



Sow & Penk

Internal Drainage Board

**Social Club Room
Derrington Village Hall & Social Club
Billington Lane
Derrington
Stafford
ST18 9LR**

RESCHEDULED!!

Meeting will be at Derrington Village Hall
(papers originally stated Stafford BC rooms)

Meeting Papers

Tuesday 28 May 2019

Meeting at 11:00am



Shire

Group of IDBs

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Meeting Papers

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CQP

Engineer - Paul Jones ONC, HNC, BSc (Hons) MSc (Eng) GMICE

Environment Officer – Alison Briggs BSc(Hons), MSc, CEnv. MIEMA

Asset Manager - Martin Spoor BSc (Hons) Engineering, Geology, and
Geotechnics

Finance Officer - David Blake BSc (Hons) Accounting

Finance Officer - Mark Joynes BSc (Hons) Mathematics

Rating Officer - Janette Parker

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

1.3 Complaints and FOI

1.4 Minutes of Meeting 6 February 2019

Present

Ray Sutherland (RS)
John Hilderley (JH)
Neil Brown (NB)
Andrew Harp (AH)
Alan Perkins (APk)
Graham Bower (GB)
Anthony Parrot (APt)
Jeff Sim (JS)

Also in attendance Phil Bates Staffordshire Borough Council
 Thomas Lea Environment Agency
 Robert Hilderley Member of public

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

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

Apologies for Absence

Apologies were received from Frances Beatty, Ralph Cooke, Geoff Rowlands, Royston Wright and Lucy Hogarth.

Declaration of Interest

2019.01 There was none given.

Complaints and Freedom of Information Requests

2019.02 None had been received.

Minutes of the Last Meeting

2019.03 Minutes of the last meeting held on 21 November 2018 copies of which had been previously circulated to members with the meeting papers were taken as read, proposed by APk, seconded by AH, approved by the Board and signed by the Chairman.

Matters Arising

2018.64 CEO confirmed that the Board would hopefully be in the same location for the County Show this year.

2018.75 The Chairman advised members that he would recommend that the decision to co-opt a County Councillor on to the Board would be deferred until after the local elections. This was agreed by all member.

Clerks Report

2019.04 The Clerks Report, copies of which had been circulated to members with the last meeting papers, was considered and adopted.

Matters Arising**2019.05 ADA Conference**

CEO gave a verbal update on this year's conference to supplement the information contained in the meeting papers. He also circulated a document on Natural Flood Management Measures – A practical farmers guide, which is has been made available on the Board's website. An open discussion followed on the impacts of climate change and the role of IDBs.

2019.06 Asset Management Conference

CEO informed members that he and the Engineer had attended the conference and had both sat and passed an Institute of Asset Management Certificate. Thomas Lea, Environment Agency, confirmed that the EA had recently obtained the BS in Asset Management. CEO added that there was an opportunity for IDBs to attain this standard. The Chairman thanked both the CEO and Engineer on their achievements.

2019.07 KPI Indicators – Members noted the KPI's and the Chairman asked what the Board could do to improve the scoring of the "Reduction of waterlogging and Flood risk to assets" section. The CEO stated that ideally the Board should try and work with landowners to reach a common agreement with respect to land management. The Chairman invited comments from the landowner members. Discussions followed on the prevention of siltation and JS informed members of the work the Staffordshire Wildlife Trust had been undertaking on Whiston Brook, Penkridge, to try and prevent siltation in this watercourse. It was agreed by members, that he would present some of the ideas and activities undertaken by SWT on this issue at the next meeting.

Financial Report

2019.08 The Financial Report, copies of which had been circulated to members with the last meeting papers, was considered and adopted.

Matters Arising

2019.09 Rating – Members agreed to write of £15.98 of drainage rates as recommended by the FO.

2019.10 Schedule of Payments – The Board approved payments totalling £75,987.67, all of which were approved by the Chairman. The Board also approved payments made direct from the bank account totalling £318.36 all of which were approved by the Officers.

2019.11 Audit – Internal Audit – The minutes of the internal audit review meeting were noted.

2019.12 Internal Audit – Risk Register - The FO advised members of the new format of the Risk Register and invited comments from Members. Members were content with the new layout and scoring matrix and it was proposed by AH, seconded by AP that the Register was approved by the Board. Members gave their approval.

2019.13 Budget Expenditure for the Year Ending 31 March 2020

The Board considered an Estimate of Income and Expenditure for the year ending 31st March 2020, copies of which had been previously circulated to members.

