

MARCH FIFTH DISTRICT DRAINAGE COMMISSIONERS

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04 April 2018

Mr Chairman, Ladies and Gentlemen

Meeting of Commissioners
10th April 2018

I enclose the Agenda for the Meeting of the Commissioners to be held at the Middle Level Offices, March at 7.00 pm on Tuesday the 10th April 2018.

Please telephone or e-mail to confirm your attendance as soon as possible.

PLEASE NOTE THAT THIS AGENDA INCLUDES CONFIDENTIAL PAPERS. APART FROM THE COPY RETAINED WITH THE CONFIDENTIAL MINUTES THEY WILL BE DESTROYED FOLLOWING THE MEETING AND COMMISSIONERS ARE REMINDED THAT THEY MUST NOT BE DISCUSSED WITH ANYONE OTHER THAN A COMMISSIONER.

AFTER THE MEETING PLEASE DESTROY YOUR COPY OF THE PAPERS OR RETURN THEM TO THE OFFICE TO BE DESTROYED.

Yours truly

D C THOMAS

Clerk to the Commissioners

To the March Fifth District Drainage Commissioners

A G E N D A

1. Apologies for absence

2. Declarations of Interest

The Commissioners to declare any interests relating to the agenda.

3. Confirmation of Minutes

To confirm the Minutes of the Meeting of the Commissioners held on the 11th April 2017.

(Copy pages 10-21)

4. Matters arising from the Minutes

5. Appointment of Chairman

To appoint the Chairman of the Commissioners.
(Present Chairman – R Jones Esq)

6. Appointment of Vice Chairman

To appoint the Vice Chairman of the Commissioners.
(Present Vice Chairman – G Hopkin Esq)

7. Appointment of District Officer

To appoint the District Officer.
(Present Officer – T D Hopkin Esq)

8. Land Drainage Act 1991
Fenland District Council

The Clerk will report that Fenland District Council have re-appointed Councillors Mrs J French, M Cornwell and S R Court to be Commissioners under the provisions of the Land Drainage Act 1991.

9. Land at the Slamp

Further to minute C.987, the Clerk to report.

10. Water Transfer Licences

Further to minute C.989, the Clerk will refer to a letter received from ADA dated the 27th October 2017 and to his response to Defra and also to the fact that licencing of water transfer came into force on the 1st January 2018.

However, a licence is only required for transfers from EA main river. No inter-IDB transfers require licencing hence this new arrangement will not directly impact the Commissioners.

(Copy pages 22-23)

11. The installation of palisade security fencing at the Commissioners' 2 pumping stations

Further to minute C.990, the Clerk to refer to the Land Registry Title plan.

(Copy pages 24)

12. South Creek Pumped System

Further to minute C.991, the Clerk to report.

13. Potential Amalgamation with March Third DDC

Further to minute C.1003, the Clerk to report.

14. Consulting Engineers' Report

To consider the Report of the Consulting Engineers.

(Copy pages 25-39)

15. Capital Improvement Programme

To review and approve the Commissioners' future capital improvement programme.

(Copy page 40)

16. District Officer's Report

To consider the Report of the District Officer.

17. Environmental Officer's Newsletter and BAP Report

The Clerk to refer to the Environmental Officer's Newsletter, previously circulated to the Commissioners, and to consider the most recent BAP Report, together with the information sheets about floating pennywort.

(Copy pages 41-55)

18. District Officer's Fee

To give consideration to the District Officer's fee for 2018/2019.

19. State-aided Schemes

To consider whether to undertake further State-aided Schemes and whether any future proposals should be included in the forward capital forecasts provided to the Environment Agency.

20. Environment Agency – Precept

The Clerk will report that the precept for the financial year 2018/2019 has been fixed at £1,968 representing a rate (including special levies) of 0.41p.

The precept for 2017/2018 was £1,939.

21. Claims for Highland Water Contributions – Section 57 Land Drainage Act 1991

a) The Clerk will report that following his submission of claims for contributions the gross sum of £118.43 (£1,729.46 less £1,611.03 paid on account) (inclusive of supervision) has been received from the Environment Agency for the financial year 2016/2017 based on the Commissioners' actual expenditure on maintenance work for that financial year and the sum of £1,648.30 in respect of 80% of the Commissioners' estimated expenditure for the financial year 2017/2018.

b) Further to minute C.1000, the Clerk will refer to the discussions with the Environment Agency over the monies available to fund highland water claims.

22. Determination of annual value for rating purposes

The Clerk will submit the recommendation for the determination of annual value for rating purposes.

(See confidential papers)

23. Rate arrears

To consider writing off rate arrears.

(See confidential papers)

24. Association of Drainage Authorities

The Clerk will:-

a) Annual Conference

Report that the Annual Conference of the Association of Drainage Authorities will be held in London on Wednesday the 14th November 2018.

b) Annual Conference of the River Great Ouse Branch

Report on the Annual Conference of the River Great Ouse branch of the Association held in Prickwillow, Ely on Tuesday the 6th March 2018 and the fact that the administration of this branch has now been passed to the Middle Level Commissioners.

c) Subscriptions

Report that it is proposed by ADA to increase subscriptions by approximately 1% for 2018, viz:- from £536 to £542.

d) Liability of Board Members

Refer to a Guidance Note received from ADA dated the 28th September 2017.

(Copy pages 56-58)

e) Updating IDB Byelaws

Refer to a letter received from ADA dated the 20th October 2017.

(Copy pages 59-71)

f) Floodex 2019

The Clerk will report that Floodex 2019 will be held at The Peterborough Arena on the 27th and 28th February 2019.

25. Capital Programme Strengthening and Delivery

The Clerk will refer to the slides presented by the Environment Agency at the Great Ouse IDB and EA Strategic Group meeting on the 19th April 2017.

(Copy pages 72-78)

26. Middle Level Commissioners and Administered Boards Chairs Meeting

The Clerk will report that a meeting of the Chairmen of all of the Middle Level Commissioners' administered Boards was held on the 8th March 2018 to discuss the challenges facing Boards. Innes Thomson, Chief Executive of ADA, spoke on the arrangements adopted by other Boards around the country.

Matters raised included:-

- 1) Advantages, disadvantages and barriers to amalgamation.
- 2) Future meetings and the opportunity for Boards to request items be added to the agenda.
- 3) Reviewing Board membership numbers.
- 4) Frequency of Board meetings.

27. Member training and the appointment of a Health and Safety Officer

The Clerk to report.

28. Defra IDB1 Returns

The Clerk to report on proposed changes to the Annual Defra IDB1 Returns.

29. Requirements for a Biosecurity Policy

The Clerk to report

30. The General Data Protection Regulation (GDPR)

The Clerk will refer to the Guidance Note on the implementation of the GDPR and that all organisations must become fully compliant by the 25th May 2018.

(Copy pages 79-80)

31. Charging for Environmental Permits

The Clerk will report on the consultation on charging for Environmental Permits which closed on the 26th January 2018. It is suggested within the consultation that charging should be designed to recover costs and as such there may be significant increases in the charges for obtaining Environment Agency permits for some IDB activities which require such consents. ADA have responded on behalf of the industry and their response is available on their website, www.ada.org.uk/2018/01/ada-responds-environment-agency-charge-proposals-2018.

32. Completion of the Annual Accounts and Annual Return of the Commissioners – 2016/2017

a) To consider the comments of the Auditors on the Annual Return for the year ended on the 31st March 2017.

(Copy pages 81-85)

b) To consider the Audit Report of the Internal Auditor for the year ended on the 31st March 2017.

(Copy pages 86-88)

33. Governance and Accountability for Smaller Authorities in England

The Clerk to refer to the recently issued Practitioners' guide to proper practices to be applied in the preparation of statutory Annual Accounts and Governance Statements which will apply to Annual Returns commencing on or after 1st April 2017 which is available on our website at www.middlelevel.gov.uk/MarchFifthInternalDrainageBoard/GovernanceandAccountability.

34. Budgeting

The Clerk to refer to the budget update reviewed by the Chairman, with comparison to year end out-turn added, and any actions taken.

(Copy page 89)

35. Review of Internal Controls

a) To consider the system of Internal Control.

b) To consider the appointment of the Internal Auditor and the proposed Audit Strategy and Audit Plan for 2019-2021.

(Copy pages 90-99)

36. Risk Management Assessment

a) To give consideration to the Commissioners' Risk Management Policy.

b) To review the insured value of the Commissioners' buildings.

(Copy page 100)

37. Appointment of External Auditor

Further to minute C.971, the Clerk to report.

38. Transparency Code for Smaller Authorities

The Clerk to report.

39. Exercise of Public Rights

The Clerk to refer to the publishing of the Notice of Public Rights and publication of unaudited Annual Return, Statement of Accounts, Annual Governance Statement and the Notice of Conclusion of the Audit and right to inspect the Annual Return.

40. Annual Governance Statement – 2017/2018

To review and complete the Annual Governance Statement.

(Copy page 101)

41. Payments 2017/2018

The Clerk to report on payments made during the financial year 2017/2018.

(Schedule pages 102-103)

42. Anglia Farmers

To consider the contractual arrangements with Anglia Farmers. The Clerk to report.

43. Annual Accounts of the Commissioners - 2017/2018

To consider the Annual Accounts and bank reconciliation for the year ended on the 31st March 2018 and the completion of Section 2 of the Annual Return as required in the Audit Regulations.

(Copy pages 104-108)

44. Expenditure estimates and special levy and drainage rate requirements 2018/2019

To consider estimates of revenue expenditure and levy and rate requirements in respect of the financial year 2018/2019.

(Copy pages 109-110)

45. Date of next Meeting

46. Any other business

MARCH FIFTH DISTRICT DRAINAGE COMMISSIONERS

At a Meeting of the March Fifth District Drainage Commissioners
held at the Middle Level Offices, March on Tuesday the 11th April 2017

PRESENT

G Hopkin Esq (Vice Chairman)
T E Alerton Esq
S R Court Esq
Mrs J French

P D Hayes Esq
T D Hopkin Esq
J A Lilley Esq
A Payne Esq

Miss Samantha Ablett (representing the Clerk to the Commissioners) and Mr Morgan Lakey (representing the Consulting Engineers) were in attendance. Miss Emma Alerton also attended the meeting as a member of the public.

In the absence of the Chairman, the Vice Chairman took the Chair.

RESOLVED

That Miss Alerton be appointed as a Commissioner.

The Vice Chairman welcomed Miss Alerton.

Apologies for absence

Apologies for absence were received from M Cornwell Esq and R G Jones Esq.

C.980 Declarations of Interest

Miss Ablett reminded the Commissioners of the importance of declaring an interest in any matter included in today's agenda that involved or was likely to affect them.

Mr T Hopkin declared an interest in District Officer matters.

C.981 Confirmation of Minutes

RESOLVED

That the Minutes of the Meeting of the Commissioners held on the 14th April 2016 are recorded correctly and that they be confirmed and signed.

C.982 Clerk to the Commissioners

- a) Further to minute C.944, Miss Ablett reported that Mr David Thomas had been appointed as Clerk to the Commissioners and that Miss Lorna McShane had been appointed Solicitor/Assistant Clerk.

Miss Ablett reported that the Chairman had authorised a donation of £150 towards the gift to mark Iain Smith's retirement and that Mr Smith had asked that his thanks be passed on to the Commissioners for their generous contribution towards his retirement gift and would like it recorded that it had been a pleasure for him to serve the Commissioners and that he wished them all the best for the future.

b) Changes to bank mandate

Further to minute C.965(a), Miss Ablett reported that, as most of the invoices raised came through the engineering department, the Internal Auditor had advised that David Thomas should not be named on the bank account and that the Treasurer and Assistant Treasurer of the Middle Level Commissioners should be the officers authorised to make payments of authorised accounts and that in pursuance of minute C.965(a), the Chairman had authorised the appropriate changes to the mandate.

RESOLVED

- i) That the action taken be approved.
- ii) That the donation to mark the retirement of the Clerk to the Commissioners, authorised by the Chairman, be approved.

C.983 Appointment of Chairman

Miss Ablett reported that Mr Jones had confirmed that he wished to continue as Chairman and that his surgeons had confirmed that, should his progress continue to improve, he would be back to good health in two to three months.

RESOLVED

That R Jones Esq be appointed Chairman of the Commissioners.

C.984 Appointment of Vice Chairman

RESOLVED

That G Hopkin Esq be appointed Vice Chairman of the Commissioners.

C.985 Appointment of District Officer

RESOLVED

That T D Hopkin Esq be appointed District Officer to the Commissioners during the ensuing year.

C.986 Land Drainage Act 1991
Fenland District Council

Miss Ablett reported that Fenland District Council had re-appointed Councillors Mrs J French, M Cornwell and S R Court to be Commissioners under the provisions of the Land Drainage Act 1991.

C.987 Land at the Slamp

Further to minute C.949, Miss Ablett reminded the Commissioners of the 5 year 'Farm Business Tenancy' agreement with the Middle Level Commissioners to hire the land at the Slamp for the annual rent of £200.

RESOLVED

That the Commissioners continue with the tenancy agreement and that there should be no increase in the level of rental.

C.988 Water Framework Directive

Further to minute C.950, Miss Ablett reported that there had been no further developments, apart from Mr Paul Sharman being appointed as the IDB representative following the retirement of Mr Iain Smith, but advised that, due to the Environment Agency no longer being able to support it, the River Basin Liaison Panel had since been disbanded. She also reported that the Clerk was satisfied that there were other partnerships in place and would continue to update Members when required.

C.989 Water Transfer Licences

Further to minute C.951, Miss Ablett reported that ADA had met with Defra officials, including Sarah Hendry, on the 11th October to discuss the Water Transfer Licences and it appeared that the Minister was keen to avoid over regulation. ADA had proposed certain points to Defra, including that ADA would hold one licence for the industry or that the opportunity should first be given for the information which the Environment Agency allege that they do not have to be provided other by regulation but perhaps through a form similar to the present IDB1. Defra officials had, it was understood, agreed to consider these proposals.

Miss Ablett gave a brief update on the current position in relation to proposed licensing changes and made it clear that unnecessary bureaucracy and unfair charging would be resisted.

C.990 The installation of palisade security fencing at the Commissioners' 2 pumping stations

Further to minute C.952, Miss Ablett reported that following the last meeting a quote from an external surveyor was obtained in respect of carrying out a survey of the land from the land registry plan and marking out with pegs the boundary of the Commissioners' land. She advised that the surveyor, who resides in Warboys, works on a self employed basis with Maxey Grounds and Co and charges £40 per hour plus 45p per mile for travelling.

Mr Lakey advised that the consideration for the installation of security fencing arose due to previous thefts at the pumping station and access to the site being impeded by mobile homes, dumped rubbish and tyres. Mrs French confirmed that planning consent had been given for the siting of one mobile home, however both Mr Lakey and the District Officer advised there was more than one mobile home at the site.

Mrs French advised that she would contact the planning department with regard to the number of residential units at the site and would also contact environmental services in relation to the removal of rubbish. She further advised that she would contact the owners of the site to remind them of the planning permission for one mobile home and to advise them that enforcement action would be taken regarding any other residential units at the site for which planning permission had not been granted.

RESOLVED

- i) That a survey be carried out to ascertain the location of the boundary of the land owned by the Commissioners and consideration be made to suitable fencing.
- ii) That no palisade security fencing be installed at this time.

C.991 South Creek Pumped System

Further to minute C.953(ii), Miss Ablett reminded the Commissioners that Mr Moore had installed two plastic discharge pipes in the small drain adjacent to South Creek roadway, which the Commissioners own, without seeking approval. She confirmed that the Clerk had written to Mr Moore on 15th April last year advising him that no consents had been issued in respect of his or previous outfalls and requested that full details of the construction of the outfalls, the area draining through the pipes and the composition of that drainage be forwarded to him within 28 days.

Miss Ablett advised that no response has yet been received from Mr Moore and enquired whether the Commissioners wished to take any further action.

The District Officer felt it would be pointless sending another letter as surely Mr Moore would have responded to the initial correspondence if he had any intention of complying with the Commissioners' byelaws.

RESOLVED

That no further action be taken at this time, but that the situation be monitored.

C.992 Consulting Engineers' Report

The Commissioners considered the Report of the Consulting Engineers.

Mr Lakey advised that game bird release pens had been erected adjacent to the District drain at reaches 34-35 and 36-37, preventing annual mowing and possibly future machine cleansing works.

Mr Hayes confirmed that he owned the pens and offered to strim the bank as and when required and would remove the pens when any machine cleansing was necessary.

Mr Lakey reported that a private watercourse within the Commissioners' catchment area, adjacent to the poultry houses on Creek Road, had been piped and filled and that the Commissioners may wish to investigate to ensure that all processes had been carried out in accordance with their byelaws.

Mr Hayes confirmed that he owned the dyke and that the Chairman had previously given approval for it to be piped and filled.

Mr Lakey advised that, following an inspection, an area of bank movement downstream of Point 6 had been identified, although it currently had no effect on the water flows and he also referred to the deterioration of the bank profile at reach 5-6.

Miss Ablett advised that having discussed the planning section of the report with the planning engineer, most items were a matter for report. However, she referred the Commissioners to the contravention of the Commissioners' byelaws at 38 New Park, March between Points 8-9 (MLC Ref Nos. 379 & 384 and 427) where Fenland District Council had approved the extension to the existing dwelling without having regard to the guidance and byelaws of the Commissioners and enquired whether they wished to take any action.

RESOLVED

- i) That the Report and the actions referred to therein be approved.
- ii) That the Consulting Engineer be requested to write to the owner and their agent in respect of the contravention of byelaws (MLC Ref Nos 379 & 384 + 427).
- iii) That Mr Hayes be authorised to trim the bank at reaches 34-35 and 36-37 when required and that he be required to remove the game bird pens when machine cleansing was necessary.
- iv) That the Commissioners approve the filling and piping of a dyke owned by Mr Hayes and that no further action was necessary at this time.
- v) That the Commissioners monitor an area of bank movement downstream of Point 6 and the bank profile at reach 5-6 for any further deterioration.

C.993 Capital Improvement Programme

The Commissioners considered their future capital improvement programme.

RESOLVED

That the Capital Programme be approved in principle and kept under review.

C.994 National Flood Resilience Review

Miss Ablett referred to the publication of the above review by the Government in September 2016 and to the response from ADA and drew attention to the lack of reference to the SUDS issue, which still remained unsatisfactory.

C.995 District Officer's Report

The District Officer had nothing additional to report since he considered that matters of importance had been satisfactorily covered in the Consulting Engineers' Report.

C.996 Environmental Officer's Newsletter and BAP Report

Miss Ablett referred to the Environmental Officer's Newsletter dated December 2016, previously circulated to the Commissioners.

The Commissioners considered and approved the most recent BAP report.

C.997 District Officer's Fee

The Commissioners gave consideration to the District Officer's fee for 2017/2018.

RESOLVED

That the Commissioners agree that the sum of £800 be allowed for the services of the District Officer for 2017/2018.

(NB) – Mr T Hopkin declared a financial interest when this item was discussed.

C.998 State-aided Schemes

Consideration was given to the desirability of undertaking further State-aided Schemes in the District and whether any future proposals should be included in the capital forecasts provided to the Environment Agency.

RESOLVED

That no proposals be formulated at the present time.

C.999 Environment Agency – Precepts

- a) Miss Ablett reported that the precept for 2017/2018 had been increased by 1.5% to £1,939 (the precept for 2016/2017 being £1,910).
- b) Local Choices Update

Further to minute C.958, Miss Ablett referred to the Environment Agency's newsletter dated October 2016.

C.1000 Claims for Highland Water Contributions – Section 57 Land Drainage Act 1991

- (a) Miss Ablett reported that the sum of £1,207.68 (inclusive of supervision) had been received from the Environment Agency (£1,611.03 representing 80% of the Commissioners' estimated expenditure for the financial year 2016/2017 less £403.35 overpaid in respect of the financial year 2015/2016).

(b) Further to minute C.959, Miss Ablett referred to the discussions with the Environment Agency over the monies available to fund highland water claims.

RESOLVED

That the position be kept under review.

C.1001 Rate Arrears

Consideration was given to writing off rate arrears amounting to £22.05.

RESOLVED

That the arrears be written off.

C.1002 Association of Drainage Authorities

a) Annual Conference

Miss Ablett reported that the Annual Conference of the Association of Drainage Authorities would be held in London on Thursday the 16th November 2017.

