



# Danvm Drainage Commissioners

## MINUTES OF THE FULL BOARD MEETING HELD ON TUESDAY 14<sup>TH</sup> NOVEMBER 2023 AT MOSS & FENWICK VILLAGE HALL

### PRESENT

#### Elected

Mr A Cooke      Mr J Duckitt      Mr D Platt      Mr R Robinson      Mr R Thompson  
Mr N Welburn

#### Appointed

Mrs G Ivey      Cllr R Tams      Cllr M Jordan      Mr J Gilliver      Mr C Crowe  
Cllr D Nevett      Cllr J McCartney

### APOLOGIES

#### Elected

Mr S Lomas

#### Appointed

Cllr M Crane      Mr C Hogarth      Mr P Maddison

### ABSENT

#### Elected

Mr D Atkinson      Mr W Falkingham      Mr W Platt

#### Appointed

Mr T Grady      Cllr K Osborne

### IN ATTENDANCE

#### Officers

Mr A McLachlan – Chief Executive Officer  
Mr R Towse – Director of Operations  
Mrs A Larkin – Director of Policy & Finance  
Miss L Smith – Board Secretary

#### Others

1 x Member of Public

Andrew McLachlan  
Chief Executive Officer and Clerk to the Board  
24 Innovation Drive  
Newport  
East Riding of Yorkshire  
HU15 2FW

01430 430237  
[info@yorkshirehumberdrainage.gov.uk](mailto:info@yorkshirehumberdrainage.gov.uk)  
[yorkshirehumberdrainage.gov.uk](http://yorkshirehumberdrainage.gov.uk)  
[@idbyorkshire](https://twitter.com/idbyorkshire)

## **241. Welcome, Introductions and Apologies**

241.1. The Chair welcomed Members and Officers to the meeting.

241.2. Apologies - Mr S Lomas, Cllr M Crane, Mr C Hogarth & Mr P Maddison.

241.3. It was highlighted that following the newly formed Unitary Authority, North Yorkshire Council; Cllr Mike Jordan, Cllr John McCartney, and Cllr Bob Tams had been appointed to the Board. Cllr Kevin Osbourne had been appointed by Barnsley Council.

## **242. Declarations of Interest**

242.1. Both Mr Welburn and Mr Thompson declared an interest in the condition of the outfall doors into the Don, discussed in matters arising.

## **243. Additional Agenda Items**

243.1. For the benefit of new Members, the CEO explained that with 75% agreement of Members present, items may be raised which did not form part of the original agenda, for discussion.

## **244. Health & Safety**

244.1. No items were reported.

## **245. Natural Environment**

245.1. No items of concern were brought to attention by Members or Officers.

## **246. Minutes of the previous Full Board Meeting**

246.1. The Chair drew attention to minutes of the previous Full Board Meeting.

246.2. It was PROPOSED by Mr J Gilliver and SECONDED by Mr R Thompson and UNANIMOUSLY RESOLVED that the Board adopt these minutes as a true record of the previous meeting.

## **247. Matters Arising**

247.1. Referring to minute 212.4 the DO confirmed there had been no further action taken by Officers however the recent storms had accentuated the issue further.

247.2. Members and Officers discussed the Board's statutory powers and their concerns in relation to Soak Dike. It was concluded that Officers should investigate the Board's legal position and report findings at the next Policy & Finance meeting for further discussion. **Action DO**

247.3. Mr Welburn highlighted 229.1 in the Policy & Finance Committee Minutes whereby it had been recorded "the watercourses were operating as designed" regarding the same matter. Mr Welburn disagreed with the accuracy of the statement made.

## **248. Minutes of the Policy & Finance Committee Meeting(s)**

248.1. The Chair drew attention to minutes from the Policy & Finance Committee at Appendix B.

248.2. It was requested by the Chair that 197.4 be rewritten – **Action CEO.**

#### **249. Committee Membership**

249.1. The Chair announced the resignation of Mrs C Anderson as a member of the Board due to moving workplaces, leaving a vacancy on the Policy & Finance Committee.

