

1. Minutes of Meeting held 31 January 2020

Present: ✓

Member	4.11. 16	3.2. 17	23.6 .17	2.11 .17	2.2. 18	24.5 .18	2.11 .18	1.2. 19	24.5 .19	1.11 .19	19.1 1.19	31.1 .20
Catherine Anderson (DMBC)	✓	-	✓	✓	✓	✓	✓	✓	✓	✓	A	✓
David Atkinson (Dun District)	✓	✓	✓	A	A	✓	A	A	✓	✓	✓	-
Wayne Atkins (Barnsley DC)			✓ new	✓	✓	✓	✓	✓	✓	✓	-	✓
Andrew Cooke (Went District)	✓	✓	A	✓	✓	A	✓	✓	✓	✓	✓	✓
Chris Platt (KtoG)										New A	A	✓
John Duckitt (Dun District)	✓	✓	✓	✓	✓	✓	✓	A	✓	✓	A	✓
Martin Falkingham (Went District)	✓	✓	✓	✓	✓	✓	A	A	-	✓	✓	✓
Terry Grady (Doncaster MBC)	✓	A	✓	✓	A	✓	✓	A	✓	✓	✓	✓
Charlie Hogarth (Doncaster MBC)	✓	-	✓	-	-	✓	✓	A	-		✓	-
Gillian Ivey (Chair (Selby DC)	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	A
John Gilliver (Vice Chair (Doncaster MBC)							New ✓	✓	✓	✓	✓	✓
Steve Lomas (Dun District)	✓	✓	✓	✓	✓	A	✓	✓	✓	✓	✓	✓
Paul Maddison (Wakefield MDC)	✓	✓	A	✓	✓	A	✓	✓	✓	✓	-	✓
David Platt (Knottingley to Gowdall District)	✓	✓	✓	A	✓	A	-	✓	-	✓	✓	✓
Robert Robinson (Dun District)	A	A	✓	✓	✓	✓	A	✓	A	✓	-	✓
Richard Thompson (Went District)	A	A	✓	✓	✓	✓	✓	A	A	✓	A	x
Kyle Heydon (DMBC)	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	-	A
Anthony Scholey										New A	✓	A
Neil Welburn (Went District)	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	-
Glyn Smith (Dun)										New A	A	-
John Mackman (Selby DC)										New A	A	-
Laura Watkinson-Teo (Selby DC)										New A	✓	A
Mark Crane (Selby DC)									New ✓	✓	A	A

Officers attending:

Ian Benn – Clerk
 Alison Briggs – Environment Officer (EO)
 Martin Spoor – Asset Manager (AM)
 Craig Benson – Finance Officer (FO)

Public attendance – 2 members of the public

Governance

- 2020.1 Vice-Chair advised on housekeeping in connection with meeting venue
- 2020.2 Vice-Chair advised requirement for an additional emergency item to go onto the Agenda in private session associated with bank mandate at the end of the meeting. **All in agreement.**
- 2020.3 **Apologies for absence** – were received from Mark Crane, Kyle Heydon, Gillian Ivey, Anthony Scholey, Laura Watkinson-Teo. RR advised apologies given at last meeting though table shows a dash for absence. The Vice-Chair chaired the meeting in the absence of Chair.
- 2020.4 **Declaration of Interest** – AC in Norton Common pump station access.
- 2020.5 **Public Forum** – Mr and Mrs Hill had requested audience associated with Sour Lane Drain and slips. Mrs Hill advised resident of Fishlake for many years; issue had been long term but become more apparent following recent flooding. Sour Lane Drain erosion had been first raised some 20 years ago with the previous Board engineer Mr South as their front garden was being eroded by flow of water in drain. Piling installed by Board to protect front garden then. Their small wooden log fence at bank top had slipped into Sour Lane Drain. Property itself suffered in recent November 2019 floods, she and husband were in temporary accommodation. Mr and Mrs Hill requested the Board consider either culverting the drain or install new piling to protect the front garden. She advised several properties were affected; the adjacent property originally had a front wall which has disappeared. JD advised on Commissioner on Dun Drainage when this issue arose 20 years ago. Board Policy at time was not to culvert main dykes and same policy still applies, adding there were problems with culverts in Fishlake where dykes have been culverted some illegally. The AssetM advised Board works under permissive powers, ownership of the drain may be solely associated with properties or possibly DMBC as part of the highway. AssetM advised he had looked at issue and there was potential for scheme which had originally be in Agenda but withdrawn from today's meeting by the Board Chair. He suggested the Board would have to consider whether it wished to take a scheme forward. Following the Fishlake drop-in session he had suggested various improvements could be considered which had been highlighted more particularly post November floods. Clerk advised Board would do what it could to support affected parties, but it was imperative that watercourse ownership be established. Mrs Hill advised erosion of the garden was their primary concern, she was unsure of extent of ownership. EO to ascertain extent of registered title.
- 2020.6 **Minutes of Extraordinary Meeting 19 November 2019 – AC proposed true record of meeting for signature, seconded TG, all in agreement**
- 2020.7 **Matters arising not discussed elsewhere on the Agenda – WA in 2019.88 Bulling Dyke, Wombwell.** He advised initial reports from residents, were flooding was not caused by a culvert but by lack of maintenance on Bulling Dyke, 30-40 properties affected. AM advised issue in certain locations access was an issue, Board maintains sections downstream from travellers' site. The section to rear of sewage works depot has required hand work as access with machines not possible. Hand work does not look like mechanically maintained area and considered volume of water the issue rather than lack of maintenance. WA advised access issues rectified. AM agreed will identify whether there is a benefit to undertaking maintenance now.

