

BRADBURY HOUSE, 33-34 MARKET STREET HIGHBRIDGE, SOMERSET, TA9 3BW

TEL: 01278 789906 EMAIL: admin@somersetdbs.co.uk

MINUTES OF THE AXE BRUE FULL BOARD MEETING HELD AT BRADBURY HOUSE ON MONDAY 29 JANUARY 2024 AT 10.30

Attendance:			
Elected Members: Mr B Clapp Mr A Franks Mr A Gilling (VC) Ms L Scott Mr J Stradling Mr D Tratt Mr M Watts Mrs W Welland Mr T Whitcombe	Appointed Members: Mr D Bridge Cllr R Filmer Cllr R Keen Cllr B Knickerbocker Mr C Riches	Officers: Mr I Sturdy Mrs M Hammond Mr P Brewin Mrs K Kingston Mr R King Mr M Wall Mrs N Johnson Mrs C Murray	Public: Mr A Dowden Mr M Higgins Mr A N Other (Name not recorded)
Approved Apologies:			
Mr J Fear (C) Mr N Lukins	Cllr N Cottle Cllr S Hart Cllr A Hendry Mr P Holms		
Non-Approved Apologies:			
Mr M Lunnon	Cllr P Clayton Cllr J Cousins Cllr M Healey		

Agenda Item:	Detail:	Action:
	Andrew Gilling (Vice Chairman) opened the meeting and informed members that Jeff Fear (Chairman) had recently suffered a stroke but is recovering well. He asked that members join him in sending best wishes to Jeff.	
	Andrew Gilling introduced Tony Bradford (Chairman of the SDBC) and invited him to speak.	
	Tony Bradford addressed the meeting stating that he has had serious concerns about members behaviour, resulting in legal advice having to be sought. He will also be speaking to the other 2 boards. VERBATIM – "Certain members of the Axe Brue Board have given me concern regarding their attitude to certain consortium staff. I would respectfully remind all members of the differences in their roles and that of the staff. All of us have	

Each Board is a statutory public body with responsibilities for flood protection, land drainage and the environment.

All are members of the Association of Drainage Authorities.

equally important roles to play but it is our duty as board members to set the direction and strategy of our boards and it is the staff's duty to make that strategy a reality for their operational duties. The consortium staff bring their professional qualifications and skills to their role providing their services diligently across all 3 boards in the consortium. It is not for us as members to interfere with their work, I am sorry to say that over several months, going back a long way the behaviour of certain members of this Board is having a hugely detrimental effect on the staff and their ability to function effectively which is causing a negative atmosphere in the office and across all the 3 boards. IDB members are always expected to behave in a polite courteous manner and we are all subject to a Code of Conduct which is published on our website. The Code is based on the Nolan principles for public life. These principles which you must all adhere to include respect for others and specifically states you should respect the integrity and impartiality of the internal drainage boards statutory officers and its other employees. Our Code of Conduct states that we must treat others including our employees courteously and we must not behave towards them in any way which puts them in conflict with their own Code of Conduct. I am sorry to say that although the Code of Conduct sets out what is expected of our members unfortunately this has not been happening with some of our dealings with some of our employees. The Consortium can ill afford to lose experienced staff as has happened in the past, I feel that if this attitude and behaviour carries on it will happen again, I urge you all to consider your actions at this time and the cost involved in complaints and recruitment is expensive and has a detrimental impact not only on the staff but the other 2 boards as well. We are all entitled to healthy debate and we are entitled to ask questions of and challenge our staff if there is something we do not understand or agree with. We must do this in a polite way respecting the professionalism and role of our staff. If you find you have a problem with a member of staff that you cannot resolve you must raise it with the chief executive. Some of the actions which I am aware of and which have led me to address you today have been personal and vindictive. This is not only happening in the meetings but continues in difference ways after with the aim of destabilising members of staff. This behaviour has no place in our consortium arrangement so I urge everyone on the Axe Brue IDB to consider not only their behaviour but other members behaviour which you might be aware of and to stop all future disruptive actions and comments whether in meetings or dealing directly with our staff." Tony finished by reminding members of the Code of Conduct and behaviour towards all staff in the future. Andrew Gilling endorsed Tony's statement and said the biggest

Andrew Gilling endorsed Tony's statement and said the biggest asset in the Consortium are the members of staff and they should be valued accordingly and asked members to take the Chairmans comments into account.

