

NIGHTLAYERS INTERNAL DRAINAGE BOARD

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10th May 2024

Dear Board Members

Upcoming meeting of the Board Tuesday 21st May 2024

Please find overleaf the agenda for the meeting of the Board to be hosted at the Middle Level Offices, PE15 0AH on Tuesday 21st May 2024.

Inspection at 4.30pm – meeting at Fentons Way, then returning to Middle Level Offices for the Board meeting.

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 MEMBERS ARE REMINDED THAT THEY MUST NOT BE DISCUSSED WITH ANYONE OTHER THAN A BOARD MEMBER.

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

As you'll be aware, we administer thirty Boards that mostly all meet within similar date ranges. Thank you to the majority of Members who already confirm their attendance proactively.

Please help us manage your Board effectively by **proactively letting Polly know as soon as possible, by telephone or email, if you can attend the meeting, or not, or if you're uncertain.** This results in less abortive time and cost to the running of all Boards.

It is important that we have early confirmation whether or not the Board will be quorate.

Yours truly

P BURROWS, FCIWEM C.WEM CEnv

Clerk to the Board

NIGHTLAYERS INTERNAL DRAINAGE BOARD

Tuesday 21st May 2024 – 4.30pm

Meeting at Fenton Way, Chatteris PE16 6UP then on to Middle Level Offices, PE15 0AH

Agenda:

Item No	Topic	Format	Lead
	Inspection of District – meeting at Fenton Way at 4.30pm		
	Commencement of meeting with address from MLC Chief Executive	Verbal	CEO
1	Welcome & apologies	Verbal	Chair
2	Declarations of Interest	Verbal	Chair
3	Minutes of last meeting and matters arising Vice-Chairman to report re drain at Fenton Lode which is the responsibility of WSP.	Pages 3 – 21	Chair
4	Constitution & Membership - Election - Attendance - Vacancies & appointments - Composition and amalgamations - Training	Pages 22 - 24	Clerk
5	Clerk's Report (plus verbal update on Fens Reservoir)	Pages 25 - 33	Clerk
6	Environment Officer's Report	Pages 34 - 37	Clerk
7	Consulting Engineer's Reports, including: Capital Programme & FCRM Grant-In-Aid	Pages 38 - 56	Clerk or Engineer
8	Health & Safety	Pages 57 - 60	Chair
9	District Officer's Report	Verbal	DO
10	Governance - Banking - Annual accounts of the Board for the year ended 31st March 2023 - Audit Report of the Internal Auditor for the year ended 31st March 2023 - Risk Management Assessment/Strategy - Financial Regulations & Financial Code - Review of internal controls - Exercise of Public Rights - Consideration of potential litigation, liabilities, commitments - Defra IDB 1 Returns - Annual Governance Statement	Pages 61 - 63 Pages 64 - 68 Pages 69 - 79 Pages 80 - 81 Pages 82 - 99 Pages 100 - 109 Page 110	Clerk
11	Finance Report: looking back - Finance officer's review - Budgeting - Payments 2023/2024 - Highland Water Contributions - Annual Accounts and Finance papers 2023/2024 - Annual Return 2023/2024	Pages 111 - 112 Page 113 Page 114 Pages 115 - 118 Page 119	Clerk
12	Finance Report: looking forward - Finance Officer's summary - Fees, remuneration and subscriptions - Determination of land for rating purposes - Confidential papers - Rate arrears - Confidential papers - Contributions from Developers - Confidential papers - Precept to the Environment Agency - Rating Estimates for 2024/2025 - Agricultural Drainage Rates and Special Levy requirements or 2024/2025	Pages 120 - 121 Page 122 Page 123	Clerk
13	Date of Next Meeting	Verbal	Chair
14	Any other business	Verbal	Chair

NIGHTLAYERS INTERNAL DRAINAGE BOARD

At a Meeting of the Nightlayers Internal Drainage Board
held at the Middle Level Offices, March on Thursday 23rd May 2023

PRESENT

A Edgley Esq (Chairman)	J French (FDC)	A Miscandlon (FDC)
S Edgley Esq (Vice Chairman)	A Hays (FDC)	T Taylor (FDC)
D Collett Esq	P Murphy (FDC)	C Boden (FDC)
L Edgley Esq	H Nawaz (FDC)	
S P Graves Esq	C Marks (FDC)	
P Murphy Esq	A Gowler (FDC)	
M Smalley Esq	D Connor (FDC)	

Miss Samantha Ablett (representing the Clerk to the Board), Mr Paul Burrows (Clerk) and Mr Morgan Lakey (representing the Consulting Engineers) were in attendance.

The Chairman enquired whether ALL Board members were happy for the meeting to be recorded. All members were in agreement.

Apologies for absence

Apologies for absence were received from J Edgley Esq and T Edgley Esq.

B.1186 Declarations of Interest

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

Cllr Murphy, Cllr French and Cllr Marks declared an interest in all planning matters as members of Fenland District Council.

Mr A Edgley, Mr S Edgley and Mr L Edgley declared interests in the Proposed Agreement with Floorspan Contracts Ltd, minute B.1199.

Mr A Edgley declared an interest in minute B.1205.

B.1187 Confirmation of Minutes

RESOLVED

That the Minutes of the Meeting of the Board held on the 7th February 2023 are recorded correctly and that they be confirmed and signed.

B.1188 Election of Board Members

Miss Ablett reported that the term of office of the Members of the Board will expire on the 31st October 2023 and will submit the proposed register of electors which is applicable to the 2023 election.

RESOLVED

The Register of Electors will be sent to the Chairman to be approved.

B.1189 Appointment of Chairman

RESOLVED

That A Edgley Esq be appointed Chairman of the Board.

B.1190 Appointment of Vice Chairman

RESOLVED

That S Edgley Esq be appointed Vice Chairman of the Board.

B.1191 Vacancy in Membership

Further to minute B.1149, the Vice-Chairman reported that there was no interest at this time and Paul Jackson declined the invitation.

B.1192 Bank Mandate and National Savings & Investments

The Clerk reported that it is necessary to update the signatories after April 2023.

RESOLVED

- i) That Mr P Burrows be added as an authorised signatory of the Barclays Bank Account, should this be required in the future.
- ii) That Mr P Burrows, as Clerk to the Board and Mr A Edgley, as Chairman, be the authorised signatories of the National Savings Investment Account and that the account of Nightlayers Internal Drainage Board with National Savings and Investments be changed accordingly.

B.1193 Member Training Update

Miss Ablett reported on the training undertaken by Members in the past year.

B.1194 Fens Reservoir Update

The Clerk updated members on the Fens Reservoir and referred them to the summary included in the Consulting Engineers' report.

He advised it would be useful if the Board could delegate a member to act as a point of contact to assist when further information is released so the Board does not have to wait twelve months until the next Board meeting, should matters start to move at pace.

The Vice Chairman advised he would be happy to act as the point of contact on behalf of the Board.

The Clerk advised the Councillors from Fenland District Council present, that it would be useful if the Council could support the use of the Middle Level water within the reservoir.

Councillor Boden advised that one of the main reasons the site had been chosen, from an initial number of seventy sites, was due to the accessibility of the water the Middle Level system could provide and he confirmed the Council would be more than happy to support this.

RESOLVED

That the Vice-Chairman will be point of contact on behalf of the Board.

B.1195 Land Drainage Act 1991 – Board Membership – Fenland District Council

Miss Ablett reported that Fenland District Council sent an email advising of 10 Councillors that would be attending the Board Meeting and that permanent membership would be confirmed at their next FDC meeting to be held on the 12th June 2023.

B.1196 Potential Grant-In-Aid – Replacement of Electric Pump and Control Panel

Miss Ablett enquired whether this agenda item could be reported, together with the Consulting Engineer's report later in the agenda.

RESOLVED

Members agreed to the request.

B.1197 Illegal Discharge – Cambridge Property Group

Further to minute B.1152, Miss Ablett reported a discharge consent application had been made by Tesco Stores Ltd for the disposal of treated foul effluent water from its site off Fenland Way, Chatteris and confirmed the application was being processed and consent would be given.

B.1198 Overgrown Watercourse from the Junction of A142, Isle of Ely Way, Chatteris Bypass and Short Nightlayers Drove East

Further to minute B.1153, Miss Ablett reported the necessary machine cleansing work to the overgrown watercourse had been carried out during the year and paid for by Fenland District Council.

B.1199 Proposed Agreement with Floorspan Contracts Ltd

Further to minute B.1155, Miss Ablett reported that Floorspan Contracts Ltd had agreed to the sale value of the Board's old pumping station land at £80,000. She advised the option agreement had been completed and confirmed the Board had been reimbursed for legal costs incurred.

Miss Ablett reported a planning application had been submitted by Floorspan Contracts Ltd and if permission was granted the option agreement would be triggered and the £80,000 would then be paid to the Board. She confirmed that all legal work had been completed, but should any additional fees arise, the developer had agreed to pay them.

(NB) - Mr A Edgley, Mr S Edgley and Mr L Edgley declared an interest.

B.1200 Clerk's Report

Miss Ablett advised:-

i) Middle Level Commissioners and Administered Boards Chairs Meeting

That a ninth Chair's Meeting was held on the 13th December 2022.

The meeting covered a wide variety of matters likely to affect IDBs. A summary of the key points and resolutions follows;

David Thomas advised on the planned staffing changes being implemented due to his impending retirements. He stated that his post was being split back into Chief Executive/Clerk and Chief Engineer and that the appointments were:

Paul Burrows – to be the new CEO/Clerk - currently in post with the EA as a national Delivery Assurance Manager, and before that as Flood & Coastal Risk Manager for the East Anglia Area, then Flood Strategy Manager – Paul spearheaded Tactical Plans for the Fens which have secured the possibility of obtaining significant grant allocation on a Board by Board basis over a 15 year period, whilst at the same time defining a pathway to better understand the challenges faced and options worth considering for our lowland catchment as climate change and growth tests our current infrastructure arrangements.

Nicola Oldfield – to be the new Chief Engineer – currently in post with the EA as a Senior Project Manager. She most recently project managed the £30M Middle Level Barrier Bank scheme and had just taken over as project manager of the Cranbrook Counter Drain Strategy. She has, in the past, been employed by an IDB and has worked in close partnership with many IDBs including North Level IDB. Jonathan Brown stated how pleased the MLC Executive had been with these two candidates and how easy the choice had been given their knowledge of the area and experience to date.

An update was given on the role out of telemetry, which was receiving positive feedback from District Officers. A request was made for the login details to be provided to Chairmen as well as District Officers and it was confirmed that this would be arranged.

David Thomas confirmed that all but two Boards had stated their wish to move to the new planning and consenting charging and reporting arrangements and that the Assistant Treasurer was finalizing figures ready for the 2023 IDB/DDC meetings. A request was made for all correspondence which developers and their agents which is copied to Chairman should include the planning application references.

The protection and control of Bylaw strips was discussed at length and it was agreed that a policy document outlining the red-lines Boards should be applying to ensure that their ratepayers do not suffer as a result of development will be prepared for the Boards to consider. It was noted at the meeting that the refusal to issue any consent is subject to a reasonableness test, hence the document cannot preclude consenting everything within the 9m strip and the policy will be for guidance purposes only. It was felt that it should help developers, planning authorities and the Boards by providing some additional clarity. It was also felt that some case history examples to be circulated to members might help them understand the issues which have to be addressed.

Climate Change was discussed and it was noted that the MLC had completed its carbon audit and would now start work on carbon reduction and mitigation initiatives. It was also noted that the M&E engineer was looking at base levels of energy consumption at pumping stations, for example to see if panel heaters are left on permanently. He will be making recommendations to Boards if he identifies scope for reducing power without risking the apparatus.

WRE were mentioned and the Chief Executive stated that he was pleased that the draft water resource plan for the East included extensive reference to agriculture and its need for water to support the growing of food to feed the nation and also of the key role played by IDBs in transferring water to the point needed by abstractors. He also commented upon the newly proposed Cambridgeshire fens reservoir, north of Chatteris and advised that the MLC were responding on the need to get fill supply and draw-down arrangements right, but also that we need to seek to gain capital from the opportunities that the new reservoir will present in terms of bringing money into the area and potentially helping reduce flood risk and assist with water need balancing.

The Chief Executive advised that a decision had been made to move the MLC and IDB's electricity supply contracts from Anglian Farmers to the Green Energy Advice Bureau. This followed several years of extended poor service levels and lack of timely information coming from Anglian Farmers.

The future of IDBs and the value of potential amalgamations was once discussed and this gave rise to questions over small boards being able to secure a quorate for which this had been a particularly poor year. It was agreed that this item should remain on the agenda and that any Chairs who felt that the time was right for their Boards to look again and the advantages/disadvantages of amalgamation would contact the Clerk. It was also agreed that it may be useful to undertake an exercise around updating the original Geoff Beal report which had recommended that the number of Boards within the area administered by the MLC could reasonably be reduced to three or four.

The Clerk finally noted that the ADA Great Ouse branch AGM would be held on the 7th March at Prickwillow Hall and would be in the format of workshops in the morning and an AGM in the afternoon. The workshops theme this year would be; water resources, the new reservoir and climate change.

ii) Association of Drainage Authorities

a) Annual Conference

That the 85th Annual Conference of the Association was held on Wednesday 9th November 2022 at The Hive, Nocton, Lincolnshire.

This year marked another change in the arrangements for the National Conference and AGM, with the AGM being held virtually on 28th September 2022 followed by the national conference held as a hybrid meeting at the Dyson Farming complex in Lincolnshire on 9th November. The choice of venue was to avoid the risk of being impacted by rail strikes and it also represented significant cost savings. The event had limited numbers and was fully subscribed.

Following an introduction by the President of ADA Robert Caudwell who noted the good work being done by ADA but also noted that with COP27 ahead climate change was the single biggest challenge facing everybody and that IDBs would need to play their part in delivering carbon reduction.

The opening address was given by Councillor Matthew Riddle, Chairperson, Lower Severn Internal Drainage Board and Councillor, South Gloucestershire Council who spoke on options which could be pursued to change the way Special Levy is reported and dealt with by the Councils. The challenge at the moment was perceived as the lack of transparency with Special Levy payments not being

itemised on rate bills in the same way that police and ambulance services are. There is also the issue that by not disaggregating the Special Levy payments, increases in them can currently (for Councils who pay large Special Levys) trigger a local referendum under the current rules.

Key note speakers were Hazel Durant Waterway & Flood Water Management Policy Team, Department for Environment, Food & Rural Affairs and Luzette Kroon Board member: Innovation & International, Dutch Water Authorities, Dykgraaf (chairperson), Wetterskip Fryslân. Hazel spoke of the challenges ahead and noted that it would be foolhardy to expect revenue expenditure to be increased by treasury given the current economic climate. The best we could hope for would be last years' figures to be matched. She praised the work of IDBs and noted the important role they play in delivering flood risk benefits through their direct works and also through PSCAs. Luzette spoke of the similarities and differences between IDBs and their Dutch equivalents and went on to describe the challenges faced arising from climate change.

A panel discussion followed and the MLC Chief Executive was invited to sit on this panel. He took the opportunity to outline the work of WRE but also to express his concerns that currently Land Drainage Act legislation was holding back the full potential of IDBs in terms of water resource management and investment. A review is urgently required and the support of the EA and DEFRA is needed. Hazel agreed that there was a need but hope a way forward could be found that didn't require primary legislation.

The day concluded with a field visit to showcase the Dunston Beck Improvement Project. The improvement project, completed by Dyson Farming with the Environment Agency, Wild Trout Trust and other partners, seeks to improve the biodiversity and water quality of the beck with a sensitive mosaic of wetland habitats delivered through excavations recreating a meandering river system with the retention of water providing ecological and also some modest flood risk benefits.

Councillor Boden referred to the report on the ADA annual conference held on 9th November 2022 and the address given by Councillor Riddle of South Gloucestershire Council where he made the point regarding the failure of disaggregating the Special Level payments, which created some real difficulties for some Councils and which to some extent would also a problem for Fenland District Council.

He identified an error in the report and advised that where it stated "the problems could trigger a local election, under the current rules" it should read "the problems could trigger a local referendum, under the current rules".

He advised this highlighted the fact that increasingly the system in place was reaching breaking point in some areas and he couldn't see the current system being able to continue at the current rates as there were Councils that would not be able to continue to function.

Councillor Boden further advised there had been some recognition of the problem as an announcement had been made by the government minister that a one-off payment would be made to various local authorities, but advised the total for the whole Country only amounted to £3,000,000 and the problem would not be solved by a one-off payment.

b) Annual Flood & Water Conference 2023

Invitation to ADA Flood & Water Conference 2023

Tuesday 21 November 2023 | 11:00 – 17:00 | One Great George Street, London, SW1P 3AA

ADA is delighted to invite you to join them for the ADA Flood & Water Conference on Tuesday 21 November 2023, as the conference returns to the magnificent venue of One Great George Street, Westminster, London. ADA will bring together a leading line-up of prominent political, policy, and technical speakers from across the United Kingdom to discuss key policy topics of the moment during the main conference session.

Following feedback from members, the format of this year's Conference has been developed to:

- maximise the time available for networking between delegates and suppliers to the sector,
- invite a greater variety of guest speakers, and
- provide more convenient timing for those travelling to and from London.

The Conference will open at 11.00 for networking with delegates and an expanded Exhibition of ADA's Associate Members in the Great Hall. A buffet lunch will be served from 12.00 before the conference presentations commence at 13.20 in the Thomas Telford Theatre. The Conference will close at 17.00.

Discussion forum

A discussion forum will form part of the day where delegates will be able to pose topical questions to the speakers/panellists via the conference chair. ADA wish to receive delegates questions in advance, which can be submitted as part of the ticket booking process on Eventbrite. Their aim is to consolidating key subjects for discussion and questioning and to maximise the value of this session.

Book your place

ADA has launched bookings for this year's conference early to give everyone plenty of advance notice of the revised date of Tuesday 21 November 2023 to make travel arrangements. They invite you to secure your place now via Eventbrite, via the link below. Tickets are non-refundable but can be transferred.

[ADA Flood & Water Conference 2023 Tickets, Tue 21 Nov 2023 at 11:00 | Eventbrite](#)

c) Meeting of the River Great Ouse Branch

The Annual Conference of the River Great Ouse ADA Branch was held on Tuesday 7th March 2023

Morning workshops were re-introduced for the first time since the COVID-19 outbreak and members who attended took part in an excellent discussion focussed on three topic areas; Fens2100; Water Resources East and Climate Change. Steven Trewhella (consultant to the EA on Fens2100) and Daniel Johns (Chief Exec, WRE) took away a wide range of ideas centred around how the two topics were connected by the work of IDBs.

Within the AGM, Marc Heading was re-appointed as Chairman and Doug McMurdo as Vice Chair with approval that the secretariat of the branch be transitioned from the Middle Level Commissioners to the Bedford Group of IDBs over the coming months. Ian Moodie (Technical Manager, ADA) gave an overview of ADA's activities, including their important inputs on behalf of IDBs into the long-awaited implementation of schedule 3 of the Floods & Water Management Act. Tom Pickover introduced himself ahead of starting as Operations Manager at the Environment Agency (covering the lower Great Ouse catchment) and was joined by Darren Trumper who between them gave an overview of Environment Agency flood management activities and budgets.

iii) National Drainage Show & Floodex 2023

That the National Drainage Show & Floodex 2023 will be held at ExCel, London on the 22nd and 23rd November 2023.

iv) Changes to Electricity Supply Contracts

The Clerk reported that Boards have encountered problems with the operation of the electricity contract by Anglia Farmers over the years. Following various meetings with them it appeared some of these problems were being addressed and the service appeared to be improving this, however, was short lived. Over the past 2 years there has again been a significant deterioration in both the quality of service and lack of account management received from Anglia Farmers.

During the summer the Middle Level Commissioners were approached by Green Energy Advice Bureau (GEAB), one of the UK's leading energy companies and buying group, whose portfolio includes numerous companies with over 200 million kwh tendered per annum. They have experience working with an estimated 60 Internal Drainage Boards, which include locally the Ely Group of Internal Drainage Boards and Downham Market Group of Internal Drainage Boards. We accordingly contacted Jean Heading of the Ely Group of Internal Drainage to enquire of the service provided by GEAB and she has confirmed she is far happier with the service received from them compared to that from Anglia Farmers and since has signed a 5-year fixed rate contract with GEAB from 1st April 2022.

A report was presented to the Middle Level Commissioners at their Board meeting on 3rd November 2022 and due to the ongoing poor performance of Anglia Farmers, together with the positive feedback given by Jean Heading of the Ely Group, the Commissioners' resolved to consider moving to alternative arrangements. The Executive Committee were delegated the final decision and having considered a report on the options and subsequently confirmed their agreement that a move would be appropriate in the circumstances.

The Clerk reported this was considered a positive move and recommended the Board also move to this alternative arrangement.

The Clerk reported that this Board's Chairman had subsequently agreed for the Board to serve notice to Anglia Farmers and for Green Energy Advice Bureau to handle the energy procurement process and management of the electricity contract.

The Clerk advised that the Middle Level Commissioners and its administered Boards have entered into a fixed rate energy supply with Corona Energy for an 18-month period from 1st April 2023.

v) Insurance

Historically the number of insurance companies willing to quote for the insurance requirements of the Middle Level Commissioners and administered Boards is limited.

Our insurance portfolio is complex and includes a range of policies that includes Commercial Combined (largest component), Motor Fleet, Engineering & Construction, Terrorism, Management Liability, Marine Craft and Professional Indemnity.

The overall cost of our insurance portfolio for 2023/24 will be £192,275 (£152,373 in 2022/23) a 26% increase, although increases will differ Board by Board depending on their individual insurance needs.

Key factors and changes are highlighted below:

- For Commercial Combined insurance, 2022/23 was the last year in our previous five-year agreement with AXA which included a 7% price reduction woven into the deal. For 2023/24 Towergate, our brokers, approached several companies and all bar AXA were not willing to quote given the size and complexity of our portfolio. Independently we also approached the NFU who declined to quote for the same reason.
- There has been an increase in fleet, property and marine assets included within our cover.
- In view of rising inflation most Boards agreed to index link their insured sums from 1st April 2023. AXA have increased insured sums by 15%, which has resulted in an increase within the overall premium.
- AXA have offered a 2-year stability deal, where any premium increases, subject to claims not exceeding 50% of the written premium, will be capped for 2024/25 at 2.5%. This excludes any increases in sums insured.
- AXA will not extend the stability deal as they plan a review of their whole IDB scheme in 2025.
- Commercial combined policy excess has increased from £350 to £2,500. None of our four 2022/23 claim values were above this new excess.
- Excesses are dictated by AXA's overall scheme for all IDBs and this is apparently now standard and has been imposed due to the number of lower value claims across the whole IDB industry. As other IDB/IDB Groups come out of their previous agreement with AXA the above will apply.

For future years Boards ought to consider index linking their valuations of properties and pumping stations every 3-5 years rather than annually, to mitigate annual premium increases and balancing having suitable cover without being over-insured.

It should also be noted that personal accident and sickness cover only covers employees or members up to 80 years of age. Boards may need to consider the implications of this.

vi) Delegation of signatory on consents

The Board was asked to note that under the Board's scheme of delegation, the Chief Executive has delegated the authority to sign consent on behalf of the Board to the Chief Engineer. As well as the Chief Engineer being better placed to technically assure individual consents, this will enable them to effectively take ownership over the whole planning and consenting service. This also creates a mechanism for escalation in case of any issues or complaints.

vii) Service Delivery Frameworks

The Board were asked to resolve that the Clerk, on their behalf, be authorised to enter into user and/or access agreements for public sector delivery frameworks (For example, Environment Agency Delivery Frameworks and SCAPE). This will open up access to the fees, terms and conditions of these Frameworks so our Consulting Engineers can compare and choose the most suitable procurement route for delivery of the Boards future needs. This does not tie the Board to using any Framework they then have a user/access agreement with, and Frameworks are not the only procurement route for delivery that will be considered. Having this resolution from all the Boards we administer is key if we are to package work across Boards to exploit economies of scale and become more efficient and effective in the delivery of services.

RESOLVED

- a) Electricity Contract – that the Chairman’s actions be approved.
- b) Delegation of signatories – that the Board approved delegation.
- c) Service Delivery Frameworks - that the clerk is authorised to enter into user and/or access agreements.

B.1201 Consulting Engineers’ Report, including planning and consenting matters

The Board considered the Supplementary Report of the Consulting Engineers.

Mr Lakey reported on the works carried out over the past year and of future works, together with the associated costs.

The Vice Chairman advised that Warboys, Somersham & Pidley IDB had still not machine cleansed the Drain they own to the West of Fenton Lode.

The Chairman advised that it had been mentioned to him that Warboys, Somersham & Pidley IDB would like Nightlayers IDB to adopt the drain.

Mr Lakey advised the Board needed to consider whether the Board wished to take on the additional maintenance of the drain and the costs associated with it or whether the Board should request that Warboys, Somersham & Pidley unadopt it so it became a private drain.

The Chairman recommended the Board should request that Warboys, Somersham & Pidley IDB machine cleanse the drain on the basis that it discharges into Nightlayers IDB, and if the drain was not maintained, this would result in silt being drawn into the Board’s system. The Vice Chairman confirmed he would speak with the Chairman of Warboys, Somersham & Pidley IDB and report back to the Board at the next meeting.

Miss Ablett referred to the M & E Consulting Engineer’s comments relating to the pumping station and the replacement of the electric pump and control panel, together with the potential for grant in aid.

She confirmed that £120,000 of Grant-in-Aid had been requested to fund a District wide study to determine what works would be required and would also help consider the potential impact of the Fens Reservoir on the District.

Miss Ablett advised the Chief Engineer had requested the Board consider delegating project decision making to a member who would also act as the Board’s contact with the Consulting Engineer. Members considered that project decision making should be delegated to the Chairman and Vice Chairman and they should be the nominated points of contact.

Miss Ablett referred to a site meeting that had taken place relating to the byelaw consent application to pipe and fill a private watercourse on land at the junction of Fenton way and Long Nightlayers Drove, at which the Board voted to reject the application.

She advised that following the meeting, a letter had been sent to the applicant informing him of the Board’s refusal.

She further advised the existing access and watercourse into the site did not allow for the passage of water and this needed to be rectified by removing rubbish and soil from the watercourse and by installing a new piped culvert, if it was found that no pipe existed at the site access. She reported a letter had been sent informing the landowner of this requirement.

Councillor French referred to the disappointment expressed by the Consulting Engineer to the response received from FDC planning department with regards to the Local Plan. She advised the Council needed to work very closely with the Middle Level Commissioners and its administered Boards and considered the Middle Level Commissioners should be advising the Council as it's work is vital to the Council and they need the Commissioners on board.

Councillor Boden advised the key time for the draft Local Plan would be in the next six to eight months, where the Council would be considering the consultation comments, which were made last year and would be moving towards the final version to put before the Planning Inspectorate.

He further advised that should there be any matters that are incorrect, or could be improved or needed further discussion now was the time, within the next two to three months, to be making representations

Miss Ablett referred to the Consulting Engineer's supplementary report relating to improving capital delivery.

