

MINUTES OF THE AXE BRUE FULL BOARD MEETING HELD AT BRADBURY HOUSE AND VIA ZOOM ON 31 JAN 22

Attendance:			
Elected Members: Mr B Clapp Mr J Fear Mrs T Munt Mrs P Thorne Mr D Tratt Mr M Watts Mr A Franks Mr N Lukins	Appointed Members: Cllr B Filmer Cllr A Gilling (C) Mr R Keen Cllr M Martin Cllr A Matthews Cllr M Murphy Cllr C Riches Cllr P Clayton	Officers: Mr I Sturdy Mrs M Hammond Mr R King Mr M S Wall Mr P Brewin Mr A Dowden Miss N Cornish	Public: Mr M Higgins
Approved Apologies:			
Mr M E Wall	Cllr J Cousins		
Non-Approved Apologies:			
Mr R Stitch Mrs W Welland Mr C Durston	Cllr M Healey Cllr A Hendry Cllr W Human Cllr L Scott		

Agenda Item:	Detail:	Action:
1. Attendance and Apologies	1.1 Apologies as per the above Attendance List.	
2. Items Additional to the Agenda	2.1. Mrs M Hammond, Dir Fin asked to disuss the Internal Auditors. 2.2. Mrs T Munt would like to discuss planning, enforcement and riparian rights. 2.3. Mr A Dowden, Operations Consultant, asked to talk about Stokemoor Pumping Station. 2.4. Mr A Dowden to discuss a watercourse in Barton St David being brought into view. 2.5. Mr M Watts – Infilling of a watercourse at Harters Hill Farm	
3. Declarations of Interest	3.1. Mr Watts commented he currently supplied a number of Contractors and land owners with building materials. He also registered a personal interest for any matters relating to Mr Attwell. 3.2. Cllr a Gilling declared an interest in any and all matters relating to Ashford's Solicitors.	

	<p>3.3. Mrs T Munt declared she is a Somerset County Councillor. But queried if she had to declare all of her interests at every meeting. IDS advised that Registers of members interests are on the record but that members should further declare any interest if it relates to particular issues being discussed.</p> <p>3.4. Mr D Tratt declared an interest in anything to do with Bristol Water.</p> <p>3.5. Mr A Dowden declared an interest in enforcement action on Mr Attwell.</p> <p>3,6 Mr Watts asked if consortium members should be allowed to vote on individual Board Budgets. IDS advised that nothing had changed in the set up of the Boards that would change accepted previous practices.</p>	
<p>4. Opportunity for Members of the Public to address the Meeting</p>	<p>4.1. Mr M Higgins a member of the public and ratepayer addressed the Board to say <i>'He has sent letters which have not been passed to the Board and he thinks this is his right and not passing on his letters, he believes to be in breach of the communications data protection act and the computer misuse act. If he as a ratepayer wishes to speak to the Axe Brue Board which is a public authority he should be allowed to. He stated he was in the room now doing that but would of thought if he'd forwarded a letter for the Members of the Axe Brue Public Authority that would have been forwarded to the Members. He is not happy with the situation as he's sent various letters which have not arrived to the Members.'</i> The letter he had with him was sent on the 19 September 2021 and referred to a freedom of information request. He requested somebody to look into why his letter was not forwarded to the recipients as is his legal right.</p> <p>Cllr A Gill, Chair responded, the Board will address your queries as and when we are able.</p> <p>Mr M Higgins let the Members know he had copies of the letter if they were needed.</p> <p>Cllr M Martin questioned whether Mr Higgins concerns would be discussed, IDS said as the item was not the agenda it would need to be investigated before discussions could take place. Cllr Martin would like to be involved in these discussions.</p> <p>4.2. Mr M Watts informed Members he brought this item up at the last meeting. Cllr A Gilling said <i>'is it on the agenda for this meeting 'no'</i>, to which Mr M Watts said you are keeping incorrect minutes at these meetings. Mr Watts stated in AOB (item 13) that a letter had been sent to the Axe Brue Board by Mr Higgins addressed to Mr Tony Bradford and it hasn't been distributed to Board Members. He said it is not in the minutes, he also said Mr Bradford had breached the Nolan Principles. Cllr A Gilling said the letter was for a different authority, the</p>	<p>Action 20220131:1 Investigate letter from Mr Higgins</p>

