facilitation of change, if required. N Stevens (NWS) briefed members on the draft report that has been prepared in response to a request from WRFCC. Parrett IDB members have reviewed the report and have proposed the formation of a joint Task and Finish Group (T&F) of five members from each Board to negotiate actions for the governance review. T Bradford recommended D Jenkins be invited to Chair T&F meetings.</p> <p>Proposed R Adlam, Seconded W Welland ‘that the Axe Brue IDB forms a Task and Finish Group with the Parrett IDB of five members from each Board to review and consider the governance review prepared by the Clerk.’ Vote: unanimous RESOLUTION 1</p> <p>It was agreed that the governance review would be emailed to all members. Consideration of membership to the T&F would be at the end of this meeting.</p>	<p>RES 1</p> <p>C-AP</p>
5	<p>IDB Governance: Mr Steven Hellard, Sedgemoor District Council Solicitor, Deputy Monitoring Officer and Company Secretary, addressed members on good governance in decision making, highlighting member’s Code of Conduct (CoC) and Register of Member’s Interests (RMI) , as well as legislative requirements regarding declaration of interest and the implications of non-declaration in-line with transparency and public perception. Concern was expressed that Board members may be open to criticism and challenge under current practices.</p> <p>ADA has produced new model documents that are similar to local authority registers, although the provision is still available for the Chairman to decide the level of participation/voting rights of members. The model documents are silent on sanctions for non-compliance, however some IDB’s have created sanctions; the Axe Brue may consider to adopt a process for investigation of complaints of breach, removal from a committee, request an apology, requesting appointing council to consider whether the member should continue to represent it, publicising findings.</p> <p>In answer to a question Mr Hellard confirmed that CoC and RMI are not a breach of human rights or freedom of speech.</p> <p>It was agreed that should the documents be adopted, the Assistant Clerk would assist with completion, where necessary, and provide plans of land holdings within the Board area for full disclosure. Councillor appointed members would not be required to complete the forms as these are duly signed and published by their own regulatory authority.</p> <p>Completed Register of Member’s Interests would be published on the Board’s website.</p> <p>Proposed A Chidgey, Seconded J Frost ‘that the Axe Brue IDB adopt the ADA model Code of Conduct and Register of Member’s Interests and give future consideration to sanctions for non-compliance of the documents.’ Vote: unanimous RESOLUTION 2</p>	<p>C-AP</p> <p>C-AP</p> <p>RES 2</p>