RESOLVED

- i) That the Report and actions therein be approved
- ii) That the Vice Chairman speaks with the Chairman of Warboys, Somersham & Pidley IDB regarding the maintenance of their drain at Fenton Lode and reports back to the Board at the next meeting.

B.1202 Capital Improvement Programme

Members considered the Board's future capital improvement programme.

RESOLVED

That the Capital Programme be approved.

B.1203 District Officer's Report

The District Officer reported that as already mentioned by the Consulting Engineer all drains were in a satisfactory condition and being maintained to a good standard. He referred to the Mechanical & Electrical Consulting Engineer's comments in his report regarding the problems encountered over the past twelve months with the automatic weedscreen cleaner, due to a faulty controller. He had agreed with the Consulting Engineer that in view of the excessive quote of £9,500 and the fact the repairs were not immediately necessary that consideration should be given to an overhaul or replacement of the automatic weedscreen cleaner being included in a Grant in Aid business case, relating to the upgrading of the pumping station.

B.1204 Environment Officer's Report

Miss Ablett referred to the Environment Officer's Report.

B.1205 District Officer's Fee

The Board gave consideration to the District Officer's Fee for 2023/2024.

RESOLVED

That the Board agree that the sum of £4,495.00 be allowed for the services of the District Officer for 2023/2024.

(NB) – Mr A Edgley declared an interest when this item was discussed.

B.1206 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 other than that already identified.

B.1207 Environment Agency – Precepts

Miss Ablett reported that at the Anglian (Great Ouse) Regional Flood & Coastal Committee (RFCC) determined that there were exceptional circumstances to consider on the agreed 2% increase on the precepts on Internal Drainage Boards. The Committee voted for an additional 1% increase (reflecting exceptional circumstances) above the agreed 2% for the year ending 31st March 2024 – total of a 3% increase on the level of precept on Internal Drainage Boards for the year ending 31st March 2024.

The precept for 2022/2023 was £3,438.

B.1208 Claims for Highland Water Contributions – Section 57 Land Drainage Act 1991

Miss Ablett reported that following his submission of claims for contributions the gross sum of £1,377.55 (£4,261.61 less £2,884.06 received on account) (inclusive of supervision) has been received from the Environment Agency for the financial year 2021/2022 based on the Board's actual expenditure on maintenance work for that financial year and the sum of £4,197.95 in respect of 80% of the Board's estimated expenditure for the financial year 2022/2023.

B.1209 Association of Drainage Authorities - Subscriptions

Miss Ablett reported that ADA has increased subscriptions by 4.5% for 2022, from £571 to £597.

RESOLVED

That the Board approved the payment of £597 for 2023.

B.1210 Contribution from Developers

With reference to minute B.181, Miss Ablett reported that contributions towards the cost of dealing with the increased flow or volume or surface water run-off and treated effluent volume have been received.

RESOLVED

- a) Determination of rating values – that the Board approved the redetermination.
- b) Rate arrears – that the rate w/o £21.90 has been approved.

B.1211 Health and Safety

The Vice Chairman referred to the report received from COPE Safety Management following their visit on 17th January and advised that no major problems were identified.

He reported the top rails around the automatic weedscreen cleaner had now been repaired, although a corner bracket was damaged and will require a replacement.

He advised that new hazard signage was required at the pumping station to include ‘What Three Words’ and emergency contact details and confirmed the fire extinguisher had been replaced.

Members requested that the Consulting Engineer arranges for a replacement to be fitted and for the signage to be replaced, as required.

RESOLVED

That the Consulting Engineer arranges for the bracket to be replaced and for the necessary signage to be replaced.

B.1212 Completion of the Annual Accounts and Annual Return of the Board -2021/2022

- a) The Board considered and approved the comments of the Auditors on the Annual Return for the year ended on the 31st March 2022.
- b) The Board considered and approved the Audit Report of the Internal Auditor for the year ended on the 31st March 2022.

Councillor Boden referred to the comments made by the internal auditors regarding surplus funds not being invested and advised he was unable to identify in the accounts or in the budget the amount of any deposit interest being received, but had noted that the Board had a large sum in the Barclays business account that was not generating any interest received.

Miss Ablett advised that the Barclays business account did not generate any interest received as the Board had free banking with Barclays and therefore did not incur any bank charges. She further

advised that now interest rates were rising, meetings had been planned with the Board's bankers to discuss the interest rates they were offering as well as investigating possible alternative places for longer term investments. She added that it also had to be ascertained what amount of deposit would be sensible to invest in view of the increasing fuel costs and to ensure the Board had sufficient funds to meet its operational expenditure.

Councillor Boden enquired whether any provision for interest received had been included in the budget. In response, Miss Ablett advised that no provision had been made at this time as it had not yet been decided how much would be invested, whether it would be for a fixed term or flexible and what rate of interest was being offered.

Miss Ablett explained the Board did have a Barclays Business Premium account should the Board wished to put some of its cash on deposit, whilst interest rates on offer elsewhere were investigated, but added the interest rate on the business premium account was minimal.

Councillor Boden reported he had been in discussion with the head of finance at Fenland District Council and the Council would be willing to assist the Board, as they understood some of the restrictions and requirements in so far as Internal Drainage Boards were concerned. He explained that as the Council had a larger pool of money to invest, it had specialists who act on its behalf. He advised it was not beyond the Council's ability to have an agreement with the Drainage Boards to facilitate the earning of more interest through a much more flexible facility than the Board would be able to obtain from the banks in the normal way.

Councillor Boden advised this was a conversation the Council and the Middle Level Commissioners, together with the Boards would be having at a meeting with the Clerk.

B.1213 Defra IDB Returns

Miss Ablett referred to the completed IDB1 form for 2021/2022 which the Board noted and approved.

B.1214 Budgeting

Miss Ablett referred to the budget update reviewed by the Chairman, with comparison to year end out-turn added, and any actions taken.

B.1215 Review of Internal Controls

RESOLVED

The Board considered and approved the system of Internal Control and appointment of Internal Auditor.

B.1216 Risk Management Assessment

RESOLVED

- a) The Board considered and expressed satisfaction with their current Risk Management Policy.

- b) Councillor Boden suggested that in view of increasing costs it may be advisable for the pumping station to be revalued, rather than relying on index linking each year.

Miss Ablett advised the revaluation would have a cost attached to it. Mr Lakey advised that the Consulting Engineer had undertaken revaluations in the past but it was now an area that was likely to be outsourced.

RESOLVED

That the pumping station be revalued.

B.1217 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.

B.1218 Annual Governance Statement 2022/2023

The Board considered and approved the Annual Governance Statement for the year ended on the 31st March 2023.

RESOLVED

That the Chairman be authorised to sign the Annual Governance Statement, on behalf of the Board, for the financial year ending 31st March 2023.

B.1219 Payments 2022/2023

Miss Ablett reported on payments made during the financial year 2022/2023.

RESOLVED

The Board considered and approved the payments made.

B.1220 Annual Accounts of the Board - 2022/2023

Miss Ablett enquired whether the Board wished to invest some of its funds in the business premium account.

Councillor Boden considered £140,000 should be transferred, which would still leave sufficient funds to meet the net expenditure for the coming year.

Councillor Boden asked Miss Ablett to confirm what the sum of £1,100,000 shown in the accounts as capital provisions related to. In response, Miss Ablett advised that it was in essence a revaluation reserve.

Councillor Boden considered that as the asset existed at a value of £1,100,000 it was questionable whether it was appropriate to have the capital provision.

Miss Ablett suggested she would ask the Treasurer to contact Councillor Boden to further explain the accounting treatment of the asset.

Councillor Boden referred to Miss Ablett's comment advising the general fund balance was insufficient to cover a year's net expenditure in hand, when the forecast showed a figure of £34,737. In response Miss Ablett advised that at the year end the Board had a general fund balance of £42,661, however the net expenditure for the coming year to be funded from the general fund was £46,489 and explained that if a rate was not set to meet that expenditure the general fund would be depleted further.

RESOLVED

That £140,000 be transferred to the Barclays Business Premium account.

B.1221 Future use of development account funds

Miss Ablett reported the Board had £148,410 in its development charges account, which was to be used predominantly on the areas for which development contributions had been received. She advised that in previous years 5% had been transferred to the general fund, but as requested last year 2.5% had been transferred this year, which amounted to £3,780.

She further advised that other expenditure was also being funded from the account, i.e., legal fees and telemetry costs and Members needed to be aware that monies should be retained in this fund so sufficient funds were available should works to prevent flooding become necessary on areas where discharge contributions had been received.

Miss Ablett also reminded the Board that it was considering a pump replacement and new control panel, which may not be fully funded by grant in aid.

Miss Ablett confirmed that a further 2.5% had been included in the budgeted expenditure for 2023-2024.

Miss Ablett advised the Board needed to consider increasing the general fund balance by rating rather than depleting the development charges fund and added that the balance in the general fund did not quite cover one years estimated net expenditure.

Councillor Boden advised that the development charges account would increase considerably when the sale of land was concluded. Miss Ablett explained that as the £80,000 would only be received if planning permission was granted, this income would not be taken into account until it had received, at which point it would be set aside for future capital works rather than included in the development charges account

Councillor Boden enquired whether it was appropriate to continue with such a small amount calculated at 2.5% being transferred to the general fund, when the estimated net expenditure for 2023-2024 had increased by 50% and the proposed levy by 42%.

Miss Ablett reiterated the development contributions received from developers were not to be used to fund general expenditure as it was money received from developers for the disposal of the development's additional surface water.

Councillor Boden appreciated this was an ideal situation, but enquired whether there was a legal prohibition. In response Miss Ablett advised she was unable to confirm whether the fund was ring fenced, but could only advise the Board had to be prudent and ensure sufficient development contributions were retained to meet the purpose for which they were received. She added that utilising

the development contributions for general expenditure would continue to erode the balance and may result in there being insufficient funds available should urgent works be required in the areas for which the contributions had been received. She added this could result in either an application for public works loan, which would be a further cost to the Board, or an increase in the rates levied.

Councillor Boden advised it was not uncommon for IDBs to utilise public works loans and this was an approach that was more appropriate when a Board had a large amount of capital expenditure for which GIA may not be secured. He added that considering the amount the Board had in the development charges account together with amounts being added to it, he considered there was sufficient argument to allow a higher percentage to be transferred to the general fund.

Miss Ablett reiterated that the Board could not rely upon £80,000 being received from the sale of land as this was not guaranteed and it was not known how many other development contributions would be received in the future.

Mr Lakey advised that developers were looking to discharge at greenfield rates and attenuating water by putting in systems, as Boards, together with the Middle Level Commissioners were not accepting increased flows. He added that development contributions were actually decreasing.

Councillor Boden advised that this needed to be looked at as part of the calculations, which gave rise to the rate levied and the Board had to be aware that an increase in the rate of 42%, which was quite exceptional, would be very difficult to accept.

B.1222 Expenditure estimates and special levy and drainage rate requirements - 2023/2024

The Board considered estimates of expenditure and proposals for special levy and drainage rates in respect of the financial year 2023/2024 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 15.44% and 84.56%.

Miss Ablett referred Members to the note relating to the budget allocations for 2023-2024 for electricity and asked them to consider the impact on the Board's funds a significant rainfall event would have, when considering the rate as the budget for 2023-2024 did not make any provision for such costs.

The Vice Chairman enquired whether the budgeted electricity costs took into account the increased standing charges passed on by suppliers.

In response Miss Ablett advised that at present she had not been made aware of whether there would be an increase in the standing charges for the Board due to the targeted charging review, but had made enquiries with the electricity supplier and was waiting for a response.

Miss Ablett also referred members to the comments made by Councillor Boden where Fenland District Council would be receiving in the region of £177,000 from the Government to help with the increases in special levies driven by unprecedented increases in energy costs.

Councillor Boden advised the funds being received from the Government was to be spread across all Internal Drainage Boards within the Council's district and represented just 10% of special levies payable, which didn't match the 42% increase being proposed. He added that if such increases were seen across all the IDBs within the District, the Council would be in a position where it would have to cut services. He stressed that Councillors could not allow a 42% increase to take place.

The Vice Chairman advised that rates levied had been historically low over the years and the rate had only increased last year due to ever increasing inflation and electricity costs at the time.

Councillor Boden advised that rate increases of 22% and 42% for two successive years was exceptional.

Miss Ablett advised the Board should not be looking at an increase in the rate as a %, but as the rate that was required to meet the estimated net expenditure required to fund the operations of the Board for the next twelve months.

Miss Ablett enquired whether members were able to approve the budget.

The Clerk advised there were a few observations that hadn't been raised that he would like to make as he considered it prudent that these were taken into account in your decision making.

He referred to the Highland Water contribution from the Environment Agency and explained that given the pumped nature of the Fen that claims were likely to increase, but he knew the Environment Agency did not have the budget locally for this. He warned this could be the first year ever that the Board didn't receive the claim asked for from the Environment Agency, as they would have to take it out of the main river maintenance and that was a risk that had been highlighted locally and nationally as a potential issue. He added that the Highland Water contribution was a discretionary payment, unlike the precept, which was paid to the Environment Agency.

The Clerk advised the other point was that at some point the Board would require capital investment, even if it was 10 years away. Part of the current eligibility criteria for obtaining flood grant was that the Board had put the right amount of maintenance investment into those assets, before requesting a capital sum from the Government. He added that he didn't want Boards to not adequately invest in maintenance that would undermine a future case for a flood risk grant.

He asked members to consider these points when discussing the setting of the rate.

The Chairman advised that historically the Board had always looked to keeping a reasonable amount in reserve for any unforeseen situation. He added that at present all costs were increasing and he considered the rate levied would also have to increase. He advised the Board had always tried to operate without borrowing too much from its other funds held.

Councillor Boden asked the Chairman if the appointed members could have a moment outside the room to discuss the information that had been put forward.

The Chairman agreed and the meeting was suspended.

The meeting re-commenced.

Councillor Boden proposed that the rate be increased from 5.5p to 6p, that £4,000 be added to the budget for the provision of potential interest received and the budget is met by transferring funds from the development charges account.

Miss Ablett advised that if the Board were borrowing from the development charges account and therefore continuing to reduce the balance held, these funds would have to be repaid at some point in the future. She added there was also no guarantee that money on deposit would generate £4,000 of interest.

The Chairman advised the increase proposed by the Councillors was only a 9.1% increase instead of 42% and enquired whether the rate could be increased to a % increase between the two.

Councillor Boden advised there had been a strong argument for there to be no increase so the rate proposed remained at 6p.

RESOLVED

- i) That the estimates be amended to include a provision of £4,000 for interest receivable and a sum of £6,819 be transferred from the development charges account to the general fund to meet the net expenditure required.
- ii) That a total sum of £ 35,670 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 £ 5,509 and £ 30,161 respectively.
- iv) That a rate of 6p in the £ be laid and assessed on Agricultural hereditaments in the District.
- v) That a Special levy of £ 30,161 be made and issued to Fenland District Council for the purpose of meeting such expenditure.
- vi) That the seal of the Board be affixed to the record of drainage rates and special levies and to the special levy referred to in resolution (v).
- vii) That the Clerk be authorised to recover all unpaid rates and levy by such statutory powers as may be available.

B.1223 Date of next Meeting

RESOLVED

That the next Meeting of the Board be held on Tuesday 21st May 2024 at 6pm.

B.1224 Any other Business

Miss Ablett reported that approximately 80% of the IDBs, together with the Middle Level Commissioners had longstanding issues of missing rates, which was generally due to the records linking ownership of rateable land with specific land parcels having evolved from historic records and there were land details for rates billed that were not held in a spatial record.

She advised that if this was to be addressed, a comprehensive GIS mapping exercise needed to be undertaken. She added that it was recommended that a project be scoped and costed, which would need additional dedicated resources to deliver and funding of the project could be apportioned based on the proportion of missing rates for each Board.

She advised that GIS mapping was trialled a number of years ago with Sutton & Mepal IDB and took 3-years to complete so this would not be a quick exercise.

Miss Ablett advised there would be efficiencies if this was packaged and delivered for all Boards together and enquired whether the Board wished to be included.

RESOLVED

That the Board be included in a GIS mapping project when obtaining a quote.

Provided by the Middle Level Commissioners		Item No:	4
Meeting:	NIGHTLAYERS IDB	Subject:	CONSTITUTION & MEMBERSHIP
Date:	Tuesday 21 st May 2024	Officer Responsible:	Polly Tombleson

RECOMMENDATIONS

The Board is asked to:

A. Election

The Clerk will report that as the number of candidates for membership did not exceed the number of persons to be elected (nine), the following candidates were elected as Members of the Board for a period of three years from 1st November 2023:

David Collett, Afe Edgley, James Edgley, Luke Edgley, Stephen Edgley, Trevor Edgley
Stephen Graves, Michael Smalley

B. Note the current status of its membership and the role they each play as members serving the interests of the Board.

C. Review attendance records and identify any resolutions as necessary.

D. There is currently **1** vacancy

E. Determine whether there are composition changes and/or amalgamations it wishes to progress.

F. Reenforce the need for members to view all five 'Good Governance' videos.

G. Identify any topic areas for additional training, as well as any inspection/site visit requirements.

1. Current status

1.1 The table below outline the current composition of the Board and the quorum as detailed in the standing orders.

	Elected Members	Appointed Members	Total Members	Quorum
Composition	9	N/A		5
Actual	8	10 FDC	18	
Vacancies	1		1	

1.2 The table below details the current elected members of the Board

No	Name	Status (one of four categories)	Commentary
1	David Collett	Ratepayer	
2	Afe Edgley	Ratepayer	Chair & District Officer
3	James Edgley	Nominee of Ratepayer (Nightlayers Leek Co Ltd)	
4	Luke Edgley	Nominee of Ratepayer (A Edgley Ltd)	
5	Stephen Edgley	Nominee of Ratepayer (A Edgley Ltd)	Vice-Chair
6	Trevor Edgley	Nominee of Ratepayer (A Edgley Ltd)	
7	Stephen Graves	Nominee of Ratepayer (Graves Bros)	
8	Michael Smalley	Nominee of Ratepayer (Abbots Ripton Farming Co Ltd)	
9			

1.3 The table below details the current appointed members of the Board.

1.4 Special levy paying District Councils appoint members to Boards and their role is to be part of the Board representing all the non-agricultural interests within the Board's district. The Council must

consider appointing members who have relevant knowledge or experience that is relevant to the Board and its district.

- 1.5 Appointed members do not need to be councillors or employees of the Council, therefore can represent wider relevant interests within the district, eg major infrastructure, commerce, community groups, environmental interests.

No	Name	Appointing Council	Commentary (one of three categories)
1	Ian Benney	FDC	Councillor
2	Chris Boden	FDC	Councillor
3	Jan French	FDC	Councillor
4	Alan Gowler	FDC	Councillor
5	Anne Hay	FDC	Councillor
6	Charlie Marks	FDC	Councillor
7	Kay Mayor	FDC	Councillor
8	Alex Miscandlon	FDC	Councillor
9	Peter Murphy	FDC	Councillor
10	Tim Taylor	FDC	Councillor

- 1.6 All Members are reminded that have equal status to each-other around the Board table and are here to serve the interests of the Board.

2. Attendance

- 2.1 The table below outlines the attendance record for the last four meetings of the Board.

Elected Members

No	Name	23/5/2023	7/2/2023	26/5/2022	17/1/2022
1	David Collett	Present	Apologies	Present	Present
2	Afe Edgley	Present	Present	Present	Present
3	James Edgley	Apologies	Present	Apologies	Present
4	Luke Edgley	Present	Present	Present	Present
5	Stephen Edgley	Present	Present	Present	Present
6	Trevor Edgley	Apologies	Present	Present	Present
7	Stephen Graves	Present	Present	Present	Present
8	Michael Smalley	Present	Present	Present	Apologies
9					

Attendance at Chairs Meetings

No	Name	6/10/2023	13/12/2022	12/4/2022	2/11/2021
1	Afe Edgley	Present	Present		

Appointed Members (current and previous)

No	Name (Council)	23/5/2023	7/2/2023	26/5/2022	17/1/2022
1	Ian Benney (FDC)	Present		Present	Apologies
2	Chris Boden (FDC)	Present	N/A	N/A	N/A
3	Jan French (FDC)	Present			Present
4	Alan Gowler (FDC)	Present	N/A	N/A	N/A
5	Anne Hay (FDC)	Present	Apologies	Apologies	Apologies
6	Charlie Marks (FDC)	Present	N/A	N/A	N/A
7	Kay Mayor (FDC)	Present	N/A	N/A	N/A
8	Alex Miscandlon (FDC)	Present	N/A	N/A	N/A

9	Peter Murphy (FDC)	Present		Present	Apologies
10	Tim Taylor (FDC)	Present	N/A	N/A	N/A

3. Elections, vacancies & appointments

- 3.1 To consider the appointments of Chair & Vice-Chair.
- 3.2 To consider filling of **1** vacancy.

4. Composition and amalgamations

- 4.1 The Board is encouraged to continually monitor and review its membership, financial and climate resilience, along with assessing its influence locally, regionally and nationally. These are all factors that may lead the Board to consider changing its composition and/or amalgamation with (an)other Board(s).
- 4.2 Amalgamations and composition changes are not swift processes and can take a number of years. They require planning and additional/specialist resourcing by the MLC as your clerk, Environment Agency and Defra. Therefore, the Board is encouraged to think ahead five to ten years in its decision making, thinking about the next generation.

5. Training

- 5.1 All Members are asked to digest the Good Governance Guide for Internal Drainage Boards published by the Association of Drainage Authorities and view the five accompanying videos intended to bring the guide to life. They are available via <https://middlelevel.gov.uk/about/idb-governance/>
- 5.2 To date 0 of 18 Board Members have reported viewing all five videos.
To date 7 of 18 Board Members have reported viewing 2 of the 5 videos.
- 5.3 Members are asked to identify any topics areas they would value further training on as well as any site inspections that would help them undertake their role on the Board more effectively.
- 5.4 Member training is reported to Defra as part of the annual IDB1 return.

Author Name: Polly Tombleson
Role: Senior Business Support Officer

Provided by the Middle Level Commissioners		Item No:	5
Meeting:	NIGHTLAYERS IDB	Subject:	CLERK'S REPORT
Date:	Tuesday 21 st May 2024	Officer Responsible:	Paul Burrows

RECOMMENDATIONS

The Board is asked to:

- A. Note the content of the report and feedback on items as appropriate.
- B. Support the proposed approach to determining the next electricity contract.
- C. In determining their valuations for insurance purposes, recognise the limitations associated with their current valuations and the risks they hold of being underinsured.
- D. Boards are asked to note the banking overview and that unless there is collective approval, they will not be maximising their interest on available balances.

1. MLC Services available for IDBs

- 1.1 There has been significant incremental change over the last 10-20 years in terms of IDB governance standards, financial requirements, health & safety, environmental legislation and capital works delivery, along with a significant increase in the scale and nature of planning and partnership work.
- 1.2 However, what limited agreements and fee arrangements there are in place with IDBs about the MLC Services offered and received pre-date much of this evolution and as such there is significant ambiguity.
- 1.3 As an example of this, the current 'Clerkship agreements' with Boards was agreed in 2014 however there are many services provided by the MLC that all parties would consider as core 'clerkship' services that are not specified within the current agreement, including managing elections, arranging meeting, taking minutes, reviewing policies and publications.
- 1.4 The scale and nature of change ahead of us may well be more significant than that which has been experienced in the last decade. The services provided by the MLC to local IDBs require a review and refresh such that they become fit for the future.
- 1.5 The intent is to develop a service catalogue over the next 12-18 months that will clarify the full range of services that are offered by MLC staff, along with associated terms and conditions and fee arrangements.
- 1.6 Boards will be offered opportunity to engage in the development of the catalogue, such that if there are capacity and capability gaps between the services Boards want and what capacity and capability MLC staffing has to deliver, then the MLC Board can consider if and how they address this within a final service offer.

2. The IDB governance future within the Middle Level of the Fens

- 2.1 At the MLC and IDB Chairs session on 6th October 2023, Paul Burrows shared the observations from his first suite of IDB meetings and outlined the viability concerns of Conington & Holme IDB that have been escalated to Defra. Observations include that some Boards:
 1. struggle for membership and attendance.

2. want to amalgamate but with no one willing to amalgamate with
3. have with no clear succession for critical roles
4. are underwritten by the hands-on inputs of a few (with costs not always passed on within rates)
5. where there's limited involvement from all members around the table
6. with limited financial reserves
7. with aging assets and limited capital reserves
8. will potentially struggle to afford to deliver their ever-increasing statutory duties, powers & governance standards

2.2 The Chairs explored the following question;

Beneath the surface, how healthy is your Board today, for tomorrow and for the next generation?

- What worries you?
- Do we have a good picture of the relative strengths and weaknesses of our Boards?
- How do we ensure risks and issues are tackled proactively?
- How can we better share success, learning and support across Boards?

2.3 The intent is to develop a suite of 'Key Health Indicators' (KHIs) and comparison metrics for the Middle Level Commissioners and administered IDBs. These will help Boards better understand and proactively address their key risks and understand their relative health. KHIs will also help the Middle Level Commissioners assure and focus their service provision for IDBs.

2.4 The picture created will provide an evidence base to inform a business case for change in terms of the IDB landscape within the Middle Level, as the Chairs reflected back to work undertaken by Geoff Beal a number of years ago. Chairs were supportive of the need to develop future options, assess costs:benefits and identify a preferred option proactively locally, rather than risk a national instruction to change. Any business case for change will need to be properly planned and resourced, with considerable engagement included within any scope. This will need to be scoped in due course.

2.5 On 15th February 2024 the Chairs, Vice Chairs and Board Members who sit on more than one IDB within the Middle Level (and those outside the catchment that we administer) had been invited to an informal session in Ramsey to share thoughts about the future IDB governance landscape within the Middle Level and whether action was needed to ensure this was resilient for the future.

2.6 There was consensus from those who attended that we needed to act and a small group has been identified to draft an initial case for change. This will be shared when ready for wider inputs and views.

3. Association of Drainage Authorities - Summary

3.1 ADA continues to work effectively on behalf of IDBs and following their role in influencing the additional payments to Councils to help off-set the energy cost impacts on special levies, they have been in negotiation with Defra to secure the Lowland Agricultural Peat Small Infrastructure Pilot (LAPSIP) fund for IDBs. This marks a considerable departure with a new role within government funding administration.

3.2 Flood & Water Live returned to the ADA calendar and was held in Lincolnshire during July 2023 and the annual conference returns to the Institution of Civil Engineers on 21st November 2023 with a different approach to the day. The AGM aspects has now taken place virtually, so the morning is focussed on stalls and networking, then a buffet lunch ahead of conference session with keynote attendees.

3.3 In February 2024, ADA hosted their second Environment Day, held at Park Farm, Thorney. Sofi Lloyd presented jointly with Robin Price of Anglian Water on the topic of IDB and water quality.

