

**COWICK AND SNAITH INTERNAL DRAINAGE BOARD**

**MINUTES OF THE FULL BOARD MEETING**

**THURSDAY 10<sup>TH</sup> JANUARY 2019**

**THE BOARDS OFFICES, 91 BRIDGEGATE, HOWDEN, DN14 7JJ**

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**PRESENT:**

Ratepayer Members: Mr Cooper(C)                      Mr E Bayston(VC)      Mr R Thompson  
   Mr I Wood                      Mr W Bayston              Mr A Wood

Appointed Members:

Co-opted Members:

Members Present:      7

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**APOLOGIES:**

Ratepayer Members: Mr Kealey

Appointed Members:

Co-opted Members:

Officers:                      Mr E Allen – Chief Engineer

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**ABSENT:**

Ratepayer Members:

Appointed Members: Mrs Saxelby

Co-Opted Members:

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**IN ATTENDANCE:**

Officers:                      Mr McLachlan – Chief Executive  
   Mr Towse – Asset Manager  
   Miss Cowen – Corporate Strategy Manager  
   Mrs O’Driscoll – Board Secretary (Minutes)

Others:



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## **470 Welcome, Introductions and Apologies**

470.1 Apologies were given by the Chairman for Mr Kealey.

## **471 Declarations of Interest**

471.1 None were given.

## **472 Additional Agenda Items**

472.1 The CEO asked Board Members if they had any additional items they thought should be on the agenda.

472.2 The AMgr requested that the derelict Yorkshire Water pumping station at Cowick be added.

472.3 The CEO informed the Board that a *Good Governance* guide had been published by DEFRA which can be found on the ADA website. He went on to say that along with this guide there is to be a workshop held on at Doncaster Rugby Club on 20<sup>th</sup> March, which is free to attend. The CEO advised members to go along if they were available.

472.4 The CEO invited members to attend the ADA Northern Branch Meeting being held on 24<sup>th</sup> January.

472.5 Mr A Wood asked that Mr S Wood be co-opted onto the Board. The CEO said he would raise this under any other business.

## **473 Minutes of the Full Board Meeting, 16<sup>th</sup> January 2018**

473.1 The CEO reminded members that the minutes from the January 2018 meeting had not been received from the previous administration in time for the last Board meeting, adding that these minutes require approval and consideration of any matters arising.

473.2 It was PROPOSED MR I WOOD and SECONDED by MR W BAYSTON and UNANIMOUSLY RESOLVED that the Board APPROVES these minutes as a true record.

## **474 Minutes of the previous Full Board Meeting, 31<sup>st</sup> July 2018**

474.1 The CEO directed Members to the minutes set out in Appendix B of the meeting papers.

474.2 It was PROPOSED by MR I WOOD and SECONDED by MR W BAYSTON and UNANIMOUSLY RESOLVED that the Board APPROVES these minutes as a true record.

## **475 Matters Arising**

475.1 The CEO explained that he keeps a register of matters arising in the meeting papers until such time that they are resolved.

475.2 In regard to minute 427, the CEO reported that he had had several conversations with the Yorkshire Water Solicitor, advising them that a consent may be required. He continued that

legally, they have a right to put pipework into watercourses, thus overriding the Board's bylaws. The CEO said he would continue to pursue the matter and write to the Yorkshire Water Solicitor to express his disappointment. **ACTION CEO**

475.3 The CEO stated that the issue with Carlton Bridge (minute 455.4) is still ongoing; he advised that he had raised concerns with Yorkshire Water, but that it is consented drainage. The AMgr added that it is not enough of a problem for the Environment Agency to get involved. The CEO is to write to Yorkshire Water as a matter of record to register Board Members' concerns. **ACTION CEO**

475.4 Regarding minute 455.5, the CEO reported that a meeting had taken place on 10/1/19, in the morning with Highways England.