JD – Taining Drain drains all Fishlake Nab, which was severely flooded. Lower end is piped where goes under Fishlake Nab road. Dyke has not been maintained correctly for years. Two access holes provide inspection. He opined if dyke had been correctly maintained water would have moved from Fishlake Nab more quickly. The road was closed extra fortnight as pumps had to be provided which crossed road. He asked what was being done about maintenance.

AssetM advised camera survey quotation had been sought on which a query had been raised as the quote was high; the EA were being asked for a contribution. He advised flooding had raised question as to whether culvert was appropriately sized 450l^s, it is 1m diameter and sized as part of mining mitigation which led to Training Drain pump station which delivers 400l^s. The culvert acts as throttle holding back water to pump station which is designed to deliver land drainage function to 1:10 year event. Unknown whether there is an issue with the culvert until CCTV survey undertaken. EA had to over pump using 8x400l^s pumps to

remove water from West Nab area because the culvert is a restriction that an open drain would not otherwise do.

RR advised culvert was blocked. AssetM advised it not blocked, he had photographic evidence of water discharging in full through the culvert, evidence of significant flows. Limestone that appeared had all come from the field scour through the culvert. Vice-Chair advised appropriate cessation of that discussion.

MF 2019.92 Fleet Doors. AssetM advised brought to attention of EA on Wednesday 29th January attended by Chair and Vice-Chair. EA had advised not an EA asset, it never has been and there was therefore no requirement for any formal consultation in terms of withdrawal. History associated with doors which has been shared previously with several Members was part of a proposed scheme delivered by Went IDB as part of Balne Improvement Scheme. It involved negotiations with British Rail, owners of the former railway embankment, about installation of Clough Doors underneath its embankment. Doors and embankment would form part of flood protection scheme to Balne when Went was backing up. The proposed scheme included structures to discharge into CRT South soak drain. Works were done to install Clough Doors and new dykes before consent of British Waterways was sought to discharge into its systems, to which British Waterways did subsequently not agree. The scheme was abandoned, locking off that area never developed into what had originally been designed. MF advised the doors appeared on the EA Asset Register. AssetM agreed however EA has advised its register contains many assets to which it does not have ownership. There was an acknowledgement the doors may be part of a flood risk protection but are not EA assets. The EA will consider the banks of the Went at Topham Ferry. In terms of the clough doors, these were installed by the Board and the Board must consider whether it wishes to accept liability for them or whether they are now a riparian asset formerly associated with Network Rail land, ownership now with local landowner in Balne Croft area. The Board must decide to accept or otherwise whether there is a function associated with those tidal doors, minding if closed water continues to flow down the system from Balne Fleet Drain which does not have the Balne Improvement Area intended outfall into the South Soak Dyke. Vice Chair advised the issue required further debate at a later point.

