



Earby & Salterforth

Internal Drainage Board

**Earby Town Council
The Parish Rooms
Victoria Road
Earby
Barnoldswick
BB18 6US**

Meeting Papers

***Thursday 27 January 2022
Meeting at 2:00pm***



Shire

Group of IDBs

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

T: 01302 337798

**info@shiregroup-idbs.gov.uk
www.shiregroup-idbs.gov.uk**

Meeting Papers

Prepared by:

Clerk - Craig Benson BA Business Studies

Engineer – Roger Smith, BSc (Hons) Env. Mngt, HNC Civil Engineering

Environmental Adviser – Alison Briggs BSc (Hons) Env.Sc., MSc Env.Mngt.,
CEnv., MIEMA

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.

Carbon Footprint



A printed copy of the main text in this document will result in a carbon footprint of 173g if 100% post-consumer recycled paper is used and 220g if primary-source paper is used. These figures assume the report is printed in black and white on A4 paper and in duplex.



Agenda

1.	Governance	4
1.1	Election of Chairman	4
1.2	Apologies	4
1.3	Declaration of Interest.....	4
1.4	Complaints and FOI.....	4
1.5	Minutes of Meeting 24 June 2021	4
1.6	Matters arising there from not elsewhere on the Agenda.....	5
2.	Clerk's Report	6
2.1	Policy	6
2.2	Legislation.....	6
2.3	Environment Agency.....	6
2.4	ADA.....	6
3.	Financial Report.....	8
3.1	Rating Report.....	8
3.2	Schedule of Payments.....	9
3.3	Audit.....	9
3.4	Estimate, Rates & Special Levies for the Year Ending 31 March 2023	10
3.5	Five Year Budget Estimate	11
4.	Engineer's Report.....	12
4.1	Asset Management.....	12
4.2	Planning, pre-application advice, consents, enforcement.....	12
5.	Health and Safety Report	13
5.1	Maintenance Contractors.....	13
5.2	Accidents, Incidents and near misses	13
5.3	COVID-19	13
6.	Environmental Adviser's Report.....	14
6.1	Legislation.....	14
6.2	Policy	14
7.	Any Other Business	14
8.	Date of Next Meeting	14
9.	APPENDIX A – Draft IDB Byelaws.....	15
10.	APPENDIX B – Correspondence from ADA on Red Diesel	28
11.	APPENDIX C – Minutes of the Audit Review Meeting.....	33
12.	APPENDIX D – Risk Register.....	36

1. Governance

1.1 Election of Chairman

1.2 Apologies

1.3 Declaration of Interest

1.4 Complaints and FOI

There have been no complaints or FOI's received since the last meeting.

1.5 Minutes of Meeting 24 June 2021

Present Ralph Guy (RG)
 Alan Butler (AB)

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

David Blake (Finance Officer)
Roger Smith (Engineer to the Board)

GOVERNANCE

2021.20 Apologies for Absence were received from L Bancroft.

2021.21 Declaration of Interest – RG Item 4.1.

2021.22 Minutes of Meeting 15 February 2021 – **Minutes considered and proposed as true record by RG, seconded by AB.**

CLERK'S REPORT

2021.23 Policy – **Revised standing orders proposed for approval by AB, seconded RG.**

2021.24 Finance Bill – Red Diesel Usage – Clerk confirmed that neither IDBs or the EA had been granted an exemption and despite lobbying by ADA on behalf of the industry, DEFRA and MPs had responded that this would stand. Discussions took place around possible implications with the Clerk adding that ADA were still lobbying.

FINANCE REPORT

2021.25 Rating Report – FO confirmed outstanding balance at year end had now been paid. Updated the board that 12 new ratepayers on 15 assessments had been identified. Notices sent to landowners, awaiting confirmation of ownership by return. RG confirmed that they were historical rates that had been removed before as it was the believed they were no longer rateable.

2021.26 List of Payments, RG asked to test the market for insurance quotes. FO to undertake – **Approval proposed by RG and seconded by AB.**

2021.27 Accounts for the Year Ended 31 March 2021 – FO took members through the report with **approval proposed by RG and seconded by AB.**

2021.28 Internal Audit – FO confirmed this had been completed & signed off by the Auditor noting the auditor had pointed out that there was no risk assessment undertaken by the board and no formal budget and monitoring had occurred in 2020/21. FO advised both were now in place and the board was compliant in both areas.

2021.29 Certificate of Exemption- AGAR 2020/21- FO explained that due to Income/expenditure <£25,000 the board can certify themselves as exempt from a limited assurance review - **Approval proposed by AB and seconded by RG.**

2021.30 Annual Governance and Accountability Return (AGAR) Section 1 – FO took members through the statement. **RG proposed approval of and AB seconded.**

2021.31 Annual Governance & Accountability Return (AGAR) Section 2 – FO took members through the return. **Approval proposed by AB and seconded by RG.**

2021.32 Budget Comparison – FO took members through the report. He told members it gives the board a direction of travel. The aim will be to breakeven whilst maintaining an approved reserve balance, a policy will be created ready for the next meeting.

ENGINEER'S REPORT

2021.33 Asset Management – Eng took members through the estimated costs for maintenance of ordinary watercourses for the coming maintenance season. He then suggested drains could be maintained on a bi or tri-annual basis, this would also assist with financial forecasting. The Boards Engineer advised the members of the information requested from the Environment Agency (EA) with regard to the NaFRA2 scheme, GIS data has been provided on behalf of the Board to assist with the study.

2021.34 Planning Applications – Eng discussed with members Pendle Borough Councils Local Plan and the implications within the Boards catchment. The Engineers report was approved by AB and seconded by RG.

HEALTH & SAFETY

2021.35 Information Noted.

ENVIRONMENTAL REPORT

2021.36 Information noted.

ANY OTHER BUSINESS

2021.37 FO informed members that the board was currently running two websites. Asked for approval to migrate to one website (Shire Group Website). **Approval proposed by AB and seconded by RG.**

DATE OF NEXT MEETING

2021.38 27 Jan 2022, 2.00pm at TBC.

1.6 Matters arising there from not elsewhere on the Agenda

2. Clerk's Report

Recommendation:

- Members note information contained in the Report
- Approve updated Byelaws 2.1.1

2.1 Policy

2.1.1 Byelaws

The Board are requested to approve the updated Byelaws that have been amended by DEFRA. The draft byelaws are shown in Appendix A.

2.2 Legislation

2.2.1 Finance Bill

Red Diesel – Discussions have been on going with ADA, IDBs and the Treasury. This has now resulted in a change in the interpretation of the exemption clauses. More information has been supplied to ADA to support the IDBs case that they should have the same or similar exemption as the agricultural industry.

Attached at Appendix B is the latest correspondence that has been received from ADA.

2.3 Environment Agency

2.3.1 Environment Agency – Draft Flood Risk Management Plans

The Environment Agency have published their draft Flood Risk Management Plans for public consultation, which is open for three months.

FRMPs are strategic plans that set out how to manage flood risk in nationally identified flood risk areas (FRAs) for the period 2021-2027, and are statutory plans required by the Flood Risk Regulations 2009.

<https://consult.environment-agency.gov.uk/fcrm/draft-second-cycle-flood-risk-management-plans/>

2.4 ADA

2.4.1 ADA Annual Conference and AGM

This year's annual conference was held on Wednesday 10th November 2021 via Microsoft Teams conference platform.

There were 143 in attendance.

OPENING ADDRESS

Robert Caudwell

Chair, ADA

- Environment Bill received Royal Assent yesterday

OPENING ADDRESS

Rebecca Pow MP

Minister for the Environment, Department for Environment, Food & Rural Affairs

- Video message and unable to attend the conference
- Net Zero commitment by 2050
- New Environmental Targets consultation next year



- Removing barriers for new IDBs and extending boundaries
- Drainage and Waste Water Management Plans – Requirement for Water Authorities
- Water Companies must reduce the discharge of sewage
- Reforming Abstraction Plan – licensing likely to move into EA Permitting System
- Under-used or harmful abstractions removed without compensation
- EA developing a new National Guide on riparian responsibilities etc.
- Reviewing Schedule 3 of F&WM Act 2010 SuDS approvals etc.
- **Must improve water environment, Must adapt to climate change, and Must halt biodiversity loss**

KEYNOTE PRESENTATIONS

Sir Dieter Helm CBE

Professor of Economic Policy at the University of Oxford and Fellow in Economics at New College, Oxford and Independent Chair of the Natural Capital Committee

- Video message and unable to attend the conference.
- Natural capital assets
- To try to provide future generations with the benefits we see today
- Catchment as a system, all physical assets + natural capital, health & wellbeing etc.
- Maintain the assets first before considering enhancements / improvements

Lord De Ramsey

ADA President

A closing address from the president's last term.

