



Sow & Penk

Internal Drainage Board

**Sheriden Room
Stafford Borough Council
Civic Centre
Riverside
STAFFORD
ST16 3AQ**

Meeting Papers

***Wednesday 8 February 2017
Meeting at 11:00am***



Shire

Group of IDBs

**Epsom House
Malton Way
Adwick le Street
Doncaster DN6 7FE**

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Meeting Papers

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Engineer to the Board

Reviewed by Ian Benn HNC/D, Dip NEBOSH, PG Dip H&S
/Env Law, Grad IOSH, MCQI CQP

Clerk to the Board

Purpose

These meeting papers have been prepared solely as a record for the Internal Drainage Board. JBA Consulting accepts no responsibility or liability for any use that is made of this document other than by the Drainage Board for the purposes for which it was originally commissioned and prepared.

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1. Governance

1.1 Apologies

1.2 Declaration of Interest

Board Members are advised to declare a pecuniary or non-pecuniary interest on any item in the Agenda.

1.3 Appointment of Chairman

1.4 Appointment of Vice Chairman

1.5 Declaration of Interest

1.6 Complaints and FOI

There have been none received.

1.7 Minutes of Meeting 9 November 2016

Present

Ray Sutherland (RS)
John Hilderley (JH)
Frances Beatty (FB)
Graham Bower (GB)
Neil Brown (NB)
Andrew Harp (AH)
Anthony Parrott (AP)
Geoff Rowlands (GR)
Jeff Sim (JS)
Ralph Cooke (RC)
Royston Wright (RW)

Also in attendance

Phil Bates (Stafford BC Officer)

In attendance on behalf of JBA Consulting, Clerk, Engineer and Environmental Adviser:

Ian Benn (Clerk to the Board)
Craig Benson (Finance Officer to the Board)

Apologies for Absence

2016.50 There were none.

Declaration of Interest

2016.51 There were no declarations of interest.

Appointment of Chairman

2016.52 RS was nominated by RC, seconded by AH and unanimously agreed by the Board to continue to be the Chairman of the Board. RS thanked members for their support.

Appointment of Vice Chairman

2016.53 JH confirmed that he would be standing down as vice chairman due to his health. RS thanked JH for his support and this was echoed by the Board. After discussion AH was nominated by RC, seconded by GB and approved by the Board.

Co-option of Board Member

2016.54 The FO advised members that Helen Dale (Staffordshire Wildlife Trust) had confirmed that she would not be standing for election as a member of the Board. The Board therefore had two vacancies and it was agreed that having a SWT representative on the Board was very useful. The Board therefore agreed to co-opt Jeff Sim (SWT) as a member of the Board. The Chairman confirmed that he and the Clerk had written to Helen thanking her for her time as a member of the Board.

Complaints and Freedom of Information Requests

There were none.

Minutes of the Last Meeting

2016.55 Minutes of the last meeting held on 22 June 2016 copies of which had been previously circulated to members with the meeting papers were taken as read, approved and signed by the Chairman.

Matters Arising

2016.56 There were no matters arising.

Clerks Report

The Clerks Report, copies of which had been circulated to members with the last meeting papers, was considered and adopted.

2016.57 Training Session – A training session was held at the end of the meeting and covered “riparian owner responsibilities”.

2016.58 DEFRA

The CEO informed members that the EFRA committee report on Future Flood Prevention had been released as was now available on the Board’s website. The report includes Environment Agency demaining and asset transfer to willing partners.

2016.59 Humber Flood Risk Management Steering Group

The CEO updated members on the current status and advised that the existing study area had been extended to cover the tidal extent of the Trent and Aire.

2016.60 Isle of Axholme Strategy – The CEO updated members on the current position where the Agency are looking at demaining possibilities/asset transfer of 14 pumping stations and watercourses that predominately provide a land drainage function.

2016.61 Environment Agency – West Midlands Area – Both the Chairman and CEO brought to members attention the new Agency structure that covers the Board's area. Lisa Pinney has been appointed as the new Area Manager and Anthony Perry, the new Operations Manager.

2016.62 Board Website – The CEO informed members that the new website would be going live next week.

Financial Report

The Financial Report, copies of which had been circulated to members with the last meeting papers, was considered and adopted.

Matters Arising

2016.63 Rating Report – The Board were given an update as to the current position and noted that the balance stood at £ 50,382.41. It was noted that Stafford BC had not paid their final instalment of the Special Levy charge.

2016.64 List of Cheques – The Board approved the list of cheques that had been signed since the last meeting totalling £53,494.48 of which £294.25 were approved by the Clerk only and a further £359.19 that were paid direct from the Bank Account.

2016.65 Audit – Internal Audit. The audit report, which had been circulated to members was noted by members.

2016.66 External Audit – The FO informed members that the external audit was complete and that the auditor had raised no issues or comments.

2016.67 Financial Regulations – The Financial Regulations that had been circulated to members previously by email and with the meeting papers were formally adopted by the Board.

2016.68 Budget Comparison – Members noted the expenditure incurred to date against the budget that had been set for the year.

2016.69 Five Year Budget Estimate - The FO reviewed the Board's five-year income and expenditure estimates and it was noted that the Board continued to be able to meet its projected expenditure levels.

Engineers Report

The Engineer's Report, copies of which had been circulated to members with the last meeting papers, was considered and adopted.

Matters Arising

2016.70 Watercourse Maintenance – Members noted the comments in the papers and the progress of the work.

2016.71 Main River – The Engineer had contacted the new Operations Manager of the Environment Agency with a view to holding a meeting to discuss the hydraulic modelling work that has been undertaken on some main river systems.

The CEO was asked if there were any planned updates of the EA's Flood Risk maps and whether a presentation could be delivered to the Board on the whole catchment area covering the various responsibilities of the EA, Board, Councils and riparian owners.

2016.72 Planning – Members noted the two planning applications and six consents that had been dealt with since the last meeting.

2016.73 Other Matters – Radford Bank – It was reported that the riparian land owners had completed the watercourse clearance works off Radford Bank and that this had a much further positive impact as the rickerscote area also appeared to be draining much better. Thus allowing the Board maintenance works to be undertaken in the area reducing the risk of losing machinery due to previously waterlogged ground conditions.

2016.74 Other Matters – Bellway Homes Development – It was reported that the Board had received an email from a resident who raised concerns over the erection of a new fence on the bank of an ordinary watercourse within the Board's district. It was confirmed that the Engineer had previously written to the contractor giving them consent or other matters but also advising them of the Board's Byelaws. The Engineer has requested that the Board's maintenance contractor visits the site and reports back to him so a letter can be sent to the Developers. The Chairman requested that he receives a copy of this letter when it is sent.

