

MINUTES of Meeting held on Monday 5th June 2023
at the Strensall and Towthorpe Village Hall, Northfields,
Strensall, York

PRESENT

Mr J P Coverdale (In the Chair)
Mr D R Brotherton
Mr M Cockerill
Mr M Kemp
Mr I Ridsdale
Mr R J Burnett
Mr D M Crossley
Mr C Chambers
Mr S Wragg

The Clerk – Mr W Symons

Engineering Assistant – Mr N Culpan

Member of the Public – Cllr M Warters

Member of the Public – Cllr T Fisher

Member of the Public – Mr A S Richardson

APOLOGIES FOR
ABSENCE

Apologies for absence were received from Mr S Stark,
Mr J Sowray, Mr D J E Sherry, Mr P E Clark and Ms G
Offler.

DECLARATION OF
INTEREST

There were no declarations of interest related to the
items listed on the Agenda.

The Clerk informed Members that the Register of
Members Interests was available for inspection and update as
required.

MEMBERSHIP

City of York Council

The Clerk confirmed that City of York Council
membership nominations had been made following the local
elections. The Board however had responded to the Council
asking if Cllr M Warters and Cllr T Fisher, who were not
included, remained nominated as they had been previous
members. The two Councillors being in attendance will be
recorded in the minutes as members of the public. It is hoped
for the next meeting of the Board confirmation can be
established if these Councillors remain as nominated
Members. The number of Members present allow the meeting
to proceed as quorate.

East Riding of Yorkshire Council

The Clerk informed that following the recent local elections the Council have not yet nominated its single representative to the Board.

MINUTES OF MEETING

It was proposed by Mr D M Crossley, seconded by Mr M Kemp and **RESOLVED** that the Minutes of the meeting held on the 6th March 2023, a copy of which had been sent to all Members, be taken as read and approved and that they be forthwith signed by the Chairman as a correct record.

MATTERS ARISING

The Clerk informed that the Board had implemented the ADA Lincolnshire Branch 2023/24 recommendation pay increase. This payment being made as a consolidated and unconsolidated sum. The details of which were provided at the last meeting which remain unchanged.

The Clerk reported that no further matters were arising from the Minutes of the last meeting which are not covered on the Agenda.

HEALTH AND SAFETY

The Clerk advised that there have been no reportable incidents to the Health and Safety Executive (RIDDOR) since the date of the last meeting.

CONSIDERATION OF REVIEWED HEALTH AND SAFETY POLICY PART 2

The Clerk had circulated a copy of the draft Health and Safety Policy Part 2 for consideration with the Agenda. The Board's policy being divided into two parts, Part 1 outlining the organisational arrangements, which have not changed and Part 2 being updated relating to the technical details of the policy.

Document Review and Implementation

Mr D R Brotherton asked about the document review process and if it had input from the Board's Health and Safety Advisor.

The Clerk confirming it had been reviewed at a recent meeting with the Board's Health and Safety Advisor, Mr R Shepherd. It is hoped the updated document could be agreed at this meeting and put in place for the forthcoming maintenance works.

Mr I Ridsdale asked if the Board, with future document revisions, could highlight or track any changes to help Members when reviewing the document.

The Chairman asked if anyone noted anything that needed further consideration or was not covered to contact the Clerk to highlight the matter of concern. He noted that the document will continue to be developed with changing circumstances and will need to be updated and amended over time.

Mr M Cockerill asked if the workforce have sight and an understanding of the document.

The Engineering Assistant informed that the document is discussed with the workforce in its implementation. Then when they are happy with its usage and content, they are asked to sign on the final pages of the document to confirm this has happened.

Members were UNANIMOUSLY in agreement to adopting the Part 2 draft document circulated as the Board's updated Part 2 Health and Safety Policy. The Chairman being authorised to sign the document. They also recognised the document will require ongoing review and updating.

