



Ouse and Humber Drainage Board

An independent public body delivering flood risk, water level and habitat management in Yorkshire and the Humber

MINUTES OF THE FULL BOARD MEETING HELD 9.00AM WEDNESDAY 6TH FEBRUARY 2019

AT HOWDEN METHODIST CHURCH, 62 HAILGATE, HOWDEN, DN14 7SL

PRESENT:

Ratepayer Members: Mr Featherby(VC) Mr Mowforth
Mr Sweeting

Appointed Members: Cllr West (C) Mr Atkinson Cllr Aitken
Cllr Roberts Mr Wilkins Cllr Bayram
Cllr Galbraith Cllr Marwood

Co-opted Members:

Members Present: 11

APOLOGIES:

Ratepayer Members: Mr Scutt Mr Screeton Mr Wright Mr Nicholls
Mr Helnley Mr Hick Mr Falkingham

Appointed Members: Cllr Wilkinson Cllr Pollard Cllr Meredith Mr Traill

Co-opted Members: Mr Maclean

Officers: Mr Allen – Chief
Engineer

ABSENT:

Ratepayer Members:

Appointed Members:

Co-Opted Members:

IN ATTENDANCE:

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

Contents

| | | |
|------|--|-------------------------------------|
| 200. | Apologies..... | 3 |
| 201. | Declarations of Interest | Error! Bookmark not defined. |
| 202. | Additional Agenda Items for AOB | Error! Bookmark not defined. |
| 203. | Welcome and introductions..... | 3 |
| 204. | Minutes of the previous Full Board Meeting on 8th November 2018..... | Error! Bookmark not defined. |
| 205. | Matters Arising | 3 |
| 206. | Executive Committee Meeting..... | Error! Bookmark not defined. |
| 207. | Financial Reports – Quarter 3 | Error! Bookmark not defined. |
| 208. | Invoices Paid and Accounts Settled | 4 |
| 209. | Capital Schemes Update | Error! Bookmark not defined. |
| 210. | Public Sector Agreements | Error! Bookmark not defined. |
| 211. | Operational and Asset Management..... | Error! Bookmark not defined. |
| 212. | Purchase of New Machine | Error! Bookmark not defined. |
| 213. | Budget and Rate Setting | Error! Bookmark not defined. |
| 214. | Petition – Land North of Eastington | Error! Bookmark not defined. |
| 215. | Any Other Business | Error! Bookmark not defined. |
| 216. | Date of Next Meeting..... | Error! Bookmark not defined. |

200. Apologies

- 200.1. Apologies were noted from Mr Scutt, Mr Screeton, Mr Traill, Mr Wright, Mr Nicholls, Mr Henley, Mr Hick, Cllr Meredith, Mr Maclean, Cllr Wilkinson, and Cllr Pollard.

201. Declarations of Interest

- 201.1. Mr Atkinson declared an interest in item 15 on the agenda; petition – Land North of Eastington, as he is related to the claimants, Ms Bayston and Ms Atkinson.
- 201.2. Mr Sweeting declared an interest in Sweeting Bros Ltd.

202. Additional Agenda Items for AOB

- 202.1. The CEO reported that there were 3 additional items to be discussed under any other business. These being the CEO's authority to enter into development agreements, elections and constitution, Mr Mowforth had an additional item regarding an incident that had occurred at another IDB causing the salinification of land.
- 202.2. The CEO reported that for procedural matters, the meeting was not quorate. Discussions took place and it was agreed to suspend the standing orders to allow the meeting to continue.
- 202.3. It was PROPOSED by Cllr BAYRAM and SECONDED by MR WILKINS and UNANIMOUSLY RESOLVED that section 4 of Board's standing orders be suspended for the duration of the meeting or until such time as the meeting became quorate.

203. Welcome and introductions

- 203.1. The CEO explained that the new Co-opted Board Member, Mr Maclean, had wanted to attend the meeting, however he had not been given notice of the meeting as the papers had been sent to the wrong address. He had therefore issued his apologies.

204. Minutes of the previous Full Board Meeting, 8th November 2018

- 204.1. Mr Mowforth noted a correction to be made; he had been recorded in the absences addressed as Cllr and appointed member, but he is a ratepayer member.
- 204.2. It was PROPOSED by MR ATKINSON and SECONDED by CLLR BAYRAM and UNANIMOUSLY RESOLVED that the minutes, following correction, be adopted as a true record.

205. Matters Arising

- 205.1. There were no further matter arising.
- 205.2. The CEO directed Board Members to the previous matters arising on page 4 of the supplementary papers. He added that thanks had been sent to Mr Patchett for his service to the Board.

206. Executive Committee

206.1. The CEO directed Board Members to the minutes of the Executive Committee Meeting held on the 16th January 2019 set out in Appendix B, Page 21 of the meeting papers. These were noted to be a true record.