Health and Safety Report

The Health and Safety Report, copies of which had been circulated to members with the last meeting papers, was considered and adopted.

Matters Arising

2016.75 There was none.

Environmental Adviser's Report

The Environmental Advisor's Report, copies of which had been circulated to members with the last meeting papers, was considered and adopted.

Matters Arising

2016.76 There was none.

Miscellaneous Correspondence

2016.77 There was none.

Any Other Business

2016.78 There was none.

Date of Next Meeting

2016.79 The next meeting will be held on 8 February 2017 at Stafford Borough Council Offices.

1.8 Matters arising there from not elsewhere on the Agenda

2. Clerk's Report

Recommendation:

- Members note information contained in the Report

2.1 Training Session

Nothing to report.

2.2 Policy

Nothing to report.

2.3 Legislation

Nothing to report.

2.4 Defra

Nothing to report.

2.4.1 Demaining and Asset Transfer

The Environment Agency are looking for 'willing partners' where it has identified potential for demaining of watercourse currently designated as 'main river' or assets that do not offer any flood risk management benefit.

2.4.2 Humber Flood Risk Management Steering Group – Update

Latest information is available on the Shire Group website.

2.4.3 The Isle of Axholme Strategy – Implementation.

An update will be given at the meeting.

2.4.4 Environment Agency West Midlands Area

Nothing to report.

2.5 The Association of Drainage Authorities (ADA)

2.5.1 ADA Conference 2016

Notes on Conference.

Henry Cator stood in for President Lord Ramsey, unable to attend. Henry suggested the industry was taken for granted, noting IDB Members take seats on these small non-departmental public bodies as volunteers with immense local knowledge of their area.

Dr Therese Coffey, Minister for the Environment, spoke at length. Government appreciates the role and function of IDBs and the importance of ADA, speaking for the collective whole. She welcomed ADA's response to the flooding report suggesting the importance of integrating water, land management, development and the environment from source to sea. In connection with de-maining and asset transfer, she advised the Agency was not attempting to palm off responsibility but looking for willing partners and how PSCA's help support this process. She is very supportive and seeks to promote natural flood management and understand what it

could look like in lowland areas. She noted Defra's appreciation on the work some IDB Officers had done on land values in connection with proposed new IDBs in Cumbria. She also acknowledged the statutory duty of local authorities to raise income on behalf of IDBs for those developed areas within the IDB District and how Board function assisted delivery of environment, food and farming requirements.

Alison Baptiste spoke on behalf of the Environment Agency expending on the requirement to de-main and transfer assets, likely to be with willing partner IDBs and other Risk Management Authorities. The ideal scenario was to deliver a local solution for local people however the Agency continues to require an oversight role.

Emma Howard-Boyd, Chair of the Environment Agency spoke on the work of water level management having a positive impact on daily lives but the requirement to think long term about nature and the protection of people from flooding. It was believed delivery would be through collaboration between partners to deliver a resilient England, advising not everyone can be protected all of the time. A catchment based approach would be required to deliver this; land management practices, soft engineering approaches, new measures with utility companies to strengthen infrastructure resilience. She advised of an Agreement with Stobart trucks to move goods required by the Environment Agency in connection with flood events around the country and the Woodland Trust and Forestry Commission were to plant trees. She noted how the PSCA were delivering efficient savings of between 5-10%. Mrs Howard-Boyd also advised the Agency was keen to work with willing partners. There requires a rebalancing of both National and Local Flood Risk Management; the 25 year Environment Framework was soon to be published – how to fund the work remained an ongoing issue.

Minette Batters spoke for the National Farmers Union. She identified Brexit as the biggest challenge for the future. Trading relationships was the number one priority and access to the single market. It would be a significant change for agriculture. The budget was secure until 2020 but a new deal would have to be agreed before the end of the 2 year exit from Europe. She advised the public pay £0.23 per day toward the Commons Agricultural Policy, providing food, clean water and a clean environment and the importance of using the next two years to influence change. At the moment under the Water Framework Directive, one indicator failure meant watercourse failure suggesting by the next River Basin Management Plan period of 2027, was time within which the directive could be scrapped. The NFU fully supported IDBs working on main river under PSCAs and commented on the role of farming in mitigation of Climate Change.

Question Time followed with questions raised by a LLFA Member on SuDS and the requirement for all drainage assets to be adopted and maintained in perpetuity where Management Companies set up for this purpose frequently failed to deliver suggesting the FWMA Schedule 3 required enactment allowing the LLFAs to adopt systems. It was opined the Government is storing up problems because SuDS are not being developed properly and to deliver the catchment approach requires SuDS being developed.

A Member advised the CAP monies are not for farmers but subsidise consumer shopping lists.

On Grant in Aid an IDB Officer suggested whilst outcome measures were appropriate for accessing GiA, they need to be more aspirational, offering a lower level of protection in villages and reporting on the percentage of properties protected, advising property should be protected to a standard with support for offering advice on resilience to flooding.

Innes Thompson advised on the importance of soil as the most valuable farm asset and the need to protect it from erosion and maintain soil biota.

2.5.2 Technical & Environment Committee

Discussed Committee workstream reports including Water Transfer licencing, total Catchment Management, Ecological improvement and Data & Evidence.

Work streams and groups for 2017 were agreed at: continuing water transfer & abstraction, preparation of a guide to de-maining for IDBs and using the IDB1 form information to provide an "information dashboard". Board Management supplied process flowcharts Shire Group

Officers produced to assist Boards within the Shire Group in connection with EA Rationalisation including PSCA, Asset Transfer and De-maining. Reports were also given on the proposed amendment to the EIA (Land Drainage Improvement Works) Regulations Consultation which was the subject of a 2016 meeting attended by the Board's Environment Officer with Defra.

2.5.3 Policy & Finance Committee

Discussed 2016 and 2017 Committee work streams including Rating & valuation lists, Governance and Audit. The National Audit Officer review of IDB Governance has been undertaken as a desk top study and it is expected NAO will release the report later this year.

2.6 Board Website

The new website is now live. Your comments are welcomed.

