

MINUTES of Meeting held on Monday 18th September 2017 at Copmanthorpe Methodist Church, Main Street, Copmanthorpe

PRESENT

Mr S E Jackson (In the Chair)
Mr C E Mills
Mr S Barnes
Mr J Sanderson
Mr J B Blacker
Mr A Percy
Mr J Bramley
Mr G H Smith
Cllr J Galvin
Mr S Wragg
Mr J Tull

The Clerk – Mr W Symons
Engineering Assistant – Mr N Culpan

APOLOGIES FOR ABSENCE

Apologies for absence were received from Mr M Haigh, Mr R F Hildreth, Cllr D Mackay, Mr R Burniston, Mr C Clayton, Cllr D Carr and Cllr K Ellis.

MEMBERSHIP

The Clerk reported that one Member has not provided a completed Declaration of Interest Form. The Boards Policy on Members Interests requires this to be completed and provided.

The Chairman offered to talk to the Member to ask him to complete the form. If this is not forthcoming the Board will have to consider its position. However attendance of the Board Meeting can be allowed as an observer/member of the public if the form is not provided.

Cllr J Galvin raised his difficulties of attending meetings because of the dates and times clashing with Council meetings.

DECLARATION OF INTEREST

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

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

MINUTES OF LAST MEETING

It was proposed by Mr A Percy, seconded by Mr C E Mills and RESOLVED that the Minutes of the Meeting held on the 12th June 2017, 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

There were no further matters arising from the Minutes that were not covered in the main agenda.

RATES

The Clerk reported that the rates collected up to the 18th September 2017 are as follows:

- (a) Special Levy - £152,140.50 (50%)
 - (b) Direct Levy - £ 59,279.33 (96%)
- £211,419.83

The Clerk also advised that a sum of £7,982.46 had been collected in drainage rates since the report of the last meeting.

The Clerk further reported that second reminders have been sent out and final reminders will be sent out shortly, if required court actions will be progressed. The Clerk providing a list of the outstanding rates which was viewed by the Chairman at the Meeting.

MAINTENANCE WORKS

Information and Maps

The Clerk informed Members a report had been circulated with the Agenda.

The Engineering Assistant had also produced a number of coloured maps on each of the old five districts of the Board for Members reference at the Meeting. These showing the progress with delivering the Boards maintenance programme. The Board has had some difficulties with machine access because of poor ground conditions.

Old Fleet Foss

Mr C E Mills asked if the work on the side of the Old Fleet Foss along the highway could be advanced as soon as possible.

The Engineering Assistant confirmed that he has requested this work from the Boards Contractor.

Double Doors, Bolton Percy

The Engineering Assistant noted the difficulty in establishing the required economic benefit to advance potential capital funding of these doors. He explained the Environment Agency considered the Rampart flap constrains property flooding at this location and not the double doors. The Board however needs to establish the cost of replacement so this matter can be given further consideration to establish if funding can be made available. The wooden doors sealing on masonry which is not very effective.

Mr S Wragg noted that the Environment Agency had been considering flood flows in the River Wharfe recently. It might be the Agency may value flood storage in the Ings now more at the peak of a flood. If the doors leak the Ings fill as the tide rises and the flood storage is not partitioned and potentially not available when required. This benefit might make the Agency take a different view on the economics of the value of the doors for capital funding so it might be worth asking again.

Plant

Members UNANIMOUSLY AGREED to sell the Boards Komatsu excavator with the 3m extension arm to EPS for the sum of £14,250 plus VAT as per the recommendation contained in the Engineer's Report.

Un-Consented Culvert Works

Members gave this matter consideration, the landowner having installed plastic pipes into a Board maintained ditch. However he had not backfilled over the pipe placed in the ditch. The Board having written to the land owner seeking him to apply to the Board for Consent.

The Engineering Assistant noted that it was uncertain about the consequences of this work. In particular if the pipes are backfilled without any professional consideration such as advice from an appropriate consultant.

Mr C E Mills believed that the situation was unacceptable currently and the Board should obtain legal guidance to progress enforcement should the pipes start to be backfilled. The Board should also continue to seek the landowner applying for Consent for the existing situation.