	<p>Consortium, not the Axe Brue. Mr Watts said it was addressed to Mr Tony Bradford and the Axe Brue Members. IDS replied <i>'the way business is done is, the officers receive the correspondence and it goes through the normal governance and business processes and involves the Members as required. We will track the progress of the letters and report back to the Board in terms of what was and wasn't done. With not knowing this item was going to come up this is not the right place to have a full debate.'</i> NB This matter also relates to the statement from Mr Higgins at 4.1 above and Mr Watts at 4.2</p> <p>4.3. Ms Munt pointed out further to her comments on the previous minutes, item 4, she had not received the papers for the meeting and this was the second time this has happened. Maggie Hammond advised that the papers had been emailed to all members but would check the mailing list. Ms Munt further added on checking the website to access the papers only the agenda was available and as a public body the papers should be in the public domain. IDS agreed, adding the few remaining staff are doing the best they can to keep the business operating and he doesn't believe all the Members are aware of the difficult spot we are in particularly around the loss of staff. Mrs Munt accepted the explanation and said openness and transparency in democracy is important. Mr Sturdy agreed.</p>	<p>Action 20220131:2 Check papers were sent to Ms Munt.</p>
<p>5. Approval of the Minutes</p>	<p>5.1 Mr Watts objected to the Minutes and pointed out item 5 the name should be Attwell and not Adlam.</p> <p>5.2. Mr Watts said item 13, should say he asked what happened to the letter that Mr Higgins sent in about Mr Bradford breaching the Nolan Principles which Mr Higgins had asked to be read out at the meeting. IDS said this refers to the freedom of information request which has been dealt with both by the previous CEO and by himself in his role as acting CEO, so Mr Higgins has received a response to his letter. IDS believes it has been dealt with correctly and the matter is closed.</p> <p>5.3. Mr Watts also stated he had asked for the minutes of the 09 July meeting and he quoted the 1991 Land drainage Act stating you cannot stop Board Members from having minutes of meetings. This has been refused to him by Mr R Burge, Mrs C-A Morgan and Mr T Bradford.</p> <p>IDS informed Board Members are required to see the minutes and approve them but the minutes in question were for a sub committee meeting within the Consortium. The Consortium is set up as an organisation to manage</p>	