2.7 Board Key Performance Indicators

		Key Performance Indicators				
		Inadequate	Work to be done	Adequate	Good	Very Good
SOW & PENK INTERNAL DRAINAGE BOARD	Management of the Board	Compliance with Audit Requirements				
		Health & Safety				
		Partnership Working				
		Overall				
	Reduction of waterlogging & Flood risk to assets	Asset Management				
		Flood Risk management strategy				
		Flooding- Learning Outcomes				
		Overall				
	Environment	Water Framework Directive				
		Invasive Species/Designated Sites				
		Conservation & Biodiversity				
		Biodiversity Action Plan				
		Overall				
	Supporting	Financial Statements				
		Receipt of Drainage Rates				
		Governance Documentation				
		Overall				
	Overall Performance					

3. Financial Report

Recommendation:

- To note the information contained in this report
- To approve the schedules of payments
- To approve the Budget and set the Drainage Rate and Special Levies
- To approve the Risk Register

3.1 Rating Report

Details of the Rates and Special Levies issued and payments received up to and including 16th January 2017: -

	£	£
Balance Brought forward at 1 April 2016		669.31
2016/2017 Drainage Rates and Special Levies		
Drainage Rates		10,848.68
Special Levies		
Stafford Borough Council	97,699.00	
South Staffordshire District Council	3,504.00	101,203.00
Total Drainage Rates Due		<u>112,720.99</u>
Less Paid: -		
Drainage Rates		10,228.02
Special Levies		
Stafford Borough Council	97,699.00	
South Staffordshire District Council	3,504.00	101,203.00
Total Drainage Rates Paid		<u>111,431.02</u>
Balance Outstanding as at 16th January 2017		<u>1,289.97</u>

3.2 List of Cheques

DATE		CHEQUE NO.	REF	PAYEE	DESCRIPTION	TOTAL CHEQUE
2016						
						£
Nov	8th	000810	26	Littlehales Plant Hire Ltd	Maintenance	12,716.24
Dec	13th	000811	27	Environment Agency	Flood Defence Levy	2,158.75
		000812	29	Littlehales Plant Hire Ltd	Maintenance	12,197.44
		000813	32	Staffordshire Wildlife Trust	Doxey & Tillington Marshes SSSI	2,940.00
Total Amount of all Cheques						30,012.43
* Total Amount of Cheques sent out signed by the Clerk Only						0.00

3.3 Other payments

DATE		REF	PAYEE	DESCRIPTION	TOTAL
2016					
					£
Oct	17th	-	NatWest	Bankline Fees	28.30 *
	31st	-	NatWest	Bank Fees	8.53 *
Nov	15th	-	NatWest	Bankline Fees	27.50 *
	30th	-	NatWest	Bank Fees	7.70 *
Dec	14th	28	ADA	Conference Fees	134.40 *
		25	ADA Trent Branch	Branch Subscription Fees	45.00 *
		30-1	Danvm Drainage Commissioners	Website Development, etc.	539.76 *
	15th	-	Bankline Fees	Bankline Fees	27.50 *
	30th	-	NatWest	Bank Fees	6.48 *
Total Amount of all Payments					825.17
* Total Amount of Cheques sent out signed by the Clerk Only					825.17

3.4 Audit

3.4.1 Internal Audit Review Meeting

The internal audit review meeting was held on 28 November 2016 at JBA Consulting, Epsom House, Doncaster. The minutes of the meeting can be found at Appendix A.

3.4.2 Internal Audit – Risk Register

Members are asked to review the attached risk register at Appendix B and formally approve to adopt at the meeting.

3.5 Estimates, Rates and Special Levies for the Year Ending 31 March 2018

2016/17				2017/18	
Approved Estimate		Estimated Out-Turn			Estimate
£	£	£	£	£	£
INCOME					
Drainage Rates on Agricultural Land:-					
10,841		10,841		6.24p in £ on AV of £173,531	10,828
Special Levy:-					
Stafford Borough Council					
97,699		97,699		6.24p in £ on AV of £1,565,683	97,699
South Staffs District Council					
3,504		3,504		6.24p in £ on AV of £58,240	3,634
10,000		10,000		EA Grant - Doxey & Tillington Marshes SSSI WLMP	10,000
<u>200</u>	<u>122,244</u>	<u>300</u>	<u>122,344</u>	Interest etc	<u>200</u> <u>122,361</u>
EXPENDITURE					
8,900		8,635		Flood Defence Levy	9,000
Conservation Budget:					
3,000		3,000		Biodiversity Action Plan	3,000
10,000		10,000		Doxey & Tillington Marshes SSSI WLMP	10,000
Maintenance:					
72,500		69,000		Maintenance	74,675
Administration:					
<u>23,000</u>	<u>117,400</u>	<u>23,000</u>	<u>113,635</u>	Administration	<u>23,000</u> <u>119,675</u>
	4,844		8,709	Surplus - (Deficit)	2,686
	<u>126,897</u>		<u>130,908</u>	Balance Brought Forward	<u>133,617</u>
	<u>131,741</u>		<u>139,617</u>		<u>136,303</u>
	<u>6,000</u>		<u>6,000</u>	Transfer To Doxey & Tillington Marshes Acc.	<u>6,000</u>
	<u>125,741</u>		<u>133,617</u>	Balance Carried Forward	<u>130,303</u>
Previous Years Rates in the £					
1995/1996 : 4p - 1996/1997 : 4.2p - 1997/1998 : 4.2p - 1998/1999 : 4.2p - 1999/2000 : 4.2p - 2000/2001 : 4.2p - 2001/2002 : 4.2p					
2002/2003 : 4.2p - 2003/2004 : 4.4p - 2004/2005 : 4.4p - 2005/2006 : 4.4p - 2006/2007 : 4.4p - 2007/08 : 4.4p - 2008/09 : 4.6p					
2009/10: 4.6p - 2010/11 : 4.6p - 2011/12 : 5p - 2012/13 : 5.4p - 2013/14 : 6p - 2014/15: 6.12p - 2015/16 : 6.12p - 2016/17 : 6.24p					
Penny Rate : £17,974					

DOXEY & TILLINGTON MARSHES SSSI WLMP ACCOUNT						
	2016/17				2017/18	
Approved Estimate		Estimated Out-Turn				Estimate
£	£	£	£		£	£
				INCOME		
6,000		6,000		Transfer From Revenue	6,000	
<u>10</u>	6,010	<u>10</u>	6,010	Interest etc	<u>30</u>	6,030
				EXPENDITURE		
				Maintenance:		
1,230		0		Maintenance	1,230	
				Capital Expenditure:		
<u>0</u>	<u>1,230</u>	<u>0</u>	<u>0</u>	Capital Expenditure:	<u>0</u>	<u>1,230</u>
	4,780		6,010	Surplus - (Deficit)		4,800
	<u>24,046</u>		<u>24,050</u>	Balance Brought Forward		<u>30,060</u>
	<u>28,826</u>		<u>30,060</u>	Balance Carried Forward		<u>34,860</u>

4. Engineer's Report

Recommendation(s):

- To note the information contained in this report

4.1 Asset Management

4.1.1 Ordinary Watercourses

No performance or maintenance issues have arisen that require the attention of the Board. This next season (2017/18) is the final year of the contract after which the Board has the option to extend for a further 2x 12 month periods, which subject to performance, would expire on 31st March 2020.