3. Financial Report

Recommendation:

- To note the information contained in this report
- To approve to approve the Risk Register
- To approve the Estimates for the Year Ending 31 March 2023
- To approve the schedule of payments made since the last meeting

3.1 Rating Report

Details of the Rates and Special Levies issued, and payments received up to and including 10 January 2022: -

	£	£
Balance Brought forward as at: 1 April 2021		<u>NIL</u>
2021/2022 Drainage Rates and Special Levies		
Drainage Rates		839.24
Special Levies		
Pendle Borough Council	7,000.00	7,000.00
Total Drainage Rates Due		<u>7,839.24</u>
Less Paid: -		
Drainage Rates		816.04
Special Levies		
Pendle Borough Council	7,000.00	7,000.00
Total Drainage Rates Paid		<u>7,816.04</u>
Refund Paid		32.00
Balance Outstanding as at: 10 January 2022		<u>55.20</u>

3.2 Schedule of Payments

Payments made since the previous meeting.

DATE		CHEQUE	REF	PAYEE	DESCRIPTION	TOTAL	
		NO.				CHEQUE	
2021							
Jun	24th	000993	5	Salterforth Village Hall	Meeting Expenses	20.00	
Jul	1st	000992	1	Environment Agency	Flood Defence Levy	210.00	*
	14th	000994	2	Alan Guy & Son	Maintenance	276.00	*
		000995	4	Brodericks BC	Internal Audit Fee 2020/21	420.00	*
Aug	26th	000996	6	JBA Consulting	1/4 Salary & Expenses	1,642.56	
Oct	14th	000997	7	JBA Consulting	1/4 Salary & Expenses	1,500.00	
Nov	5th	000998	-	Debbie Bisset	Rates	32.00	*
	12th	000999	8-15	Alan Guy & Son	Maintenance	5,985.00	*
				Total Amount of all payments		10,085.56	
				*Total Amount of direct debits and cheques sent out signed by the Clerks		6,923.00	

3.3 Audit

3.3.1 Internal Audit

The meeting of the Audit Review Panel was held on 23 November 2020 and the minutes of the meeting can be viewed at Appendix C.

3.3.2 External Audit

The External Audit for 2019/20 is complete with no issues raised. The Annual Governance & Accountability Return for that year can be viewed at:

<https://www.shiregroup-idbs.gov.uk/idbs/earby-salterforth-idb/financial/financial-documents/annual-return/>

3.3.3 Risk Register

The risk register is attached at Appendix D and requires the Board's approval.



3.5 Five Year Budget Estimate

Earby & Salterforth IDB	0	0	1	2	3	4	5
Revenue Account	2021/22	2021/22	2022/23	2023/24	2024/25	2025/26	2026/27
	App Budget	Estimated Out-Turn					
Income	£	£	£	£	£	£	£
Drainage Rates	740	837	934	981	1,028	1,028	1,028
Special Levies	7,000	7,000	8,750	9,188	9,625	9,625	9,625
Highland Water Grant	1,200	954	1,200	1,000	1,200	1,000	1,200
Other Income	-	-	-	-	-	-	-
Total Income	8,940	8,791	10,884	11,169	11,853	11,653	11,853
Expenditure							
Flood Defence Levy	210	210	210	210	216	216	216
Clerk & Engineering Fees	5,000	5,000	5,100	5,202	5,306	5,412	5,520
Drain Maintenance	3,675	5,218	3,675	4,000	3,675	4,250	3,675
Biodiversity Action Plan	500	500	500	525	550	575	600
Administration	1,700	1,500	1,734	1,769	1,804	1,840	1,877
Total Expenditure	11,085	12,428	11,219	11,706	11,551	12,293	11,888
Surplus/(Deficit)	(2,145)	(3,637)	(335)	(537)	301	(640)	(36)
Balance Brought Forward	17,005	17,005	13,368	13,034	12,497	12,798	12,158
Balance Carried Forward	14,860	13,368	13,034	12,497	12,798	12,158	12,122
Penny Rate in £	4.00p	4.00p	5.00p	5.25p	5.50p	5.50p	5.50p
% of Expenditure	134.06%	107.57%	116.18%	106.76%	110.79%	98.90%	101.97%

4. Engineer's Report

Recommendation(s):

- To note the information contained in this report

4.1 Asset Management

4.1.1 Asset Management

Nothing to report.

4.1.2 Ordinary Watercourses

Due to the relatively dry conditions encountered last year during the summer months, it was evident a significant amount of weed growth became established within the watercourses in the Board district. Concerns were raised with regard to the condition of the watercourses should a significant rainfall event be experienced; with this in mind additional maintenance works was undertaken. Blockages have also been removed. Board Officers did discuss the options at the time with the Boards Chair.

The unscheduled watercourses maintained last year will now not be maintained this next financial year.

4.1.3 Environment Agency.

Earby Beck lies within the Boards district and is an EA Main River.

Board Officers have raised their flood risk concerns regarding the condition of Earby Beck.

4.2 Planning, pre-application advice, consents, enforcement

4.2.1 Planning Applications

The Board may only comment on surface water run off in excess of the greenfield run off rate, and or where a structure or asset is proposed within 7.0m of a watercourse.

Between 10th June 2021 and 14 January 2022 Board officers have been notified of 7 planning applications which may have impacts within the Boards catchment and its Byelaws under the Land Drainage Act 1991 (amended).

Board Officers provided comments and feedback to Pendle Borough Council following the provision of the Local Plan Phase 2.

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

No consents have been received by the Board between 10th June 2021 and 14 January 2020.

Board Officers have received pre application advice enquires from the current ratepayers and Seddon Homes Ltd in relation to the proposed development at Long Ivy Lane, Barnoldswick.

5. Health and Safety Report

Recommendation:

- Members note information contained in the Report

5.1 Maintenance Contractors

Nothing to report.

5.2 Accidents, Incidents and near misses

There have been no incidents, accidents or near misses reported since the last meeting.

5.3 COVID-19

The situation is being monitored carefully to enable the Board operations to be carried out safely and in accordance with Government guidelines.

6. Environmental Adviser's Report

Recommendation:

- Members note information contained in the Report

6.1 Legislation

6.1.1 Environmental Bill, NFM and ELMS

The Environmental Bill has now been enacted.

6.2 Policy

Nothing to report.

7. Any Other Business

8. Date of Next Meeting

Thursday 23 June 2022.

9. APPENDIX A – Draft IDB Byelaws

The draft byelaws can be found over the following pages.

**LAND DRAINAGE BYELAWS
EARBY & SATLERFORTH INTERNAL DRAINAG BOARD**

INDEX

Preamble

1. Commencement of Byelaws
2. Application of Byelaws
3. Control of Introduction of Water and Increase in Flow or Volume of Water
4. Control of Sluices etc
5. Fishing Nets and Angling
6. Diversion or Stopping up of Watercourses
7. Detrimental Substances not to be Put into Watercourses
8. Lighting of Fires
9. Notice to Cut Vegetation
10. No Obstructions within 9 Metres of the Edge of the Watercourse
11. Repairs to Buildings
12. Control of Vermin
13. Damage by Animals to Banks
14. Vehicles not to be Driven on Banks
15. Banks not to be Used for Storage
16. Not to Dredge or Raise Gravel, Sand etc
17. Fences, Excavations, Pipes etc
18. Interference with Sluices
19. Mooring of Vessels
20. Unattended Vessels
21. Removal of Sunken Vessels
22. Navigation of Vessels
23. Damage to Property of the Board
24. Defacement of Notice Boards
25. Obstruction of the Board and Officers
26. Savings for Other Bodies
27. Saving for Crown Lands
28. Arbitration
29. Notices
30. Limitation
31. Revocation
32. Interpretation

Common Seal
Penalty Note

Amended January 2022

EARBY & SALTERFORTH INTERNAL DRAINAGE BOARD BYELAWS

The Earby & Salterforth Internal Drainage Board (“the Board”) under and by virtue of the powers and authority vested in them by section 66 of the Land Drainage Act 1991, do hereby make the following Byelaws which are considered necessary for [one or more of] the following purposes:-

- a) securing the efficient working of the drainage system in their District,
- b) regulating the effects on the environment in the Board’s district of a drainage system, or
- c) securing the effectiveness of flood risk management work within the meaning of section 14A of the Act,

together, “the Purposes”;-

1. Commencement of Byelaws

These Byelaws shall come into operation at the expiration of one month beginning with the day on which they are confirmed by the Secretary of State.