RATES

The Clerk reported that the total rates collected up to the 31st May 2023 are as follows:

(a) Special Levy	-	£176,443.42	(50.0%)
(b) Direct Levy	-	<u>£ 39,089.43</u>	(71.0%)
		<u>£215,532.85</u>	

The Clerk reported that the Board had sent out its rate demands for 1st April. The first direct debit payments have also been drawn and the first rate reminders are due to be sent out shortly.

The Clerk at the meeting having a list of accounts with sums outstanding which he shared with the Chairman.

ENGINEER'S REPORT

The Engineering Assistant had circulated a report to Members with the Agenda. This report contained a web link to electronic maps identifying the maintenance work carried out by the Board. He offered to give demonstrations on using and gaining access to the Scribble Maps software system to individuals if required.

River Foss Flailing Works 2023/24, Biodiversity Action Plans and Water Framework Directive

The Engineering Assistant highlighted the approach contained in his report to relax some of its annual flailing works. In these proposals it is hoped to progress habitat improvements for biodiversity and improvements under the Water Framework Directive as discussed at the last meeting.

The Engineering Assistant informed the proposed approach may leave some locations partially uncut, but the work would be considered by the Board on the basis of not hindering flows or restricting outfalls as agreed as an approach at the last meeting.

Cllr M Warters noted concerns about Osbaldwick Beck, believing the current approach of later cutting is sustaining habitat. He highlighted he had concerns about rubbish accumulating in areas such as Moore Avenue. The uncut sections potentially may hide dumped debris which, if not seen and removed, could in higher flows be washed into the watercourse (e.g., shopping trolleys). The location being a potential bottleneck with increased vegetation and rubbish if heavy rain occurs noting historical issues.

The Engineering Assistant informed that this was a trial. The Boards workforce clearly will act if any problems occur which can be at short notice. Access will be available and in the first year it will only be a year's growth. The Board clearly will work with all to try to avoid any negative impact. The Board will also be working with St Nicks who are offering to hand pick rubbish and are also potentially considering bailing of material when it is cut. In this collaborative process it is early days but the aim is to promote partnership working and flexibility in approach. The Board however recognises its role and responsibilities in Land Drainage.

Mr S Wragg asked if the approach will be extended to the more rural areas of the Boards district. He believed the Board should progress best practice which should be applied on an area basis with similar practices. This potentially with a policy so the Board can demonstrate the approach being taken is being progressed for the right reasons.

The Engineering Assistant informed that the initial work was a trial on the Lower Foss but the option could be considered more widely. He suggested if the Board wished to consider this potentially to develop a policy, a sub-group could be set up to review the situation. The approach to work would relate to the land drainage needs. This recognising the importance to sustain flows in both low and high conditions keeping outfalls flowing and linking to land owners' schemes and stewardship arrangements.

The Clerk informed that the Board was becoming aware of impending constraints of the Water Framework Directive for maintenance works. The impact largely relating to the interpretation of the Act by the Environment Agency.

The Engineering Assistant informed regarding maintenance work every site was different both in risk and potential consequence. He also noted now that any Public Sector Cooperation Agreement work (PSCA) from the Environment Agency needed clearance from various internal departments before instructing the Board to carry the work out. This clearance including approval of the Agency Water Framework Directive team.

Mr I Ridsdale asked about responsibilities for the Board should things go wrong.

The Clerk informed this was a reasonably complex subject which depended on the circumstances occurring. The Board however under the Land Drainage Act 1991 has permissive powers to conduct maintenance works not a duty. It however has duties to further conservation and recreation.

Mr S Wragg noting the importance of developing a policy for any changes to the existing regime and how the Board prioritises its work.

Mr M Cockerill believes the Board needs to maintain or have capacity to convey channel flows and have channel storage. This clearly needs maintenance work and conservation issues are not an excuse for not doing it. In considering and implementing this approach it is likely to require more time to consider locations to establish effective solutions. In creating increased habitat this will also need considering how it is managed.

The Engineering Assistant informed that St Nicks and other partners were looking at hand picking of rubbish and cutting of weed along with potential bailing of cut materials which may entail material cut by the Board's contractors.