249.2. It was PROPOSED by Mrs IVEY and SECONDED by CLLR MCCARTNEY and UNANIMOUSLY RESOLVED that Cllr Jordan be appointed to the Policy & Finance Committee.

249.3. The Chair requested the CEO write to Mrs Anderson to express thanks for her commitment to the Board. **Action CEO**

#### **250. Financial Position**

250.1. The CEO presented the financial charts and explained how Officers profile income and expenditure to anticipate the Board's financial position over the year, also used as a management tool to accelerate or slow down expenditure.

250.2. He advised the trend line is almost where it is expected to be, however cautioned this with the issue with electricity invoices not being received in a timely manner therefore this could change.

250.3. The Board discussed the significant concerns with electricity costs, the Board had been paying a variable rate up to October which has now been moved to a fixed rate contract. With electricity increasing around four times as much as previous years, standing charges have also increased meaning that the Board will pay c£136k due to these charges alone.

250.4. Directing Members to the statutory income, the CEO explained that as a larger number of rates payments had been received earlier than anticipated, and an opening balance of rolled over funds with The Coal Authority (TCA), the income trend presented slightly higher.

250.5. The underspend on staffing costs was explained to be due to staff changes.

250.6. Cllr Jordan asked what was included in the pumping stations cost centre to which the CEO advised this included all operating costs such insurance, electricity, breakdown, and repairs.

250.7. Mr Duckitt queried who had funded the hire of the external pumps in Sykehouse and Fishlake during the recent storms. The DO informed Members that the pumps used on the Nab were Board owned pumps and those used on the Went were Environment Agency owned [EA].

250.8. Mr R Thompson asked, whether costs could be reclaimed from the EA, for pumping water from the Don which had entered Town Clough. The DO confirmed he had held a discussion regarding this matter however it was unlikely these costs could be recovered.

#### **251. Rates**

251.1. The DPF confirmed that at the time of writing, approximately 92% of rates income has been received, with an outstanding balance of £21,000, over half of which is owed by one ratepayer, whose account is currently on hold pending land transfers.

251.2. It was advised that summons' had been sent to twenty-eight ratepayers who had failed to settle their rates, with £100 costs added to each account. The court hearing date had been set for 15<sup>th</sup> November 2023 to be attended by Officers and the outcome would be provided at the Policy and Finance Committee meeting in January.

## **252. External Audit**

252.1. The DPF confirmed The Annual Return document (AGAR) was returned at the end of September, with the conclusion that there were "no matters giving cause for concern that relevant legislation and regulatory requirements have not been met."

252.2. Moving forward, due to an annual turnover of more than £2m, Members were informed that the Board must now consider the independence and competence of the internal auditor and consider and agree the internal audit programme of work having regard to identified risks to meet the new criteria, annually.

## **253. Appointment of Internal Auditor**

253.1. The Chair drawing attention to Appendix D, requested Members review relevant information including the Internal Auditor's résumé, the Internal Audit Plan, and letter of engagement.

253.2. It was PROPOSED by CLLR JORDAN and SECONDED by MR GILLIVER and UNANIMOUSLY RESOLVED that the Board appoint Northern Internal Audit Services to provide internal audit services for the financial year 2023/24, upon being satisfied of the provider's independence, competence, and proposed programme of work.

## **254. Internal Audit Reports**

254.1. The Chair drew attention to the final internal audit report for 2022/23 and the first interim internal audit report for 2023/24 at Appendix E.

254.2. Cllr Jordan, referring to the comments in the audit report regarding increasing board reserves, queried how the Board would do this and what the reserves figure should be.

254.3. The CEO advised that the opportunity to increase reserves this year, would be if the Board has a surplus in funds at the end of the financial year.

254.4. The Chair highlighted the Board previously were operating at a much lower reserve level however the Board agreed that the amount held should be increased further in case an emergency event arises.