In accordance with Section 37 of the Land Drainage Act, the Board determined that aggregate annual value of chargeable properties in the district on the aggregate value of all other land in the district as at 31st December 2018 for the financial year beginning 1st April 2019 as follows: -

a) Aggregate annual value of chargeable properties	£ 1,653,716
b) Aggregate value of all other land	£ 170,848

It was agreed that for the purpose of defraying costs, charges and expenses etc. incurred by the Board under the Land Drainage Act 1991 for the period 1st April 2019 to 31st March 2020, and in pursuance of the Internal Drainage Board (Finance) Regulations 1992, that the Board make a drainage rate for their district in respect of agricultural land and agricultural buildings and a Special Levy as follows:-

The amount of the Board's expenses to be met by drainage rates was £11,105 by way of an Occupier's rate of 6.50p in the £ on the basis of the annual value of agricultural land and agricultural buildings in the district.

The amount of the Board's expenses to be met by Special Levies was: -

Stafford Borough Council	£ 103,706
South Staffordshire District Council	£ 3,786

The Chairman and Clerk were authorised to seal the rate and the Special Levy on the Local Authority in accordance with the Act and the Finance Regulations.

The Clerk, or their representatives, were authorised to negotiate and carry out proceedings for the recovery of any rates unpaid.

Members agreed that if additional expenditure is required above the agreed budget, it is taken from balances.

2019.14 Five Year Budget Estimate – the Board noted the five-year forecast that included provision for the Catchment Modelling of the district.

Engineers Report

2019.15 The Engineer's Report, copies of which had been circulated to members with the last meeting papers, was considered and adopted.

Matters Arising

2019.16 Asset Management – Hydraulic Modelling – Members noted that the expected return of the tenders was 15 February and that NLC would contact the Evaluation Panel Members in due course.

2019.17 Watercourse Maintenance Contract– The Engineer informed members that the current watercourse maintenance contract was due to terminate on 31 March 2020. It was necessary to undertake formal tendering process in accordance with Public Contract Regulations 2015 and that an Evaluation Panel would be required. It was agreed that this would comprise of the Procurement Specialist, the Engineer and the

Chairman. The Engineer was also instructed to obtain quotes from at least two Procurement Agents who were familiar with the Sow and Penk IDB requirements for approval of the Chairman.

- 2019.18 Eccleshall Flood Action Group** - Members noted the correspondence between the Eccleshall Flood Action Group and the Board with regard to the recent desilting work on the River Sow, that the EFA Group had undertaken. The Board were surprised to receive an invoice for the works, for which they had no liability. Thomas Lea agreed to investigate the matter to see what advice the Group had been given by the EA representative who is a member of the Group. Members were very aware of setting a precedent if they succumb to pay the presented invoice. No payment was authorised.

UPDATE: No EA Permit was obtained for the Works undertaken by Contractors on behalf of riparian owners.

- 2019.19 Planning** – Members noted that Officers had reviewed 91 planning applications between 24 October 2018 and 22 January 2019 of which 1 required a comment on behalf of the Board.

- 2019.20 Consents** – Two consents had been issued on behalf of the Board during the same period.

Health and Safety Report

- 2019.21** The Health and Safety Report, copies of which had been circulated to members with the last meeting papers, was considered and adopted with no accidents or incidents to report since the last meeting. The CEO advised members to visit the Board's website to view the latest health and safety guidance that had been issued to ADA.

Environmental Adviser's Report

- 2019.22** The Environmental Advisor's Report, copies of which had been circulated to members with the last meeting papers, was considered and adopted. The Chairman expressed his congratulations to the Advisor on her achievement of Chartered IEMA status.

Any Other Business

- 2019.23** Stafford County Show – CEO confirmed that the Board had obtained the same frontage as last year and invited Staffordshire Wildlife Trust and the Environment Agency to attend this year.

Date of Next Meeting(s)

- 2019.24** The next meeting will be held on Tuesday 28 May 2019 at Stafford Borough Council Offices and the November meeting on Wednesday 20 November 2019 at County Showground. Both meetings will start at 11:00am.

UPDATE – The venue for the 28-May-2019 meeting was subsequently rescheduled to *Derrington Village Hall & Social Club*. The time & date of the meeting remain the same.