4.1.2 Main River

We have arranged a meeting with the Environment Agency Asset Performance Team Leader, Mr Dave Shaw, before the main Board meeting to discuss Public Sector Cooperation Agreement and Main River maintenance to be attended by Chairman, CEO, Engineer and Contractor.

4.2 Planning, pre-application advice and consents

4.2.1 Planning applications

Our email address for planning enquiries is planning@shiregroup-idbs.gov.uk

Planning applications have been reviewed and 2 applications have required comment on behalf of the Board between 26th October 2016 and 24th January 2017.

Planning Ref	Proposal	Address	Applicant	Work in, on, under or within 9m (7m SAIDB) of an Ordinary Watercourse?	Alteration to surface water discharge or discharge structure?	Consent Form and Information provided?
				Yes/No	Yes/No	Yes/No
16/25348/FUL	Proposed residential development comprising of 24 dwellings with change of use from recreational land to residential	Land At Valerian Drive Stafford	The Wrekin Housing Trust	no	yes	yes
16/25189/FUL	Outline application for residential development with all matters reserved for future consideration (access, appearance, landscaping, layout and scale) and full application for 89 dwellings with details of access, landscaping, drainage and other associated infrastructure.	Land off Fairway Littleworth Stafford, ST17 4NH	Planning Prospects Ltd.	no	yes	yes

4.2.2 Land Drainage Act 1991 Section 23 and 66 (Byelaw) Consents

Our email address for consent applications is consents@shiregroup-idbs.gov.uk

1 no. consent has been refused on behalf of the Board between 26th October 2016 and 24th January 2017 as the Board cannot provide retrospective consent.

Applicant	Location	Proposal	Permanent / Temporary Works	Approved/Refused/ other	Date
Jim Vickers (Bellway Homes)	The Drive, Doxey Road, Stafford	3 rail fence alongside watercourse	Permanent	Refused	30.11.2016

4.2.3 Contravention of LDA Section 23

Bellway Homes - The Drive, Doxey Road, Stafford

Below is the refusal as noted in the Consent section above.

SOW & PENK INTERNAL DRAINAGE BOARD

A member of the Shire Group of Internal Drainage Boards

Our Ref: PJ/SPIDB/122

Mr Jim Vickers
Bellway Homes
Bellway House
Relay Point
Relay Drive
Tamworth
Staffordshire
B77 5PA

30th November 2016

Dear Mr Vickers

Refusal for the erection of a post and rail fence alongside a watercourse adjacent The Drive, Doxey Road, Stafford.

On behalf of the Sow and Penk Internal Drainage Board we have now completed our review of your consent application.

After review of all information it has been determined that your application to construct a fence alongside the watercourse has not been successful as a fence is already built and the Board do not have powers to provide retrospective consent.

I therefore advise that formal consent for the proposed fence is refused.

Please note that the erection of a fence within 9 metres of a watercourse is a contravention of the Boards Byelaws and we will be writing further setting out the contravention and the reasonable steps that you are you are required to take to avoid legal action.

If you have any queries please do not hesitate to contact Paul Jones by letter, email or telephone, quoting our reference on all correspondence.

Yours faithfully,

For and on behalf of the Sow and Penk Internal Drainage Board



Paul Jones BSc (Hons) MSc (Eng)
Engineer to the Board
Lead Water Level Management Engineer
paul.jones@shiregroup-idbs.gov.uk

Sow and Penk Internal Drainage Board
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Clerk and Engineer to
Ancholme IDB
Black Drain DB
Danvm Drainage Commissioners
Doncaster East IDB
Goole Fields District DB
Goole & Airmyn IDB
Scunthorpe & Gainsborough WMB
Sow and Penk IDB

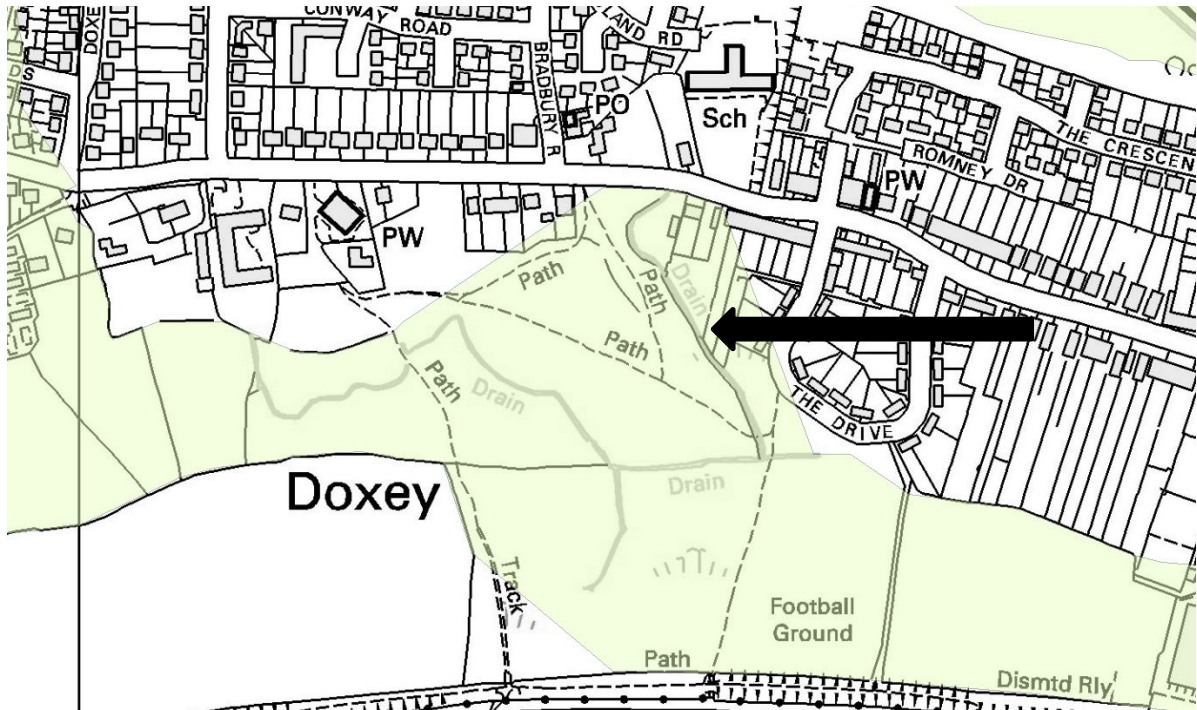
Engineer to
Selby Area IDB
Swale and Ure DB

The Shire Group of
Internal Drainage Boards
is managed by JBA Consulting

Registered Office
South Barn
Broughton Hall
Skipton
North Yorkshire
BD23 3AE
United Kingdom

Jeremy Benn Associates Limited
Registered in England 3246693

The ordinary watercourse falls within the Drainage District but is not one currently maintained by the IDB and forms the eastern extend of Bellway Homes development.