207. Financial Reports – Quarter 3

207.1. The CEO summarised the financial reports set out in Appendix C, page 33 of the meeting papers.

207.2. He added that income was showing a little better than had been estimated and that the CSM would cover the reason for this when discussing rates.

207.3. He continued that expenditure was slightly over what had been estimated and this was due to the purchase of a new vehicle. The CEO reported that the operational expenditure was on target. He added that for the last quarter, spending will be controlled in order to align with the budget.

207.4. There were no questions from the Board regarding the financial reports.

207.5. It was PROPOSED by MR ATKINSON and SECONDED by CLLR ROBERTS and UNANIMOUSLY RESOLVED that the Financial Reports to Quarter 3 be approved.

208. Invoices Paid and Accounts Settled

208.1. The CEO presented the Accounts Paid report for the last financial quarter, Page 49 (Appendix D) of the supplementary papers.

208.2. It was PROPOSED by CLLR ATKIN and SECONDED by MR MARWOOD and UNANIMOUSLY RESOLVED that the Board APPROVE the record of accounts for the last financial quarter.

209. Capital Schemes Update

209.1. The CEO reported that the Howdenshire Pumping Station Schemes are now nearing beneficial completion, meaning that all the pumps are operational and handed over to the Board and all new watercourses are nearly cut. Discussions took place on how the pumps work.

209.2. The CEO went on to report that there are still a few things to be completed on the snagging list; the access road has been agreed and is due to be done, kerbing has been done and the AMgr reported that the new footpath was installed the previous week. The CEO advised that final tidying up would be completed in the spring.

209.3. The CEO explained that the last highway culvert across Sparrowcroft Lane between Gilberdyke and Blacktoft had been completed and that the last section of watercourse linking up the Far Drain at Gilberdyke had been excavated.

- 209.4. He went on to say that the redundant Clough needs to be blocked off, and advised he is to speak to the EA about this; as funding would be required if there is any further work to be done. The AMgr informed that more needs to be done to stop water leaking into the system as this could cause flooding over high tide cycles.
- 209.5. The CEO advised that the dispute with Atkins had been resolved and it had been agreed to split the difference of the final invoice, however the scheme remains and is expected to outturn on budget.
- 209.6. The CEO informed Board Members that the Howdendyke Scheme had not progressed further due to ongoing staff issues. He went onto say that he had spoken to the regional programme manager and it is looking like work will start on this in the next financial year.

210. Public Sector Agreement

- 210.1. The CEO reported that after a very busy summer, all agreements are progressing well with the ADOC Boards and other partner Boards. He went onto say that rating systems for ADOC Boards are now up and running. Cllr Atkin asked if the hours spent on this are charged, the CEO answered that these are averaged over the 5-year contract period.
- 210.2. He continued that most of the EA work is now complete, with the agreed programme continuing from next year.
- 210.3. The CEO notified the Board that discussions have taken place with Highways England about the Board undertaking maintenance of ditches along the motorway from North Cave to Langham Interchange. This would allow maintenance to be carried out from the field side rather than Highways England having to close a lane of the motorway which is costly. He explained this work would most likely take place from next year.
- 210.4. The CEO explained that the Board is in the black with these agreements; he went on to discuss how the management and recharge to the ADOC Boards worked.

211. Operational and Asset Management

- 211.1. The CEO reported that there had been one Health and Safety incident in which the AMgr had fractured a finger, explaining that this was a non-reportable accident. He added that it is worth noting that mechanical equipment is subject to failure and investment needed.
- 211.2. The AMgr explained that from April, all contractors to the Board will have to have equipment fitted to their machines to detect overhead power cables.
- 211.3. He went on to say that all operators had been kitted out with new boots/wellies with sole protectors in line with Health & Safety standards.
- 211.4. Mr Mowforth asked if the Board had a procedure in place for individuals not using issued safety equipment; he added that the Board has an obligation as well as the operator and as new equipment had just been issued, this maybe an opportunity to explain expectations in writing. The AMgr responded that he had not seen anything to suggest kit wasn't being used,

however he is working towards all operational staff having more responsibility for their own PPE and implementing improved processes and procedures.

- 211.5. The CEO advised that due to the absence of the CEng, some roles previously undertaken by the AMgr had fallen back to him.
- 211.6. The CEO explained that he and the AMgr had met with and instructed the Board's Solicitors to prepare a new contract framework which will be designed to be significantly more robust than previous contracts.
- 211.7. The AMgr explained that the contract will be based on an accurate mapping system that identifies all watercourse types and every known culvert in the district. The framework will include rates based on activity types and it is intended to remove almost all ambiguity from the works programme. He continued that this will allow for better budgeting and for invoice prices to be worked out before they are received.
- 211.8. The CEO notified that all ADOC Boards had agreed in principle to subscribe to this new framework; creating 'economies of scale' and a wider 'pick and mix' of contractor base.
- 211.9. Discussion took place into the benefits of the contract Framework. The AMgr added that there will be a 10% retention on invoices which will be paid on completion of works (this may differ depending on size of contractor).
- 211.10. The CEO went on to inform that whilst preparing the Asset Management Plan, the AMgr had identified a significant investment requirement needed to bring parts of the maintained watercourse system into a serviceable condition, adding that this is to be discussed further as part of the budget setting item.