1.5 Matters arising there from not elsewhere on the Agenda

2. Clerk's Report

Recommendation:

- Members note information contained in the Report
- Consider likelihood of Organisational Changes (Item 2.3.2)

2.1 Legislation

2.1.1 Nothing to report

2.2 Staffordshire County Show

A 6m x 6m marquee has been secured for Sow & Penk IDB at the show on Wednesday 29th and Thursday 30th May, **Trade Stand Number 205, Area P.**

The JBA Trust Hydraulic Flume will be available along with the Environment Agency fluvial table to demonstrate impacts of desilting on Main River.

The Environment Agency has confirmed their assistance and attendance for both days with 4 individuals each day.

The Staffordshire Wildlife Trust will hopefully also join us on both days through the Staffordshire Trent Valley Catchment Partnership.

2.3 ADA

2.3.1 ADA Governance Workshops

In total over 170 attended the workshops and ADA is reporting back to Defra on which IDBs and other authorities were represented at these events.

Slides

The slides delivered on the day are available on ADA's website under I have made pdfs of the slides from these events available on the Governance & Accountability page of the ADA website at:

https://www.ada.org.uk/wp-content/uploads/2019/04/Good_Governance_Workshop_Slides_2019.pdf

Training Modules

ADA made an audio recording of the workshop at CIWEM Venue in London and is working on a series of 20-25 minute training videos with this audio synchronised with the slides to provide a series of 5 training modules for Board Members/Officers. ADA hopes these will be on its website during May/June.

2.3.2 Defra Policy Advisory Group (PAG)

Defra holds these meetings approximately quarterly with a range of wider stakeholders interested in Defra policy related to IDBs. Updates are given on key topics such as the Rivers Authority & Land Drainage Bill (RALD) and De-Maining amongst other policy topics.

The PAG can trace its history back to the Defra Review of IDBs, which included proposals for sub-catchment IDBs, Biodiversity Action Plans, and 'indicative requirements' for IDBs

Defra has set for the PAG five 'questions' to look at in 2018-19, some of which overlap with ADA Committees' Workstreams.

The questions are:

- How can we encourage closer partnership working between IDBs and other RMAs at the local level along the lines of the Lincolnshire strategic flood risk model? What are the barriers to closer partnership working? (ADA Lead)
- How can IDBs locally showcase their environmental practices, particularly on conservation and biodiversity, and also how can we identify and spread good environmental practice across IDBs? (NE Lead)
- What are the opportunities beyond drainage rates and special levies for IDBs to secure sustainable funding and publicise the benefits? (EA Lead)
- Establishing and extending IDBs
 1. Where is there support/interest in a new IDB being formed or which IDBs want to extend their boundaries (ADA to provide information)
 2. What more do we need to do to enable and support new IDBs being created, or pre-existing boards extending their boundaries, where there is local support, in areas across the country? (ADA Lead)
- IDB membership appointment and attendance
 1. How do we secure active and appropriate membership and what are the minimum requirements for good governance? (Defra Lead)
 2. What would a role model IDB look like? (Defra Lead)

To assist with Defra's planning for future changes and possible creation of new IDBs, Defra has asked ADA to collate information about what organisational changes IDBs are seeking to make, and to indicate whether the changes being sought are:

- a. in the near future (ASAP, e.g. immediately following the Rivers Authorities & Land Drainage Bill becoming an Act),
- b. in the medium future (within the next 5 years), or
- c. in the longer term (over 5 years away).

Organisational changes are anything that would require an Order from Defra under Section 3 of the Land Drainage Act 1991 and could include:

- **Boundary changes (e.g. expansion to sub-catchment)**
- **Amalgamation (e.g. to create larger, more strategic, sub-catchment IDBs)**
- **Reconstitution (e.g. to change the number of Board Members, or to alter electoral or rateable sub-districts)**

2.4 Election Year

2019 is an election year for the Board and the procedure is set out below.

31 October 2019 will see the end of the current three-year term of office of the elected members of the Board, a new Board coming into place on 1 November 2019.

The Board are required to approve certain procedural arrangements in respect of appointment of a returning officer, date of poll if necessary as follows: -

- i) To confirm the appointment of JBA Consulting as returning officer.
- ii) A draft register of electors was prepared on 1 April 2019 and has been advertised on the Board's website. The Board are asked to consider any representations made by the public and approve the register. This approval must then be advertised.
- iii) It is proposed to receive nominations by post and the last date for return of the nomination papers in Friday 4 October 2019.

If there are more candidates nominated than the fixed number of elected members, then a poll must be arranged and the date for that poll is to be Friday 25 October 2019.