	Mr Hellard stated that he would be willing to provide future training for member's if required. Mr Hellard was thanked for attending and providing an informative presentation.	
7	Finance Report: S Gee (SMG) briefed members on the enclosed reports and statements.	
7a	Draft Finance and Governance meeting minutes 23 May 2017 for information only; duly noted.	
7d (i)	It was agreed to discuss Item 7d Annual Return 2017 Section 1 at this time: (Appended Enc 4) Members gave consideration to the first eight statements and agreed to the Policy, Finance & Governance Sub Committee (PFG) recommendation of affirmative answers for the first eight statements on Section 1 Annual Governance Statement 2016/17. Proposed Cllr A Gilling, Seconded J Healey 'that the Axe Brue IDB answer YES to the first eight statements on Section 1 of the Annual Governance Statement 2016/17.' Vote: unanimous RESOLUTION 3 The report was duly signed by the Chairman and Responsible Finance Officer.	RES 3
7b	Annual Accounts to year end 31 March 2017: (Appended Enc 2) Full consideration was given to the annual accounts, as recommended by the PFG Sub Committee. In response to a question on the legal requirement of reserves, SMG stated that Defra recommendation is 25%-50% of annual turnover. The Board retained balance includes funds raised previously for schemes not yet completed or undertaken. Proposed Cllr A Gilling, Seconded A Franks 'that the Axe Brue IDB approves the Axe Brue IDB annual accounts for year ending 31 March 2016 as submitted.' Vote: unanimous RESOLUTION 4	RES 4
7c	SDBC Accounts to year end 31 March 2017: (Appended Enc 3) Full consideration was given to the SDBC annual accounts as recommended by PFG, with SMG advising that expenditure is approx. 20% higher than budget, due to increase in costs due to additional staff i.e. full time Development Control Officer, two apprentices and Asset Inspector. However the additional staff costs are offset by an increase in income due to employment costs recharged to North Somerset IDB and SRA. Proposed W Welland, Seconded H Case 'that the Axe Brue IDB approves the Somerset Drainage Board Consortium accounts for year end 31 March 2017 as submitted.' Vote: unanimous RESOLUTION 5	RES 5
7d (ii)	Annual Return 2017 Section 2: (Appended Enc 4) members considered the Annual Return Section 2 accounting statements and concluded that they were in-line with the approved annual accounts as recommended by PFG. Proposed Cllr A Gilling, Seconded Cllr L Scott 'that the Axe Brue IDB approves the Annual Return 2017 Section 2 accounting statements.' Vote: unanimous RESOLUTION 6 It was agreed that the South West Audit Partnership (SWAP) internal audit report be presented at the next PFG meeting. The internal audit opinion recognised some weaknesses however these do not affect the audit return.	RES 6
8	Engineering Report: (Appended Enc 5) the report provided was taken as read with following points of note:	
8a	Maintenance Works:	
6.3	Lympsham pumping station: M Wall (MSW) advised that quotes to undertake further improvement works had been received: Kenny Gordon £4,220, J D Pope & Son Ltd £6,750 and Spratt Plant Hire £8,020. Kenny Gordon has previously undertaken minor works to a satisfactory standard. Proposed D Tratt, Seconded N Lukins 'that the Axe Brue IDB appoint Kenny Gordon to undertake improvement works to New Rhyne extension culvert north of Church Lane at a cost of £4220.' Vote: unanimous RESOLUTION 7	RES 7
7.1	Mark Desilting Works: (as report) the landowners are not satisfied with the outcome of the Brue Catchment meeting of 25 April 2017 and have corresponded with the Brue Catchment current and previous Chairmen. It was agreed that a further site visit would be convened in the near future to discuss arisings and reinstatement. Members to attend with officers and the Chairman are R Adlam, N Lukins, P Thorne and M Watts.	MSW
7.2	Unconsented Works: Crown Inn, East Huntspill Greenway & Cote Rhyne: a request to the site owner to remove the three storage containers has not been successful, therefore formal notice is to be issued. The Land Drainage Act 1991 identifies that noncompliance of a Notice would allow the Board to prosecute, undertake the work themselves and recover the costs or both. If the Board undertakes the work then recovery of costs would be possible via our normal debt recovery procedures in Magistrate's Court, however there is a risk associated with any legal action. It was suggested that assistance may be available from other Bodies. Officers endeavor to act in a reasonable manner throughout the process. It is understood that SDC are not seeking to enforce through the planning process at this time.	
7.3	Northwater Outfall (R.O.F outfall into the Huntspill River) Agency structure: A Chidgey and N Lukins declared an interest in this item and did not participate in the voting procedure, although the Chair permitted participation in the discussion. EA have requested clarification as to whether one or both doors require replacement as remedial	