- 3.4 At the AGM it was confirmed that there would be 6.5% increase in fees for 2024/25 with and in principle same increase for the following two years.
- 3.5 Locally, Marc Heading continues to Chair the Great Ouse branch and the clerking role of the branch is being transferred from the Middle Level Commissioners to Phil Camamile at the Water Management Alliance on behalf of the Bedford Group of Drainage Boards. John Heading's term as the Gt Ouse branch's Director on the ADA Board ended in June with a replacement still to be confirmed.
- 3.6 IDBs locally continue to fund an ADA Directorship place on the Board of Water Resources East. With his retirement from the Middle Level Commissioners, David Thomas vacated this role and has been replaced by Giles Bloomfield of the Water Management Alliance.

4. Fens 2100+

- 4.1 The Environment Agency launched Fens 2100+ with an introductory session for IDB representatives in June 2023. This programme of activity is crucial in informing the medium to long term flood management decision making across the whole Fens as well as framing and driving more tactical and short-term investments.
- 4.2 The governance for the programme is currently being finalised. Paul Burrows will Chair the 'Asset Managers Steering Group' and through this have a seat on the Programme Board.
- 4.3 Projects in Fens 2100+

Fens-wide investment framework

- Give the justification to taking a catchment-scale investment approach.
- Explains how the asset managers (and wider partners) will work together across the landscape to determine what investment is needed when.
- In contract with suppliers and scope agreed.
- Underpinning evidence being developed along with communications and engagement plan.

Catchment-scale asset investment plans

- Applies the framework set out above to each catchment to determine the likely investment requirements over the next 30 years.
- Confirms the immediate (2027-2023) asset (and other) investment requirements across each catchment.
- Planning to scope and get suppliers on board in 2024

Catchment-baseline reports

- Provides an overview of each catchment and the current FCRM operational situation and current and future flood risk.
- Explains future asset investment funding challenges.
- Currently scoping contracts with suppliers, aiming to contract in early 2024.

5. Electricity and Insurance

- 5.1 The contract for the Middle Level Commissioners and our administrated IDBs' electricity portfolio ends in September 2024. We have been impressed by the brokers of our current service (Green Energy Advice Bureau) however we and the brokers have complaints logged about the standard of service provide by our suppliers Corona Energy.

- 5.2 Complaints have been escalated to Corona's Managing Director with the request to release us from our contract with them at no penalty. This has resulted in a great impetus in terms of rectifying the issues, but at the time of writing the situation is far from perfect.
- 5.3 The additional time this has taken our Assistant Treasurer has been significant and the scale of pumping has compounded the issue. This has meant developing a plan for our next contract is behind where we'd like to be and will need due focus over the coming months, bringing together a small group of IDB Chairs to review options and ultimately decide on the next contract arrangements.
- 5.4 OFGEM's new approach to regulation has had an unexpected and considerable impact upon the standing charges within our electricity portfolio. Unless the regulations change this level of standing charge is now baked into future bills regardless of our supplier.
- 5.5 We have flagged the impact this issue will have on Highland Water Claims with the Environment Agency.
- 5.6 We responded to OFGEM's review of Standing Charges and also escalated the issues and our response with local MPs. However, it was the interest of BBC Countryfile who saw a MLC 'tweet' about the issue, that triggered OFGEM to reach out directly to ADA and we joined a session with their policy leads to discuss the issue.
- 5.7 From this and following BBC Countryfile, we understand there to be a recognition that our sector has been unfairly and unintentionally impacted and there's a commitment to review and address.
- 5.8 To clarify questions raised by Members and IDBs in response to our 2023/24 insurance renewal and personal accident cover for members over 80 years old.
- 5.9 With the current insurer, the age limit is 75 years of age to benefit from all the personal accident cover:
- Death - £100,000
 - Permanent total disability - £100,000
 - Permanent Disabling Injuries - £100,000
 - Temporary Total Disablement – Weekly amount £200 for 104 weeks (Deferment period 34 weeks)
 - Temporary Partial Disablement – Weekly amount £100 for 104 weeks (Deferment period 34 weeks)
- 5.10 The benefits, as above, will apply to persons above the age of 75 years with the exception of the temporary weekly benefits. This in no way affects the liability cover of the Board, as with all employees & board members, if they are injured as a result of the Board's negligence, then a claim can be considered by them under the main AXA liability insurance.
- 5.11 In previous years, the personal accident cover only applied to persons up to 75 years of age. For 2023-2024 we requested the policy be extended to persons over 80 years of age. Although we were unable to do this for all benefits, we were able to increase the age for the benefits as mentioned above. The personal accident cover has only been in place since 2017/2018 as it is part of the AXA insurance policy. It was not included in any of the previous insurers' policies.
- 5.12 Over the last round of board meetings a number of IDBs have asked for re-assessments of their pumping stations for insurance purposes. Having taken stock on these requests, this is not a service we are currently able to offer at the Middle Level Commissioners without procuring what would likely be considerable supplier experience that would then be an additional cost to Boards.

- 5.13 Appendix 1 explains the rationale with the recommendation that Boards, in determining their valuations for insurance purposes, recognise the limitations associated with their current valuations and the risks they hold of being underinsured.

6. Banking

- 6.1 As has previously been reported, due to regulatory changes from our bankers, the type of accounts held by all authorities had changed. The current arrangements within our delegations from all the Boards we administer are that we have free banking in return for a non-interest-bearing current account and an interest-bearing Business Premium account within which higher interest could be gained on 'surplus' balances by putting them on deposit for fixed periods. The minimum balance for the Business Premium account is £100,000 and higher rates of interest are available for higher deposit amounts and longer periods of investments.
- 6.2 For the larger Boards with >£100,000 available, the Treasurer actively transfers funding between accounts and monitors the situation monthly, balancing the need to have funds available for outgoings versus the ability to maximise income. This is relatively resource intensive.
- 6.3 Following discussion on maximising banking interest at some IDB meetings last year, consideration had been given to Boards 'pooling' deposit funds into a single Business Premium account to enable all Boards to access better rates of interest on balances. To allow this, Boards balances would have to be transferred into a single named account from which the deposit investments would be made.
- 6.4 In order to gauge views on this outline proposal, it has been raised at IDB meetings over the winter period, at which reservations were raised by all Boards. There were reservations about 'investing' Board balances through a third-party name (another IDB) and the possible security of balances under these circumstances.
- 6.5 Given that none of the Boards approached approved to proceed along these lines and under these circumstances we will not be actively developing or promoting this option further unless being directly requested to by all Boards.
- 6.6 With regards to balance security above the FCA Compensation limit, consideration could be given to opening an account with National Savings and Investments where balances are fully backed by the Government. However, to operate these accounts would need to be an online account with mandated authority given to a single person as 'administrator.' As this delegation was an area of concern raised with regards to deposit balance investments, this has not been pursued and is left for the future consideration and instruction.
- 6.7 Boards are asked to note that they will therefore not be maximising their potential interest individually and collectively.

7. Rating

- 7.1 On 7th September 2023 we were advised that South Holland IDB and the Water Management Alliance will no longer be supporting DRS operating on local area networks after 31 March 2025. This rating and election management software has been in place for 25 years. DRS is owned by South Holland IDB and was originally developed by this Board around the year 2000, primarily for its own use.
- 7.2 Since that time, most other IDBs have decided to use DRS under licence and it is therefore their view today that the next rating system should be controlled and developed by ADA, for use by its IDB membership should they want to, given that all but 3 IDBs and 1 DDC in England and Wales now use DRS. ADA have confirmed that they are in positive discussions on this matter.

- 7.3 This presents a significant risk to the Middle Level Commissioners as well as to the clerking service we provide to our administered IDBs which all rely on this system. However, it also presents an opportunity for an improved system as we are currently unable to efficiently and optimally use the full capabilities of the system, as it doesn't cater well for dual rated areas and penalties. We have asked to be part of any team scoping any future system and/or system support.
- 7.4 ADA has recently concluded that the Association is not best placed to drive the design or own or manage any DRS future software as they do not have the experience or knowledge to do that. We can, however, very much help administratively support an active working group and we will be setting up a meeting in Spring/Summer 2024 to seek volunteers for this working group.

8. Lowland Agricultural Peat

- 8.1 Led by Robert Caudwell, the Lowland Agricultural Task Force's report was published by Defra in June 2023. The report has a strong focus on the role Internal Drainage Boards could play in supporting and enabling landowners and land-managers. In particular, recommendation three includes:

- Government assessing the legal implications of asking responsible bodies to raise water levels in the interests of preserving peat soil carbon.
- Government considers giving IDBs new powers.

- 8.2 The Government's response to the Caudwell report recommendation three:

Recommendation 3: Legal protection and powers for managing water for carbon

We agree with recommendation 3 that authorities responsible for water management must have the legal protection and powers to manage water differently to play their part in peat preservation. We will undertake an assessment of the legal implications of asking responsible authorities to raise water levels in the interests of preserving peat soil carbon as we implement the Plan for Water action to streamline our water policy and legal framework. This will inform relevant new powers and any required legislation.

- 8.3 Fenland SOIL is a not-for-profit members organisation that aims to inform and develop 'whole farm' land use policies, aimed at achieving climate change mitigation and biodiversity enhancement in the Fens, and to help establish an agreed set of numbers for GHG emissions for deep, shallow and wasted peat soils. They have a small, dedicated team with farmers at its core to tackle climate issues relating to agriculture and peat in the Fens. They have recently undertaken opportunity mapping assessments across Manea & Welney district and have just started similar covering Upwell district.
- 8.4 Fenland SOIL currently offer Growers/Farmers and Corporate Membership and are keen to develop an affordable membership offer for IDB Groups. We are working with them to agree a Middle Level Commissioners and administered IDB group membership. Not only is this important to help Boards with their environmental enhancement duties, but it will be crucial if we are to maximise future funding and partnership working opportunities.

9. MLC Staffing

- 9.1 Lorna McShane, Assistant Clerk/Solicitor, left the organisation in March 2024 and we have successfully recruited Ruth Martin to a new role of Lead Clerk. Ruth starts in April 2024. Ruth brings survey, assets, drainage and engineering experience from her time with Breheny contractors, Anglian Water and Haskoning. Since 2008, she has had leadership roles focussed on property, estates and facilities management and joins us from a charity where she leads the facilities management for 48 leased properties across East Anglia.
- 9.2 This role marks an adjustment for us all, for the Commissioners and for our services to IDBs in that we no longer have in-house legal qualified expertise. Ruth will have a key role in pooling and using the knowledge and experience we have within the office and within our networks, whilst learning

and developing her own knowledge. The intent is to develop and drive a clearer suite of Legal and Estates work packages, using external suppliers where appropriate in a more considered and structured manner.

- 9.3 Sofi Lloyd our Environment Officer has been promoted into a new role of Ecology & Environmental Services Manager. The Environment Act 2021 was a game-changer for IDBs and our journey towards enhancing the environment as part of our delivering our wide range of services now comes with greater expectations, greater responsibilities, greater scrutiny, greater risk and a necessity to work in partnership and collaboration with an increasing variety of groups and organisations. There is also now the opportunity we need to unlock to use our land, assets, operations and waterways to enable the biodiversity net gain responsibilities of others and bring in some income. The MLC Executive Committee recognised this and the need to scale up our ecological capacity and capability. We will be looking to recruit to an Ecologist/Environment Officer role reporting to Sofi in due course as part of the suite of new roles needed to enable the delivery of the increased MLC and IDB capital programme.
- 9.4 One of the other new roles needed to enable increased capital delivery is within our M&E team and we welcomed Richard Wilmer to the organisation in February 2024.

Author Name: Paul Burrows
Role: Clerk



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MLC Services for IDBs

Pumping Station Insurance Valuations

Many of our administered Internal Drainage Boards have asked for a re-assessment of the replacement costs of their pumping stations to ensure they have adequate insurance cover.

Within insurance cover this is called the 'Declared Value' and includes for:

- Reinstatement of building (eg station house)
- Replacement of contents (eg pumps and associated M&E)
- Professional fees (eg consultant and contractor costs)
- Debris removal (eg demolition of damaged station)
- Costs to comply with new 'public authority requirements' (eg eel regulations)

There are many factors that influence the costs of replacement pumping stations with many not well understood until business cases are in development. The last three replacement pumping stations locally all virtually doubled in 'value' from their initial flag within the Environment Agency's capital programme to business case stage. They are difficult to estimate, requiring a range of engineering capability and experience.

The existing insurance valuations across the pumping stations within our IDBs' portfolio are based on an assessment a previous MLC M&E Engineer undertook in 2015. He used his 40-years of experience in the industry, including overseeing a suite of replacement pumping stations, to make a judgement. He used asset appraisals undertaken by a consultant to inform this. This would likely have been sufficiently robust at that time.

Since then, there have been occasional percentage uplifts from this baseline and more recently each Board has taken a view on whether or not to index link their valuations.

The delivery and economic landscape have changed immeasurably since 2015 and since the suite of replacements that informed the baselines used to inform current valuations. There are also a range of new requirements and technology not catered for within the baselines.

As such Boards need to be aware that the MLC cannot provide reassurance that their 'Declared Values' are appropriate and they need to recognise the risk that they are more likely than not to be under-insured. We accept no liability for the consequences of this in the event of a Board needing to make a claim.

We do not currently have the capacity, capability and breadth of recent delivery experience to re-undertake assessments similar to those undertaken in 2015.

It is unlikely that there is a supplier who would undertake a bespoke assessment to determine a valuation without this being a costly exercise for the IDB, alongside invoiced costs from the MLC to explore this possibility.

We could work with a supplier to create a framework for valuations based on complexity and then assign each of our local pumping stations to a scoring within any framework. This would need all our IDBs to support and there would be a shared cost to setting up this framework and approach.



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Over the next 3-10 years there will be a suite of pumping station refurbishments and replacements locally led by the MLC, so we will be better placed to undertake assessments in a similar manner to those undertaken in 2015. These assessments would be billed to Boards at the hourly rate for the technical staff involved.

Our recommendation is that Boards in determining their valuations for insurance purposes recognise the limitations associated with their current valuations and the risks they hold of being underinsured.

Unless they wish to invest to explore the 'bespoke assessment' or 'framework' approach, then they need to accept the risks in the medium term until we have sufficient information, evidence and experience to undertake suitable assessments.

Paul Burrows, Chief Executive

Nicola Oldfield, Chief Engineer

October 2023

Provided by the Middle Level Commissioners		Item No:	6
Meeting:	NIGHTLAYERS INTERNAL DRAINAGE BOARD	Subject:	ENVIRONMENT OFFICER'S REPORT
Date:	Weds 15th May 2024	Officer Responsible:	Sofi Lloyd

RECOMMENDATIONS

The Board is asked to:

- A. Identify who is best placed to be the Environmental Representative for the Board to help us to define and agree the ongoing service provision.
- B. Review their current BAP ahead of Env Officers' visit
- C. Ensure an Ecological Screening Report (ESR) is completed and submitted to Sofi well in advance of any non-routine work
- D. Note and comply with the provided flail mowing, badger, water vole and weed screen guidance

1. Services provision to the Board.

Protecting and improving biodiversity and the environment are higher than ever on the political agenda, and the Government is looking for strong environmental delivery from Public Bodies to contribute towards their own challenging statutory environmental targets. The Fens are an area of particular importance due to national peat protection and water resource management strategies. Our local communities are more focussed than ever on our work as a result of the bank raising project but also, because the general public is nowadays much better informed and aware of the state of nature. For these reasons, it is more important than ever for us to be able to evidence how we have considered the environment when determining our approaches to our flood risk and water level management. Inevitably, this has meant that IDBs now require greater support to meet their statutory environmental duties.

Historically, IDBs have made a contribution towards the MLC Environment Officers' salary in order to access ecological and environmental advice and guidance if required. There has been little definition around what services have been included. This is now being reviewed to ensure that we are able to efficiently plan and secure resources to support IDBs to achieve environmental compliance. It is anticipated that fees will need to be increased to reflect this but we expect the fees will remain very competitive against those of qualified external environmental consultants. While we define the level of service required by the IDB over the longer term, but in recognition of the already significantly increased service requirements, the 2024-2025 fees will include a transitional uplift. It is expected that from 2025, the fees charged will be reflective of the defined and agreed environmental and ecological services provided to the IDB.

We have begun to define what a standard IDB support package will need to include to support minimum compliance and the following services have been identified:

- One review visit by Env Officer per year & subsequent reporting
- 1 environmental training day per year
- Budget setting and expenditure recording
- Review & assessment of annual programme of works
- ESR review and sign-off for all non-routine works
- BAP report & review for Board
- Consent applications advice & guidance
- Communication of relevant updates in policy, legislation, regulation and best practice

Please identify who is best placed to be the Environmental Representative for the Board to help us to define and agree the ongoing service provision.

2. BAP Refresh Visit

Sofi will contact the Chairman to organise a district visit in order to discuss and refresh the BAP in the next month. Please advise who is best placed to lead that visit and discussions. Please in the meantime review the most current BAP, which is available on the MLC website: [Appendix 1 \(middlelevel.wpenginepowered.com\)](https://middlelevel.wpenginepowered.com)

3. Work Package Ecological Screening Report (ESR)

Please be reminded that any non-routine maintenance works may require environmental screening in order to identify any ecological or environmental risks and their mitigations. This will ensure that the work is completed compliantly. Please contact Sofi for the ESR template for any such works. This will include bank reprofiling, culverts, piling and significant extents of woody vegetation removal. If there is any uncertainty, please contact Sofi.

4. Flail mowing and compliance

Please ensure that the Boards' flail mowing contractors are aware and comply with the following:

- Undertake grass bank mowing outside the bird nesting season (March to end August). If mowing within the bird nesting season, and vegetation is over 25cm tall, a walkover survey is likely to be required to ensure that any nesting birds are identified and a stand-off area is applied around nesting birds. This will minimise the risk of disturbing them, which would be an offence under wildlife law.
- Flail cutter heights are set to 10cm or higher to reduce the risk of impacting reptiles between March to the end of Sept.
- Any planned flail mowing over a known badger sett must be reported to Sofi at least two weeks ahead of works being undertaken. Please see next bullet point below for more info regarding badgers.
- The locations of all newly discovered badger setts must be reported to Sofi using W3W.
- Flail mowing must not be undertaken within 1m of the waters' edge to avoid the risk of damaging any water vole habitats present. If mowing must take place within 1m of the waters' edge either:
 - a. Vegetation height of no less than 30cm must be maintained on both banks or
 - b. Only one bank should be mown to the waters' edge, leaving at least a 1m width of bankside vegetation uncut on the other bank to ensure refuge and habitat is maintained

5. Badgers and licences

There is a badger licence available specifically to all IDBs nationally, which allows them to undertake a number of routine operations (flailing, bank reprofiling, desilting etc.) near badger setts which would otherwise be classed as an offence under the Badger Act. MLC now operates under these licences. It is the intention to offer badger licence training and administration services to all MLC-serviced IDBs as soon as possible to enable them to improve their operational compliance. However, in the last month, some interpretation discrepancies regarding the conditions of the licence have arisen nationally, which has put this offer on hold temporarily until a clearer understanding is reached and confirmed by Natural England. Until then, it is advised that a stand-off area of 30m around all badger setts is maintained, where no flailing or bank reprofiling or any other maintenance activity should take place, and de-silting arisings should not be placed. Please see the link below to view the full list of activities that are usually licensable that should be avoided

around badger setts. It is hoped that a resolution will be reached by late autumn this year to allow routine maintenance to recommence compliantly and the service will then be offered by MLC. If any necessary or urgent works are needed around badger setts in the meantime, please contact me to agree the approach.

[Licence to interfere with badger setts for watercourse and drainage purposes \(CL27\) - GOV.UK \(www.gov.uk\)](#)

Please be reminded that it is an offence to disturb or interfere with a badger sett in any way without a licence. If any interference or disturbance is required, please contact Sofi ASAP.

6. Water Voles

As always, for any work that plans to “break ground” on the any of banks, (bank reformation, bank slip repair, vegetation removal or cutting vegetation lower than 30cm within 1m of the waters’ edge, mooring construction, culverting, head walls, piling etc, please complete the ESR document mentioned earlier in this report and send to Sofi. The ESR will be needed some months ahead of planned works to ensure that all necessary surveys and mitigations can be planned and conducted in plenty of time so that the work is not delayed. Water vole surveys and mitigations can only take place between Feb and Oct. **NOTE:** This process would also need to be followed if a drain needs to be dewatered in order to carry out routine desilting. Dewatering a drain where water voles are present would be considered an offence without a licence.

Please also be reminded that routine ditch cleansing using excavators must ensure that the bank faces are not touched, in order to avoid damaging water vole burrows and habitat, which would be an offence. Buckets should enter and be lifted from the ditch before reaching the bank toe so the bank toe and bank face are not scraped.

For more information on complaint maintenance approaches, please see [IDB Biodiversity Manual – Middle Level](#)

7. Mink Control

We are very much in need of further volunteers to respond to mink raft activation alerts in the area. Any activation would need to be attended promptly within a few hours but the need to respond is likely to be very occasional. Please let me know of any interest. Please also report any suspected mink sightings to Sofi.

A link to the most up to date mink project newsletter can be found here:

[Waterlife-Recovery-Trust-Newsletter-6-Final.pdf \(waterliferecoverytrust.org.uk\)](#)

8. Weed screen spoil heaps

These can provide important refuge for a range of species. If they have been in situ for some time, and they now need to be removed it is advised that they are taken apart carefully using hand tools to ensure that any wildlife can flee without being injured. An excavator bucket can be used carefully and slowly if a banksman is observing directly at the edge of the pile to ensure that any wildlife is spotted and allowed to flee if necessary. If any reptiles or reptile nests or eggs are discovered, they should be re-covered carefully and left in order to remain compliant.

9. Invasive species

When any non-native species (particularly the following) are spotted, please record the location using what3words if possible (if not postcode or grid ref) and inform us ASAP. Useful identification guides and information can be found online at www.nonnativespecies.org

- Floating Pennywort
- Mink
- Himalayan Balsam
- Parrot's feather
- New Zealand pigmyweed (Australian swamp stonecrop - Crassula)
- Japanese Knotweed

Author Name: Sofi Lloyd

Role: Environment Officer

Provided by the Middle Level Commissioners		Item No:	7
Meeting:	NIGHTLAYERS IDB (Hereafter referred to as the Board)	Subject:	CONSULTING ENGINEERS REPORT: CHIEF ENGINEER'S SUMMARY & CAPITAL PROGRAMME
Date:	Tuesday 21st May 2024	Officer Responsible:	Nicola Oldfield

RECOMMENDATIONS

The Board is asked to:

- A. Provide its views on item 3.3.1 *New developments and the use of SuDS*.**
- B. Review and approve its Capital Programme taking account of the advice in Section 4.**
- C. Approve the Project Initiation Form at Appendix 5.**
- D. Consider authorising a sub-committee to make decision in relation to pumping plant repairs so that if any high-cost items are needed decisions can be made and parts ordered quickly without the need for a full Board meeting.**
- E. Review the pumping station key dates provided in Appendix 4, item 4.1 and advise if there are any discrepancies or if further details can be added.**

1. Overview of services provided to the Board

1.1 The Middle Level Commissioners (MLC) currently act as Consulting Engineers to the Board providing the following services. These are provided for set fees, hourly rates and/or at cost by the in-house team (capped within our limited capacity and capability) and are supplemented by consultants, contractors and specialist services where necessary.

- Mechanical & Electrical (M&E): Providing general advice, routine maintenance, minor works and inspections. Supporting development of capital works programme.
- Capital works: Advising the Board and undertaking client, project and contract management roles.
- Operational services: Report on Weed Control and Drain Maintenance Works and estimated costs of anticipated Drain Maintenance and Weed Control programme. Attendance at Board Meeting.
- GIS & Survey
- Strategic Planning: Inputs on behalf of the Board to relevant spatial plans (eg Local Plans), flood & water strategies and plans (eg Drainage & Wastewater Management Plans, Fens 2100+)
- Planning and consenting: Responding to Planning Applications and related matters on behalf of the Board and advising on and issuing byelaw consents. A list of the planning, consent and infiltration device applications responded to since the last report are provided as Appendix 2.

1.2 Please note that our planning and consenting services currently only have the capacity to be reactive and there is no proactive enforcement service defined and resourced with no allowance made in the Board's budget for such action.

1.3 A Strategic Spatial Planning report will be compiled and published periodically on www.middlelevel.gov.uk and cover the interests of the MLC and all its administered Boards.

1.4 In order to reduce the cost to the Board and focus limited resources on delivery rather than reporting, the Board has previously resolved to not have a detailed planning report as part of the Consulting

Engineer's report. However, this may have governance related implications and does place a burden on the Board's Officers and/or the Clerk's representative attending the Board Meeting.

- 1.5 The MLC intend to refresh the services provided to IDBs by developing a service catalogue that will clarify the full range of services that are offered, along with associated terms and conditions and fee arrangements. This is expected to be developed over the next 12-18 months. Boards will be offered the opportunity to engage in this process to help define the final service offer.

2. Chief Engineer's summary

- 2.1 The new process for delivering grant-aided schemes is now in progress. As more grant-aided projects come online, the MLC engineers' workload will need to be balanced with additional resources. We are using a number of different external consultants and will be monitoring their performance, using this to inform our future delivery model. The Board is reminded that should it wish to progress any capital schemes that grant-in-aid may be available and any future proposals should be included in the forward capital forecasts provided to the Environment Agency.

- 2.2 Recent storms (Babet and Henk) may have provided a good opportunity to collect additional data about how the catchment responds to rainfall, however resources are always stretched during an event. We will be able to use telemetry data where it exists, but we encourage the Board members to gather evidence in the form of photos or water level marks (where it is safe to do so), and any other information about the system during an event, which will be useful in supporting any grant-in-aid applications for future works.

- 2.3 Fens Reservoir

Anglian Water's Fens Reservoir development work is moving fast. The Middle Level System has a significant role to play in enabling its delivery, with benefits to all parties; there are potentially significant improvements and financial benefit opportunities to secure. It is imperative that MLC staff continue to be closely involved in consultation with Anglian Water's various design and assessment teams to ensure that the Reservoir does not have any adverse impacts on the Middle Level System and our ability to continue to manage water for the IDB districts. Therefore, it is likely that MLC staff may be required to join meetings with the Anglian Water team at short notice and this may briefly affect work we are delivering for the Boards. In this event, we will make any necessary arrangements to limit the impacts this may have.

- 2.4 M&E Resources

Our small M&E team is extremely stretched after the wet winter of 2023/24. It has taken some time to identify all the remedial works required to pumping stations across the Middle Level. These works are in addition to our regular inspection and maintenance programme. We have prioritised remedial works and will deliver those most critical to get through next winter. This work is becoming more and more complex due to ageing and deteriorating assets, changes in regulations and the standards needed to achieve compliance. We need to expand our M&E team in order to continue to provide a suitable standard of service to IDBs. Our focus this summer is therefore on ensuring that St Germans and Bevills Leam pumping stations are adequately maintained, and that critical works are delivered for IDB stations. Some routine works will be paused (e.g. routine inspections) until we have the capacity in the team to resume.

Regular checking of pumps and running for a short period of time by pump attendants/district officers is vitally important and any issues should be reported so they can be added to the remedials list.