	<p>the affairs of the Boards, so in this instance the reasons for those minutes being withheld under the FOI are very clear and justified.</p> <p>Mr Watts queried paying money into the Consortium which doesn't follow the Land Drainage Act to which IDS said the Consortium is a body that provides a service to the Boards. NB This matter also relates to the statement from Mr Higgins at 4.1 above also Mr Watts at 4.2</p> <p>5.4. There was further discussion around Item 6 and Mr Watts had a firm view that a sentence stated by Mrs C-A Morgan should be included, which related to her knowledge of Mr Adlam and his relationship with Mr Rowlands. Mr Watts thought that specifically should be included in the minutes. IDS said that he expected Mr Watts would recall that a decision was made not to change the minutes of that meeting but to record the discussion that was had in the last meeting and include the following sentence <i>'it was agreed that the minutes of the previous meeting would remain unchanged, however Mr Watts request that Carrie-Anne Morgans statement about her lack of knowledge that Mr Ray Adlam is related to Mr Rowlands would be recorded in these minutes'</i></p> <p>Mrs T Munt proposed, seconded by Mr B Clapp <i>'that the above sentence is added to the minutes.'</i></p> <p>All in favour – unanimous</p> <p>5.5. Mrs Munt, whilst appreciating the Acting CEO is busy and staff are at full stretch, suggested it might be helpful if all actions that came out of the minutes were listed in the table of outstanding actions. IDS agreed that is the current practice</p> <p>5.6. Mr B Clapp queried Item 7 and his suggestion of 24 hour call out. Has this moved forwards? IDS said the 2nd review of plant and machinery has not taken place yet as the Chairmen and Vice Chairmens group wished this to be lead by a new CEO when appointed. However field staff were available over Christmas and he agrees there should be members of staff on standby at certain times of the year to respond to public requests for assistance.</p> <p>5.7. Mr B Clapp commented on the resignations of staff which concerned him and he asked whether the Board is worried. IDS thanked Mr Clapp for raising the question and said he would be worried if the trend continues and the capability of the Boards services further reduce but at the moment services on the ground are largely unaffected. He added there are a number of things which should be resolved in the next couple of weeks which will allow the Board to start recruiting. Once a new CEO is in place the review of the review (Review2) can</p>	<p>RESOLUTION 1 ACTION 20220131:3 Correct the minutes of the previous meeting</p>
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	<p>be undertaken with long term leadership and authority in place.</p> <p>IDS thinks the review of the review² is the key document which will allow us to understand the difficult position we are in and plot the route out.</p> <p>5.8. Cllr Gilling is hoping there maybe potential employees from the Council once the unitary Council gets underway.</p> <p>At this point the meeting was closed and Mr Higgins was asked to leave the room.</p> <p>Mr M Higgins re-entered the room.</p> <p>Mr M Watts queried the paragraph about keeping the tape recordings from meetings. IDS said the meeting is recorded, the minutes produced and approved then the recording is disposed of. If those minutes are in dispute or other matters arise the recording will be kept until the matters are resolved. Mr Watts queried, there is no time limit to keep the recordings? IDS, under GDP there will be a time limit but he was unsure what it was. Mrs Munt said the County Council keeps them in perpetuity as they take such a small amount of space and she requested all recordings are kept until a decision is made. IDS advised that WRFCC destroy the recordings once the minutes were approved, and he was happy it was suitable to follow that approach. He had also checked with other drainage boards who do the same.</p> <p>Once the amendments have been made the minutes can be signed.</p>	<p>Action 20220131:4 Investigate whether recordings should be kept</p> <p>Action 20220131:5 Sign the minutes once the ammendments are made</p>
6. Matters Arising	As 5 above	
7. Governance & Staff Update	IDS, previous discussion dealt with this	
8. Sub Committee Membership Review	IDS reported a full membership of sub committees	
9. Finance Report	<p>Mr M Higgins was asked to leave the room @ 11.45</p> <p>9.1. Dir Fin confirmed bank statements upto the 31 December 2021 had been reconciled and countersigned.</p> <p>9.2. Cllr Gilling questioned whether the Members are happy to accept the recommendations from the Finance & Works Committee.</p> <p>9.3. Mr M Watts queried the budget increase. Dir Fin confirmed they went through the budget line by line and</p>	

	<p>the Members at the SDBC agreed it was the budget required. MH advised that the AB finance and works committee had agreed the Axe Brue share is £640,664 which is an 11.57% increase. IDS reassured Members these budgets are worked out carefully within each department and have already been through scrutiny in committees.</p> <p>Mr Clapp asked if these figure included a full compliment of staff. IDS confirmed they did.</p> <p>In response to a question from Mr Watts, Dir Fin reported at the end of a financial year any underspend within the Consortium is shared amongst the Members of the Consortium.</p> <p>Ms Munt queried the small budget for Environmental Impact Assessments. IDS reported this was for localised expertise on small pieces of work.</p> <p>Cllr B Filmer proposed and seconded by Mr J Fear ‘to accept the recommendations as they are being the penny rate will be 9.136 an increase of 4.604%’</p> <p>Mr R Keen abstained due to just joining the meeting.</p> <p>9.4. Mrs T Munt reminded the Chair that Mr M Watts asked a question about reserves. Dir Fin said estimated reserves were £1.4 million, free reserves was £436,000 and these are to cover any risks that may materialise, everything else is ring fenced for certain items.</p> <p>Mr A Franks queried the depreciation of Bradbury house and there was some discussion around this and getting a revaluation. Dir Fin warned this would have an impact on the reserves due to a potential change in the value of the property.</p> <p>9.5. Dir Fin updated Members on the outstanding drainage rates which are £3,865.20. There are 90 accounts with credit balances totaling £2,102.01 and 98 accounts are in debit balance totaling £5,967.21.</p> <p>9.6. Dir Fin informed the Members the current Internal Auditors contract comes to an end on 31 March and they have advised her that they will not be tendering again as due to covid they do not have the staff to complete all the audits currently on their books.</p>	RESOLUTION 2
<p>10. Engineering & Operational Report</p>	<p>IDS asked Members to take the report as read.</p> <p>10.1 Mr M Wall, Contracts Manager reported</p> <ul style="list-style-type: none"> • The Coastal tenders had been sent out with a return date of 25 February 2022. • Non routine treework has started in the Brue area and some de-silting work on Potters Rhyne and 	