The Chairman agreed with Mr M Cockerill that the Board would need to manage this carefully in the appropriate places and review the outcome.

Westfield Beck Pumping Station

Mr S Wragg noted the Assistant Engineer's report and the item on this pumping station. He informed Yorkshire Water, as owners of this pumping station, had recently had several staff changes and was concerned some local experience may have been lost. This was a matter he was raising at a higher level in Yorkshire Water. In relation to the pumping station the Council were considering progressing a funding bid for the station with various possible options. This work including Yorkshire Water Operations and was aiming to progress a draft report.

New Excavator Delivery

Mr C Chambers asked about the new excavator delivery highlighted in the Engineering Assistant's report. He asked why the machine specification when delivered with the equipment installed was not in the ideal position.

The Engineering Assistant informed the equipment was not a standard fitting in production. It had been installed after the machines manufacture by the supplier. The supplier however recognised the problem with its location and fitted it to a better position under the machine warranty.

Engineering Assistant's Report – Health and Safety

Mr I Ridsdale asked if the workforce have a method of recording and saving specific risk assessments therefore having evidence on the risks evaluated.

The Engineering Assistant informed that the risk assessments were collected in and saved. The format for using them is intended to be user friendly with generic assessments available for reoccurring tasks.

Mr M Cockerill asked about specific training for chainsaw usage and herbicide applications.

The Engineering Assistant explaining the approach taken and training provided for these types of activity along with the process of review.

Recruitment of New Staff

The Clerk reported on the recruitment of a Field Works Supervisor providing shared services to Foss (2008) IDB, Ainsty (2008) IDB and Ouse and Derwent IDB. This along with a new Member of the workforce for Ouse and Derwent IDB. A newsletter regarding the vacancies and recruitment for the available positions had been circulated to all the workforce members of the above three Boards. All these positions are being advertised on the job vacancy website 'Indeed.'

Maintenance Flailing Contracts 2023/24

The Clerk reported that two maintenance flailing contract returns had been submitted. These were opened in front of Members by the Chairman and the tendered cost on the cost summary sheet read out. The linear rates also being read out which are as follows:

Contractor 1 – 36p/linear metre in all districts.

Contractor 2 – 35p/linear metre in the old Wilberfoss and Thornton Level DB district and 39p/linear metre in the old Foss IDB district. An increase on the costs from last year of 2p in both districts.

The tender returns also including hourly rates for other activities if required.

Members considered the tender returns and were disappointed only two had been received.

The Engineering Assistant was uncertain if Contractor 1 has the capacity to deliver the entire program of flailing but clearly is the cheapest tender for the old Foss IDB District.

The Clerk informed in these circumstances the Board has given delegated authority to the Engineering Assistant to award the work to the two contractors who have tendered. The objective being to achieve the best value for the Board but also linking into the capacity the contractors have to deliver the Boards maintenance flailing program.

Mr C Chambers proposed the Board gives delegated authority to the Engineering Assistant to award the work as suggested by the Clerk.

Mr I Ridsdale seconding the proposal of Mr C Chambers which was UNANIMOUSLY AGREED by the Board.

(SEE APPENDIX TO MINUTES)

**REVIEW OF THE
EXTERNAL
AUDITOR
CERTIFICATE**

The Clerk reminded Members of a letter from the Audit Commission which was circulated a few years ago. The letter clearly highlighted the requirements, which the Clerk has reflected in the Agenda items since, for the returns for the 2022/23 year-end audit. This is to try to ensure compliance and to avoid audit prequalification.

The Clerk had circulated with the Agenda a copy of the External Auditor's comments of 2021/22 (Section 3) in the IDB Audit Return for reference. The top box of the form includes that the External Auditor believes 'On the basis of our review of the annual return, in our opinion the information in the annual return is in accordance with proper practices and no matters have come to our attention giving cause for concern that relevant legislation and regulatory requirements have not been met.' In the second box 'Other Matters Affecting the External Auditors Opinion' no comments are made.

