

## Minutes of Meeting – Pow Drainage Commission Commissioners Meeting

**PRESENT:** Jo Guest (JG), James England (JE), Mrs E Roberts (ER), Gary Buckingham (GB), Alex MacKenzie-Smith (AMS), Anna Moray-Parker (AMP), Kieran Emptage (KE)

**Also Present:**  
Jonathan Willett (JW), Charles Arden (CA)

**DATE OF MEETING:** 30<sup>th</sup> April 2020

**VENUE:** Remote Zoom Meeting

**Meeting Opened: 19:02**

Item	Notes	Action by:
<b>1</b>	<b>Apologies for Absence</b>	
1.1	Hugh Grierson (HG) and Guy Rowan-Hamilton (GRH)	
<b>2</b>	<b>Matters Arising from Minutes of the Last Meeting</b>	
2.1	JG wanted to ensure that on all future minutes the right hand “Action by” column should be completed so that points are actioned and people are accountable. He went on to discuss point 2.8 of the previous minutes, where he asked if Savills were now contacted should any changes in property ownership occur. JW confirmed this is correct.	
2.2	The Clerks have now setup the Pow Bank Account with Bank of Scotland successfully. Assessments can now be paid into this account.	
2.3	Point 4.2 of the previous minute’s states that the Clerks will contact the Association of Drainage Authorities (ADA). This has not been completed, JW confirmed this would be done to confirm the annual subscription cost of joining the ADA. JE questioned the benefits of joining the ADA. JG discussed that the main benefit of joining the ADA is the decreased cost of employing an independent witness which may occur should a heritor dispute their assessment formally. This was confirmed to be an annual subscription.	
2.4	ER commented that point 3.8 of the previous minutes should state “Balgowan Residents Association” not “Residents Association”. The clerks confirmed this would be changed. <ul style="list-style-type: none"> <li>- <b>JW confirmed that the Clerks to the Commission will contact the ADA and return the Commissioners with a subscription fee for acceptance.</b></li> <li>- <b>Savills will amend the Minutes of the last meeting as per point 2.4</b></li> </ul>	<b>Savills</b> <b>Savills</b>
<b>3</b>	<b>Raised Assessments and Feedback</b>	

Item	Notes	Action by:
3.1	JW informed the Commissioners that Heritor information is stored on our secure system called "APR", it is through this system that we issue demands and charges. The first round of assessments have been issued, the Clerks to the Commission were expecting a certain level of questions and queries regarding the new assessment under the 2019 Act. The Clerks explained that Heritors often are lacking information, therefore when the situation is explained they are often understanding.	
3.2	JW explained that due to an issue with how the title for one of the benefitted properties has been split there is an inaccuracy with this assessment. Due to the way that assessments are calculated, all amounts are interlinked to reach a total of £40,000. Therefore all assessments are incorrect. To amend this situation the Clerks suggested to the Commission that Credit Notes and correct invoices are supplied to the Heritors. JW clarified that the majority of Heritors will receive a slight decrease in their invoice, however a couple of Heritors will find an increased assessment.	
3.3	The issue initially arose due to the large number of Master spreadsheet iterations, JW apologized to the Commissioners on behalf of Savills (UK) Ltd. JG fully supported the re-issuing of invoices at a correct value.	
3.4	JE queried why the total assessment for 2020 is £40,000, this is due to the new assessment being an area based assessment, as well as the annual budget doubling to cover costs of the new Act.	
3.5	A payment plan was suggested for Heritors to pay in instalments. JG suggested a plan of April, June and August pay dates. So that there is sufficient money in the bank to cover costs of any remedial works taking place on the Pow over summer. It was agreed that if too many Heritors paid in instalments it would cause cash flow issues. JW & JG discussed that a payment plan letter should be included with the Credit Notes supplied in the coming weeks. Commissioners confirm they are in agreement with this.	
	<ul style="list-style-type: none"> <li>- <b>The Clerks brought it to the Commissioners attention that some Heritors have issues with the way the invoices are worded, this will be amended.</b></li> <li>- <b>Clerks are to include a covering letter with the amended invoices specifically to answer Heritors queries.</b></li> <li>- <b>Savills are to resend the correct invoices at the earliest possible date.</b></li> </ul>	<p>Savills</p> <p>Savills</p> <p>Savills</p>
4	<b>Redhills Farm</b>	
4.1	The Clerks informed the Commissioners that a letter has been received regarding Redhills Farm.	
4.2	JG discussed that the stretch of the Pow which marches with Redhills Farm is cleaned from the opposite side. Therefore more of the earth is taken from the Redhills side, leading to the erosion in question. JG is due to meet with Ian Ralston and others where this issue will be discussed. AMS adds that Ian Ralston would like to attend this meeting.	
	<ul style="list-style-type: none"> <li>- <b>The Clerks are to reply to the letter, JG agrees to organise and lead the meeting.</b></li> </ul>	Savills/JG
5	<b>Condition of the Pow</b>	