3. Technical Services

3.1 High Rainfall Event

Following further consideration of the initial description the following designations have been developed:

- A. Business as usual - Areas where there are no known problems that cannot be solved through the Board's "day-to-day activities".
- B. Areas of concern - An area subject to flooding which is unlikely to be solved through the Board's "day-to-day activities" and may require protection, intervention and/or investment by the relevant RMA(s).
- C. Acute drainage areas – A geographical area with multiple or interlinked sources of flood risk where there is a need for a higher standard of water level management than normal to ensure that any new development will not increase flood risk that affects people, properties and local infrastructure and may require protection, intervention and/or investment by the relevant RMA(s).

Neither items B nor C are the same as a "critical drainage area" which has a specific meaning in flood risk terms i.e., "A Critical Drainage Area (CDA) is an area that has critical drainage problems and which has been notified to the local planning authority as such by the Environment Agency in line with the National Planning Policy Framework (NPPF)."

3.2 Cambridgeshire Flood Risk Programme

The County Council's Flood and Water team are currently in the process of developing a programme of flood risk schemes/works across sixteen locations in Cambridgeshire, which are identified in the Local Flood Risk Management Strategy as key areas requiring further investigation. To undertake this piece of work the Council has commissioned AtkinsRéalis (SNC-Lavalin Atkins), a multi-disciplinary consultant that provides the County Council's Highways Management Services, who are currently working on the first phase which includes:

- A review of existing information at each of the locations
- Site walkovers
- Gap analysis
- Survey scoping
- Stakeholder analysis
- Concept solution identification

As key partners, the MLC Planning Engineer, together with representatives from other RMA, attended a workshop before Christmas to identify and discuss any ongoing flood management projects that are being progressed, aspirations and needs for each area, opportunities for partnership working, option constraints, relevant data and general receptiveness to solutions within the areas.

3.3 Summary of Key Planning Issues

3.3.1 ***New developments and the use of SuDS***

As discussed in the last Meeting Report it is considered from the adverse weather conditions experienced within the last few years that there is sufficient evidence to prove that current surface water design practices are not changing quickly enough and/or do not allow for exceptional weather conditions, such as that experienced in recent years – long periods of wet weather resulting in a high ground water table such as that experienced prior to the December 2020 event; storms experienced

featuring several intense back-to-back storms together with periods of wet weather between October 2023 – March 2024; Storm Babet (October 2023) and Henk (January 2024).

In addition, current design does not allow for the complex network of water level and flood risk management systems within the Fens particularly when they are “at capacity” during October to April and/or where flows can become “locked” due to high water levels taking many days to return to a “normal” level.

Therefore, consideration is being given to requiring designs to:

1. Incorporate a higher Standard of Protection (SoP), possibly up to 0.5% AEP (1 in 200 year) event,
2. Include a greater allowance for Climate Change, in excess of 40%,
3. Consider the consequences and impacts of back-to-back storms,
4. Consider the timing of the discharge to minimise any adverse impacts on the receiving system,
5. Be able to “store” water on site for several days until the peak flows have passed,
6. Use complex controls to enable the most suitable means and time of the discharge.

Several other Boards have raised concerns about the installation and efficiency of SuDS facilities particularly in the longer term and the adverse impacts on their systems. Concerns include, the following:

1. The approval and supervision of the installation of SuDS with no post-construction review against their design and performance reviews through their lifecycle.
2. Long term appropriate maintenance and inspection is considered a deficiency and will, in time, result in higher run off rates being discharged into its system that may have a cumulative impact.
3. That despite the weather conditions being experienced recently many balancing ponds are either very full or empty. There have been several reports of ponds overtopping.
4. The cumulative impact of attenuating surface water from developments has been to elongate the duration that the system is under stress. This increases operational costs and could increase the risk of flooding.
5. The need to meet the greater expectations from residents, occupants, operators and promoters of development which requires more regular maintenance operations to alleviate flooding.

The introduction of Schedule 3 of the Flood and Water Management Act may assist in resolving some of the points raised above, particularly if the MLC represent the Board on the SuDS Approval Board (SAB), but the implementation of this has now been set back further, until the end of the year at the earliest.

The above matter was briefly discussed at a C&P FloW Partnership meeting and other IDBs and Cambridge City Council raised similar concerns.

The Board’s views on this would be appreciated.

3.3.2 ***MLC001: Middle Level System Flood & Drainage Infrastructure Capacity***

This is directly relevant to the Boards that drain and/or pump into the MLC system and will be of interest to others.

As you will be aware, 2023/24 broke records for rainfall and the amount of water pumped at St Germans. Over 227,000 million litres of water were safely pumped into the Tidal Great Ouse that would have otherwise been flooding homes, land, businesses, roads and other critical infrastructure, significantly affecting other vital public services.

Our station worked in combination with over 70 smaller Internal Drainage Board stations, hundreds of kilometres of drains and raised embankments, to keep our Fens relatively dry and protect local communities and the economy from flooding. We are hoping for a drier 2024/25 but need to plan for this being the new normal. This winter really helped highlight the importance of, and also the weaknesses, in our infrastructure and operations.

Alongside this, and within the constraints of our limited staff capacity, we are improving how we engage as non-statutory consultees in the planning process. We want to provide planning authorities, developers and others with an earlier, much clearer stance from us, to inform plans strategically (e.g. within Local Plan development) and tactically (e.g. within individual planning applications).

With these factors in mind, we have published our first 'standing advice note' which is included in Appendix 6 and is available on our website <https://middlelevel.gov.uk/standing-advice-2/>. Standing Advice Note MLC001 effectively declares our flood and drainage infrastructure 'at capacity'. The intent is to develop and publish further notes over the coming months.

This note was issued to local Councils and the Environment Agency on Wednesday 8th May for them to consider within their decision making. Boards will need to appreciate and plan for the limitations within the MLC receiving system within their own pumping station improvement schemes.

Boards may choose to create, adopt and issue similar standing advice notes for their districts.

- 3.4 The MLC Planning Engineer is currently on indeterminate sick leave and there are no additional planning updates provided in this report.

4. Capital Programme

- 4.1 The Board's Capital Programme is shown as Appendix 1.

The programme has been updated with future costs for replacing the pumping station based on recent similar projects.

However, future needs will be dependent on whether the Fens Reservoir progresses.

- 4.2 In terms of FCRM Grant-in-Aid (FCRM GiA) from the Environment Agency, there is an allocation to deliver critical improvements to the pumping station. An appraisal is needed to determine what works are required to keep the pumping station operational for the duration of the current Tactical Plan i.e. until 2032 (which informs grant funding needs) and/or until such time as the Fens Reservoir plans are finalised and implemented. An Outline Business Case must be prepared to release the grant funding. Preparation of the OBC is not funded by GiA.

Improvement works are currently programmed for delivery in 2025 once the OBC has been assured by the EA.

The Board is asked to approve its Capital Programme including expenditure to complete an Outline Business Case to support the grant-in-aid application.

A Project Initiation Form (PIF) is included in Appendix 5.

The Board is asked to approve the PIF.

Author Name: Nicola Oldfield

Role: Chief Engineer

Appendix 1: Capital Programme

Appendix 2: List of applications since last meeting

Appendix 3: Operational Services Report

Appendix 4: M&E Report

Appendix 5: Project Initiation Form (PIF)

Appendix 6: MLC001: Middle Level System Flood & Drainage Infrastructure Capacity

Appendix 1

Nightlayers Internal Drainage Board															
Capital Improvement Programme (2024/2025)		PREVIOUS YEARS	2023/24	2024/25	2025/26	2026/27	2027/28	2028/29	2029/30	2030/31	2031/32	2032/33	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	
Nightlayers 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	5,000.0	5000.0	
	Pumping station pumping and control equipment replacement	0	0	8.0	160.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	168.0	
	Pumping station automatic weedscreen cleaning equipmet	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 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	
	Telemetry	4.8	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	4.8	
	Pumping station compound/surrounds improvements	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															
		4.8	0	8	160	0	0	0	0	0	0	0	5,000	5,173	

Appendix 2

The following planning applications have been responded to since the last meeting:

MLC Ref.	Council Ref.	Applicant	Type of Development	Location
904	F/YR23/0293/O	Mr & Mrs Caffell	Residence	High Street, Chatteris
905	F/YR23/0304/AG1	Mr T Edgley	Agricultural (Erection of building)	Iretons Way, Chatteris
906	F/YR23/0349/VOC	Hallam Land Management Ltd & B S Pension Trustee Ltd	Mixed Use Development (Residential up to 1,000 dwellings, employment [B1, B2, & B8], Local Centre [A1, A2, A3, A4 & D1] and Primary School)	London Road, Chatteris
907	F/YR23/3072/COND	Mr E Bialobloki	Residential (Up to 3 dwellings)	Wiley Terrace, Doddington Road, Chatteris
908	F/YR23/0510/F	Mr L Wallman	Residence (Extension)	St Pauls Drive, Chatteris
909	F/YR23/0501/F	Mr Clifford	Conversion (Commercial to residential use)	West Park Street, Chatteris
910	F/YR23/0517/O	JMC Construction Ltd	Residential (Up to 9 dwellings)	Bridge Street, Chatteris
911	F/YR23/0613/O	Mr I Towler	Care Home	Iretons Way, Chatteris
912	F/YR23/0621/F	TPW Developments Ltd	Residence	Church Lane facing Church Walk, Chatteris
913	F/YR23/0656/F	CityFibre	Telecommunications (Erection and siting of fibre exchange including meter cabinet, generator, fibre cabin and 2.4 high (max) palisade fence and gates)	Fenton Way, Chatteris
914	F/YR23/0660/RM	Mr C Horrocks	Residence (Plot 1 only including the temporary siting of a caravan, container and welfare unit during construction)	Wiley Terrace, Doddington Road, Chatteris
915	F/YR23/0674/F	Mr A Sparks	Change of use (Retail/dwelling to 4 flats)	High Street, Chatteris
916	F/YR23/0699/F	Mr & Mrs T Calvert	Residence (Extension)	New Road, Chatteris
917	F/YR23/0697/F	Abbeymill Homes	Residential (152 dwellings)	The Elms, Chatteris
918	F/YR23/0730/O	Mr & Mrs Guyy	Residential (Up to 6 dwellings)	Doddington Road, Chatteris
919	F/YR23/0762/F	Fenton Way Developments Ltd	Industrial (4 Buildings [B8 use] and formation of balancing pond)	Fenton Way, Chatteris
920	F/YR23/0871/F	Smith Percy Ltd	Residence	King Edward Road, Chatteris
921	F/YR23/0840/F	Mr G Standing	Residence (Extension)	Cygnets Drive, Chatteris
922	F/YR23/0826/F	Chatteris Museum	Storage building	Park Street, Chatteris
923	F/YR23/0948/F	Mr T Payne	Commercial (Hotel 10 bed annexe block)	High Street, Chatteris
924	F/YR23/0953/F	Mr & Mrs Osbourn	Residence (Extension)	Bridge Street, Chatteris
925	F/YR23/1016/O	Ms M Hobbs	Residence	Queensway, Chatteris
926	F/YR24/3009/COND	Floorspan Contracts Ltd	Industrial	Fenton Way, Chatteris

			(Office block and production sheds)	
927	F/YR24/0031/F	Mr & Mrs T Calvert	Residence (Extension)	New Road, Chatteris
928	F/YR24/3028/COND	Floorspan Contracts Ltd	Industrial (Office block and production sheds)	Fenton Way, Chatteris
929	F/YR24/3027/COND	Aerotron Composites Ltd	Industrial (Workshop/office)	Fenton Way, Chatteris
930	F/YR24/0279/F	Mr D Brooks	Residential (2 dwellings)	High Street (accessed via Ash Grove), Chatteris
931	F/YR24/0336/F	Mr M James	Equine (Static caravan for day room, formation of menage and training circle)	Doddington Road, Chatteris

The following applications for Byelaw Consent (to undertake works in and around watercourses) have been granted since the last meeting:

MLC Ref	Council Ref	Consent No	Applicant	Description of Works	Location	Date consent granted
511, 514, 841, 850, 886 & 926	F/YR22/0889 & F/YR/3009/COND	N/BC/16	Floorspan Contracts Ltd	The installation and removal of two sheet pile and earth dams at Point 6.	North of Chelmer Foods and east of Fenton Way, Chatteris	27/3/2024

The following applications for Byelaw Consent (to discharge to a watercourse) have been granted since the last meeting:

MLC Ref	Council Ref	Consent No	Applicant	Location	Date consent granted
AWSL + 333/PL/1081	F/YR18/0688/F	Ni/DC/10	Tesco Stores Ltd	Fenland Way, Chatteris	9/6/2023
862	F/YR21/1157/F	Ni/DC/11	Chatteris Town Council	Church Lane, Chatteris	2/8/2023
908	F/YR23/0510/F	Ni/DC/12	Mr L Wallman	St Pauls Drive, Chatteris	17/10/2023
AWSL + 350/PL/367 & 379	F/YR22/0939/FDC + F/YR23/0318/RM	Ni/DC/13	J A Investments (London) Ltd	Wood Street, Chatteris	17/10/2023

The following infiltration device applications have been acknowledged since the last meeting:

MLC Ref	Council Ref	Option 1 (Self-certification) or Option 2 (Checking Form)	Location	Date acknowledged
908	F/YR23/0510/F	Option 1	St Pauls Drive, Chatteris	30/6/2023
913	F/YR23/0656/F	Option 2	Fenton Way, Chatteris	28/11/2023
320/1/AWSL (350/PL/367 & 379)	F/YR23/0318/RM	Option 2	Wood Street, Chatteris	Refused 04/04/2024

Provided by the Middle Level Commissioners		Item No:	7
Meeting:	NIGHLAYERS IDB (Hereafter referred to as the Board)	Subject:	CONSULTING ENGINEERS REPORT: OPERATIONAL SERVICES
Date:	Tuesday 21st May 2024	Officer Responsible:	Morgan Lakey

5. **Weed Control & Drain Maintenance**

The maintenance works carried out last year generally accorded with the recommendations approved by the Board at its last annual meeting.

Following a significantly wet autumn/winter, the access road to the pumping station became increasingly waterlogged and difficult to use. In agreement with the Chairman aggregate was imported to resurface the road and provide all year round access to the pump.

A recent joint inspection of the Board's drains has been undertaken with the Chairman, revealing that most drains remain in a generally satisfactory condition and are being maintained to a good standard.



Improved access road to Pumping Station



Emergent aquatic vegetation, reach 26-27

As with most years, sporadic stands of reed and emergent aquatic vegetation are evident throughout the Board's Campole drains, reach 19-21-22-23-24-25-26-27. Historically this area has suffered from early season infestations of aquatic vegetation and it is recommended that the affected reaches are treated with an early application of Roundup herbicide and re-inspected pre-harvest to assess if a second application will be needed, followed by light machine cleansing post-harvest this year.

It was also noted several small areas of bank subsidence are evident along the Campole drain. It is recommended that replacement toe board and timber piling works be carried out to address the bank subsidence and channel narrowing, returning the bank to its original profile and ensuring the channel is kept clear for adequate water conveyance purposes. The location of the identified slips can be seen on the site plan at the end of Appendix 3. A provisional sum has been included within the estimated costs in anticipation of the Board's approval for the works to be completed.

At the Chairman's request, a provisional sum has been allocated within this year's estimated expenditure for any other emergency machine cleansing, Cott removal, culvert clearance or bank slip repair works that may be required within the Board's drains later in the year.



Bank Subsidence, Point 25

The Board's flail mowing contractors, Messrs Ashman, have indicated that they are available to undertake the Board's flail mowing requirements this year. A sum for the completion of flail mowing of Board's drains for the ensuing year has been included in the estimated costs.

6. **Estimated Costs of Anticipated Drain Maintenance and Weed Control Programme**

The recommended Weed Control and Drain maintenance programme is as follows, see following site plan for locations.

1) Roundup applications to control emergent aquatic weed and reed growth in District Drains	Item	Sum	1400.00	
2) Provisional Sum for revetment works	Item	Sum	7000.00	
3) <u>Machine Cleansing</u>				
Reaches 18-19-20	400m	@	1.20	480.00
Reaches 19-21-22-23-24-25-26-27	2500m	@	1.20	3000.00
4) Allow sum for emergency machine cleansing, Cott removal, culvert clearance works in Board’s Drains	Item	Sum	1750.00	
5) Flail mowing district drains	Item	Sum	3000.00	
6) Fees for inspection, preparation and Submission of report to the Board, Arrangement and supervision of herbicide Applications and maintenance works	Item	Sum	1000.00	
TOTAL			£17,630.00	

Orders for the application of herbicides by the Middle Level Commissioners are accepted on condition that they will not be held responsible for the failure or efficacy of any treatments.

Author Name: Morgan Lakey

Role: Assistant Operations Engineer

REPRODUCED FROM OR BASED UPON THE
ORDNANCE SURVEY MAPS WITH THE SANCTION
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RATEABLE AREA 687ha.



NIGHTLAYERS
PUMPING STATION

KEY

- RATEABLE BOUNDARY
- BOARD'S DRAINS/
DIRECTION OF FLOW
- HIGHLAND CATCHMENT
- PUMPING STATION

KEY

- PROPOSED MACHINE CLEANSING WORKS 2024
- ▨ BANK SUBSIDENCE

NIGHTLAYERS I.D.B.

DRAIN MAINTENANCE WORKS 2024

April 2024

Scale 1:25000

Provided by the Middle Level Commissioners		Item No:	7
Meeting:	NIGHTLAYERS IDB (Hereafter referred to as the Board)	Subject:	CONSULTING ENGINEERS REPORT: MECHANICAL & ELECTRICAL
Date:	Tuesday 21st May 2024	Officer Responsible:	Dave Bantoft

1. M&E key messages and advice

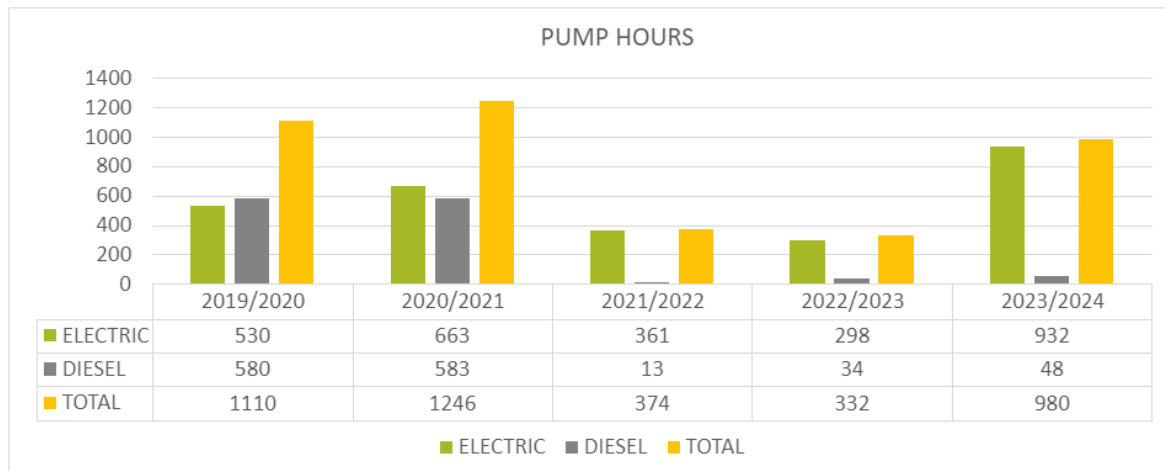
- 1.1 **There are several outstanding pumping plant issues that need to be investigated and then obtain quotes for repair. Please consider authorising a sub-committee to make decisions in relation to pumping plant repairs so that if any high-cost items are needed decisions can be made and parts ordered quickly without the need for a full Board meeting.**
- 1.2 The weed screen cleaner has been unreliable this season and needs improvement work this summer which is likely to cost in the region of £10-£15k.
- 1.3 The motor insulation resistance has dropped which needs investigating. It indicates water ingress to the motor unit of the pump so the pump may need to be overhauled or replaced.
- 1.4 As previously reported the electrical control panel requires replacement which could wait until the refurbishment of the station but may need some remedial works within that time.
- 1.5 Electricity Readings
Taking regular and accurate manual electricity meter readings is very important; even for sites with meters that are read remotely. There have been cases of significant variances between bills and actual usage, regular meter readings and pump hours readings are essential for verifying bills and forecasting usage. **This year we have been able to successfully challenge 93000 kWh of incorrectly invoiced electricity, this would not have been possible without the manual readings.**

Moving forward it is requested that the Pump Attendants/District Officers take electricity meter readings and pump run hours readings monthly (as close to the 1st of each month as they can) and then forward them onto the M&E Engineer on david.bantoft@middlelevel.gov.uk or 07768 026119.

If you are unable to provide readings, or would prefer, the MLC can take quarterly readings; these will be at a cost to the Board for the time and mileage involved. Please approve this if it is required. Approximate cost will be £60 per station per quarter.

2. Pumping summary

2.1 Pumping Hours



3. Inspections, maintenance and minor works

3.1 HSB Engineering annual inspections for insurance were carried out during September 2023.

3.2 The mandatory site Electrical Installation Condition Report has recently been completed.

Station	EICR Date	EICR Due
Nightlayers	23-Apr-2024	23-Apr-2029

4. Pumping Station Key Dates

4.1 Please review the pumping station key dates below, if there are any discrepancies or you can add any details, please let me know. The key dates are an important reference and will feed into the upcoming Key Health Indicators and District Studies.

	Station				Weedscreen			
Station	Built	Pump	Pump Overhaul	Controls	Bars	WSC	WSC O/H	Controls
Nightlayers	1952	1996	2012	1979	2010	1996	2012	1996

Author Name: Dave Bantoft

Role: M&E Engineer

Project Initiation Form

Board name	Nightlayers IDB
Project name	Nightlayers Pumping Station Refurbishment
Project no.	320
Doc Ref.	Project Delivery - Home (sharepoint.com)
Report/MA reference	Consulting Engineer report May 2022/May 2023/May 2024

Description of requirements

Project details			
Description of the problem			
Pumping Station refurbishment needed as the pump is over 25 years old and weedscreen controller unit needs to be replaced as the old one is unreliable. Board to consider plans to replace it within the next 5 years. The control panel enclosure for the electric pump dates back to 1979. Appraisal needed to determine what works are required to keep PS operational for the Tactical Plan duration i.e. until 2032 and/or until such time as the Fens Reservoir plans are finalised and implemented and develop an Outline Business Case to secure GiA. Anticipated OBC to sustain, start 2024. Anticipated works to be completed by 2026.			
Timescales/Priority		Urgent	
Dependencies			
The control panel enclosure for the electric pump dates back to 1979. The Board may want to consider upgrading the control panel which would cost in the region of £10,000. Grant-in-Aid application to include weedscreen overhaul/replacement and replacement of drive coupling (estimate £9k) (MA 26th May 2022).			
Constraints			
Development Proposed Fens Reservoir infrastructure			
Governance and key contacts			
Delegated Board Members		A Edgely (Chair), S Edgely (Vice Chair)	
Date of delegation		23 May 2023	
MLC Engineer		Tom Pollendine	
Reporting requirements			
Frequency of reports		[e.g. monthly update to the Chairman]	
Process		[e.g. By phone/email/Highlight Report]	
Tolerances		[e.g. notify key contact if cost increases by 20%/delay of 6 months]	
Benefits and funding [To be inserted by Consulting Engineer]			
Budget estimate		£8k for OBC; works £160,000 plus contingency (£460k grant-eligible) PF score 180%	
Anticipated Outcome Measures (OM2)		8	Potential GiA (%) 180%
Funding source		IDB/GiA	

Approvals

No work is to proceed until the Chief Engineer has confirmed availability of resources/proposed timescales and Board approvals have been received below:

Name	Title	Signature	Date
	Delegated Board Member		
Nicola Oldfield	Chief Engineer		



**middle level
commissioners**

Proudly managing water levels in the Fens since 1862

Standing Advice Note MLC001:

Middle Level Flood and Drainage Infrastructure Capacity

Issued: 01 May 2024 (Version 1)

Key messages

- A. Our flood and drainage infrastructure should be considered as 'at capacity' during October to April.
- B. Unless there is a compelling exception case, we will not consent surface water discharges greater than greenfield run-off rate and/or any new water entering our catchment across a watershed.
- C. We consider that the cumulative impact of attenuating surface water from developments and timing of discharges has been to elongate the duration that our system is under stress. This increases our operational costs and could increase the risk of flooding.
- D. We are concerned that there is seemingly no post-construction review of SuDS against their design and performance reviews through their lifecycle. Therefore, even well-designed SuDS may not be performing as expected/consented and there may be a cumulative impact of this across our catchment. Long term appropriate maintenance and inspection is considered a deficiency.
- E. The opportunity to release stored water into our system during May to September should be actively explored within strategic flood risk assessments, development masterplans and local flood risk management strategies and in consultation with our engineers.
- F. In considering and granting planning permission, Local Planning Authorities need to understand, consider and acknowledge the impact of new development upon their special levy and future funding requests under [Defra's Partnership Funding](#) policy. It should be noted that under this policy housing built or converted after January 2012 is not included within FCRM government grant-in-aid calculations.
- G. Prior to granting outline planning permission, Local Planning Authorities must consider whether any proposed Biodiversity Net Gain provisions will be compatible with the flood risk management activities undertaken by MLC and other IDBs, for the full 30-year registration period. If this is not known, the LPA should seek advice from MLC prior to granting outline planning permission.
- H. In considering and granting planning permission, Local Planning Authorities ought to secure funding from developers towards future capital investment in our water management infrastructure.
- I. The Environment Agency needs to understand, consider and acknowledge the impact of new development and sub-optimal SuDS upon the Highland Water claims from the Middle Level Commissioners.
- J. As statutory consultees and fellow Risk Management Authorities under the Flood & Water Management Act, Lead Local Flood Authorities and the Environment Agency need to consider and reflect this advice within their responses to Local Planning Authorities so as not to increase flood risk within the Middle Level.
- K. Developers and Local Planning Authorities ought to consider the adoption of measures such as rainwater harvesting and re-use to avoid as much water as possible from entering the drainage network.

- L. When considering abstraction licences for unrestricted winter fill applications from irrigators within the Middle Level catchment, the Environment Agency should take account of the potential benefit to the capacity of the system, operational costs, Highland Water costs and their responsibility to reduce flood risk within their determinations.
- M. In addressing historic mis-connections to the foul sewer network and within changes to discharges of treated effluent water, Anglian Water and Local Authorities need to appreciate the potential impact on the surface water drainage network and receiving system.
- N. Internal Drainage Boards within the Middle Level catchment may wish to consider adopting similar Standing Advice. They also need to appreciate and plan for the limitations in the capacity of the MLC system with their own pumping station improvement schemes.

