

## MINUTES OF THE AXE BRUE FULL BOARD MEETING HELD VIA ZOOM ON 01 FEB 21

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

<b>Agenda Item:</b>	<b>Detail:</b>	<b>Action:</b>
1. Attendance and Apologies	1.1. Apologies as per the above Attendance List.	
2. Voting of Chairman	<p>2.1. The Clerk opened this item commenting that, as informed within the Calling Notice, there was a requirement to elect a new Chairman of the Board and sought confirmation from Members that they were content for him to lead proceedings in this matter. With no pre-defined process to follow, the Members unanimously agreed that any voting should be conducted in the manner of a 'secret ballot'.</p> <p>2.2. Nominations were presented as:</p> <ul style="list-style-type: none"> <li>•Cllr Gilling, Proposed by Jeff Fear and Seconded by Roger Keen.</li> <li>•Cllr Martin, Proposed by Bob Clapp and Seconded by Maurice Wall.</li> </ul>	

Each Board is a statutory public body with responsibilities for flood protection, land drainage and the environment.  
All are members of the Association of Drainage Authorities.

	<p>A secret ballot was held via a process of utilisation of the Chat function on Zoom and by direct phone call to the Clerk.</p> <p>2.3. As a result of the Ballot, Cllr Gilling was elected as the Chairman of the Axe Brue Board until the end of the current Election Period.</p> <p>2.4. As a result of Cllr Gilling taking the Chairmanship, this opened-up the position for the role of Vice-Chairman.</p> <p>2.5. Nominations were presented as:</p> <ul style="list-style-type: none"> <li>•Cllr Matt Martin, Proposed by Bob Clapp and Seconded by Martin Watts.</li> <li>•Mr Jeff Fear, Proposed by Maurice Wall and Seconded by Wendy Welland.</li> <li>•Mr Roger Keen, Proposed by Polly Costello and Seconded by Peter Clayton.</li> </ul> <p>A secret ballot was again held via a process of utilisation of the Chat function on Zoom and by direct phone call to the Clerk.</p> <p>2.6. As a result of the Poll, Mr Jeff Fear was elected as the Vice-Chairman of the Axe Brue Board until the end of the current Election Period.</p>	
<p>3. Items additional to the Agenda</p>	<p>3.1. Maurice Wall questioned the recent communication received from Mr Adlam and asked how the matter would be dealt with.</p> <p>3.2. Cllr M Martin requested confirmation that all members had received, and had read the content. Cllr Riches and Mr Lukins commented that they had not and so it was agreed to discuss this further at AOB.</p>	
<p>4. Declarations of Interest</p>	<p>4.1. Mr Watts specifically commented that he currently supplied a number of Contractors with building materials.</p>	
<p>5. Opportunity for Members of the Public to address the Meeting</p>	<p>5.1. There were no Members of the Public present at the Meeting.</p>	

<p>6. Approval of Minutes</p>	<p>6.1. The following Full Board Minutes of:</p> <ul style="list-style-type: none"> <li>• 16 Oct 20</li> <li>• 29 Oct 20</li> <li>• 30 Oct 20</li> <li>• 02 Nov 20</li> </ul> <p>were all accepted unanimously and signed by the Chair as a true and accurate reflection of the Meetings.</p> <p>6.2. During this item, Mr Clapp requested assurance from previous statements that the Axe Brue Plant &amp; Machinery would not be sold prior to the end of this Financial Year (FY2020/2021). The Clerk assured the Board that it would not be sold prior to Apr 2021.</p> <p>6.3. Mr Clapp also asked if it would be wise to extend the length of contracts from 3 years from 5 years. Mr Sturdy reported that extending Contracts from 3 years to 5 years was an 'Option' under a variation of the standard terms of the NEC3 Contracts and provided flexibility to negotiate with the Contractors if considered necessary but was wary of creating a 'closed-shop' to the exclusion of other Contractors and competition. Mr Sturdy also commented that a wide range of Contractors were offered to submit Expressions of Interest for the Works and that the Contracts would take into account all works that would be required to be conducted.</p> <p>6.4. Following a question from Mr M Watts, Mr Sturdy confirmed that the Contracts recently tendered included all works required to cover the current in-house workforce areas and included a call-off processes for any additional works.</p> <p>6.5. The full detail of the Tenders would be presented at Agenda Item 11.</p>	
<p>7. Matters Arising</p>	<p><u>Review of Actions</u></p> <p><b>Action AB/20180624-01: Clerk to produce a Report to identify annual works and expenditure for consideration at a future meeting:</b> The Clerk reported this action was aligned with the Strategic Review of Plant, Machinery &amp; Manpower and was now complete.</p> <p><b>Action AB/20180731-01: Members to be advised of the Meeting ref Dog Leg Ditch once known:</b> The Clerk considered this item could be closed as it was now overtaken-by-events with the issues now being followed-up by subsequent actions as a result of the Lewis Drove</p>	<p><b>Action AB/20180624-01: Closed</b></p> <p><b>Action AB/20180731-01: Closed</b></p>