The fence has been erected within the watercourse and on bank top which prevent any riparian owner/occupier form maintaining the watercourse in the future. This watercourse permits flows form the surround catchment area which includes rainfall north of Doxey Road.



A Notice for Works to Maintain Flow in Watercourse under Section 25 has now been issued to Bellway Homes.

SOW & PENK INTERNAL DRAINAGE BOARD
A member of the Shire Group of Internal Drainage Boards



Our Ref: PJ/SPIDB/

The Company Secretary or Clerk
Bellway Homes Head Office
Seaton Burn House
Dudley Lane
Seaton Burn
Newcastle under Tyne
Tyne & Wear
NE13 6BE

25th January 2017

Dear Sirs|

NOTICE FOR WORKS TO MAINTAIN FLOW IN WATERCOURSE Land Drainage Act 1991 (as amended) Chapter 59 Part II Section 25

The SOW & PENK INTERNAL DRAINAGE BOARD ("IDB") consider the watercourse adjacent to the site *off The Drive, Doxey Road, Stafford* to be in a condition such that the proper flow of water is impeded due to A FENCE being erected in that Watercourse, and in accordance with the Land Drainage Act 1991 (as amended) Chapter 59 Part II Section 25 require BELLWAY HOMES to remedy that condition.

The nature of the works the IDB require to be carried out is the removal of the fence, in entirety, from the watercourse with such removal being completed within a period of two calendar months from the date of this notice.

The IDB also indicate the right of BELLWAY HOMES, within twenty-one days from the date on which the notice is served, to appeal to a magistrate's court, under the Land Drainage Act 1991 (as amended) Chapter 59 Part II section 27.

Subject to the right of appeal provided by section 27, if BELLWAY HOMES fails to carry out the works indicated by this notice within the period so indicated the IDB may themselves carry out the works and recover from BELLWAY HOMES the expenses reasonably incurred by them in doing so; and without prejudice to the IDBs right to exercise that power, that person shall be guilty of an offence and liable, on summary conviction, to a fine not exceeding level 4 on the standard scale.

Yours faithfully

For and on behalf of the Sow and Penk Internal Drainage Board



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Lead Water Level Management Engineer
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Goole & ~~Airway~~ IDB
Scunthorpe & Gainsborough WMB
Sow and Penk IDB

Engineer to
Selby Area IDB
Swale and ~~Ure~~ DB

The Shire Group of
Internal Drainage Boards
is managed by JBA Consulting

Registered Office
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Jeremy Benn Associates Limited
Registered in England 3246693

5. Health and Safety Report

5.1 Health and Safety Boards Contractor

5.1.1 Accidents and Incidents

There have been no accidents or incidents to report since the last meeting.

6. Environmental Adviser's Report

Recommendation:

- Members note information contained in the Report

6.1 Legislation

Nothing to report.

6.2 BAP 2015-2020

Nothing to report.

7. Any other business

8. Date of next meeting

9. APPENDIX A: Internal Audit Report

Held at JBA Consulting, Epsom House,
Monday, 28 November 2016

Present:	Mr Adrian Black	Scunthorpe & Gainsborough WMB
	Mr David Hinchcliffe	Black Drain Drainage Board
	Mr Peter Horne	Doncaster East IDB
	Mrs Veronica Chapman	Doncaster East IDB
	Mr Christopher Day	Ancholme IDB
	Mr Martin Oldknow	Black Drain DB/Doncaster East IDB
	Mrs Gillian Ivey	Danvm Drainage Commissioners
	Mr Andy Cane	Brodericks GBC

In Attendance on behalf of JBA Consulting:

Mr Craig Benson (Senior Financial Officer to the Shire Group of IDBs)
Mr Mark Joynes (Financial Officer to the Shire Group of IDBs)

1. Introductions and Apologies for Absence

The members of the panel briefly introduced themselves. Apologies for Absence were received from Cllr CA Harp and from Cllr R Sutherland.

2. Minutes of the Last Meeting/Matters Arising

The panel approved the minutes as a true and fair record with no matters arising.

3. Risk Register – New Format

The finance officer gave a brief update of the changes applied to the register since the last meeting. A section had been added specifically identifying what the undesirable events are and the risks associated with them. Also, the finance officers explained the proposal to maintain a separate register for every drainage authority, with each register tailored to the needs and circumstances of that client. The panel discussed the following items with regard to the format.

Individual Registers

Andy Cane suggested the current register is fairly general and it would be a good thing for each authority of have its own register. Gillian Ivey agreed and said each drainage authority has its own risks and circumstances. Craig Benson gave several examples of risks faced by individual clients that were particular to that client.

Live Document

The panel noted the document was now fairly unwieldy and discussed whether some of the older entries that have since been resolved be removed. The officers pointed out each Board needs to be aware of all the risks it faces and the control members they have in place, to facilitate review.

Register of Members' Interests

Adrian Black enquired how often the register is updated. Craig Benson said members should advise Shire Group officers whenever there are any changes so the register may be updated. He further suggested a reminder could be included in the boards' meeting papers every year.

4. Risk Register – Items Discussed

In addition to the general format the panel discussed several specific items.

Declarations of Interest

GI suggested a sentence be added all Boards' meeting papers reminding them of the requirement to declare any interests. AB suggested correspondence should be sent to all members periodically requesting they check their details are up-to-date. AC asked how often members actually declared an interest during meetings and offered to leave the room. He was informed it did indeed happen although it is somewhat rare.

ACTION – Consider Issuing emails to members

Policies on Public Awareness

GI said that Danvm Drainage Commissioners strongly felt that the website did not very much help the public become more aware of Drainage Boards. She pointed out the search engine Google pointed the Shire Group home page rather than individual drainage authorities. Furthermore, she said they could do more to put things into the public arena and raise public awareness of Drainage Boards and their activities. CB pointed several recent events included ADA shows, their regional branches, the Lincolnshire Show and the Danvm Drainage Commissioners recent display at Bentley Park. Peter Horne asked whether it was the management team's responsibility to raise awareness. After a brief discussion regarding contractual arrangements CB said the team should take the lead, mentioning possible visits to local schools, explaining the importance of flood protection, giving flume demonstrations and so on.

