

MINUTES OF THE AXE BRUE FULL BOARD MEETING HELD VIA ZOOM ON 16 OCT 2020

Attendance:			
Elected Members: Mr R Adlam (Chair) Mr B Clapp Mr J Fear Mr A Franks Mr N Lukins Mrs P Thorne Mr D Tratt Mr M Watts Mrs W Welland	Appointed Members: Cllr P Clayton Cllr A Gilling Cllr M Martin Cllr A Matthews Cllr M Murphy Cllr C Riches Cllr L Scott	Officers: Mr R Burge (Clerk) Mrs C-A Morgan Mrs M Hammond Mr I Sturdy Mr M S Wall Mr P Brewin Mr P Struck Mr S Bunn	Public: Ms T Munt
Approved Apologies:			
Mr M E Wall	Cllr P Costello Mr R Keen		
Non-Approved Apologies:			
Mr C Durston Mr R Stitch	Cllr N Cottle Cllr A Hendry Cllr W Human Cllr J Woodman		

Agenda Item:	Detail:	Action:
1. Attendance and Apologies	1.1. Apologies as per the above Attendance List.	
2. Items additional to the Agenda	<p>2.1. Mr R Adlam, Chairman: Bank slip at Lewis Drove, Westhay.</p> <p>2.2. Cllr L Scott: NE paper regarding EA reporting of pollutants.</p> <p>2.3. Cllr L Scott: Will the IDB respond to the recent Government White Paper. It was agreed this matter would be discussed out of Meeting to enable the Clerk to gather more details.</p> <p>2.4. Cllr A Gilling: Section 106 Notices were not being released due to high levels of phosphates and nitrates in the ground – possible European Directive.</p> <p>New Action AB/20201016-01: Clerk took an Action to meet with Cllrs A Gilling and M Martin to understand Section 106 Notices and raise an extraordinary full Board Meeting if necessary.</p>	New Action: AB/20201016-01: Clerk

3. Declarations of Interest	<p>3.1. Cllr A Gilling – any and all matters relating to Ashford’s Solicitors and Mr Hicks, Diamond Farm compensation claim.</p> <p>3.2. Members were reminded to express their interests as necessary through the Meeting.</p>	
4. Approval of Minutes	4.1. The Full Board Minutes of 22 Jun 20 were accepted unanimously and signed by the Chair as a true and accurate reflection of the Meeting.	
5. Matters Arising	<p><u>Review of Actions</u></p> <p>Action AB/20180624-01: Clerk to produce a Report to identify annual works and expenditure for consideration at a future meeting: The Clerk reported this was aligned with the Strategic Review of Plant, Machinery & Manpower and that the Task & Finish Group had been delayed due to Covid-19.</p> <p>Action AB/20180731-01: Members to be advised of the Meeting ref Dog Leg Ditch once known: The Clerk reported this item as a long-standing issue and remained ongoing despite efforts to initiate the Meeting and agreed to maintain the Action as ongoing for tracking purposes. The Chairman requested efforts continue to arrange a Meeting.</p> <p>Action AB/20190425-02: Dir Ops to review Favourable Conditions Project materials with Mr R Adlam, to ensure compliance with project specifications: Dir Ops reported this Action as ongoing, requiring a Site visit to review specific items of concern.</p> <p>Action AB/20200622-01: Dir Ops to convene a site Meeting at Greenway & Cote Rhyne to discuss recent de-silting and spoil deposits and to report back to the Full Board: The Clerk reported a Meeting had been held on 06 Jul 20 to review the quality and quantity of spoil. The Meeting unanimously concluded:</p> <ul style="list-style-type: none"> • The quantity of material removed was not considered as ‘excessive’ and was commensurate with what was expected from dredging that had not been conducted in circa 35 years • The quality of material deposited on the banks was considered to be capable of easily breaking down now that the banks had been power - harrowed, rolled and re-seeded, and that the banks should re-establish successfully. 	<p>Action AB/20180624-01: Ongoing</p> <p>Action AB/20180731-01: Ongoing</p> <p>Action AB/20190425-02: Ongoing</p>