Attendance & Apologies

1.1 Attendance and apologies as per the above Attendance List. Andrew Gilling advised members that the meeting is being recorded for minutes only and has been informed that a member of the public Mr Higgins is also recording the meeting. Mr Higgins asked if he had been put on the agenda for public speaking and had an email detailing his request. He had received an acknowledgement from the

	admin department. Andrew Gilling reminded Mr Higgins that he would only be allowed to speak for 3 minutes. Iain Sturdy made it clear that as well as the meeting being recorded for the purposes of the minutes there is also a member of the public recording the meeting which is fully acceptable but this needs to be made known to members and officers before the meeting starts.	
Items additional to the Agenda	None	
3. Declarations of Interest	3.1. Martin Watts declared his usual interests – supply of materials to contractors and members of the public. IDS advised Martin Watts that he does not need to declare this at every meeting as it is included in his Register of Members Interest document.	
	3.2 Liz Scott declared an interest in a planning application	
	3.3 Martin Watts declared an interest in a planning application – Mr Sweet	
Members of the public to address the Meeting	4.1. Mr Higgins had asked for a copy of the minutes as they were not available on the website. He has not received them yet. Iain Sturdy said that once the minutes have been approved by the Board at this meeting, they will be available to the public.	
	Mr Higgins addressed the Board. VERBATIM If this is a public meeting and you are a public body you are accountable to the public. As there is some doubt as to the status of the Axe Brue IDB, yesterday I searched on the Government website for Department Agencies and Public Bodies. I have it here, anybody can see it. Axe Brue Drainage Board in the search box, no results found, so you do not exist, according to our government. Not saying our government is perfect but it is something to look in to. I would like proof that you are a public authority if you are, or even a public body. The Land Drainage Act 1991 which you often quote at me section 1 Internal Drainage Districts and Boards number 3 subject to sub sections 4 and 6 below an internal drainage board shall be a body corporate, shall be, that means according the government and the Land Drainage Act you are a corporation. What is a corporation? A corporation means you're big. There is a lot of misinformation about what public body public authority means so it is up to you to prove your status. (Andrew Gilling reminded Mr Higgins he had one minute left). The Localism Act includes a general power of competency it gives local authorities a legal capacity to do anything that an individual can do and that is as you know is working both ways, in other words you cannot do anything other than an ordinary person can. I would like to have that cleared up in writing and would like my copy of the minutes. Thank you very much. Andrew Gilling thanked Mr Higgins and said he did not understand the point being made.	ACTION AB 20240129-01
5. Minutes of Axe Brue Full Board 9 October 2023	5.1 Andrew Gilling went through the minutes page by page and asked for any comments.	