RESOLVED

That the Clerk be authorised to obtain a ticket for the Annual Conference of the Association for any Commissioner who wishes to attend.

b) Annual Conference of the River Great Ouse Branch

Miss Ablett reported on the Annual Conference of the River Great Ouse branch of the Association held in Prickwillow, Ely on Tuesday the 7th March 2017.

c) Subscriptions

Miss Ablett referred to an e-mail received from ADA dated the 16th December 2016 and reported that the Clerk had been advised that the subscription for 2017 will remain unchanged at £536.

RESOLVED

That the requested ADA subscription for 2017 be paid.

d) Floodex 2017

Miss Ablett reported that Floodex 2017 will be held at The Peterborough Arena on the 17th and 18th May 2017 and referred to the free Health and Safety Seminars that will also be taking place.

e) Further Research on Eels

Miss Ablett referred to an e-mail received from ADA dated the 15th November 2016 and the research specification from the Environment Agency regarding the eel research proposed over the next 2 years.

Members discussed the ongoing eel research and the request from ADA seeking contributions.

RESOLVED

That the Commissioners contribute £100 per year over the next 2 years towards further research on eels.

C.1003 Potential Amalgamation with March Third DDC

Miss Ablett referred to the Clerk's letter to the Chairman dated the 9th May 2016.

Miss Ablett reported that at a meeting held on the 14th September 2016, the Chairman, Vice Chairman, Iain Smith (former Clerk) and Robert Hill, Treasurer had discussed the matter further. It had been suggested that, given the membership numbers and ages of both March Third and March Fifth DDC's, those Commissioners might not be viable after a few years and there could be merit in also including March Sixth DDC. Miss Ablett advised that differential rating for all three areas could also be investigated..

Miss Ablett advised that following that meeting, the Chairman and Vice Chairman had agreed to discuss the position further and to speak with members of the other Boards, however due to Mr Jones' ill health, no further action had been taken.

Mr Lilley did not consider it necessary for the Commissioners to amalgamate and felt they should stay as they were.

The Vice-Chairman suggested that any discussions should be put on hold until the return of the Chairman and, if necessary, another meeting could be held.

RESOLVED

That no decision be made in respect of any amalgamation until the return of the Chairman.

C.1004 Governance of Water Level Management in England

Miss Ablett referred to the publication of the National Audit Office's (NAO) Report on Internal Drainage Boards, available on their website, www.nao.org.uk/report/internal-drainage-boards; to the Report Summary and to the response from ADA.

C.1005 Health and Safety Audits

Miss Ablett drew attention to the continuing need to ensure that the Commissioners complied with Health and Safety Requirements and reminded Members of the arrangements with Croner and that if the Commissioners had any issues they could seek advice from Croner via the Middle Level Commissioners.

Miss Ablett reported that the Middle Level Commissioners had put together a pack consisting of a practical guide, templates and examples relating to health and safety requirements, which they hoped would assist the Commissioners with their health and safety responsibilities.

C.1006 Cambridgeshire Flood Risk Management Partnership Update

Further to minute C.963, Miss Ablett reported the main issues considered and discussed by the Partnership were:-

1. The proposal to extend the provision of rain gauges in catchment.
2. Discussions over the maintenance of Sustainable Drainage Systems (SUDS).
3. The provision of Community flood kits. The LLFA are sourcing funds to provide kits to certain groups, i.e. March town council, but certain criteria are having to be met.
4. Work on the A14 project has now commenced.
5. The Supplementary Planning Document on flood risk has now been endorsed by Cambridgeshire County Council.
6. An update on the surface water management plan. Requesting quotes for surveys to be undertaken for property level protection (PLP).
7. Partner projects were discussed including Embankment raising in the Middle Level (MLC) and in the Ouse Washes (EA).

C.1007 Authorisation to appear in court to obtain distress warrants

RESOLVED

That under the provisions of section 54 of the Land Drainage Act 1991, in addition to Mr R Hill and Miss S Ablett, Miss Lorna McShane be authorised generally to institute or defend on behalf of the Commissioners proceedings in relation to a drainage rate or to appear on their behalf in any proceedings before a Magistrates' Court for the issue of a warrant of distress for failure to pay a drainage rate.

C.1008 Potential Changes in Rating Valuation

Miss Ablett reported the consideration presently being given by ADA and Defra to possible changes in the way in which drainage rates and special levies may be calculated in future. She advised that the present system, under the Land Drainage Act 1991 and the Internal Drainage Board (Finance) Regulations, provides for agricultural property to be valued at a notional rental value for that property as at 1st April 1988 with non-agricultural hereditaments being valued at the "average acre" rate, calculated by reference to pre-1988 development within the District of the individual Board. The current legislation does however require that properties that existed before 1st April 1988 are valued according to their old rateable values, records for which may no longer exist and this causes problems for IDBs which are looking to extend their boundaries and particularly where there are proposals to create new IDBs. Miss Ablett understood however, that, at present, Defra are unlikely to progress the issue urgently and that some further consideration will have to take place before any change is proposed. In addition, as a change to primary legislation would be required, Parliamentary time would have to be found for this. At this stage Miss Ablett wished therefore to simply alert the Commissioners to these discussions and further reports will no doubt be made to the Commissioners in the future should legislative amendment be proposed.

C.1009 Information regarding Asbestos

Further to minute C.964, the District Officer reported that to the best of his knowledge there was no asbestos present in the Commissioners' installations.

RESOLVED

That the Register record "Unknown".

C.1010 Completion of the Annual Accounts and Annual Return of the Commissioners – 2015/2016

- a) The Commissioners considered and approved the comments of the Auditors on the Annual Return for the year ended on the 31st March 2016.
- b) The Commissioners considered and approved the Audit Report of the Internal Auditor for the year ended on the 31st March 2016.

C.1011 Budgeting

Miss Ablett referred to the budget comparison of the forecast out-turn and the actual out-turn for the financial year ending 31st March 2017.

C.1012 Review of Internal Controls

The Commissioners considered and expressed satisfaction with the current system of Internal Controls.

C.1013 Risk Management Assessment

- a) The Commissioners considered and expressed satisfaction with their current Risk Management Policy.
- b) The Commissioners considered and approved the insured value of their buildings.

C.1014 Transparency Code for Smaller Authorities

Miss Ablett reported that from 2017/2018 smaller public bodies (Boards with income or expenditure less than £25,000) would not be required to undertake a formal audit but would need to have greater publication requirements in place. She advised that it would also be necessary to question the effect of “one off” payments such as development contributions taking the Commissioners above the £25,000 limit, in a particular year.

C.1015 Exercise of Public Rights

Miss Ablett referred to the publishing of the Notice of Public Rights and publication of unaudited Annual Return, Statement of Accounts, Annual Governance Statement and the Notice of Conclusion of the Audit and right to inspect the Annual Return.

C.1016 Annual Governance Statement – 2016/2017

The Commissioners considered and approved the Annual Governance Statement for the year ended on the 31st March 2017.

RESOLVED

That the Chairman be authorised to sign the Annual Governance Statement, on behalf of the Commissioners, for the financial year ending 31st March 2017.

C.1017 Payments 2016/2017

The Commissioners considered and approved payments amounting to £34,326.75 which had been made during the financial year 2016/2017.

(NB) – The District Officer declared an interest in the payment made to him.

C.1018 Annual Accounts of the Commissioners – 2016/2017

The Commissioners considered and approved the Annual Accounts and bank reconciliation for the year ended on the 31st March 2017 as required in the Audit Regulations.

RESOLVED

That the Chairman be authorised to sign the Return, on behalf of the Commissioners, for the financial year ending 31st March 2017.

C.1019 Expenditure estimates and special levy and drainage rate requirements 2017/2018

The Commissioners considered estimates of expenditure and proposals for special levy and drainage rates in respect of the financial year 2017/2018 and were informed by Miss Ablett that under the Land Drainage Act 1991 the proportions of their net expenditure to be met by drainage rates on agricultural hereditaments and by special levy on local billing authorities would be respectively 11.46% and 88.54%.

RESOLVED

- i) That the estimates be approved.
- ii) That a total sum of £16,399 be raised by drainage rates and special levy.
- iii) That the amounts comprised in the sum referred to in ii) above to be raised by drainage rates and to be met by special levy are £1,879 and £14,520 respectively.
- iv) That a rate of 3.50p in the £ be laid and assessed on Agricultural hereditaments in the District.
- v) That a Special levy of £14,520 be made and issued to Fenland District Council for the purpose of meeting such expenditure.

vi) That the seal of the Commissioners be affixed to the record of drainage rates and special levies and to the special levies referred to in resolution (v).

vii) That the Clerk be authorised to recover all unpaid rates and levies by such statutory powers as may be available.

C.1020 Display of rate notice

RESOLVED

That notice of the rate be affixed within the District in accordance with Section 48(3)(a) of the Land Drainage Act 1991.

C.1021 Date of next Meeting

RESOLVED

That the next Meeting of the Commissioners be held on Tuesday the 10th April 2018.

From: Innes Thomson
To: Ian Moodie ; David Thomas; Andrew Newton; Kekeke, Pauline (Defra)
cc: Robert Caudwell; David Sisson - ADA Trent Branch; Trevor Purllant
Subject: Water Transfer & Abstraction licencing

Sent: Fri 27/10/2017 08:32

Hello All,

Having just met with Sarah Hendry, she has informed me that it is Defra's intention to require licenses for the abstraction of water from Main Rivers from 1st January 2018 and that an announcement to that effect is expected to be made by the Minister on 6th Nov !

Apparently, the EA and Defra have been working on this for some time and I expressed our real concern that we heard nothing about what to expect and when.

I was told that current exemptions for all abstractions will end on 31st December and that licenses will be required for any water passing from a Main River into another system. If I understood correctly, there will be a single licence fee payable per abstraction of £1,500 which will be valid for 12 years. I was also told that the EA would not be licencing transfers within IDB areas.

I expressed concerns in particular about water needs for environmental sites and how IDBs do not have the means to recuperate the licence fees from those sites. I also mentioned concerns about highland water and what happens when the EA want to transfer water into IDB areas at times of flood to relieve pressure on the main river systems.

Sarah did not have all the detail to hand and promised to provide as much information as possible without delay so we could be of much assistance as possible in landing this news in the short term. I strongly advised that the Minister will need to say something about her plans at Conference and be prepared to take some challenging questions on the subject.

We left the subject with me saying that Defra and the EA must very carefully think about the detail and to use the practical experience of one or two IDBs to sense check any process being applied.

Watch this space,

With best regards,

Innes

Eur Ing J Innes Thomson BSc CEng FICE

Chief Executive

ADA | Representing drainage, water level & flood risk management authorities

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ADA 80th Annual Conference | 16 November 2017 | One Great George Street, Westminster,
To book your place please visit: www.ada.org.uk/events/annual-conference

From: David Thomas
To: Kekeke, Pauline (Defra)
cc: Innes Thomson
Subject: RE: For meeting with Sarah Hendry tomorrow

Sent: Fri 27/10/2017 10:20

ftao Sarah Hendry

Dear Sarah,

I have just heard some very concerning news from Innes on the plans for the new arrangements for water transfer licencing.

I know the Board will be disappointed when I have to report to them next Thursday that after our significant efforts to engage there has been a very prolonged period of silence and it now appears from what Innes has told me that work on this matter has continued with no further engagement with the IDBs and that changes are to be implemented with virtually no notice. I am particularly disappointed as over the summer we have worked very closely with DEFRA and been extremely supportive with the sampling that has been carried out for *Ralstonia Solanacearum*, lending our board room, office space and facilities for over a month at no charge and in advance of this with providing detailed information, support, maps and technical data. I do not believe that we could have done more.

Can you advise me if it is correct that licencing for transfers will become mandatory from 1st January next year and that a fee of £1,500 will be payable? Beyond this what level of detail will be required for the licence?

As you know we have concerns that most of these transfers are required to support SSSIs, SACs and RAMSAR sites and for facilitating abstraction. Whilst I appreciate the need to record where transfer takes place and also understand that the impacts of water transfers need to be assessed in areas where there is concern and hence would want to work with the EA and DEFRA to deliver improvements, in line with Water Framework objectives, I am also conscious that as a public body our ratepayers are currently covering the burden of the cost of this. If the principal within the DEFRA family is that each of its partner public bodies recover their costs from other partner public bodies, which seems to be what this indicates, this should be more widely publicised.

I can only speak for the MLC and associated IDBs, but for us the costs of managing water for the benefit of abstractors, who pay fees only to the EA is not insignificant. Should we be aiming to recover all of these costs from the EA in future?

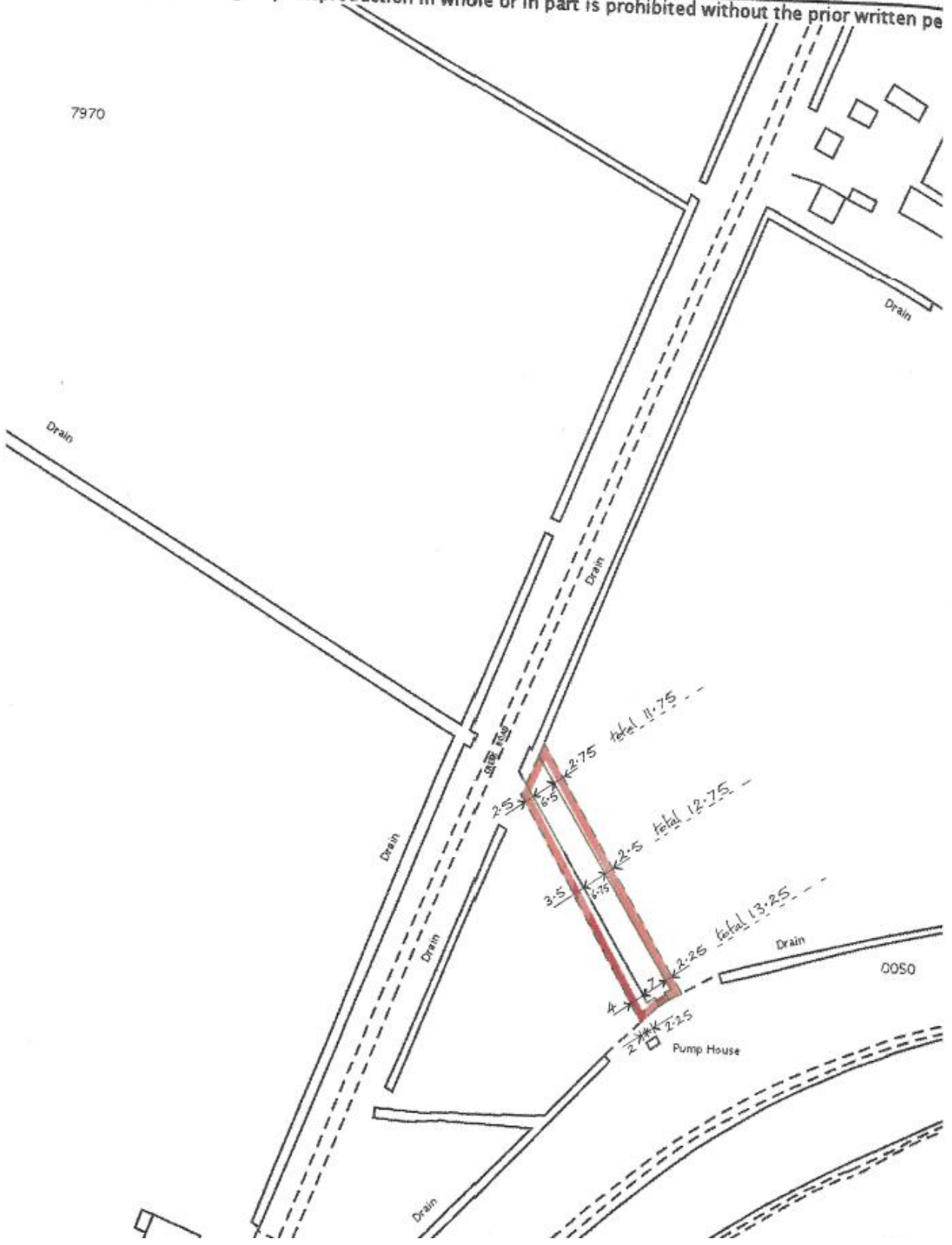
Regards.

David

Chief Executive
Middle Level Commissioners

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March Fifth D.D.C.

Consulting Engineers Report – March 2018

Weed Control and Drain Maintenance

The maintenance and drain works carried out last year generally accorded with the recommendations approved by the Commissioners at their last Annual Meeting.

The summer district inspection indicated that the majority of the Commissioners' district drains were in a satisfactory condition and being maintained to a good standard. However, the inspection highlighted sporadic stands of aquatic vegetation throughout the Foxglove Way gravity system and Flagrass Hill drains, reach 33-34-35-36-37. With the District Officer's approval these reaches were included in the annual herbicide application programme.

As has been the practice in previous years and with the approval of the Commissioners at their last annual meeting, the drains immediately upstream of North and South Creek pumping stations, reaches 1-2-3 and 20-21, were included in the annual machine cleansing programme to help reduce the mass of aquatic weed required to be manually cleaned from the pumping station weedscreen. It is recommended both reaches be included in this year's machine cleansing programme.

A recent joint inspection of the Commissioners' district drains was undertaken with the District Officer. The inspection indicated that the majority of drains are currently in a satisfactory condition, however as the Commissioners' annual meeting falls during the early part of the growing season subsequent district inspection will be required during the summer months to accurately identify drain maintenance requirements.

North Creek Pumped System

The Commissioners' drains within the North Creek area are in a generally satisfactory condition. Sporadic stands of reed and aquatic vegetation are evident in reach 21-22 adjacent to the sewer works and the Flagrass Hill drains, reach 28-29-30-31-32. It is recommended these reaches are treated with an early season application of Roundup herbicide and inspected again during the proposed summer inspection for any re-infestations that may require a second herbicide application.

South Creek Pumped System

The recent inspection indicates the Commissioners' drains within the South Creek area are also in a generally satisfactory condition. Historically district drains in the South Creek area have been prone to late occurring infestations of submerged weed growth, most notably semi-buoyant Rigid Hornwort (*Ceratophyllum demersum*). As mentioned previously reach 1-2-3 will be included in the

machine cleansing programme to prevent future issues with large accumulations of aquatic weed at the manually cleaned weedscreen.