Tilehouse Rhyne which will be done by the end of March.

- Mr Wall reminded Members it was the first year of the contract so there may be issues which will be worked through.
- Mr M Watts mentioned Mr Spratt, Contractor, was giving up. Mr Wall said they will be re-tendering for Catcott in the Brue area and Lympsham and the Motorway Channels in the Coastal area.

10.2 Mr A Franks asked how the capital works are progressing and IDS responded there are sufficient contractors to deliver the works when realistic programmes are set. The Boards priorities are maintenance first, then repairs followed by improvements and projects.

10.2 Mr R King, Area Manager reported

- The Area Supervisors are working together to do minor repairs in Hartlake, Mark and Lewis Drove.
- He also mentioned all Area Supervisors have recently completed a spill kit training course.

10.3 Cllr M Martin asked for more information on Lewis Drove. IDS said they are waiting for Godwins to finalise their licence with the Council and to hear how they are going to fulfil their obligations. He has contacted Mr Ben Malin, who is working on behalf of Godwins, several times to request he share his summary report as it was due last January. IDS said he is happy the work was done to put an independent drainage route in place as this is now complete and is working fine. Cllr Martin asked if there was a timeframe for the responses from Mr Malin and whether we are keeping an eye on the overhead power cables beside the slip bank. IDS responded no to both queries.

10.4 Mr J Fear questioned whether the raised water level at East Rhyne and Pitland rhyne because of the Bristol pipe was going to prevent work being done. IDS said we can overcome most problems through engineering although not much has progressed with this since Mr P Struck left. Bristol Water have been asked if they have a valid the Land Drainage Consent was for the crossing.

Matthew Wall commented there are 2 crossings, one is live and one is redundant. He understands it is the redundant one that needs removing but that requires confirmation.

10.5 IDS reported that the Development Control department still have two temporary staff, Jenna George and Andy Sherwood both work two days a week on consents. In terms of Planning, we are a non-statutory consultee and are currently sending out standing advice developed with Simon Bunn before he left the Boards.

	<p>10.6 Mr A Franks asked if there was anything to report on working within the peat lands. IDS took the opportunity to advise the Board about the future in terms of flood risk and drainage and saying <i>'we need to actively engage with partners who ask us what we are doing in response to the climate emergency'</i>. Mr J Fear said Somerset Wildlife Trust have purchased a farm with a rhyme system through the land, can they prevent maintenance?. Mr A Dowden advised the farming policy is changing and there is no problem with the IDB maintenance, the SWT want to create a wetter more ecological environment. Cllr Riches was concerned about staff resources considering the amount of work being involved in partnerships would bring. Mr P Brewin gave a brief talk on the Lowland Strategy and the Elms trial</p>	
11. Somerset Rivers Authority Update	<p>IDS informed Members the SRA budget has been set for the forthcoming year. There is a mix of works but the Board may consider there is a disappointing amount of works relating to main river. However, over all the spread of works is encouraging. The Bridgwater Tidal Barrier will go ahead, maintenance dredging of the River Parrett will continue to be funded and King Sedgemoor Sowy Scheme will continue to be funded into next year due to delays. A review of the Flood Action Plan is underway and the Board are invited to play a full role in the consultation and formulating a new strategy. Overall the SRA makes a very good contribution to managing flood risk across the County and all sources of flooding.</p>	
12. Risk Review	<p>IDS told Members the biggest risk is single person dependency and business continuity which has already been discussed.</p>	
13. Any Other Business	<p>Mr Wall reminded the Chair that Ms Munt wanted to discuss planning, enforcement and riparian rights which IDS said he'd covered that in the Operations report.</p> <p>13.1 Stokemoor Pumping Station - Mr A Dowden informed the Members this is a decommissioned pumping station which was sold by the Upper Brue Drainage Board about 30 years ago to a Board members with a restrictive covenant on it stating it cannot be used as a residential building. Miss Lukins, the owners granddaughter, has asked the Board if they will consider lifting the covenant so she can turn it into a residential building. It was discussed that the Board we should be cautious about lifting the covenant and may wish to take legal advice because the pumping station was sold for a very low value to one of its members and removing the covenant may increase its value considerably calling the Boards previous actions into question.</p> <p>A site meeting is requested with Miss Lukins and Members. Mr A Franks, Mr M Watts, Cllr A Gilling and Mr J Fear declared an interest in knowing the family. Documentation has been requested from Miss Lukins and Cllr M Martin said they need to see paperwork to be able to make decision. IDS asked for appointed</p>	<p>Action 20220131:6 Set up a meeting to discuss</p>