It was advised that the figure raised at the charity event in November 2023 was £710. PROPOSED: Roger Keen, SECONDED: Charlie Riches "that the minutes of the Full Board meeting held on 9 October 2023 are signed as a true and correct record of the meeting held". 7 for, 0 against, 3 abstentions – motion carried 5.2 Iain Sturdy (IDS) circulated copies of the confidential session of that meeting and asked members to read through them for approval. Members of the public were asked to leave the meeting. PROPOSED: Roger Keen, SECONDED: Bob Filmer "that the confidential minutes of the meeting held on 9 October 2023 are signed as a true and correct record". 7 for, 0 against, 4 abstentions – motion carried 5.3 Martin Watts stated that the minutes were incorrect as Mr Sturdy had said the tape recording had been burnt. IDS said this was not cornect. IDS confirmed that the minutes are correct and asked for any matters arising. Martin Watts again Said they were a correct cord of the meeting and asked for any matters arising from that meeting. Andrew Gilling reminided members the minutes had been proposed and seconded and voted on. IDS collected the confidential papers. Members of the public were asked to rejoin the meeting. 6. Matters Arising 6.1 10.56hrs Martin Watts left the meeting TABLE OF ACTIONS AB/20220411-01 – Investment Policy-Maggie Hammond (MH) had rewritten the policy and it is with IDS to review AB/20221109-02 – Stoke Moor PS - Ashfords had asked how they should approach valuation of the land in question with a view to an agreement to removing the convenant, IDS had written to confirm that he was content for them to engage a suitable land agent which as long as costs were covered under the fees of the overall agreement. AB/20230417-02 – Dog Leg Ditch – ongoing, Alan Franks declared an interest and said it is a big problem that needs a thorough study. IDS said that a formal investigation should be carried out. He would look into the best way to do that. Matthew Wall (MSW) reported that Martin Andrews			
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	7.1 Naomi Johnson (NJ) asked that members take the report as read and advised the next meeting will take place in March.	
	11.05 Tony Bradford and Martin Watts rejoined the meeting	
8. Finance Report	 8.1. Maggie Hammond (MH) reported that all the bank reconciliations had been carried out to the end of December. 8.2 MH referred to her figures on the budget sheet for 24/25 and reminded members that these are estimates. At the end of November there was a surplus which was estimated at £22K. MH referred to the column on the sheet for next year. The figures for the administration total for the Board is an increase of £47k which is a 6.18% increase. David Tratt asked if there are still staff vacancies? IDS said there are still staff vacancies and the funding is currently being used for the external services supplied by Calm Engineering who are working well and works on the ground are now being carried out. The budget for the coming year is set for a fully staffed structure, but we still have vacancies and will continue to use Calm Engineering funded through those vacancies. 8.3 MH asked members to consider the item on her report regarding the £5K to be added to the Building Maintenance and repairs budget. 	
	PROPOSED: David Tratt, SECONDED: Bob Filmer "that if £10k of this budget is not spent on a new boiler it is ringfenced and carried forward to the following year" all in favour	RESOLUTION 3
	8.4 Maintenance – the budget requirement has reduced by £86k. This is as a result of the tenders for the next 3 years being lower. Inflation has also been taken into account. Martin Watts asked if all the maintenance work has been completed for this year. MSW said 90% is complete. 7.54% has not started and 1.79% is unmaintained. IDS said that as much work as possible is being carried out, money is not being saved this year to reduce next year's budget. Last year's figures were high but this year inflation is lower. MSW confirmed that work will be completed when conditions allow. There have been issues with contractors' sickness which has had an impact and caused some delay. Bob Filmer asked why the tree vegetation budget was less. MSW said there is a healthy budget and a reduction was possible. Liz Scott asked which areas had not been completed and what is the effect on other areas? MSW showed a plan and stated that ground conditions were too soft and there was the problem with the contractor's sickness. A second contractor had been approached but then withdrew his services due to local difficulties. There were also some access issues.	TEOCLO HON 3
	8.5 Environmental Total – total has risen by £250 due to a requirement for water quality sampling	
	8.6 The increase from the EA for the precept is 2% = £5853	
	8.7 Schemes – the proposal is to raise £50k for this year on new schemes. If the Finance and Works meeting had taken place this would have been discussed there. IDS referred to the engineering	

report enclosure showing the project details with additional funding shown in green. Liz Scott queried the figure for eel passes. The meeting was informed that this is a programme over several years at various locations.

- 8.8 Martin Watts queried the location of Butlake, Caroline (CALM) will get the details. The access drove culvert referred to is at Pill Row, Mark. Martin Watts asked why £15K is being spent on Hartlake when the area will probably become a peat area which will be 100% funded. IDS said that the Board had not supported a bid for the funding as it was not well supported by the local members, so the Board will now have to fund any improvements themselves or wait for further external funding opportunities. The other two boards in the consortium had been successful in raising over £200,000 in one board and £100,000 in the other.
- 8.9 SRA David Tratt expressed concerns regarding the SRA funding. IDS referred to the engineering sheet and explained if work does not proceed on Kings Sedgemoor Drain project, the funds will move to other SRA schemes. As money is spent on SRA projects an invoice is sent out to them to recharge the costs.
- 8.10 Martin Watts asked how much of the agricultural land in the area is now in the special levy and when does development land go into special levy. **ACTION** MH to check and report back. Martin Watts asked if the land has ever been rerated and when was the valuation carried out?

ACTION AB 20240129-02

- 8.11 Income Bank interest rates have increased. If the investment policy is agreed this can be improved. To the end of November the interest was £13,500 and it is proposed to increase this budget to £21,000. The balancing item is the rates and levys for the year which has gone down by £1,826
- 8.12 Martin Watts asked how much money is put back for work that has not been done in previous years? IDS said this is shown in the engineering report and shows the schemes with money raised. At the beginning of the financial year the figure was confirmed as 241K. The funds from British Telecom and the developers are a separate reserves item.
- 8.13 MH referred to the reserve policy paper and suggested a risk based reserve and £750k is required in free reserves to cover those risks.