Advice Primarily For:

- Local Planning Authorities (LPAs): Fenland District Council, Huntingdonshire District Council, King's Lynn & West Norfolk Borough Council, Peterborough City Council
- Lead Local Flood Authorities (LLFAs): Peterborough City Council, Cambridgeshire County Council, Norfolk County Council
- Minerals & Waste Planning Authorities; Peterborough City Council, Norfolk County Council, Cambridgeshire County Council
- Highways Authorities: National Highways, Peterborough City Council, Norfolk County Council, Cambridgeshire County Council
- Environment Agency
- Developers
- Internal Drainage Boards within the Middle Level catchment area
- Anglian Water

About us:

The Middle Level Commissioners are a public authority comprising agricultural ratepayers (those rated on >100 acres of land) who benefit from drainage services provided by their watercourses and assets.

The Commissioners elect a Board and, via an Executive Committee, appoint a Chief Executive who leads a staffing structure to deliver their various statutory duties and responsibilities.

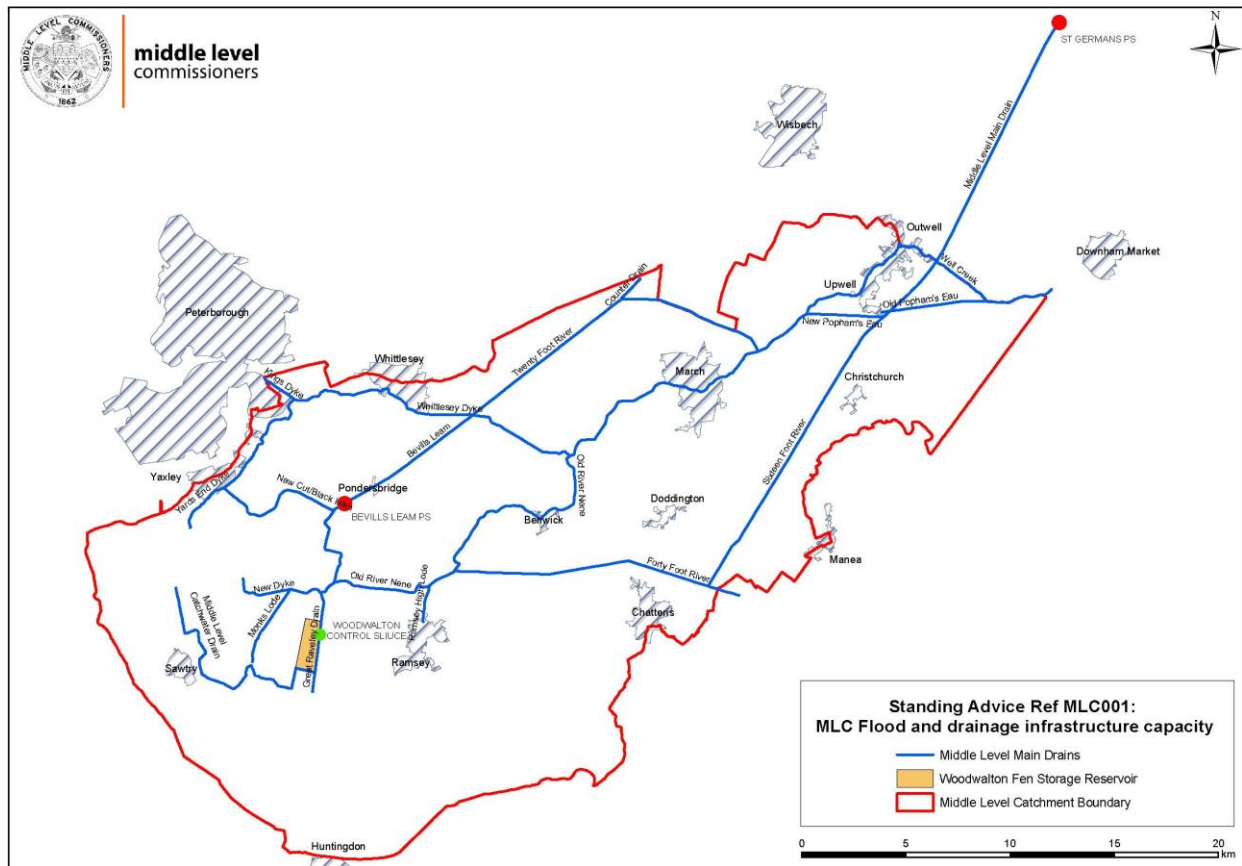
The Commissioners are, for all intents and purposes, an Internal Drainage Board (IDB) and therefore a Risk Management Authority under the Flood & Water Management Act 2010 and we have a duty to enhance the environment under the Environment Act 2021. The Commissioners also have duties and powers under bespoke Acts of Parliament, most notable of these is our role as the fourth largest Navigation Authority in England. We also provide a summer water transfer service, with legacy rights to import water into our catchment from the River Nene.

We are not statutory consultees in the Town & Country Planning Act process, however paragraph 166 of the [National Planning Policy Framework](#) advises that strategic policies "should take account of advice from the Environment Agency and other relevant flood risk management authorities, such as lead local flood authorities and internal drainage boards.". Independent from the planning process, developers are likely to need consent from us and/or an Internal Drainage Board under the Land Drainage Act 1991 and/or Byelaws.

We only have a technical team of 2.5 staff inputting and responding as a non-statutory consultee into planning applications and consent determinations on behalf of the Middle Level Commissioners and over thirty other Internal Drainage Boards in the area.

Geographical coverage:

The Middle Level catchment boundary plus areas where there is the potential through development to transfer water across the watershed into the Middle Level.



Our system:

We own and operate two major land drainage pumping stations. These work in combination with approximately 190km of waterways and 300km of raised embankments to convey excess water from, and provide flood resilience to, land, property and businesses within our 750km² catchment.

Whilst the Fens is known for being flat, the catchment's higher land towards and beyond the A1 is very responsive to rainfall and funnels water quickly into the lowest land in the country, below sea level. We provide the second tier of drainage along with 25 Internal Drainage Boards and a handful of private districts either pumping or gravity draining into our system. We have no operational control over the 70+ pumping stations that add water into our system. Within the Middle Level 61% of the catchment is pumped twice, 19% is pumped three times and 15% is pumped once.

Our booster station at Bevills Leam elevates and transfers water from the lowest land in the country (we call this our Bevills Pond) into the main Middle Level drainage system (we call this our St Germans Pond). Bevills Leam Pumping Station was constructed in the 1980s and requires major refurbishment in the coming years.

Our pumping station at Wiggshall St Germans is the largest land drainage pumping station in the UK. It came online in 2010 and is the only outfall from our system, pumping excess water from the whole catchment into the Great Ouse Tidal River. It has an 80-year design life.

The biggest operational challenge we have in times of flood concern is the ability to get vast amounts of water through Bevills Leam Pumping Station and then through the main system (high level carriers and embanked watercourses) to St Germans. Both Stations need to pump early to lower water levels, creating a 'hole' which then draws water to them, given the fact there is no fall/gradient in their respective ponds.

Our system is effectively a giant bowl, with the Bevills Pond being a bowl within that giant bowl. The Bevills Pond is a greater concern in terms of capacity than the St Germans Pond and is considered particularly vulnerable to intense, repeat and elongated rainfall and run-off.

The standard of protection the system provides to local communities, businesses and agricultural land was last assessed prior to 2020. A strategic assessment recommended significant, complex and costly bank raising and desilting works to return the capacity of our system to a 1.51% (or 1 in 66 year) annual exceedance probability for a 15-year design life until the next major intervention will be required.

Will there be future increases in the capacity of our system?

This cannot be, and is not, guaranteed. The current management approach across the Great Ouse Fens is to sustain infrastructure standards of service until a longer-term strategic plan is developed. It should be noted that sustaining standards of service does not keep pace with the impacts of climate change on the standards of protection our infrastructure provides.

We are working with the Environment Agency as part of Fens 2100+. This is a £9.8m programme to develop a Fens-wide flood resilience investment strategy that achieves long-term value for money and generates regional and national benefits. It's being developed with, and for, Flood Risk Management Authorities so they can plan for the next 20-25 years of flood risk management.

Nicola Oldfield
Chief Engineer, [Middle Level Commissioners](mailto:chiefofficers@middlelevel.gov.uk)
chiefofficers@middlelevel.gov.uk

1 May 2024



Site Safety Inspection Record

Nightlayers IDB SSI 170124

Complete

Name of organisation:	Nightlayers Internal Drainage Board
Date of site visit	17.01.2024 12:00 GMT
Address of inspected premises	Nightlayers Pumping Station.
Name of Advisor	Simon Cross
Time of arrival at site:	17.01.2024 11:45 GMT
Audit Name	Nightlayers IDB SSI 170124

Audit

An opening meeting was held with

A. Edgeley

1

Introduction. During the visit the opportunity was taken to discuss previous observations and progress made on recommendations. It was reported that there were no issues or concerns raised by yourselves.

2

Fire Extinguisher. It was noted that the replacement dry powder fire extinguisher was still awaiting the installation of a wall bracket and signage, this should be completed. In addition, it was observed that it did not appear to have been maintained since Mar 2021, as indicated by the label affixed. It is recommended that the fire extinguisher is kept in a serviceable condition, this can be achieved by arranging for periodic service and maintenance, such as annually, by a competent person. It is also recommended that the old extinguisher is removed and disposed of appropriately.



Photo 1

3

Ladder / step ladder. It was noted that a wooden ladder and wooden folding stepladders were still stored within the pumping station, although it was reported that they are unlikely to be used as not required. If either are intended for use, they should only be for infrequent, short duration, non-routine tasks and they should be visually checked for defects prior to use. Use should only be by those suitably trained for work at height.

If they are no longer in use, then it is recommended that they are removed from site.

4

Lifting equipment. Overhead lifting equipment, chains and hook are provided for potential use to lift the pump or other machinery, although anticipated to be extremely infrequent. It was unclear if this equipment had been inspected by a competent person, in accordance with the Lifting Operations and Lifting Equipment Regulations (LOLER) 1998, as has been done at other pumping stations with similar equipment, understood to be by Middle Level Commissioners. It is recommended that if not, this should be arranged if it is likely to be used again. The alternative could be to remove it, decommission or secure appropriately to prevent its use and then recommission and inspect should it be required in the future.



Photo 2

5

Signage. Previous recommendations had been made regarding the replacement of faded or illegible hazard warning signage at the pumping station, e.g. electrical hazard and automated machinery operating without warning. Most other IDB sites have been provided with replacement signage for automatic machinery. In order to provide a consistent standard of signage at each of the pumping station sites, it is recommended that signage is displayed on the site access gate(s) or perimeter fencing where provided, or pumping station

building that has the following information:

- Pumping Station Name.
- IDB Name.
- Location details, eg. Grid ref, 'What Three Words'
- Contact details for emergency (e.g. name, phone number, email).
- Hazard warning pictograms relevant to the site, e.g electric shock, automatic machinery, deep water or fall from edge, no unauthorised entry, etc.

It was suggested that Middle Level Commissioners are contacted to facilitate this.

Photographic Risk Assessment

Advisor's signature



Simon Cross
17.01.2024 14:47 GMT

Departure time

17.01.2024 12:45 GMT

Photographic Risk Assessments closed out during the visit.

No PRAs

Number of outstanding Photographic Risk Assessments

0
From 0 to 99

Media summary



Photo 1



Photo 2

Provided by the Middle Level Commissioners		Item No:	10
Meeting:	NIGHTLAYERS INTERNAL DRAINAGE BOARD	Subject:	GOVERNANCE
Date:	Tuesday 21 st May 2024	Officer Responsible:	Paul Burrows

RECOMMENDATIONS

The Board is asked to:

- A. Consider and approve the Annual Accounts for the year ending 31st March 2023
- B. Note the continued appointment of Whittings as Internal Auditor.
- C. Review and approve the updated Risk Management Strategy.
- D. Review and approve the Financial Regulations & Financial Code.
- E. Highlight if there are any specific risks or issues not covered within its Risk Management Strategy that may need review ahead of the next formal update.
- F. Advise on any changes they wish to make to insured values.
- G. Note the system of financial Internal Controls that are in place and consider whether additional controls are required within the running and decision making of the Board.
- H. Exercise of Public Rights
- I. Consideration of potential litigation, liabilities, commitments
- J. Note the IDB1 return made on its behalf to Defra.
- K. Authorise the Chairman to sign the annual return for 2024.

1. Annual Governance & Accountability Return (AGAR) and Internal Auditor

- 1.1 The AGAR provides the framework by which the governance of the Board is assessed. The Board's last AGAR is available on its page via www.middlelevel.gov.uk
- 1.2 The Board/Commissioners to consider:
 - the comments of the auditors on the Annual Return for the year ended 31st March 2023. (Appendix 1)
 - the Audit Report of the Internal Auditor for the year ended 31st March 2023. (Appendix 2)
- 1.3 The Board are reminded that Whittings LLP were appointed as internal auditor for a five-year period commencing 1st April 2023 (financial years 2023/24 to 2027/28).
- 1.4 The Board is asked to act on the advice of the Auditor within its decision making.

2. Internal Controls

- 2.1 Within the financial operations at the Middle Level offices there are a series of controls in place to ensure the segregation of duties, so as far as practical within a small workforce, that no one person has control of a single operation from start to finish. The [Internal Controls](#) are available via the website within the 'Governance' section on the Board's page.
- 2.2 Note the Financial Code for the Board is included within its 'Governance Documents' also available on its page via www.middlelevel.gov.uk
- 2.3 The Board needs to ensure there is adequate separation of duties within its running and decision making. Members are asked to refresh themselves as to the Member Code of Conduct (available within the Governance Documents on the Board's webpage) and ensure their declarations of interests are clear and up-to-date.

- 2.4 If a Board Member (or their business) undertakes contracted work (or bids for such work) for the Board it is recommended that they be excluded from any decision making as a matter of course and that appropriate contractual arrangements are in place.
- 2.5 If the Member also has a lead role for the Board (eg Chairman/Vice Chairman) then it is important that the Board puts in place safeguards to ensure a separation of duties, particularly being clear on who is acting as lead client for the contractor.

3. Risk Assessment and Insured Values

- 3.1 The Board's Risk Management Strategy has been recently updated and is available as Appendix 3. It is due for formal review and update in 2027. The Board are asked to review and approve the updated strategy.
- 3.2 The insured values for the Board's assets are detailed below:

<u>NIGHTLAYERS IDB</u>	
<u>INSURED VALUE OF FIXED ASSETS</u>	
<u>PUMPING STATION</u>	As At 1st April 2024
NIGHTLAYERS PUMPING STATION	1,498,155.00
	<u>1,498,155.00</u>

4. Financial Regulations & Code

- 4.1 To review and approve the Financial Regulations & Financial Code and to confirm the next review period (Appendix 4)

5. IDB1

- 5.1 The Board's IDB1 return to Defra for the year 2022/23 is included as Appendix 5.

6. Annual Governance Statement:

- 6.1 To review and complete the Annual Governance Statement for the year ended 31st March 2024. (Appendix 6)

7. Exercise of Public Rights

- 7.1 For completion of the Annual Governance Statement the Board is required to confirm that they provided proper opportunity during the year for the exercise of electors' rights in accordance with the requirements of the Accounts and Audit Regulations.
- 7.2 In order to warrant a positive response to this assertion the authority needs to have taken the following actions in respect of the previous annual return:

Exercise of Public Rights: The authority provided for the exercise of public rights set out in Sections 26 and 27 of the Local Audit and Accountability Act 2014. Part 5 of the Accounts and Audit Regulations 2015 requires the RFO to have published including on the authority's website or other website:

- Sections 1 and 2 of the annual return
- A declaration that the status of the statement of accounts is ‘unaudited;’ and
- A statement that sets out details of how public rights can be exercised, as set out in Regulation 15(2)(b), which includes the period for the exercise of public rights.

7.3 In addition, a notice of the conclusion of the external auditor’s limited assurance review of the annual return, together with relevant accompanying information, has been published in accordance with the requirements of Regulation 16 of the Accounts and Audit Regulations 2015. We also display the [‘Local Authority Accounts – A Summary of Your Rights’](#) with the notice.

7.4 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.

8. Consideration of potential litigation, liabilities, commitments:

8.1 The clerk to report.

Author Name: Paul Burrows

Role: Clerk

Appendix 1	Annual Governance & Accountability Return (AGAR) for the year ending 2023
Appendix 2	Internal Audit Report
Appendix 3	Risk Management Strategy 2024 – 2027
Appendix 4	Financial Regulations & Financial Code
Appendix 5	IDB1 2022/23
Appendix 6	Annual Governance Statement 2024

Nightlayers Internal Drainage Board

Notice of conclusion of the audit

Annual Governance & Accountability Return for the year ended 31st March 2023

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 Nightlayers Internal Drainage Board for the year ended 31st March 2023 has been completed and the accounts have been published.

2 The Annual Governance & Accountability Return is available for inspection by any local government elector of the area of Nightlayers Internal Drainage Board on application to:

The Clerk
Nightlayers Internal Drainage Board
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: P Burrows - Clerk to the Board

Date of Announcement: 25th August 2023

Annual Internal Audit Report 2022/23

NIGHTLAYERS INTERNAL DRAINAGE BOARD

WWW.MIDDLELEVEL.GOV.UK

During the financial year ended 31 March 2023, this authority's internal auditor acting independently and on the basis of an assessment of risk, carried out a selective assessment of compliance with the relevant procedures and controls in operation and obtained appropriate evidence from the authority.

The internal audit for 2022/23 has been carried out in accordance with this 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 authority.

Internal control objective	Yes	No*	Not covered**
A. Appropriate accounting records have been properly kept throughout the financial year.	☒	☐	☐
B. This authority complied with its financial regulations, payments were supported by invoices, all expenditure was approved and VAT was appropriately accounted for.	☒	☐	☐
C. This authority assessed the significant risks to achieving its objectives and reviewed the adequacy of arrangements to manage these.	☒	☐	☐
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.	☒	☐	☐
F. Petty cash payments were properly supported by receipts, all petty cash expenditure was approved and VAT appropriately accounted for.	☒	☐	☐
G. Salaries to employees and allowances to members were paid in accordance with this authority's approvals, and PAYE and NI requirements were properly applied.	☒	☐	☐
H. Asset and investments registers were complete and accurate and properly maintained.	☒	☐	☐
I. Periodic bank account reconciliations were properly carried out during the year.	☒	☐	☐
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. If the authority certified itself as exempt from a limited assurance review in 2021/22, it met the exemption criteria and correctly declared itself exempt. (If the authority had a limited assurance review of its 2021/22 AGAR tick "not covered")	☐	☐	☒
L. The authority published the required information on a website/webpage up to date at the time of the internal audit in accordance with the relevant legislation.	☒	☐	☐
M. In the year covered by this AGAR, the authority correctly provided for a period for the exercise of public rights as required by the Accounts and Audit Regulations (during the 2022-23 AGAR period, were public rights in relation to the 2021-22 AGAR evidenced by a notice on the website and/or authority approved minutes confirming the dates set).	☒	☐	☐
N. The authority has complied with the publication requirements for 2021/22 AGAR (see AGAR Page 1 Guidance Notes).	☒	☐	☐
O. (For local councils only) Trust funds (including charitable) – The council met its responsibilities as a trustee.	☒	☐	☐

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

Date(s) internal audit undertaken

Name of person who carried out the internal audit

28/05/2023 31/01/2023 01/06/2023

WHITING & LLP

Signature of person who carried out the internal audit

B. JERRY - WHITING & LLP

Date

01/06/2023

*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, the annual internal audit report must explain why not (add separate sheets if needed).

Section 1 – Annual Governance Statement 2022/23

We acknowledge as the members of:

NIGHTLAYERS INTERNAL DRAINAGE BOARD

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 2023, that:

	Agreed		Yes/No/Not 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.	✓		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.	✓		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 authority to conduct its business or manage its finances.	✓		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.	✓		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 authority and took appropriate steps to manage those risks, including the introduction of internal controls and/or external insurance cover where required.	✓		considered and documented the financial and other risks it faces and 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.	✓		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.	✓		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 authority and, where appropriate, have included them in the accounting statements.	✓		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	N/A
			has met all of its responsibilities where, as a body corporate, it is a sole managing trustee of a local trust or trusts.

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

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

23/05/2023

and recorded as minute reference:

B. 1219

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

Chairman

Clerk

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Section 2 – Accounting Statements 2022/23 for

NIGHTLAYERS INTERNAL DRAINAGE BOARD

	Year ending		Notes and guidance
	31 March 2022 £	31 March 2023 £	
1. Balances brought forward	210,508	208,089	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	24,733	32,300	Total amount of precept (or for IDBs rates and levies) received or receivable in the year. Exclude any grants received.
3. (+) Total other receipts	17,216	10,570	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 gross salaries and wages, employers NI contributions, employers pension contributions, gratuities and severance payments.
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	44,368	47,224	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	208,089	203,735	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	217,779	215,838	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	1,100,000	1,100,000	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).

For Local Councils Only	Yes	No	N/A	
11a. Disclosure note re Trust funds (including charitable)				The Council, as a body corporate, acts as sole trustee and is responsible for managing Trust funds or assets.
11b. Disclosure note re Trust funds (including charitable)				The figures in the accounting statements above do not include any Trust transactions.

I certify that for the year ended 31 March 2023 the Accounting Statements in this Annual Governance and Accountability Return have been prepared on either a receipts and payments or income and expenditure basis following the guidance in Governance and Accountability for Smaller Authorities – a Practitioners' Guide to Proper Practice and present fairly the financial position of this authority.

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

Date

29th April 2023

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

23/05/2023

as recorded in minute reference:

B.1221

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

A. E. E. E.

Section 3 – External Auditor's Report and Certificate 2022/23

In respect of

Nightlayers Internal Drainage Board – DB0059

1 Respective responsibilities of the auditor and the authority

Our responsibility as auditors to complete a **limited assurance review** is set out by the National Audit Office (NAO). A limited assurance review is **not a full statutory audit**, it does not constitute an audit carried out in accordance with International Standards on Auditing (UK & Ireland) and hence it **does not** provide the same level of assurance that such an audit would. The UK Government has determined that a lower level of assurance than that provided by a full statutory audit is appropriate for those local public bodies with the lowest levels of spending.

Under a limited assurance review, the auditor is responsible for reviewing Sections 1 and 2 of the Annual Governance and Accountability Return in accordance with NAO Auditor Guidance Note 02 (AGN 02) as issued by the NAO on behalf of the Comptroller and Auditor General. AGN 02 is available from the NAO website – <https://www.nao.org.uk/code-audit-practice/guidance-and-information-for-auditors/>

This authority is responsible for ensuring that its financial management is adequate and effective and that it has a sound system of internal control. The authority prepares an Annual Governance and Accountability Return in accordance with *Proper Practices* which:

- summarises the accounting records for the year ended 31 March 2023; and
- confirms and provides assurance on those matters that are relevant to our duties and responsibilities as external auditors.

2 External auditor's limited assurance opinion 2022/23

On the basis of our review of Sections 1 and 2 of the Annual Governance and Accountability Return (AGAR), in our opinion the information in Sections 1 and 2 of the AGAR is in accordance with *Proper Practices* and no other matters have come to our attention giving cause for concern that relevant legislation and regulatory requirements have not been met.

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

None.

3 External auditor certificate 2022/23

We certify that we have completed our review of Sections 1 and 2 of the Annual Governance and Accountability Return, and discharged our responsibilities under the Local Audit and Accountability Act 2014, for the year ended 31 March 2023.

External Auditor Name

PKF LITTLEJOHN LLP

External Auditor Signature

Date

21/08/2023



Fenland House, 15 B Hostmoor Avenue
 March, Cambridgeshire, PE15 0AX
 t: 01354 652304
 e: march@whitingsllp.co.uk
 w: whitingsllp.co.uk

BB/MM053

30 June 2023

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

Dear Messrs. P Burrows, R. Hill, and S Ablett,

MLC administered Internal Drainage Boards - Internal Audit 2022-2023

Having completed the internal audit work for the various Internal Drainage Boards administered by the Middle Level Commissioners officers for the year ended 31 March 2023, 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 related to specific boards.

General points

1. Asset Valuations and Insurances – mainly for residential properties

It is noted that, whilst a large proportion of boards took the option to revalue for insurance purposes their pumping station and residential assets during recent years, there are still some boards that have not followed suit. We have seen elsewhere that such revaluations have sometimes resulted in significant uplifts in value, and as such we would suggest that any remaining boards that have yet to carry out such an exercise do so at the earliest convenience. It should be noted that this is largely in relation to residential property. Should a complete rebuild following an unforeseen catastrophic event be required, current valuations may no longer be appropriate given today's prices which may lead to a shortfall in funds which would have to be drawn out of surplus funds if other financial arrangements were not available.

PARTNERS

James D. Cote FCA
 Christopher D. Siddons FCA
 Andrew P. Winward FCA

Ian G. C. Piper FCA
 Andrew R. Band FCA
 Tina J. Harris FCA

Keith J. Day FCA
 Amanda E. Newman FCA
 Paul M. Jefferson FCA

Jonathan P. Moore ACCA
 Nicholas Edgley CTA
 Stephen D. Mullin ACA

ASSOCIATES

Richard A. Alcock ATT
 Ben Goodrich ACA
 Scott R. Bishop FCA

Hannah R. Widley ACA
 Mike Blackledge CTA
 Jamie King ACA

PRACTICE MANAGER

Joan S. Frostick

Whitings LLP is a limited liability partnership registered in England and Wales, number OC431218. The above listed Partners and Whitings Capital Ltd are the members of Whitings LLP. The registered office is: Greenwood House, Greenwood Court, Skyline Way, Bury St Edmunds, Suffolk, IP12 7UY. Registered to undertake audit work in the UK; 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.

BURY ST EDMUNDS | ELY | KING'S LYNN | MARCH | MILDENHALL | PETERBOROUGH | RAMSEY | ST IVES | ST NEOTS | WISBECH

We would recommend that in the absence of specific information to the contrary suggesting need for earlier review, that a revaluation exercise be performed for insurance purposes at least every 5 years on all major board assets. This is especially important given the significant increase in material and labour costs seen in recent times as a result of rising inflation and global material shortages. However, we are pleased to note that boards are being asked whether they wish for insurance to be index linked going forward and would strong suggest that all boards agree to this proposal.

Client comment:

While we have put it to Boards to review pumping station valuations for insurance purposes, as separate statutory authorities it is up to each Board to review and approve what they consider to be an appropriate valuation and your point concerning possible under-insured amounts having to be funded directly by the Board following an event has been highlighted previously. We are recommending that Boards should look to index link valuations and we will be asking all Boards again to consider this at subsequent meetings, along with consideration of current valuations. Valuation of residential property is an area we have focussed on for the 2023 meetings.

A number of Boards have recognised the potential impact of increased costs on valuations and have taking steps to re-value, however, the consulting engineer is currently reviewing the methodology for valuation of pumping stations, to ensure there is a robust process, which will be then used going forward.

This is an area already programmed to be reviewed every five years and hopefully with indexing we may not require such individual valuations going forward.

2. Employee Benefits

In 2020 a high-level tax case was brought by HM Revenue & Customs against Coca-Cola European Partners Great Britain Limited relating to vehicles provided to employees of Coca Cola and whether these 'dual purpose' vehicles should be classed as a van or a car for benefit in-kind (BIK) and other taxation purposes. Typical example of such a vehicle being a double cab pickup as operated by some boards. The Court of Appeal ruled in favour of HMRC and, as a result HMRC are now reminding employers of the importance to ensure that they have classified their vehicles correctly and as a result we would advise that this matter is kept under review both now and into the future to mitigate the risk of an unexpected tax bill arising. We would advise that this is considered across all boards going forward if this is not being taken into account already.