Members asked the Clerk to progress the matter on the basis requested by Mr C E Mills and to write to the landowner on this basis.

Acaster Ditch

Cllr J Galvin asked about the open ditch at Lakeside near Intake Lane and asked if the Board could coordinate this ditch work with the Parish Council as the grass verge was in need of cutting.

The Engineering Assistant agreed to inform the Parish Council when the work will be carried out.

(SEE APPENDIX TO MINUTES)

HEALTH & SAFETY

The Clerk confirmed that no reportable incidents had occurred since the date of the last Meeting which required reporting to the Health and Safety Executive (RIDDOR).

The Clerk had further circulated with the Agenda details released from the Health and Safety Executive of recent fatal accidents which had occurred in farming. This being of interest to the Members as much of the Boards maintenance work is tied into and associated with the agricultural community. The incidents occurring sometimes could be common to the work of the Board, such as accidents utilising farming equipment.

Members were aware of the issues and the incidents occurring. It was raised that risk clearly existed in farming, it having many unpredictable factors such as working with livestock and machinery. This along with many farmers lone working for long periods of time all of which increases the risk of accident.

HEALTH AND SAFETY POLICY

The Clerk reminded Members of the format of the Boards Health and Safety Policy which was discussed at the last meeting. The two parts consist of:

- Part 1) Responsibilities and Local Arrangements and
- Part 2) Health and Safety Policy and Guidance

The Clerk had circulated an updated Part 2 of the Health and Safety Policy with the Agenda for Members consideration.

The Boards Health and Safety Consultant had amended the document in relation to the comments Mr Tull raised at the last meeting. The changes being highlighted with tracked changes in the document. A few amendments are still outstanding and needing further consideration by the Boards Safety Advisor before being finally completed. It is further recognised as circumstances change the document will continue to need updating. However the document as tabled reflects the current position and the Board is being asked if it wishes (subject to minor amendment) to adopt the enclosed document as its current Health and Safety Policy.

The Clerk further informed that Part 1 of the Health and Safety Policy had only had minor changes. A copy of this part being made available at the meeting,

The Chairman asked if the workforce were aware of the policy and informed of its content.

The Engineering Assistant confirmed that they were and clearly they would be informed about this new update of the policy if adopted by the Board.

Cllr J Galvin proposed that the Board adopts the policy and the Chairman was authorised to sign the document.

Mr A Percy seconded the proposal and the Board UNANIMOUSLY AGREED to accept the draft Health and Safety document as its Health and Safety Policy replacing the current document Authorising the Chairman to sign the document in the relevant section.

Members discussed a number of Health and Safety matters including first aid training in relation to the Boards procedures.

Members also discussed the availability of a defibrillator if ever required.

UPLAND WATER CONTRIBUTION

The Clerk advised that a claim had been made to the Agency for 2016/17 upland water ditch maintenance works. This was made on the basis of the sum of £54,879.78. An overall payment of 89% has been agreed although not yet paid by the RFCC of £48,843.00. The payment last year (2015/16) was made on the basis of 89% at a rate of £44,367.00. The Clerk budgeted in the annual estimate at £17,750.00.

STAFF

Foreman

The Engineering Assistant reported on the difficulties of trying to recruit a new Foreman. The position becoming vacant since the last meeting of the Board.

Members considered the position and AGREED that a higher salary could be offered for someone with the correct experience but also recognised that consideration may need to be given to the rates of overtime paid.

Members AGREED that the Clerk, Engineering Assistant, Chairman and Vice Chairman (if available and willing) would interview the three candidates currently available. Then if an appropriate candidate can be found could make an appointment.

CONSORTIUM FACE TRAINEE

Consortium Boards Foundation Degree Trainee

The Clerk reported he had made a bid for a Trainee for the Boards of the Consortium. The period of training to start in the office in the next financial year for six months. The study period starts in October and is funded by Defra. However the Consortium Member Boards are required to pay a training allowance when the trainee attends in the office. The course is for two years with two six month office based training periods and two six month University based periods.

The Clerk reported that the Board has been allocated a trainee on this scheme.