Creek Road/Newlands Avenue/Foxglove Way – Gravity System

Regular visual inspections of drains in the Foxglove Way area have been undertaken during the last season. Pleasingly, the inspections have identified minimal amounts of domestic and household debris being fly-tipped into the Commissioners' watercourse. The previously reported bank subsidence, reach 5-6, has been monitored throughout the year and has not deteriorated any further. The recent joint district inspection highlighted sporadic stands of reed and aquatic



Bank movement on Reach 5-6

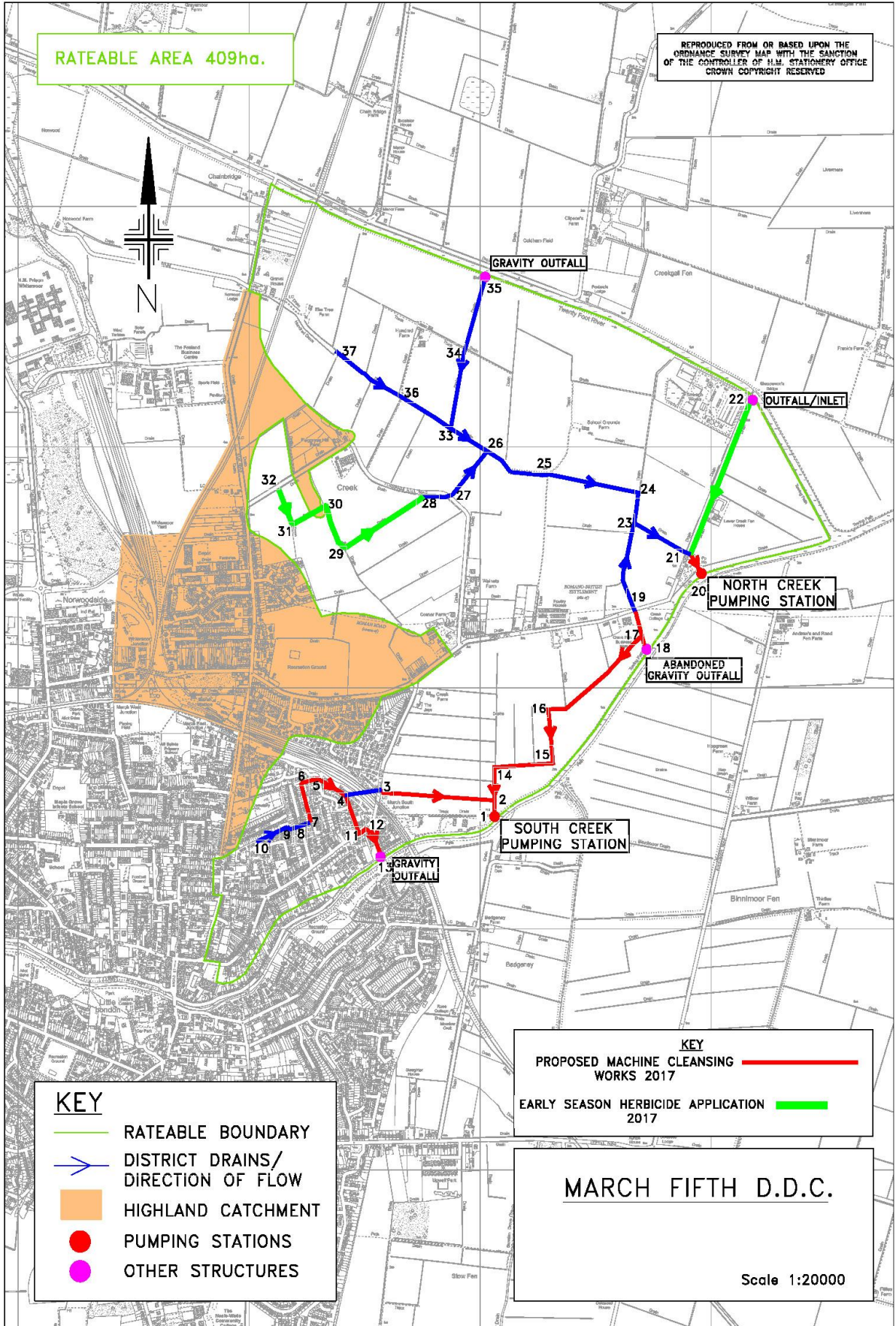
vegetation throughout the drains in this area. It is therefore recommended that the system is treated with an application of Roundup herbicide, followed by machine cleansing as soon as the ground conditions are suitable. It is also recommended that the area of bank subsidence on the south side of reach 5-6, is battered back and re-profiled to remove the unnecessarily steep side slope. The most cost-effective solution for the Commissioners would be timing the re-profiling works with the machine cleansing of the adjacent watercourse.

The Commissioners' flail mowing contractors, Mr J Steward and Messrs Ashman, have indicated that they are available to undertake the Commissioners' flail mowing requirements for the ensuing year. A sum for the completion of flail mowing district drains has been included within the estimate.






The estimated costs of this year's recommended Weed Control and Drain Maintenance works are shown following the plan. A provisional sum has also been included within the Commissioners' budget to allow for any emergency machine cleansing, bank slip repair or culvert clearance works to be undertaken.

RATEABLE AREA 409ha.



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KEY

-  RATEABLE BOUNDARY
-  DISTRICT DRAINS/
DIRECTION OF FLOW
-  HIGHLAND CATCHMENT
-  PUMPING STATIONS
-  OTHER STRUCTURES

KEY

-  PROPOSED MACHINE CLEANSING
WORKS 2017
-  EARLY SEASON HERBICIDE APPLICATION
2017

MARCH FIFTH D.D.C.

Scale 1:20000

Recommended Weed Control and Drain Maintenance works:

North & South Creek Pumped System				£	£
1.	Flail mowing of District drains	Item	Sum		2600.00
2.	Application of Roundup to control emergent weed and reed	Item	Sum		800.00
3.	Machine cleanse reach 1-2-3	600	m @	1.20	720.00
4.	Machine cleanse reach 20-21	100	m @	2.00	200.00
5.	Machine cleanse reach 2-14-15-16-17-18-19	1250	m @	1.00	1250.00
6.	Creek Road/Newlands Avenue/Foxglove Way – Gravity System Machine Cleanse 13-12-11-4-5-6-7-8-9-10	1000	m @	2.50	2500.00
7.	Bank Trimming Reach 5-6	Item	Sum		500.00
8.	<u>Provisional Item</u> Allowance for any culvert clearance, bank slip repair, emergency or additional machine cleansing that may be deemed necessary later in the year	Item	Sum		1000.00
9.	Fees for inspection, preparation and submission of report to the Commissioners, arrangements and supervision of herbicide applications and maintenance works	Item	Sum		950.00
TOTAL					£10,520.00

Orders for the application of herbicides by the MLC are accepted on condition that they will not be held responsible for the failure or efficacy of any treatment.

Pumping Stations

Only routine maintenance has been carried out since the last meeting and the pumping plant at each of the stations is mechanically and electrically in a satisfactory condition.

Insurance

The Commissioners' new insurer AXA/HSB now includes Engineering Insurance cover for sudden and unforeseen breakdown of pumping plant. However, two recent claims were made by local IDBs and were rejected as AXA/HSB considered that the pumps should have been removed for service on a 5 yearly frequency, this is currently being contested by the MLC and the company's further consideration is awaited.

Hours Run

North Creek Hours Run March 2017 - March 2018 = 66

North Creek Hours Run March 2016 - March 2017 = 52

North Creek Hours Run March 2015 - March 2016 = 28

North Creek Hours Run March 2014 - March 2015 = 160

North Creek Hours Run Feb 2013 - March 2014 = 82

South Creek Hours Run March 2017 – March 2018 = 157

South Creek Hours Run March 2016 – March 2017 = 121

South Creek Hours Run March 2015 – March 2016 = 110

South Creek Hours Run March 2014 – March 2015 = 337

South Creek Hours Run Feb 2013 - March 2014 = 193

Eel Regulations

The Commissioners have previously expressed concern over the Eel Regulations. National IDB/EA meetings have been held and it is hoped that new, more appropriate evidence-led guidance, focussed on pumping stations, will be issued. However, this may take a year or two to complete.

Internal Consultation with the Board

The process of “internal consultation” between the Middle Level Commissioners and the Commissioners (usually, but not always, with the Chairman and/or District Officer) to seek the Commissioners’ comments and thus aid the decision-making process, is generally working well and will be continued and reviewed at a later date.

Planning Procedures Update

Informatives on Decision Notices

Despite positive steps being taken, a review of the decisions that have recently been made has identified that very few informatives are being added to Decision Notices advising the applicants of their separate legal obligation to comply with the requirements of the Commissioners’ Byelaws and the Land Drainage Act.

It is left to the Commissioners’ discretion whether they wish the Middle Level Commissioners to make a formal response to the Councils concerned directly on their behalf, or whether they request that their Council representatives ensure that such informatives are requested.

Planning Agents Training Day

Having identified engagement issues between “Developers” and the Middle Level Commissioners and Associated Boards, a Training Day was held in late October. Approximately 50 invitations were sent out to a cross section of interested parties representing developers, agents and consultants and including all the LPA areas that we deal regularly with. Council Officers were also invited. The event was oversubscribed with twenty-five people attending but several others are on a ‘short list’ if another similar event is held. The feedback suggests the event was well received.

The format of the event was to inform those attending of the unique nature of the area; where the IDBs fit into the development process; what the issues are; and how the Middle Level Commissioners deal with them.

Analysing the figures very crudely 46% of attendees were agents; 34% consultants; 18% developers and less than 1% Council Officers. The areas covered were 37%, predominantly consultants, all the LPAs; 45% Fenland and 18% West Norfolk. There was no specific representation from Huntingdonshire District, East Cambs District, South Cambs District or Peterborough City Councils.

Planning Applications

In addition to matters concerning previous applications, the following 15 new applications have been received and dealt with since the last meeting:

<i>MLC Ref.</i>	<i>Council Ref.</i>	<i>Applicant</i>	<i>Type of Development</i>	<i>Location</i>
443	F/YR17/3027/COND	Solar Savings 4 U Ltd	Residential	St Johns Chase, March
444	F/YR17/0357/F	Mr & Mrs McFadden	Residence (Extension)	Cedar Close, March
445	F/YR17/0298/F	Mr John Woods	Residence (Extension)	Station Road, March
446	F/YR17/0461/F	Iron Works Gym	Leisure	Creek Fen, March
447	F/YR17/0607/F	Mr & Mrs A Spendelow	Residence (Extension)	Shaftesbury Avenue, March
448	F/YR17/0734/F	Mr D Mason	Residential (3 dwellings)	Creek Road, March
449	F/YR17/0834/F	Mrs C Upton	Residence (Extension)	Station Road, March
450	F/YR17/0851/F	Mrs E Edington	Residence (Extension)	Highfield Road, March
451	F/YR17/0827/F	Mr R Rawlinson	Residence	Creek Fen, March
452	F/YR17/1054/F	Mr D Mason	Residential (2 dwellings)	Creek Road, March
453	F/YR17/1055/F	Mr R Moore	Residence (Extension)	Creek Road, March
454	F/YR17/1142/PNH	Mr & Mrs Hayes	Residence (Extension)	Creek Fen, March
455	F/YR17/1147/F	March Cold Stores Ltd	Storage building	Marwick Road, March*
456	F/YR17/1230/F	Mr D Upton	Residential (2 dwellings)	Flaggrass Hill Road, March
457	F/YR18/0008/F	Mr R Towler	Residential (2 dwellings)	Creek Road, March

***Planning applications ending 'COND' relate to the discharge of relevant planning conditions
Planning applications ending 'PNH' relate to household permitted regulations notification***

Developments that are known to propose direct discharge to the Commissioners' system are indicated with an asterisk. The remainder are understood to propose surface water disposal to soakaways/infiltration systems or sustainable drainage systems, where applicable.

The following applicants have chosen to use the soakaway self-certification process and, in doing so, agreed that if the soakaway was to fail in the future they would be liable for discharge consent.

- *Extension at Station Road, March – Mrs C Upton (MLC Ref No 449)*
- *Extension at Highfield Road, March – Mrs E Edington (MLC Ref No 450)*
- *Residence at Creek Fen, March – Mr R Rawlinson (MLC Ref No 451)*

No further correspondence has been received from the applicants or the applicants agents concerning the following developments and no further action has been taken in respect of the Commissioners' interests.

Erection of 6 no dwellings with garages at Edwards Buildbase, Station Road, March - Mr N King (MLC Ref Nos 315, 360, 374 & 386) on former Edwards Buildbase, Station Road, March & Erection of 8 no dwellings with garages at land north of Levante, St Johns Chase, March - Mr D Brownlow (MLC Ref Nos 316 & 358)

Re-development of Three Acres off Creek Road, March – RME (International) Ltd (MLC Ref No 335); Erection of 2 x 41.4 metre high (hub height) wind turbines at Three Acres, South Junction, Creek Road, March – RME (MLC Ref No 347); Erection of 2.4 metre high welded mesh fencing to perimeter of existing business site at Three Acres, South Junction, Creek Road, March – Mr R Moore (MLC Ref Nos 351 & 354)

Proposed leisure development including moorings east of Cromwell Works, Creek Road, March (MLC Ref No 344) & Erection of 2 x 3-storey 6-bed dwellings with detached garages and workshops at land west of Creek Cottage, Creek Fen, March – Mr M Thompson (MLC Ref No 400)

Residential development with associated parking south of Creek Road fronting Lambs Place, March – Almaren Ltd (MLC Ref No 380)

Erection of 30 dwellings (max) east of Berryfield, Berryfield, March – The Wilkinson Family (MLC Ref Nos 392 & 396)

Residential development at Highfield House, Elm Road, March – Mrs E Wilkinson (MLC Ref No 432)

In view of the absence of recent correspondence and any subsequent instruction from the Commissioners it will be presumed, unless otherwise recorded, that the Commissioners are content with any development that has occurred and that no further action is required at this time.

Proposed residential development at 250 Creek Road, March – Mr M Hardiman (MLC Ref Nos 289, 299, 388, 423 & 439)

The last planning application Fenland District Council Ref No F/YR17/0042/O (MLC Ref No 439) was refused by the District Council for several reasons including “The site lies within Flood Zone 3 which is a high risk flood area”.

The application went to appeal but was dismissed by The Planning Inspector in February.

Erection of a 2-storey rear extension and porch to side of existing dwelling New Park, March – Mr L Johnson (MLC Ref Nos 379 & 384) & Mrs G Clarke (MLC Ref No 427)

Further to minute C.992 Consulting Engineers’ Report (ii) the applicant’s agents, Morton and Hall, were advised of the Board’s decision in an effort to resolve the situation.

Unfortunately, a revised byelaw application submission has not been received and a recommendation to refuse the original application was made to the Clerk to the Commissioners.

No further correspondence has been received from the applicant or the applicant’s agents concerning this site. A note on the Local Land Charges Register (LLCR) has been requested.

Residential development involving the demolition of existing dwelling at land west of Kinloss, St Johns Chase, March - Mr D Fisher & Executors of Mrs J Easter Deceased (MLC Ref No 393) & Solar Savings 4 U Ltd (MLC Ref Nos 424, 431 & 443)

A discharge of condition application, including access drainage, was submitted to the District Council in March and subsequently approved in September.

Outline with one matter committed detailed as access in relation to 95 no dwellings (max) with associated landscaping, drainage and open spaces at land north of 75 - 127 Estover Road, March - St Johns College, Cambridge (MLC Ref No 408)

Following a period of inactivity the Middle Level Commissioners received correspondence from the District Council and Commissioners concerning the referral of the planning application to the Planning Committee at its February meeting with a recommendation to grant the permission.

The application was subsequently withdrawn from the meeting.

The applicant has been advised that additional work is considered to be required to address the concerns raised. These are primarily traffic related and do not refer to the Board's interests. Presumably, once this information has been provided it will be referred back to the Planning Committee.

The drainage related submission information has been reviewed and summarised as follow:

1. Phases one and two are just within the highland of the district. Any further phases will most likely be in the rateable area. The basin described below is partly within the rateable.
2. The Cannon Consulting FRA indicates that large shallow infiltration basin designed for 1% AEP (1 in 100 year event) plus 30% climate change will be used. This is a suggestion in the FRA produced for this stage and is not final.
3. It is assumed for this design there will be 2.6ha of impermeable area for the site, this is 65% of the whole site.
4. Swales will also be utilized on site to convey water to the basins. Permeable paving is also suggested for the private hardstanding.
5. Any overflows/flood water from channels and the swales should be directed towards the basins.
6. It is suggested that maintenance would be undertaken by a private maintenance company or could be adopted by Anglian Water. Preferably we would want Anglian Water to adopt the system as private maintenance companies can "hit and miss" and there are issues over ownership and long term funding.
7. The trial pits used to derive the infiltration rates were not spread across the whole site. They were also extrapolated from very little data and should not be used for design purposes.
8. MicroDrainage considers the basin to be at flood risk during the 1% AEP (1 in 100 year) event.
9. The current design would not be acceptable and proper site investigation with tests completed to BRE 365 without extrapolation would have to be completed before any further consideration of the system could take place.

A response raising these concerns suggesting a way forward to protect the Commissioners' interests is currently being prepared.

Erection of 1 x 3-storey 6-bed and 3 x 2-storey 4-bed dwellings with garages at land north of Elm House, Elm Road, March – Mr & Mrs Coe (MLC Ref No 436)

Planning permission was granted subject to the imposition of conditions, with none relating to surface water disposal. However, an informative was added to the Decision

Notice advising the applicants of their separate legal obligation to comply with the requirements of the Commissioners' Byelaws and the Land Drainage Act.

Regeneration of playing field to include: erection of a single-storey pavilion, formation of a car park ; netball courts/multi-games use courts; hard-standing for external terrace and walkways; siting of 3 x storage containers; erection of 4.5m high (max height) mesh fencing bounding both the football pitch and netball court and the erection of 4 x 8.0m high lighting columns to car park and footpaths; 6 x 10.0m high floodlights to netball courts and 6 x 15.0m high floodlights to football pitch at Playing Field, Estover Road, March – Estover Playing Fields 2015 CIC (MLC Ref No 440)

Further to the last meeting some additional information provided by the applicant's agent has been reviewed. Initial comments are:

1. The surface water is only limited to 5 l/s not the full greenfield rate, as the report advises limiting it to greenfield rate is not achievable. Therefore, a discharge consent on a pro rata basis will be required.
2. The foul water will be disposed of via a treatment plant and discharged into the drain on the southern boundary, this will also require the Board's consent.
3. It is hard to comment on the system with certainty at this point as the design is only preliminary and detailed design has not occurred. Also, the Microdrainage calculations are only estimates as well.
4. In the report there is one outfall for the surface water and the foul water. The outfall, according to the report, needs Section 23 consent.
5. The boreholes used in Appendix E are for the prison and, therefore, the results are only partially relevant to the site.
6. The maintenance schedule in Appendix I does not go far enough as ownership and long term funding is not detailed.

Erection of a cold storage building including plant rooms, 6no loading docks, 14no vehicle charging points, 2no condensers and new hardstanding at Marwick Road, March - March Cold Stores Ltd (MLC Ref No 455)

The development is for a large cold store building with an attenuated discharge into the Commissioners' highland catchment.

A consent application for an attenuated discharge was received in January. Unfortunately, the application did not meet the Commissioners' minimum validation requirements. The applicant was advised of the position and given the opportunity to provide the additional information required.

However, this information was not received and a recommendation was made to the Clerk to the Commissioners to refuse the application.

Cambridgeshire Flood Risk Management Partnership (CFRMP).

The Commissioners' Planning Engineer has represented both the Middle Level Commissioners and their associated Boards at meetings held since the last meeting. The main matters that may be of interest to the Commissioners are as follows:

The Great Ouse Tidal River Baseline report

This EA document is complete and available in PDF format. The report sets out the status of flood risk management on the tidal River Ouse. One of the most critical/important maps highlights cost benefits in terms of GiA and other funding sources. The report also sets out issues going forward with regard to long term funding of managing the catchment.

The Future Fenland Project

Phase 1 of this EA project has commenced. The project is for the whole Fens so needs to include Lincolnshire and Northamptonshire. Phase 1 will take a couple of years to complete and will include Lincolnshire and Northamptonshire. A workshop for stakeholders was held in January and a further one will be held during March 2018. One of the aims of this phase is to outline the total cost benefit analysis of maintaining the Fens.

Phase 2 will assess how the Fens may change in the future based on information from Phase 1. This may include considering changes in land uses and funding streams.

There are varying views on the future of the Fens and the development of the project. One of the concerns raised was the source of future funding for the management of the Fens and the conflicting views on how it should be managed.

Programme Development Unit (PDU)

This EA team will focus on helping partners deliver projects more efficiently. There are a number of large EA projects that the PDU will be involved with, therefore a hierarchy of projects will need to be established to ensure clarity of their involvement.

Cambridgeshire County Council (CCC) has advised that the Lead Local Flood Authority (LLFA) has also been involved in a similar process with ADA. A response has been prepared by ADA and for more detail see item 35 on the Agenda.

Members will be aware that the statutory fee for obtaining consent stated within the Land Drainage Act has, for many years, been only £50.00 which does not cover the real costs of processing such a consent.

Cambridgeshire County Council – Flood and Water Team – Ordinary watercourse consents have been considered and issued when required.

The Bedford Group of IDBs has advised that Ordinary watercourse consents in its area were not originally considered with protected provisions in the Development Control Order (DCO), a planning document. A legal agreement was subsequently agreed that reflects the IDBs' byelaws and protected provisions.

It is understood that the EA had a similar situation at Peterborough on a Main River, even though it was a stakeholder in the project.

IDBs are reminded that they are not Statutory Consultees in such consultations but do need to be aware of forthcoming schemes in order to protect their interests.

Rain Gauges Project

Note. *The Official Journal of the European Union (OJEU - previously called OJEC, the Official Journal of the European Community) is the publication in which all tenders from the public sector which are valued above a certain financial threshold according to EU legislation, must be published. The legislation covers organisations and projects that receive public money, such as Local Authorities, NHS Trusts, MOD, Central Government Departments and Educational Establishments.*

The Eastern Regional Flood & Coastal Committee (RFCC) area (largely Norfolk, Suffolk and Essex) will be joining this Central RFCC project which is likely to be Project Managed by the EA.

The gauges will be located on secure and accessible EA or Anglian Water Services Ltd (AWSL) structures, such as water recycling centres (WRCs), and the Botanical Gardens in Cambridge.