2.5 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 Section 1 of the AGAR
- To approve the Accounts for the Year Ended 31 March 2019
- To approve Section 2 of the AGAR
- To approve the schedule of payments

3.1 Rating Report

Details of the Rates and Special Levies issued, and payments received up to and including 29 March 2019: -

	£	£
Balance Brought forward at 1 April 2018		1,047.41
2018/2019 Drainage Rates and Special Levies		
Drainage Rates		10,915.37
Special Levies		
Stafford Borough Council	101,472.00	
South Staffordshire District Council	3,704.00	105,176.00
Total Drainage Rates Due		<u>117,138.78</u>
Less Paid: -		
Drainage Rates		10,631.61
Special Levies		
Stafford Borough Council	101,472.00	
South Staffordshire District Council	3,704.00	105,176.00
Total Drainage Rates Paid		<u>115,807.61</u>
Admin Adjustments		<u>-384.89</u>
Balance Outstanding as at 29th March 2019		<u>946.28</u>
Court Costs & Interest Due		<u>276.40</u>
Court Costs & Interest Paid		<u>99.81</u>
Court Costs & Interest Removed		<u>176.59</u>
TOTAL OUTSTANDING		<u>NIL</u>

3.2 Schedule of Payments

Payments made since those reported at the previous meeting:

DATE		CHEQUE	REF	PAYEE	DESCRIPTION	TOTAL	
		NUMBER				£	
2019							
Jan	15th	d/d	-	NatWest	Bankline Fees	21.80	*
	18th	d/d	24	Information Commissioner	Data Protection Registration	35.00	*
	29th	000856	23	ADA	Annual Subscription	1,018.80	
		000857	27	Danvm Drainage Commissioners	Website Hosting Fee, etc.	60.98	
		000858	26	Littlehales Plant Hire Ltd	Maintenance	17,849.62	
		000859	25	JBA Consulting	Management Services	5,969.47	
	31st	d/d	-	NatWest	Bank Fees	5.00	*
Feb	13th	000000	28	Environment Agency	Waste Carrier Licence	105.00	*
		d/d	-	NatWest	Bankline Fees	20.00	*
	21st	00861	29	Staffordshire & Birm. Aggr. Soc.	Stafford County Show - Marquee Unit	882.00	*
	27th	000862	30	Littlehales Plant Hire Ltd	Maintenance	4,399.52	
	28th	d/d	-	NatWest	Bank Fees	5.00	*
Mar	15th	d/d	-	NatWest	Bankline Fees	20.45	*
	29th	d/d	-	Bank Fees	Bank Fees	5.00	*
Apr	16th	000863	31	Danvm Drainage Commissioners	Cardnet Fees, etc.	6.07	
		000864	1	Environment Agency	Flood Defence Levy	2,158.75	
		000865	2	JBA Consulting	Management Services	5,466.26	
		d/d	-	NatWest	Bankline Fees	20.00	*
	26th	000000	3	XL Displays Ltd	Stafford County Show - Display Boards	589.20	*
		Total Amount of all Payments				38,637.92	
		* Total Amount of Direct Debits & Cheques Issued signed by the Clerk Only				1,708.45	

3.3 Audit

3.3.1 Internal Audit

The Internal Audit of the Board's financial statements for the year ended 31 March 2019 is underway and a report will be given at the meeting.