Members were UNANIMOUSLY IN SUPPORT of the Clerk progressing this action.

The Clerk however has been informed that the trainee allocated to date may not wish to have his work experience working across the Consortium Boards in the Boards office so may decide to go elsewhere.

**BUSINESS RISK
ASSESSMENT
POLICY**

The Clerk informed the Board that the Association of Drainage Authorities have issued a model policy document for the Board's Risk Assessment. The format is in the form of a 3 x 3 matrix which evaluates the likelihood of an event happening against the consequence of the event happening. A draft updated Risk Assessment for the Board on this basis has been prepared which Members considered at the meeting. To Aid Members identification the changes from last year were highlighted in bold and underlined.

It was noted that the Risk Assessment can be updated as new risks are established and mitigated. The Risk Assessment has been updated with the comments following the report of the Boards Internal Auditor's Report/Letter. It now also includes the Public Sector Cooperation Agreement (PSCA). This has been seen to be an important factor to be able to progress IDB Main River maintenance work such as on the Old Fleet Foss.

The Board Members reviewed this document and considered the higher risk matters, which were highlighted in the report.

The Clerk informed the Board that the Audit required the Board to formally consider and approve its Risk Assessment for 2016/2017.

Mr G H Smith proposed that the Board adopts and approves this policy for financial year 2016/17.

Mr S Wragg seconding the proposal which was **UNANIMOUSLY AGREED** by the Board.

AUDIT

The Clerk referred to a copy of the External Auditors certificate and opinion for the accounts for financial year 2016/17. A copy of the External Auditors certificate and opinion has been circulated (Section 3 and 4) to Committee Members prior to the meeting with the Agenda.

External Auditors Certificate and Opinion

The Clerk informed Members that the return from the External Auditor does not raise any matters under Section 3 External Auditor certificate and opinion 2016/17.

Completion of the Audit

The Completion of the Audit has been advertised, as required. The Board acknowledged this outcome.

Appointment of Internal Auditors

The Clerk advised the Board that the audit of the Board's accounts is reasonably complex. In view of this any new auditor would require some time to understand the working arrangements currently in place.

The current Internal Auditors, Brodericks (Doncaster), who have carried out audits for a number of other Boards, are familiar with the Consortium arrangements along with the Audit Commission and the requirements of the external audit.

The Clerk noted that the External Audit for 2017/18 was the first year of a contracted in External Audit following the abolition of the Audit Commission. In this, sustaining continuity of Internal Audit is likely to help if any problems arise with the new arrangements.

In view of this the Clerk proposed that our existing Auditor is retained for the 2017/18 financial year audit because of the familiarity of our current systems. The cost of last year's audit, support and production of the required reports for the Board was £1,650 plus VAT. However the cost could increase depending on the requirements of the audit.

Mr G H Smith proposed that the Board re-appoint the Auditors, Brodericks (Doncaster) for the 2017/18 financial year.

Mr J Sanderson seconding the Proposal which was UNANIMOUSLY AGREED by the Board.

REVIEW OF THE EFFECTIVENESS OF INTERNAL CONTROL

Review the Effectiveness of Internal Control

The Clerk further referenced the historical concerns of the External Auditor regarding the Review of the Effectiveness of Internal Control. In previous years the Board had agreed for its Internal Auditor to review and report on its 'Effectiveness of Internal Control.' The Board having the alternative option to set up a Sub-Committee to review this item and present a report to the Main Committee, this along with any other approach they may wish to take.

Members UNANIMOUSLY AGREED that the Board should continue to review its effectiveness of internal control by the Internal Auditor for Financial Year 2017/18. This being on the basis that a report will be prepared on the findings of the review which will then be considered and actions taken as required at a future meeting of the Board. This approach being taken as the Internal Auditor is believed to be impartial to the interests of Members and the Boards Consortium staff. This therefore aims to avoid any potential conflict of interest.

The Board's Clerk should also review the documentation and scope of this report to ensure that the audit compliance requirements are fully covered.

BYELAW ENFORCEMENT

The Clerk asked Members if the Board would support the advancement of an enforcement policy for Byelaws. The cost being roughly £5,000. The Board would contribute at the current Consortium Agreement rate if all Member Boards of the Consortium were willing to support the work.