With regards to other employee benefits, we note that where applicable these are being recognised as benefits in kind and disclosed on the P11d, we would encourage the value of these benefits to be reviewed on a regular basis to ensure that these are reflective of what the employee receives, especially where some boards providing the living accommodation to their employees.

Client comment:

We are aware of the case and potential implications to employees of classification of vehicles. Generally, we do not make changes concerning additional passenger/load capabilities to that of the original manufacturer's specification, which are relied upon alongside the HMRC guidance when designating vehicles for taxation/benefits in kind.

The benefit charge for living accommodation is calculated in accordance with HMRC recommended valuations. We are looking at payrolling any standard benefits but are currently unable to do this for accommodation and use of vehicles.

3. Provisions

We are pleased to note that, in the main; provisions for amounts owing to and owed from applicable boards, are being monitored and written back should the underlying potential asset/liability be extinguished. There are still odd cases where provisions are “brought forward and carried forward” that relate in excess of the standard life of debt, being 6 years. On review in some cases whilst the underlying rationale of these balances are reasonable, we would question whether payments could still be enforced if chased, aside from in relation to development contributions. As such we would encourage continued review of provisions as a whole, with special consideration being made to aged provisions that have existed for a number of years and ideally the rationale being documented in the accounts pack provided to us as part of the internal audit.

We would also recommend that any such old debts or provisions (apart from development contribution provisions), say over 3 years old, be presented at the board meeting annually and approved.

Client comment:

As part of the year end accounting procedures, provisions/balances are looked at on an individual basis and decisions made on relevance as to retain or to write back.

4. Budget figures

We note that budget figures are prepared annually in advance, but we note these are not updated in the late Autumn even when notable variances may have occurred for various factors. Whilst not necessary to do so for all boards, we suggest that Chairperson of each individual board be given the opportunity to request updated budgets after the half year point for the remainder of the year and distribute to board members if they feel it appropriate in light of any unforeseen significant variances arising.

The budgets that have been set for 2023/24 year may need to be increased throughout the year due to the significant cost increases that are largely as a result of the ongoing conflict between Russia and Ukraine.

Client comment:

As part of the finance regulations, we are required to carry out a budget monitoring exercise during the course of the year. For those Boards that have a relevant meeting, this is reviewed by the Board at their autumn/winter meeting. For all other Boards the monitoring exercise is completed as at the end of the calendar year, at this point the majority of the drain maintenance works have been completed, as would be any planned maintenance works at pumping stations. The expenditure to-date is then forecast to the end of the financial year and compared to the budget and initially sent to the chairman for review. Depending on the outcome of the monitoring exercise depends on whether it is considered appropriate to hold an emergency meeting. However, it is likely that if there were an extraordinary event the Board would be aware "in real time" and appropriate action taken at that point. It is not policy to update budgets depending on levels of expenditure but to use these as comparative to analyse variances of actual expenditure against.

5. Surplus Funds

It is noted a number of IDB's hold significant cash reserves, with inflation having peaked at a 40 year high within the last 12 months, all IDB's need to consider investing their surplus funds, in order to achieve greater return on public funds and to ensure value for money principles are observed and cash asset values are not eroded overtime. We appreciate that in recent years interest rates would have made such an exercise unfruitful when taking into account the associated admin cost involved in such an undertaking. We note that some of IDBs decided to switch from the business premium bank account to business current bank account, these accounts no longer earn interest but are free from bank charges and fees. However, with the Bank of England now increasing interest rates to combat rising inflation in the UK, we would advise that this is now an opportune time to conduct such an exercise.

Client comment:

A brief summary of treasury management:

There are 30 separate authorities administered through the Middle Level offices, all of which are required to maintain their own banking arrangements, we do look at bulk/group arrangements to do this and it is a requirement that all boards are treated the same. In the past it was found that there was a lot of staff time being spent in investment transfers and following discussions with the bank it was decided that for ease of operation all balances would be treated the same and the bank would offer a competitive interest rate and free banking. To do this all boards had a "client premium" account. This is the type of account operated by businesses looking after clients' money (solicitors etc). They are generally specific accounts in the name of the business but it is for "third party monies."

Our arrangement worked fine until the (first) crash around 2008 – at this time interest rates plummeted below our arrangement rate – specifically, under the terms of the arrangement we could have been required to pay the bank for looking after our money. The arrangement was changed to retain free banking, but as with all accounts interest was minimal.

During last financial year our bankers started taking more of an interest in the number of client premium accounts they had across the country and were surprised with the number held in March. The use of such accounts is for very specific purposes which we as an organisation do not qualify and alarm bells were ringing with the bank that they were operating outside of all banking standards/regulations. We were notified that as a result of this the accounts would need to be closed and other accounts opened. This would involve a basic current account and an interest bearing second account – transfers to be made between the two for cash flow purposes. We made the bank aware of our concerns about transferring accounts with regards to the payment of direct debits and the collection of rates by direct debit, payment by ratepayers etc for which our account details were with many suppliers/customers and we did not want to go down the route of having payments/receipts rejected and details having to be re-registered with all parties.

While this was being put in place we had a general increase in interest rates but as previously advised we now have started to rationalise the arrangements – there will be some fine tuning required but currently the process is a standard current account for normal payments/receipts and an interest-bearing account. Additionally, balances can be transferred for deposit/investment.

We are currently making treasury deposits for individual Boards but need to manage this with specific cash flow requirements while also making consideration to having balances available for potential event situations requiring immediate cash. We will be monitoring additional staff time required to manage this while discussing matters further with our bankers.

6. Rental of Land

It was previously noted that some IDB's were renting out land to tenants for less than market value and that this should be reviewed to ensure value for money principles were being applied.

We are happy to note that some IDB's have increased the rental values of land to market rates, although there are still some IDB's where the rental value is significantly below market value and we advise that the market values are increased for these boards to ensure value for money principles are applied going forwards.

Client comment:

Boards which have land holding for rent generally review rents in accordance with tenancy agreements and use local land agents for guidance. A number of Boards have small holdings of land which are let at reasonable rates with a view to keep the land tidy and in good order as they are not necessarily commercially viable. A number of Boards have slump land, which cannot be considered the same as general agricultural land for rental purposes. All Boards look to get the best rents available, but these are relevant to the size and type of land being let.

7. Financial Regulations

We noted that the last update and approve of Financial Regulations for all boards was in 2013 with the next review in 2023. However due the recent retirement of Chief Executive and the joint of new Chief Executive/Clerk in February 2023, the review of Financial Regulations has not been completed by the financial year under review. We have been informed that the new Chief Executive and Treasurer are aware of these requirements and the Financial Regulations are due to be updated by the end of this year, we look forward to reviewing this in due course.

Client comments:

There is a full review of the provision of clerking services and will be, as has been mentioned looking at reviewing these regulations towards the end of 2023 with a view to then having them updated by the Boards.

Specific Points

Conington & Holme IDB

We note that the pumping station owned by the board is insured at less than the latest revaluation amount, see below;

Insured value	610,000
Latest revaluation	685,630
Underinsured	75,630

We understand that the board took the conscious decision not to uplift the insurance value in line with the revaluation figure suggested by the engineer. As already highlighted above, should any significant event occur, such as a major fire, resulting in the need to reinstate the asset in full, the board run the risk of the shortfall which would require the use of surplus balances to cover the resulting deficit in funds. We would therefore strongly recommend that the board consider increasing the insured value to the revaluation figure.

Client comment:

For the 2023 meeting the Board approved an insured value of £701,500 and for this to be index linked.

Waldersey IDB and Hundred of Wisbech IDB – Joint Pumping Arrangement

As in previous years it is noted that there is a discrepancy between debtor held in Waldersey IDB and the creditor held in Hundred of Wisbech IDB.

Waldersey IDB – Debtor	£52,324.26
Hundred of Wisbech IDB - Creditor	£52,436.95
Difference	£112.69

We are pleased to note that this difference is insignificant for the current year. The difference arises due to the accounts of Hundred of Wisbech IDB being completed before Waldersey IDB, leading to a provision being required in the former's books in the absence of more accurate information being available. The difference is adjusted in the following year's Accounts for Hundred of Wisbech.

We note that there have been discussions to potentially amalgamate the two boards, this would eradicate the anomaly. However, in the absence of this, we suggest that meetings and account preparation periods be brought into line, if possible, to eradicate this issue.

Client comment:

These costs relate to the contribution for the costs of the shared pumping facility and at the time of production of the year end accounting statements discussions were taking place concerning potential changes to the contribution as a result of changes in land use. A new proposal had been put forward which was broadly approved by both Boards.

There are no current plans to change meeting dates so as one set of accounts is finalised before the other there is likely to remain creditor/debtor position in both sets of accounts although now that all older balances have been cleared, any in-year balance should be cleared, generally a year in arrears.

March East IDB

During our review it was noted that the onsite pumping station attendant's payments were not authorised during the year, the amounts charged by the attendant are similar to the rental costs charged to the individual for occupying residential property owned by the district. We understand that this arrangement has been agreed at board level to ensure that the individual is not financially penalised in carrying out their duties for the board. However, this treatment appears to be at odds with the amount charged being disproportionate when compared to other IDB's that we have audited. We would advise that these amounts most certainly should be authorised to ensure adequate controls are maintained over the purchase function and we would also question how HMRC would interpret the arrangement should they carry out any follow up review in the future.

Client comment:

Following a review in the previous financial year residential property rent was re-assessed in line with current guidance from HMRC. At the same time the value of the attendant's services was re-appraised. These reviews were approved by the Board. There were no changes proposed for 2022 so the original resolution remained unchanged. However, we agree with your comments and both areas will be considered annually as separate agenda items.

Hundred of Wisbech

During the course of our audit, we noted that the 2021/22 accounts and payment list had not been published on the website, we are pleased to note that following notification of this fact the accounts and payment list were promptly uploaded. We are satisfied that this is an isolated incident but would remind all boards of their obligation to comply with the requirements in this area and to ensure that all relevant documents are published in a timely manner.

We also notice that the statement of NS & I accounts shows the name and the address of old Chief Executive who is retired in February 2023. We understand that this matter will be brought to the attention of the board on the next general meeting to approve the changes in signatory.

Client comment:

Every effort is made to update the relevant pages of all authorities in an efficient and timely manner and in accordance with the regulations.

Your comment is noted and procedures are being amended concerning this for the future.

Ramsey First (Hollow) IDB

During our review it was noted that the actual wages increase of the employee during the year has exceeded the increase authorised by the board during the meeting. We understand that it was an isolated error and understand that this matter will be brought to the attention of the board during the next general meeting. The overall error is equal to 0.50% of the total expenditures and will be adjusted next year. We understand that the internal process is being reviewed and address to ensure that this scenario doesn't arise again in the future.

Client comment:

This administration error was reviewed by the Board at their 2023 meeting and the relevant adjustment is being made through the 2023 payroll process. We have looked at our internal processes and made appropriate adjustments to mitigate future risk.

March 3rd IDB

Whilst the board are using the budget setting process to determine the rates set on an annual basis, we note that the rates had been the same for the last 5 years. In a view of the capital improvement program – the plans for the pumping station replacement in 2026/27, the current rate of inflation and the fact that rates have been increased across other boards under the administration of the Middle Level Commissioners, we would recommend that the rates raised be reviewed and uplifted as necessary to take account of the factors outlined above.

Client comment:

The points raised are made to the Commissioners when setting the rate but there it is the appointed members who have been against rate increases, indicating that the council will address any shortfall in the following year should this be the case. This is a situation that has occurred on other Boards for the setting of the 2023/2024 rates and levies.

We take this opportunity to thank your staff involved in our audit for their assistance and cooperation in achieving substantial completion by the stated target deadlines. We trust that the engagement team have not caused significant disruption during the execution of their procedures.

Yours sincerely,

Whiting LLP

NIGHTLAYERS INTERNAL DRAINAGE BOARD

Administered by:



middle level
commissioners

Governance

Risk Management Strategy 2024 - 2027

This document replaces the Board's 2020 risk management documentation and outlines how Members, officers/employees and the Middle Level Commissioners staff govern the Board's risks.

Risk Management Principles

The five key principles from the UK Government's 'Orange Book' shall be used in a proportionate manner, recognising Internal Drainage Boards as small public authorities with limited resources.

- A. Risk management shall be an essential part of governance and leadership, and fundamental to how the organisation is directed, managed and controlled at all levels.
- B. Risk management shall be an integral part of all organisational activities to support decision-making in achieving objectives.
- C. Risk management shall be collaborative and informed by the best available information and expertise.
- D. Risk management processes shall be structured.
- E. Risk management shall be continually improved through learning and experience.

Risk Definition

A risk is the threat that an event or action will adversely affect the Board's ability to achieve its statutory responsibilities; remain viable and sustainable; deliver any wider objectives and; manage its reputation.

Risk is a function of the likelihood or probability of the event occurring versus the impact. A risk that materialises is no longer a risk, it is an issue.

Risk Categorisation

The Board will consider tactical risks and strategic risks that are within its control and/or influence to address.

Tactical risks will tend to be short term time horizon risks that are specific to the Board and within its control to address (ie it has the capacity, capability, finance, information, technology and responsibility).

Strategic risks will tend to be more generic to the local IDB community and potentially longer term in their time horizon. These are less likely to be within a single IDB's control to mitigate but will be within collective influence by IDBs working together and with other relevant authorities.

Risk (and Issue) Management Choices

The following four standard categories of risk response will be considered:

Terminate (heaviest strategy) - the risk will not be allowed to occur.

Treat - the risk may occur, but its impact or likelihood will be lessened through mitigating actions.

Transfer - the ownership of the risk will be formally moved to someone else not currently the risk. manager.
The new owner may decide to terminate, treat or tolerate the risk.

Tolerate (Lightest strategy) - the risk will be allowed to occur with little to no mitigating action.

Risk Management Approach

These are the actions and approaches the Board will take to managing its risks through the period 2024-2027.

- a) Receive papers and reports from MLC staff covering the topics Governance, Constitution & Membership, Finance, Environmental, Clerk's Report, Consulting Engineer (inc Operations, Capital Works and M&E) helping the Board identify and make choices around management of tactical and strategic risks.
- b) Receive papers and reports from the Board's District Officer(s), Health & Safety rep and others as appropriate to help the Board identify and make choices around management of tactical risks.
- c) Support the development and adoption of Key Health Indicators (KHIs) and Comparison Metrics across the portfolio of IDBs administered by MLC staff. These will be integrated into MLC staff authored papers and reports.
- d) The Chairman & Vice Chairman will actively engage with the MLC & IDB Chairs community and MLC Senior Officers to identify and mitigate generic tactical and strategic risks that impact multiple IDBs.
- e) Support the Middle Level Commissioners in managing its operational, environmental and asset management risks, including delivery of its capital programme, recognising the benefit to the IDBs within the MLC catchment.
- f) Empower and recognise that the MLC Senior Officers and staff engage in wider relationships, partnerships and strategic projects on their behalf to help identify and mitigate generic tactical and strategic risks. This includes Fens 2100+ and the Fens Reservoir programmes.
- g) Start to use language and terminology from this strategy at Board meetings within their consideration of risks.
- h) Adopt formal project risk management as part of any capital works projects led by MLC staff on behalf of the Board.
- i) Keep under review the need, benefit and cost of developing a formal risk assessment, risk register and risk response plan. It is currently not considered a proportionate approach.

Strategy published: January 2024

NIGHTLAYERS INTERNAL DRAINAGE BOARD**Financial Regulations****INDEX**

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A. INTRODUCTION

1. These Financial Regulations are designed to supplement the Board's Standing Orders and to ensure that the funds and assets of the Board are properly accounted for and controlled.
2. Any variation to these Regulations shall be made by a resolution of the Board.
3. The Clerk shall, where appropriate, prepare additional rules of procedure, supplementary to these Regulations, to ensure the maintenance of financial control and security.
4. The Clerk or such officer as shall be designated by him ("together referred to as "the Clerk") shall, together with the Board's Internal Auditor, be responsible for determining the format of the Board's accounting systems, annual Accounts and supporting records and shall ensure that the accounting systems determined by him are observed and that the accounts of the Board and supporting records are kept up to date.
5. The Clerk shall be responsible for maintaining an adequate and effective internal audit of the accounts of the Board in the manner he considers to be best.
6. The Clerk shall ensure that the Board's annual Accounts are prepared as soon as possible after 31st March in each year, and in accordance with the dates as set out in the Accounts and Audit Regulations 2003 (as amended).
7. "The Board" shall mean the Nightlayers Internal Drainage Board.

B. CONTRACTS

1. The Board shall determine the procedures to be employed in connection with the procurement of goods and services save that, if no procedures be specified, three (or more) written quotations shall be invited unless the obtaining of tenders is prescribed by the rules applicable to the particular procurement.
2. Tendering may be selective or open, although, whenever possible, selective tendering shall be used and tenders invited to seek to ensure that the required number of tenders are actually received.
3. Tenders shall be opened, not earlier than the closing date prescribed in the tender documents, in the presence of such person or persons as may be authorised by the Board. A declaration shall be signed to such effect by the persons present at the opening of the tender(s) and a report on the tenders received shall be made to the Board.
4. Where a tender is accepted other than the lowest, the approval of the Chairman of the Board, or of the Board itself shall be obtained.
5. In the case of a tender for rents or similar sums where these are to be paid to the Board, where a tender is accepted other than the highest, the approval of the Chairman of the Board, or of the Board itself shall be obtained.

C. RESPONSIBILITY OF OFFICERS

1. All employees, officers and members of the Board have a general responsibility for the security of the property of the Board, for the avoidance of loss and for economy, efficiency and effectiveness in the use of resources.

D. ESTIMATES

1. The Clerk shall be responsible for the preparation of annual Estimates.
2. The Estimates should be determined as at the commencement of each financial year – using the best information available.
3. The Estimates shall be approved by the Board each year in order that the rates and special levies can be determined at the appropriate time.
4. The Clerk shall be responsible for seeking reasons and causes for deviation from the Estimates and shall inform the Board of all material variances.

E. BANKING

1. The Clerk shall advise the Board's bankers in writing of the conditions under which each bank account (which account must be in the Board's name) shall be operated.
2. All payments other than those made from Petty Cash shall be made by either cheque, BACS, direct debit or internet banking or via the Board's Office Credit card.

The main bank accounts will be operated on the following basis:-

- a) Where payment is made by cheque:-

Current Account – All cheques will be signed by both an authorised officer and an authorised member.

Labour Account – All cheques will be signed by an authorised officer.

- b) Where payment is made by any other means the invoice will be authorised by a Board Member and payment made by an authorised officer.

3. Salaries and Wages will be paid by BACS and all BACS transactions will be authorised by the Clerk.
4. All bank transfers to non-Board bank accounts (save those solely made between inter office accounts which may be made by the Clerk) shall be authorised as in paragraph 2. of this Section.
5. The Clerk shall seek to ensure that the Board's bank accounts are managed so as to produce maximum benefits for the Board.

F. INCOME

1. An official receipt shall be made out for every sum received by the Board and must show:-
 - (a) Date of receipt
 - (b) Amount received
 - (c) Type of remittance
 - (d) Account Reference

Copies of all receipts raised shall be retained by the Board.

2. Board monies shall not be used for the encashment of private cheques.
3. All cheques, cash etc received shall be banked at least weekly. Disbursements shall not be made from cash received but from the Petty Cash float. Banking shall be daily when large sums are received which require this.
4. Keys to safes, cash boxes etc shall be carried only by those authorised to do so and shall only be used by or under the supervision of such persons.
5. The Clerk shall be responsible for ensuring that all monies received are properly brought to account in the Board's accounting records.
6. Any debts which the Clerk considers are not recoverable may be written off with the Board's approval unless they are considered not recoverable following legal advice when the Clerk in conjunction with the Chairman may authorise them to be written off.

G. PURCHASES OF GOODS AND SERVICES

1. Any goods and services for which provision is made in the Estimates may be purchased by an authorised employee, officer or member.
2. The purchase of any goods or services may be effected by an authorised employee, officer or member where they are of a type the authority to purchase which has been delegated to that employee, officer or member by the Board.
3. The purchase of any goods or services not referred to in paragraphs 1 or 2 of this Section may be authorised by the Chairman or District Officer where they are of a routine or recurring nature or form part of the Board's maintenance expenditure.
4. For all goods and services other than as provided for in this Section, the Board's approval shall be obtained prior to the purchase being effected.
5. The requirements under this Section may be dispensed with if the goods or services are required urgently such that it would not be feasible or practical to obtain the necessary approval. In such cases, the Chairman shall be authorised to effect the purchase in conjunction with the Clerk. Any purchase made under this paragraph shall be specifically reported to the Board at the earliest opportunity.
6. An official order shall be placed for all goods and services.
7. All invoices for payment shall be examined, coded and approved and shall be certified by the appropriate authorised employee, officer or member.
8. See Section B "Contracts" for further Financial Regulations in connection with the purchase of goods and services.

H. EMPLOYEES

1. The Board's approval shall be required for the employment of additional permanent employees.
2. The Chairman or District Officer shall have authority to employ additional temporary employees provided the revenue consequences are contained within the current annual Estimates.

3. All time records and other pay records shall be in a form approved by the Chairman or District Officer in conjunction with the Clerk and shall be certified and submitted in accordance with their instructions.
4. The Clerk shall be responsible for the proper compilation of the payroll and for the final determination of pay.

I. STORES

1. Stores records shall be in such a form and shall comply with such systems of control as the Chairman or District Officer shall in conjunction with the Clerk approve.
2. All goods received shall be checked as regards quantity and/or weight and inspected as to quality, condition and specification. A delivery note shall be obtained from the supplier, wherever possible, and signed by the person receiving the goods. No goods shall be signed for as “in good condition” or similar wording without being properly inspected. Therefore most goods delivered should be signed for as ‘received uninspected’.
3. All goods issued from stores shall be properly accounted for and recorded.
4. All breakages and losses of goods held in store shall be recorded and reported to the Board’s office in order that appropriate action can be taken.
5. There shall be a physical check of all items in store at least once a year and the stock taking records shall be signed by the responsible person(s).

J. ASSETS

1. All assets other than stores owned by the Board shall be accounted for in an asset register maintained by the Clerk. The asset register shall reflect additions and disposals of assets and record the cost or valuation of the assets.
2. From time to time as the Board deem appropriate the accuracy of the asset register shall be compared with a physical inspection of the Board’s assets.
3. The asset register shall be placed before the Board for inspection at the earliest opportunity following the completion of the annual Accounts.
4. Any sale of Board assets will be undertaken either through competitive Tender or in the manner approved of by the Board.
5. See Section B “Contracts” for further Financial Regulations in connection with Tenders.

K. AUDIT

1. As a requirement of the Accounts and Audit Regulations 2003 (as amended) the Clerk shall arrange for an internal audit of accounting, financial management and other operations of the Board to take place. This audit will be undertaken by an external person qualified to perform this function.
2. Authority of Internal Audit

Auditors are authorised to:

- (a) Access/enter at all reasonable times any Board premises or land
- (b) Have access to all assets, records, documents, minutes, correspondence and control systems relating to any aspect of the Board
- (c) Require and receive any information and explanation considered necessary concerning any matter under examination
- (d) Require any employee, officer or member of the Board to produce or account for cash, stores or any other Board asset under his or her control
- (e) Request access to records belonging to third parties, such as contractors
- (f) Have full and free access to all employees, officers, members and committees
- (g) Allocate resources, set frequencies, select subjects, determine scope of work, and apply the techniques required to accompany audit objectives

Auditors are not authorised to:

- (a) Perform any operational duties for the Board
- (b) Initiate or approve accounting transactions
- (c) Direct the activities of any Board employee, member or officer, except to the extent that such employee, member or officer has been appropriately assigned to assist the Internal Auditor.

3. In addition all employees, members or officers of the Board are required to assist the External Auditor, or his/her authorised representative, in the performance of his/her duties under the Audit Commission Act 1998.

L. FRAUD OR OTHER IRREGULARITIES

1. Any employee, officer or member concerned shall immediately notify the Clerk and/or the Internal Auditor in accordance with the Board's Fraud and Corruption Policy of any matter which involves, or is thought to involve, irregularities concerning cash, stores or other property of the Board or any suspected irregularity in the exercise of the functions of the Board.
2. Any financial irregularity involving an employee of the Board will be dealt with in accordance with the Disciplinary Procedure.

M. WRITE OFFS

1. In addition to the exercise of any powers under Section F above the Clerk shall have the authority to write off the following:-
 - (a) damaged or stolen goods for which it is not considered that the Board may make a valid insurance claim, where those goods do not form part of a stock account
 - (b) surplus goods and materials
 - (c) goods, vehicles or materials that are considered to have no material value due to deterioration or obsolescence.
2. The appropriate employees, members or officers shall inform the Clerk of any item under paragraph 1 of this Section that they consider should be written off together with:-
 - details of the item or debt to be written off
 - the circumstances necessitating the write off
 - the reasons why he/she considers that the debt is irrecoverable or that no proceeds on sale would accrue to the Board

3. Where any items to be written off do constitute part of a stock account, the procedures for recording the write off within the Board's accounts and the method of disposing of the goods shall be approved of by the Clerk. The Clerk shall then make the appropriate adjustments to the Board's accounting records.

N. SALARIES, WAGES AND PENSIONS

1. The payment of all salaries, wages, compensation and other emoluments to all present or former employees, members or officers shall be made by the Clerk or under arrangements controlled by him.
2. Each responsible employee, member or officer shall notify the Clerk immediately, and in the form prescribed by him, of all matters affecting such payments, and in particular:-
 - resignations, dismissals, suspensions, secondments and transfers
 - absences from duty for sickness, unpaid leave or other reason, but not normal leave
 - changes in remuneration, other than pay awards and agreements of general application
 - information necessary to maintain records of service for pensions, income tax, national insurance and the like
3. Unless determined otherwise by the Board, the Clerk shall be responsible for overseeing the private use of the Board's vehicles and shall be notified by the responsible employee, member or officer of any financial contributions in respect thereof, to be made by members, employees or officers.

O. BOARD EMPLOYEES etc

1. All members, officers and employees of the Board shall conduct themselves in a polite and courteous manner as expected by the Board.
2. Members, officers and employees must declare to an appropriate responsible officer any financial or other interest, which could conflict with the Board's interests.
3. It is a criminal offence for a member, an employee or an officer of the Board to receive or give any gift, loan, fee, reward or advantage for doing or not doing anything, or showing favour or disfavour, from or to any person, in their official capacity as such a Board member, employee or officer.
4. In terms of hospitality and gifts, only usable gifts of a small value may be accepted by individual staff or a section as a whole. Under no circumstances may cash be accepted as a gift.
5. Hospitality of a value greater than the value specified from time to time by the Board by resolution must be recorded in a Hospitality Book to be kept at the Board's offices.
6. Where an outside organisation is seeking to sponsor a Board activity (whether by invitation, tender, negotiation or voluntarily), the basic rules concerning acceptance of gifts and hospitality shall apply.

