

## Carlton Water Committee

### Water Committee Members

Howard Thomas (Chairman)	Little side (☎ 640689)
Raymond Brown	Park View (☎ 640409)
Peter Hill	Hayden Carr (☎ 640276)
Jenny Walker	Converted Garage (☎ 640676)
Marina Briggs, Clerk	Quakers Garth (☎ 640058)

### Minutes of Meeting held on 13<sup>th</sup> January 2024

The meeting was held at Coverdale Memorial Hall Annexe beginning at 6.30pm.

#### **Those present:**

Howard Thomas (Chair), Jenny Walker, Raymond Brown and Marina Briggs attended along with Andy Morson, Dan Dent, Councillors Dinah Alonso Wilkes and Peter Dinsdale.

The purpose of the meeting was to receive information from Dan Dent about relevant parties he had been in contact with about the Carlton water supply and his current concerns for the CPC position.

#### **Risk Assessment**

Dan informed the meeting that he had been in touch with Carol Little who is the environmental health officer at NYC in August of last year stating his concerns about the water supply which triggered a risk assessment to be conducted as a priority. Dan noted that the Risk Assessment was overdue.

The risk assessment was completed in September 2023 and highlighted several concerns and potential dangers to Human Health – being the lack of facility to treat cryptosporidium which is understood to be a legal requirement. It was noted that the sample would not be tasted by the Environmental Health Officer.

Dan noted that in his correspondence with Carol Little and Kevin Carr from NYC, there are concerns with the lack of progress in addressing the issues raised in the risk assessment.

Dan had also been in contact with Phil Smart from The Drinking Water Inspectorate (TDWI) to seek advice on how to progress the current scenario to a conclusion. TDWI outlined the process that was followed in the event of the water supply being declared as not wholesome:

- This would result in NYC enforcing against the Parish Council giving 28 days for it to be rectified.
- If this could not be done, then NYC would refer the case to the Secretary of State who would then pass responsibility to NYC to complete the works no matter the cost.
- The primary goal of the legalisation is to achieve safe drinking water. The legalisation would force Yorkshire Water to carry out the works needed to connect every property in the village at the cost of NYC - the cost of this would be picked up in the Courts on completion of works to each connected property owner.

#### Insurance

Dan raised concerns over the insurance cover that the CPC has in place following concerns raised by Culligan's about not being able to complete a full service after Spring 2023. If the current system was no longer serviceable the CPC would be in a vulnerable position if anything were to happen there would be no Liability Insurance to protect the CPC – this position would play a part in the water supply being declared not wholesome as set out above as the infrastructure is no longer serviceable. The CPC confirmed that without a service certificate from Culligans the insurance would be not be valid.

Dan advised that without the Insurance in place and a service Certificate from Culligans it is likely to affect the saleability of property in village and would be a significant barrier to those who currently

have and/or need a mortgage. Dan furthermore noted that this may only affect the minority of the village but should be something the CPC is aware of. The potential financial pressure of the potential water implications are severe.

Jenny Walker confirmed that Culligans have agreed to carry out a partial service of what parts of the water plant they can again this year to keep the insurance valid for the time being but with no guarantee.

**RESOLVED:** Jenny Walker is to instruct Culligans to carry out the partial service to be completed in advance of 29<sup>th</sup> February 2024.

### **Options**

Concerns were raised that if NYC were forced to complete the works that the costs for doing so would be clawed back through the council tax and this was an unknown potential cost for the residents. – it was confirmed that this could not be clawed back without going to Court and without any legal advice the CPC could neither confirm nor deny the implications of such action.