	<p>incident of Oct 20. And Mr Sturdy had met on site with Godwins representatives on 10<sup>th</sup> December</p> <p><b>Action AB/20190425-02: Dir Ops to review Favourable Conditions Project materials with Mr R Adlam, to ensure compliance with project specifications:</b> Dir Ops considered this Action as complete having reviewed the quality of the timber materials used in the manufacture of the gateways throughout the area and that the wear and tear of the materials used was that expected nearly 10 years after installation.</p> <p><b>Action AB/20201016-01: Clerk to meet with Cllrs A Gilling and M Martin to understand Section 106 Notices and raise an extraordinary full Board Meeting if necessary:</b> The Clerk reported that he had spoken with Cllr Gilling and he was hoping to meet with both Cllr Gilling &amp; Cllr Martin to better understand the issue on Phosphate level constraints on the planning Authorities and what the implication were on the Axe Brue Board.</p> <p><b>Action AB/20201016-02: Clerk to re-issue the Register of Members Interests for signature by those Members not-held and return within 28 days:</b> The Clerk reported that this action was ongoing whilst awaiting the final returns due to problems with changes to Members email addresses which were not held by the office.</p> <p>Following a question raised by Mr Watts on whether Officers had completed their Declarations of Interest, the Clerk commented that the Board's Officers currently do not have a 'Declaration of Interests' as the issue is clearly covered under other policy documentation and the Staff Handbook.</p> <p><b>Action 20201016-03: Clerk to formally write to Mendip and Sedgemoor District Councils to express concern for Member non-attendance at Board meetings.</b> The Clerk reported this Action as complete but the Board were still awaiting a formal response.</p> <p><b>Action 20201016-4: The Clerk &amp; Ass't Clerk to provide Options for the recovery of outstanding rates for persistent non-payers additional to Liability Orders secured at Magistrates Court.</b> The Clerk commented that this action was being discussed as a Joint Board issue through the SDBC Management Committee as it was equally applicable to the other Boards of the Consortium and would be reported back in due course.</p>	<p><b>Action AB/20190425-02: Closed</b></p> <p><b>Action AB/20201016-01: Ongoing</b></p> <p><b>Action AB/20201016-02: Ongoing</b></p> <p><b>Action AB/20201016-03: Closed</b></p> <p><b>Action AB/20201016-04: Ongoing</b></p>
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	<p><b>Action 20201016-05: Dir Ops 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:</b> The Clerk reported this Action as complete, culminating in the Extraordinary Board meeting of 29 Oct 2020.</p> <p><b>Action 20201016-06: Assistant Clerk to include SDC Democratic Services to the Axe Brue IDB Calling Notice Mailing List:</b> The Clerk reported this action as complete, having sent the Democratic Services Officer full details of all Meetings within the forthcoming year.</p> <p><i>(Mr Fear left the Meeting at 11:28 due to a requirement to attend a close-family funeral)</i></p>	<p><b>Action AB/20201016-05: Closed</b></p> <p><b>Action AB/20201016-05: Closed</b></p>
<p>8. Health &amp; Safety</p>	<p>8.1. The Clerk reported one Near Miss having occurred since the last Meetings of the Board – the Axe Brue Area Manager having slipped on a bank whilst attempting to operate a damaged water level management structure. This incident had been analysed as being a failure to interpret Risk sufficiently and actions taken to enable lesson to be identified.</p> <p>8.2. The Clerk reported that the Health &amp; Safety sub-Committee (Joint Board), membership of which was represented by:</p> <ul style="list-style-type: none"> <li>• Mr Noel Lukins</li> <li>• Mr Roger Keen</li> <li>• Cllr Charlie Riches</li> </ul> <p>was due to have met on 11 Dec 20 but was postponed due to an emergent clash with the SRA Board Meeting. He reported the meeting as being re-scheduled for Fri 28 Feb at 10:30, which was included on the revised Annual Meetings Calendar sent to all Board Members.</p> <p>8.3. Following a comment from Mr Clapp, the Clerk and Dir Ops re-iterated that, despite employing Contractors, the Board still retained a Duty of Care to ensure that all Board Contractors have the necessary Risk Assessments and Method Statements in-place as part of the Contract and operate in compliance with them through a process of active-monitoring by Staff.</p> <p>8.4. Following a question from Mr Wall, Dir Ops commented that the Staff and Members should raise any specific issues or concerns with regards to Contractor equipment being unfit for purpose and this should be, again, complemented by active-monitoring. He requested any concerns be passed to the SDBC Staff for targeted investigation.</p>	