2. Application of Byelaws

- (a) These Byelaws shall have effect within the District;
- (b) the watercourses referred to in these Byelaws are watercourses and drainage works which are for the time being vested in or under the control of the Board.

3. Control of Introduction of Water and Increase in Flow or Volume of Water

No person shall for any purpose, including as a result of development (within the meaning of section 55 of the Town and Country Planning Act 1990 as amended (“the 1990 Act”)) (whether or not such development is authorised by the 1990 Act or any regulation or order whatsoever or none of them) by means of any channel, siphon, pipeline or sluice or by any other means whatsoever introduce any water into any watercourse in the District [Area] so as to directly or indirectly increase the flow or volume of water in any watercourse in the District [Area] (without the previous consent of the Board).”

4. Control of Sluices etc

Any person having control of any sluice, water control structure or appliance for introducing water into any watercourse in the District or for controlling or regulating or affecting the flow of water in, into or out of any watercourse shall use and maintain such sluice, water control structure or appliance in accordance with such reasonable directions as may from time to time be given by the Board with a view to securing or furthering one or more of the Purposes.

5. Fishing Nets and Angling

No person shall angle or set any nets or engines for the catching or keeping of fish in any watercourse in such a manner as to cause damage to or endanger the stability of the bank of the watercourse or to affect or impede the flow of water.

In this Byelaw “nets” includes -

- (a) a stake net, bag net or keep net;
- (b) any net secured by anchors and any net, or other implement for taking fish, fixed to the soil or made stationary in any other way;
- (c) any net placed or suspended in any inland or tidal waters unattended by the owner or a person duly authorised by the owner to use it for fish, and any engine, device, machine or contrivance, whether floating or otherwise, for placing or suspending such a net or maintaining it in working order or making it stationary.

6. **Diversion or Stopping up of Watercourses**

No person shall, without the previous consent of the Board, take any action, or knowingly permit or aid or abet any person to take any action to stop up any watercourse or divert or impede or alter the level of or direction of the flow of water in, into or out of any watercourse.

7. **Detrimental Substances not to be Put into Watercourses**

No person shall, so as directly or indirectly to obstruct, impede or interfere with the flow of water in, into or out of any watercourse or so as to damage the bank -

- (a) discharge or put or cause or permit to be discharged or put or negligently or wilfully cause or permit to fall into any watercourse any object or matter of any kind whatsoever whether solid or liquid;
- (b) allow any such object or matter as is referred to in sub-paragraph (a) of this Byelaw to remain in proximity to any watercourse in such manner as to render the same liable to drift or fall or be carried into any watercourse.

Provided that nothing in this Byelaw shall be deemed to render unlawful the growing or harvesting of crops in accordance with normal agricultural practice.

8. **Lighting of Fires**

No person shall light or cause or permit to be lighted or commit any action liable to cause to be lighted any fire on any land adjoining the watercourse where such action is liable to set on fire the peat land forming the banks of the watercourse or any vegetation including trees, growing on land forming the banks of the watercourse.

9. **Notice to Cut Vegetation**

Any person having control of any watercourse shall, upon the receipt of a notice served on him by the Board requiring him so to do, cut down and keep cut down all vegetation, including trees, growing in or on the bank of a watercourse, within such reasonable time as may be specified in the notice, and shall remove such vegetation including trees, from the watercourse immediately after the cutting thereof.

Provided that, where a hedge is growing on the bank of a watercourse, nothing in this Byelaw shall require more than the pruning of the hedge so as to prevent it from growing over or into the watercourse, and the removal of the resultant cuttings.

10. **No Obstructions within 9 Metres of the Edge of the Watercourse**

No person without the previous consent of the Board shall erect any building or structure (including a fence), whether temporary or permanent, or plant any tree, shrub, willow or other similar growth within 9 metres of the landward toe of the bank where there is an embankment or wall or within 9 metres of the top of the batter where there is no embankment or wall, or where the watercourse is enclosed within 9 metres of the enclosing structure.

11. **Repairs to Buildings**

The owner of any building or structure in or over a watercourse or on the banks thereof shall, upon receipt of a notice from the Board that because of its state of disrepair -

- (a) the building or structure is causing or is in imminent danger of causing an obstruction to the flow of the watercourse, or
- (b) the building or structure is causing or is in imminent danger of causing damage to the bank of the watercourse,

carry out such reasonable and practicable works as are specified in the notice for the purpose of remedying or preventing the obstruction or damage as the case may be within such reasonable time as is specified in the notice.

12. **Control of Vermin**

The occupier of any bank of a watercourse or any part thereof shall, upon being required by the Board by notice, within such reasonable time as may therein be specified, take such steps as are specified in the notice, being such steps as the Board consider necessary and practicable for preventing the bank from becoming infested by rabbits, rats, coypu, foxes and moles or any other wild mammal not being an animal listed in Schedule 5 or Schedule 6 to the Wildlife and Countryside Act 1981, but excluding the water vole from such control.

13. **Damage by Animals to Banks**

All persons using or causing or permitting to be used any bank of any watercourse for the purpose of grazing or keeping any animal thereon shall take such steps including fencing as are necessary and reasonably practicable and shall comply with such reasonable directions as may from time to time be given by the Board to prevent the bank or the channel of the watercourse from being damaged by such use.

Provided that nothing in this Byelaw shall be deemed to affect or prevent the use of, for the purpose of enabling animals to drink at it, any place made or to be made or constructed as approved by the Board.

14. **Vehicles not to be Driven on Banks**

No person shall use or drive or permit or cause to be used or driven any cart, vehicle or implement of any kind whatsoever on, over or along any bank of a watercourse in such manner as to cause damage to such bank.

15. **Banks not to be Used for Storage**

No person shall use or cause or permit to be used any bank of any watercourse for the purpose of depositing or stacking or storing or keeping any rubbish or goods or any material or things thereon in such a manner as by reason of the weight, volume or nature of such rubbish, goods, material or things causes or is likely to cause damage to or endanger the stability of the bank or channel of the watercourse or interfere with the operations or access of the Board or the right of the Board to deposit spoil on the bank of the watercourse.

16. **Not to Dredge or Raise Gravel, Sand etc**

No person shall without the previous consent of the Board dredge or raise or take or cause or permit to be dredged or raised or taken any gravel, sand, ballast, clay or other material from the bed or bank of any watercourse.

17. **Fences, Excavations, Pipes etc**

No person shall without the previous consent of the Board -

- (a) place or affix or cause or permit to be placed or affixed any gas or water main or any pipe or appliance whatsoever or any electrical main or cable or wire in, under or over any watercourse or in, over or through any bank of any watercourse;
- (b) cut, pare, damage or remove or cause or permit to be cut, pared, damaged or removed any turf forming part of any bank of any watercourse, or dig for or remove or cause or permit to be dug for or removed any stone, gravel, clay, earth, timber or other material whatsoever forming part of any bank of any watercourse or do or cause or permit to be done anything in, to or upon such bank or any land adjoining such bank of such a nature as to cause damage to or endanger the stability of the bank;
- (c) make or cut or cause or permit to be made or cut any excavation or any tunnel or any drain, culvert or other passage for water in, into or out of any watercourse or in or through any bank of any watercourse;
- (d) erect or construct or cause or permit to be erected or constructed any fence, post, pylon, wall, wharf, jetty, pier, quay, bridge, loading stage, piling, groyne, revetment or any other building or structure whatsoever in, over or across any watercourse or in or on any bank thereof;
- (e) place or fix or cause or permit to be placed or fixed any engine or mechanical contrivance whatsoever in, under or over any watercourse or in, over or on any bank of any watercourse in such a manner or for such length of time as to cause damage to the watercourse or banks thereof or obstruct the flow of water in, into or out of such watercourse.

Provided that this Byelaw shall not apply to any temporary work executed in an emergency but a person executing any work so excepted shall, as soon as practicable, inform the Board in writing of the execution and of the circumstances in which it was executed and comply with any reasonable directions the Board may give with regard thereto.

18. **Interference with Sluices**

No person shall without lawful authority interfere with any sluice, or other water control structure or appliance for controlling or regulating the flow of water in, into or out of a watercourse.

19. **Mooring of Vessels**

No person shall moor or place any vessel in any watercourse or to or upon the bank of any watercourse in such manner or by such method as to cause or be likely to cause injury to such bank or in such manner as materially to obstruct or impede the free flow of water in, into or out of any watercourse.