PROPOSED: Bryan Knickerbocker, SECONDED: Bob Filmer "that the risk register basis is used" all in favour

8.13 MH asked for a proposal to accept the budget which will reduce the penny rate to 10.110p previously 10.132p

PROPOSED: Bob Filmer, SECONDED: Roger Keen "that the proposed budget for 24/25 is approved resulting in the penny rate being 10.110p" all in favour

The rate certificate was signed and sealed by the Chairman and the Clerk to the Board

RESOLUTION 4

RESOLUTION 5

- 8.14 MH gave the figures for the outstanding rates. Total due £9,138.03 which is less than last year. Some accounts are in credit. The ones in debit are the ones that need to be chased. some of these are an accumulation over a number of years. There are no concerns with the amounts that are outstanding at the present time. Andrew Gilling congratulated the team for their efforts on recovering those rates. Trevor Whitcombe asked if small amounts are chased and should there be a minimum charge. Any demand which is under £1 is not sent out, occasionally one may be missed and sent to the landowner. It is not possible to have a minimum charge. Martin Watts queried the largest amount owing. MH also commented that as soon as a bailiff attends a property and is told the person is vulnerable they are not going to proceed. It is not possible to take people to court as yet as there is a new way of doing things at the courts and the system needs to be implemented correctly. MH confirmed that all debts over £50 will be taken to court, the only ones that will not be summonsed will be those with recent changes so they will only have received a bill and a reminder. Bob Filmer asked if interest could be charged? MH informed the meeting that it is not possible as they are not commercial debts, if they are taken to court then fees will be added of £101.75.
- Operations, Engineering & Environment Report
- 9.1. IDS introduced Caroline Murray from Calm Engineering and asked that the engineering report be taken as read. Matthew Wall (MSW) showed slides of the completed maintenance works. Queens Sedgemoor is still to be completed, which will be when ground conditions improve. Godney and Westhay Moor still to be completed. M5 channels have been delayed. Alan Franks asked if the work on Galtons Canal could be left until a month or two later and could the work be carried out at the same time as Westhay Moor Drove and associated areas.

Wendy Welland reported access has been denied regularly in a particular area of Rosetree Paddock. MSW will chase it up. Andrew Gilling said that landowers should be reminded that the Board has statutory right of entry.

CLOSED SESSION – members of the public were asked to leave

9.2 MSW circulated a paper of the tender awards for the next 3 years maintenance in the Brue area. He then briefed members on the tendering procedures. The closing date for the return of the tenders was 8 January 2024. Expressions of Interest had been received from 5 of the contractors approached. These were opened and checked by MSW and MH. The system used is based on 70% price, 10% delivery and 20% ability weighting. There were slight increases in some areas but the overall cost was slightly less than previous year. Martin Watts queried the amount of work awarded to contractors being more than 50% of the work. MSW agreed but this is only where possible, some areas only had one tender. MSW is working to expand the contractors list, he is very pleased with the tenders received.

Bob Clapp commented that the process had been carried out very professionally. 18 Contractors had originally been approached but only 4 responded with interest. Roger Keen was concerned about 2 prices being identical on the Huntspill area. MSW confirmed that the price they submit is price per metre for each lot within the area. Alan Franks was concerned about the work not carried out on Tealham Moor, MSW said that the contractor is only paid for the work carried out, when the invoice is received it is checked for the metres completed. Martin Watts asked why the budget for maintenance was lower if the tender prices were higher. MSW confirmed that the tenders had been estimated a lot higher. MH added that the previous prices had been submitted 3 years ago and had allowed for over 10% inflation.

PROPOSED: Joe Stradling, SECONDED: Bob Clapp "that the recommendation to accept the tenders is approved" all in favour

David Tratt had been approached by a contractor and asked if it is possible to look at tender awards being made earlier than the beginning of the new financial year in April. MSW has been asked this before but it is not possible to bring it forward. David added that this may be reducing the ability for other contractors to tender within the time scale. He added it might be advisable to approach those that did not tender and ask the reason why.