475.5 There were no further matters arising.

#### **476 Minutes of ADOC Consortium Meeting 29<sup>th</sup> November 2018**

476.1 Board Members were directed to the minutes of the Consortium meeting in Appendix C, for noting.

476.2 The CEO reported that it had been agreed to hold 2 Board Meetings and 2 consortium meetings across the ADOC Boards.

#### **477 Invoices Paid and Accounts Settled Q1 & Q2**

477.1 The CEO explained that going forward, all invoices would be paid out of OHDB's bank account and recharged on a quarterly basis.

477.2 The CEO directed Board Members to Appendix D of the meeting papers which detailed the invoices for Quarter 1 & 2. He distributed a handout for Quarter 3, commenting that these invoices will be shown to the Chairman on a quarterly basis.

477.3 Mr T Bayston queried if the recharge amount for ADA subscription was an individual charge or for the whole of the IDBs; the CEO explained this was for all IDBs under OHDB.

477.4 Discussions took place regarding the benefits of being a member of ADA; the CEO advised that the organisation gives support at a national level as well as lobbying on behalf of IDBs. It was agreed that the ADA subscription would be discussed at the next meeting.

477.5 Mr I wood asked if the payment to Mr Sykes was the final payment; the AMgr confirmed that it was and that the omissions had been brought to his attention. The Chairman commented that work had not been carried out between Cowick and Pollington.

477.6 The Chairman queried when the Public Loan ends; this would be checked by the CEO, who would write to the Public Loans Body for a statement. **ACTION CEO**

477.7 It was PROPOSED by MR W BAYSTON and SECONDED by MR A WOOD and UNANIMOUSLY RESOLVED that the Board APPROVES the invoices paid and accounts settled as a true record.

## **478 Banking Update**

478.1 The CEO confirmed that the Board Staff are now in control of the Board's main bank account. He explained that this had been a somewhat challenging process and access was only gained in November. He added that there is still one account that cannot be accessed and that there were some papers to sign at the end of the meeting.

## **479 Special Levy Transfers – Key Decision Required**

479.1 The CEO directed Board members to section 9 of the Meeting papers, and gave an in-depth explanation of Special Levy. He explained that the Special Levy is a demand from the Board, telling the council to raise funds from Council Tax and Business rate Payers on its behalf. Part of these funds are reimbursed to the council by central Government through the local services support grant. The purpose of the special levy mechanism is to ensure that there is fair distribution of local tax burden for the provision of flood risk and land drainage services between all types of tax payers.

479.2 The CEO went on to say it is important to understand that levies and precepts are generally designed to raise hypothecated taxes, these being public funds obtained for a particular purpose rather than spent on any number of things, for example the amount raised through the precept for policing as opposed to other general local services.

479.3 The CEO also informed members that under the Land Drainage Act 1991, the Board is required to set the rate on an annual basis, based on the aggregate Annual (Rental) Value (AV) of agricultural land and buildings plus the aggregate AV of other land and buildings in the district. He added that these values are determined as of the 31<sup>st</sup> December of the preceding year to account for any changes and that all values are adjusted to the 1988 values.

479.4 The CEO advised that changes such as new development may result in land moving from agricultural use to non-agricultural use. Adjustments to records to account for these changes are known as special levy transfers.

479.5 He informed Board Members that it had not been possible to establish any Special Levy transfers since 1991, despite the fact that land uses have clearly changed, and under Section 37 of the Act the Board is required to identify and record these changes annually.

479.6 The CEO continued that the original calculations for the aggregate AV of non-agricultural land is presumed to be made on property that existed in 1989 at 1988 values. He explained that given the passage of time staff have been unable to locate any reliable historic data sets that were used to make this calculation.

479.7 He went on to advise that to calculate changes in value of the non-agricultural land, there are two methods set out in the Act. The first method of calculation cannot be repeated due to the lack of historical data, while the second method is to determine values by multiplying the area of land by such a unit that represents an average value per hectare of land where

values have been determined in accordance with the original calculation, known as the 'multiplier'.