5. Internal Auditor's Report

The internal auditor reviewed the work undertaken on the 2015/16 accounts. In general, the internal auditor was satisfied with how things are running and said there were no major concerns. The panel discussed the following points:

Decision Making

AC said this issue is never an easy one but the attendance of members and the split between elected and nominated members should always be borne in mind. MO said some boards should consider reducing reconstituting to reduce the number of members. PH said Doncaster East IDB would look carefully at this option and also that local authorities tend to nominate council officers, who tend not to get involved. GI said Danvm DC generally did well in this regard with all 13 nominated members attending the meetings on some occasions. AC reaffirmed attendance should reflect the 'plus-one' make-up of the Board's constitution. CB suggested if a Board has a majority of one, they should consider reconstitution. DH said he preferred councillors as they are better aware they are representing the drainage board and not the local authority that appointed them, and that officers may have different agendas.

Reserves Policy

GI pointed out that Danvm DC have now in fact adopted a reserves policy. AC was agreeable to amend his report. CB pointed out all Shire Group members have a reserves policy, with Goole Fields District DB being the sole exception.

Assessment of Control Environment

PH drew attention the internal auditor's frequent use of the phrase 'fairly robust', and said if the auditor couldn't provide any concrete suggestions on how to improve matters, an unqualified 'robust' would be more appropriate. AC said this was a mere wording issue, and acknowledged risk could never be entirely eliminated. He agreed to use the phrase 'robust' in future.

6. External Auditor's Report

The Annual Returns were reviewed by the panel and more specifically the External Auditors' comments. The following matters were discussed.

Ongoing Audit of Danvm Drainage Commissioners

CD asked for confirmation that the external auditors had all their required materials by July. CB confirmed so, and the audit should be complete by 30 September 2016. CB further explained that the external auditor should've been in contact and advised the Board to advertise that the audit was still ongoing. CD strongly expressed the view that this was not acceptable. CB agreed and said the officers would send an email on behalf of the panel to this effect. CB also gave the panel a brief description of the details of the change of regime. AC said auditors need to work to deadlines, 30 June in his case and 30 September for the external audit.

ACTION –Contact BDO on behalf of the panel by email

7. Any Other Business

Budget Process & Scope of Internal Audit

Craig Benson informed the panel he had looked at the budget process with the internal auditor. CD enquired about the scope of the audit. CB said the process was set down in legislation and the initial discussions took place in March. AC said the scope had to be flexible to allow for any necessary investigation. CB reminded the panel any specific risks could now be added to the risk register.

8. Date of Next Meeting and Close of Meeting

The next meeting of the panel will be held on Monday, 27 November 2017 at 10.00am at JBA Consulting, Epsom House, Redhouse Interchange, Doncaster, DN6 7FE.

CD thanked the internal auditor for all the work done and the finance officers thanked the members for attending. The meeting closed at approximately 10:50am.

10. APPENDIX B: Risk Register

A copy of the updated Risk Register can be found over the following pages. The Board is requested to review and approve the document.

Item	Grade	Impact	Likelihood	Ref	Risks	Mitigation and Action Required	Last Reviewed
Governance - Members & Management							
Question 1 - Does the Board Lack Direction?							
1. a)	B	High	Low	1.1	Disunity in Board with conflicting aims & objectives. External bodies and the wider public lack understanding of the Board's aims & objectives. Internal/external disputes cannot be resolved through lack of adopted policies.	Each board has a policy statement on Flood Protection and Water Level Management. These fall short of full Strategic Plan. All Boards have Biodiversity Action Plans. ADA standard model policies utilized to adopt an application. By default the constitution follows the provisions laid down in the Land Drainage Acts.	16/11/2016
1. b)	B	High	Low	1.2	Board lacks sufficient funds to meets its obligations.	Budgets follow sound logical principles. Approved by each IDB.	16/11/2016
1. c)	B	High	Low	1.3	Officer's unaware they have exceeded, budget, become overdrawn or that there are other, material errors in the accounting records. Inefficient, dangerous operational practises occur and continue unaddressed.	Daily, weekly, Monthly and Quarterly totals considered by Financial Officers on an ongoing basis that these are in accordance in general terms with budget. Evidence of budget monitoring approved by IDBs. Budget review document signed each month with comments.	16/11/2016
1. d)	B	High	Low	1.4	Board members and other funding partners unaware of problems set out above. Said problems continue unaddressed.	Operational performance considered and updated at Board meetings as appropriate. Ratepayers know Board members. (Names of all Board members are available on the Shire Group website) Feedback to board of praise /criticism via member. Complaints procedure documented and available on website.	16/11/2016
Members/Officials							
Question 2 - Do officials/members lack relevant skills or commitments?							
2. a)	D	Low	Low	2.1	Board members/officials lack suitable knowledge and experience. Members/officials lack ability to make objective decisions and act in the Board's long-term interest. Recruitment process is not transparent to all.	Land Drainage Act provides for election of members every 3rd Year. Generally recruitment is via word of mouth from existing members and landowners who have been affected by the boards' policies in order to represent their interests. Format of the nomination papers is prescribed by the LDA 1991 and copies are available on the website.	16/11/2016
2. b)	D C	Low Low	Low High	2.2	Unsuitable members (see above) appointed to the Board Local Authority appoints unsuitable members to the Board.	Qualifications for membership laid down by LDA 1991. See reverse side of nomination paper. Council to nominate people as they consider appropriate	16/11/2016