<p>9. Governance Updates</p>	<p><u>Vacancy of Elected Membership of the Board:</u></p> <p>9.1. The Clerk reported that there was a current Vacancy on the Board for a Member to represent the Westhay to Glastonbury District. Under the LDA Part III, if a vacancy occurs before the end of the election term, the Board are to conduct an election for a replacement. He reported that this process, which is covered in more detail under the Land Drainage Election Regulations, was very explicit and constrained by specific action and therefore a timeline was being generated by the Clerk and Deputy Clerk which would be presented in detail at the next Meeting of the Board. The Chairman, Cllr Gilling, confirmed that the resignation of Mr Adlam was conducted in accordance with the LDA. in writing, and required no formal endorsement by the Board Members but, as Vice-Chaiman, he had formaly acknowledged receipt of Mr Adlam’s resignation.</p> <p><u>Members Code of Conduct:</u></p> <p>9.2. The Clerk had no further comment.</p> <p><u>Strategic Review of Plant, Machinery and Manpower:</u></p> <p>9.3. The Clerk reported that implementation of the agreements within the Strategic Review was proceeding well, with the priority focussed on Staff Consultations for those impacted by the Review.</p> <p>9.4. Mr Clapp question if there was any intention for redundancies. The Clerk commented that there were no intended redundancies and any Staff impacted were being offered suitable alternative employment with the Consortium.</p> <p>9.5. Mr Clapp raised a concern of the intention that Board Members would lose autonomy of operating structures. The Clerk commented that the aim of the Strategic Review was to be able to manage water levels under control of the Board and that may be through the use of other members or landowners but needed to be understood, documented and shared to enable the sustainability and resilience that the Board required.</p> <p>9.6. Mr Watts questioned the bringing-in of new Staff. The Clerk was clear in stating that, other than the Consent Officer, there were no new Staff being implemented as a result of the Strategic Review. The Apprentices and Technician Posts had already been agreed under previous strategies by the SDBC Management Committee.</p> <p><u>Enforcement Action:</u></p> <p>9.7. The Clerk reported that the current prosecution through the Court with the Breach of Byelaws at Grange Paddock, Mark, was still being processed due to delays</p>	
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	<p>incurred with the judiciary hearings as a result of the COVID pandemic.</p> <p><u>Data Protection Officer</u></p> <p>9.8. The Clerk reported this issue was still being investigated and would be reported at the next Board meeting in April.</p>	
<p>10. Sub-Committee membership Review</p>	<p>10.1. The Clerk summarised the sub-Committee membership and requested Members to fill vacancies resulting from the recent resignation of Mr Adlam.</p> <p>10.2. The following members volunteered and were endorsed to take up the vacant positions:</p> <ul style="list-style-type: none"> <li>• Mr Martin Watt (F&amp;W and SDBC Salaries Committee)</li> <li>• Mr Maurice Wall (SRA Board Member)</li> </ul> <p>10.3. The following is a Summary of current Committee Membership:</p> <ul style="list-style-type: none"> <li>• <u>Axe Brue F&amp;W Committee:</u> <ul style="list-style-type: none"> <li>○ David Tratt</li> <li>○ Pam Thorne</li> <li>○ Maurice wall</li> <li>○ Martin Watts</li> <li>○ Andrew Gilling</li> <li>○ Will Human</li> <li>○ Roger Keen</li> <li>○ Alan Matthews</li> <li>○ Liz Scott</li> </ul> </li> <li>• <u>SDBC Management Committee:</u> <ul style="list-style-type: none"> <li>○ Andrew Gilling</li> <li>○ Jeff Fear</li> <li>○ Pam Thorne</li> <li>○ Wendy Welland</li> <li>○ Peter Clayton</li> <li>○ Alistair Hendry</li> <li>○ Roger Keen</li> </ul> </li> <li>• <u>SDBC Salaries Committee:</u> <ul style="list-style-type: none"> <li>○ Andrew Gilling</li> <li>○ Pam Thorne</li> <li>○ Martin Watt</li> <li>○ Wendy Welland</li> </ul> </li> <li>• <u>Environment Committee:</u> <ul style="list-style-type: none"> <li>○ David Tratt</li> <li>○ Peter Clayton</li> <li>○ Polly Costello</li> </ul> </li> <li>• <u>H&amp;S Committee:</u> <ul style="list-style-type: none"> <li>○ Noel Lukins</li> <li>○ Roger Keen</li> <li>○ Charlie Riches</li> <li>○</li> </ul> </li> </ul>	