P. MEMBERS' AND EMPLOYEES' ALLOWANCES

1. All claims for payment of car allowances, subsistence allowances, travelling and any other incidental expense shall be submitted as required duly certified, in a form approved by the Clerk.
2. The certification by or on behalf of the responsible member, employee or officer shall imply that the certifying person is satisfied that the journeys were authorised, the expenses properly and necessarily incurred and that the allowances are properly payable by the Board.
3. An employee or officer shall not certify a claim form made payable to him/herself.
4. Payments to members, (including co-opted members of the Board or its Committees), who are entitled to claim travelling or other allowances will be made by the Clerk upon receipt of the completed prescribed form.
5. No member shall be allowed to claim an allowance or expenses from more than one body.

Q. INSURANCES

1. The Clerk shall, in consultation with the Board's insurance broker initiate all insurance cover and oversee the negotiation of all claims in consultation with other members, employees or officers where necessary or appropriate.
2. Responsible employees, officers or members shall promptly notify the Clerk of all new risks, properties or vehicles needing to be insured, and of any disposals or alterations affecting existing insurances.
3. Responsible employees, officers or members shall promptly notify the Clerk of any loss, liability or damage or any event likely to lead to a claim on any Board policy, and shall where appropriate notify the police of the relevant circumstances.
4. All appropriate employees of the Board shall be included in a suitable fidelity guarantee insurance.
5. The Clerk shall annually, or at such other period as he considers necessary, review all insurances held by the Board in consultation with such others as may be appropriate.
6. Responsible employees, members or officers shall consult the Clerk in respect of the terms of any indemnity which the Board is requested to give.
7. The responsible employee, member or officer shall inspect insurance policies of contractors who undertake works on behalf of the Board to ensure as far as possible that all necessary cover has been taken out.

R. SECURITY

1. Each responsible employee, member or officer is responsible for maintaining proper security at all times for all buildings, stores, plant, vehicles, equipment, cash, documents and information under his/her control. Each responsible person shall consult the Clerk in any case where security is thought to be defective or where it is considered that special security arrangements may be needed.

2. All members, employees and officers of the Board have a duty to comply with the requirements of the Data Protection Act 1998 and any amending legislation. Responsible officers shall ensure that members, employees and officers are aware of their responsibilities under this legislation through the provision of suitable training and the circulation of relevant information on the subject.
3. Keys to safes and similar receptacles are either to be carried on the person of those responsible or kept locked away in a safe and secure place at all times. A list of such key holders shall be supplied to the Clerk. Where keys are transferred, the new recipient assumes responsibility. The loss of any keys must be reported immediately to the Clerk.

S. PROTECTION OF PRIVATE PROPERTY

1. Each responsible employee, member or officer shall notify the Clerk of any case where steps are necessary to prevent or mitigate loss of or damage to moveable property.
2. The Board shall not be liable for accidental loss or damage to the personal possessions which members, employees or officers use whilst on Board business that are not included under the Board's insurance policies.
3. All recovered valuables such as jewellery, watches and other small items of a similar nature and documents of title shall be kept under safe custody as directed by the Clerk, and shall, if not claimed, be disposed of in a manner determined by him.
4. In the event of theft of personal items from employees, officers or members, a full report shall be made by the person affected as soon as the theft has been discovered. All such incidents shall be recorded and investigated and where appropriate reported to the Police. Where possible, the Clerk or responsible employee, officer or member shall make appropriate recommendations to improve security.

T. REVIEW

These Financial Regulations shall be reviewed at least every ten years by the Board.

NIGHTLAYERS INTERNAL DRAINAGE BOARD

FINANCIAL CODE

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P	REVIEW OF FINANCIAL CODE	9

A SUMMARY

1. This Financial Code supplements the Board's Financial Regulations, Standing Orders, Schedule of Reserved Matters and Scheme of Delegations to ensure that its resources are properly managed, accounted for and controlled. It should be read together with those Regulations, Orders, Schedule and Scheme together with any supplementary guidance produced by the Clerk in respect thereof.
2. The level at which decisions relating to the finances and functions of the Board are to be taken are as set out in the Schedule of Reserved Matters and the Scheme of Delegations
3. The Clerk shall be responsible for maintaining adequate and effective controls and procedures in the manner and format he/she considers to be best and shall where appropriate, prepare additional rules of procedure or guidance, supplementary to this Code.
4. The Clerk shall be responsible for setting up and maintaining the financial and management accounting/reporting systems, processes, procedures and coding lists. Such systems shall be properly documented and shall not be changed save by or with the approval of the Clerk. The Treasurer to the Middle Level Commissioners from time to time shall be the Board's Responsible Financial Officer, as defined in and for the purposes of the Accounts and Audit Regulations.
5. The Clerk shall be responsible to the Board for securing economy, efficiency and effectiveness in its use of resources and for ensuring that value for money is provided.
6. The Clerk shall ensure that the Board's Financial Statements for each Financial Year ending 31 March are prepared in accordance with any advice received from the Internal Auditor and with the provisions in force from time to time of the Accounts and Audit Regulations and the Financial Reporting Standard for Smaller Entities and, so far as may be appropriate, the Practitioners' Guide to the Preparation of Financial Statements for IDBs..
7. The Clerk shall ensure that the Board considers and approves its Financial Statements for a Financial Year in accordance with the provisions of the Accounts and Audit Regulations.
8. References in this Code to "the Clerk" shall be a reference to such officers of the Middle Level Commissioners as may from time to time undertake the relevant work or functions on behalf of the Board and references to "the Chairman" shall also include the Vice Chairman.

B SCHEME OF BUDGET DELEGATION

1. The Clerk shall be a budget holder and is responsible to the Board for the overall management of the Board's Finances, the Expenditure Estimates and all Budgets.
2. The Board's Consulting Engineer is responsible to the Board to the extent that he is so authorised by the Board and is allocated funds for the purpose for preparing and managing the Board's Capital Works Budget
3. The Board's Consulting Engineer and/or the Chairman and/or the District Officer are responsible to the Board to the extent that they are so authorised by the Board and are allocated funds for the purpose for preparing and managing the Board's Maintenance

Works Budget, the Plant/Labour Operating Accounts, the Plant Renewals Budget, the Stock Control Account and the Rechargeable Works Budget and any other matter in respect of which they are authorised under the Scheme of Delegations.

4. Other than as set out in the Scheme of Delegations or where authorised to do so by a resolution of the Board, no other person shall be empowered to enter into contracts on behalf of the Board unless authorised to do so by a budget holder. Nor shall any other person commit the Board to a particular course of action or provide an undertaking or assurance to any third party without the prior consent of the Clerk or of the Chairman.
5. No budget holder other than the Chairman shall procure goods and services, charge, allocate or otherwise commit expenditure against a budget that they have no budgetary responsibility for.
6. All correcting journal entries shall always be authorised and approved by the Clerk.
7. All employees and members have a responsibility for health and safety, compliance with policies, procedures and codes of practice, for the general security of the Board's property, and, for economy efficiency and effectiveness in the use of resources.
8. All members and employees shall familiarise themselves with and observe the Schedule of Reserved Matters, the Financial Regulations, the Scheme of Delegations and this Code.
9. Failure to comply with any aspect of this Code may result in disciplinary action being taken against the individual(s) concerned. Serious breaches by Board Members may result in action being taken against them, in accordance with the Members Code of Conduct.

C MANAGING BUDGETS & REPORTING

1. The Clerk shall be responsible for preparing the Board's Estimates/Budgets, for monitoring income and expenditure during the course of the year, for alerting the Chairman to any material variances, and, for providing budget holders with the financial information that they require and assisting them as necessary to enable them to properly prepare/manage their budgets. The Clerk shall further ensure that the Board are presented with and consider the proposed expenditure estimates in order that the Rates and Special Levies can be determined for each financial year in due time in accordance with the Land Drainage Act 1991 and it is the individual budget holder's responsibility to provide him/her with their detailed budgets and supporting information in order that this may be done.
2. Any drainage rate refunds due for whatever reason shall be approved by the Clerk prior to being paid or otherwise accounted for.
3. The Clerk shall be responsible for ensuring that the Drainage Rates and Special Levies are substantially collected by **1 November** each year. Outstanding Rates/Levies shall be pursued in a timely manner after that date.
4. The Clerk shall ensure that appropriate procedures are in place for alerting the Clerk immediately should a Local Authority fail to make their Special Levy payment at the agreed time, or where Drainage Rates are outstanding following reminder.

5. Every budget holder is responsible for seeking to ensure that actual expenditure on each of their budgets does not exceed the budget as approved and shall regularly monitor income/expenditure to this end. Budget holders shall whenever practicable get approval for material adverse variances to any of their budgets that are anticipated. Approval shall be sought in accordance with the Schedule of Reserved Matters and the Scheme of Delegations.
6. The Clerk may convene a meeting of the Board or a Committee. The Chairman or any 3 other Board members shall also have the power to convene such a meeting.
7. The Consulting Engineer shall prepare a Report for each Board meeting at which such items appear on the agenda detailing amongst other things the progress made on approved capital schemes in respect of which he has been instructed during the reporting period as compared to approved budgeted costs, and, when appropriate, will propose new capital schemes for consideration. Such Report will also detail any maintenance work which he has organised for the Board during the reporting period and the cost of such work.
8. The Clerk shall also prepare a Financial Report for each Board meeting and, shall prepare any other management accounting/financial report that may be required by the Board.

D PURCHASING GOODS & SERVICES (INCLUDING PLANT)

1. Unless otherwise authorised by the Board by resolution or required under the terms of any formal procedures relating to such work, budget holders shall always comply with the following procedures when procuring goods and services.

Quotations/Tenders will be sought as follows, other than in emergency situations where approved buying groups or approved contractors/consultants/suppliers for a particular area of work or expertise have been appointed or are used or where approved service level agreements are in force. These threshold amounts may be amended from time to time by resolution of the Board:

<u>Estimated Value of Goods/Services Quotes/ obtained</u>	<u>Quotation/Tenders to be</u>
<= £2,000	No quotations/tenders required
> £2,000 and <= £5,000	Obtain 1 written quotation
> £5,000	Obtain 3 quotations or 3 tenders
as	appropriate

2. The budget holder shall be responsible for ensuring that quotations or tenders are sought when required by the above table. Where it is not possible to get the required quotations or tenders, the Chairman's written approval must be obtained prior to awarding any contract.
3. Any approved contractors, consultants or suppliers list shall be maintained and kept up to date by the Clerk.
4. A budget holder must never agree to permit a third party to provide them with goods/services where tenders or quotations are required without obtaining a copy of their terms of business beforehand.

5. Budget holders shall fully comply with all competition law and the Bribery Act 2010 and shall so far as is reasonable, satisfy themselves as to the insurance policies of contractors, and their systems of work before awarding works contracts.
6. Budget holders shall not enter in to any contract that has been reserved to the Board or delegated to a Board Committee without obtaining the Clerk's approval beforehand. The Clerk shall not permit any budget holder to enter in to such a contract if he/she considers it to be inappropriate or that the required approval has not been given.
7. The relevant budget holder is responsible for ensuring that the procurement of all goods and services is authorised by the Board or in accordance with the Scheme of Delegations. All emergency work must be approved by the Chairman.
8. All procurement of goods and services shall be authorised by the signing and dating of an official purchase order or purchase instruction. On so authorising the procurement of goods or services the budget holder will have satisfied themselves that the Financial Regulations and this Code have been complied with and that any approval required by the Schedule of Reserved Matters and the Scheme of Delegations has been obtained. The Clerk shall be authorised to raise, sign and date a purchase order or purchase instruction where the procurement has been authorised by resolution of the Board.
9. The budget holder must never break down a job and string a number of purchase orders or authorisations together simply to avoid having to get 3 written quotations/tenders.
10. The following information must be clearly stated on each purchase order or instruction:
 - i. The name of the supplier.
 - ii. The agreed price of the goods/services required, other than in an emergency or where impractical to do so.
 - iii. The cost centres to which the item(s) will be allocated and thereby charged to.
 - iv. The Unique Order No as approved by the budget holder.
11. The Clerk shall ensure that procedures are in place for establishing when goods or services, have been charged, allocated or otherwise expenditure has been committed against an unauthorised budget.
12. All quotes/tenders, delivery notes, invoices for payment and credit notes shall be matched to the official purchase order or instruction, examined and coded before they are proposed for payment or set off. If the budget holder or the Clerk deems any invoice/credit note to be incorrect they shall not process such invoices/credit notes for payment or set off until satisfied that payment or set off is properly due. The quotes/tenders, purchase orders and delivery notes where required to be signed or where amended, shall all be filed together with the invoices/credit notes as otherwise directed by the Clerk
13. The Clerk shall ensure that all Invoices which have been approved for payment are duly scheduled for payment.
14. All Invoices shall be authorised by the Chairman and checked by the Clerk prior to making payment.

15. Where it is considered that there are valid reasons for departing from these procedures the approval of the Chairman shall be obtained. Any such departure shall be reported to the Board.

E BANK MANDATE AND INVESTMENTS

1. No changes shall be made to the Board's bankers or the bank mandate without the prior consent of the Board.
2. Approved signatories for the Board's bank accounts are as follows:
 1. The Chairman
 2. Such other member(s) as shall from time to time be authorised by the Board
 3. Such officers of the Middle Level Commissioners as shall from time to time be authorised by the Board
3. All cheque books, deposit books, banking cards and other documentation or materials relating to the Board's bank accounts shall be retained in the custody of the Clerk.
4. All payments, bank transfers and Investments shall be made in the most efficient/secure manner as determined from time to time by the Clerk
5. The Clerk shall maintain a Register of Passwords and Contact Details relating to financial transactions. All bank accounts shall be reconciled monthly and checked at regular intervals by separate officers of the Clerk.

F INVESTMENTS AND LOANS STRATEGY

1. All investments made by the Board are made within guidance received from CIPFA (Chartered Institute of Public Finance Accountants) Guidance for the Public Sector, and relevant legislation:
 - The Board's investment activities are limited by statute
 - The Board may invest in major Banks and Building Societies
 - The Board's investments are to be regarded as low/medium risk
 - The Board's investments must be made in the name of the Board and not any named individual
2. All investments shall be negotiated by the Clerk and reported to the Board. They must be for an appropriate period.
3. All borrowings shall be effected in the name of the Board and shall be from the Public Works Loans Board unless a short term or emergency loan is required.
4. No loans shall be taken out without a resolution of the Board.
5. All investment certificates and other documents relating thereto shall be retained in the custody of the Clerk.

G COLLECTING MONEY

1. The Clerk shall be responsible for ensuring that all monies received are properly recorded in the accounting records.
2. Electronic copies of all receipts issued shall be retained for at least six years.

H SUNDRY DEBTORS

1. Each budget holder shall be responsible for providing the Clerk with the necessary information to enable rechargeable work to be properly accounted for and invoiced, and, any other debts due to be properly invoiced. The budget holder shall advise the Clerk whenever an Invoice is to be raised for goods provided or services rendered, under their control.
2. The Clerk shall ensure that all such Invoices are properly raised as soon as practicable after being authorised.
3. The Clerk shall be responsible for ensuring that all other debts due to the Board are properly raised when required and collected promptly.
4. The Clerk shall be responsible for ensuring that the Board consider whether any rents payable to them should be reviewed by a Chartered Surveyor at least once every 5 years.
5. The Clerk shall calculate any claims for highland water payments from the Environment Agency and send such claims to the Agency by the dates specified by the Agency.
6. Any refunds due to debtors for whatever reason shall be approved by the Clerk prior to being paid or otherwise accounted for.
7. The Clerk shall ensure that procedures are in place for all debts to be substantially collected within 30 days from the Debtor Invoice tax point date and for when a debt becomes 3 months overdue or whenever a debt becomes doubtful or is disputed.
8. The Clerk shall be empowered to collect all sundry debts due.
9. The Clerk shall obtain the Board's approval for instigating legal proceedings to collect outstanding amounts in excess of the County Court Small Claims limit.

I EMPLOYING/MANAGING STAFF

1. The Chairman and/or the District Officer shall be responsible to the Board for all matters regarding any employees.
2. The Board's approval shall be required for the employment of additional permanent staff.
3. The Chairman and/or the District Officer shall have the authority to employ temporary staff and replace permanent staff provided the employment costs are contained within the Expenditure Estimates/Budgets approved by the Board and to take disciplinary action against (including the dismissal of) Board employees.
4. Subject to the above paragraphs and to the terms of any employee's contract, Board members shall not individually have the power to formally offer anyone any form of employment or to dismiss a Board employee, or otherwise take disciplinary action

against any of the Board's employees unless the Board has specifically authorised such action by resolution.

5. Board members other than the Chairman and the District Officer shall not individually give instructions to any of the Board's employees.
6. The Chairman and the District Officer shall be responsible for managing the day to day activities of employees and for determining the nature and extent of these activities.

J STOCK IN STORES/DELIVERED TO SITE

1. The Board's Consulting Engineer shall be responsible to the Board for all matters relating to the security of the stock in stores or delivered to site and for managing stock in and out in respect of any works which he is undertaking on behalf of the Board.
2. The responsible person regarding the physical check of and accounting for all other items in stock will be the Chairman or the District Officer.

K ASSET ACCOUNTING/MANAGEMENT

1. Any assets to be sold will be advertised in the appropriate media or by the method most appropriate for securing best value and will be sold for the highest offer unless they are being part-exchanged or traded-in when acquiring another asset, or otherwise sold for a budget price approved by the Board.
2. The Clerk shall be responsible for documenting and maintaining the records of the Board's Assets.

L AUDIT

1. As a requirement of the Accounts and Audit Regulations the Clerk shall ensure that the Board is presented with the Internal Auditor's Report each year.

M SALARIES AND WAGES

1. The Board shall where appropriate seek independent advice before making significant changes to terms and conditions of employment and, save where such changes are as a result of legislative change no changes shall be made to terms and conditions of employment (deliberately or otherwise) without the prior consent of the Board.
2. The Clerk shall be responsible for the proper compilation of the payroll(s) and for the final determination of pay, as approved by the Board.
3. All annual holiday entitlements (including any carried forward provisions) shall be agreed with the Chairman and/or the District Officer at the beginning of every financial year and signed off by him/her as such, in accordance with the Board's terms and conditions of employment.
4. All time-off in lieu, sick leave, working-from-home arrangements and other absences from work or the work place shall be approved in writing by the Chairman and/or the District Officer.
5. All proposed payments of salaries and wages shall be authorised by the Clerk prior to being made.

N INSURANCES

1. The Clerk shall be responsible for expeditiously submitting all insurance claims that the Board agrees should be pursued. The Board shall be responsible for providing the Clerk with all of the necessary information he/she deems necessary in order to successfully make an insurance claim.
2. The Chairman and/or the District Officer shall immediately notify the Clerk of any loss, liability or damage or any event likely to lead to a claim on any of the Board's insurance policies and shall where appropriate notify the police of the relevant circumstances.

O SECURITY

- 1 Keys to the Board's buildings and property shall be controlled by the Chairman and/or the District Officer who shall maintain the list of such key holders.

P REVIEW OF FINANCIAL CODE

1. The Board reserves the right to make reasonable changes to this Code at any time in future.
2. Failure to take action against any employee following a breach of the Financial Regulations or of this Code does not constitute a waiver of the Board's right to take disciplinary action on any future breaches of the Financial Regulations or this Code and no single or partial action taken shall prevent any further disciplinary action being taken or other action being taken against any employee.
3. This Code shall be reviewed at the same time as the Financial Regulations.

Internal Drainage Boards in England



Annual Report for the year ended 31 March 2023

The Law – the following annual report is provided in accordance with Paragraph 4 of Schedule 2 to the Land Drainage Act 1991.

No later than 31 October 2023 a copy must be provided to:

- Department for Environment, Food and Rural Affairs, Flood and Coastal Erosion Risk Management Division, Ground Floor, Seacole, 2 Marsham Street, London SW1P 4DF via flood.reports@defra.gov.uk
- Engineering & Standards - Policy Manager, Asset Management and Engineering, **Environment Agency**, Goldcrest House, Alice Holt Lodge, Farnham, Surrey. GU10 4LH via james.addicott@environment-agency.gov.uk
- The Chief Executives of:
 - all local authorities that pay special levies to the Board;
 - all County Councils or London Boroughs within which the Board is situated.

Please complete the form electronically. If you are unable to complete the form electronically, please complete in BLOCK LETTERS using **black ink**.

Please round all cash figures down to nearest whole £.

NIGHTLAYERS INTERNAL DRAINAGE BOARD

Section A – Financial information

Preliminary information on special levies issued by the Board for 2023-24

Information requested below is essential in calculating future formula spending share. It is not covered elsewhere on this form or by the external auditor's certificate.

Special levies information for financial year 2023-24 (forecast)	
Name of local authority	2023-24 forecast £
1. FENLAND DISTRICT COUNCIL	30,161
2.	
3.	
4.	
5.	
6.	
7.	
8.	
Total	30,161

Section A – Financial information (continued)

Income and Expenditure Account for the year ending 31 March 2023

All Internal Drainage Boards must ensure that the Income and Expenditure information provided below is consistent with the Board's annual accounting statements which have been prepared in accordance with proper practices found in *Governance and Accountability for Smaller Authorities in England – A Practitioners' Guide to proper practices to be applied in the preparation of statutory annual accounts and governance statements March 2017*

	Notes	Year ending 31 March 2023 £
INCOME		
1. Drainage Rates		5,086
2. Special Levies		27,214
3. Higher Land Water Contributions from the Environment Agency		5,297
4. Contributions received from developers/other beneficiaries		2,796
5. Government Grants (includes capital grants from EA and levy contributions)		2,421
6. PSCAs from EA and other RMAs		
7. Loans		
8. Rechargeable Works		
9. Interest and Investment Income		6
10. Rents and Acknowledgements		
11. Other Income		50
Total income		42,870
EXPENDITURE		
12. New Works and Improvement Works		4,843
13. Total precept to the Environment Agency		3,438
14. Watercourse maintenance		15,797
15. Pumping Stations, Sluices and Water level control structures		15,546
16. Administration		6,692
17. PSCAs		
18. Rechargeable Works		
19. Finance Charges		
20. SSSIs		
21. IDB Biodiversity and conservation (other than item 20 expenditure)		545
22. Other Expenditure		363
Total expenditure		47,224

EXCEPTIONAL ITEMS		
23. Profits/(losses) arising from the disposal of fixed assets		
Net Operating Surplus/(Deficit) for the year		(4,354)
24. Developers Funds income not applied in year		161,075
25. Grant income not applied in year		

Notes:

11. Include all other income, such as absorption account surpluses (for example plant and labour absorption accounts).
12. State the gross cost of undertaking minor capital works that have not been capitalised and the annual depreciation charges of all major schemes that have been capitalised. You should also include a fair proportion of the support costs directly associated with delivery of the schemes.
13. State the total precept demanded for the year as properly issued by the Environment Agency, in accordance with section 141 of the Water Resources Act 1991. Providing that the precept has been properly issued as before stated it should always be included here, even when the Board has appealed against the amount of contribution, in accordance with section 140 of the Water Resources Act 1991. Where the Board knows with certainty the outcome of any such appeal, it should also include the appropriate accrual/prepayment.
14. State all costs associated with the maintenance of watercourses, meaning work associated with open channels, pipelines, culverts, bridges, etc. Plant, vehicle and labour charges should include a fair proportion of the overheads such as depot/workshop costs, employment on-costs, insurances and depreciation, etc. You should also include a fair proportion of the support costs directly associated with delivery of the maintenance programme.
15. State all costs associated with maintaining and operating the pumping stations, sluices and water level control structures. Plant, vehicle and labour charges should include a fair proportion of the overheads such as depot/workshop costs, employment on-costs, insurances and depreciation, etc. You should also include a fair proportion of the support costs directly associated with maintaining and operating the pumping stations, sluices and water level control structures.
16. Include the cost of non-technical staff only, office accommodation, annual depreciation of office equipment that has been capitalised, minor office equipment that has not been capitalised, postages, telecoms, stationery, printing, advertising, auditing of accounts, general insurances and all other costs associated with supporting the organisation. Please note that this does not include support costs, which are directly associated with the delivery of front line services.
17. State all costs associated with the PSCA
18. State all costs associated with undertaking work for third parties. Plant, vehicle and labour charges should include a fair proportion of the overheads such as depot/workshop costs, employment on-costs, insurances and depreciation, etc. You should also include a fair proportion of the support costs directly associated with undertaking the rechargeable work.
19. Include the cost of servicing any borrowing, in terms of bank/loan/hire purchase interest payable.
20. State all costs associated with undertaking works – capital or maintenance – specifically for helping to achieve favourable condition on Sites of Special Scientific Interest (SSSIs). In most cases, these costs will be incurred in implementing actions set out in SSSI Water Level Management Plans or SSSI River Restoration Plans.
21. State all costs associated with undertaking works – capital or maintenance – that are likely intended to help conserve biodiversity (other than works on SSSIs). These costs are likely to be incurred in implementing actions set out in an IDB's Biodiversity Action Plan or other conservation actions on non-designated sites.
22. Include all other expenditure, such as a provision for bad/doubtful debts, write-offs, and absorption account deficits (for example plant and labour absorption accounts).
23. For the disposal of assets, state the difference between any proceeds from the sale/disposal of the asset and the cost of the asset less accumulated depreciation.
24. Total balance of developer fund year end.
25. Unspent grant at year end.

Section B –IDB Reporting

Policy Delivery Statement

Boards are required to produce a publicly available policy statement setting out their plans for delivering the Government's policy aims and objectives. It is recommended that these statements be published on Boards' websites where they have them and reviewed every three years.

Is an up to date statement in place and copy (or weblink)

provided to Defra, and EA? Yes ☒ No ☐

Biodiversity

Please indicate whether your Board has a Biodiversity Action Plan Yes ☒ No ☐

If "yes" is the Biodiversity Action Plan available on your

website? Yes ☒ No ☐

What year was your Biodiversity Action Plan last updated?).....

2022

Have you reported progress on BAP implementation on your web site?..... Yes ☐ No ☒

When was biodiversity last discussed at a Board meeting (date)?.....

26/05/2022

Do you have a biosecurity process?..... Yes ☒ No ☐

SSSI water level management plans

Please indicate whether your Board is responsible for any SSSI water level management plans?..... Yes ☐ No ☒

If so, which ones:

Area of SSSI with IDB water level management plans.....

Area of SSSI where IDB water level management activities are contributing to recovering or favourable condition?

Area of SSSI where IDB water level management actions are required to achieve recovering or favourable condition?

Access to environmental expertise

Does your IDB have access to environmental expertise? If so please tick all those options below through which environmental expertise is regularly provided to your IDB:

- | | |
|--|-------------------------------------|
| Appropriately skilled Board Members (e.g. Board member from an Environmental Body/Authority) | ☐ |
| Co-opted members | ☐ |
| Directly employed staff | ☒ |
| Contracted persons or consultants | ☐ |
| Environmental Partners/NGOs | ☐ |
| Other (please describe) | ☐ |

Asset Management

What system/database does your Board use to manage the assets it is responsible for?