OPEN SESSION

Members of the public were asked to rejoin the meeting

9.3 MSW referred to the report on flooding at Hazeldeane near Brent Knoll and advised that the Highways Authority will be contacted again about the inadequate culvert. Bob Filmer agreed that Highways need to be contacted. MSW advised that the problem is the undersized culvert under the road. There is also an issue with some trees but part of the work has been undertaken. If it is not completed a Notice will need to be served on the land owner.

12.25 Martin Watts and Malcolm Higgins left the meeting

David Tratt stated this issue has been going on for over 35 years, culvert cleaning work was carried out annually by the local board member so the current issue did not exist. De silting work has taken place. The work is still required by the riparian owners. There is no liability to the Board but it has permissive powers. IDS said the Board should look at the function of the Board and see where the priorities are. It is a residential property which has increased flood risk because one or other of the public bodies and/or the riparian owner is failing to do something about it. It is unlikely that the HighwayAuthority will take on the culvert long term - it may be repaired or enlarged in agreement with both bodies or as a final resort the SRA could be approached.

David Tratt referred to an area eastward of the site that is to be developed. The site adjoins a viewed rhyne that is not maintained by the Board. He is unsure whether debris has

RESOLUTION 6

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	gone into the rhyne causing a problem. Virginie Martin is dealing with the planning on this area.	
	9.4 Operations update – Rob King (RK) advised that Charlie Ford, a new Operations Technician has joined the team which will help with manpower particularly for MSW and RK. IDS added that throughout the winter staff have been able to be more proactive in attending to blockages and flood risks. All is working well with the contractors, assisting with operational response and the report shows a list of the areas that have been attended.	
	9.5 Caroline Murray has received tenders for the work on West Town Gutter and Dutch Bridge. They have come in slightly lower than the projected costs. The offers for the work will be sent out this afternoon. IDS advised that Calm Engineering are providing support across all 3 boards, and have gone from a standstill position to works being carried out, which is very encouraging.	
	9.6 Liz Scott asked about the syphons mentioned in the report. Caroline said this was dependent on the SRA funding. IDS advised that 2 of them are on the SRA reserve list. If the Kings Sedgemoor Sowy project does not proceed by July this year then those projects will be brought forward.	
	9.7 Liz Scott declared an interest in planning reference 02/2300028, land to the west of Axbridge Moor Drove.	
	9.8 Virginie Martin showed slides of development in East Huntspill which is referred to in the report. The proposal is to clear and desilt, reprofile and install new gates at a cost of £12960 and to take a section of rhyne into view at an annual cost of £78.	
	PROPOSED: Bob Filmer, SECONDED: Liz Scott "To undertake works to improve 230 metres of existing watercourse at an estimated cost of £12,960 and take into view 230 metres which will be added to the Cornmoor Rhyne at an additional maintenance cost of £78:00 per annum.	RESOLUTION 7
	10 for, 0 against, 1 abstention, motion carried	
	9.9 IDS wished to appraise members regarding a complaint from Mr Fox regarding the undermining of Field Ditch bank which the Boad had previously resolved to assist with repairs. Mr Fox had not heard from IDS so contacted IDS again to complain. IDS wrote and apologised for the delay, a meeting will be arranged very soon.	
	12.45pm Damon Bridge left the meeting	
10. Environmental Report	10.1 Phil Brewin (PB) showed slides of the work he has been involved in and asked that his paper be taken as read. With regards to the peat projects he clarified that grant applications had been successful in the Parrett and North Somerset Levels boards but the Axe Brue had not been able to settle on a project, but there will hopefully be future opportunities.	
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	David Tratt asked if there had been reactions to the Pawlett Hams project proposed by EDF. PB is aware of the subject which is ongoing. Trevor Whitcombe commented on the increase in egrets and bitterns, and said the report should say that the changes are not because of changes in habitat or farming policy it is nature developing, not all of nature is nice. It needs to be noted that there are negatives with positives. PB said this could be discussed at the next environmental meeting. Alan Franks added that elvers are non existent as they have all been eaten. Ecologists are not seeing the bigger picture. IDS suggested the item is discussed at the next environment committee meeting. Liz Scott suggested workshops would be possible to make people aware before entering into schemes. 10. 2 MH asked members to return to the engineering report to approve the transfer of the surplus from 23/24 to 24/25. 5 items totalling £47447 be carried forward for board decision. PROPOSED: Charlie Riches, Seconded: Roger Keen. That the surplus from 23/24 is carried forward to 24/25 to be used for projects in 24/25. All in favour	RESOLUTION 8
11. SRA Update	11.1 IDS had attended the SRA Board meeting recently, Trevor Whitcombe had stepped in to represent Jeff Fear. The SRA set its programme for the coming year. The hydraulic model for the Brue has been completed. IDS proposed an optioneering workshop to test the model and that proposal	
	was accepted. The SRA is reviewing its strategy and action plan. A consultation period has taken place. On 9 February 2024 there will be a final workshop. Any comments to put forward should be given to IDS, Andrew Gilling, Trevor Whitcombe or Tony Bradford. The results will be published in March.	
12. Issues and items to be raised with ADA	12.1 IDS is trying to engage more with ADA (The Association of Drainage Authorities). The local branch is SWADA (South West Association of Drainage Authorities). If there are any issues to be raised this should be possible using the South West Director (Rebecca Horsington). Either bring them to the Board meeting or speak to IDS. David Tratt suggested Rebecca is invited to the next meeting. ADA send out a periodic email with links to everything they are involved in which can be made available to members.	
13. Any Other Business	 13.1 Trevor Whitcombe asked if the Highways Authority could be contacted as the railings on the Black Ditch have been knocked down. There is a temporary barrier but it is on a bend and is dangerous. IDS will investigate 13.2 Wendy Welland asked if flap door at Red Road Berrow can be lifted. It is very difficult to operate – this will be passed on to Rob King to action. 	ACTION AB20240129-03 ACTION AB20240129-04
	13.3 David Tratt – potential development at North Burnham, proposed 2000 properties. Wendy Welland said in that area the water would be better flowing into the Axe not the Brue. MSW will talk to Virginie Martin about this	