<p>11. Engineering &amp; Operational Report</p>	<p><u>In-Year Maintenance:</u></p> <p>11.1. Dir Ops requested that the Engineering &amp; Operations Paper be taken 'as-read' unless there were any questions arising from the Report which included an update on the current in-year maintenance.</p> <p><u>FY21/22 Annual Maintenance Contracts:</u></p> <p>11.2. The Area Manager then took Members through the <i>Brue Catchment Tender Evaluation Summary and Award Recommendation for FY2021-22-23</i> Paper dated 01 Feb 2021. The Tenders included all the work previously undertaken by the Axe Brue Plant Operator, Martin Andrews. All potential Contractors recommended for Contract award were confirmed as being on the Board's Approved Supplier List. Dir Ops commented that the Board are required to comply with the Contract Regulations and its own policies to ensure that we retained sufficient capability and spread the work fairly. The Board were not obliged to take the cheapest quote due to a number of other constraining factors but it was about ensuring the best overall service for the Board whilst being fair and ensuring there was no monopoly that would put the Board at a disadvantage.</p> <p>11.3. The Recommendation in the Operations Report to '<b>Award the Brue Maintenance Contracts as detailed within the Tender Award Recommendation Paper</b>' was Proposed by David Tratt, Seconded by Noel Lukins and voted unanimously by the Board.</p> <p>11.4. Following the recent F&amp;W Committee, Dir Ops reported that the Committee were happy to fund the Lewis Drove Works from Reserves as it was not included within the annual budget. The second Recommendation in the Engineering Report to '<b>Provide Funding for the Lewis Drove works from Reserves</b>' was Proposed by David Tratt, Seconded by Maurice Wall and voted unanimously by the Board.</p> <p>11.5. Following-on from the discussions at the Board Meeting of 16 Oct 20 surrounding the Recommendation within the Area Manager's Board Paper to reduce the Board's Maintenance areas, the Clerk requested a final Resolution '<b>to reduce the Upper Brue Maintenance Areas from 21 to 5, resulting in a total Tender area for the FY2021/2022 maintenance Contracts of 9 in the Axe Brue</b>'. Proposed by Cllr Peter Clayton, Seconded by David Tratt, this recommendation was voted unanimous.</p> <p>11.7. Wendy Welland raised concerns over bank slips at West Rhyne and the development site at Berrow near East Rhyne. The Operations Staff were aware of both issues which were being progressed and agree to keep the board updated in due course.</p> <p>11.8. Regarding Brue Tree Works, Mr Watts questioned why the Board were undertaking the works and not enforcing the landowners to conduct the works</p>	<p>RESOLUTION 1</p> <p>RESOLUTION 2</p> <p>RESOLUTION 3</p>
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	<p>themselves. Dir Ops responded by commenting that the Board conduct works under its permissive powers to make best use of public funds in conducting work that is in the best interest of the public. In this instance, the Board have looked at the wider area and the current tree issues identified on the Board's Viewed Rhyne network which had identified <b>priority</b> issues that significantly affect the ability of water to be conveyed within the channels and therefore are intending to spend public money on the Viewed Rhyne network where it will benefit the wider population. Dir Ops re-iterated that the forthcoming tranche of tree works were on high priority issues that needed to be addressed as a matter of urgency.</p> <p><u>Programme of Works:</u></p> <p>11.9. As per Report.</p>	
<p>12. Finance Report</p>	<p>12.1. Director of Finance, as the Responsible Finance Office (RFO), confirmed that the quarterly accounts reconciliation was complete up to Dec 20, checked and counter-signed by a designated Board Member, Cllr Wil Human.</p> <p>12.2. The RFO commented that, as a recommendation of the Board's Auditors, she wished to inform the Board that, with regards to Assets and Disposals, ther had been one addition of a fixed asset of an Aqua-Plus Package at the cost of of £965.50.</p> <p><u>End of Year Report 2020/2021</u></p> <p>12.3. Dir Fin reported on the Budget Forecast to end of Year Mar 2021. She reported a slight change to the end of year <b>forecast</b> to that on the Board paper of a <b>surplus of £59k</b> due to a forecast change in the Environmental, Telemetry and Repairs &amp; Maintenance spend. She further reported that the 'Free-Reserve' (non-ring-fenced) position would be just over £207k (slightly reduced from £220k) due to the Lewis Drove agreement).</p> <p><u>Proposed Budget for FY2021/2022</u></p> <p>12.4. Dir Fin reported that there was an increase in the 'Consortium Admin Recharge' for next FY as endorsed by the SDBC Management Committee due to the impact of the Strategic Review but this would be offset by savings made within the Boards expenditure due to the direct costs resulting in the movement of Staff into the SDBC as a shared resource.</p> <p>12.5. The other change was in the only raising of £46k this forthcoming year for Project Schemes which would</p>	