It is intended that information from the rain gauges will be for the use of all partners for flood investigations etc with all sites available via telemetry using a web interface, possibly with three levels of membership – Administrator, Partners and the Public - and associated viewing rights within the web interface with the latter only seeing “local” information. This interface will be based on the software that AWSL already uses for its existing rain gauges and combined sewer overflows (CSOs). The data will not be directly compatible with EA data however a widget will be developed for this purpose. Discussion/negotiations are ongoing with the Met Office regarding a data swap.

The size of the project is causing delays but draft OJEU tender documents, a business case and inter LLFA and AWSL legal agreements are currently being drafted.

As members of the CFRMP, the Middle Level Commissioners have been asked to comment on the proposed location of rain gauges. The LLFA advises that the proposed new gauges have been chosen because they are adjacent to major areas of population and known “wet spots”. The nearest rain gauges to the Commissioners’ area are at March WRC (EA gauge) and the Middle Level Commissioners’ Office.

In respect of the Commissioners’ interests the District Council suggested a rain gauge within the town itself, on Anglian Water’s facility off Creek Road (MRCCSM), near River Down.

Strategic Flood Risk Planning Advisor

Funded by the Local Levy the EA has employed a Strategic Flood Risk Planning Advisor on a two year contract. The role will include providing input to LPA’s Local Plans (most of which, within Cambridgeshire, are approaching completion) and highlighting flood mitigation opportunities within strategic development proposals.

Integrated FRM PhD research project

A PhD researcher at the Flood Hazard Research Centre (FHRC) Middlesex University is working on integrated flood risk management within Cambridgeshire with the aim of understanding the connectivity between different networks (such as the RFCC, CFRMP, catchment partnerships, local resilience forums, enterprise partnerships) and to see how these influence the integration of different FRM objectives (preventing new risk, reducing existing risk and managing residual risk) and other wider sustainable development objectives. An interview attended by the Chief Executive and Planning Engineer was held with the researcher on 5 January to discuss their roles and the role of IDBs and partnership working, amongst other things.

Fenland District Council (FDC)

No further correspondence has been received from FDC concerning the Neighbourhood Strategy and no progress has occurred with its District Wide Level 2 SFRA.

No further action has been taken in respect of the Commssioners’ interests.

FDC Liaison Meeting

A meeting attended by representatives from the Middle Level Commissioners and FDC was held in November to improve working relations between the two authorities.

The actions arising from the meeting included:

- Development of a joint protocol/leaflet to clarify the inter-relationship between FDC, CCC (in its role as the LLFA), the Middle Level Commissioners and associated IDBs and the EA in relation to flooding and surface water drainage for developers.

- The Middle Level Commissioners to offer a seminar for “planners”.
- The Middle Level Commissioners to review their approach to responding to planning applications with a focus on major schemes/Broad Concept Plans (BCP’s).
- Meeting to discuss the potential tourism opportunities on our waterways, perhaps initially focusing on March.
- Communication opportunities for FDC to promote/signpost the Middle Level Commissioners’ information and pre-application process or to join this up with its own processes.
- Investigate whether the FDC Local Validation List review can include requirements to benefit the Middle Level Commissioners or drainage in general.

Another meeting is to be held in May this year.

Fenland Flooding Issues Sub-Group

Following the extreme rainfall event experienced within March during August 2014, a March Flood Investigation Sub-Group was formed. The meetings associated with this investigation have proven beneficial to all the stakeholders involved and may lead to the resolution of many historical issues and, as a result, the responsibilities of the Sub-Group were extended to cover any local flooding issues within the District Council’s area. There are currently no issues within the Commissioners’ catchment.

March Neighbourhood Plan 2015-2030

The March Neighbourhood Plan was formally adopted by the District Council on 2 November 2017 following a successful examination, subject to some modifications, and referendum.

Re-Opening of The March – Wisbech Railway

The first meeting of the Cambridgeshire and Peterborough Combined Authority (CPCA) agreed the allocation of funding the Wisbech Garden Town, which includes the re-opening of the rail link.

Known as “Governance of Railway Investment Projects” (GRIP), this is the third of eight stages essential in managing the risks and costs associated with the project. This stage investigates all the engineering options and their cost by assessing potential options and selects the most appropriate one to deliver.

Consulting Engineer

22 March 2018

March Fifth (314)\Reports\March 2018

March Fifth District Drainage Commissioners

Capital Improvement Programs (2018/2019)

		PREVIOUS YEAR	2018/19	2019/20	2020/21	2021/22	2022/23	2023/24	2024/25	2025/26	2026/27	2027/28	FUTURE YEARS	ALL YEARS
		Pre Yr 0	Year 1	Year 2	Year 3	Year 4	Year 5	Year 6	Year 7	Year 8	Year 9	Year 10	Post Year 10	Total Expenditure
North Creek P/S	Pumping station replacement	0	0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
	Pumping station pumping and control equipment replacement	0	0	0.0	0.0	0.0	0.0	0.0	30.0	0.0	0.0	0.0	0.0	30.0
	Pumping station automatic weedscreen cleaning equipmet	0	0	0.0	0.0	0.0	0.0	0.0	80.0	0.0	0.0	0.0	0.0	80.0
	Pumping station Control building refurbishment/replacement	0	0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
	Pumping station compound/surrounds improvements	0	0	10.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	10.0
South Creek P/S	Pumping station replacement	0	0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
	Pumping station pumping and control equipment replacement	0	0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	40.0	40.0
	Pumping station automatic weedscreen cleaning equipmet	0	0	0.0	0.0	75.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	75.0
	Pumping station Control building refurbishment/replacement	0	0	0.0	10.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	10.0
	Pumping station compound/surrounds improvements	0	0	10.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	10.0
	Refurbishment of inlets/outfalls	0	0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Drainage Channels														
		0	0	20	10	75	0	0	110	0	0	0	40	255

March Fifth District Drainage Commissioners Biodiversity Action Plan Report 2017-18

Drainage Ditch Action Plan

Target Reference	Target	Action Reference	IDB Actions	Partners	Date	Indicators	Report
1	Manage ditches for biodiversity as well as for drainage	1.1	Establish and maintain a management plan for routine operations incorporating key biodiversity features	Environmental Officer	2015	Plan finalised and followed each year	<i>A map-based plan has been produced. It will be added to as new information becomes available.</i>
		1.2	Look for opportunities to provide natural erosion protection such as marginal plant ledges when re-profiling ditches	Environmental Officer	Ongoing	Length of ditch with ledge / natural vegetation revetment	<i>No re-profiling opportunities occurred. The narrow nature of many District drains limits potential for this method.</i>
2	Identify ditches of conservation interest and manage appropriately	2.2	Ensure appropriate management of ditches for priority species	Environmental Officer, Plantlife, Wildlife Trust	Ongoing	Specified in management plan	<i>Priority ditches are identified on the management plan map.</i>
3	Work with landowners to benefit wildlife in the wider area	3.1	Encourage establishment and maintenance of field margin buffer zones (beyond bare minimum cross compliance requirements, e.g. via stewardship)	Natural England, Wildlife Trust	Ongoing	Length of ditch with buffer zone	<i>No inquiries received.</i>
		3.2	Make ditch management advice available to interested private landowners	Wildlife Trust	Ongoing	Number of landowners adopting wildlife-friendly ditch management	<i>No inquiries received.</i>

4	Control invasive plant species	4.1	Report any sightings of non-native invasive species to the Environmental Officer and control appropriately (see Appendix F for list of plants)	Environmental Officer, Plantlife, Wildlife Trust	Ongoing	Reports to Environmental Officer	<p><i>The two invasive plant species in the Board's drain at Foxglove Way have mainly been treated with Roundup several times in 2017 as some plants remained. Complete eradication is required by law to prevent the plants entering the Middle Level waterway system.</i></p> <p><i>Continued control by Glyphosate during 2018 should continue if necessary. Removal of all green and root material should be carried out with care of the plants when drain cleansing is carried out in 2018. Deep burial of the plants roots should be carried out. The stand of Japanese knotweed beside ditch 3-4 at March South signal box remains active.</i></p> <p><i>Control by Glyphosate is recommended.</i></p>
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Reedbed Action Plan

Target Reference	Target	Action Reference	IDB Actions	Partners	Date	Indicators	Report
1	Identify, assess and map any areas of reedbed over 0.5ha in size	1.1	Pass details of any known areas to MLC Environmental Officer	Wildlife Trust, Natural England, Environment Agency	2012	Response sent	<i>No areas of reedbed over 0.5ha present.</i>

2	Support appropriate reedbed creation	2.2	Assist private landowners who wish to create areas of reedbed on their own land	Wildlife Trust, Environment Agency	Ongoing	Number of landowners assisted	<i>No approaches received.</i>
3	Take conservation value of reedbed into account when planning and carrying out ditch and river maintenance	3.1	Retain existing reed fringes at the toe of the bank, where possible, when de-silting larger drains	Environmental Officer	2010	% operations where reed is retained	<i>The majority of the District ditches are too narrow for this option to be appropriate.</i>
		3.2	Undertake work outside the bird breeding season (7 th April – 15 th July). Where this is not possible take conservation advice and carry out breeding bird surveys prior to works.	Environmental Officer, Wildlife Trust, RSPB	2010	% operations following this advice	<i>100%. Reed and marginal vegetation was not cut during the bird nesting season.</i>

Open Water Action Plan

Target Reference	Target	Action Reference	IDB Actions	Partners	Date	Indicators	Report
1	Promote the creation of ponds, lakes and reservoirs in appropriate areas	1.1	Consider pond creation as mitigation when a ditch has to be filled in or culverted	Local authorities, Amphibian & Reptile Conservation, Wildlife Trust	Ongoing	Number of ponds created	<i>(a) No ditch infilling occurred, (b) so no pond creation opportunities in mitigation available.</i>
		1.2	Support creation of flood storage areas and irrigation reservoirs	Environment Agency, Natural England, Wildlife Trust, RSPB	Ongoing	Number of projects involved with	<i>No application for flood storage areas or reservoirs received.</i>
		1.3	Assist private landowners with advice, information or contacts as necessary	Amphibian & Reptile Conservation, Wildlife Trust	Ongoing	Number of landowners assisted	<i>(a) No information requests received, (b) no responses required.</i>

2	Look for opportunities to create open water habitat when managing ditches	2.1	Create a pool at an appropriate ditch junction when re-profiling (see the Drainage Channel Biodiversity Manual, technique CL3))		2010	One pool successfully created	No opportunities of this type occurred.
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Water Vole Action Plan

Target Reference	Target	Action Reference	IDB Actions	Partners	Date	Indicators	Report
1	Manage ditches according to the law and to best practice for water vole	1.1	Assume water voles are present when carrying out works (discuss special circumstances with the Environmental Officer) and follow the ADA water vole mitigation guide	Environmental Officer	Ongoing	Measures incorporated in management plan	<i>Water vole friendly ditch maintenance practices were adhered to.</i>
		1.2	Publicise good practice for rat control near drainage ditches	Environmental Officer, Wildlife Trust	Ongoing	Measures taken	<i>Good practice for rat control was publicised in the Environmental Officers newsletter no.5.</i>
2	Enhance drainage ditch habitat to benefit water vole	2.1	Look for opportunities to add a marginal shelf when re-profiling banks	Environmental Officer	Ongoing	Measures taken	<i>(a) No opportunities occurred, therefore (b) no measures taken.</i>
		2.2	Consider using coir roll to stabilise banks and provide marginal vegetation	Environmental Officer	Ongoing	Measures taken	<i>No appropriate conditions for this measure occurred during the period.</i>
3	Monitor water vole populations	3.1	Set up a survey programme to monitor water vole populations	Environmental Officer, Wildlife Trust	2010	Surveys completed	<i>Informal surveys were carried out by the EO. The District drains hold a widespread water vole population. Ditch 21-22 continues to hold a regular population.</i>

		3.2	Provide data on water vole to CPERC via the Environmental Officer	Environmental Officer, CPBRC, NBIS	Ongoing	Data sent to Environmental Officer annually	<i>Records passed on to the CPERC.</i>
4	Control mink as necessary	4.2	Carry out mink control as part of the Middle Level programme and report all sightings to the Environmental Officer	Environmental Officer	Ongoing	Number of sightings / mink caught	<i>Mink scats reported at Chain Bridge, Twenty Foot Drain during the period. Volunteers prepared to set & check mink traps during April can contact the EO, traps are available for loan.</i>

Otter Action Plan

Target Reference	Target	Action Reference	IDB Actions	Partners	Date	Indicators	Report
1	Improve otter habitat	1.1	Identify and maintain existing key bushes and trees near watercourses likely to be important for otters	Environmental Officer	2012 and ongoing	Number of sites listed in management plan	<i>Bushes and trees of interest have been identified on the management plan map. An otter with young was reported several times on the Old River Nene near the District during 2017.</i>
2	Monitor otter populations	2.3	Ensure any dead otters are reported to the Environmental Officer and transferred to the Environment Agency for post mortem	Environment Agency	Ongoing	Number of otters reported	<i>No dead otters were recorded in the District but a female otter was found dead nearby on the road at Hobbs Lot bridge over the Twenty Foot Drain on 06/07/17.</i>

3	Reduce otter deaths related to eel and crayfish trapping and road traffic	3.1	Report incidents of suspected illegal netting, trapping or fishing to the Environment Agency Fisheries Officers and the MLC Environmental Officer	Environment Agency, Angling Clubs	Ongoing	Incidents reported	<i>No illegal netting incidents were recorded in drains adjacent to the District. Members are requested to report any suspicious activity to the Environmental Officer or the Environment Agency.</i>
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Bats Action Plan

Target Reference	Target	Action Reference	IDB Actions	Partners	Date	Indicators	Report
1	Improve habitat for bats	1.1	Put up at least one bat box at an appropriate site (e.g. pumping stations)	Bat Conservation Trust	2015	Number of bat boxes	<i>A bat box was installed previously at Flaggrass Hill Farm in March 2013.</i>
		1.2	Pollard suitable trees to provide bat roosts		Ongoing	Number of trees pollarded	<i>No large trees suitable for pollarding to benefit bats appear to be within the District's management areas.</i>
		1.3	Identify potential sites for a bat hibernaculum, e.g. in disused buildings or tunnels	Environmental Officer, Bat Conservation Trust	As opportunities arise	Site created	<i>Six bat bricks were previously installed in culvert 3-4.</i>
2	Collect information on bat populations	2.1	Monitor bat boxes	Bat Conservation Trust	2015 onwards	Number of boxes used by bats	<i>The bat box and the bat brick were checked in 2017, no signs of use. It can be several years before provided sites attract bats.</i>

		2.2	Pass bat box information to CPERC and NBIS via the Environmental Officer	Environmental Officer, CPBRC, NBIS	2015 onwards	Data sent to Environmental Officer annually	<i>Information on occupancy will be passed to CPERC when it is observed.</i>
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Kingfisher Action Plan

Target Reference	Target	Action Reference	IDB Actions	Partners	Date	Indicators	Report
1	Improve the quality of kingfisher habitat	1.1	Provide at least 2 potential nest holes in sheet pilings	Environmental Officer	Ongoing	Number of nest sites provided	<i>Opportunities are being sought. There is a potential site that could be modified for kingfisher use at the gravity outfall at node 35 on the Twenty Foot Drain. North Creek Pumping Station may also offer a potential site.</i>
		1.2	Leave kingfisher fishing perches where possible (e.g. occasional branch)	Environmental Officer	Ongoing	Number of perch sites left	<i>Many natural sites exist within the District.</i>
2	Collect records of kingfisher breeding between March and July	2.1	Note sightings of potential breeding kingfisher and pass information to CPBRC and NBIS via the Environmental Officer	Environmental Officer, CPBRC, NBIS	Ongoing	Data sent to Environmental Officer annually	<i>Kingfishers remain very active on the Old River Nene near South Creek PS and probably breed in that area.</i>

Barn Owl Action Plan

Target Reference	Target	Action Reference	IDB Actions	Partners	Date	Indicators	Report
1	Improve the quality of barn owl habitat	1.1	Put up at least one barn owl nest box in a suitable location	Barn Owl Trust, Hawk & Owl Trust	2015	Number of nest boxes provided	<i>One barn owl box previously installed at Walnut Farm.</i>
		1.2	Pollard suitable trees to provide natural nest sites	Environmental Officer	Ongoing	Number of trees pollarded	<i>Few trees suitable for pollarding are present in board managed sites but many nest boxes exist in the District.</i>
2	Collect records of barn owl presence	2.1	Monitor nest boxes for use. Have occupied boxes checked for success by licensed barn owl ringers.	Barn Owl Trust, Hawk & Owl Trust	2015 onwards	Number of nest boxes used	<i>One. The barn owl box installed at Walnut Farm was used successfully by barn owls in 2017. The two young were ringed under licence.</i>
		2.2	Pass barn owl box information to CPBRC and NBIS via the Environmental Officer	Environmental Officer, CPBRC, NBIS	2015 onwards	Data sent to Environmental Officer annually	<i>Information passed on.</i>

Procedural Action Plan

Target Reference	Target	Action Reference	IDB Actions	Partners	Date	Indicators	Report
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Internal Drainage Board – Biodiversity Action Plan

1	Provide training on IDB BAP and conservation management of drainage channels for all relevant staff by 2013	1.1	Establish programme of 1-day courses for IDB staff	Environmental Officer, Wildlife Trust, Natural England	2013	Staff numbers attending	(a) Two meetings/courses held. A course on the Identification of water vole and otter signs was held on April 20th & 22 nd 2017. The IDB BAP Partnership meeting was held on 6th December 2017.
		1.2	Establish suitable training for contractors' staff	Environmental Officer, Contractors	2013	Contractors covered	(b) 0. Representatives from the Board to attend the next IDB BAP meeting on 5th December 2018 would be very welcome. The DDC contractor has previously attended a 'Ditching where water voles are present' workshop.
2	Take biodiversity into account when planning and undertaking capital works	2.2	Consult with the Environmental Officer and choose the best possible mitigation solutions for biodiversity, e.g.fish-friendly pumps	Environmental Officer	Ongoing	Number of schemes commented on	No IDB Capital works undertaken during the period.

Cliff Carson Environmental Officer 31/03/18



Two young barn owls were raised and ringed at Walnut Farm in 2017. Elsewhere it was a poor year for barn owl productivity.



Left, the piles of vegetation removed from the pumping station screens provide good potential sites for wildlife such as grass snakes.



Above, the mesh screen at point 13 stops the spread of the invasive non-native plants in drain 4-5-6 while they are being controlled. This culvert at point 4 at Foxglove Way will require a similar mesh guard to prevent spread of the invasive plants towards South Creek Pumping Station drains, below.



Above and below, there were no signs of the New Zealand pygmy weed or the parrots feather invasive non-native plants in drain 4-5-6 on 29th March 2018 but the site will need to be monitored later in the spring for signs of their return.



March Fifth DDC Biodiversity Action Plan Management Map Notes v3

Water voles are present in many of the District's drains. Any bank re-profiling where water voles are present requires mitigation measures to be carried out beforehand. Contact the Environmental Officer as soon as bank management works are identified.

Some drain-side bushes are marked on the map that are worth retaining as nesting habitat. They can be trimmed occasionally to provide a dense structure.

Some black poplars cuttings have been planted in other Districts. Suitable sites are sought in the District. The black poplar is a rare and distinctive tree. It was often planted as a boundary marker. When mature, its deeply fissured bark offers many sites for bats to roost in. It thrives in damp sites (another name for it is water poplar). Offers to provide a site for a tree would be welcome. The Environmental Officer has access to local trees for taking cuttings that have been DNA tested to confirm species purity.