3.3.2 Annual Governance and Accountability Return (AGAR) Section 1 - Annual Governance Statement 2018/19

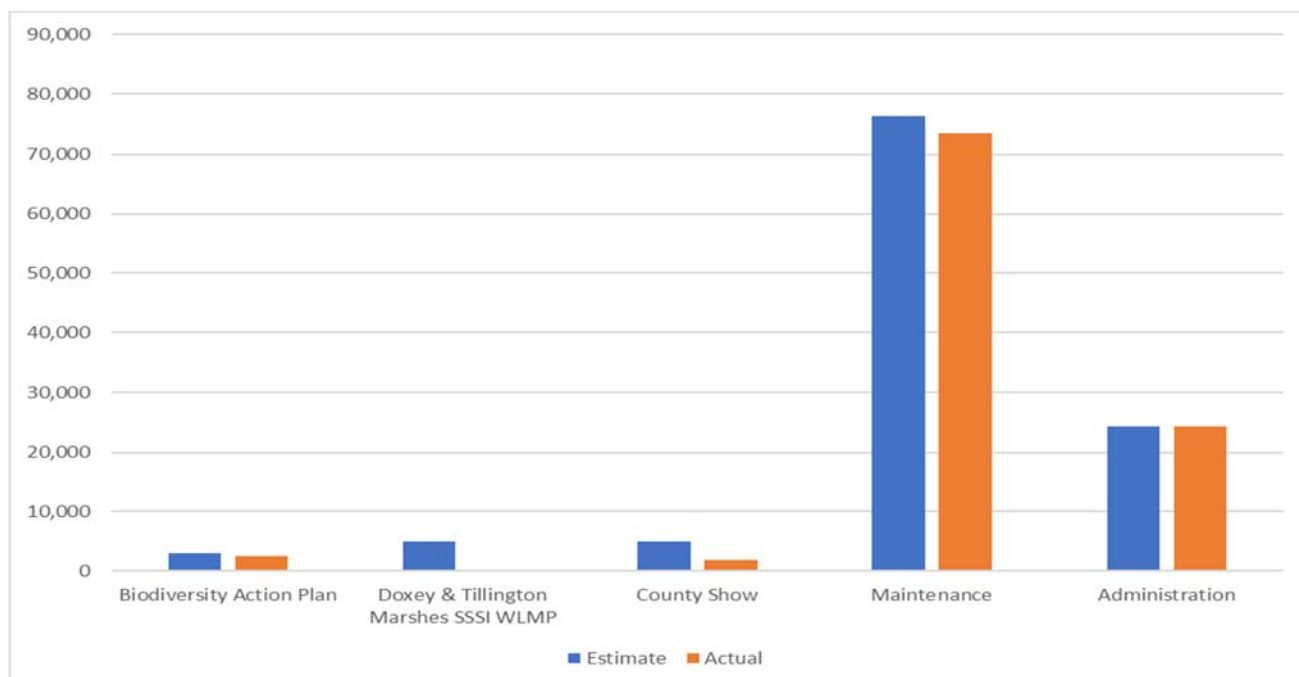
Members are asked to review and approve Section 1 of the AGAR which can be viewed at Appendix A.

3.4 Accounts for the Year Ended 31 March 2019

The accounts for the year ending 31 March 2019 are included as a separate item in your pack.

3.5 Budget Comparison for the Year Ended 31 March 2019

	2018/19				2018/19
Approved Estimate		Actual Out Turn			
£	£	£	£	31 March 2019	
				INCOME	
				Drainage Rates on Agricultural Land:-	
10,915		10,530		6.36p in £ on AV of £171,625	96.47%
				Special Levy:-	
				Stafford Borough Council	
101,472		101,472		6.36p in £ on AV of £1,595,476	100.00%
				South Staffs District Council	
3,704		3,704		6.36p in £ on AV of £58,240	100.00%
5,000		0		EA Grant - Doxey & Tillington Marshes SSSI WLMP	0.00%
150	121,241	792	116,499	Interest etc	528.19%
				EXPENDITURE	
8,900		8,635		Flood Defence Levy	97.02%
				Conservation Budget:	
3,000		2,500		Biodiversity Action Plan	83.33%
5,000		0		Doxey & Tillington Marshes SSSI WLMP	0.00%
5,000		1,768		County Show	35.35%
76,220		73,592		Maintenance	96.55%
24,403	122,523	24,377	110,871	Administration	99.89%
	(1,282)		5,628	Surplus - (Deficit)	-439.11%
	123,911		128,653	Balance Brought Forward	103.83%
	6,000		6,000	Transfer to Doxey & Tillington Marshes SSSI WLMP ACC	
	116,629		128,281	Balance Carried Forward	109.99%
				Penny Rate : £17,956	



