

## Minutes of Meeting – Pow Drainage Commission Heritors Meeting

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**PRESENT:**

**Heritors:**  
Wing Commander Roberts, Dr and Mrs W Dove, Ms S Bijum, Mr J Virtue, Mr A Mackenzie Smith, Mrs A Buckingham, Mr M Lewis,

**Commissioners:**  
Mr Hugh Grierson (HG), Mr Jonathan Guest (JBG), Mr James England (JE), Mrs E Roberts (ER), Mr Gary Buckingham (GB), Mr Alex Mackenzie Smith (AMS), Mrs A Moray Parker (AMP)

**Also present as Clerks to the Commission:**  
Jonathan Willett (JW), Charles Arden (CA), Alexa Mewse (AM)

**DATE OF MEETING:** 29<sup>th</sup> October 2020, 19:00  
**VENUE:** Remote Zoom meeting

Item	Notes	Action by
1	<b>Apologies for Absence received</b>  Mr Kieran Emptage	
2	<b>Minutes of Last Meeting</b>	
2.1	The minutes from the meeting held in July 2020 were distributed amongst Heritors prior to this meeting commencing. There were no changes to be made.	
3	<b>Matters arising from Minutes</b>	
3.1	The Heritors present did not raise any points regarding the minutes from the previous meeting.	
4	<b>Raised Assessments and Feedback</b>	
4.1	CA provided an update on the recent assessments and confirmed that all overpayments have now been issued via cheque payment to all heritors involved. CA asked if there were any queries regarding this action. Dr W Dove asked why he had previously been asked to provide bank details for a transfer if a cheque payment was going to be issued.	
4.2	CA confirmed that there has been some mis-advice given by Bank of Scotland when setting up the Pow bank account and the Clerks had been lead to believe that a bank transfer would be possible however this is not currently the case. The Clerks are continuing to discuss this with Commissioners and hope to resolve this in future. JW continued that given the length of time it had taken to arrange for overpayments to be processed it was decided that the quickest way to deal with this for now was to issue cheques. JW apologised for the delays in actioning this process.	

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<b>5</b>	<b>Financial Position</b>	
5.1	CA gave an update on the current cash position confirming that outstanding debtors had been repaid including ADA membership, Anderson Strathern and Lightpress Design Ltd. The balance in the bank account is £18,652.07 after such payments have been met and the all assessments have been repaid for the 2020 period.	
5.2	To date 84 of a possible 104 assessments have been paid however a sum of £5926.00 remains unpaid despite several attempts at engagement with these Heritors. One large payment of £1611.55 is due to be paid from one commercial Heritor. There had been initial difficulties in establishing ownership of this assessment but this has now been identified and positive contact made. The Clerks hope to be able to secure payment shortly.	
5.3	CA advised that the remaining unpaid assessments from which Heritors have made no contact in reply to previous correspondence are being recommended that further legal action be taken. McCash and Hunter have been informed that we will be using their services to pursue and recover the outstanding sums involved. There are a small number of assessments that the Clerks are still in contact with the Heritors and hope to secure payment in full without taking further legal action.	
5.4	CA asked the meeting if there were any further questions regarding the cash position, no questions were volunteered. <ul style="list-style-type: none"> <li>- <b>McCash &amp; Hunter are to be instructed to begin debt recovery.</b></li> <li>- <b>The Clerks to the Commission are to continue discussions with debtors who are <u>not</u> going to be contacted by McCash &amp; Hunter.</b></li> </ul>	Savills Savills
<b>6</b>	<b>Pow Repairs 2020</b>	
6.1	CA updated the group that Ian Ralston's work maintaining and clearing the Pow has made good progress with Mr Ralston being able to carry out works to beyond his initial boundary this year. He has worked on the section from Dollerie to Drumphin although his original plan had been to stop at Woodend he felt that work was progressing well and continued on.	
6.2	Planned works have now stopped due to high water levels however he will be back onsite from early 2021 where he expects to be able to work to New Row and then potentially from Bachilton to Balgowan in 2021/22. This works has been allocated within the 2020 and 2021 budgets.	
6.3	Mr Ralston also noted that due to the ongoing management programme and local licensed keepers in the area the numbers of beavers seem to be decreasing. This was welcome news and will result in less damage to the Pow.  <u>2020 Inspection:</u>	
6.4	JBG confirmed that he will shortly be arranging a vehicle drive by inspection of the Pow as he does annually and this will be followed up by a full inspection on foot in Feb 2021. The main aim of the inspection in Feb is to identify any possible areas of damage during the winter months and to assess the need for continued maintenance. CA asked the group if there were any further queries regarding the repairs? JE then noted that some	

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	<p>areas between Gorthy and New Row are showing signs of damage from the recent flooding. CA was able to confirm that this section would be included in the schedule of repairs commencing Feb 2021.</p> <ul style="list-style-type: none"> <li>- <b>JBG to arrange a vehicular inspection of the Pow</b></li> </ul>	<p><b>JBG</b></p>
<p><b>7</b></p>	<p><b>Any Other Competent Business</b></p> <p><u>Online Meeting Access</u></p> <p>Mrs E Roberts wanted to note that issuing two links to Commissioners for both meetings had made accessing the Zoom meeting confusing – could a more straightforward process be used for next time? As she was aware there were other Commissioners having difficulty. JW offered to contact AMP while the meeting was running to arrange access and this was completed.</p> <p>CA asked the group if there were any further questions arising from the agenda.</p> <p>Mr J Virtue asked for clarity regarding further legal action that will be taken to recover unpaid assessments and do the Heritors that have already paid bear the cost of this? CA confirmed that there is a sum aside in the budget for legal costs and we have estimated costs agreed with McCash and Hunter to prepare recovery letters. If further court action may be required to be put in place to recover debts then as permitted in the 2019 Act any legal costs that arise from this type of action will be put to the Heritor who has any such action raised against them to pay in full.</p> <p>CA asked if there were any further questions. There were none. The draft budget is to be circulated and this will follow in due course.</p> <p>CA thanked everyone for their attendance and closed the meeting.</p> <ul style="list-style-type: none"> <li>- <b>Draft Budget, rate poundage and other documents to be distributed to Heritors at the earliest opportunity.</b></li> </ul>	<p><b>Savills</b></p>
<p><b>8</b></p>	<p><u>Date for next meeting</u></p> <p>TBC, in the New Year.</p> <ul style="list-style-type: none"> <li>- <b>The Clerks to the Commission are to circulate date and time of the next Heritors meeting when details are available.</b></li> </ul>	<p><b>Savills</b></p>