- works. Members discussed benefits of one or both doors being replaced with split leaf doors.
- Proposed Cllr P Costello, Seconded M Watts ‘that the Axe Brue IDB requests the Environment Agency replace the twin outlet doors at Northwater Outfall with twin split leaf doors as an interim arrangement until more substantial works can be secured.’ Vote: unanimous**
- REESOLUTION 8**
- 8.1 Conver Silt Pump works at Queen’s Sedgemoor and Catcott:** the silt pump reportedly worked very well and the local landowner was satisfied with the results.
- 9.3 Pint Pot Cottage, Ivydown Ditch, Biddisham:** no update at this time. J Lukins recommended handwork is undertaken in this area to enable weed control. It was agreed to await legal advice.
- 11.1.5 Landcourse Rhyne Tilting Weir:** the total cost of improvement works should read £922 not £9,220.
- 11.2.2 Woolavington Stoning Pound Rhyne, R.O.F fishing Ponds:** it was noted that the operation agreement permits the IDB to operate the weir if necessary and that if the Fishing Club do not operate the structure satisfactorily the agreement can be rescinded.
- 11.2.4 Tootle Bridge, Barton St David:** it was reported to officers that the old penstock structure at Mill House is leaking. It was agreed that the area manager would investigate and notify the EA, for the riparian owner to be advised accordingly.
- 11.3.2 Church Road, East Brent:** As report however members were advised that the base flow will continue along the existing pipe and the new pipe is for additional flow.
- Bleadon Sluice:** the EA have advised that it is understood that the Bristol Water scheme has been re-rendered, however the EA remain committed to working with all parties involved to ensure the scheme happens.
- 8b Improvement Works Programme:** not discussed
- 8c Development Control:** (Appended Enc 6) Ref 924 App No: 52/16/00016 Erection of replacement cricket pavilion, New Road, West Huntspill: it was stated that the application is to be re-submitted as plans were incorrect.
- Ref 871 App No: 2016/1836 Erection of commercial unit. Bartlett Ind Estate, Godney Rd, Glastonbury: concern was expressed for the order of proceedings on site and trees being planted adjacent a watercourse. Officers advised that this application is not a land drainage consent application at this stage and that Mendip District Council is responsible for the planning application on this site, and advice would be sought from the Board’s Development Control Officer. Cllr McKenzie agreed to seek an update from MDC planning officers.
- M Watts declared an interest in this application.
- 9 Additional Full Board meeting to consider election matters:** (Appended Enc 7) The Clerk advised that an additional has not been arranged as a request for agenda items by the Clerk had not been received from the member requesting the additional meeting. Legal advice has been received from Ashford’s solicitors regarding the election of Chairman; it was considered that the process was reasonable and conducted in a correct manner as per Standing Orders.
- Proxy Voting:** A recommendation from PFG was that the Axe Brue IDB does not use proxy voting at future meetings.
- R Adlam stated that he felt the IDB was not open, actions had not been acted upon and that minutes were manipulated and not specific. Following the request from members for draft minutes to be disseminated within ten days, they had always been disseminated late.
- The Clerk and Assistant Clerk took exception to the comment of manipulation of minutes.
- It was explained that minutes, where possible, were disseminated to members within fourteen days as agreed at the January full Board meeting for both the Axe Brue and Parrett Boards. January 2017 full Board minutes (appended) had not been disseminated to all members as Mr Watts had demanded a verbatim transcript and digital recording of the election discussion and inclusion of statements by the Clerk. Amended minutes were sent to Mr Watts for approval prior to general dissemination, however despite repeated requests no agreement was received. The updated minutes provided to Mr Watts are those appended within the meeting pack.
- It is unreasonable for officers to provide verbatim transcripts of meetings that can last in excess of three hours.
- Minutes are a narrative record of business transacted at a meeting and must comply with legal and procedural requirements. The minutes are kept brief and record decisions with a summary of reasons for the decision. Minutes and decisions recorded therein are not manipulated and are approved by the Board at the next meeting. Minutes are made available for the internal and external audit process.
- 10 Policy: Infilling of Urban Watercourses – recommendation to adopt Ref. section 4.5:** (Appended Enc 8) consideration was given to the joint policy paper, approved by the Parrett IDB November 2016. Members were advised that this policy relates to urban areas due to the large number of riparian watercourses being fenced or infilled, with those sections becoming detached from the drainage