254.5. Mr Crowe asked what the realistic timescale is to increase the reserves to the recommended 75%.

254.6. The CEO advised that the opportunity for increasing the reserves is when the Board decide on the budget, adding when the budget refresh occurs in June, it becomes clearer as to whether funds from base revenue can be set aside to increase reserves.

254.7. Cllr D Nevett queried the amount this needed to increase by to meet the recommended level of reserves. The DPF responded that as the operational budget this year is 2.1million, to meet 75% of the operating budget, the Board would need to raise an additional £415k.

254.8. Mr Thompson asked where reserves are held. The DPF confirmed most of this is held in savings accounts, but not held in bonds due to the Board needing to access at short notice in emergency events.

#### **255. Invoices Paid and Accounts Settled**

255.1. The Chair referred Members to the schedule of invoices paid for the first and second financial quarters of 2023/24 at Appendix F.

255.2. Cllr Jordan queried the 53-day hire of a long reach, asking if this was normal procedure and if the Board should consider the purchase of their own. The CEO very much welcomed Cllr Jordans contribution on this point and advised that this would be for a discussion at item 22.

255.3. It was PROPOSED by MR A COOKE and SECONDED by MR R THOMPSON and UNANIMOUSLY RESOLVED that the Board notes and approves the record of Invoices Paid and Accounts Settled to the value of £1,672,485.98 (net).

#### **256. Storm Babet – Flooding**

256.1. Two significant storms prior to the Board meeting had occurred. The CEO explained that during Storm Babet, there had been extensive rainfall into the river Don and its tributaries and a significant flooding incident in Catcliffe, Rotherham had arisen. The water was concentrated down to Stainforth, and the Lower Don filled two days after the main event, continuing to rise over the left of the Don into Bramwith Ings.

256.2. The DO commented that this situation had been mitigated by a well-managed, multi-agency operation, with three of the boards eight-inch pumps at Taining drain to try and alleviate flooding from the agricultural land and the EA assisted with two six-inch pumps in the attempt to drain Fishlake Nab.

256.3. The DO drew attention to the Operational and MEICA teams, who had worked consistently throughout to ensure Board assets were assisting the drainage district as they should be.

256.4. The Board discussed the planting of trees, and existing willows, in and around main rivers and the impact this can have on flow of water and the stability of flood defences.

256.5. Mr Robinson asked if the EA would reimburse the Board for their assistance during the flooding events to which the DO advised there is a discussion ongoing with the EA in relation to this matter.

256.6. Mr Welburn asked if a meeting should be held with the MP to highlight concerns with EA assets, to which the Chair advised a meeting had already been arranged between Mr Keir Mather MP (Selby & Ainsty), the CEO and herself to discuss flooding concerns.

#### **257. Public Sector Agreements**

- 257.1. The CEO stated that the EA had allocated £30k earlier this year, for maintenance on the river Went, however, they had reneged on their agreement. After recent discussions between Officers of the Board and EA staff, this funding has been reinstated and work will commence within an agreed timeframe.
- 257.2. Board Members discussed the lack of maintenance on the river Went which poses recurring issues each year as well as the Soak Dike.
- 257.3. Cllr John McCartney suggested pressure is placed on MPs to lobby the Environment Agency.

#### **258. Development Control & Planning**

- 258.1. The DO drew attention to the proposed plan of a solar farm whereby discussion are ongoing with developer, who are following all guidelines and byelaws.
- 258.2. Mr Tams queried if any thought had been given to the accidental release of any dangerous chemicals into water, with the development of solar farms and battery storage.
- 258.3. The CEO advised that the board could look to recover costs if this leaked into maintained watercourses however this incident would fall under the EAs regulatory purview.
- 258.4. Cllr M Jordan queried if the solar farm would result in an increased run-off to which the CEO advised that based on the proposed designs, this was not a concern.

#### **259. Capital Programme**

- 259.1. Referring to Beal Lane, the DO confirmed that Officers are awaiting the design scheme from consultant engineers in relation to the amalgamation of pumping stations and permission must be sought from Canal & Rivers Trust to discharge into the canal.