	<ul style="list-style-type: none"> The Clerk had written to all Landowners in attendance to report conclusion of the Board (Letters sent on 8 Jul 20), including evidence of 'burden-sharing' <p>The Action was considered closed.</p> <p>Action AB/20200622-02: Dir Ops to provide Brue Dredge progress report to enable discussion out of Meeting: The Clerk reported that SRA Board papers, reporting the Brue Dredge progress report would be forwarded with Minutes of this Meeting.</p> <p>The Action was considered closed.</p> <p>Action AB/20200622-03: Dir Fin to provide detailed remittance advice notes for Board Member travel allowance settlements: The Clerk reported that remittance advice notices were now normal business.</p> <p>The Action was considered closed.</p>	<p>Action AB/20200622-01: Closed</p> <p>Action AB/20200622-02: Closed</p> <p>Action AB/20200622-03: Closed</p>
<p>6. Governance Updates</p>	<p>6.1. <u>Diamond Farm</u>: The Clerk referred to the Board Paper submitted with the Calling Notice and reported that a Compensation Claim had been received from Mr Hicks of Diamond Farm Holiday Park, with respect to damage to a field as a result of the West Rhyne Outfall Construction Works, and requested a compensation payment of £1,500.00.</p> <p><i>Mr D Tratt proposed, seconded by Cllr M Martin “that the Axe Brue IDB endorse payment of compensation to Mr Hicks of Diamond Farm Holiday Park in the sum of £1500.00 with respect to damage to his field as a result of the West Rhyne Outfall Construction Works.”</i></p> <p>Vote: Unanimous (Cllr Gilling did not vote)</p> <p>6.2. <u>New Rhyne, Lympsham</u>: The Clerk reported that, following dredging operations in 2016, evidence of bank slippage was reported by a landowner. The Area Manager had met with the landowner and without accepting liability, agreed to deposit spoil from routine maintenance for bank stabilisation.</p> <p>The Clerk further reported that Mr Wall had corresponded with the landowner to agree this action, without accepting Board liability. However, the landowner has subsequently instructed Land Agents to act as his representatives. Staggs were seeking compensation of their fees.</p> <p>The Clerk recommended a site Meeting to review the bank status and intended actions by the Board, but not to pay compensation as the Board had been corresponding with the land owner successfully to offer</p>	<p>RESOLUTION 1</p>

remedial works. It should be at the Landowners cost if he wished to seek support from his Land Agent.

The Board endorsed the recommendation.

6.3. Strategic Review of Plant, Machinery and Manpower: The Clerk reported:

- Individual Axe Brue, Parrett & NSLIDB T&F Groups had met on 29, 30, 31 July respectively.
- 3 x Chairmen had sat on 6 Aug to discuss outcomes.
- Revised Strategic Review Paper reflecting T&F Group agreements sent to all T&F Group Members 30 Sep 20 for endorsement.
- Strategic Review of Plant, Machinery & Manpower sent in hard-copy to all Axe Brue, Parrett and NSLIDB Board Members for review and deliberation
- Extraordinary Board Meetings (Single Agenda Item) planned for 02 Nov 20.

6.4. Enforcement Action The Clerk provided an update to the current Prosecution Action being taken against a home owner in Grange Paddocks, Mark, for blatant breach of Byelaw 17 (Failure to obtain LDC) and failure to comply with subsequent direction of the Board. The Clerk reported that the Board had been totally reasonable in its actions to prosecute for the offence as this was clearly in the interests of both the Board and the Public and was following clear advice from the Boards' legal services. He further reported that an initial Court date had been postponed due to Covid-19, however the Hearing had been rescheduled a number of times and was currently planned to convene on 20 Oct 20.

6.5. The Clerk reported that engineering works at Pint Pot Cottage to stabilise the banks had been completed successfully and that routine maintenance activities of the Viewed Rhyne had been completed from the paddock with no issues.

6.6. Data Protection Officer The Clerk reported that, for compliance of Internal Audit Action (Finding 1.7 of Development & Control Audit) to enable improvement of compliance with GDPR, the Board should adopt a Data Protection Officer independent of the Boards.

It was agreed the Clerk conduct further research and consider assistance from Somerset County Council.

6.7. Code of Conduct The Clerk brought to the Boards attention the Members' Code of Conduct (including

disclosure of personal interests), endorsed by the Board 22 Jun 20.

- Enforcement Policy had been endorsed by the Board on 22 Jun 20
- The Clerk reported that, unfortunately, there had been a number of occasions where Staff had felt pressurised by some individual Board Members into conducting actions that may not necessarily be in the interest of the Board and therefore potentially against the Members Code of Conduct. This was an unacceptable situation for both Members and Staff who may compromise their position for the personal benefit of others
- A number of Members had not submitted their Register of Interests which included a declaration to abide by the Boards' Members Code of Conduct.
- Failure to submit a Register of Members Interest should be seen as a failure to accept the Code of Conduct.