Members UNANIMOUSLY BEING IN SUPPORT of advancing and contributing to this policy.

The Clerk was asked if the proposal could be tabled and considered for funding by the Association of Drainage Authorities (ADA) as well.

CORRESPONDENCE

The Clerk informed the Board that he was making travel arrangements and booking for Members wishing to attend the London ADA Conference on Wednesday 16th November 2017. A copy of the meeting information being circulated with the meeting Agenda. The Board AGREEING to pay for the travelling costs and conference fees for any Members wishing to attend. The overall cost per Member for travel and conference fees are likely to be about £200 per head. The Clerk informed he will be attending on behalf of the York Consortium.

Freedom of Information Act

The Clerk informed that the Board had been receiving a number of Freedom of Information Act requests which the Board is in the process of responding.

Local Government Ombudsman

The Clerk reported that a local Government Ombudsman Investigation was underway however the nature of the investigation was private and confidential.

The Clerk advised Members that beyond the notification above there had been no 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 also highlighting that the Miscellaneous and Outside the Board's Drainage District Plans Report has been provided.

The Board approved the comments.

(SEE APPENDIX TO MINUTES)

CONSENTS

The Clerk referred to the list of Consents Applications granted since the last Meeting of the Board, which had been circulated to all Members with the Agenda.

British Sugar Site

The Clerk referred to the Boards response to the Planning Application for a development platform for a proposed 1100 houses. A copy of this letter being circulated with the previous meeting Agenda of the Board. The matters raised in this response in particular details of the historical drainage arrangements had resulted in the Board refusing Consent to drain the entire site to the Carr Drain culvert on this site.

The Board however in refusing the Consent to Discharge offered the applicant the option to review the Boards decision with the provision of further information.

The applicant then decided to take the matter of the Board refusing Consent to Adjudication.

The Clerk had then engaged professional legal advice in dispute resolution to help seek resolution.

The Boards Advisor considered that Adjudication was premature and wrote to the applicant on this basis.

The Applicant had then provided further information following the Clerk attending the Planning Committees Site Visit.

The Board has used this information provided by the applicant and reconsidered and granted the Discharge Consent.

The Board then being able to withdraw its objection to the planning application with this matter addressed. The remaining concerns of the Board needing discussion with the Planning Authority through planning conditions.

(SEE APPENDIX TO MINUTES)

BANK STATEMENTS

The Clerk produced the Bank Statements for the Board's Current Account and Business Premium Account showing an aggregate credit balance of £473,581.13 with Barclays Bank as at the 8th September 2017.

The Yorkshire Bank account has an additional credit balance of £85,416.89. The Board placing funds into a twelve month deposit account which is achieving 1.2 % gross per annum.

The Nationwide Building Society account has an additional credit balance of £71,973.33. The Board placing funds into a 95 day saver which is achieving 0.5% gross per annum.

The total balance of the Boards funds held in these accounts is £630,971.35.

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. The list was considered by Members and a number of questions asked.

It was **RESOLVED** that payment of these accounts be confirmed.

(SEE APPENDIX TO MINUTES)

DATE OF NEXT MEETING

It was AGREED that the next Meeting of the Board will be held at the Copmanthorpe Methodist Church, Main Street, Copmanthorpe on Monday 6th November 2017 commencing at 6.30pm.

FUTURE MEETINGS

Monday 15th January 2018 Annual General Meeting
Monday 12th March 2018
Monday 11th June 2018

ANY OTHER BUSINESS

York Flood Defences Investment – 5 Year Plan and 100 Year Plan

The Clerk informed the Board that the Environment Agency and its Consultants had held a meeting in relation to the York Five Year Plan. The Clerk attending, representing the Board to be informed about the study's progress.

The Clerk informing Members that the study was progressing but at this stage was not in a position to highlight specific schemes other than the Foss Barrier work to be progressed.

Mr S Wragg noting that the Agency was under a lot of pressure to deliver the work to be included in this Five Year Plan and there is a lot going on behind the scenes.

There was no other business and the Meeting was closed.

(APPENDICES TO FOLLOW)