	<p>Members who know the area but are not closely associated with the family. Cllr M Martin, Mr D Tratt, Cllr C Riches and Mr N Lukins volunteered to assist Mr A Dowden and Mr M Wall.</p> <p>13.2 Watercourse in Barton St David – the old Upper Brue Drainage Board maintained the rhyne for many years but it has never formally been brought into view. Would the Board consider taking about 60-65 metres of the open watercourse into view?</p> <p>Mr B Clapp proposed, seconded by Mr A Franks ‘to take the watercourse into view’ Carried.</p> <p>13.3 Infilling of Watercourse at Harters Hill Farm. – Mr M Watts asked Mr J Fear to read out his letter to Members. In the letter Mr Watts wrote <i>‘he could not legally agree to the action allegedly recommended in the Operations and Engineering Report and in his opinion this would be an action that would contraven at least three of the Axe Brue byelaws, namely item 26, 27B & E and also the Criminal Justice Act of 1982 as outlined in the penalty note at the end of the Land Drainage Byelaws’</i>. Mr M Watts declared an interest and asked the Members to do a recorded vote. IDS said in his opinion that was not the case and recommended a sub-committee was formed to visit the site and look at issues, and then report back at a future meeting.</p> <p>Mr J Fear proposed, seconded by Mrs P Thorne ‘To form a sub-committee to visit the site and report back to the Board’ Carried unanimously</p> <p>Volunteers for the sub-committee were Mr B Clapp, Cllr M Martin, Mr A Franks and Cllr A Gilling with officers Mr A Dowden & Mr M Wall.</p>	<p>Stokemoor Pumping Station</p> <p>RESOLUTION 3</p> <p>Action 20220131:7 Set up a site visit @ Harters Hill Farm</p> <p>RESOLUTION 4</p>
<p>14. Date of Next Meeting</p>	<p>14.1 The date of the next Meetings were reported as:</p> <ul style="list-style-type: none"> • Finance & Works – 21 March 2022 @ 10:30am • Full Board – 11 April 2022 : 10.30am 	

Annex:

A. Axe Brue Board – Table of Outstanding Actions

CHAIR.....DATE

**ANNEX A TO
AXE BRUE BOARD MINUTES
DATED 31 JAN 2022**

AXE BRUE BOARD – TABLE OF OUTSTANDING ACTIONS

Action Number:	Action:	Actionee:
AB/20220131-1	To investigate the letter from Mr M Higgins	Acting CEO
AB/20220131-2	To check papers were sent to Ms Munt	Director of Finance
AB/20220131-3	To correct the minutes ofn the previous meeting	Acting CEO
AB/20220121-4	To investigate whether recordings of meetings can be kept	Acting CEO
AB/20220131-5	Sign the October Board minutes following their update.	AB Board
AB/20220131-6	To set up a meeting to discuss Stokemoor Pumping Station.	Mr M Wall & Mr A Dowden
AB/20220131-7	To set up a sub-Committee & arrange a site visit to Harters Hill Farm to investigate infilling of watercourse	Mr M Wall & Mr A Dowden