New Action AB/20201016-02: The Clerk took an Action **To re-issue the Register of Members Interests for signature to those Members not held for return within 28 days.**

**New Action:
AB/20201016-02:
Clerk**

6.8. Board Member Attendance The Clerk reported:

- Land Drainage Act 1991 Schedule 1
 - Charging Authority: Desirability of appointing a person who...has capacity to do so.
- Elected member absent from meetings of the Board for more than six months consecutively, shall, unless absence due to illness or some other reason approved by the Board, vacate his office at the end of that six months.
- Cllr Nick Cottle (MDC) and Cllr John Woodman (SDC) non-attendance since Nov 19 with no apologies (un-approved absence)

Members endorsed a new Action on the Clerk to write to SDC and Mendip DC to raise concerns of Member attendance.

	<p>New Action AB/20201016-03: The Clerk took an Action To formally write to Mendip and Sedgemoor District Councils to express concern for Member non-attendance at Board Meetings.</p>	<p>New Action: AB/20201016-03: Clerk</p>
<p>7. Finance Report</p>	<p>7.1. Director of Finance, as the Responsible Finance Office (RFO), confirmed that the quarterly accounts reconciliation was continuing, signed by a Board Member.</p> <p>7.2. The RFO reported the Bank Account status at 16 Oct 20 as follows:</p> <ul style="list-style-type: none"> • Current account = £40.532 • Deposit account = £995.350 <p>The first Special Levy payments had been received.</p> <p><u>End of Year Report 2019/2020</u></p> <p>7.3. Dir Fin reported the External Auditor, PKF Littlejohn LLP, had reported no matters of concern and closed the audit.</p> <p>7.4. <u>SDBC Accounts</u> Dir Fin provided an overview of the SDBC accounts with the following points of note:</p> <ul style="list-style-type: none"> • Year-End SDBC forecast was a favourable variance approx. of £47k. primarily due to Staff gapping whilst awaiting the Strategic Review to deliver. • Income forecast showed an adverse variance, however and Expenditure favourable variance would off-set this. • I&E Report and Notes to Accounts were accepted 'as read'. <p>7.5. <u>Axe Brue Accounts</u> The RFO provided an overview of the Budget Monitoring Sheet with the following points of note:</p> <ul style="list-style-type: none"> • I&E Report: budget to-date surplus of £713,155, providing a forecast end-of-year surplus of £35,557. • Expenditure variance due to Environment and Schemes providing a favourable variance of £47,155. • I&E Report and Notes to Accounts were accepted 'as read'. 	

	<p>Cllr M Martin requested consideration to the addition of title and page numbers to the reports.</p> <p>7.6. <u>Outstanding Rates</u> The Assistant Clerk reported:</p> <ul style="list-style-type: none"> • Apr 20, 2759 demands issued, value £224,418 • Oct 20, 216 demands outstanding, value £21,631 • First reminder letters issued Jul 20, second reminder letters due end Oct 20. • Court action Liability Order diminimus currently £25, with fees of £101 incurred. <p>7.7. She further reported the Land Drainage Act 1991 allowed recovery of outstanding rates in the same manner as a Local Authority for non-payment of a domestic rate, i.e. Magistrates' Court. This action, whilst securing a Liability Order, was limited on further action for persistent non-payers.</p> <p>New Action AB/20201016-04: The Clerk and Asst Clerk took an Action To provide options for recovery of outstanding rates for persistent non-payers additional to Liability Orders secured at Magistrates' Court.</p>	<p>New Action: AB/20201016-04: Clerk</p>
<p>8. Operations & Maintenance</p>	<p>8.1. The Clerk asked for the Engineering & Operational Report to be taken as read.</p> <p>Questions and points of note as follows:</p> <p>8.2. Mr A Franks (Declared an Interest in Westhay Moor) requested routine maintenance operations in Westhay Moor were brought forward to the summer rather than November.</p> <p>The Clerk expressed concern for changing the programme of routine maintenance which could be seen as benefiting a Board Member unless there was a fully justifiable reason. The current timing of the works were in accordance with the extant Contract let.</p> <p>8.3. <u>Bleadon</u> Mr M Wall (Area Manager) reported invasive weeds were to be sprayed in due course and confirmed there would be no mechanical weed removal.</p> <p>8.4. <u>Contract Revision</u> The Area Manager (AM) reported the current 3-year Brue maintenance contracts were in their final year. He recommended seeking expressions of interest to ascertain the appetite of Contractors to</p>	