20. **Unattended Vessels**

No person shall leave any vessel unattended without taking due care to prevent such vessel from materially obstructing or impeding the free flow of water in, into or out of any watercourse or any sluice in any bank.

21. **Removal of Sunken Vessels**

No person who is the owner of a vessel sunk, stranded, damaged or adrift in a watercourse or, in the case of a sunken vessel which is abandoned, who was the owner immediately before the abandonment shall, after ten days from the day on which the Board serves on him notice in writing that the vessel is causing obstruction, permit the vessel to remain in the watercourse in such a manner as to impede or harmfully divert the flow of water in, into or out of the watercourse.

22. **Navigation of Vessels**

No person shall navigate any vessels in such a manner or at such a speed as to injure the bank of any watercourse and where the Board have by notice erected at any place limited the speed of vessels passing such place no person shall navigate a vessel at a speed over the bed of the watercourse greater than the speed so limited.

Provided that the Board shall not exercise their powers under this Byelaw so as to limit the speed of -

- (a) vessels in any tidal waters except after consultation with the Department for Transport, or
- (b) vessels navigating waterways of the Canal and River Trust for which speed limits are prescribed by the Byelaws of such Trust.

23. **Damage to Property of the Board**

No person shall interfere with or damage any bank, bridge, building, structure, appliance or other property of or under the control of the Board.

24. **Defacement of Notice Boards**

No person shall deface or remove any notice board, notice or placard put up by the Board.

25. **Obstruction of the Board and Officers**

No person shall obstruct or interfere with any member, officer, agent or servant of the Board exercising any of his functions under the Act or these Byelaws.

26. **Savings for Other Bodies**

Nothing in these Byelaws shall -

- (a) conflict with or interfere with the operation of any Byelaw made by the Environment Agency or of any navigation, harbour, conservancy or local authority but no person shall be liable to more than one penalty or in the case of a continuing offence more than one daily penalty in respect of the same offence;
- (b) restrict, prevent, interfere with or prejudice the exercise of any statutory rights or powers which are now or hereafter may be vested in or exercised by -
 - (i) any public utility undertaking carried on by a local authority under any Act or under any Order having the force of an Act;
 - (ii) the undertakings of the Environment Agency and of any water undertaker or sewerage undertaker;
 - (iii) any public gas transporter within the meaning of part I of the Gas Act 1986;
 - (iv) any navigation, harbour or conservancy authority;
 - (v) any person who acts as the operator of a relevant railway asset, with respect to the construction, use or maintenance and repair of any such asset, or the free, uninterrupted and safe use of any such asset and the traffic (including passengers) thereof;
 - (vi) any local authority;
 - (vii) any highway authority for the purposes of the Highways Act 1980 (as amended by any subsequent enactment) in relation to any highway whether or not maintainable at public expense;
 - (viii) any undertaking engaged in the operation of a telecommunications system;
 - (ix) a relevant airport operator within the meaning of Part V of the Airports Act 1986;
 - (x) the Civil Aviation Authority and any subsidiary thereof;
 - (xi) the Canal and River Trust;
 - (xii) the Coal Authority;
- (c) restrict, prevent, interfere with or prejudice any right of a highway authority to introduce into any watercourse surface water from a highway, for which it is the highway authority;

- (d) restrict, prevent, interfere with or prejudice any right of a licence holder within the meaning of Part I of the Electricity Act 1989 to do anything authorised by that licence or anything reasonably necessary for that purpose;
- (e) affect any liability arising otherwise than under or by reason of these Byelaws.

27. **Saving for Crown Lands**

Nothing in these Byelaws shall operate to prevent the removal of any substance on, in or under (or the erection of any structure, building or machinery or any cable, wire or pipe on, over or under) lands belonging to Her Majesty in right of the Crown by any person thereunto authorised by the Crown Estate Commissioners.

28. **Arbitration**

- (a) Where by or under any of these Byelaws any person is required by a notice in writing given by the Board to do any work to the satisfaction of the Board or to comply with any directions of the Board, he may within 21 days after the service of such notice on him give to the Board a counter-notice in writing objecting to either the reasonableness of or the necessity for such requirement or directions, and in default of agreement between such person and the Board the dispute shall, when the person upon whom such notice was served is a drainage or local authority be referred to the Secretary of State whose decision shall be final, and in any other case shall be referred to the arbitration of a single arbitrator to be appointed in default of agreement by the President of the Institution of Civil Engineers on the application of either party. Where such a counter-notice has been given to the Board the operation of the notice shall be suspended until either agreement has been reached or the dispute has been determined by arbitration in accordance with the provisions of this Byelaw;
- (b) where by or under these Byelaws any person is required by a notice in writing given by the Board to do any work to the satisfaction of the Board or to comply with any directions of the Board and any dispute subsequently arises as to whether such work has been executed or such directions have been complied with, such dispute if it arises between a drainage authority or local authority and the Board shall be referred to the Secretary of State whose decision shall be final, and in any other case shall be referred to the arbitration of a single arbitrator to be appointed in default of agreement by the President of the Institution of Civil Engineers on the application of either party;
- (c) where by or under Byelaws 3, 6, 10, 16 or 17 any person is required to refrain from doing any act without the consent of the Board such consent shall not be unreasonably withheld and may be either unconditional or subject to such reasonable conditions as the Board may consider appropriate and where any dispute arises as to whether in such a case the consent of the Board is being unreasonably withheld, or as to whether any conditions subject to which consent is granted are unreasonable, such dispute shall if it arises between a drainage authority or local authority and the Board be referred to the Secretary of State whose decision shall be final, and in any other case such dispute shall be referred to the arbitration of a single arbitrator to be appointed in default of agreement by the President of the Institution of Civil Engineers on the application of either party.

29. **Notices**

Notices and any other documents required or authorised to be served or given under or by virtue of these Byelaws shall be served or given in the manner prescribed by section 71 of the Act.

30. **Limitation**

- (a) Nothing in these Byelaws shall authorise the Board to require any person to do any act, the doing of which is not necessary for securing or furthering one or more of the Purposes or to refrain from doing any act, the doing of which does not affect the environment or adversely affect either the efficient working of the drainage system of the District or the effectiveness of flood risk management within the District.
- (b) If any conflict arises between these Byelaws and
 - (i) sections 61A to E of the Land Drainage Act 1991 (which relates to the Board's duties with respect to the environment), or
 - (ii) the Conservation of Habitats and Species Regulations 2017, as amended¹the said Act and the said Regulations shall prevail.

31. **Revocation**

The Byelaws made by the Board on the 20th day of November 2000 are hereby revoked.

32. **Interpretation**

In these Byelaws, unless the context otherwise requires, the following expressions shall have the meaning hereby respectively assigned to them, that is to say:-

"the Act" means the Land Drainage Act 1991;

"Animal" includes any horse, cattle, sheep, deer, goat, swine, goose or poultry;

"Bank" includes any bank, cross bank, wall or embankment adjoining or confining or constructed for the purpose of or in connection with any watercourse and includes all land between the bank and the low water mark or level of the water in the watercourse as the case may be and where there is no such bank, cross bank, wall or embankment includes the top edge of the batter enclosing the watercourse;

"Board" means the Earby & Salterforth Internal Drainage Board;

"Consent of the Board" means the consent of the Board in writing signed by the Clerk for the time being of the Board or other duly authorised officer;

"District" means the area under the jurisdiction of the Board;

¹ SI 2017/1012

"Occupier" means in the case of land not occupied by any tenant or other person the person entitled to the occupation thereof;

"Owner" includes the person defined as such in the Public Health Act 1936;

"Relevant Railway Asset" means

(a) a network, operated by an "approved operator" within the meaning of section 25 of the Planning Act 2008,

(b) a station which is operated in connection with the provision of railway services on such a network,

or

(c) a light maintenance depot

Expressions used in this definition and in the Railways Act 1993 have the same meaning in this definition as they have in that Act,("railway" not having its wider meaning) and a network such as is described in (a) above shall not cease to be such a network where it is modified by virtue of having any network added to it or removed from it.

"The Secretary of State" means the Secretary of State for Environment, Food and Rural Affairs;

"Vegetation" means trees, willows, shrubs, weeds, grasses, reeds, rushes or other vegetable growths;

"Vessel" includes any ship, hovercraft (as defined by the Hovercraft Act 1968), lighter, keel, barge, tug, launch, houseboat, pleasure or other boat, aircraft, randan, wherry, skiff, dinghy, shallop, punt, yacht, canoe, raft, float of timber or any other craft whatsoever, and howsoever worked, navigated or propelled;

"Water control structures" means a structure or appliance for introducing water into any watercourse and for controlling or regulating or affecting flow, and includes any sluice, slacker, floodgate, lock, weir, pump or pumping machinery;

and other expressions shall have the same meanings as in the Act.