Clerk advised Members the Board Chair had advised at the EA liaison earlier in the week those doors should be removed. Minutes of the meeting are to be shared with Chair, Vice Chair and Chair of Finance.

2020.8 Verbal updates on matters arising from previous Minutes – 2019.67 Arksey pump station task force – The Vice-Chair advised no T&F Group had been arranged. He had received a telephone call from local residents, and requested to attend, noting the whole area issues required consideration. The station is surrounded by traveller equipment. Had no issues whilst on site however was clear many needed to be resolved. DMBC invest time in the area with pumps and have dug an overflow channel. There is a blockage under Stocksbridge Farm, there are various ideas why there is blockage which need to be checked. He further advised the issue requires a larger debate with a T&F Group.

Clerk advised it had previously been suggested by Vice Chair the Board piggyback any site visits onto DMBC associated works. He reminded Members of his role as qualified H&S adviser, with responsibilities for Board employees. Following that suggestion, in November he had immediately contacted DMBC through KH for its risk assessment associated with DMBC works in that area to identify how DMBC had mitigated risk. He reminded Members of their joint and several liability for any accidents associated with employees where they were not being provided with proper advice and assessed risks. DMBC did not respond with the risk assessment until requested under an FOI with the DMBC Chief Executive copied in. Risk Assessment has recently been received. It is generic and does not deal with known hazards at that site and surrounding area. He reminded Members the Asset Manager had met with DMBC as LLFA, the police and South Yorkshire Fire Service following threat to Board employees. Minutes of that meeting were prepared by DMBC and advise discussions on suspected firearms cache, drug dealing and money laundering. To write a risk assessment for Board employees to enter site is impossible as the risks identified cannot be mitigated. The overarching need is to work with Coal Authority at its owned site, there is a responsibility to ensure Board employees are safe. He reminded Members under legislation an employee can refuse to attend a situation where he believes there to be a danger. Employees cannot be forced or intimidated to attend believing their job may be at risk. Should that happen the Board could find itself in a dismissal claim with unlimited damages. Associated with the potential danger people can be placed in at this site, he expressed surprise there remained an appetite to operate and manage the site of a third-party, his advice was the Board should step back from this site. Vice-Chair reiterated the query came from residents who requested his attendance. He had left a message asking if the Asset Manager would attend with him and had also asked Board operative to attend who originally said yes but later declined. CC advised the Coal Authority were unaware Board Employees had been asked to attend, the Clerk was correct in his

advice regarding H&S. CA requested confirmation that no Board employee will be requested to attend until after T&F Group resolved situation. Clerk confirmed.

2019.69 Kirk Bramwith Improvements – The Vice-Chair advised still ongoing so far as he was aware.

2019.68 Board role as operator and manager of third-party sites – The Vice-Chair advised still ongoing, he had received no feedback from anyone.

2020.9 **Complaints/FOI requests** – none

2020.10 **Date of next meeting** – to be arranged with new management. Vice-Chair suggested retaining previously agreed dated of 26th June 2020.

2020.11 **Clerks report** – Clerk advised his report was for information.

2020.12 **Engineer's report** – AM presented the report.

2020.13 **Flooding November 2019 – Hydraulic model blockage scenario outputs** – not discussed

Meeting with Fishlake residents – not discussed

Meeting with Prince Charles – not discussed

2020.14 **Norton Common pump station and access bridge** – meeting papers contained extensive information of previously supplied information, minutes and Board resolutions. 2013 Structural Survey procured by the Environment Agency had identified significant concerns associated with structural integrity of the bridge and 2013 recommendation was of a weight limit restriction 3t. Landowners known to use the bridge with heavy modern machinery exceeding the weight limit, had received correspondence from the Board advising weight restriction should not be exceeded. Board had duty of care to bridge users particularly as it knew weight limit was exceeded on its asset. Board recommendations required resolution on Asset repair, Asset replacement, alternative access and egress provision and Asset demolition. **RT proposed whole issue be left until next Board meeting. All in agreement.**

2020.15 **Telemetry – Post 31 March 2020** – It was reiterated the existing contract expired 31 March 2020. **CC proposed Members agree to form a T&F Group to consider what MEICA has proposed in its specification and procurement of a new system, seconded AC, all in agreement.**

2020.16 **Planning applications** – not discussed

2020.17 **Section 23 and 66 consenting** – not discussed

2020.18 **Finance report** – FO presented the report.