The Clerk reported that no comments were made by the Internal Auditor in Section 4 of the form for Financial Year 2022/23.

**REPORT ON THE
SYSTEM OF
INTERNAL
CONTROLS**

Review the Effectiveness of Internal Control

The Clerk noted that the Board had previously agreed for its Internal Auditor to review and report on the Boards System of Internal Control. The Clerk had circulated a copy of the report for the year ending 31st March 2023 with the Agenda.

The Clerk noted the matters raised included continuity of service in the York Consortium, segregation of duties and representation at Board Meetings in decision making particularly with 'Council Nominated Members.' These matters were reviewed and discussed at the meeting by Members and the report content noted.

Consider the Findings of the Review

The Clerk will consider the matters raised and incorporate in the Boards Business Risk Assessment for the current financial year. The document will be included for review at the next meeting of the Board.

APPROVAL OF THE
ANNUAL
GOVERNANCE
STATEMENT

ACCOUNTING
STATEMENTS

The Committee considered the report and it was proposed by Mr D M Crossley that the Board accepted the reports content. This proposal was seconded by Mr S Wragg and UNANIMOUSLY AGREED by the Board.

Section 1 of the Annual Return

The Clerk informed the Audit Commissions Annual Return has been completed for 2022/23 which includes the Governance Statement Section 1. A copy of the Statement was circulated with the meeting agenda.

The Committee considered Section 1 of the Annual Return and it was proposed by Mr I Ridsdale that the Board approved the Annual Governance Statement. This proposal was seconded by Mr M Kemp and UNANIMOUSLY AGREED by the Board for the Chairman and Clerk to sign Section 1 – Annual Governance Statement 2022/23.

Consideration of the Accounting Statements

The Clerk reported that the Board's External Auditors are Littlejohn LLP for the accounts being considered. The Auditors are now contracted directly to audit IDB accounts. This being established through a framework contract open to small local public organisations such as parish councils and IDBs.

A copy of the accounts was circulated with the meeting agenda for the year-ending 31st March 2023. The accounts having been internally audited, with the Auditor having completed and signed off Section 3 Annual Internal Auditor Report 2022/23 of the IDB Return.

The Clerk ran through the details of the Board's accounts and noted the reduced staff cost due to the Board not recruiting a new Member of Consortium staff. This along with increased income arising from the Boards 'Highland Water' contribution from the Environment Agency for works carried out in 2021/22. The Board also experiencing increases in both fuel and material costs. He noted the Boards expenditure was £765,393 and income of £760,912 resulting in a deficit of £4,481.

Approval of the Accounting Statements by Resolution

The Committee considered Section 2 of the Annual Return and it was proposed by Mr D R Brotherton that the Board approve the Annual Accounting Statement for 2022/23. This proposal was seconded by Mr R J Burnett and UNANIMOUSLY AGREED by the Board.

Authorise the Chairman to Sign and Date the Statements

The Committee considered Section 2 of the Annual Return with the accounting statements and it was proposed by Mr D R Brotherton, seconded by Mr D M Crossley and UNANIMOUSLY AGREED by the Board for the Chairman and Clerk to sign and date Section 2 – Accounting Statements 2022/23.

The Board further authorised the Chairman and Clerk to sign and date the balance sheet of the accounts.

The Clerk had circulated a draft document for the Scope for the Board’s Internal Audit with the Agenda. This document following the Audit Commissioner’s guidance is required to be able to review the effectiveness of the Internal Auditor if required when the Internal Audit is complete.

The Clerk noted that the guidance from ADA on the Governance and Accountabilities in Internal Drainage Boards in England a Practitioners Guide (2006) updated 2007 has been updated more recently but this now puts the onus on the Board to define the scope of its own internal audit.

The Board considered its content and UNANIMOUSLY AGREED the acceptance of the Board for the Scope of the Internal Audit to be able to formally review the Effectiveness of the Internal Audit for financial year 2023/24.