Item	Grade	Impact	Likelihood	Ref	Risks	Mitigation and Action Required	Last Reviewed
2. c)	C	Low	High	2.3	Members/officials lack understanding of the Board's objectives, latest legislative requirement and latest developments in the industry.	Ian Benn is a member of the ADA Technical & Environmental Committee. He attends a forum of local Clerks approx. 3 times per year together with The Association of Drainage Authorities annual conference. Regular updates from Association of Drainage Authorities. All updates reported to members in their meeting papers. Training seminars on legislation, responsibilities, ethics, etc. are being delivered. Comprehensive modular training scheme to be added to the website (target date 31.3.2017)	16/11/2016
Question 3 - Does the Board lack appropriate composition?							
3. a)	B	High	Low	3.1	No clear framework of the operations in the organisation. Members/officials do not understand their own roles & responsibilities.	Composition of the Board set out in DLA. Standing Orders and Financial Regulations renewed are reviewed and renewed. To be approved by DEFRA.	16/11/2016
3. b)	D	Low	Low	3.2	A member's interest are in conflict with those of the Board. Board are unaware of any such potential conflicts.	Minutes and agenda thereto states Board Members are advised to declare a pecuniary or non pecuniary interest on any item in the agenda. Register of Members' Interest compiled and kept up-to-date.	16/11/2016
3. c)	D	Low	Low	3.3	Members / officials meetings have taken place. Decisions of the Board go unrecorded.	LDA and Clerk to arrange programme of meetings. Agenda for meeting set by Clerk and Chairman. Minutes of meetings scrutinised & approved by Board.	16/11/2016
3. d)	B	High	Low		As 3 b) above.	As 3 b) above.	16/11/2016
3. e)	D	Low	Low		Reviewers not certain of legality of expense payments made to members.	Not for Board meetings, conferences only, as per LDA.	16/11/2016
3. f)	D	Low	Low		Board exposed to risk of fraud.	No remuneration policy in place. Boards may pay a chairman's honorarium at their discretion, subject to ministerial approval.	16/11/2016
Management							
Question 4 - Is There an Adequate & Informed Organisational Structure?							
4. a)	D	Low	Low		See 2. c) above.	See 2. c) above. Management are involved in the preparation of training modules and attend the seminars, or indeed deliver them.	16/11/2016
4. b)	D	Low	Low		Lack of a clear chain of command. Officers uncertain of the responsibilities and level of authority. Organisational structure difficult to review.	In general on website. Further, more detailed documents setting out team structure, individual roles, etc. on JBA records. To be added to the website (target date 31.3.2017)	16/11/2016
4. c)	D	Low	Low		Staff problems and organisational anomalies not addressed.	JBA procedures. IDB Division established in line with DEFRA requirements.	16/11/2016
4. d)	D	Low	Low		Conflicts of interest not detected and not addressed.	JBA procedures. IDB Division established in line with DEFRA requirements.	16/11/2016

Item	Grade	Impact	Likelihood	Ref	Risks	Mitigation and Action Required	Last Reviewed
4. e) Is there a competence framework?	B	High	Low		Assessment of staff members ability to fulfil their roles is difficult, and the results harder to justify.	Prescriptive Job Descriptions written for each team member. These are in progress. (reviewed annually). Detailed descriptions setting out roles & requirements included in tender documentation.	16/11/2016
Question 5 - Is there a lack of succession planning? Can experience and skills be lost, and corporate contract/operational impact be lost?							
5. a) Is there succession planning?	B	High	Low	13.1	Orderly transitions not adequately planned for and disruptions/delays occur as a result.	Good balance of knowledge and skills appropriately segregated. Procedures being documented.	16/11/2016
5. b) Are there appropriate notice periods for changeover?	B	High	Low	13.1	Insufficient time to plan for transitions causes disruption.	All IDB Division Staff have a permanent contract with JBA Consulting. Employees with over two years' service are required to give three months' notice in writing.	16/11/2016
5. c) Are there training programs in place?	B	High	Low		Staff lack the knowledge and appropriate training to fulfil their roles.	Ongoing on the job training of key staff occurring.	16/11/2016
Question 6 - Is the reporting process adequate?							
6. a) Is there timely and accurate project reporting?	D	Low	Low		Management, stakeholders and other interested parties not aware potentially problematic issues.	Progress on capital schemes is reported regularly at Board meetings.	16/11/2016
6. b) Is there timely and accurate financial reporting?	D	Low	Low		Members and management not made aware on problematic or otherwise important issues in a timely manner.	Estimates Jan/Feb, Accounts May/June.	16/11/2016
6. c) Is there a budget setting process?	D	Low	Low		Board lacks sufficient funds to meets its obligations.	Yes. Laid down by LDA. Budgets set every Jan/Feb	16/11/2016
6. d) Is there proper project assessment?	D	Low	Low		Lack of due project assessment may allow problems to arise again in future schemes.	Grant-aided scheme - PAB Approval. Non grant-aided - reported to the board.	16/11/2016
6. e) Is there regular contact between board and management?	D	Low	Low		Board members unaware of relevant issues, whether operational, financial, administrative or environmental. Board members unable to set policy as required.	Regular Board meetings.	16/11/2016
D							
Operational Risk							
Question 7 - Are there any risks associated with the provision of services?							
7. a) Is there a quality control procedure?	D	Low	Low		Services rendered do not adhere to relevant professional standards.	No quality control procedure but officers are ISO 9001 accredited.	16/11/2016
7. b) Is there a complaints procedure?	B	High	Low		No opportunity for dissatisfied parties to air grievances, nor any opportunity for the Board address them and correct any problems where necessary.	Website provides clear instructions on how to make complaints. All complaints reported to the Board in the meeting papers.	16/11/2016
7. c) Is there a policy to raise public awareness and profile?	D	Low	Low		General public unaware of the roles & responsibilities of drainage authorities, or even of their existence.	Website - Shire Group of Internal Drainage Boards.	16/11/2016
Question 8 - Is there a risk of supplier dependency?							
8. a) Are there procedures for obtaining quotations/periodic review of suppliers' charges?	B	High	Low	8.1	Unsuitable goods/services ordered by persons lacking suitable knowledge & experience, resulting in financial burden.	Levels of authority for ordering goods & services clearly set out in Board's financial regulations. Requirement for suitable number of quotations set out in same.	16/11/2016

Item	Grade	Impact	Likelihood	Ref	Risks	Mitigation and Action Required	Last Reviewed
8. b)	D	Low	Low		Contractors appointed lacking suitable training, knowledge, competence and experience.	JBA carry out all quality assurance on all contractors. Approved contractor list circulated as appropriate and approved by the board. List of the Board's approved contractors on Health & Safety website.	16/11/2016
8. c)	B	High	Low	8.1	Inadequate level of service rendered and/or unnecessary delays.	JBA administers all tendering processes and timing.	16/11/2016
Question 9 - Is there a risk that capital resources are under utilised?							
9. a)	B	High	Low	8.2	Problems not detected and corrected in a timely manner.	Asset Management program in place.	16/11/2016
9. b)	D	Low	Low	8.2	As above.	Repairs undertaken as required and approved at board meeting and general review to consider replacement option.	16/11/2016
9. c)	B	High	Low	8.2	Board unable implement necessary replacement of capital items.	JBA prepare and update for each meeting a 5 year capital programme for IDBs.	16/11/2016
9. d)	B	High	Low	8.2	Security issues not detected and corrected in a timely manner.	Boards with plant have secure depots. Site staff bring any potential security issues to the officers' attentions immediately. Intruder alerts detected automatically and reported immediately through the telemetry system.	16/11/2016
9. e)	B	High	Low	8.2	Board has inadequately level of cover. Board is paying for unnecessary insurance cover.	Towergate Insurance annually review all eight Board policies. IDB supplied with details.	16/11/2016
Question - 10 Is there a risk of employment disputes due to injury, unfair dismissal, equal opportunities, in appropriate training etc., or a high staff turnover?							
10. a)	D	Low	Low	10.1	New staff appointed who lack relevant training, competence, etc.	Interview questionnaires used.	16/11/2016
10. b)	B	High	Low	10.2	Employee dishonesty with regard to qualifications and previous experience may go undetected.	Written references and copies of relevant certificates obtained when new employees are engaged.	16/11/2016
10. c)	B	High	Low	10.3	Discrimination (e.g. by age, gender, race, religion or belief, sexual orientation, disability) may occur in the recruitment process and go undetected. Favouritism and nepotism may likewise occur.	No formal policy in place. Abide by current statute.	16/11/2016
10. d)	D	Low	Low		Opportunities to strengthen links with workforce misses. Also, to avert future disputes & generally improve workplace satisfaction missed.	6-monthly review for new starters. Annual appraisal process for workforce.	16/11/2016
10. d)	D	Low	Low	10.4	Training needs and career development goals of individuals not determined.	Schedule of training needs via the asset manager.	16/11/2016
10. f)	D	Low	Low	10.4	Health and safety needs of individuals not assessed. Accidents and illnesses that should be easily preventable occur.	As above.	16/11/2016
10. g)	D	Low	Low	10.5	No clarity as to each employees roles and responsibilities.	Job specifications in place for recent appointments.	16/11/2016
10. h)	B	High	Low		Employees' remuneration is not appropriate for their level of experience and their current roles and responsibilities. Workplace dissatisfaction through inadequate pay.	Rates increased in accordance with Association of Drainage Authority guidelines. Training and working conditions as 10 e) above.	16/11/2016