<p>undertake revised programmes, to include in-house works.</p> <p>Mr B Clapp expressed concern that condensing the districts may create problems with Contractor availability, long-term effect with having no in-house machinery and completion of handwork.</p> <p>The Clerk reminded Members that the discussion was for current Board practices not the Strategic Review.</p> <p>The Area Manager assured Members that seeking expressions of interest would determine the capacity and appetite of Contractors to subsequently inform the Strategic Review; it would not appoint for delivery of works at this stage.</p> <p>Members endorsed Recommendation 1, to seek expressions of interest from contractors for a revised programme of works to be discussed at an additional Finance & Works Meeting as necessary.</p> <p>8.5. <u>South Drain Back Ditches</u> (Mrs P Thome declared an interest). The Area Manager reported:</p> <ul style="list-style-type: none">• Following the EA's withdrawal of maintenance of the South Drain Back Ditches, there was a necessity to keep these Riparian watercourses annually maintained to ensure existing viewed Rhynes within the Catcott area were provided with a critical drainage route to the South Drain was recognised.• Based on the current tender price of 31p per metre (7511m), to undertake the routine annual maintenance work would cost an additional £2,328.• The area included 5 x improved structures for which liability remained with the EA and daily operation was conducted by the Board. <p><i>Cllr P Clayton proposed, seconded by Mr A Franks "that the Axe Brue IDB endorse taking 7,511m of South Drain Back Ditches Into View at an additional annual cost of £2,328."</i></p> <p>Vote: Unanimous</p> <p>8.6. <u>Allerton & Blackford View</u>: The Area Manager recommended the merging of the areas of Blackford</p>	<p>RESOLUTION 1</p> <p>RESOLUTION 2</p>
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Members endorsed this action, highlighting that this scheme is necessary and should be completed in 21/22.

8.11. Lewis Drove The Clerk reported an emergent flooding situation had arisen in Lewis Drove, Westhay Moor. The Board had historically installed a culvert across Lewis Drove to alleviate flood water. A breach of the bank had occurred on the western Rhyne which was a riparian watercourse owned by EJ Godwins Peat Ltd. The Staff had been instructed by the Chairman to undertake immediate works to alleviate the breach. Emergent works were conducted to isolate either side of the bank breach and retain a flow of water to the North Drain solely via the eastern watercourse. In order to increase the capacity of the eastern Rhyne to take additional water to the North Drain, the culverts that were causing significant restriction of flow had been opened up by the Board to further alleviate the immediate flood risk as a result of the breach. With the initial flood risk actions now complete under the Board's emergency actions, the Clerk recommended that the Board consider options for a long term solution.

8.12. The Chairman (Declared an Interest) reported that:

- EJ Godwins Peat Ltd owner Mr A Rowland was Brother-in-Law and land operative, Mr B Malin was Nephew.
- The east and western Riparian ditches had not yet been cleaned this year.
- Whitemoss peat factory had incurred flooding following the initial IDB emergent works.
- The Chairman strongly criticised the lack of action of the Clerk and Dir Ops, as well as an accusation of threatening behaviour directed towards Godwin Ltd Director and staff.
- Email to Director of Operations stating works must be conducted.
- Telephone call to CEO did not yield expected response.
- Requested assistance of Councillors from Mendip District Council and Somerset County Council as he was concerned the Board was not adequately dealing with the matter
- He had requested the CEO to remove the initial isolation works, thereby allowing flood water to again flow back into the peat pond and suggested the Clerk make an agreement with Godwins to pay compensation for the additional pumping.

- Requested the Board operate in contravention of the Land Drainage Act 1991.

8.13. The Clerk reported that, at a site Meeting at Lewis Drove, the Chairman had instructed himself and other Officers (on speaker phone) to remove the sheet piling that the Board had initially installed to isolate the bank breach and make a 'Gentleman's Agreement' with the landowner to pay compensation for pumping the water. With no immediate flood risk, the Clerk was uncomfortable with course of action as he did not have the authorisation to make such agreement and believed the Board should make an informed decision and act in accordance with the LDA at all times and so as not to misappropriate use of Public Funds, especially where there was a direct Conflict of Interest.

8.14. Mr M Watts reported that Godwins Peat Ltd were meant to re-instate Dog Leg Ditch many years ago but had not completed this and that the Environment Agency were working on the North Drain at the time of the heavy rainfall causing flooding and 2 of 3 EA pumps were inoperable which was a contributing factor to the flooding seen at the Whitemoss Site.