- 479.8 The CEO informed that the existing aggregate annual value of the non-agricultural land and buildings was notified by the Board under the previous administration; the source figures were published under a section 42 notice. He explained that the non-agricultural AV is found by dividing the special levy amount by the pence in the pound rate.
- 479.9 He continued that there are three potential options to establish the multiplier:
- a) The aggregate non-agricultural AV of land and buildings in the district (calculated from Section 42 notice) is divided by the number of hectares of non-agricultural land in the district giving a multiplier.
  - b) The aggregate non-agricultural AV of land and buildings in the district (calculated from the last Section 42 notice) is divided by an estimate of the area in hectares of non-agricultural land in the district that had an annual rental value in 1989, giving a multiplier.
  - c) A revaluation is undertaken based on historic records and sample valuations, employing methods such as scaling factors and inflation indices in part or all the district. This will give a baseline figure in the current year and allow a multiplier to be established for future years.
- 479.10 He informed that sensitivity testing had been carried out across the ADOC area and gave the following results:
- 479.11 Option c) was tested with limited documentary evidence, generating a substantial cost and therefore not recommended.
- 479.12 Option b) although this was probably the most accurate secondary method, it generated several anomalies and a high multiplier value of up to c£8,000 per ha.
- 479.13 Option a) resulted in multiplier AVs ranging from £1,142 - £4,131 per hectare; consultation with other internal drainage boards established that these values were typical.
- 479.14 The CEO advised that the recommended option is Option a), adding that board members should know that this is a conservative estimate, likely to slightly favour domestic and business ratepayers, but there is a risk that other options may result in challenge and/or high costs, netting off any financial benefit to local land drainage services in the medium term.
- 479.15 Discussions took place as to what land may need to be transferred to Special Levy. The CEO added that the increase in Special Levy will affect this Board more than the others due to the amount of development.
- 479.16 It was PROPOSED by MR A WOOD and SECONDED by MR E BAYSTON and UNANIMOUSLY RESOLVED that the aggregate non-agricultural AV of land and buildings in the district (calculated from the last Section 42 notice) is divided by the number of hectares of non-agricultural land in the district, giving a multiplier that shall be used to make the Section 37 calculation.

## **480 Budget and Rate Setting**

- 480.1 The CEO advised Board Members that the Board is required to set the rate and Special Levy demand, so that the local authority can be notified no later than the 15<sup>th</sup> February.
- 480.2 The CEO explained that the rate is calculated on the aggregate annual value (AV) of all land and property and property within the drainage district based on values equivalent to 1988. He added that the Board must first decide on their budget requirement, both in the next and future years and that the Board should consider the operational and capital requirement for 2019/20, other commitments, the requirement for capital reserves and the impact of special levy transfers.
- 480.3 The CEO informed that there is a small uplift in management fees this year due to the change in administration, meaning next year's fee shall be £12,041 plus inflation.
- 480.4 He explained that watercourse works will involve tractor flail mowing, aquatic weed control, sludging and remedial works such as grading and piling.
- 480.5 The CEO reported that maintenance work shall be required on the Board's structures and assets. He added that following an inspection by the Board's insurer, it was recommended that security be improved with the installation of a new suite of locks.
- 480.6 The CEO advised that there are no large capital expenditure requirements identified for 2019/20, other than security improvements at the pumping stations.
- 480.7 The CEO recommended that reserves be held at 66% or 2/3 of the Board's operational budget, in case of unforeseen disaster or emergency such as the 2013 surge event. He added that the Board's assets will be assessed as part of the upcoming Humber Head Levels Capital Strategy which should be available for the 2020/2021 budget setting.
- 480.8 It was reported by the CEO that over the next decade it is estimated there may be a requirement to make a multi-million- pound investment in the Board's assets due to life expiration, electrical compliance, Eel Regulations, general health and safety requirements and other matters. He explained that this mainly affects the Board's pumping stations.
- 480.9 The CEO advised that if the government's current funding formula for capital grant remains, it would be challenging to secure funding. He added that the Board is in a more robust position than others, partly due to the existing agreement with Highways England.
- 480.10 The CEO commented that because Special Levy transfers have not been undertaken for several years, and the fact that urban parts of Pollington were apparently not accounted for in the last reconstitution, gives an opportunity for a modest increase in funds raised through the special levy.
- 480.11 The CEO ran through the Budget Estimate as set out in the meeting papers and discussions took place.