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	system resulting in swales. Proposed Cllr R McKenzie, Seconded N Lukins ‘that the Axe Brue IDB adopts option 4.5 for infilling of urban watercourses when controlling works proposed on historic ordinary watercourses in urban areas – Apply its powers to consenting all applications and enforcing on all unconsented activity to prevent any further infilling of ditches or swales where they meet the definition of a watercourse but allowing culverting of urban ditches and swales due to their potential but probably limited drainage benefit.’ Vote: 22 For, 2 Against, 1 Abstain – motion carried RESOLUTION 9	RES 9
11	SDBC Management Committee membership – representation from P, F&G Committee: the Parrett IDB have recommend the PFG Chairman sit on the SDBC Management committee. Officers highlighted that the Axe Brue committee currently has no appointed members; current membership: R Adlam, C Ainge, J Fear, A Franks, J Lukins, M Wall and M Watts. Members considered that committee members with non-attendance may be prepared to stand aside to enable the PFG Chairman to join the committee. Proposed M Watts, Seconded N Lukins ‘that the Clerk contact C Ainge to discuss membership of the Somerset Drainage Boards Consortium Management Committee with a view to standing down to enable the Chairman of the Axe Brue Policy Finance and Governance sub-committee currently Cllr A Gilling to take office within said committee.’ Vote: unanimous RESOLUTION 10	RES 10 NWS
12	Annual tour of Board district: Cllr Gilling advised that SDC appointed members have been invited to a meeting which will include a presentation from the IDB. Members concurred that an annual tour of the district to view scheduled and completed works would be preferred in late July/early August. Members were encouraged to contact C-A Porter with recommended venues.	C-AP
13 13a	Somerset Rivers Authority Update: As set out in the SRA memorandum of Understanding, chair/vice chair of the SRA Board were due for election in June. It is understood that the SRA Chairman does not need to be a Somerset County Councillor. SRA Chairman’s expenses were questioned, however it is not known what level of expenses, if any, are paid. It was agreed that IDB SRA members would convene to discuss SRA Chairmanship, to submit a recommendation to the SRA.	
13b	The SRA Board agrees a programme of works; Brue catchment works, including desilting of the main rivers will be reviewed via paper submission to the SRA Technical, Management and Board meetings. SRA Scrutiny Panel: Delegates attending the SRA Scrutiny Panel in February were D Tratt, Axe Brue and J Taylor, Parrett. D Tratt indicated that he was prepared to remain the Board’s representative. Proposed J Lukins, Seconded J Healey ‘that David Tratt will act as the Axe Brue IDB representative at future SRA Strategy Board meetings.’ Vote: unanimous RESOLUTION 11 Task & Finish Group: (TFG) consideration was given to representation on TFG as agreed at Item 6, Resolution 1; as the group would be considering future Governance it was agreed appropriate representation would be Chairman, Vice Chairman, one elected and two appointed members, with reserves of one elected and one appointed member. Proposed J Lukins, Seconded D Watts ‘that the Axe Brue IDB forms a joint Task and Finish Group with the Parrett IDB to review and consider a governance review with five members being the Axe Brue Chairman, Vice Chairman, one elected and two appointed members.’ Vote Unanimous RESOLUTION 12	RES 11 RES 12
	Axe Brue Membership: J Fear, R Adlam, D Tratt, Cllr A Gilling and Cllr R Keen. Axe Brue Reserves: W Welland and Cllr L Scott.	
14	Minutes of the Full Board meeting held on 08 November 2016 and 31 January 2017: (Appended Enc 9) Minutes 08 November 2016: having previously been circulated the minutes were signed by the Chairman as a true and correct record of the meeting held. Minutes 31 January 2017: having previously been circulated the minutes were signed by the Chairman as a true and correct record of the meeting held.	
14 a	Axe Catchment Tenders meeting 21 March 2017 (Appended Enc 9a) For information only	
14b	Axe Catchment meeting 18 April 2017 (Appended Enc 9b) For information only	
14c	Brue Catchment meeting 10 April 2017 (Appended Enc 9c) For information only	
14d	Brue Catchment meeting 25 April 2017 (Appended Enc 9d) For information only	

- 14e Coastal Catchment meeting 02 May 2017** (Appended Enc 9e) For information only
- 14f Church Road Tender Award Committee** (Appended Enc 9f) For information only
- 15 Matters Arising: 08 November 2016:** Potters Rhyne sluice, Mark Moor has been lifted and the rhyne has no water. It was agreed MS Wall would investigate.
31 January 2017: Item 8: J Lukins and Cllr Scott have now been added to the Axe Brue PFG committee.
- 16 Date of next Board meeting:**
- | | |
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| Axe Catchment | 29 August 2017 |
| Brue Catchment | 05 September 2017 |
| Policy, Finance & Governance | 03 October 2017 |
| Coastal Catchment | 10 October 2017 |
| Full Board | 17 October 2017 |

The Chairman thanked members and officers for their attendance and the meeting was closed at 13.20 hrs.

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CHAIRMAN

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DATE