2020.19 **Rates, Special Levies and Estimates y/e 31 March 2021** – FO advised 2 Options presented were a 2.5% rate increase or retain existing rate. Pump station costs now estimated at £300,000 for this year. Previous action was to transfer sum to New Work & Plant account from revenue to accommodate purchase of 2 new Energreens without touching capital monies raised from land sales. However, to do so now would severely reduce reserves. Alternative could use part Reserves and part Asset Replacement account was considered.

AC queried pumping expenses claim from EA. Advised highland water is claimed at some affected sites and additional pumping will be reflected in that claim. CA had advised at previous meeting Bellwin Scheme monies may be available and councils can claim on behalf of Board. FO advised one Lincolnshire IDB claim had been made by Lincolnshire CC on its behalf, but it is for the council to arrange. It is hard to demonstrate energy costs specifically associated with additional pumping; it may be possible to use average exceedance arguments. CA advised claim needs to be made within next week but can only associated with where IDB has specifically worked on behalf of DMBC. AssetM suggested it could be argued work done was over and above Board function and done as part of recovery associated with DMBC as lead local flood authority. Bellwin guidance advises claims can be associated with cut-off date of 17th December and demonstrate why applicable. **RT proposed Board agree rate increase rate to 10.5p rather than 10.25p to cover**

additional costs, SL seconded advising it appropriate particularly as there may be some unbudgeted costs this year, all in agreement.

- 2020.20 **Transfer of monies for capital replacement - CA proposed finance officer rework figures on the increased rate agreed, keep reserves at 30% and transfer what is required to maintain that balance, PM seconded, majority in agreement, one abstention.**
- 2020.21 **Audit – Audit Review Panel –** Minutes of the meeting had been viewed at Appendix B
- 2020.22 **Audit – Risk Register –** Available Appendix C, Members reviewed the document. Vice-Chair questioned pink and risk level. FO advised example was postponing decisions as it had just done associated with Norton Common access, which cannot be mitigated. Vice-Chair did not agree high risk identified was appropriate. Members advised Risk Register required approval or otherwise, no approval of Register would deliver a qualified opinion. **Vice Chair proposed formal approval of Risk Register, subject to Member receipt of operational risks. Vice-Chair requested member objection be copied to Vice-Chair who will pass back to Management, document to be issued to all Members present or otherwise. Responses to be received no later than 7th February 2020. AC seconded, all in agreement**
- 2020.23 **Rating Report –** noted
- 2020.24 **Proposed rate removal - £189.73.** All attempts had been made to recover monies. **RT proposed write off, seconded PM, all in agreement**
- 2020.25 **Bank accounts –** information noted, maturities will be in February and not reinvested until new financial year, monies will go back into current account. Board has no loans outstanding. AC thanked Craig for work on Finance & Policy Committee during the time he had been Chairman.
- 2020.26 **Environmental Report – BAP action increasing biodiversity –** Members noted tree planting works had been completed at Lake Drain.
- 2020.27 **AOB – Incident Response –** AssetM requested permission to discuss. He advised the issue spoke to matters raised by Mr and Mrs Hill and JD. Resulting from flood events several schemes had been identified and Board may wish to consider on the back of those floods several schemes which the Chair had decided not to bring forward to this meeting. Following his attendance at a meeting with DMBC Chief Executive Damien Allen and Pat Hagan, there appeared a drive to look at quick win capital schemes. A proposal had been discussed with the EA to remove a culvert on Taining Drain permitting a more effective pumping scenario. A second was associated with Fishlake village but there was a need to consider riparian responsibilities and possible precedents the Board may set in undertaking that work. A third was associated with the operation of Stoney Lane pump station and the Clay Dyke issues previously raised at Board meetings. He advised these represent schemes the Board may wish to consider in future but felt the appropriate opportunity to raise the matter was now whilst capital monies may be available. Agreed information be provided to Members. Vice-Chair advised the need to arrange a T&F Group to look at the issues, CC, JG and SL volunteered; others may come forward later.
- 2020.28 Vice-Chair advised of private session. Management left the meeting 12:20