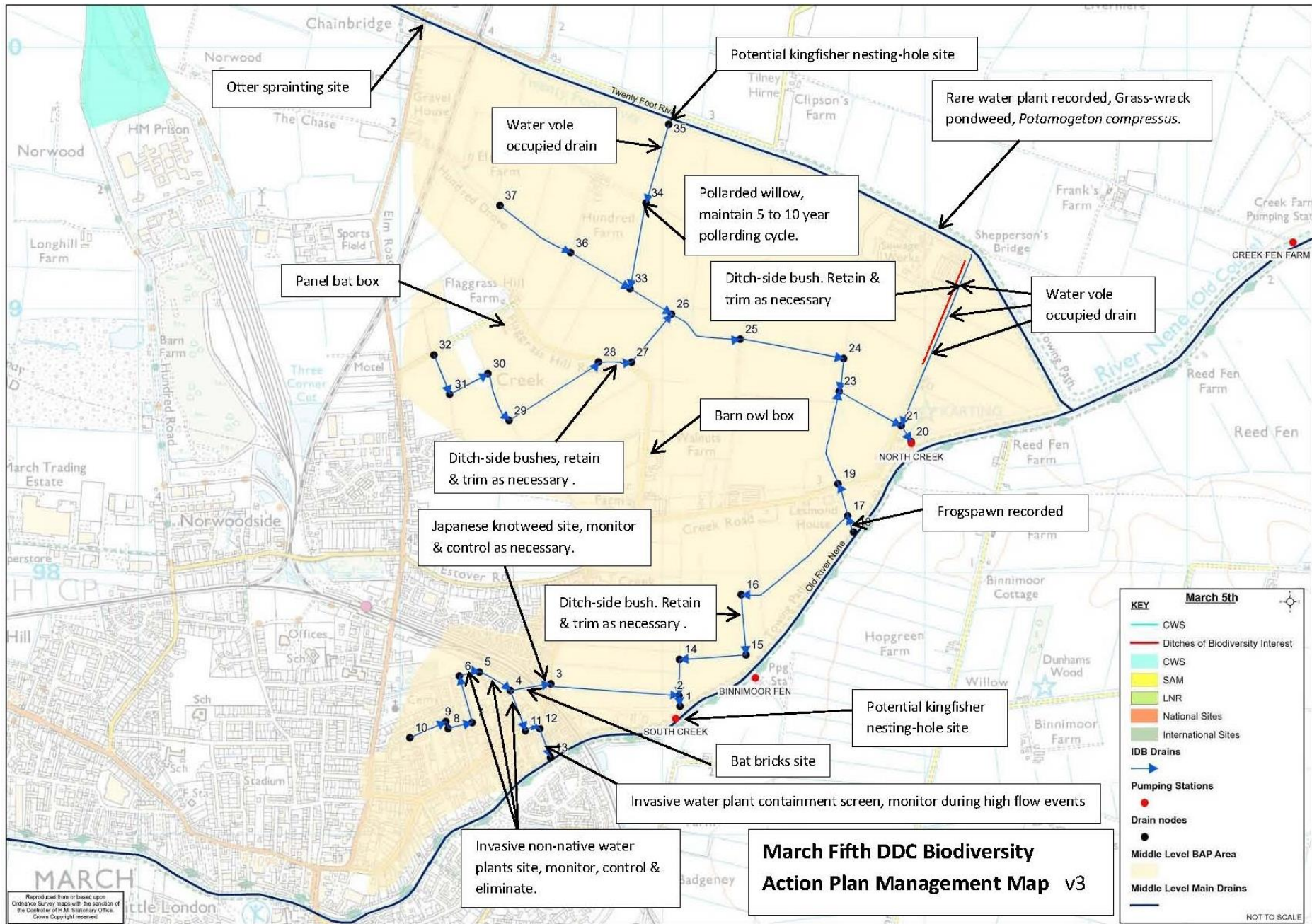
The invasive non-native plants New Zealand pigmyweed (*Crassula helmsii*) and parrots feather (*Myriophyllum aquaticum*) present at drain 6-5-6 was suppressed by regular applications of Glyphosate during 2017 in preparation for eradication by removal of soil containing root material after dewatering prior to cleansing in 2018.

Cliff Carson Environmental Officer

Office 01354 602965

Mobile 07765 597775

03/04/18



INVASIVE NON-NATIVE WATER PLANT ALERT

Waterway users entering or using drains and rivers in the Middle Level network are urgently asked be aware of the need to prevent the spread of Floating Pennywort, an invasive non-native water plant that is present in the Bedford Ouse, the Old West River, the River Cam, the Ely Ouse and the Tidal River Ouse, including the Denver Sluice area. It is highly invasive and grows very aggressively during warm conditions in summer. It remains green through much of the winter. It forms thick floating mats spreads easily when small or large fragments are broken off and float to new sites. It out-competes other plant species and by blocking out light inhibits the ability of native insects, plants and their dependant animals and fish to survive.

As far as we know, it is currently not present in the Middle Level system and we are very keen to prevent it becoming established in a new catchment. **Well Creek is one of the most vulnerable waterways for it to be carried into.**

We are seeking the help of everyone that has any contact with waterways to prevent Floating Pennywort entering the Middle Level system and to be alert and **report any early signs of it so that it can be controlled at an early stage.**

Boat owners entering the Middle Level from the Denver Sluice direction are particularly asked to ensure there are no fragments of vegetation being carried into Well Creek on propellers, anchor chains or any other means. It is requested that propellers, drive shafts and water intake filters are checked **before** entering Salters Lode Locks. Before approaching the locks at Salters Lode in the Tidal River Ouse channel it is requested that back-thrusting (putting the propeller briefly in reverse) is carried out at least twice, when safely possible, to throw off any vegetation attached. If any fragments of vegetation are found in the water filter or any part of the boat they should be carefully placed in an air-tight plastic bag tied closed until they can be deeply buried in a site away from water that will not be disturbed. Anglers moving tackle and equipment from other areas, especially the South Level, River Cam etc. should ensure no vegetation is carried into the Middle Level. Internal Drainage Board members and staff, anglers, dog walkers, riverside joggers, birdwatchers and all water users can help by being on the alert for signs of the plant in the system by studying the attached identification sheet and reporting any suspected signs to any or all of the contacts below.

Cliff Carson, Environmental Officer, Middle Level Commissioners.

Office 01354 602965. Mobile 07765 597775 cliff.carson@middlelevel.gov.uk

Also contact the EA at their 24/7 hotline 0800 80 70 60

Further biosecurity information can be viewed at

<http://www.nonnativespecies.org/checkcleandry/biosecurity-for-anglers.cfm>

Floating Pennywort

Species Description

Scientific name: *Hydrocotyle ranunculoides*
AKA: Dail-ceiniog amofiwl (Welsh), *Hydrocotyle nova zealandiae*
Native to: North America
Habitat: Emergent or floating on the surface of still or slowly moving freshwater

Free-floating or rooted. The characteristic leaves and growth form help to make this plant easy to identify. It is found mostly in the south-east of England and occasionally in the north-west of England and Wales. Spreading rapidly.

First naturalised in 1990 as a result of discarded plants from garden ponds. Can grow up to 20cm per day and may quickly dominate a waterbody forming thick mats and impeding water flow and amenity use. May out-compete native species by blocking out light, causing deoxygenation, obstructing air breathing insects from reaching the water surface and reducing water temperatures.

Floating pennywort is listed under Schedule 9 to the Wildlife and Countryside Act 1981 with respect to England, Wales and Scotland. As such, it is an offence to plant or otherwise cause this species to grow in the wild.

For details of legislation go to www.nonnativespecies.org/legislation.

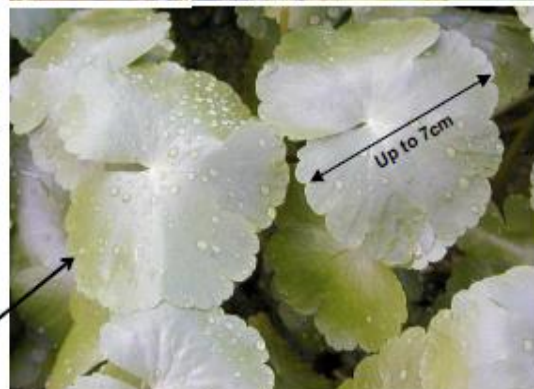


Key ID Features

Grows horizontally



Shiny, kidney-shaped leaves with crinkled edge, frequently broader than long



Identification throughout the year

Varies little throughout the year, although in the winter it is most likely to be found at the water's edge. Tiny white flowers are rare, but if present, they appear between July and August.

Distribution

Common in the south-east of England, and spreading to other parts of the British Isles.

Source: NBN Gateway. Check website for current distribution



Similar Species

Marsh Pennywort
Native
(*Hydrocotyle vulgaris*)



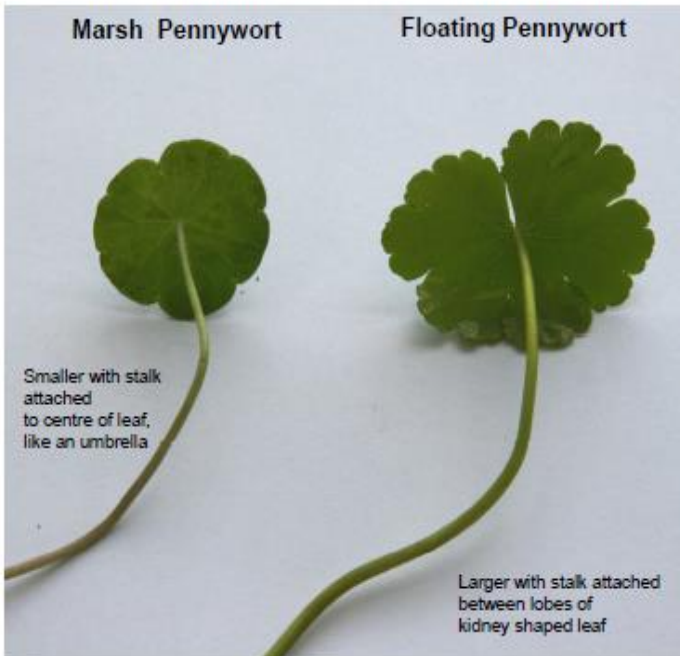
Grows on damp ground in bogs and fens. Always rooted in the ground, never free-floating

Floating Pennywort can form dense mats that need to be physically removed



Marsh Pennywort

Floating Pennywort



Smaller with stalk attached to centre of leaf, like an umbrella

Larger with stalk attached between lobes of kidney shaped leaf

References and further reading:

Blamey, M, Fitter, R and Fitter, A (2003) *The Wild Flowers of Britain and Ireland. The Complete Guide to the British and Irish Flora.* A & C Black

Preston, C D and Croft, J M (1997) *Aquatic plants in Britain and Ireland.* Harley Books

Preston, C D, Pearman D A and Dines, T A (editors) (2002) *New Atlas of the British and Irish Flora.* Oxford University Press

Stace, C (1999) *Field Flora of the British Isles.* Cambridge University Press

Photos from: Olaf Booy, Richard Lansdown (RL), Mike McCabe, British Waterways



28 September 2017

Guidance Note: Liability of Board Members

This document has been prepared for ADA by Iain Smith, former Clerk to the Middle Level Commissioners and associated Internal Drainage Boards.

A. Introduction and General Principle

1. This document is intended to briefly summarise the issue of when the Members of an Internal Drainage Board (IDB) may be held personally liable for actions which they take or for improper omissions, in that capacity.

2. An IDB is a corporate body and, in the large majority of cases, any liability arising would be that of the IDB and not the Members personally. The general rule is that it will be the body which is sued or prosecuted and not the individual Members.

B. Relevant Duties of Board Members

1. The Members have responsibility/accountability for the overall control of the IDB's finances and therefore certain financial/fiduciary duties, breach of which could render them personally liable. These duties can be summarised as an obligation, in the context of this document, to act responsibly and with reasonable care in respect of the IDB's finances and to properly and fully consider the implications of the IDB's financial position. These rules are set by Government to make sure that no unacceptable risks are taken with public money. It is therefore very important that Members exercise independent judgment and proper care and diligence.

2. As previously advised by ADA, an IDB should have Financial Regulations, Standing Orders and associated documents relating to internal control and risk management, which set out the rules and systems governing how they will carry out their financial functions. These should be properly reviewed from time to time and kept up-to-date and properly adhered to in undertaking the IDB's business, with appropriate monitoring relative to the size of the IDB. Members should also ensure that they participate fully both in the formation and scrutiny of the IDB's budgets and in reviewing the IDB's financial and operational performance. These key processes and controls will provide evidence of proper and non-negligent financial (and operational) management.

3. All Members (and employees) of an IDB have a general responsibility to take reasonable action to provide for the security of the IDB's assets under their control, and for ensuring that the use of the IDB's resources is legal, properly authorised and provides value for money. An IDB should appoint sufficient, competent officers (whether or not direct employees of the IDB) to ensure the proper day-to-day management of the IDB's finances and operations and a properly qualified Internal Auditor and ensure that Members are aware of the legal framework which governs the functions of the IDB. Members must also properly consider the reports of this Auditor and whether any action is required in consequence. In particular, the Members must be satisfied that the IDB's revenue budget is sufficient to ensure that resource allocation properly reflects the needs and priorities. They should therefore be appraised fully of the current and projected liabilities of the IDB and properly manage the performance of the IDB against that budget. This should include the setting of a proper level of Reserves. These should not only be set to take account of physical risks such as weather conditions increasing pumping costs but also financial risks as indicated by the IDB risk matrix. The importance of this matrix to the IDB cannot be overstated and Members should be fully conversant with and regularly approve it. Members must also ensure that they receive regular financial reports comparing actual and budget revenues and expenditure and are informed

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Twitter: @ada_updates

of any unanticipated levels of expenditure, which will allow any necessary corrective action to be undertaken as soon as possible.

4. An IDB's Accounts should also be prepared in accordance with current professional guidance; again to demonstrate proper management of the IDB and compliance with all legal requirements. The IDB is also responsible for the signing off of the Accounts and the Annual Return and Members should ensure that they fully understand and approve of these documents before doing so. The statements within the Annual Return also confirm an IDB's governance arrangements and their accuracy must be properly considered by Members.

C. Liability of Members

1. If these policies and procedures are in place and properly implemented, monitored and reviewed, this will effectively demonstrate that the individual Members have properly considered the relevant matters and acted reasonably and properly in the interests of the IDB and therefore have not been at fault. In consequence, they should not be personally liable for their bona fide actions and, if any claims did happen to result, they should be made against the IDB and not a Member personally. It should also not be overlooked that liability in any event does not attach simply because a decision turns out, with hindsight, to have been 'wrong,' as long as a proper process was followed and the decision is a reasonable one.

2. It is possible that a claimant may seek to bring an action against a Member personally, arising out of a proper decision or the bona fide actions of an IDB. This is unlikely, since the examples given of this usually relate to instances of private companies which no longer have the funds to meet any claims. If such rare circumstances arise, it would be expected that the IDB would take over the case and the IDB's insurers would deal with the matter, as if the claim had been made against the IDB. The IDB should ensure that its insurance cover will extend to the bona fide actions of Members acting in the normal course of Board business, which would be expected.

3. A Member is therefore likely to be personally liable only where they have failed in their above duties or where they have failed to comply with the law or without good reason, to follow best practice.

4. The case law (primarily concerning private companies) indicates that a director (and therefore a Member) can be held personally liable where the corporate body commits an offence with the director's consent or connivance, or one attributable to any neglect on the part of, the director. In this context, 'consent' means being aware of what is going on and agreeing to it; and 'connivance' means knowledge together with a negligent failure to prevent. 'Neglect' implies that there is no need for knowledge of the matters amounting to the offence; simply a failure to act when under a duty to do so. Therefore, where Members have acted properly and with reasonable care and given matters due consideration, they should not be subject to actions against them personally. Members should consider their role in and consideration of their IDB's finances in this light and be able to demonstrate that they have acted prudently and sensibly in their scrutiny and decision making. One of the areas where Members will need to demonstrate such prudence is therefore in ensuring that adequate insurance, covering appropriate insurable risks, is taken out or considered by the IDB. As a general rule, insurance can be taken out to cover civil but not criminal liabilities.

5. The main other specific areas where personal liability for Members is potentially likely to arise would include:-

- i. **Misrepresentation** Where a Member makes a negligent or fraudulent statement in relation to the IDB which is then relied upon by another. In most instances, the former case may well be covered by the IDB's insurance but Members should beware of making

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Representing Drainage Water Level & Flood Risk Management Authorities

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statements without proper care. This, for example, has arisen where a Member improperly made comments on the acceptability of or the size of a culvert for which an application had been made.

- ii. Offences under **The Bribery Act 2010**
- iii. Offences under **The Health and Safety at Work etc Act 1974**

While normally, any action would be taken against the IDB, personal liability could arise where a 'body corporate' commits a health and safety offence with the consent or connivance of a director/Member or the offence is attributable to his neglect. In this case, the director/Member is liable to be prosecuted (section 37 of that Act). Neglect here means unreasonable breaching of a duty of care. This would also bring in areas such as Occupiers' Liability.

Under the Health and Safety Executive's (HSE) current enforcement policy statement, one of its purposes is to ensure that those responsible are brought to account before the courts if they fail in their health and safety responsibilities. HSE Inspectors have been asked to consider in particular the management chain and the role played by individuals in any health and safety breaches.

6. As regards the specific question of Members' liability where an IDB has a Pension Fund deficit, this follows the 'prudence' principles set out above. It is presumed that the deficit relates to a Local Government Pension Scheme Fund (LGPS). These Funds are actuarially valued in accordance with their rules and any given valuation is simply that of a 'point in time', with the Fund changing, according to investment returns, pension assumptions and law changes, from year to year. The mere fact of a deficit at a particular point does not therefore mean that that deficit would actually crystallise and will not make a Member or, indeed, the IDB, liable. It is also highly unlikely that a pensions' deficit would be called in for immediate payment in full. As long as the IDB is deemed by the Pension Administrators to be a going concern, if the deficit were called upon to be paid, it is likely that a phased payment schedule would be agreed. Any pensions' deficit at a particular time does, however, form part of the financial picture of the IDB which the Members are required to properly assess and to take properly into account in deciding any action required. The views of some Pension Administrators certainly seems to be that, while the value of investments is likely to increase, factors such as the longer life expectancy of pensioners will put increased pressure on the LGPS. However, it should also not be forgotten that the LGPS is a statutory scheme which affects not only IDBs but, for example, local authorities as well and it may be that Government will enact further changes at some point. It would, however, be incumbent on IDB Members to actively consider the LGPS as part of an IDB's liabilities and consider what actions may be prudent. For the reasons stated, it may be that limited action would be appropriate but among other actions which may be considered are the closure of the scheme or its closure to new entrants. These may in turn however, lead to the Pensions Administrator reviewing the status of the IDB and perhaps requiring some capital payment or higher current contribution rates. The IDB Members would therefore be best advised to discuss the position with the Pension Fund Administrators and take a view on what a prudent course of action would be. A proper consideration of the Pension Fund deficit should ensure that no question of the Members being personally liable in this area, arises.

If the IDB were to be legally altered in future, then the pension arrangements would form part of the liabilities of the IDB to be considered at that time. There is, however, no reason to consider that any personal liability would fall on Members who had given the issue proper consideration.

Where, however, a Member is judged to have incurred a personal liability, this will not be affected by any subsequent decision to stand down from the IDB.

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Circulated by email

Friday 20 October 2017

Dear Clerks

Updating IDB Byelaws

Defra are encouraging all internal drainage boards who do not have byelaws that include within them *the purpose of regulating the effects on the environment* to begin the process of updating their byelaws. This is to bring all IDB byelaws into line with the Defra model byelaws published in October 2012. You can download a copy of these Defra model byelaws from: www.ada.org.uk/key-topics/governance-and-accountability-for-idbs

To assist, I've attached a comparison undertaken by Lindsey Marsh Drainage Board between their previous byelaws and the model set provided. This hopefully draws attention to those areas that have most recently been altered.

To update to these byelaws you will first need to table a revised set of byelaws for approval by your Board.

Once approved, you will need to publicise the byelaws by advertising to whatever media you choose. For example you could advertise online and in at least one local newspaper in the area affected by the byelaws, and write to affected parties. You should also send a copy of the notice with the byelaws to every local authority whose area lies wholly or partly within the affected area and to any other public authorities who might be concerned. Leave a copy of the byelaws at your offices for public inspection for a period of at least one month. You must also give a copy to anyone who asks for one. You must tell anyone who wants to object to your proposals to write to you with their objections.

After advertising your Byelaws and allowing the one month period for objections, you should send your updated byelaws to Kilie Mpopo for confirmation at: Kilie.mpopo@defra.gsi.gov.uk

If you are only going to use the model byelaws with no changes to the text, there is no need to consult Defra on your draft byelaws before you advertise. However, if you do need to make changes to the text, for any reason, it would be helpful to send the draft byelaws to Defra with an explanation of the changes before you advertise. Please also see the Defra guidance setting out the usual procedures which can be found here: <https://www.gov.uk/guidance/flood-risk-and-land-drainage-byelaws>.