- 480.12 The CEO reported that for the year 2018/19, the Board resolved that the rate should be set at 8.65p in the £, raising £13,212 from agricultural ratepayers and £50,871 from domestic and business ratepayers (Special Levy).
- 480.13 He went on to advise that the government have provisionally indicated that council tax will be capped at 2.99% for general expenditure with 2% on top of this for adult and social care, giving a maximum of 4.99%. Given the spending pressure on local authorities it was expected that ERYC would apply the maximum amount allowable.
- 480.14 The CEO reported that the December forecast for (RPI) inflation is predicted to outturn around 3% in Q4 2018/19.
- 480.15 He stated that although a 3% rise is required, just to cover inflationary costs, members may wish to recognise pressures on other local services and hold the rate at 2.99% in line with the likely council tax rise. He strongly advised members not to set the rate lower than this as the Board would be playing 'catch up' in future years.
- 480.16 The CEO added that next year, assuming the completion of the Humber Head Levels Capital Maintenance Strategy and with better understanding of government's investment strategy, members will be able to make an evidenced decision about setting the rate to address future investment need.
- 480.17 It was PROPOSED by MR THOMPSON and SECONDED by MR T BAYSTON to APPROVE that the rate is raised by 2.99% and set at 8.91p.

#### **481 External Auditors**

- 481.1 The CSM informed that the external auditors had identified minor errors on the Annual Return for 2017/18 made by the previous administration, which will need resolving for the 2018/19 return. She added that the internal auditors are satisfied with how the accounts are being recorded for the ADOC Boards.

#### **482 Rates Procedure**

- 482.1 The CSM informed that 9% of drainage rates were outstanding, however this percentage included queries on land ownership. The AMgr explained that half of this was where adjustments needed to be made.
- 482.2 The CSM went on to explain the legal procedure for collecting rates, with a demand being initially sent, followed by two reminders before legal proceedings.

It was PROPOSED by MR I WOOD and SECONDED by MR W BAYSTON and UNANIMOUSLY RESOLVED to APPROVE that:

- for 2018/19, reminder letters are to be sent to outstanding ratepayers in January, with a further reminder letter informing non-payers of potential legal action in March, followed by court proceedings in October 2019 to obtain liability orders for rates and

arrears owed along with reasonable costs, and that a final demand is made and debt collection agents instructed to recover any remaining debts.

- in future years, the rate is raised in April, reminders are sent (in July/August) with court proceedings (usually in October) to obtain liability orders for rates and arrears owed along with reasonable costs, and that after a final demand is made and not paid, debt collection agents area instructed.
- in exceptional circumstances, the CEO/CSM may enter into a written agreement with ratepayers to allow for staged payments, and if these are not made, the ratepayer shall immediately be liable for the full amount owed.

#### **483 Highways England**

483.1 The CEO explained that a meeting had taken place that morning with representatives from Highways England.

483.2 He went on to say that a proposal had been put to them for the Board to maintain the watercourses adjacent to the M62 more regularly.

483.3 The AMgr informed that the representatives had been positive about the Board carrying out maintenance work from the field-side of the watercourse for a fee, as they currently incur large costs for closing lanes of the motorway to maintain the ditches. He added that the Board is now dealing directly with Highways England rather than A1+.