	 13.4 Roger Keen – Regarding the Special Levy on Somerset Council - there is a possibility of a Section 114 notice being issued by the Council. If this is the case all non essential funding/expenditure is frozen. Roger asked where does the special levy fall, is it essential funding? MH replied that the Special Levy is a demand, it has to be paid. She has been in discussion with Somerset Council, the figure given to them in December has now reduced and she has not been given any indication that there will be any problems with that demand 13.5 Liz Scott reported that reservoir Cheddar 2 is now back on the cards. 13.6 IDS reminded members there had been a discussion at the previous meeting regarding the calendar of meetings, suggesting the Finance and Works meetings only take place when needed, (usually twice a year), and that only 3 Full Board meetings would take place. The Axe Brue had accepted the proposal but unfortunately not all the boards were in agreement. As a result the previous old calendar will continue for the foreseeable future. 	
14. Date of Next Meeting	14.1 15 April 2024	
	Andrew Gilling thanked members for bearing with him as he was not expecting to be chairing the meeting. He is hopeful that things staff morale will remain high. He added his gratitude to everyone for attending and apologised for the length of the meeting. Meeting closed at 13.25	

DATE

ANNEX A TO AXE BRUE BOARD MINUTES DATED 29 JAN 2024

AXE BRUE BOARD - TABLE OF OUTSTANDING ACTIONS

Action Number:	Action:	Actionee:
AB/20220411 - 1	To carry forward to a later date the investment group meeting	Clerk & RFO Ongoing
AB/20221109-02	To set up a meeting to discuss Stoke Moor Pumping Station.	Mr M Wall & Mr Sturdy Ongoing
AB/20230417-02	To contact Mr Andrew Rowlands to discuss changes to the engineering and operation of Dog Leg Ditch A formal investigation to be undertaken.	Clerk/Operations Manager Ongoing
AB 20240129-01	Write to Mr Higgins concerning Axe Brue Statutory Instrument, corporate status and reference of Localism Act to IDBs.	Clerk/CEO Ongoing
AB 20240129-02	Inform Mr Watts of any rerating of agricultural land and when.	RFO Ongoing
AB 20240129-03	Inform Somerset Council Highways of the need for reinstatement of permanent barrier railings on Black Ditch	Operations Manager Ongoing
Ab 20240129-04	Operation of sluice/door at Red Road by member of staff required	Operations Manager Completed