Yours sincerely

Ian Moodie
Technical Manager, ADA

CC:

Innes Thomson, ADA
Rachael Hill, Environment Agency
Kilie Mpopo, Defra
Carol Tidmarsh, Defra

ADA – representing drainage, water level and flood risk management authorities

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MODEL LAND DRAINAGE BYELAWS
INTERNAL DRAINAGE BOARDS

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Common Seal
Penalty Note

Comparison
"New Delta Model Byelaws"
✓
LMDB Byelaws
February 2001
[Minister of AFF signed]
3.4.2001

Amended October 2012

.....INTERNAL DRAINAGE BOARD BYELAWS

TheInternal 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,

Additional sub-clauses

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 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 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) for any purpose 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.

Additional wording

10. **No Obstructions within 9¹ Metres of the Edge of the Watercourse**

No person without the previous consent of the Board shall erect any building or structure, 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**

¹ A distance of 9 metres is the maximum that is agreed without the Board making a special case and supplying technical data about soil stability etc. Many Boards have found a lesser distance adequate.

N.B: This footnote is for the guidance of Boards and is **not** for inclusion in the Byelaws.

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 -

"under" added

- (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. **Tidal Outfalls**²

No person shall place or cause to be placed or abandon or cause to be abandoned upon the foreshore any trees, roots of trees, branches, timber, tins, bottles, boxes, tyres, bricks, stones, soil, wire, rubbish or other object or matter whatsoever which (whether immediately or as a result of subsequent tidal action) may impede or be likely to impede the flow of water through the sluices or outfall pipes through the tidal banks or through the watercourses on such foreshore or impede or be likely to impede the operation of such sluices or outfall pipes or may cause or be likely to cause damage thereto.

19. **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.

20. **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.

21. **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.

22. **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.

23. **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.

² This byelaw need only be included where a Board's area has a coastline or tidal river. (If it is not included, the subsequent Byelaws should be re-numbered accordingly).

N.B: This footnote is for the guidance of Boards and is **not** for inclusion in the Byelaws

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 *Department* *Change of title*
- (b) vessels navigating waterways of the Canal and River Trust for which speed limits are prescribed by the Byelaws of such Trust. *Change of title*

24. **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.

25. **Defacement of Notice Boards**

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

26. **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.

27. **Savings for Other Bodies**

Nothing in these Byelaws shall -

LA's added

- (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; *Originally "thereon"*
 - (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; *New Title*
 - (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.

28. **Saving for Crown Lands**

- (a) 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.
- (b)³ Nothing contained in any of the foregoing byelaws should be deemed to be or shall operate as a grant by or on behalf of the Crown as owner of the foreshore below high water mark of any estate or interest in or right over such foreshore, or any part thereof, nor shall anything contained in or done under any of the provisions of the foregoing byelaws in any respect prejudice or injuriously affect the rights and interests of the Crown in such foreshore, or prevent the exercise thereon of any public rights or prejudice or injuriously affect any right, power or privilege legally exercisable by any person in or over and in respect of the seashore.

29. **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

small change - not considered significant

³ Byelaw 28 (b) need only be included where a Council's area has a coastline or tidal river. (If it is not included, the subsequent Byelaws should be re-numbered accordingly).

N.B: This footnote is for the guidance of Boards and is **not** for inclusion in the Byelaws

Previously "Ministers"

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;

Previously
"Minister"

- (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.

Previously
"Minister"

30. 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.

31. Limitation

New Wording - more modern!

- (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 2010⁴**

the said Act and the said Regulations shall prevail.

32. **Revocation**

The Byelaws made by the Board on the _____ day of _____ are hereby revoked.

33. **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 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;

"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

New Section to simplify

(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

⁴ SI 2010/490

Additional words of explanation

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; *update title*

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

"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; *New Section*

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

THE COMMON SEAL OF THE

INTERNAL DRAINAGE BOARD was hereunto affixed on the
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 37 of the Criminal Justice Act 1982 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)



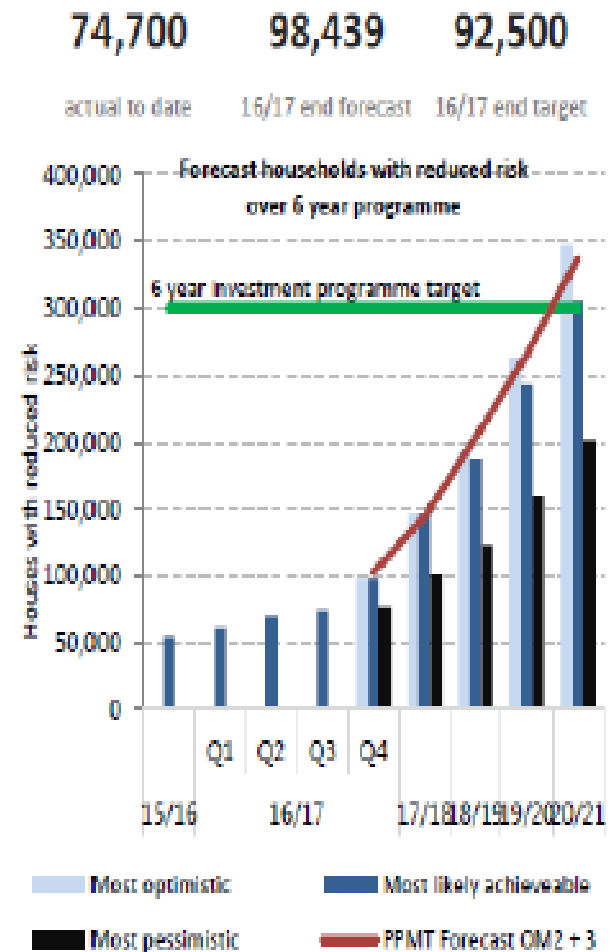
FCRM Capital Programme
Gt Ouse IDB & EA Strategic Group, 19th April 2017

FCRM GiA Capital Settlement Conditions

- ➔ 300,000 houses at reduced flood risk
- ➔ £230m worth of efficiencies
- ➔ £345m of partnership funding

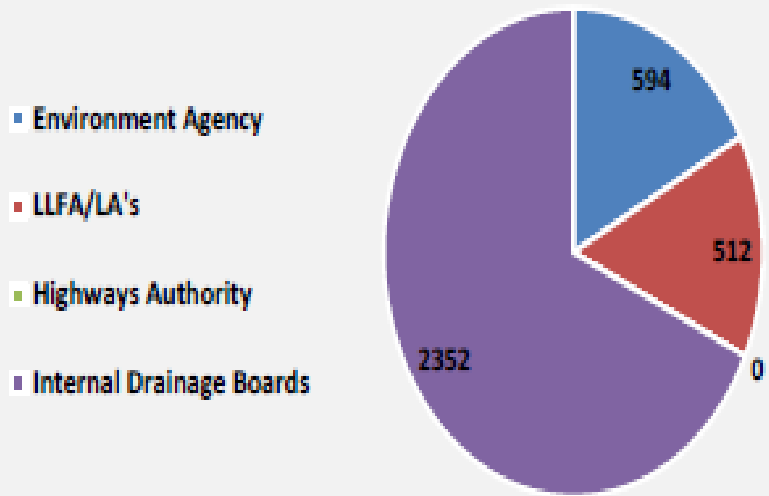
- ➔ Delivery by all Flood & Coastal Risk Management Authorities

- ➔ Now at start of Year 3 of 6

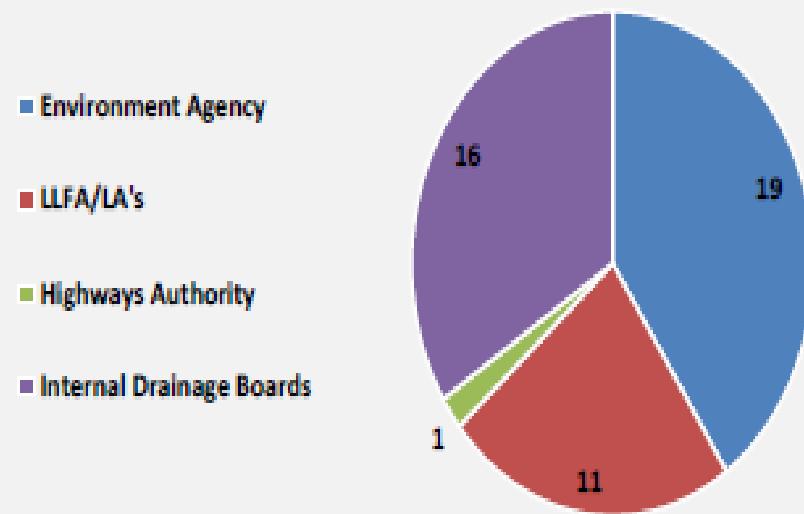


Local picture

Forecast OM2s within 6-Year Programme



Number of schemes per RMA



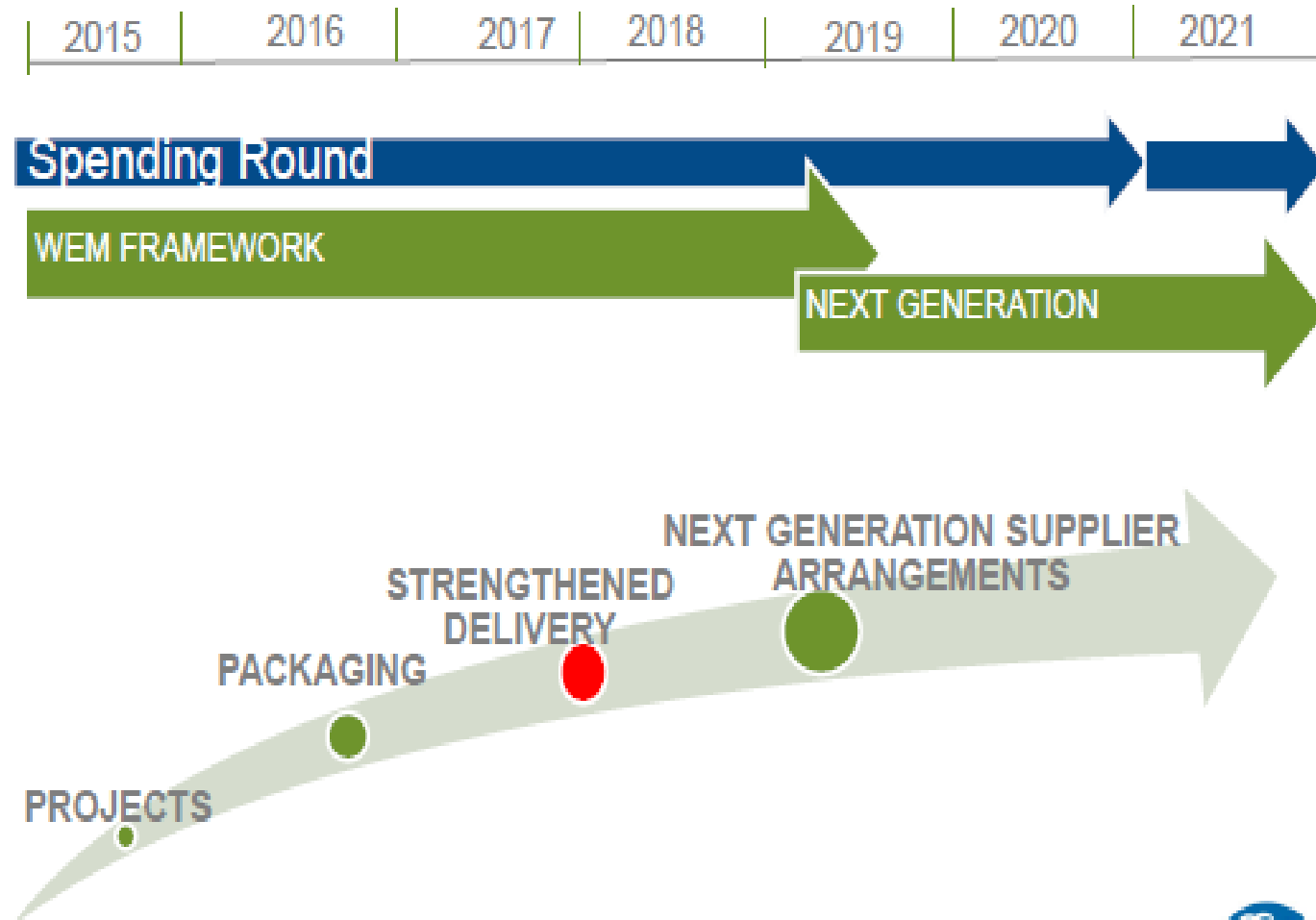
Successes so far:

- Increased our support focussed on IDB projects
- Improved training and new portal to access the programme
- Allocating local levy strategically and for local priorities – open to IDBs
- Starting to look at shared benefits and benefit apportionment
- Progress being made on major IDB schemes
- Starting to see FCRM GiA above the traditional 45% rate

Observations:

- Sustaining support is challenging and is diverting resources from strategic investment planning and our own pipeline development
- Early planning and appropriate resourcing of project delivery is crucial
- Engagement and appraisal early re Eels Regulations
- Partnership Funding beyond traditional GiA:IDB split
- Demonstrable Local Authority engagement if seeking Public Works Loan.
- Importance of management information

Delivery Evolution



Opportunities:

- ⇒ Focus resource on Gt Ouse Strategic Investment Planning, starting with 'the Fens' – we'll need IDB input & support
- ⇒ Encourage IDBs to consider options for improved capital programme development & delivery – How can we help further?
- ⇒ National 'Strengthening' approach:
 - ⇒ Project Delivery Units – Integrated team approach
 - ⇒ Available for IDBs
 - ⇒ Increased focus on pipeline development

GENERAL DATA PROTECTION REGULATION (GDPR)

Internal Drainage Boards as Public Authorities will be affected by the introduction of the General Data Protection Regulation (GDPR) which will come into force on 25th May 2018.

The purpose of this note is to make Board members aware of the main changes which will be introduced by this European Regulation – which the Government has indicated will apply to English Law whatever our future with Europe!

Many of the main concepts and principles of the GDPR are much the same as the current Data Protection Acts of 1988 and 2003. So that if the Board are compliant under the current law, then much of their approach to Data Protection issues should remain valid under the GDPR. However there are a number of new elements and enhancements to the legislation which the Board should be aware of in processing personal data.

Some elements of the GDPR will be more relevant to certain organisations than others and I have tried to identify those areas which will have the greatest impact on IDBs.

Compliance with Data Protection Principles

Boards need to be aware of the personal data they are currently holding.

In most cases this will be data about ratepayers and employees, but could include other data.

Before gathering any personal data, current legislation requires that you notify ratepayers or others of your reason for gathering the data, the use it will be put to and who it will be disclosed to and if it is to be transferred outside the EU.

Under GDPR additional information must be communicated to individuals in advance of processing such as the legal basis for processing the data, (in our case this will be The Land Drainage Act 1991) retention periods, the right to complain, whether any data will be subject to automated decision making and their individual rights under the GDPR.

Personal Privacy Rights

This would be a good time to review procedures generally to ensure compliance with the Data Protection Legislation and the new Regulation.

Rights for individuals under the GDPR include:-

- subject access to data
- to have inaccuracies corrected
- to have information erased
- to object to direct marketing

Subject Access will change under the GDPR

If the Board receive a request for information the Access Request should be processed within ONE MONTH. The current period was 40 days and you cannot now charge for processing the request unless you can demonstrate that the cost would be excessive.

If a request for data is refused because it is deemed manifestly unfounded or excessive the Board will need grounds for the refusal and set these out.

The IDBs do not currently receive a large number of access requests so the shorter timeframe and the need to give information about data retention periods and the right to have inaccurate data corrected should not prove burdensome but there may be more public awareness about the GDPR from the Information Commissioner at the time of implementation.

Legal Basis

In most cases the information held about individuals will be in connection with the collection of drainage rates, but there will also be information about Board Members, employees and District Officers, Contractors etc. A legal basis exists for this information under the Land Drainage Act 1991. Where a legal basis does not exist and you want to hold personal data you will need consent from the individual and if this is the case you need to review how you seek, obtain and record that consent. To obtain consent requires a positive indication of agreement. It cannot be inferred, pre-ticked boxes or inactivity. There are some clear standards required by the GDPR if consent is your legal basis.

Processing Children's Data

There are some special protections for children's data but these will not be applicable to IDBs.

Reporting Data Protection Breaches

If there is a breach of Data Protection a procedure is needed to detect, report and investigate a breach.

Under GDPR there are mandatory breach notifications that must be made to the Information Commissioner within 72 hours. If the breach is likely to bring harm to an individual such as identity theft or breach of confidentiality, the breach should also be notified to the individual.

Failure to report a breach could lead to a fine.

Fines and Enforcement

The important area I would like to highlight is there will be a substantial increase in fines for organisations that do not comply with the new regulation.

The Information Commissioner will have power to issue penalties equal to 10 million Euros or 2% of the organisation's gross revenue for violations of record keeping security, breach notifications. However violations of obligations relating to legal justification or processing data, data subject rights may result in penalties of the greater of 20 million Euros or 4% of gross revenue.

Data Protection Officer

As a Public Authority the IDB will need to designate a Data Protection Officer (DPO) who has knowledge support and authority to take responsibility for the Board's Data Protection compliance.

Previously Iain Smith was the named person responsible for Data Protection and registrations with the Information Commissioner.

The approval of the Board is therefore sought to appoint Lorna McShane, Solicitor and Assistant Clerk at the Board's Data Protection Officer, who will give further advice and guidance to any Boards about the implementation of the GDPR.

March Fifth District Drainage Commissioners

Notice of conclusion of the audit

Annual Return for the year ended 31st March 2017

Sections 20(2) and 25 of the Local Audit and Accountability Act 2014
Accounts and Audit Regulations 2015 (SI 2015 /234)

1 The Audit of accounts for the March Fifth District Drainage Commissioners for the year ended 31st March 2017 has been concluded and the accounts published.

2 The Annual Return is available for inspection by any local government elector of the area of March Fifth District Drainage Commissioners on application to:

The Clerk
March Fifth District Drainage Commissioners
85 Whittlesey Road
March
Cambridgeshire
PE15 0AH

between the hours of 9.00am and 4.00pm on Mondays to Fridays (excluding public holidays), when any local elector may make copies of the Annual Return.

3 Copies will be provided to any local elector on payment of £2.40 for each copy of the Annual Return

Announcement made by: D C Thomas - Clerk to the Commissioners

Date of Announcement: 21st August 2017

Section 1 – Annual governance statement 2016/17

We acknowledge as the members of:

Enter name of
smaller authority here:

MARCH FIFTH DISTRICT DRAINAGE COMMISSIONERS

our responsibility for ensuring that there is a sound system of internal control, including 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 2017, that:

	Agreed		'Yes' means that this smaller authority:	
	Yes	No*		
1. We have put in place arrangements for effective financial management during the year, and for the preparation of the accounting statements.	YES		prepared its accounting statements in accordance with the Accounts and Audit Regulations.	
2. We maintained an adequate system of internal control, including measures designed to prevent and detect fraud and corruption and reviewed its effectiveness.	YES		made proper arrangements and accepted responsibility for safeguarding the public money and resources in its charge.	
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 smaller authority to conduct its business or on its finances.	YES		has only done what it has the legal power to do and has complied with proper practices in doing so.	
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.	YES		during the year gave all persons interested the opportunity to inspect and ask questions about this authority's accounts.	
5. We carried out an assessment of the risks facing this smaller authority and took appropriate steps to manage those risks, including the introduction of internal controls and/or external insurance cover where required.	YES		considered the financial and other risks it faces and has dealt with them properly.	
6. We maintained throughout the year an adequate and effective system of internal audit of the accounting records and control systems.	YES		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.	
7. We took appropriate action on all matters raised in reports from internal and external audit.	YES		responded to matters brought to its attention by internal and external audit.	
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 smaller authority and, where appropriate have included them in the accounting statements.	YES		disclosed everything it should have about its business activity during the year including events taking place after the year-end if relevant.	
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	NA	has met all of its responsibilities where it is a sole managing trustee of a local trust or trusts.

This annual governance statement is approved by this smaller authority on:

11/04/2017

and recorded as minute reference:

C.1017

Signed by Chair at meeting where approval is given:

G. Hopkins

Clerk:

S. G. Hill

*Note: Please provide explanations to the external auditor on a separate sheet for each 'No' response. Describe how this smaller authority will address the weaknesses identified.