	<p>reduce the overall budget from that anticipated last year but expected that the Project Scheme Budget may increase next year (FY2022/2023).</p> <p><u>Setting of the FY2021/2022 Budget.</u></p> <p>12.6. The FY2021/2022 Proposed Budget as presented results in a penny-rate increase of 1.61% to a new Penny rate of <b>8.734</b> pence-in-the-pound; Impact on Local Authority Special Levy would result in the following increases:</p> <ul style="list-style-type: none"> <li>○ SDC - £13,936.63</li> <li>○ NSL - £107.20</li> <li>○ Mendip - £1,869.69</li> </ul> <p>12.7. Dir Fin re-iterated that the Penny Rate may have to increase next year due to the need to raise funds for new Project Schemes. After a further debate, this funds needing to be raised would depend on the capacity of the Staff to deliver and the amount that could be funded from external sources. This was very much unclear at this present time but was subject to further work as Schemes became more clear and prioritised within the 3 year Programme of Works which is a 'Rolling-Programme' so Projects can be delayed into following years if required based on priority.</p> <p>12.8. Peter Clayton Proposed, Seconded by Polly Costello, that <b>'the Penny Rate for FY2021/2022 is increased by 1.61% to 8.734 pence-in-the-pound, to be signed and sealed by the Chairman and the Clerk outside of the Meeting'</b>.</p>	<b>RESOLUTION 4</b>
13. Somerset Rivers Authority	<p>13.1. The Clerk commented that the last SRA Board Meeting was held on 11 Dec 20 and the next scheduled Meeting was 05 Mar 21. Mr Wall would be forwarded the appropriate supporting documentation.</p> <p>13.2. As the Brue Plan had already been discussed within the Engineers &amp; Operations report, there was no further questions at this time.</p>	
14. Risk Review	<p>14.1. The Clerk had distributed the updated Risk Register with the Calling notice and provided an overview of the Top Risks as they stood at the Meeting. He commented that these Risks would be expected to reduce as the mitigations came into effect with the implementation of the Strategic Review.</p>	