3.6 Five Year Budget Estimate

Sow And Penk IDB	0	0	0	1	2	3	4	5
Revenue Account	2018/19	2019/20	2019/20	2020/21	2021/22	2022/23	2023/24	2024/25
	Actual	App	Estimated Out-turn					
	Out-turn	Budget						
	£	£	£	£	£	£	£	£
Income								
Drainage Rates	10,530	11,105	11,105	11,361	11,618	11,959	12,386	12,814
Special Levies	105,176	107,492	107,492	109,972	112,453	115,760	119,894	124,029
Bank Interest, Other Contributions	793	200	200	200	200	200	200	500
Total Income	116,499	118,797	118,797	121,534	124,270	127,919	132,481	137,342
Expenditure								
Flood Defence Levy	8,635	8,900	8,635	8,894	9,161	9,436	9,719	10,010
Administration	24,377	25,765	25,315	25,568	25,824	26,082	26,343	26,606
Maintenance of Drains	58,220	59,967	59,967	61,766	63,619	65,527	67,493	69,518
Additional Maintenance	15,371	18,000	18,000	18,540	18,000	18,540	19,096	19,669
Catchment Modelling		32,500	32,500	32,500	-			
Biodiversity Action Plan	2,500	3,000	3,000	3,000	3,000	3,000	3,000	3,090
County Show Budget	1,768	2,000	2,000	1,000	1,000	1,000	1,000	1,000
Total Expenditure	110,871	150,132	149,417	151,268	120,603	123,585	126,651	129,893
Surplus/(Deficit)	5,628	(31,335)	(30,620)	(29,734)	3,667	4,335	5,830	7,449
Balance Brought Forward	128,652	126,135	128,280	91,660	55,926	53,593	51,928	51,758
Balance	134,280	94,800	97,660	61,926	59,593	57,928	57,758	59,206
Transfer to Doxey & Till Marshes Account	6,000	6,000	6,000	6,000	6,000	6,000	6,000	6,000
Balance Carried Forward	128,280	88,800	91,660	55,926	53,593	51,928	51,758	53,206
Doxey & Tillington Marshes Acc	42,152	45,722	46,952	51,752	56,552	61,352	66,172	70,992
Penny Rate in £	6.36p	6.50p	6.50p	6.65p	6.80p	7.00p	7.25p	7.50p
Penny Rate £18,245	116%	57%	59%	36%	42%	40%	39%	39%
Rate Av £170,848	6.38p	8.55p	8.51p	8.61p	6.93p	7.09p	7.26p	7.42p
Levy Av £1,653,716								

	2018/19	2019/20	2019/20	2020/21	2021/22	2022/23	2023/24	2024/25
Doxey & Tillington Marshes Acc	Estimated	App	Estimated Out-turn					
	Out-turn	Budget						
	£	£	£	£	£	£	£	£
Income								
Transfer from I&E	6,000	6,000	6,000	6,000	6,000	6,000	6,000	6,000
Interest	77	30	30	30	30	30	50	50
Contribution to Scheme								
Total Income	6,077	6,030	6,030	6,030	6,030	6,030	6,050	6,050
Expenditure								
Capital Expenditure								
Maintenance	-	1,230	1,230	1,230	1,230	1,230	1,230	1,230
Total Expenditure	-	1,230	1,230	1,230	1,230	1,230	1,230	1,230
Surplus/(Deficit)	6,077	4,800	4,800	4,800	4,800	4,800	4,820	4,820
Balance Brought Forward	36,093	40,922	42,170	46,970	51,770	56,570	61,370	66,190
Balance Carried Forward	42,170	45,722	46,970	51,770	56,570	61,370	66,190	71,010

3.7 Annual Governance and Accountability Return (AGAR) Section 2 - Financial Statements 2018/19

Members are asked to review and approve Section 2 of the AGAR which can also be viewed at Appendix A.

4. Engineer's Report

Recommendation(s):

- To note the information contained in this report

4.1 Asset Management

4.1.1 Upkeep Asset Management System

We have registered the Board to this system which will allow recording of drain maintenance works and the ability to document pre-works and requirements as well as extra services. This will allow the Board to produce evidence of its activities and examples of the value for money it delivers through its strategic maintenance delivery.

4.1.2 Hydraulic Modelling

Tenders have been returned and evaluated by North Lincolnshire Council Procurement who have issued their report to the Chairman.

4.1.3 Ordinary Watercourses

Watercourse Maintenance Contract

Quotations for the Procurement of Watercourse Maintenance Services will be forwarded to the Chairman for approval to proceed.

Eccleshall Flood Action Group

The minutes of the last meeting can be found as a separate item in your pack for information, in particular, *Point 1, Page 1: Increase in the flow of the River Sow under the bridge*. Also included in your pack is the Environment Agency guidance document 'Helping you maintain your watercourse'.

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

Officers have reviewed 91 planning applications between 24 October 2018 and 22 January 2019 of which 1 has required comment on behalf of the Board.

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

2 No consents have been issued on behalf of the Board between 24 October 2018 and 22 January 2019.

5. Health and Safety Report

Recommendation:

- Members note information contained in the Report

5.1 Health and Safety Boards Contractor

5.1.1 Accidents and Incidents

Nothing to report.

5.2 Hedge Cutting prior to flail mowing (for information only)

Any IDB that insists on undertaking hedge cutting activities prior to drain maintenance, should ensure that the tractor is guarded appropriately.

Guidance is available here: <http://www.hse.gov.uk/pubns/ais21.pdf>

The document seeks to give clear guidance and advice on any hedge cutting activity.