Section 2 – Accounting statements 2016/17 for

Enter name of
smaller authority here:

MARCH FIFTH DISTRICT DRAINAGE COMMISSIONERS

	Year ending		Notes and guidance				
	31 March 2016 £	31 March 2017 £					
1. Balances brought forward	137,797	134,481	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	16,460	16,403	Total amount of precept (or for IDBs, rates and levies) received or receivable in the year. Exclude any grants received.				
3. (+) Total other receipts	5,015	1,672	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 smaller authority's borrowings (if any).				
6. (-) All other payments	24,791	26,036	Total expenditure or payments as recorded in the cashbook less staff costs (line 4) and loan interest/capital repayments (line 5).				
7. (=) Balances carried forward	134,481	126,520	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	141,195	128,667	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	744,000	809,000	This cell shows the value of all the property the authority owns. It is made up of its fixed assets and long-term investments.				
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)	<table border="1"> <tr> <td>Yes</td> <td>No</td> </tr> <tr> <td></td> <td></td> </tr> </table>		Yes	No			The Council 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.
Yes	No						

I certify that for the year ended 31 March 2017 the accounting statements in this annual return present fairly the financial position of this smaller authority and its income and expenditure, or properly present receipts and payments, as the case may be.

Signed by Responsible Financial Officer:



Date

04.04.2017

I confirm that these accounting statements were approved by this smaller authority on:

11/04/2017

and recorded as minute reference:

C.1019

Signed by Chair at meeting where approval is given:



Section 3 – External auditor report and certificate

In respect of:

Enter name of
smaller authority here:

MARCH FIFTH DISTRICT DRAINAGE COMMISSIONERS

1. Respective responsibilities of the body and the auditor

This smaller authority is responsible for ensuring that its financial management is adequate and effective and that it has a sound system of internal control. The smaller authority prepares an annual return in accordance with proper practices which:

- summarises the accounting records for the year ended 31 March 2017; and
- confirms and provides assurance on those matters that are relevant to our duties and responsibilities as external auditors.

Our responsibility is to review the annual return in accordance with guidance issued by the National Audit Office (NAO) on behalf of the Comptroller and Auditor General (see note below). Our work does not constitute an audit carried out in accordance with International Standards on Auditing (UK & Ireland) and does not provide the same level of assurance that such an audit would do.

2. 2016/17 External auditor report (CA0173)

(Except for the matters reported below)* on the basis of our review of the annual return, in our opinion the information in the annual return is in accordance with proper practices and no other matters have come to our attention giving cause for concern that relevant legislative and regulatory requirements have not been met. (*delete as appropriate).

(continue on a separate sheet if required)

Other matters not affecting our opinion which we draw to the attention of the smaller authority:

(continue on a separate sheet if required)

3. 2016/17 External auditor certificate

We certify/~~do not certify~~* that we have completed our review of the annual return, and discharged our responsibilities under the Local Audit and Accountability Act 2014, for the year ended 31 March 2017.

* We do not certify completion because:

External auditor signature

PKF Littlejohn LLP

External auditor name

PKF Littlejohn LLP

Date

15/8/17

Note: The NAO issued guidance applicable to external auditors' work on 2016/17 accounts in Auditor Guidance Note AGN/02. The AGN is available from the NAO website (www.nao.org.uk)

Annual internal audit report 2016/17 to

Enter name of smaller authority here:

MARCH FIFTH DISTRICT DRAINAGE COMMISSIONERS

This smaller authority's internal audit, acting independently and on the basis of an assessment of risk, carried out a selective assessment of compliance with relevant procedures and controls expected to be in operation during the financial year ended 31 March 2017.

Internal audit has been carried out in accordance with this smaller authority's needs and planned coverage. On the basis of the findings in the areas examined, the internal audit conclusions are summarised in this table. Set out below are the objectives of internal control and alongside are the internal audit conclusions on whether, in all significant respects, the control objectives were being achieved throughout the financial year to a standard adequate to meet the needs of this smaller authority.

Internal control objective	Agreed? Please choose only one of the following		
	Yes	No*	Not covered**
A. Appropriate accounting records have been kept properly throughout the year.	✓		
B. This smaller authority met its financial regulations, payments were supported by invoices, all expenditure was approved and VAT was appropriately accounted for.			COVERED DETAIL IN 2015
C. This smaller authority assessed the significant risks to achieving its objectives and reviewed the adequacy of arrangements to manage these.			COVERED DETAIL IN 2015
D. The precept or rates requirement resulted from an adequate budgetary process; progress against the budget was regularly monitored; and reserves were appropriate.	✓		
E. Expected income was fully received, based on correct prices, properly recorded and promptly banked; and VAT was appropriately accounted for.			COVERED DETAIL IN 2015
F. Petty cash payments were properly supported by receipts, all petty cash expenditure was approved and VAT appropriately accounted for.		✓	NO PETTY CASH
G. Salaries to employees and allowances to members were paid in accordance with this smaller authority's approvals, and PAYE and NI requirements were properly applied.			COVERED DETAIL IN 2015
H. Asset and investments registers were complete and accurate and properly maintained.			COVERED DETAIL IN 2015
I. Periodic and year-end bank account reconciliations were properly carried out.	✓		
J. Accounting statements prepared during the year were prepared on the correct accounting basis (receipts and payments or income and expenditure), agreed to the cash book, supported by an adequate audit trail from underlying records and where appropriate debtors and creditors were properly recorded.	✓		
K. (For local councils only) Trust funds (including charitable) – The council met its responsibilities as a trustee.			Not applicable ✓

For any other risk areas identified by this smaller authority adequate controls existed (list any other risk areas below or on separate sheets if needed)

Name of person who carried out the internal audit WHITING & PARTNER

Signature of person who carried out the internal audit M. Hayden - Whiting & Partner Date 02/05/2017

*If the response is 'no' please state the implications and action being taken to address any weakness in control identified (add separate sheets if needed).

**Note: If the response is 'not covered' please state when the most recent internal audit work was done in this area and when it is next planned, or, if coverage is not required, internal audit must explain why not (add separate sheets if needed).

MNH/BB/SAB/MM053

10 July 2017

Messrs. D Thomas, R Hill and S Ablett
Middle Level Offices
85 Whittlesey Road
March
Cambs.
PE15 0AH

Dear Messrs. Thomas, Hill and Ablett,

Internal Drainage Boards - Internal Audit 2016-2017

Having completed the internal audit for the various Internal Drainage Boards administered by the Middle Level Commissioners officers for the year ended 31 March 2017, we are pleased to provide you with the following recommendations to be considered for implementation. We have included some general points and some points which are relating to specific boards.

General Points

1. Treasury Deposit Accounts

As mentioned in the prior year's management letter we are pleased that you had taken on our recommendations to place surplus balances in interest yielding accounts. However, these were short term deposits and it does not appear that upon maturity in the audit year these have been reinvested.

On enquiry we understand that Barclays would only accept investments over £1,000,000 however, due to a number of the IDB's holding significant cash reserves we would urge that alternative banks are approached in order to source the best return available on these surpluses.

2. Published Minutes

For a number of boards we have identified errors between the published minutes on the Commissioners website and the underlying accounts, in all cases the error was with the published minutes. As such we would suggest that the figures to be published are reviewed more rigorously prior to publication in order to avoid this happening again.

3. Rates Software

We note that the new rates software it now operational, we have expanded are testing of this and are satisfied that the system is being used as we would expect. However we understand that the programme is not being used to its full capabilities as a result of it not being fully linked to the Opera software. We understand that you are looking into this and hope that the system will be delivering the anticipated efficiencies in the coming year.

PARTNERS

Philip M Peters FCA
Mark N Kaydon CA
James D Coker FCA
Paul N Tatum FCA

JAMES NORTON FCA

Antonio P Weir FCA
Christopher D Ridgway FCCA
Richard C Mearns FCA
Ian B C Piper FCA

CHRISTOPHER P EDDY FCA

Barbara Nicholas CTA
Andrew R Bond FCA
Tina J Durr ACA

ASSOCIATES

Richard A Alcock APT
Keith J Day FCCA
Amanda E Newman FCA
Kim Clayton FCA

Registered to carry on audit work in the UK and Ireland; regulated for a range of investment business activities; and licensed to carry out the reserved legal activity of non-contentious probate in England and Wales by the Institute of Chartered Accountants in England and Wales.

Due to staffing changes it was identified that only one member of staff has a working knowledge of the new rates system and is the only member of staff who can access the programme. As such we would urge that further users are trained to avoid over reliance on one member of staff and promote segregation of duties.

4. IT Security

We note that there are two employees currently using password and login credentials of staff who have retired and on maternity leave. This could lead to potential material errors or manipulations, especially when staff returns from maternity. As such we would strongly suggest that staffs are provided with their own passwords and login details in order to ensure accountability of work carried out within the accounting and rates systems.

5. Amalgamated IDB's

During the course of auditing IDB's which have previously been amalgamated, it has been noted that NS&I accounts have been kept active for the two previously separate IDB's and have not been combined. We appreciate that you have attempted to rectify this and look forward to this issue being resolved in the coming year.

6. Opera Bank Reconciliations

As in prior years we have noticed that the Opera bank reconciliation function does not appear to have been resolved and as such in some cases the Opera unreconciled reports do not tie back to the main cashbook reconciliation. We are aware that this is a software issue and not down to human error. In all cases with the assistance of the manual reconciliation provided, no differences were identified in the year end bank and cash figures.

7. VAT

We have expanded our testing over VAT and other taxes in response to the ongoing enquiries from HMRC. From our review of the legislation that applies to the Commissioners in relation to VAT it would appear that all IDB's are currently compliant taking account of the special exemption for local authority type governmental organisations. We would suggest that the VAT positions of all the IDB's are regularly reviewed to ensure this remains the case going forward particularly if external services are to be provided or rental incomes are over £7000 per annum.

8. Aged Debtors/Creditors

We are pleased to note that you have taken on board our prior recommendations in relation to the write back of old debtors/creditors that are no longer considered to be receivable/payable.

9. GDPR

We draw your attention to the new data protection act coming into force next May (2018) and recommend that you and each Board review your potential compliance under these much upgraded requirements in the near future to enable you to carry out any changes or amendments prior to the new rules becoming applicable . This Act introduces financial penalties of some significance if breaches occur.

10. Accommodation & Motor Vehicles

We note that there is a degree of uncertainty relating to job –related accommodation and potential benefits in kind arising from HMRC , although understand that you consider your limited accommodation provision to be provided in a manner customary for the industry to enhance operational performance.

As with the recipients of motor vehicles, we recommend that you review your contracts of employment with those concerned to ensure that this documentation and staff handbooks/guidance notes, demonstrates the work related aspects of both any accommodation and/or vehicle usage (and limitations to private travel use).

Specific Points

Euximoor IDB

We note that in the prior year the asset valuation was overstated due to the inclusion of weed screen cleaner treated as works in progress that was already taken into account within Malcolm's pumping station valuation. This has been written back in the current year to mirror the valuation provided by Malcolm in the prior year. We have duly noted this on Annual Return on the 'Annual internal audit report 2016/17'.

Finally we take this opportunity to thank your staff involved in our audit for their assistance and cooperation.

Yours sincerely,

Whiting & Partners

Whiting & Partners

MARCH FIFTH DISTRICT DRAINAGE COMMISSIONERS
BUDGET MONITORING 2017/2018

	<u>Budget</u> 2017/2018 £	<u>Actual to</u> 31.12.2017 £	<u>Forecast to</u> 31.03.2018 £		<u>Remarks</u>	
1 Insurances	900	629	630			
2 Repairs and renewals	2,200	1,885	2,200			
3 Fuel (electricity)	3,000	24	1,500	-	Includes provisions to end of year:-	1,475
4 Drainworks (including Environmental measures)	10,250	5,761	8,250	-	Includes provisions to end of year:-	1,500
5 District Officers' fees	800	0	800			
6 Administration charge, Health and Safety contract, Audit fee, printing, stationery, advertising,	8,950	4,162	9,250	-	Includes fees (Maxey Grounds)	265
7 Environment Agency - Precept	1,939	1,939	1,939			
	28,039	14,399	24,569			
LESS Deposit Accounts interest, Highland Water Contributions etc	6,204	5,183	6,268			
	21,835	9,217	18,301			

MARCH FIFTH DISTRICT DRAINAGE COMMISSIONERS

INTERNAL AUDIT STRATEGY AND AUDIT PLAN

2018 – 2021

REPORT

1.0 INTRODUCTION

- 1.1 The Board has a statutory responsibility under the Local Government Act 1972 and Accounts and Audit (England) Regulations 2011 to maintain an effective internal audit of its activities. The regulations require that the Board shall be responsible for ensuring the financial management of the Board is adequate and effective and that there are sound systems of internal control that facilitate the effective exercise of the Board's functions. Internal audit is also an important element of the Board's risk management arrangements in terms of the work that it undertakes in evaluating and reporting upon the control environment.
- 1.2 The Local Government Act 1972 (Section 151) states that "a relevant body shall maintain an adequate and effective system of internal audit of its accounting records and of its system of internal control in accordance with the proper internal audit practices".
- 1.3 Internal audit is an independent, objective assurance and pro-active consulting service designed to add value and improve the Board's operations. It provides an independent and objective opinion to the Board on the control environment that comprises of risk management, control and governance.

2.0 INTERNAL AUDIT STRATEGY AND PLAN

- 2.1 The Audit Strategy is a high level statement on how the Internal Audit Service will be delivered and developed. A proposed strategy for 2018-21 (2018/19, 2019/20 & 2020/21) is attached.
- 2.2 The Audit Plan has been developed in compliance within the current and future 2018-21 strategy and the indicative annual plan for 2018-19 is attached as illustration for future years together with Appendix A & B.

3.0 CONCLUSION

- 3.1 An internal audit strategy and internal audit plan is required to be approved.

RECOMMENDATION

- 4.0 The Board to approve the Audit Strategy for 2018-21 and indicative Audit Plan for 2018-19 and future years.

INTERNAL AUDIT STRATEGY 2018-21

- 1.1 This Audit Strategy is designed to be a high level statement of how the Internal Audit Service will be delivered and developed.
- 1.2 Internal audit is an independent, objective assurance and pro-active consulting services designed to add value and improve the Board's operations. It provides an independent and objective opinion to the Board on the control environment that comprises risk management, control and governance.
- 1.3 The Accounts and Audit (England) Regulations 2011 state that the Board is responsible for ensuring the financial management of the organisation is adequate and effective and that the Board has sound systems of internal control which facilitate the effective exercise of their functions (including risk management). The Regulations also require that the Board should conduct a review, at least once a year, of the effectiveness of its systems of internal control and shall include a Statement on Internal Control in its financial statements. The Internal Audit Service is a key independent and objective source of assurance for the Board.
- 1.4 The authority of Internal Audit is included within the Board's Financial Regulations.

2. RESOURCES

- 2.1 The Internal Audit Service is provided by Whiting and Partners who are an independent firm of Chartered Accountants.

3. AREAS OF WORK

- 3.1 All internal audit work will be undertaken with due regard to the Governance and Accountability in Internal Drainage Boards – a Practitioner's Guide and the CIPFA Code of Internal Audit Practice in Local Government.
- 3.2 The annual audit plan will be devised through discussions and agreement with the Clerk, Board Members, and the External Auditor where applicable.
- 3.3 The following paragraphs describe the main areas of internal audit work. The work concentrates on assurance and risk-based audits, traditional probity checks and assistance with risk management and provision of advice.
- 3.4 It covers aspects of all financial systems annually, rather than just on a strict 3 year cyclical basis which is a fairly common alternative for Internal Audit functions. The plan is for minimal 'systems review' days as the financial systems are undertaken on a common basis by the Middle Level Offices, so using a risk based audit approach these only require to be audited on a sample basis across the IDBs on an annual basis. The normal level of both System confirmation and Transaction testing is set to ensure that some transactions of all individual boards within the Middle Level Commissioners' administered area are covered each year such as will be appropriate to the Board's level of activity and/or strength of assessed internal controls; nonetheless all Boards will be covered in all areas across a 3 year period.

In addition, work is carried each year on certain areas to ensure compliance and correctness of the Annual Return form.

The following list summarises the work done and frequency:

A - Return, Accounts & Completion (Annually)

- Ensure IDB cashbook kept up to date
- Ensure that monthly bank reconciliations are carried out
- Check that verification of bank reconciliations has been carried out
- Ensure that the annual return and accounting record opening and comparative figures agree to prior years records
- Ensure that figures stated on the annual return agree to underlying accounting records
- Checking casting and arithmetic of schedules
- Review variance report and investigate reasons excessive variances

B – Purchases (Cyclically)

- Check proper purchase authority is recorded by the board in relation to IDB payments
- Carry out walkthrough testing in relation to IDB purchase system
- Agreement of purchase ledger balances to trial balance
- Ensuring payment of principal and interest in respect of loans is in accordance with agreed terms
- Confirm list of payments issued agrees to minutes
- Ensure that individual purchases are authorised by a relevant person

C– Minutes, Value for Money, Risk Management, Ethical Standard and Sustainability (Annually)

Minutes

- Review of minutes to check that risks relating to the boards are discussed
- Ensure that a formal risk assessment is carried out by the board
- Review the budget setting process
- Review minutes for unusual or extraordinary activities
- Check insurance review

Value for Money

- Ensure that value for money principles are being observed
- Obtain relevant tenders for capital purchases to ensure VFM principles are being considered.

Risk Management

- Ensure that the boards risk register is kept up to date and adequately covers potential areas of risk facing the board.
- Ensure that risk factors are taken into account in the board's decision making and implementation processes

Ethical Standards and Sustainability

- Ensure that decisions are made in an ethical manner by the board, bearing in mind environmental and other socioeconomic circumstances/responsibilities within the local community.
- Ensure that ethics is taken into account within the boards defined policies

- Ensure that long term sustainability is being taken into account in operational decisions.

D - Budget and Variance Analysis (Cyclically)

- Review variance analysis issued by the board
- Check that progress against budgets are regularly monitored
- Check that budgets are used for determining rates for the following year
- Review accruals for reasonableness
- Review after date information for possible accruals

E - Sales (Cyclically)

- Perform walkthrough testing on the IDB rates system
- Review any rates write offs and ensure received board approval
- Perform walkthrough testing of other sales made by IDBs
- Review minutes to ensure all expected other income has been received and banked

F - Petty Cash (Cyclically)

- Not applicable at present, no petty cash function for any IDBs currently.

G - Wages (Cyclically)

- Performance of wages walkthrough
- Ensure that authorisation granted for overtime paid
- Review of P11Ds
- Ensure that non-pay rolled staff have been correctly taxed

H - Assets (Cyclically)

- Vouch additions and review sales of fixed assets in the year
- Ensure assets are adequately covered by IDB insurance policies
- Ensure that asset movements in the year are reasonable and consistent with prior years

I – Bank (Annually)

- Ensure that regular reconciliations have occurred in the year
- Recalculation of interim and year end bank reconciliation
- Ensure that cashbooks entries are based on transactions as made rather than in order of appearance on the bank statements

J – Trial Balance & Nominal (Cyclically)

- Ensure Opera trial balance transferred to the accounts correctly
- Scrutinise creditors, accruals, debtors and prepayments
- Identify any transactions that are held within the audited figures that relate to prior or future periods

3.4.1 Assurance Audits

All financial systems are to be documented and reviewed on an annual basis to provide the required level of assurance. Where appropriate probity audit work will be undertaken and the propriety, accuracy and recording of transactions sample tested. The level of testing to be agreed with the Clerk and External Auditor.

3.4.2 Consultancy and Advice

Internal Audit will be available to assist the Board with control or operational issues. During the year there might be emerging risks or issues that need an independent view or review. In addition, internal audit will be pro-active with suggestions and advice to management from information gained through experience, other organisations and networking groups.

3.4.3 Anti-fraud, Bribery and Corruption

Internal Audit will be pro-active in counter fraud work. Although it is not a function of Internal Audit to detect fraud, bribery and corruption (this is a responsibility of management and good system control) work will be undertaken to help ensure there are adequate systems and procedures to highlight potential instances.

3.4.4 Value for Money (VFM), Risk Management, Ethical Standards and Sustainability

As a part of the audit review, systems and controls established by management to secure VFM, risk management, ethical standards and sustainability will be examined and evaluated. Matters of an overall nature are also addressed within the annual work programme. Auditors may initiate, conduct or participate in special reviews in these areas where need arises.

4.0 AUDIT REPORTS

4.1 At the completion of each audit a report will be produced and agreed with the Clerk. This details the terms of reference and scope of the audit, findings, recommendations and a management action plan. An executive summary that includes an audit opinion on controls will also be included.