- | | |
|-------------------------|-------------------------------------|
| ADIS | ☐ |
| Paper Records | ☒ |
| Other Electronic System | ☒ |

Has your Board continued to undertake visual inspections and update asset databases on an annual basis?

Yes ☒ No ☐

What is the cumulative total of identified watercourse (in km) that the Board periodically maintains?

10.8

How many pumping stations does the Board operate?

12.2

What is the cumulative design capacity of the Board's pumping station(s) (enter zero if no stations are operated)?

2.2 cumecs

Health and Safety

Does the Board have a current Health and Safety policy in place?

Yes ☒ No ☐

Does the Board have a responsible officer for Health and Safety?

Yes ☒ No ☐

Have there been any reportable incidents in the past year?

Yes ☐ No ☒

If so, please summarise in the box below:

Guidance and Best Practice

Has your IDB adopted a formal Scheme of Delegation? Yes ☒ No ☐

Has your IDB provided training for board members in the last year in the any of the following areas?

Governance	☒
Finance	☒
Environment	☒
Health, safety and welfare	☐
Communications and engagement	☐
Other (please describe)	☐

Is your Board's website information current for this financial year? (Board membership, audited accounts, programmes of works, WLMPS, etc)..... Yes ☒ No ☐

Has your IDB adopted computerised accounting and rating systems?..... Yes ☒ No ☐

Has your board published all minutes of meetings on the website?..... Yes ☒ No ☐

Does the Board publish information on its website on its approach to maintenance works and provide contact details to allow for and encourage public engagement? Yes ☒ No ☐

When planning maintenance and capital works are environmental impacts taken into account and wherever possible best practice applied? Yes ☒ No ☐

Has your Board adopted the following governance documents?

Standing Orders Yes ☒ No ☐

Have the Standing Orders been approved by Ministers Yes ☒ No ☐

Byelaws Yes ☒ No ☐

If you have Byelaws, have you adopted the latest model byelaws published in 2012..... Yes ☒ No ☐

Have the Byelaws been approved by Ministers..... Yes ☒ No ☐

Code of Conduct for Board Members..... Yes ☒ No ☐

Financial Regulations..... Yes ☒ No ☐

Register of Member's Interests..... Yes ☒ No ☐

Anti-fraud and corruption policy..... Yes ☒ No ☐

Board membership and attendance

How many Board members (in total – elected and appointed) do you have on your IDB?	18
Seats available to appointed members under the Land Drainage Act 1991.	10
Number of elected members on the board at year end.	8
Number of appointed members on the board at year end.	6
Mean average number of elected members in attendance at each board meeting over the last financial year.	7
Mean average number of appointed members in attendance at each board meeting over the last financial year.	2

Have you held elections within the last three years?.....Yes ☒ No ☐ N/A ☐

Did elections comply with the requirements specified by the Secretary of State under Regulation 28 of the Land Drainage (Election of Drainage Boards) Regulations 1938?.....Yes ☒ No ☐ N/A ☐

Complaints procedure

Is the procedure for a member of the public to make a complaint about the IDB accessible from the front page of its website?.....Yes ☒ No ☐

Number of complaints received in the financial year?	0
Number of complaints outstanding in the financial year?	0
Number of complaints referred to the Local Government Ombudsman?	0
Number of complaints upheld by the Local Government Ombudsman?	0

Public Engagement

Set out what your Board has done in this financial year to engage with the public (tick relevant box(es) below):

Press releases	☐
Newsletters	☐
Web site	☒
Meetings	☒
Shows/events (including open days/inspections)	☐
Consultations	☐
Notices	☒

Percentage (in value) of drainage rates outstanding at year end?

3.94%

Section B: NOTES

Guidance and Best Practice

Has your Board published **all** minutes of meetings on the web site? In answering this question, this should apply to all the main Board meetings held in the year and any appropriate meetings the Board has held with external stakeholders.

Board membership and attendance

When referring to **elected members** of the Board, this relates to the number of landowners/drainage rate payers that are elected to the Board.

When referring to **appointed members** of the Board, this relates to the number of members appointed by the local authorities to represent the local council taxpayers.

When referring to mean average number of elected and appointed members in attendance at meetings at each board meeting – **this should be expressed as a number of attendees** and not as a percentage attendance.

With regard to elections, under Schedule 1 of the Land Drainage Act 1991, elected members should hold office for three years, at which point a further election is held. When elections are held, they should comply with the requirements under Regulation 28 of the Land Drainage (Election of Drainage Boards) Regulations 1938 – to advertise and notify local stakeholders accordingly.

Section C – Declaration

NIGHTLAYERS INTERNAL DRAINAGE BOARD

I confirm that the information provided in sections A-C or with this form is correct.

Signature

S Ablett

Date

17/10/2023

Name in BLOCK LETTERS

MISS SAMANTHA ABLETT

Designation

ASSISTANT TREASURER

Email address

sam.ablett@middlelevel.gov.uk

Section 1 – Annual Governance Statement 2023/24

We acknowledge as the members of:

NIGHTLAYERS INTERNAL DRAINAGE BOARD

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 2024, 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.	✓		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.	✓		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 authority to conduct its business or manage its finances.	✓		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.	✓		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 authority and took appropriate steps to manage those risks, including the introduction of internal controls and/or external insurance cover where required.	✓		considered and documented the financial and other risks it faces and 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.	✓		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.	✓		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 authority and, where appropriate, have included them in the accounting statements.	✓		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	N/A
			has met all of its responsibilities where, as a body corporate, it is a sole managing trustee of a local trust or trusts.

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

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

DDMMYYYY

and recorded as minute reference:

MINUTE REFERENCE

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

Chair

SIGNATURE REQUIRED

Clerk

SIGNATURE REQUIRED

ENTER YOUR WWW.MIDDLELEVEL.GOV.UK. E-MAIL ADDRESS

Provided by the Middle Level Commissioners		Item No:	11
Meeting:	NIGHTLAYERS INTERNAL DRAINAGE BOARD	Subject:	FINANCE REPORT: LOOKING BACK
Date:	Tuesday 14 th May 2024	Officer Responsible:	Robert Hill/Sam Ablett

RECOMMENDATIONS

The Board is asked to:

- H. Note the Budgeting review within Appendix 1.
- I. Note the Highland Water contributions
- J. Consider and approve the payments detailed within Appendix 2.
- K. Consider and approve the Annual Accounts & Finance Papers 2023/2024 within Appendix 3.

Finance Officer's review and key messages

For 2023/2024 the Board had estimated expenditure for the year of £46,489 equivalent to a rate of 7.82p and a Special levy against Fenland District Council of £39,310. At the meeting the Board approved to increase anticipated income in the year and utilise the Development Account Funds to subsidise the rate requirement and set a rate of 6.00p to raise £35,670 in agricultural drainage rates and special levy. The rate setting process was centred around the new electricity contract and the uncertainty of the impact of a significant rainfall event. As members will be aware 2023/2024 became an ongoing rainfall event.

A budget monitoring exercise was carried out in January 2024 based on figures to December 2023 which at that point gave an indicative estimate that electricity costs could be in the region of £33,000, with no supply accounts having been received from the supplier. Subsequently we had further significant rainfall in January and the wettest February on record. Accounts have now been received from the supplier to February 2024 and an estimate has been made for the month of March 2024 based on meter reads, giving a total cost of electricity for the year of £37,992.

Due to the prolonged wet conditions access to the pumping station became difficult and it was agreed to upgrade the access roadway. These works were commenced towards the end of the financial year and will be completed within the 2024/2025 budget.

Savings were made within the drain maintenance programme with other heads of expenditure being in-line with the budgeted estimates. The full highland water claims were paid as submitted and following changes to the Boards banking accounts deposit interest of £2,980.69 was accrued during the year.

During the financial year £80,000 was realised from the sale of Boards land and this has been allocated to the capital realisation account. As these funds are from the sale of assets, they are required to be ring fenced for future capital investment purposes.

Over-all this gives a decrease in the Boards General Fund of £17,992.06 to a balance of £24,668.50 at 31st March 2024, the balance at 1st April 2023 being £42,660.56. The current estimated for a year's expenditure is £50,000 and the Board will need to address balances to achieve this recommended 'year-in-hand' position.

These balances are reflected in the Boards financial statements and Annual Return which they are requested to review and approve.

1. Budgeting

- 1.1 The budget comparison of the forecast out-turn and the actual out-turn for the financial year ending 31st March 2024 is included as Appendix 1.

2. Payments for 2023

2.1 Payments are detailed within Appendix 2

3. Highland Water Contributions

3.1 Under Section 57 of Land Drainage Act 1991 the Board can make a claim for funding to the Environment Agency for the additional costs of the onward management of water from the district's highland. It is at the Environment Agency's discretion if they pay the contribution and it is accounted for within the local team's annual maintenance budget.

3.2 Following the submission of claims for contributions the gross sum of £1,173.95 (£5,371.90 less £4,197.95 received on account) (inclusive of supervision) has been received from the Environment Agency for the financial year 2022/2023 based on the Board's actual expenditure on maintenance work for that financial year and the sum of £6,098.42 in respect of 80% of the Board's estimated expenditure for the financial year 2023/2024.

4. Annual Accounts and Finance papers 2023/2024:

4.1 Annual Return 2023/2024:

To consider the Annual Accounts and bank reconciliation for the year ended on the 31st March 2024 and the completion of Section 2 of the Annual Return as required in the Audit Regulations. Appendix 3

Author Name: Robert Hill/Sam Ablett

Role: Treasurer/Assistant Treasurer

Appendix 1 Budget Review

Appendix 2 Payments for 2023/24

Appendix 3 Annual Accounts & Finance Papers 2023/24

NIGHTLAYERS INTERNAL DRAINAGE BOARDPayments 2023/2024 (1st April 2023 - 31st March 2024)

Middle Level Commissioners - IDB Health & Safety Re-charge 2022-2023 (Account from COPE Safety Management)	628.80
Middle Level Commissioners - Administration charge, postages, telephone charges, stationery and travelling	2,995.30
Middle Level Commissioners - Installation of telemetry at pumping station (net of 50% grant-in-aid)	3,389.98
Middle Level Commissioners - Repairs to automatic weedscreen cleaning equipment at pumping station	1,216.99
Middle Level Commissioners - Fees (Weed control and drain maintenance 2022/2023, planning and development applications)	2,360.46
Middle Level Commissioners - Telemetry charges up to termination of contract (Account from Vodafone)	136.85
Middle Level Commissioners - Court costs (liability orders)	0.50
Environment Agency - Precept	1,770.48
Middle Level Commissioners - Pumping station maintenance	260.64
Association of Drainage Authorities - Subscription 2023	716.40
The Rose & Crown - Expenses in connection with Board meeting	220.00
Middle Level Commissioners - Fees (Discharge consent application - Tesco Stores Ltd)	1,232.08
Middle Level Commissioners - Repairs to automatic weedscreen cleaning equipment at pumping station	645.48
PKF Littlejohn LLP - Audit Fee (2022-2023 accounts)	252.00
Middle Level Commissioners - Fees (Production of Board report, planning and development applications)	1,774.20
Middle Level Commissioners - Administration charge, postages and telephone charges	2,245.99
Middle Level Commissioners - Internal audit fees (Whiting & Partners, 2022-2023 accounts)	588.00
Middle Level Commissioners - Pumping station maintenance	271.44
Middle Level Commissioners - Renewal of insurances	1,094.03
Middle Level Commissioners - Pumping station maintenance	271.44
Environment Agency - Precept	1,770.48
Middle Level Commissioners - Chemical weed control of District Drains	852.60
JA Investments - Refund of overpayment of consent application fee	10.00
Middle Level Commissioners - Fees (Work in connection with draft Local Plan public consultation, planning and development applications)	621.90
N L Hydraulics - Fuel hose and jubilee clip	13.08
G Ashman - Flail mowing	3,552.00
Middle Level Commissioners - Preparation of highland water claims	206.23
B J Plant Hire Ltd - Drain maintenance and bank revetment works	5,430.00
Middle Level Commissioners - Repairs to automatic weedscreen cleaning equipment at pumping station	1,675.89
Middle Level Commissioners - Contribution (Environmental Officer)	574.00
Middle Level Commissioners - Pumping station maintenance	271.44
Middle Level Commissioners - Fees (Planning and development applications)	325.20
Information Commissioner - Renewal of Data Protection registration	40.00
Association of Drainage Authorities (River Great Ouse branch) - Subscription 2023-2024	6.00
Anglia Farmers - Electricity supply	1,859.17
Corona Energy - Electricity supply	5,472.88
	<u>44,751.93</u>

(NB - Amounts shown include Value Added Tax)

NIGHTLAYERS INTERNAL DRAINAGE BOARD
ACCOUNTS FOR THE YEAR ENDED 31ST MARCH 2024
GENERAL FUND

2024				2023			
Mar-31	Expenditure during the year:-			Apr-01	Balance brought forward		42,660.56
	Precept		3,540.96	2024	Rate income & Special levy	35,647.40	
				Mar-31	Interest on Deposit Accounts	665.50	
	Insurances	1,054.78			Highland Water Contributions -	7,100.51	
	Repairs & Renewals	4,997.41			Consents	100.00	
	Fuel	37,991.53			Grant-in-aid - Telemetry installation	0.00	
	Drainworks	13,746.25					43,513.41
	Contractors Charges	5,220.00			By Development Charges Account		
	Administration charge, Audit fee,				Maintenance	4,009.00	
	printing, stationery, advertising etc	5,882.54	68,892.51		2023/2024 rate subsidy	6,819.00	
						0.00	10,828.00
							100.00
	Balance carried forward		24,668.50				
			97,101.97				97,101.97

BALANCE SHEET

Capital Section

Liabilities

Capital Provisions 1,100,000.00

Assets

Pumping Station 1,100,000.00
Stock 68.40

Revenue Section

General Fund 24,668.50
Development Charges Account 151,518.21
Capital Realisation Account 80000
Contributions Holding Account 1,376.59
Sundry Creditors 56,242.18

1,413,805.48

Value added Tax - Refunds due 6,962.46
Sundry Debtors 182.03
Ratepayers' Account - Arrears 1,176.36
Balance in hand -
Barclays - Treasurer's Account 25,340.00
Barclays - Business premium Account 73,615.55
Barclays - Treasury deposit Account 200,000.00
National Savings - Treasurer's Account 6,460.68
305,416.23
1,413,805.48

NIGHTLAYERS INTERNAL DRAINAGE BOARD
ACCOUNTS FOR THE YEAR ENDED 31ST MARCH 2023

DEVELOPMENT CHARGES ACCOUNT

2023				2022		
Mar-31	Expenditure during the year:-			Apr-01	Balance brought forward	155,679.24
	Middle Level charges	122.42		2023		
	General Fund (Maintenance)	<u>3,780.00</u>	3,902.42	Mar-31		
					Clerk's Collection Account	1,224.23
	To General Fund - Floorspan Fees	2,421.41				
	To General Fund - Telemetry installation	<u>2,173.80</u>	4595.21		Write Back of Provisions - Fees	0.00
	Balance carried forward		148,410.33		Interest	4.49
			<u>156,907.96</u>			<u>156,907.96</u>

Nightlayers Internal Drainage Board**Barclays - Treasurers Account 2023/2024**

1st April 2023		31st March 2024	
Balance brought forward	209,383.90	Payments made during the year	44,751.93
31st March 2024			
Receipts during the year			
Clerk's collection account	131,475.74		
Interest on deposit accounts	<u>2,847.84</u>	Balance carried forward	298,955.55
	<u>134,323.58</u>		
	<u>343,707.48</u>		<u>343,707.48</u>

National Savings - Treasurers Account 2023/2024

1st April 2023		31st March 2024	
Balance brought forward	6,454.18	Payments made during the year	0.00
31st March 2024			
Interest on deposit accounts	6.50	Balance carried forward	6,460.68
	<u>6,460.68</u>		<u>6,460.68</u>

Summary of Bank Reconciliations as at 31st March 2024**Barclays Bank PLC**Current Account

Balance per Statement as at 31st March 2024		25,000.00
Less unpresented cheques		0.00
Add outstanding lodgements	27/03/2024 Discharge consent	340.00
Balance per Trial Balance		<u>25,340.00</u>

Cash balances as at 31st March 2024**Barclays Bank PLC**

Current Account	25,340.00
Clients Premium Account	73,615.55
Treasury Deposit	200,000.00
	<u>298,955.55</u>

National Savings

Investment Account per passbook	6,460.68
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<u>Total reconciled cash balances per accounts</u>	<u>305,416.23</u>
---	--------------------------

Nightlayers IDB**Reconciliation between statement of accounts and Annual Return****Financial year ended 31st March 2024**

			Per Annual
Line 1	Balances brought forward		
	General Fund	42,660.56	
	Development charges account	148,410.33	
	Contributions holding account	12,664.34	
		203,735.23	203,735
Line 2	Rates and Special Levies		
	Agricultural rates	5,508.30	
	Special Levies	30,161.00	
	Penalty	0.00	
	Costs	0.00	
	Write-off	-21.90	
		35,647.40	35,647
Line 3	Total other receipts		
	Interest		
	General fund	665.18	
	Development charges account	2,315.19	
	Highland Water	7,100.51	
	Discharge contributions	1,360.00	
	Consents	100.00	
	Grant in Aid	0.00	
	Write back of Provisions	100.00	
	Sale of Land	80,000.00	
		91,640.88	91,641
Line 4	Staff costs		
	Wages/salaries	0.00	
	National insurance contributions	0.00	
	Pension costs	0.00	
	Travelling expenses	0.00	
		0.00	0
Line 5	Loan repayments		
	PWLB - Principal	0.00	
	PWLB - Interest	0.00	
		0.00	0
Line 6	All other payments		
	Precept	3,540.96	
	Rates, insurances, telephones	1,054.78	
	Repairs and renewals	4,997.41	
	Fuel	37,991.53	
	Drainworks	13,746.25	
	Administration	5,882.54	
	Development charges fees	1,026.74	
	Contractors charges	5,220.00	
	Improvements	0.00	
		73,460.21	73,460
Line 7	Balances carried forward		
	General Fund	24,668.50	
	Development charges account	151,518.21	
	Contributions holding account	1,376.59	
	Capital Realisation Accounts	80,000.00	
		257,563.30	257,563

Reconciliation

Line 1 + Line 2 + Line 3 - Line 4 - Line 5 - Line 6

257,563.30

Section 2 – Accounting Statements 2023/24 for

NIGHTLAYERS INTERNAL DRAINAGE BOARD

	Year ending		Notes and guidance
	31 March 2023 £	31 March 2024 £	
1. Balances brought forward	208,089	203,735	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	32,300	35,647	Total amount of precept (or for IDBs rates and levies) received or receivable in the year. Exclude any grants received.
3. (+) Total other receipts	10,570	91,641	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 gross salaries and wages, employers NI contributions, employers pension contributions, gratuities and severance payments.
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	47,224	73,460	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	203,735	257,563	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	215,838	305,416	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	1,100,000	1,100,000	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).

For Local Councils Only	Yes	No	N/A
11a. Disclosure note re Trust funds (including charitable)			
11b. Disclosure note re Trust funds (including charitable)			

I certify that for the year ended 31 March 2024 the Accounting Statements in this Annual Governance and Accountability Return have been prepared on either a receipts and payments or income and expenditure basis following the guidance in Governance and Accountability for Smaller Authorities – a Practitioners' Guide to Proper Practices and present fairly the financial position of this authority.

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

SIGNATURE

Date

26/04/2024

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

DD/MM/YYYY

as recorded in minute reference:

MINUTE REFERENCE

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

SIGNATURE REQUIRED

Provided by the Middle Level Commissioners		Item No:	12
Meeting:	NIGHTLAYERS INTERNAL DRAINAGE BOARD	Subject:	FINANCE REPORT: LOOKING FORWARD
Date:	Tuesday 21 st May 2024	Officer Responsible:	Robert Hill/Sam Ablett

RECOMMENDATIONS

The Board is asked to:

- A. Consider the Finance Officer's summary
- B. Fees, remuneration and subscriptions
- C. Review & approve Determination of land for rating purposes, Rate arrears & Contributions from Developers (Confidential papers)
- D. Note the Precept to the Environment Agency
- E. Review & Approve Rating Estimates for 2024/2025
- F. Consider & approve the Agricultural Drainage Rates and Special Levy requirements for 2024/2025

Finance Officer's summary and key messages

For the rating estimates for 2024/2025 standard provisions have been made for general expenditure with specific items included where known. The engineers' estimates have been included for the drain maintenance programme.

Estimates for pumping costs are as problematical as last year in that we need to factor in an 'average' pumping year, taking-into-account the impact of climate change. Further, we will have a new electricity supply contract from October 2024 with no current indications of possible unit costs. The provision is therefore an estimate of pumping volumes at an estimate of possible new contract rates. Members should therefore consider if they think the provision is reasonable when setting the rate.

Resulting from the winter pumping, highland water claims will be significantly higher than at any point previously. While the Environment Agency continue to warn about their ability to meet claims, we have included the full calculated amounts of £18,215 within this budget. As a point of reference, the previous year's claims totalled £7,100, so an element of risk is attached to this, which members need to consider when setting the rate.

As reported, during 2023/2024 the Boards General Fund balance was reduced to around 50% of a year's expenditure and the Board will need to address this through the 2024/2025 rates. The sum of £26,149 is therefore included for this.

Members are reminded about the use of funds prior to setting the rate and the potential inappropriate use of the Development Account, together with the possible future implications concerning the availability of grant-in-aid for capital improvement works should the Board continue to use capital funds for revenue purposes.

Development charges account:

This is monies paid by developers who discharge directly into the district system from their development. Run-off from a developed area reaches the district system immediately, giving a greater call on the upkeep of watercourses to convey the increased flows and at the pumping station to evacuate them. The payment made is to take the increased flows in perpetuity and are for immediate or future works required as a result of the development. They are therefore "ring-fenced" for future specific works that can be directly related to dealing with the increased flows.

The use of the development charges account is therefore restricted to these types of works.

Their use for any other purposes could lead to funding problems if grant-in-aid schemes are developed – the Environment Agency could take the view that grant should be restricted based on the board using capital funding to subsidise revenue works.

Members are also reminded that they are elected/appointed to the Board to represent the agricultural/non-agricultural ratepayers within the district. Decisions should therefore be for the best interest of the Board and not influenced by other outside factors. Members should be aware of the need to declare interest or recuse themselves if this may be considered to be the case.

Members should also consider the impact of proposed development within the district and the impact this will have on the Boards drainage system and pumping station.

1. Fees, Remunerations and Subscriptions

- 1.1 Subscription to the Association of Drainage Authorities (ADA) will increase by 6.5%, from £597 to £636.
- 1.2 Consider the District Officer's fees.

2. Precept to the Environment Agency

- 2.1 Internal Drainage Boards are required to pay a Precept (IDB Precept) to the Environment Agency for their expenses managing water passing into main rivers. Predominantly, the Precept funds additional maintenance downstream of and/or benefitting IDB districts.
- 2.2 The Anglian (Great Ouse) Regional Flood & Coastal Committee (RFCC) determined that the Precept will increase by 3% for 2024
- 2.3 The precept for 2022/2023 was £3,438.

3. Determination of land for rating purposes, rate arrears and contributions from developers – Confidential papers

4. Estimates for 2024/25

- 4.1 The estimated budget for 2024/25 is shown in Appendix 1.
- 4.2 The Board are reminded that it is standard practice to budget for an average year in terms of rainfall and associated pumping requirements.

5. Rate Requirements for 2024/25

- 5.1 Appendix 2 details the rate requirement that needs to be set and approved by the Board in order to raise sufficient rate and special levy income to cover the budget estimate.
- 5.2 Board Members are welcome to propose alternative rate requirements and invite these for consideration by the Board along with their supporting rationale and proposed mechanism for catering within the budget estimate and/or the Board's investment strategy.

Author Name: Robert Hill/Sam Ablett

Role: Treasurer/Assistant Treasurer

**Enclosure 1 Determination of Land Values for Rating (CONFIDENTIAL PAPERS)
Rate Arrears (CONFIDENTIAL PAPERS)
Developer Contributions (CONFIDENTIAL PAPERS)**

**Appendix 1 Estimates for 2024/25
Appendix 2 Rate Requirements for 2024/25**

NIGHTLAYERS INTERNAL DRAINAGE BOARD
BUDGET 2024/2025

	<u>Estimated</u> <u>2023/2024</u> £	<u>Actual</u> <u>2023/2024</u> £	<u>Budget</u> <u>2024/2025</u> £	<u>Remarks</u>
1 Insurances and telephone	1,275	1,055	1,175 ^A	A - Includes estimate for increased premiums
2 Repairs and renewals	3,000	4,997 ^B	5,250 ^C	B - Includes aggregate for roadway 1,477 C - Includes provision for roadway improvements 2,250
3 Drainworks (including Environmental measures)	20,250	13,746	21,500 ^D	D - Includes engineer's items 17,630
4 Fuel (oil and electricity)	17,250	37,992 ^E	23,250 ^F	E - Includes accounts to February, estimated for March
5 District labour	4,600	5,220	5,000	F - Provision based on increased annual pumped volume and estimate for new contract rates from October 2024
6 Administration charge, Health and Safety contract, Audit fee, printing, stationery, advertising, Association of Drainage Authorities subscriptions etc	6,300	5,883	6,300	G - Provision for reinstatement of balances reduced by winter 23/24 pumping to a year-in-hand, say £50,000 H - Includes development balances approved last year to subsidise rate.
7 Environment Agency Precept	3,541	3,541	3,647	I - Includes full highland water contribution, including excess claims for winter 23/24 pumping
8 Improvement works	0	0	0	
9 Reinstatement of balances	0	0	26,149 ^G	
	56,216	72,433	92,271	
LESS Deposit Accounts interest, Development Charges etc	20,546 ^H	18,794 ^H	22,191 ^I	
	35,670	53,639	70,079	

Rate requirement: 11.75 p

Rates raised 2023/2024 (6.00p) £35,670

Nightlayers Internal Drainage BoardRate and levy requirements

Under Section 37 of the Land Drainage Act 1991, the appropriate proportions in which the net expenditure of the Board must be borne for 2024/2025 is:-

- a) Proportion to be borne by the Agricultural Sector – 15.38%
- b) Proportion to be borne by Special levy issued to Fenland District Council – 84.62%

The product of a rate of 1p in the £ on Agricultural land and buildings is £917.

In 2024/2025 a rate of 1p together with corresponding Special levy would raise £5,964.

Revenue cash balance in hand on 31st March 2024 - £24,669.

The estimated net expenditure for the Boards Revenue and Capital Programmes in 2024/2025 is £70,079 and equivalent to:-

- a) a rate in the £ on Agricultural land and buildings of 11.75p and
- b) a Special levy on Fenland District Council of £59,299.

In 2023/2024 a rate of 6.00p in the £ was raised together with a Special levy of £30,161 on Fenland District Council.

P BURROWS

Clerk to the Board

May 2024