Boards who utilise contractors to flail hedges should also be aware of this and immediately question the use of any plant or equipment that is not sufficiently protected.

5.2.1 Legal status of HSE guidance and ACOPs

It is also be prudent to highlight the following taken from the HSE website (see below):

In simple terms, if you do not follow the guidance then you should be doing something at least equal or better than what's suggested otherwise you will end up in hot water.

What are HSE guidance notes?

HSE guidance provides advice to help you understand how to comply with the law; explanations of specific requirements in law; specific technical information or references to further sources of information to help you comply with your legal duties. 28 Nov 2013

Legal status of HSE guidance and ACOPs

HSE publishes guidance (in the form of leaflets, books and on its webpages) and Approved Codes of Practice (ACOPs).

HSE guidance provides advice to help you understand how to comply with the law; explanations of specific requirements in law; specific technical information or references to further sources of information to help you comply with your legal duties.

ACOPs describe preferred or recommended methods that can be used (or standards to be met) to comply with regulations and the duties imposed by the Health and Safety at Work etc Act.

The legal status of guidance and ACOPs is given below and will appear in the relevant publications.

HSE guidance legal status

This guidance is issued by the Health and Safety Executive. Following the guidance is not compulsory, unless specifically stated, and you are free to take other action. But if you do follow the guidance you will normally be

doing enough to comply with the law. Health and safety inspectors seek to secure compliance with the law and may refer to this guidance.

Approved Codes of Practice (ACOPs) legal status

Each ACOP is approved by the Health and Safety Executive, with the consent of the Secretary of State. It gives practical advice on how to comply with the law. If you follow the advice you will be doing enough to comply with the law in respect of those specific matters on which the Code gives advice. You may use alternative methods to those set out in the Code in order to comply with the law.

However, the Code has a special legal status. If you are prosecuted for breach of health and safety law, and it is proved that you did not follow the relevant provisions of the Code, you will need to show that you have complied with the law in some other way or a Court will find you at fault.

6. Environmental Adviser's Report

Recommendation:

- Members note information contained in the Report

6.1 Policy

Nothing to report

6.2 Legislation

6.2.1 Eels (England & Wales) Regulations

The Agency is implementing a new project, Changes to the Eels Regulation Process (ChERP) which is intended to deliver a new regulatory process that can be implemented successfully for the protection and benefit of eels without unreasonably impacting on operators. There are several sectors affected by implementation of the Eels Regulations including Water Companies, Flood Risk and Land Drainage, Thermal Combustion, Hydropower, Agriculture and Nuclear Power. As Regulator, the Environment Agency intends to develop and incorporate new elements into the process to enable decisions by the regulator to be objective and based on best available evidence. The new elements will include Best Achievable Eel protection (BAEP), Economics and Site Specific Eel Risk Assessment (SiERA).

This Board does not manage any structures which will affect passage of eel under the Regulations.

6.2.2 Biodiversity Action Plan

Nothing to report.

7. Any Other Business

8. Date of Next Meeting

Wednesday, 20 November 2019

9. APPENDIX A – Sections of the AGAR

Scans of the relevant sections can be found over the following pages.

Section 1 – Annual Governance Statement 2018/19

We acknowledge as the members of:

SOW & PENK IDB
ENTER NAME OF AUTHORITY

our responsibility for ensuring that there is a sound system of internal control, including arrangements for the preparation of the Accounting Statements. We confirm, to the best of our knowledge and belief, with respect to the Accounting Statements for the year ended 31 March 2019, that:

	Agreed		
	Yes	No*	
1. We have put in place arrangements for effective financial management during the year, and for the preparation of the accounting statements.	✓		<i>prepared its accounting statements in accordance with the Accounts and Audit Regulations.</i>
2. We maintained an adequate system of internal control including measures designed to prevent and detect fraud and corruption and reviewed its effectiveness.	✓		<i>made proper arrangements and accepted responsibility for safeguarding the public money and resources in its charge.</i>
3. We took all reasonable steps to assure ourselves that there are no matters of actual or potential non-compliance with laws, regulations and Proper Practices that could have a significant financial effect on the ability of this authority to conduct its business or manage its finances.	✓		<i>has only done what it has the legal power to do and has complied with Proper Practices in doing so.</i>
4. We provided proper opportunity during the year for the exercise of electors' rights in accordance with the requirements of the Accounts and Audit Regulations.	✓		<i>during the year gave all persons interested the opportunity to inspect and ask questions about this authority's accounts.</i>
5. We carried out an assessment of the risks facing this authority and took appropriate steps to manage those risks, including the introduction of internal controls and/or external insurance cover where required.	✓		<i>considered and documented the financial and other risks it faces and dealt with them properly.</i>
6. We maintained throughout the year an adequate and effective system of internal audit of the accounting records and control systems.	✓		<i>arranged for a competent person, independent of the financial controls and procedures, to give an objective view on whether internal controls meet the needs of this smaller authority.</i>
7. We took appropriate action on all matters raised in reports from internal and external audit.	✓		<i>responded to matters brought to its attention by internal and external audit.</i>
8. We considered whether any litigation, liabilities or commitments, events or transactions, occurring either during or after the year-end, have a financial impact on this authority and, where appropriate, have included them in the accounting statements.	✓		<i>disclosed everything it should have about its business activity during the year including events taking place after the year end if relevant.</i>
9. (For local councils only) Trust funds including charitable. In our capacity as the sole managing trustee we discharged our accountability responsibilities for the fund(s)/assets, including financial reporting and, if required, independent examination or audit.	Yes	No	N/A
			✓

*Please provide explanations to the external auditor on a separate sheet for each 'No' response and describe how the authority will address the weaknesses identified. These sheets should be published with the Annual Governance Statement.

This Annual Governance Statement was approved at a meeting of the authority on:

DD/MM/YY

and recorded as minute reference:

MINUTE REFERENCE

Signed by the Chairman and Clerk of the meeting where approval was given:

Chairman

SIGNATURE REQUIRED

Clerk

SIGNATURE REQUIRED

Other information required by the Transparency Codes (not part of Annual Governance Statement)

Authority web address

WWW.SHIREGROUP-IDBS.GOV.UK AUTHORITY WEBSITE ADDRESS

Section 2 – Accounting Statements 2018/19 for

ENTER NAME OF AUTHORITY

	Year ending		Notes and guidance
	31 March 2018 £	31 March 2019 £	
1. Balances brought forward	163,199	164,746	Total balances and reserves at the beginning of the year as recorded in the financial records. Value must agree to Box 7 of previous year.
2. (+) Precept or Rates and Levies	112,042	115,706	Total amount of precept (or for IDBs rates and levies) received or receivable in the year. Exclude any grants received.
3. (+) Total other receipts	1,903	869	Total income or receipts as recorded in the cashbook less the precept or rates/levies received (line 2). Include any grants received.
4. (-) Staff costs	0	0	Total expenditure or payments made to and on behalf of all employees. Include salaries and wages, PAYE and NI (employees and employers), pension contributions and employment expenses.
5. (-) Loan interest/capital repayments	0	0	Total expenditure or payments of capital and interest made during the year on the authority's borrowings (if any).
6. (-) All other payments	112,398	110,871	Total expenditure or payments as recorded in the cash-book less staff costs (line 4) and loan interest/capital repayments (line 5).
7. (=) Balances carried forward	164,746	170,450	Total balances and reserves at the end of the year. Must equal (1+2+3) - (4+5+6).
8. Total value of cash and short term investments	183,983	189,159	The sum of all current and deposit bank accounts, cash holdings and short term investments held as at 31 March – To agree with bank reconciliation.
9. Total fixed assets plus long term investments and assets	0	0	The value of all the property the authority owns – it is made up of all its fixed assets and long term investments as at 31 March.
10. Total borrowings	0	0	The outstanding capital balance as at 31 March of all loans from third parties (including PWLB).
11. (For Local Councils Only) Disclosure note re Trust funds (including charitable)	Yes	No	The Council, as a body corporate, acts as sole trustee for and is responsible for managing Trust funds or assets.
			N.B. The figures in the accounting statements above do not include any Trust transactions.

I certify that for the year ended 31 March 2019 the Accounting Statements in this Annual Governance and Accountability Return have been prepared on either a receipts and payments or income and expenditure basis following the guidance in Governance and Accountability for Smaller Authorities – a Practitioners' Guide to Proper Practices and present fairly the financial position of this authority.

Signed by Responsible Financial Officer before being presented to the authority for approval

SIGNATURE REQUIRED

Date

DD/MM/YY

I confirm that these Accounting Statements were approved by this authority on this date:

DD/MM/YY

as recorded in minute reference:

MINUTE REFERENCE

Signed by Chairman of the meeting where the Accounting Statements were approved

SIGNATURE REQUIRED

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Peterborough
Saltaire
Skipton (Belle Vue Mills)
Skipton
Tadcaster
Thirsk
Wallingford
Warrington**