4.2 An annual internal audit report shall be produced to the Board to provide an overall opinion on controls and detail the audit work for the year.

**MARCH FIFTH DISTRICT DRAINAGE COMMISSIONERS
INTERNAL AUDIT PLAN for 2018-19 – ANNUAL REVIEW and MEETING STANDARDS**

Expected Standard	Evidence of Achievement	Yes/No
Scope of Internal Audit	As has been reported to the Board, Whiting and Partners, Chartered Accountants have been appointed as the Board’s Internal Auditor. The Internal Audit Strategy for 2018-21 and this indicative Audit Plan for 2018/19 and future are to be approved by the Board. Internal Audit work takes into account both the Board’s Risk Assessment and wider internal control arrangements. Internal Audit work covers the Board’s anti-fraud, bribery and corruption arrangements.	Yes
Independence	Internal Audit has direct access to those charged with governance (see Financial Regulations). Reports are made in the name of the internal auditors to the Board. Internal Audit does not have any other role within the Board but can if requested provide temporary financial assistance with financial accounts preparation although there are no plans for this currently.	Yes
Competence	There is no evidence of a failure to carry out Internal Audit work ethically with integrity and objectivity.	Yes
Relationships	All responsible officers are consulted on the Internal Audit Plan.	Yes
Audit Planning and Reporting	The Annual Internal Audit Plan is formulated in the context of the Internal Audit Strategy and properly takes account of all the risks facing the Board and is to be approved by the Board. The Internal Audit Report for 2018/21 will be reported in accordance with the Internal Audit Plan.	Yes

**MARCH FIFTH DISTRICT DRAINAGE COMMISSIONERS
ANNUAL REVIEW OF INTERNAL AUDIT – CHARACTERISTICS OF EFFECTIVENESS**

Characteristics of Effectiveness	Evidence of Achievement	Yes/No
Internal Audit work is planned	Planned Internal Audit work is based on risk assessment and designed to meet the Board's needs.	Yes
Understanding the whole organisation, its needs and objectives	The Annual Audit Plan demonstrates how audit work will provide assurance for the Board's Annual Governance Statement.	Yes
Be seen as a catalyst for change	Internal Audit supports the Board's work in delivering improved services. It will report, where identified, on aspects that appear to reflect sub-optimal efficiency, effectiveness and value for money.	Yes
Add value and assist the organisation in achieving its objectives	The Board makes positive responses to Internal Audit's recommendations and follows up with action where this is called for.	Yes
Be forward looking	In formulating the Annual Audit Plan, national agenda changes are considered. Internal Audit maintains awareness of new developments in the services, risk management and corporate governance.	Yes
Be challenging	Internal Audit focuses on the risks facing the Board. Internal Audit encourages the Board to develop their own responses to risks, rather than relying solely on audit recommendations.	Yes
Ensure the right resources are available.	Adequate resource is made available for Internal Audit to complete its work. Internal Audit understands the Board and the legal and corporate framework in which it operates.	Yes

PROPOSED AUDIT FEE 2018 – 2021

In light of the highlighted work to be carried out and the planned period of time the audit is scheduled to take place we propose a total fee of £17,750 (exc. VAT) for 2018/19 with a rise of 3.0% per annum (assumed general inflation level) over the next 3 years.

**Internal Audit Plan for the year ended 31st March 2019 for the
Middle Level Commissioners' administered Internal Drainage Boards (see Appendix B)**

Audit Areas	Plan Days
Planning, discussions, reporting etc.	5
Systems Review and confirmation	12
Transaction Tests	15
Advice	3
TOTAL	35

Benwick Internal Drainage Board
Bluntisham Internal Drainage Board
Churchfield & Plawfield Internal Drainage Board
Conington & Holme Internal Drainage Board
Curf & Wimblington Combined Internal Drainage Board
Euximoor Internal Drainage Board
Haddenham Level Drainage Commissioners
Hundred Foot Washes Internal Drainage Board
Hundred of Wisbech Internal Drainage Board
Manea & Welney District Drainage Commissioners
March West & White Fen Internal Drainage Board
March East Internal Drainage Board
March Fifth District Drainage Commissioners
March Sixth District Drainage Commissioners
March Third District Drainage Commissioners
Needham & Laddus Internal Drainage Board
Nightlayers Internal Drainage Board
Nordelph Internal Drainage Board
Over & Willingham Internal Drainage Board
Ramsey First (Hollow) Internal Drainage Board
Ramsey Fourth (Middlemoor) Internal Drainage Board
Ramsey Upwood and Great Raveley Internal Drainage Board
Ransonmoor District Drainage Commissioners
Sawtry Internal Drainage Board
Sutton & Mepal Internal Drainage Board
Swavesey Internal Drainage Board
Upwell Internal Drainage Board
Waldersey Internal Drainage Board
Warboys Somersham & Pidley Internal Drainage Board

MARCH FIFTH DISTRICT DRAINAGE COMMISSIONERS
INSURED VALUES OF FIXED ASSETS

As At
31st March 2018

Land - Slamp	9,000.00
North Creek Pumping Station	400,000.00
South Creek Pumping Station	400,000.00
	<hr/>
	809,000.00
	<hr/> <hr/>

Section 1 – Annual Governance Statement 2017/18

We acknowledge as the members of:

MARCH FIFTH DISTRICT DRAINAGE COMMISSIONERS

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 2018, that:

	Agreed		*Yes' means that this authority:	
	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	<i>has met all of its responsibilities where it is a sole managing trustee of a local trust or trusts.</i>

*Please provide explanations to the external auditor on a separate sheet for each 'No' response. Describe how the authority will address the weaknesses identified.

This Annual Governance Statement is approved by this authority and recorded as minute reference:

MINUTE REFERENCE
dated DD/MM/YY

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

Chairman SIGNATURE REQUIRED
Clerk SIGNATURE REQUIRED

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

AUTHORITY WEBSITE ADDRESS

MARCH FIFTH DISTRICT DRAINAGE COMMISSIONERS

Payments 2017/2018 (1st April 2017 - 31st March 2018)

<u>DATE</u>	<u>DETAIL</u>	<u>NET</u>	<u>VAT</u>	<u>GROSS</u>
04/04/2017	Middle Level Commissioners - Fees (Weed control and drain maintenance 2017, planning and development applications	1,134.50	226.90	1,361.40
04/04/2017	Middle Level Commissioners - Pumping station maintenance	126.96	25.39	152.35
04/04/2017	Middle Level Commissioners - Chemical weed control of District drains.	741.46	148.29	889.75
18/04/2017	District Officers fee (year to 31st March 2017)	800.00	0.00	800.00
18/04/2017	Wayside & Wildlife - Grass cutting at pumping stations	82.00	0.00	82.00
18/04/2017	Association of Drainage Authorities - Subscription 2017-2018	536.00	107.20	643.20
26/04/2017	Anglia Farmers - Electricity supply	56.02	3.03	59.05
11/05/2017	Wayside & Wildlife - Grass cutting at pumping stations	82.00	0.00	82.00
25/05/2017	Wayside & Wildlife - Grass cutting at pumping stations	82.00	0.00	82.00
26/05/2017	Anglia Farmers - Electricity supply	63.35	3.37	66.72
20/06/2017	Wayside & Wildlife - Grass cutting at pumping stations	82.00	0.00	82.00
26/06/2017	Anglia Farmers - Electricity supply	41.42	2.20	43.62
04/07/2017	Middle Level Commissioners - Pumping station maintenance	198.96	39.80	238.76
04/07/2017	Middle Level Commissioners - Lift and inspect pump (North Creek Pumping Station)	619.22	123.84	743.06
13/07/2017	Wayside & Wildlife - Grass cutting at pumping stations	82.00	0.00	82.00
24/07/2017	Middle Level Commissioners - Internal audit fees (Whiting & Partners, 2016-2017 accounts)	405.00	81.00	486.00
24/07/2017	Middle Level Commissioners - Pumping station maintenance	198.96	39.80	238.76
26/07/2017	Anglia Farmers - Electricity supply	55.57	2.94	58.51
31/07/2017	Environment Agency - Precept	969.50	0.00	969.50
15/08/2017	Middle Level Commissioners - Fees (Production of Board reports, planning and development applications)	830.70	166.14	996.84
29/08/2017	Anglia Farmers - Electricity supply	40.86	2.17	43.03
26/09/2017	Anglia Farmers - Electricity supply	46.41	2.47	48.88
28/09/2017	Association of Drainage Authorities (River Great Ouse branch) - Subscription 2017-2018	5.00	1.00	6.00
28/09/2017	PKF Littlejohn LLP - Audit Fee (2016-2017 accounts)	200.00	40.00	240.00
28/09/2017	Maxey Grounds - Work in connection with a site inspection and survey to ascertain the position of boundary	264.85	52.97	317.82
28/09/2017	Middle Level Commissioners - Pumping station maintenance	128.48	25.70	154.18
28/09/2017	Middle Level Commissioners - Supply of Health & Safety signage (Account from 3B Design and Print)	28.68	5.74	34.42
28/09/2017	Wayside & Wildlife - Grass cutting at pumping stations	164.00	0.00	164.00
05/10/2017	Middle Level Commissioners - Administration charge, postages, and telephone charges	3,275.72	655.14	3,930.86
05/10/2017	Middle Level Commissioners - Renewal of insurances	628.84	0.00	628.84
05/10/2017	B J Plant Hire - Drainworks	1,710.00	342.00	2,052.00
24/10/2017	J Steward - Flail mowing	2,040.00	0.00	2,040.00

26/10/2017	Anglia Farmers - Electricity supply	46.29	2.45	48.74
09/11/2017	Wayside & Wildlife - Grass cutting at pumping stations	82.00	0.00	82.00
13/11/2017	Middle Level Commissioners - Pumping station maintenance	198.96	39.80	238.76
13/11/2017	Middle Level Commissioners - Chemical weed control of District drains.	613.05	122.61	735.66
26/11/2017	Anglia Farmers - Electricity supply	42.14	2.23	44.37
28/11/2017	Middle Level Commissioners - Contribution (Environmental Officer)	462.50	0.00	462.50
28/11/2017	Middle Level Commissioners - Fees (Planning and development applications)	105.00	21.00	126.00
30/11/2017	Environment Agency - Precept	969.50	0.00	969.50
27/12/2017	Anglia Farmers - Electricity supply	37.07	1.98	39.05
16/01/2018	Middle Level Commissioners - Pumping station maintenance	275.62	55.13	330.75
26/01/2018	Anglia Farmers - Electricity supply	44.96	2.39	47.35
30/01/2018	Middle Level Commissioners - Pumping station maintenance	198.96	39.80	238.76
19/02/2018	Information Commissioners - Data Protection Registration renewal	35.00	0.00	35.00
26/02/2018	Anglia Farmers - Electricity supply	95.92	5.10	101.02
28/03/2018	Middle Level Commissioners - Fees (Planning and development applications)	105.00	21.00	126.00
28/02/2018	Trundley Design Services Ltd. - Refund of Discharge Consent Application Fee	250.00	0.00	250.00
15/03/2018	Middle Level Commissioners - Preparation of highland water claims	89.19	17.84	107.03
26/03/2018	Anglia Farmers - Electricity supply	105.92	5.75	111.67
26/03/2018	Middle Level Commissioners - Administration charge, postages, telephone charges, stationery and Health and Safety contract	4,352.70	870.54	5,223.24
26/03/2018	Middle Level Commissioners - Fees (Weed control and drain maintenance 2017/18, production of Board report, planning and development applications)	1,276.75	255.35	1,532.10
26/03/2018	Middle Level Commissioners - Contribution towards eel research ((University of Hull)	100.00	0.00	100.00
		<u>25,206.99</u>	<u>3,560.06</u>	<u>28,767.05</u>

MARCH FIFTH DISTRICT DRAINAGE COMMISSIONERS
ACCOUNTS FOR THE YEAR ENDED 31st MARCH 2018
GENERAL FUND

2018			2017		
Mar-31	Expenditure during the year		Apr-01	Balance brought forward	39,721.11
	Precept	1,939.00	2018		
	Insurances	628.84	Mar-31	Rate income & Special levy	16,380.99
	Repairs & Renewals	2,145.99		Interest on Deposit Accounts	31.17
	Fuel	475.93		Rent	200.00
	Drainworks	7,943.00		Highland Water contributions	1,677.55
	Administration charge, Audit fee, printing, stationery, advertising etc	9,274.27		Development Charges	4,346.00
		20,468.03		Consents	50.00
					<u>22,685.71</u>
	Balance carried forward	39,999.79			
		<u>62,406.82</u>			<u>62,406.82</u>

BALANCE SHEET

Capital Section

Liabilities

Capital Provisions Account	809,000.00
	<u>809,000.00</u>

Assets

Land - Slamp	9,000.00	
North Creek Pumping Station	400,000.00	
South Creek Pumping Station	400,000.00	
		<u>809,000.00</u>

Revenue Section

General Fund	39,999.79
Development Charges Account	82,565.70
Sundry Creditors	2,629.62
	<u>934,195.11</u>

Ratepayers Account - Arrears	10.86
Rent Account - Arrears	0.00
Defra Grant-in-Aid	1,942.92
Sundry Debtors	0.00
Value added Tax - Refunds due	1,201.76
Balance in hand - Treasurer's Accounts	122,039.57
	<u>934,195.11</u>

MARCH FIFTH DISTRICT DRAINAGE COMMISSIONERS
ACCOUNTS FOR THE YEAR ENDED 31st MARCH 2018
DEVELOPMENT CHARGES ACCOUNT

2018				2017		
Mar-31	Middle Level Commissioners-Fees	5.00		Apr-01	Balance brought forward	86,798.58
	General Fund - Newlands Avenue	0.00				
	General Fund	<u>4,346.00</u>	4,351.00	2018		
				Mar-31		
	Refund		250.00		Clerk's Collection Account	300.00
					Grant-in-Aid	0.00
					Interest	<u>68.12</u>
						368.12
	Balance carried forward		<u>82,565.70</u>			
			<u><u>87,166.70</u></u>			
						<u><u>87,166.70</u></u>

March Fifth District Drainage Commissioners

Summary of Bank Reconciliations as at 31st March 2018

Barclays - Treasurers Account 2017/2018

1st April 2017		31st March 2018	
Balance brought forward	125,715.04	Payments made during the year	28,767.05
31st March 2018		Transfers	0.00
Receipts during the year			<u>28,767.05</u>
Clerk's collection account	22,040.29		
Interest on deposit accounts	<u>85.38</u>	Balance carried forward	119,073.66
	22,125.67		
	<u>147,840.71</u>		<u>147,840.71</u>

National Savings - Treasurers Account 2017/2018

1st April 2017		31st March 2018	
Balance brought forward	2,952.00	Payments made during the year	0.00
31st March 2018		Balance carried forward	2,965.91
Interest on deposit accounts	13.91		
	<u>2,965.91</u>		<u>2,965.91</u>

Barclays Bank PLC

Clients Premium Account

Balance per Statement as at 31st March 2018	119,323.66
Less unpresented cheques	
28/02/2018	250.00
Add outstanding lodgements	0.00
Balance per Trial Balance	<u>119,073.66</u>

Cash balances as at 31st March 2018

Barclays Bank PLC

Clients Premium Account	119,073.66
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National Savings

Investment Account per passbook	2,965.91
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<u>Total reconciled cash balances per accounts</u>	<u>122,039.57</u>
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Section 2 – Accounting Statements 2017/18 for

MARCH FIFTH DISTRICT DRAINAGE COMMISSIONERS

	Year ending		Notes and guidance
	31 March 2017 £	31 March 2018 £	
1. Balances brought forward	134,481	126,520	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	16,403	16,381	Total amount of precept (or for IDBs rates and levies) received or receivable in the year. Exclude any grants received.
3. (+) Total other receipts	1,672	2,077	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	26,036	22,413	Total expenditure or payments as recorded in the cashbook less staff costs (line 4) and loan interest/capital repayments (line 5).
7. (=) Balances carried forward	126,520	122,565	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	128,667	122,040	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	809,000	809,000	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 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 2018 the Accounting Statements in this Annual Governance and Accountability Return present fairly the financial position of this authority and its income and expenditure, or properly present receipts and payments, as the case may be.

Signed by Responsible Financial Officer

SIGNATURE REQUIRED

Date

DD/MM/YY

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

DD/MM/YY

and recorded as minute reference:

MINUTE REFERENCE

Signed by Chairman of the meeting where approval of the Accounting Statements is given

SIGNATURE REQUIRED

March Fifth DDC

Reconciliation between statement of accounts and Annual Return

Financial year ended 31st March 2018

			<u>Per Annual Return</u>
Line 1	Balances brought forward		
	General Fund	39,721.11	
	Development charges account	86,798.58	
		<u>126,519.69</u>	126,520
Line 2	Rates and Special Levies		
	Agricultural rates	1,879.44	
	Special Levies	14,520.00	
	Penalty	3.60	
	Costs	0.00	
	Write-off	-22.05	
		<u>16,380.99</u>	16,381
Line 3	Total other receipts		
	Interest		
	General fund	31.17	
	Development charges account	68.12	
	Rent	200.00	
	Highland Water	1,677.55	
	Consents	50.00	
	Discharge contribution	50.00	
		<u>2,076.84</u>	2,077
Line 4	Staff costs		
	Wages/salaries	0.00	
	National insurance contributions	0.00	
	Pension costs	0.00	
	Travelling expenses	0.00	
		<u>0.00</u>	0
Line 5	Loan repayments		
	PWLB - Principal	0.00	
	PWLB - Interest	0.00	
		<u>0.00</u>	0
Line 6	All other payments		
	Precept	1,939.00	
	Rates, insurances, telephones	628.84	
	Repairs and renewals	2,145.99	
	Fuel	475.93	
	Drainworks	7,943.00	
	Administration	9,274.27	
	Development charges fees	5.00	
		<u>22,412.03</u>	22,413
Line 7	Balances carried forward		
	General Fund	39,999.79	
	Development charges account	82,565.70	
		<u>122,565.49</u>	122,565
	Reconciliation		
	Line 1 + Line 2 + Line 3 - Line 4 - Line 5 - Line 6	122,565.49	

MARCH FIFTH DISTRICT DRAINAGE COMMISSIONERS
BUDGET 2018/2019

	<u>Budget</u> <u>2017/2018</u> £	<u>Actual</u> <u>2017/2018</u> £	<u>Draft budget</u> <u>2018/2019</u> £	<u>Remarks</u>
1 Insurances	900	629	750	A - Figures based on meter read at December and provision for January/February/March
2 Repairs and renewals	2,200	2,146	2,200	
3 Fuel (electricity)	3,000	476 ^A	3,000	B - Includes engineer's items 10,520
4 Drainworks (including Environmental measures)	10,250	7,143	13,000 ^B	C - Includes professional fees - Survey of boundary at pumping station 265
5 District Officers' fees	800	800	800	D - Includes use of development charges account for works at Foxglove Way 1,750
6 Administration charge, Health and Safety contract, Audit fee, printing, stationery, advertising,	8,950	9,274 ^C	9,100	
7 Environment Agency - Precept	1,939	1,939	1,968	E - Assumes for minimal interest. Assumes for full payment of highland water contribution (calculated balance for year £1,086)
	28,039	22,407	30,818	
LESS Deposit Accounts interest, Highland Water Contributions etc	6,204	6,305	7,059 ^D	
	21,835	16,102	23,759 ^E	

March Fifth District Drainage Commissioners

Rate and levy requirements

Under Section 37 of the Land Drainage Act 1991, the appropriate proportions in which the net expenditure of the Commissioners must be borne for 2018/2019 is:-

- a) Proportion to be borne by the Agricultural Sector – 11.30%
- b) Proportion to be borne by Special levy issued to Fenland District Council – 88.70%.

The product of a rate of 1p in the £ on Agricultural land and buildings is £536.

In 2018/2019 a rate of 1p together with corresponding Special levy would raise £4,742

Revenue cash balance in hand on 31st March 2018 - £40,000.

The estimated net expenditure of £23,759 in 2018/2019 is equivalent to:-

- a) a rate in the £ on Agricultural land and buildings of 5.01p and
- b) a Special levy on Fenland District Council of £21,075

In 2017/2018 a rate of 3.50p in the £ was raised together with a Special levy of £14,520 on Fenland District Council.

D C THOMAS

Clerk to the Commissioners

April 2018