8.15. Dir Ops firmly took exception to the Chairman's directed comments and criticism of his lack of action and reported that he has been actively engaged with landowners to seek a favourable outcome for all. He reminded members that the LDA dictated the obligations and powers of the Board.

He further reported that Godwins had stated they would only take action if it was cost neutral (i.e. allowed to cut remaining peat, outside of their agreement, for commercial sale).

Dir Ops advised on interim measures that could now be taken to maintain the impartiality of the Board and provide the best operation possible while awaiting discussions with the asset owner and partner organisations.

8.16. The Chairman apologised to Dir Ops; Dir Ops refused to accept the apology.

*Cllr M Martin proposed, seconded by Cllr C Riches **"that the Vice-Chair take the matter and the Chairman stand out for the remainder of this item."***

Cllr A Gilling took the Chair.

	<p><i>Cllr M Martin proposed, seconded by Cllr P Clayton</i> “that the Axe Brue IDB convene an urgent site Meeting at Lewis Drove for all members to understand the geography of the area and that an emergent full Board Meeting Chaired by Cllr Gilling is convened shortly thereafter to enable an informed decision of necessary works.”</p> <p>Vote: Unanimous</p> <p>New Action AB/20201016-05: Dir Ops took an Action To convene an urgent site Meeting at Lewis Drove for all Members and convene an emergent full Board Meeting to enable an informed decision of necessary works.</p>	<p>RESOLUTION 6</p> <p>New Action: AB/20201016-05: Dir Ops</p>
9. Somerset Rivers Authority	<p>Mr Adlam returned to the Chair.</p> <p>9.1. River Brue Dredging – as discussed earlier in the Meeting – see Item 8.8. The Clerk reported that Board officers were undertaking preparatory works for the Brue Dredge.</p> <p><i>12.50 Cllr P Clayton left the Meeting</i></p> <p>9.2. Mrs P Thorne reported that the door at Gold Corner was not opened for any period of time to relieve the River Brue via The Cripps and Huntspill rivers.</p> <p>9.3. Mr A Franks reported that three rivers meet east of Westhay and the River Brue cannot convey the amount of water necessary, causing consequences for other Rivers, i.e. River Sheppey.</p> <p>He also expressed concern for Godney and Westhay nature reserve if the River Brue was not dredged.</p> <p>9.4. The Clerk reminded Members that the Boards do not have the resource or capacity to undertake SRA works but the need for Brue Dredging works would continue to be highlighted through the SRA Board.</p>	
10. Risk Review	<p>10.1. The Clerk had distributed the updated Risk Register Dashboard with the Calling notice and provided an overview of the Top Risks.</p>	
11. Any Other Business	<p>No other business was reported.</p>	
12. Date of Next Meeting	<ul style="list-style-type: none"> Emergent Meetings re: Lewis Drove: tbc 	

	<ul style="list-style-type: none"> • Extraordinary Full Board re: Strategic Review: 02 Nov 2020 @ 1030 • Full Board: 01 Feb 2021 @1030 <p>There being no other business, the Chairman thanked Members and Officers for their attendance, and the Meeting was closed at 1258.</p>	
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Annex:

A. Axe Brue Board – Table of Outstanding Actions

CHAIR.....DATE

**ANNEX A TO
AXE BRUE BOARD MINUTES
DATED 16 OCT 2020**

AXE BRUE BOARD – TABLE OF OUTSTANDING ACTIONS

Action Number:	Action:	Actionee:
AB/20180624-01	To produce a Report to identify annual works and expenditure for consideration at a future meeting.	Clerk
AB/20180731-01	Members to be advised of the Meeting ref Dog Leg Ditch once known.	Clerk
AB/20190425-02	To review Favourable Conditions Project materials with Mr R Adlam, to ensure compliance with project specifications.	Dir Ops
AB/20201016-01	To meet with Cllrs A Gilling and M Martin to understand Section 106 Notices and raise an extraordinary full Board Meeting if necessary.	Clerk
AB/20201016-02	To re-issue the Register of Members Interests for signature to those Members not held – return within 28 days.	Clerk
AB/20201016-03	To formally write to Mendip and Sedgemoor District Councils to express concern for Member non-attendance at Board Meetings.	Clerk
AB/20201016-04	To provide options for recovery of outstanding rates for persistent non-payers additional to Liability Orders secured at Magistrates' Court.	Clerk and Asst Clerk
AB/20201016-05	To convene an urgent site Meeting at Lewis Drove for all Members and convene an emergent full Board Meeting to enable an informed decision of necessary works.	Dir Ops