The Clerk had circulated an information sheet with the Agenda which related to the Boards Byelaw savings. This intending to stop conflict between the Boards responsibilities under the Land Drainage Act 1991 and other Authorities powers and duties under other Acts such as the Highways Act 1980. It being noted that because of the savings, North Yorkshire Highways were being inconsistent in its approach to seeking consent/giving notice to highways schemes. In view of this the Clerk asked the Board to seek amendments to the Boards Byelaws or guidance on this matter’s interpretation and clarify the intent of the clause from Defra.

Mr M Kemp proposed that the Clerk should be authorised by the Board to take the above action.

Mr S Wragg believed the Board needed to take this approach and was the correct thing to progress and seconded the proposal of Mr M Kemp which was UNANIMOUSLY AGREED by the Board.

TERMS OF REFERENCE FOR INTERNAL AUDIT

BOARDS BYELAWS SAVINGS FOR OTHER BODIES

INSURANCE

The Clerk had circulated a schedule of the insurance costs with the Agenda. This showing the current years insurance costs and the costs to renew the Boards insurance on 6th June 2023. The policies requiring renewal for continuity of cover. The Board using Towergate as the Board's broker to obtaining the required covers. The sums in the table include Insurance Premium Tax and VAT. He explained the background to the Business Combined Insurance with the cover previously provided with AXA. The policy cover is now split and shared with Covéa Insurance. The costs of the two policies overall will be similar but give wider cover and less excess to pay in the event of a claim.

The Clerk further noted the Boards of the Consortium continue to have a shared hired in plant and equipment policy which this Board pays for and recharges to others.

The Clerk informed about increasing costs with current high inflation, increasing asset costs and values for replacement although the insurance industry appears more settled following the problems and increased cost two years ago. The increased cost this year shows reasonable increases compared to inflation and reflects the areas which the Board was seeking increased cover with new equipment and increased turn over.

Insurance for Theft

Mr M Cockerill asked about the insurance cost which included for theft.

The Clerk noted that this appeared large but the Board does manage the funds for expenditure payments for the other four Boards who are Members of the York Consortium so had a significant liability beyond the funds held by the Board.

Mr C Chambers noting that the cost appeared to be slightly higher than the cost for Public Liability Insurance.

The Clerk noted he could provide greater details on the content of the policy but it was likely the policy included wider cover than the heading it was included under.

The Board Members noted and accepted the position on the Boards insurance, which had been renewed for continuity of cover on this basis, however if any changes are required later these can be organised with the Board's Insurance Brokers.

Members UNANIMOUSLY ACCEPTING the insurance cover provided and the cost for renewal.

ADA NATIONAL

ADA Virtual Annual General Meeting

The Clerk informed that ADA National are organising a virtual AGM on 27th September 2023. Joining details for Members wishing to attend will be made available if required closer to the time.

ADA Conference 2023

The Clerk informed that ADA National are organising a Conference on 21st November 2023 at the Institute of Civil Engineers at 10 Great George Street, London, SW1. The Board approving the payment of Members attendance at the meeting and appropriate travel costs.

ADA NORTHERN BRANCH

Summer Meeting

The Clerk informed he had recently attended the ADA Northern Branch summer meeting held at Cave Castle Hotel on 19th May 2023. This particularly featured the issues regarding underground cable laying which has significantly been recently experienced in the East Riding of Yorkshire Council area and the required consideration of consenting of cable laying. This included access and impact to Drainage Board assets, drainage construction works and land remediation with drainage.

Stand at Driffeld Show

The Clerk informed ADA Northern Branch had booked at Stand at the Driffeld Show on 19th July 2023. This is a one-day event rather than two as held last year. The objective of the stand is to promote wider interest in Internal Drainage Boards and the work they undertake.

ADA Northern Branch AGM

The Clerk informed this is likely to be on 24th November 2023 at Yorkshire and Humber IDB offices.