THE COMMON SEAL OF THE

**EARBY & SALTERFORTH INTERNAL DRAINAGE BOARD was hereunto affixed on the 27
January 2022**

in the presence of:

Chairman

Clerk

PENALTY NOTE

By section 66(6) of the Land Drainage Act 1991 every person who acts in contravention of or fails to comply with any of the foregoing Byelaws is liable on summary conviction in respect of each offence

to a fine not exceeding the amount prescribed from time to time for level 5 on the standard scale referred to in section 122 of the Sentencing Act 2020 and a further fine not exceeding Forty pounds for every day on which the contravention or failure is continued after conviction. By section 66(7) of the Act if any person acts in contravention of or fails to comply with any of these Byelaws the Board may without prejudice to any proceedings under section 66(6) of the Act take such action as may be necessary to remedy the effect of the contravention or failure and may recover the expenses reasonably incurred by it in doing so from the person in default.

(N.B. This note may accompany the Byelaws, but is not part of them)

10. APPENDIX B – Correspondence from ADA on Red Diesel

Please see the correspondence over the following pages.

By email to all IDB Clerks/CEOs

Thursday 06 January 2022

Dear Clerks & CEOs,

Red diesel: January 2022 Update

Background

Following the government's announcement in March 2020 that it will remove the entitlement to use rebated fuel (red diesel) from most sectors from April 2022, ADA has remained concerned about the significantly increased fuel costs for IDBs as a result of moving their lowland watercourse maintenance operations to white diesel. ADA was also concerned about IDBs' continued access to suitably skilled local contractors who predominantly serve the agricultural market for which their plant machinery will still be entitled to run on rebated fuel.

Throughout 2021 ADA has been corresponding with HM Treasury and Defra on this matter and the timeline attached summarises the key dates so far. ADA has continued to argue that IDBs and their contractors should continue to have an entitlement to use rebated fuel after 1 April 2022, and that land drainage watercourse maintenance and flood defence maintenance operations as 'allowed uses' to enable the contractors and direct workforce of IDBs and other risk management authorities to continue to operate using rebated fuel after 1 April 2022.

HM Treasury clarification

On 17 December ADA received a response from an HM Treasury official providing clarification regarding the circumstances in which IDBs and their contractors may continue to use rebated fuel after 1 April 2022. It is provided as written below in full.

I thought it would be helpful to clarify the circumstances where it will remain possible to use red diesel for water level management activities, as set out in guidance here

(<https://www.gov.uk/government/publications/changes-to-rebated-fuels-entitlement-from-1-april-2022/check-when-rebated-fuel-can-be-used>):

- Anyone will be able to use rebated fuel in vehicles and machines used for purposes relating to agriculture, horticulture, fish farming or forestry. This includes agricultural vehicles, special vehicles, unlicensed vehicles and certain machines and appliances. For these purposes, you can use rebated fuel to travel to and from the place where the vehicle is used, except on roads in unlicensed vehicles. If a vehicle or machine allowed to use rebated fuel is transported by another vehicle, you can only use rebated fuel in the vehicle carrying or towing it if it also qualifies in its own right.*

This means that both IDBs using their direct workforce and contractors will be able to use red diesel in their vehicles/machinery to complete water level and flood risk management work on land used for agriculture (working under the expectation that such activity on this land will at least in part be for the benefit of agricultural activity). As set out in your letter, nearly 70% of land at the highest risk of flooding is in agricultural use, so for a large proportion of your work, IDBs and agricultural contractors will be able to continue using red diesel. It will, however, not be possible to use rebated fuel for water level and flood risk management work on any other land (other than golf courses), unless it is for purposes relating to agriculture.

ADA welcomes this clarification from HM Treasury, which aligns with the interpretation that some IDB staff had previously expressed regarding IDBs using rebated fuel for watercourse maintenance activities on agricultural land.

Pumping stations

Whilst ADA's understanding was that from 1 April 2022 diesel pumps would have to be powered using white diesel, the most recent clarification from HM Treasury may serve to change that position, where the pumping is of benefit to agricultural land. Certainty remains that rebated fuel may continue to be used after 1 April 2022 to generate electricity that is then used to power the pumps. This exception is because the Finance Bill 2021 states that using rebated fuel for heating and electricity generation in non-commercial premises would be a 'qualifying purpose'.

ADA will continue to persuade government that an accelerated programme of asset replacement would help all risk management authorities upgrade their pumps to the latest carbon reduced and fish friendly electric versions.

Next steps for ADA

ADA still wishes to better understand the circumstances where IDBs may or may not be permitted to use rebated fuels when undertaking work/pumping on non-agricultural land where those IDB operations benefit surrounding agricultural land.

The current wording of Excise Notice 75: Fuels for use in vehicles (<https://www.gov.uk/guidance/fuels-for-use-in-vehicles-excise-notice-75>) states that:

Ditch clearing and drainage

*You can use rebated fuel for ditch clearing and drainage only if it is done **solely** for the benefit of land used for agriculture, horticulture or forestry.*

However, HMRC has stated that Excise Notice 75 will be updated in advance of 1 April 2022.

Therefore, ADA proposes to seek:

- further clarification from the government regarding future wording within Excise Notice 75 and government guidance on the changes to rebated fuels entitlement from 1 April 2022, in line with HM Treasury's most recent clarification to us.
- legal advice regarding the circumstances in which rebated fuel may continue to be used on non-agricultural land where those operations benefit surrounding agricultural land.
- legal advice regarding the use of rebated fuel in pumping stations that benefit agricultural land.

These proposals will be discussed at the ADA Policy & Finance Committee meeting on 19 January 2022.

Yours faithfully



Ian Moodie MSci, Technical Manager, ADA

Timeline of changes to rebated fuels entitlement

11 March 2020 | Budget 2020, the government announced that it will remove the entitlement to use red diesel from most sectors from April 2022.

9 July 2020 | HM Treasury launched public consultation seeks views on reforms to the tax treatment of red diesel and other rebated fuels. ADA was unaware of this consultation at the time and did not respond.

11 January 2021 | ADA submitted an urgent report on the use of red diesel by internal drainage boards to HM Treasury and Defra.

11 March 2021 | Finance Bill 2021 published with provisions for changes to rebated fuels entitlement.

12 March 2021 | ADA shared a pro forma letter for IDBs to send to MPs regarding red diesel entitlement.

23 March 2021 | ADA submitted an updated version of the urgent report to HM Treasury and Defra.

10 June 2021 | Finance Act 2021 received royal assent.

21 June 2021 | ADA met with HM Treasury civil servant leading on these fuel duty changes to discuss the sector's concerns. The outcome of this meeting was a specific request from HM Treasury for ADA to provide further quantitative information about IDBs' use of agricultural contractors.

9 July 2021 | ADA wrote to IDBs providing an update on meeting with HM Treasury and making a request for data regarding IDBs' use of agricultural contractors undertaken by ADA. 61 IDBs responded to this data request over the summer of 2021.

6 October 2021 | ADA wrote to HM Treasury describing IDB operational maintenance in greater detail and presenting results of the IDB contractors survey undertaken. The letter concluded with two alternative policy requests seeking:

- a. to define land drainage watercourse maintenance and flood defence maintenance operations as 'allowed uses', and/or
- b. for land drainage watercourse maintenance to be defined as an 'accepted purpose' in relation to agriculture, such as within *Excise Notice 75: Fuels for use in vehicles*.

15 October 2021 | ADA receives interim guidance on changes to rebated fuels entitlement from 1 April 2022 from HMRC.

11 November 2021 | Interim guidance on changes to rebated fuels entitlement from 1 April 2022 published on gov.uk website (<https://www.gov.uk/government/publications/changes-to-rebated-fuels-entitlement-from-1-april-2022>).

30 November 2021 | HM Treasury responded to ADA's letter thanking ADA for the data provided. It did not address the questions and policy requests made in ADA's letter. HM Treasury directed ADA to discuss the implications that we set out with Defra colleagues. It should be noted that ADA was originally encouraged to discuss the matter directly with HM Treasury by Defra officials.