#### **260. Maintenance Update**

- 260.1. Officers explained this year had been challenging due to several reasons such as poor weather, lack of maintenance strips, and a late harvest, however machines have been operating where it has been possible to do so.
- 260.2. Mr Thompson commended the positive maintenance operations in the areas surrounding his land.
- 260.3. Mr Welburn highlighted that flail mowing operations when wet had caused some issues.
- 260.4. Mr Robinson raised concerns with arisings being dropped in the grass rather than on the drain side to which the DO explained arisings will not be left on bank side but rather in a linear strip to prevent structural damage to the bank side.
- 260.5. Mr Crowe requested a copy of the byelaws. **Action DO**

#### **261. Staff Matters**

261.1. The CEO informed Members of the appointment of an Assistant Engineer, currently completing a Level 4 apprenticeship in Civil Engineering, previously employed by Ouse & Humber Drainage Board.

## **262. Policies and Strategies**

### *Sickness Absence Policy*

262.1. The DPF presented the Sickness Absence Policy and explained that the implementation of this will allow for appropriate monitoring and management of sickness absences. This will also undergo HR Professional advice to ensure that this policy is fit for purpose and within legal obligations.

262.2. Mr Crowe asked if the policy is fair for employees to which the CEO responded that this policy would allow the employer to support the employee as well as enabling the employer to respond to absence appropriately and determine whether the employee is fit for work.

262.3. Mr Gilliver asked staff were aware of the new policy and if there had been an appropriate consultation with employees prior to the policy being brought to the Board for approval.

262.4. The CEO advised consultation with employees had not taken place, however as this policy is not a substantial contractual change, it was his view that the Board is able to introduce new policies by notice, normally 28 days in advance of them being implemented, however reiterated that appropriate legal advice has been sought in relation to this matter.

262.5. The Chair requested that both the Vice-Chair and Chair are notified of the legal view. **Action CEO**

262.6. It was PROPOSED by MRS IVEY and SECONDED by CLLR JORDAN and UNANIMOUSLY RESOLVED that the Board have reviewed the Data Protection Policy & Fly-tipping Policy and both shall be reviewed again in two years (sooner should there be any changes in law) and the General Privacy Policy shall be reviewed in 5 years.

262.7. It was PROPOSED by MR CROWE and SECONDED by MR A COOKE and UNANIMOUSLY RESOLVED that the Board approve the Sickness Absence Policy.

262.8. Mr R Thompson left the meeting.

### *Plant & Vehicle Strategy*

262.9. The DO advised the Board has several items of large plant items that will be coming to the end of the useful/efficient asset life in the next 2 – 3 years and due to supply chain issues, budgets need to be planned and smoothed over multiple years.

262.10. It was recommended that officers develop a 5-to-7-year Plant & Vehicle Strategy, to fall under the purview of the P&F committee.

262.11. The CEO clarified that financial authority over £50k will remain a reserved matter for the Board and any procurement decisions over this value would be planned as part of the normal budget process.

262.12. It was PROPOSED by MR WELBURN and SECONDED by MR GILLIVER and UNANIMOUSLY RESOLVED that Officers produce a Plant & Vehicle Procurement Strategy for approval by the P&F Committee.

262.13. The Chair requested the strategy is sent to all Members for their information. **Action DO**

262.14. Mr Crowe left the meeting.

### **263. Briefing on Site Visit**

263.1. The DO briefed Members on the purchase of the Mecalac and provided details of the location of the demonstration.

### **264. Date of Next Meeting (s)**

264.1. The Joint Consortium Committee meeting is due to be held on 29<sup>th</sup> November 2023, Policy & Finance meeting is due to be held on 9<sup>th</sup> January 2024 and the next Full Board Meeting is due to be held on 6<sup>th</sup> February 2024.

264.2. The CEO promoted the ADA Conferences and requested Members interested in attending contact the BdSec to notify of their attendance.

264.3. The Chair apologised for not announcing Members apologies for absence at the commencement of the meeting.