WATER
MANAGEMENT
LIVE 2023

The Clerk informed that an ADA National Land Drainage Machinery and Equipment Demonstration is being organised. This will be held on 5th and 6th July 2023 at Dyson Farms in Carrington near Boston in Lincolnshire. A copy of the event details and process for registration was circulated with the Agenda. The workforce have been invited to attend as previously discussed with the Board and the Clerk will be attending on behalf of the Boards who are Members of the York Consortium of Drainage Boards.

CORRESPONDENCE

Public Awareness of IDBs and the River Foss Society

The Engineering Assistant informed he had been corresponding with the River Foss Society. In this he has been invited to attend on the Boards behalf to an open public meeting on 24th June 2023. This will be at Willow Bank near the Hound Lodge Café. To inform about the Boards work he will be taking a trailer load of debris and rubbish removed from a watercourse to highlight the debris ending up in the Boards maintained ditches and having to be removed.

The Clerk reported there was no further correspondence of significance received since the date of the last meeting.

PLANS

The Clerk referred to the list of planning applications commented upon since the last meeting of the Board, which had been circulated to all Members with the Agenda.

The Clerk reporting that all this information was now digitised and a copy can be provided at the meeting on a laptop computer instead of the paper records.

Starbucks on Site of Four Alls Inn, Malton Road on A64

The Clerk noted that Cllr T Fisher wished to raise a point on this planning application, however he had just had to leave the meeting.

Mr S Wragg reported on the position with planning which had difficulties progressing a drainage solution. The application having been taken to appeal has now been granted.

River Foss Upstream Storage

The Clerk confirmed to date no consent on this scheme has been submitted regarding the River Foss channel restriction works within the Flood Storage Area beyond the original planning application. The item previously being covered in the Engineering Assistant's report.

York Bypass Upgrade Works

The Chairman asked if the York Bypass upgrade works were progressing.

The Engineering Assistant was aware that the Board had some outstanding issues which the Consultants were working on. He however was uncertain on the timetable for submission to the Board.

Yorkshire Green Electricity

The Clerk informed that the Board were dealing with the response to this project which is a significant infrastructure project which was being considered by the Planning Inspectorate. The scheme impacting on Foss (2008) IDB, Ainsty (2008) IDB and Kyle and Upper Ouse IDB. The work consisting of upgrading of electricity transformers and distribution equipment. This including a transformer unit with access etc being in the Foss (2008) IDB district (near Hull Road). The remainder of the project is installing and replacing high voltage electricity cables and pylons.

(SEE APPENDIX TO MINUTES)

BANK STATEMENTS

The Clerk produced the Bank Statements for the Board's Current Account with a credit balance of £530,185.10 with Barclays Bank as at the 26th May 2023.

The Virgin Bank account has an additional credit balance of £154,176.25. The Board placing funds into a twelve-month deposit account which is achieving 1.9% gross per annum.

The Nationwide Building Society account has an additional credit balance of £64,835.90. The Board placing funds in a 95-day business saver account which is achieving 2.8% gross per annum.

The total balance of the Boards funds held in these accounts is £749,196.25.

The Clerk confirmed that Barclays Bank continue charging for its banking services.

ACCOUNTS FOR
CONFIRMATION

The Clerk referred to the list of accounts paid since the date of the last Meeting, which had been circulated to all Members with the Agenda.

It was proposed by Mr I Ridsdale, seconded by Mr D Crossley and RESOLVED that payment of these accounts be confirmed.

(SEE APPENDIX TO MINUTES)

DATE OF NEXT
MEETING

It was directed that the next Meeting of the Board is due to be held at the Strensall and Towthorpe Village Hall in the larger room, Northfields, Strensall York on **Monday 4th September 2023** commencing at **1.30pm**.

DATES OF FUTURE
MEETINGS

Monday 6th November 2023

Monday 8th January 2023 (AGM)

ANY OTHER
BUSINESS

The Chairman closed the meeting at 3.00pm as there was no other business.

(APPENDICES TO FOLLOW)