17 December 2021 | HM Treasury writes again to ADA clarifying that *'IDBs using their direct workforce and contractors will be able to use red diesel in their vehicles/machinery to complete water level and flood risk*

management work on land used for agriculture (working under the expectation that such activity on this land will at least in part be for the benefit of agricultural activity).'

7 January 2022 | ADA writes to IDBs regarding the clarification provided by HM Treasury, and outlining next steps ADA proposes to take.

11. APPENDIX C – Minutes of the Audit Review Meeting

Held online, Microsoft Teams,
Monday, 22 November 2021

Present:

Mrs Rita Brough (RB)	Goole & Airmyn IDB
Mr Christopher Day (CD)	Ancholme IDB
Cllr Ray Sutherland (RS)	Sow & Penk IDB
Mr Andy Cane (AC)	Brodericks GBC

In Attendance on behalf of JBA Consulting:

Mr Mark Joynes (MJ)	Financial Officer to the Shire Group of IDBs
Mr David Blake (DB)	Financial Officer to the Shire Group of IDBs

Introductions and Apologies for Absence

MJ welcomed the members and all attendees briefly introduced themselves. Apologies for absence were received from Mr Michael Dougherty, Mr Ralph Guy and Mrs Elissa Swinglehurst.

Minutes of the Last Meeting / Matters Arising

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

Risk Register

DB discussed risk management policies and how they assist the Boards meeting their aims and objectives. He took the panel through the outline Risk Register and the associated grading system. He explained how the draft registers, fully expanded, would be reviewed by the management team and issued to the Boards for the January/February 2022 meetings.

RS pointed out the text in white could be a little difficult to read. DB said this would be corrected by the time the full Registers were issued.

As an example of risk grading DB explained that with assets such as pumping stations, as the assets age the risk of failure increases and risks can be adjusted accordingly along with any mitigation. As an example of mitigation, DB pointed out Ancholme IDB now have a MEICA engineer in their direct employment.

DB also discussed the ongoing issue all IDBs are facing in relation to red diesel costs and the likelihood of contractors' costs increasing significantly. This may result in some authorities exceeding their budgeted costs, or perhaps reducing their maintenance plans. AC asked if this issue could impact on the reserve levels held by the Boards. DB reiterated it possibly could, unless the Boards were to reduce their maintenance plans or perhaps increase their rates.

Internal Auditor's Report

The internal auditor reviewed the work undertaken on the 2020/21 accounts. In general, he was satisfied with how things were run and said there were no major concerns. He pointed out that little Internal Audit work could be done on Earby & Salterforth IDB, but a true audit would be done for the year ending 31 March 2022.

He said the Boards' control procedures were very good and little could be done to improve them. Also, he expressed the view that Risk Registers underpin the internal control environment. The panel then discussed the following points:

Supplier Bank Details and Associated Fraud Risk

CD said the biggest risk is where a change of supplier bank details occurs and enquired how many requests to change details the clerks received each year. MJ said every request was logged in a sheet and agreed it was an area very susceptible to fraud. Also, he said that invoices from new suppliers needed to be treated with care. The officers always gather as much information as possible from the supplier and then make their decision accordingly. Also, they would take into account the cash value of any proposed payment. He drew the panel's attention to the process set out in the meeting papers. AC confirmed the Internal Auditors carried out extensive checks on the



activity in the year and that this issue has been raised every year. MJ explained they would still pay by cheque if they could not be satisfied any payment details given met the required standards and talked the panel through one such instance of this.

Decision Making & Member Attendance

The panel briefly discussed this issue. AC said that this issue is discussed every year. He said attendance tends to fluctuate and enquired if the holding of virtual meetings had made a difference. MJ said it had, and that now Boards had updated their Standing Orders, virtual meetings and hybrid meetings may become more common. He also said he hoped that more virtual meetings would improve member attendance, reduce travel costs and reduce emissions. DB said no major increase in member attendance had been noted yet. RS said it made total sense for Sow & Penk IDB to hold virtual meetings, simply because of the distance between clerks & officers. CD suggested hybrid meetings would be possible. MJ said it depended on the venue, broadband & wifi availability. DB said a hybrid meeting had previously worked but with some issues. CD said he had attended meetings where a Meeting Owl had been used and it worked effectively.

DB said the attendance of elected members was generally very good but less so with nominated members. MJ said it members cannot be forced to attend and that we could only continue to pester the local authorities to encourage attendance. DB agreed. RB said Goole & Airmyn IDB had been accommodating, changing meeting dates to allow ERYC members to attend but they still don't attend. RS said he was in regular consultations with councillors and did what he could to encourage member attendance and would speak to the authorities if they continually failed to attend.

Cybercrime

CD discussed the prevalence of cybercrime generally. He asked what controls were in place to ensure the Clerk's office had the most up-to-date antivirus software. MJ said all JBA machines, including those used for remote working, must have up-to-date antivirus software or they will simply not function on the network. He said JBA are very robust in these issues. Also, not all JBA staff members can access all drives; access is granted on a needs basis. CD said this gave him some reassurance.

External Auditor's Report

The AGAR Section 3s were reviewed by the panel and more specifically the External Auditors' comments. The panel was pleased to note there were no matters arising giving cause for concern. MJ also discussed three reports where 'Other Matters' were raised by the external auditors, described below.

Incorrect Figure from Previous Year

The previous years' figures on the Ancholme IDB accounts had an incorrectly transcribed figure. This had been corrected and the necessary signatures obtained.

Netting-off

MJ informed the panel that the external auditor had commented negatively about how a receipt in regard of an insurance claim had been treated in the Goole Fields DDB accounts. They had in fact objected that the Board had not netted off the figures. MJ said this has caused a certain amount of astonishment at the Clerk's office. AC said 'his mind boggled' they had taken this position, and that if this was the required treatment for insurance claims, should grant-funded and other recoverable costs be treated in the same manner? MJ said the external auditors spent around fifteen years trying to stop authorities netting off income against expenditure, so this was a completely unexpected intervention. He also confirmed the Clerk had contacted the External Auditor to make officers' views plain. However, MJ stressed this was merely an 'other matters' issue and the external audit was now complete. AC said it would be nice to have a response as it may affect future audits.

Extension to Period of Electors' Rights

MJ explained to the panel that following the virtual meeting of Sow & Penk IDB, the AGAR, which still required a wet signature, had been lost in the post. By the time this was realised it was too late for a replacement to be arranged in time to meet the statutory inspection period. MJ said the officers had applied for an extension. This was quite satisfactory to the external auditors, but a declaration needs to be made on the 2021/22 governance statement accordingly.

Any Other Business

No issues raised.



Date of Next Meeting and Close of Meeting

The next meeting of the panel will be held on Monday, 21 November 2022 at 10.00am at the offices of JBA Consulting, Epsom House, Chase Park, Redhouse Interchange, Doncaster, DN6 7FE.

MJ thanked the members for attending. CD thanked AC for all the work done on audits and MJ for the work done in preparing and presenting the meeting papers.

The meeting was closed at approximately 10:50am.

12. APPENDIX D – Risk Register

Introduction

Risk Management is not just about financial management, it is about achieving the objectives of the board to deliver high quality water level management. The failure to manage risks effectively can be expensive in terms of litigation and reputation and prevent meeting targets.

The Board is ultimately responsible for risk management because risks threaten the achievement of the IDB objectives, and the overall purpose of its existence.

Risk Management Cycle

Risk management should be embedded in strategic planning of an IDB. Without it Officers/Members cannot make effective decisions to meet the Boards objectives and to safeguard the Boards assets. It can be the unexpected risks that cause the most harm and effect to the Board. Risk management needs to be dynamic to capture and anticipate new risks and to assess the trade-off between risk and opportunity. It should be an ongoing cycle, that used properly, will enhance decision making for the IDB.



Use the five benchmarks listed to identify aspects of your risk management systems that already work well and to consider areas for improvement. This will help to ensure that effective decisions are made, based on a sound understanding of the risks and opportunities you face.

Risk Policy

Purpose

Is a formal acknowledgement that the IDB is committed to maintaining a strong risk management framework. The aim is to ensure that the Board makes every effort to manage risk appropriately by maximising potential opportunities whilst minimising the adverse effects of risks.

Should be used to support the internal control systems of the Board, enabling the Board to respond to operational, strategic and financial risks regardless of whether they are internally or externally driven

Objectives

- To confirm and communicate the Board's commitment to risk management.
- To establish a consistent framework and protocol for determining appetite to and for managing risk.
- To assign accountability to management and staff for risk within their control and provide a structured process for risk to be considered, reported and acted upon throughout the IDB.