483.4 The CEO went on to explain that as both parties are public bodies, they can enter into a Public Service Agreement, which will ultimately allow the Board to drain land more effectively.

483.5 The Chairman asked of the timescale that such an agreement would be put in place. The CEO said that it might be in place for April 2020.

483.6 The Chairman requested that the CEO brings details of any agreement to the Board before any agreement is entered into.

#### **484 Health and Safety**

484.1 Discussions took place regarding the issues with the fence at the scout hut which is becoming unsafe for the children. Although this is not the Board's fence, there are concerns that the bank is steep and may need to be pulled back and the fence replaced. The Chairman notified that the building on this site has recently been pulled down, so it would be an ideal opportunity to undertake any work needed.

484.2 The AMgr suggested that if there is currently no building on the site, the fence could be moved back allowing for future works on the watercourse to take place from the other side.

484.3 It was PROPOSED by MR E BAYSTON and SECONDED by MR W BAYSTON and UNANIMOUSLY RESOLVED that the changes are made to the watercourse and the fence replaced at the Board's expense to ensure the safety of children.

## **485 Maintenance**

485.1 The AMgr reported that he had been contacted by an engineer for Yorkshire Water regarding the surface water pumping station. The engineer doesn't think this pump station has run for 15 years and they are keen to get it up and running again. He has asked the Board to speak to the owner of the watercourse about getting it cleared so the pump station can pump into it.

485.2 The Chairman advised that the pump station is not for surface water but actually for sewage overflow like the one at East Cowick. The AMgr responded that if this is the case, it brings a different perspective and he will need to go back to the engineer to find out more information.

### **ACTION AMGR**

485.3 The CEO informed that the AMgr is currently setting up a contract framework for maintenance provision. He added that the makeup of the existing contracts was a concern from the point of view of protecting the Board and ensuring the agreed standard of maintenance is met. He was concerned that, in the case of a dispute, a resolution would be unlikely.

485.4 The CEO reported that the Board's solicitors have been commissioned and a meeting was due to take place later this week, to advise on the new framework to ensure it is robust and legally compliant in respect of Public Procurement Regulations.

485.5 He went on to say that the contracts within the framework will be based on very accurate watercourse records, include defined activity schedules to ensure quality and be based on unit rate and/or cost component schedules.

485.6 It was PROPOSED by MR T BAYSTON and SECONDED by MR A WOOD and UNANIMOUSLY RESOLVED to APPROVE that the Board subscribe to this contract framework as soon as possible.

485.7 The AMgr asked Board Members if they knew of any watercourses that had been missed by contractors; Mr E Bayston reported that Main drain had not been done well. Mr W Bayston informed that Car Carp Road Ditch up to North Hall had not been done. Discussions took place into what other work still needed to be done.

485.8 The AMgr advised that there is currently a trial taking place which will see all locks and panels on OHDB pumping stations replaced and he may ask the Board for a decision in future on the security of the Board's Pumping Stations.

485.9 Discussions took place on the benefits of employing a craftsman to look after the 31 pumping stations across all Boards.

## **486 Capital Programme**

486.1 It was agreed that this item had been covered sufficiently earlier in the meeting.

## **487 Chairman's Remarks**

487.1 The Chairman raised the matter of co-opting Mr S Wood onto the Board.

487.2 It was PROPOSED by MR A WOOD and SECONDED by MR W BAYSTON and UNANIMOUSLY RESOLVED to APPROVE that MR S WOOD is co-opted onto the Board

487.3 It was resolved that the CEO would write to Mr S Wood to invite him onto the Board. **ACTION CEO.**

**488 Any Other Business**

488.1 The CEO asked the CSM to deal with the banking paperwork that needed to be signed by relevant Board Members.

**489 Date of Next Meeting**

489.1 Provisionally 16<sup>th</sup> May 2019 at The Board's Offices, TBC.