It was suggested that a village meeting was held in early February 2024 to inform the residents of the three options available at present:

- 1) Yorkshire Water – Carry out installation of new infrastructure which would connect mains water to everyone's stop cock. CPC and NYC to apply for grant funding but there is little information or advice on how to progress any grant options. There would be a cost to each house for the connection. The Carlton Private Water supply would cease to exist and be disconnected on completion of the Yorkshire Water installation – the CPC would relinquish their obligations.
- 2). Replacement of the existing water treatment plant and continue with the private water supply. This would write off the option for Yorkshire Water forever due to the documentation of a new water charter. The structure of the Water Committee would be restructured so that there is capability of a sinking fund and relevant maintenance plan – a Limited company would most likely need to be set up. The cost would be enforced on each house connected to the supply however there was doubt as to whether any household not signing up to this could be disconnected. The CPC could not confirm the implications of this without seeking legal advice with the documentation of the Water Charter and the enforcement of recovering monies from residents.
- 3) In the event that there is not unanimous agreement from the village for either option 1 or 2. The CPC would inform NYC that an agreement cannot be reached and that the CPC has no way to move the situation forward – this then would start the process of the water being not wholesome and hand responsibility to NYC, this as per the above discussions would result in a court case. Each home owner would then have to seek independent legal advice as the CPC had relinquished their responsibility for the Water supply.

The known costs of each option will be formally reported by the CPC following the January PC meeting.

### **Water Charter**

There was uncertainty around whether the document from the 1890's constitutes a water charter and whether that is still valid and whether in the absence of a water charter the parish council are in a position to be able to force residents to pay for whichever option is chosen. NYC had raised concerns in the November meeting that they did not believe there to be a Water Charter. The CPC cannot confirm the implications of not having a water charter without seeking legal advice.

**RESOLVED:** CPC to review historic minute books and request copies of the 1890s water charter from NYC for ASAP.

### **Legal Advice**

The clerk informed the meeting that NYC had refused giving advice as to the legal situation of the parish council since it is the enforcer and would have a conflict of interest.

The Yorkshire Local Councils Association have been contacted who referred the request for legal assistance on to NALC who responded that it was beyond their expertise.

A local legal firm has been contacted and have not been able to provide any assistance.

A legal firm specialising in Private Water supplies has also said it is unable to help.

**RESOLVED:**

Dan is to forward the contact details of Phil Smart from the DWI to the clerk.

Dan has since sent the details onto the Parish Clerk.

Dan confirmed with the DWI that the CPC would be getting in contact. The DWI rang Dan directly to further to discuss the ongoing situation. The outcome of the call was that there has been a case of 25 properties on a private water supply that's water become not wholesome with obsolete infrastructure who recently have been granted 100% funding (Dec 2023) which is relevant to the escalating situation of the Carlton Village Water Supply and would set a precedent to support Carltons case.

Dan has therefore advised:

Overall it is best that the CPC work with the NYC to come to mutual resolution which turn is steered by the legalisation.

1. CPC to meet with NYC Carol Little and Dr Kevin Carr to confirm that under the legalisation NYC should send a notice to repair on the CPC.
2. CPC confirm with NYC that the repairs that are needed cannot be achieved. CPC and NYC to confirm in writing the current position to Cllr Karin Sedgewick, Cllr Carl Les and Rishi Sunak MP. This letter needs to set out that there is a solution however grant funding is required.
3. NYC are then duty bound to escalate through the steps of the legalisation. This allows NYC to be in a strong position to apply for Grant funding to the Department for Levelling Up, Housing and Communities – this grant would be for 100% of the Yorkshire Water Quote.
4. Rishi Sunak MP to confirm support in writing to the Minister - Rt Hon Michael Gove MP to support the grant application.
5. This has the potential of connecting Carlton to Yorkshire Water with zero cost to the residents.
6. The fallback position would then be Option 2 set out above.

Following this call Dan contacted Peter Dinsdale to relay the information ahead of the Parish Meeting so that option 1 can be updated and the fallback position be option 2.

The clerk is to contact the DWI to the clerk to ask for advice on how to proceed.

This will be confirmed at the PC meeting on the 18<sup>th</sup> January in light of the information above

Dan is to contact a legal firm he has dealings with to ask for any information.

Dan has contacted Withers Worldwide to seek specialist advice and is awaiting feedback.