Item	Notes	Action by:
5.1	The current plan for the Pow repairs were discussed. JG suggested clearing from Dollerie Bridge to Woodend, as per Ian Ralston's quote. JG went on to suggest getting Ian Ralston to complete two years of work in one year and split the cost between two years. The annual budget for repairs and beaver control is £5500. The Clerks explained that next year there is likely to be more movement in the budget to allow an increased amount of work to take place, circa £7000 will be available in 2021 for repairs.	
5.2	As per the inspection report, JG emphasizes there are sections of the Pow in serious disrepair. JE noted that the Pow near his land is in poor condition and that he would pay for this to be cleared himself if required. JG explains that for many years heritors have also paid for their own works to be completed.	
5.3	AMS asked what the most pressing jobs were along the Pow. Beaver damage is causing the most disruption along the Pow.	
5.4	AMP raised the point that the section along Abercairney is in very poor condition and that their assessment is in excess of £7500 per annum. Commissioners assured AMP that Dollerie to Woodend is a priority section. It was questioned why the Abercairney assessment is so high. JW explained that the assessment is now based of the area of the title. Also this year the budget has been doubled therefore the assessment has been doubled accordingly. <ul style="list-style-type: none"> <li>- <b>JG is to speak with Ian Ralston to query whether two year of work can be completed in the Summer of 2020 with the invoice split over two financial years.</b></li> </ul>	JG
6	<b>Current Financial Position</b>	
6.1	There is currently £1900.90 in the Pow bank account from eleven received assessments. The previous bank account run by McCash and Hunter has a nil value. The Clerks are attempting to get written confirmation of this. The Clerks are also to ascertain the outstanding value of the Anderson Strathearn fees and circulate these to the Commissioners.	
6.2	The Clerks discussed that a Mr Watkins had made contact regarding a double payment made in 2016. It was JG's understanding that only farmers/landowners made double payments. The Clerks are to confirm this with McCash and Hunter.	
6.3	For all heritors who made double payments the Commissioners agreed that account credit would be a preferred way of refunding over cash payment. <ul style="list-style-type: none"> <li>- <b>The Clerks will contact the Commissioners to authorize the payment of the Clerks fees once there are enough funds in the account.</b></li> </ul>	Savills
7	<b>Any Other Competent Business</b>	

Item	Notes	Action by:
7.1	The Commissioners were asked to pass on the details of the Clerks should there be any queries from the Heritors. They were also reminded to ensure Heritors were aware of the website. The Heritors list on the website is password protected, this option honours the act but also protects Heritors personal information.	
7.2	<p>The Heritors meeting due to take place on the 30<sup>th</sup> April, will take place at the earliest possible time.</p> <ul style="list-style-type: none"> <li>- <b>Savills to organise a Heritors meeting for the earliest time it can be held</b></li> </ul>	<b>Savills</b>
8	<p><b>Date for next meeting</b></p> <p>29<sup>th</sup> October 2020, 19:00 Remote Zoom Meeting</p>	

**Meeting Closed: 20:10**