<p>15. Any Other Business</p>	<p>15.1. The issue regarding of Mr Adlam’s correspondence was discussed.</p> <p>15.2. In summary of the letter, the Chairman clarified that Mr Adlam was no longer an Elected Member of the Board and he had raised concerns on the process followed by the Board in the run-up to his resignation. The results of the Grievance raised had been briefed at a previous Meeting of the Board and the Board had followed the approved documented Staff Grievance process within the Staff Handbook.</p> <p>15.3. Cllr Human commented that, having been at the Board Meeting of 30 Oct, the results of the Grievance procedure had been fully reported and upheld by the Board. He therefore believed there was no further action required of the Board.</p> <p>15.4. Cllr Riches recommended that a Review of the Board’s Complaints procedure was undertaken to ensure a clear process and understanding was in-place for complaints specifically against Board Members. The Clerk agreed to take an action <b>to review of the Complaints Procedure with regards to complaints against Board Members and report back to the Board.</b></p> <p>15.5. Due to the gaps between Meetings during the COVID Pandemic, Mr Wall requested the potential for a summary or update to negate too much detail being needed at the Meetings. <b>The Clerk took an Action to try and provide a short monthly email update to Members of key issues.</b></p>	<p><b>New Action: AB/20210201-01: Clerk</b></p> <p><b>New Action: AB/20210201-02: Clerk</b></p>
<p>16. Date of Next Meeting</p>	<p>16.1. The Clerk encouraged Members to attend the SDBC AGM which was scheduled for 12 Mar 21 as the Meeting was open to Members across all three Boards of the Consortium and would be discussing the new Draft Watercourse Management Policy as well as other interesting joint-Board topics for which he would very much welcome a range of Member’s comments and views.</p> <ul style="list-style-type: none"> <li>• SDBC AM – Fri 12 Mar 21 @ 1030</li> <li>• Full Board – Fri 16 Apr 21 @ 1030</li> </ul> <p>There being no other business, the Chairman thanked Members and Officers for their attendance, and the Meeting was closed.</p>	

Annex:

A. Axe Brue Board – Table of Outstanding Actions

CHAIR.....DATE .....

**ANNEX A TO  
AXE BRUE BOARD MINUTES  
DATED 01 FEB 2021**

**AXE BRUE BOARD – TABLE OF OUTSTANDING ACTIONS**

Action Number:	Action:	Actionee:
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/20201016-04	To provide options for recovery of outstanding rates for persistent non-payers additional to Liability Orders secured at Magistrates' Court.	Clerk and Deputy Clerk
AB/20210201-01	To review the Complaints Procedure with regards to complaints against Board Members and report back to the Board.	Clerk
AB/20210201-02	To provide a short monthly email update to Members of key issues.	Clerk