Policy Statement

The Board Members and Management of the IDB believe that sound risk management is integral to both good management and good governance practice.

Risk Management should form an integral part of the Board's decision-making and be incorporated within strategic and operational planning.

Risk assessment will be conducted on all new activities and projects to ensure they are in line with the Board's objectives and mission.

Any risks or opportunities arising will be identified, analysed and reported at an appropriate level.

A risk register covering key strategic risks will be maintained and updated annually and more frequently where risks are known to be volatile.



The Board will regularly review and monitor the effectiveness of its risk management framework and update it as considered appropriate.

Reports will be made to the Chairman annually detailing existing and emerging high concern risks and those where priority action is needed to effect better control.

Roles

The Role of the Chief Executive Officer and the Senior Management Team:

- To ensure that risk management policy is implemented
- To anticipate and consider emerging risks and to keep under review the assessed level of likelihood and impact of existing key risks
- To provide regular and timely information to the members on the status of risks and their mitigation
- To implement adequate corrective action in responding to significant risks; to learn from previous mistakes and to ensure that all contingent plans are sufficiently robust to cope with high level risk

The Engineer & Asset Manager are responsible for managing project specific operational risks and for ensuring that risks are reported upon in a timely fashion.

The Role of the Board:

- To ensure that a culture of risk management is embedded throughout the Board
- To set the level of risk appetite for the organisation and in specific circumstances
- To communicate the Boards approach to risk and set standards of conduct expected of staff
- To ensure risk management is included in the development of business plans, budgets and when considering strategic decisions
- To approve major decisions affecting the Boards risk profile or exposure
- To satisfy itself that fewer fundamental risks are being actively managed and controlled
- To regularly review the boards approach to risk management and approve any changes to this
- To receive reports from internal audit, external consultants and any other relevant parties and to make recommendations on this

Risk & Decision-Making Process

Risk needs to be addressed at the point at which decisions are being taken. Where Members and Officers are asked to make decisions, they should be advised of the risks associated with recommendations being made.

The IDB will need to demonstrate that it took reasonable steps to consider the risks involved in a decision. There needs to be a balance struck between efficiency of the decision-making process and the need to address risk.

This process does not guarantee that decisions will always be right, but it will demonstrate that the risks have been considered and the evidence will support this.

Risk Mapping, Scoring & Ranking

Risks are ranked by the impact and likelihood of occurrence. Those in the top right-hand of the quadrant showing both the highest likelihood and impact and those in the bottom left-hand quadrant showing the lowest likelihood and impact.

Impact is assessed separately for each risk and graded from 1 to 3. 1 – lowest impact and 3 – highest impact.

High- major effect on the Board's activities and obligation to fulfil its objectives. Could result in major Financial loss, Widespread Operation disruption and have a major impact on connected stakeholders.

Medium- could affect the Boards activities and obligation to fulfil its objectives. Could result in significant Financial loss, short term Operational disruption and have a significant impact on connected stakeholders.

Low- will impact the board but will not disrupt activities and the boards obligation to fulfil its objectives. If any financial losses will be low, no effect to current operations and or connected stakeholders.

Likelihood is assessed from 1 to 3, 1- Unlikely and 3- Very Likely.

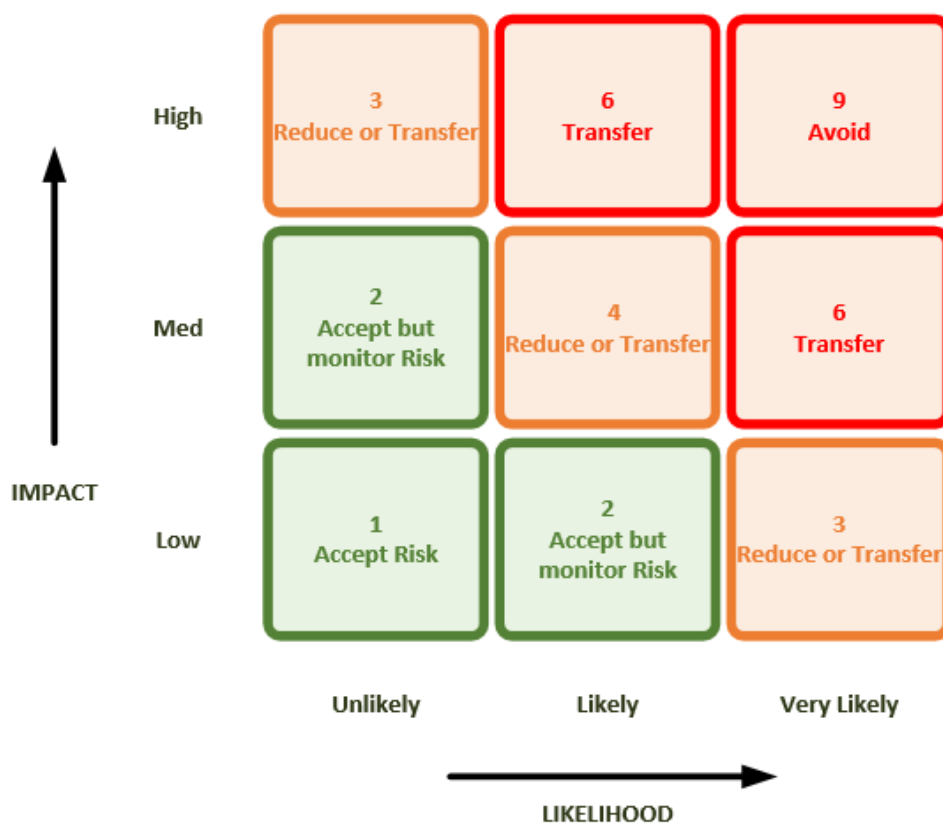
Very Likely- Increased chance of happening, generally will happen.

Likely- Chance of occurring still exists, but it may or may not happen.

Unlikely- Very low chance of happening, rare chance it will.

The score is then multiplied to give the total ranking for each risk.

Risk Matrix



Once an associated risk has been scored and ranked using the matrix the Management Team will use the TARA framework (Transfer, Accept, Reduce or Avoid) to aid next steps based on the risk score.

This should help aid decisions on mitigating the risk and the steps needed to ensure the likelihood is reduced and the impact is reduced to an acceptable level.

<2	ACCEPT- RISK LEVEL ACCEPTABLE
3-4	REDUCE- ACTION NEEDED TO REDUCE RISK
6	TRANSFER- RISK TOO HIGH, TRANSFER ELSEWHERE IF POSSIBLE (EG. INSURANCE)
9	AVOID- RISK TOO HIGH, NOT POSSIBLE TO TRANSFER OR REDUCE TO ACCEPTABLE LEVEL

Earby & Salterforth IDB Risk Register

A copy of the draft register can be found over the following pages.