Item	Grade	Impact	Likelihood	Ref	Risks	Mitigation and Action Required	Last Reviewed
10. i) Are there contracts of employment?	B	High	Low	10.6	Employees uncertain of the details of their roles and what is expected of them.	Contracts of employment in place.	16/11/2016
Question 11 - Are there risks of loss of information and continuity?							
11. a) Is there a disaster recovery plan	B	High	Low	11.1	Business IT infrastructure destroyed by fire, vandalism, etc. Severe disruptions to operational effectiveness.	Backup tapes <u>kept off site</u> .	16/11/2016
11. b) Is there a policy of taking and sharing data off site?	B	High	Low	11.1	Major disruption to operational effectiveness as a result of significant loss of data.	As 11. a) above.	16/11/2016
11. c) Is there Insurance cover? Is it regularly reviewed?	B	High	Low		As 9. e) above.	see 9. e) above.	16/11/2016
Question 12 - Is there a risk of lack of awareness of procedures and policies?							
12. a) Is there a proper documentation of procedures and policies?	B	High	Low	12.1	Confusion or disagreements not quickly resolved. Uncertainty over requirements and expected standards.	Recommend that policies be documented at the earliest opportunity. All adopted policy documents available on website. Procedures are in progress <u>(target date 31.3.2017)</u>	16/11/2016
D							
Financial Risks							
Question 13 - Is there a risk of loss of control through an inadequate budget process?							
13. a) Is there a budget linked to planning and objectives?	B	High	Low		As 1. b) above.	See 1. b) above. 5-year or 25-year budget forecasts presented at Board meetings.	16/11/2016
13. b) Is the budget regularly reviewed and monitored?	B	High	Low		As 1. c) above.	See 1. c) above.	16/11/2016
13. c) Is there a monitored and adequate skill base to interpret the information?	B	High	Low		Staff, members or other reviewers do not understand the implications of the forecasts they are presented with.	Team members both experienced and suitably qualified.	16/11/2016
13. d) Is there an indication of major dependencies on income sources?	B	High	Low		Board left in financial disarray should such an income stream suddenly cease for any reason.	Highlights requirements of DEFRA Grants and/or Public Works Loans (Capital works).	16/11/2016
Question 14 - Is there a risk of lack of liquidity due to inadequate reserves?							
14. a) Is there a reserves policy linked to business plans and identified risks?	B	High	Low		Board lacks adequate funds to fulfil its statutory obligations. Board unable to remain solvent following a major undesirable event.	The Board have a reserve policy in place, and take it into consideration when setting the budget every year.	16/11/2016
14. b) Is there a regular review of the reserves policy?	B	High	Low		Reserve policy fall out-of-date and are no longer adequate to meet the requirements of the Board.	Policies reviewed periodically, typically 3 or 5 years.	16/11/2016
14. c) Is there a fair reflection of the financial integrity of the Boards reserves?	B	High	Low		Actuality of the Board's financial perform leaves them in a position in breach of their reserves policy.	Presentation of balances within accounts is consistent with associated effects on stated reserves. Recommend review of presentation of Balance Sheet in conjunction with Reserves Policy. <u>This is ongoing.</u>	16/11/2016
External Risks / Compliance with the Law							
Question 15 - Is there a risk associated with non-compliance with the law or other external factors?							
15. a) Is there a policy of review of the legal requirements extending to the organisation/professional opinion sought re:							
• Employment Law?	B	High	Low		Board in breach of its statutory obligations.	Equal Opportunities policies in existence.	16/11/2016
• Human Rights Legislation?					Same	All applicable law complied with.	

Item	Grade	Impact	Likelihood	Ref	Risks	Mitigation and Action Required	Last Reviewed
<ul style="list-style-type: none"> Health & Safety? Criminal Acts? 					Same Same	Ian Benn/Craig Benson Health & Safety Advisors. Disciplinary Procedures.	
15. b) Is there a policy for monitoring and reporting grant funders' conditions?	B	High	Low		Actual costs may exceed budgeted, opportunities to take corrective action missed.	Depends on the scheme. Monitored generally by the project manager.	16/11/2016
Specific Board Risks							
Question 16 - Are there any specific Board Risks?							
16. a) Is there a major ratepayer whose none payment would significantly impact on the Board activities?	B	High	Low		Board left with shortfall in reserves Board unable to pay Creditors Cashflow problems Change in % of Board membership	Reserve Policy and long term planning same same Board awareness.	19/12/2016
16. b) Environment Agency withdrawal of maintenance on main river and tidal systems	A	High	High		Board's maintenance operations reliant upon EA systems Agricultural land taken for flood storage thereby reducing drainage rate income of Board	Board consider carrying out work on main river at own cost. Reduce works on ordinary watercourses	19/12/2016
16. c) Major Development in Board's District	B	Low	High		Increase in Special Levy on Council Change in % split of membership of Board.	Council made aware of impact of development on Special Levy. Board made aware of changes to Board membership	19/12/2016
16. e) Third Party Contributions Cease	B	Low	High		Environment Agency stop Highland Water Contributions. Likely impact would be an increase in the drainage rate	Reduce reliance on this income when budgeting and treat income as bonus and spend on works at end of year.	19/12/2016



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