Earby & Salterforth IDB- Risk Register Jan 2022

	OBJECTIVE	RISK	Current Controls/Assurances	Risk			Status	Mitigation/Action Plan	Owner/Target Date
				Impact	Likelihood	Score			
S U S T A I N A B I L I T Y	Objective 1 : Provide & Maintain Sustainable Flood Protection through Water Level Management	Lack of direction, Conflicting aims & objectives (Internal & External)	Policy statement on Flood Protection and Water Level Management	Med	Unlikely	2	ACCEPT- RISK LEVEL ACCEPTABLE		Next Review 30/06/22
			The board has an extensive list of policies						
		Human Resource Risk- Contractors National/International Emergencies	Contractors go through tender process if necessary	High	Unlikely	3	REDUCE- ACTION REQUIRED TO REDUCE RISK	Monitor Suppliers/Review Succession Plans Disaster/Emergency Protocols Online Communication- Microsoft Teams	Next Review 30/06/22
			Timely Contractual performance review- Time & Quality						
			Succession Planning/Business Continuity Reviews						
	Objective 2: Promote & Integrate Biodiversity with the boards primary and operational activities	Risk of prosecution for not adhering to Environmental Legislation	Board subcontracts a suitably qualified Env. Officer	High	Unlikely	3	REDUCE- ACTION REQUIRED TO REDUCE RISK	Continue to communicate Environmental best working practices with the Contractors	Eng- Ongoing
			Extensive Environmental Surveys carried out						
			Species reporting on all new watercourses						
		The board does not deliver on the duty to protect and where practicable enhance the environment	The board has a Biodiversity Action Plan	Med	Unlikely	2	ACCEPT- RISK LEVEL ACCEPTABLE		Next Review 30/06/22
			Produce Environmental Annual Report and Action Plan for the year ahead.						
I N N O V A T I O N	Objective 3: Embrace new technology/methods introduced into the industry	Financial Limitations	Cost Savings- Payback Calculation	Med	Unlikely	2	ACCEPT- RISK LEVEL ACCEPTABLE		Next Review 30/06/22
			Research & Development Included in Budget						
			PWLB- Potential to borrow						
		Historical Viewpoint- 'we've always done it this way' can stifle innovation	Long Term Asset Management Strategy Adopted	Med	Unlikely	2	ACCEPT- RISK LEVEL ACCEPTABLE		Next Review 30/06/22
			Forward Thinking Board						
		Uncertainty- results limited as technology/methods are in early stages of its lifecycle	The Board would always look to trial new technology	Med	Unlikely	2	ACCEPT- RISK LEVEL ACCEPTABLE		Next Review 30/06/22
			Economies of Scale through Shire Group of IDBs reduces risk to the IDB						
	Objective 4: Promote Innovation, ensure the board is continually looking at ways to improve and grow	Members lack understanding of the Board's objectives, latest legislative requirement and latest developments in the industry.	Land Drainage Act provides for election of members every 3rd Year	High	Unlikely	3	REDUCE- ACTION REQUIRED TO REDUCE RISK	Member Interaction/Presentations	Ongoing
			Training Courses for board members						
			Legislative/Industry developments promoted on the website and in meetings						
		Board Structure- Limited diversity of members background	Elected/Nominated split dependant on Annual Values	Low	Likely	2	ACCEPT- RISK LEVEL ACCEPTABLE		Next Review 30/06/22
			Nominated members typically have knowledge of WLM						
		Short Termism- Reduction of cost philosophy	Elected members must be nominated by Landowners in the district	Low	Likely	2	ACCEPT- RISK LEVEL ACCEPTABLE		Next Review 30/06/22
			STP/MTP/LTP						
		Unsuitable members appointed to the Board	Long Term Forecasting, 20 years Budget plans, Long Term Capital plan	Low	Likely	2	ACCEPT- RISK LEVEL ACCEPTABLE		Next Review 30/06/22
			Elected members must be nominated by Landowners in the district						
			Members register of interest						

Earby & Salterforth IDB- Risk Register Jan 2022

OBJECTIVE	RISK	Current Controls/Assurances	Risk			Status	Mitigation/Action Plan	Owner/Target Date
			Impact	Likelihood	Score			
STAKEHOLDER VALUE	Objective 5: To be a self sufficient IDB that provides value to 'our' stakeholders at all times	Reduction in income to the Board to maintain an appropriate provision of services	High	Unlikely	3	REDUCE- ACTION REQUIRED TO REDUCE RISK	Provide all significant ratepayers/creditors with the Long-Term forecast, allowing them to make provisions accordingly.	Senior Finance Officer Mar 22
		Timely invoicing of Drainage Rates account holders annually, monitoring of collection rates and take follow-up action when non-payment.						
		Submit Highland Water claims to the EA.						
		Overspending, not obtaining value for money	High	Unlikely	3	REDUCE- ACTION REQUIRED TO REDUCE RISK	Cash Flow analysis incorporated into monthly budget review, ensure value for money is sought on every purchase	FO-2022
		Monthly Budget reviews, Budget to date and out turn analysed by members at meetings						
		Financial Regulations- >£2500 2 quotes > £10,000 Tender Process						
		Approved Suppliers List with specific criteria that is regularly monitored						
		Perception that this isn't the case	Med	Likely	4	REDUCE- ACTION REQUIRED TO REDUCE RISK	Promote the board, shout about the good work the IDB do Tap into to Social Media to do this	SGAT- Ongoing
		Internal/External Audits & IDB1 forms						
		Website promoting board Activities						
		Lead Role in partnership working/PSCA agreements						
	Flood damage to third party	Insurance Policies to cover main risks including asset failure and indemnity for third party damage	High	Unlikely	3	REDUCE- ACTION REQUIRED TO REDUCE RISK	Insurance policies reviewed annually for the Board and risks required changes to cover reassessed.	SFO- Jan 2022
		Catchment Mapping completed						
	Objective 6: To be a champion of partnership working, work collaboratively where this can deliver shared research objectives more cost-effectively and for the wider good of all connected	Miscommunication causing differing expectations/goals	Med	Unlikely	2	ACCEPT- RISK LEVEL ACCEPTABLE	Monitor all relationships with all connected stakeholders, continue to be a champion of partnership working	Next Review 30/06/22
		Close working relationships with all connected stakeholders						
		Historic Agreements						
		Drive for partnership working	Med	Unlikely	2	ACCEPT- RISK LEVEL ACCEPTABLE	Monitor all relationships with all connected stakeholders, continue to be a champion of partnership working	Next Review 30/06/22
		Lack of formal structure and clear risk-sharing arrangements						
		Good working relationship with LLFA						
	Internal & External Conflicts, which could create a lack of trust	Clear definition of role between IDB & other Stakeholders	Med	Unlikely	2	ACCEPT- RISK LEVEL ACCEPTABLE	Monitor all relationships with all connected stakeholders, continue to be a champion of partnership working	Next Review 30/06/22
		Conflict Management Policy						
		Open & Honest- 100% Transparent- Minutes on website						
COMPLIANCE	Objective 7: Ensure that the board always complies with all recommended accounting practices	Adverse audit reports, legal action and loss of confidence in the IDB.	High	Unlikely	3	REDUCE- ACTION REQUIRED TO REDUCE RISK	1. Continue to work with Internal Auditor to always minimise risks associated with accounting practices, especially when new risks emerge 2. Review current SGAT processes & procedures and update where appropriate	Finance Team- May 2022 & Ongoing
		Put in place a satisfactory Governance framework, including: - Internal Audit contract & access to the Boards. - External Audit Service - Financial regulations in place for each Board - Business continuity & recovery plan - Insurance Policies proportionate to identified risks - Appropriate ICT systems to support key functions (Ratings, Finance and GIs). - ADA Practitioners' Guide (2006), as revised 2017 - Data processing, handling and retention in compliance with ICO's Guidance & Licence for each Board.						
		Adhere to Board Approved Financial Regulations						
		Experienced and suitably qualified finance officers						
		Bank Mandate in place, always two signatories needed						
		New Supplier Checks- Proof of Banking Details	High	Unlikely	3	REDUCE- ACTION REQUIRED TO REDUCE RISK	Continually Review current SGAT processes & procedures and update where appropriate	Finance Team- Ongoing
		All Purchase Ledger Transactions are reviewed by the board						
		Adequate Insurance to cover such Losses						
		Loss of Control through inadequate processes.	High	Unlikely	3	REDUCE- ACTION REQUIRED TO REDUCE RISK	Continually Review current SGAT processes & procedures and update where appropriate	Finance Team- Ongoing
		Audit approved documented processes, that have a clear segregation of duties						
	Liquidity issues, lack of reserves	Bank Mandate in place, always two signatories needed	Med	Unlikely	2	ACCEPT- RISK LEVEL ACCEPTABLE		Next Review 30/06/22
		The Board has adopted a reserves policy						
		Short, Mid & Long Term Budgetted						
		Boards financial position presented at Board meetings						
	Objective 8: Ensure that at all times the board complies with all current EU & UK legislation	Risk to Board Members	Med	Unlikely	2	ACCEPT- RISK LEVEL ACCEPTABLE	Monitor any changes to current EU & UK legislation	Next Review 30/06/22
		Qualified & experienced staff attempt to advise the board						
		Ultimately, all decisions should be discussed and made as a collective						
		Adequate Insurance underaken	High	Unlikely	3	REDUCE- ACTION REQUIRED TO REDUCE RISK	Monitor any changes to current EU & UK legislation	Next Review 30/06/22
		Access specialist advice as required, eg Finance, Legal, H&S, Insurance, etc.						
		Peer Group support, e.g. ADA's Policy & Finance and Technical Committees						

**Shire Group of IDBs
Epsom House
Malton Way
Adwick le Street
Doncaster DN6 7FE**

**T: 01302 337798
info@shiregroup-idbs.gov.uk
www.shiregroup-idbs.gov.uk**

JBA Consulting has offices at

**Coleshill
Cork
Doncaster
Dublin
Edinburgh
Exeter
Glasgow
Haywards Heath
Isle of Man
Leeds
Limerick
Newcastle upon Tyne
Newport
Peterborough
Saltaire
Skipton (Belle Vue Mills)
Skipton
Tadcaster
Thirsk
Wallingford
Warrington**