212. Purchase of New Machine

- 212.1 The CEO stated that as members will recall, a resolution had been made at the last Board meeting to purchase a new tractor flail unit on finance over a 3-year period. He went on to say that much research and testing had taken place and that there had been a slight variation to what had been agreed. He reported that the testing had proved the most appropriate machine was a Spearhead SPV.
- 212.2 The CEO continued that rather than the finance of this being £42,000 per annum over 3 years followed by a trade in, the new machine would be £37,000 per annum over 5 years. The CEO added that this had been agreed with the Executive Committee before Christmas.
- 212.3 Discussions took place about the benefits of the new Spearhead SPV against a tractor flail unit. The AMgr advised that a 5-year service and warranty package had also been agreed.
- 212.4 Some further discussion took place about the interest rate of the financial agreement.
- 212.5 It was PROPOSED by CLLR GALBRAITH and SECONDED by CLLR ROBERTS and UNANIMOUSLY RESOLVED to RATIFY the decision of the Executive committee to vary the resolution and purchase a Spearhead SPV over a 5-year period.

213. Budget and rate Setting

- 213.1. The CEO referred Board Members to the Budget Setting Report set out in Appendix C, page 35 of the meeting papers, explaining that these need to be read in conjunction with the handout provided.
- 213.2. The CEO advised that the statutory income is made up of the drainage rate (agricultural rate (45%) and non-agricultural rate (55%) along with the upland water rebate and charges.
- 213.3. He went on to give an overview of special levy, explaining that this is raised from non-agricultural properties situated in the OHDB drainage district.
- 213.4. The CEO gave an explanation of reserves, adding that it is important to note that the majority is earmarked for future capital investment, with £10 million over 10 years needed for capital projects.
- 213.5. He added that this year, due to identified operational requirements, the Executive Committee are recommending a temporary suspension of the capital reserves savings which in the last 2 years have been £120,000.
- 213.6. The CSM gave a brief overview of the rates income.
- 213.7. She added that much of the historic debt had now been recovered, however she anticipated that approximately £4k would need to be written off. She explained that there are 2 or 3 account holders that can not be traced and that the board may seek to obtain a land charge so that the debts can be recovered should the land be sold at some point in the future.
- 213.8. The CEO reported that the out-turn expenditure is on budget. Although 2.4% over the estimated budget, as previously agreed the cost of the new vehicle has been drawn from reserves, resulting in a positive out-turn position of 0.63%.
- 213.9. The CEO informed that there are no new capital programme decisions to be made at this meeting.
- 213.10. With regards to serviceability issues, the CEO reported that following survey works associated with the Definitive Maintenance Map, Asset Management Plan and new maintenance contract, it had been identified that a series of interventions are required to bring many of the Board's maintained watercourses into a serviceable condition.
- 213.11. He continued that a serviceable asset (or watercourse in this case) describes an asset that is capable of being maintained through normal operations, adding that it has been discovered that there are several areas that require substantial remedial works to become serviceable again. This includes re-grading works, slip repairs, bank stabilisation including piling, along with a substantial amount of tree and bush clearance which will allow access for the Board's machinery.
- 213.12. The CEO informed that the AMgr had undertaken a desktop exercise to assess the value of works to bring all of the watercourses on the network into a 'satisfactory' serviceable

condition; the estimated cost is in excess of £500k. This excludes all repairs to structures e.g. culverts, outfalls and pumping stations.

- 213.13. He continued that it is estimated that a bare minimum of around half of these funds are required to address high priority issues on an accelerated basis as soon as this is affordable. To this end the Executive Committee are recommending that this year's discretionary funding of £120k along with any surplus funds at year end are directed into an accelerated programme. He added that this has an obvious impact on capital reserve creation this year, but it has been agreed that this is the most prudent decision currently.
- 213.14. The CEO advised that Accelerated Programme funds are also to be supported by balances in predicted income, however in making a budget decision, members should expect that some of these funds may be required to iron-out potential rises in maintenance contract value, once new maintenance contracts are issued and any decision would have to take this into consideration.
- 213.15. Discussions took place on the accelerated programme with Mr Featherby commenting that it is something that needs to be done and he is pleased it is happening.
- 213.16. The CEO directed Board Members to the Budget Addendum and explained how the rate and special levy demand values are calculated. He added that the proposed 2.99% increase is in line with the anticipated Council Tax rise and it would increase the drainage rate to 14.18 pence (£0.1418).
- 213.17. He added that nearly 40 acres had been transferred to special levy this year as a result of development in the OHDB district.
- 213.18. It was PROPOSED by CLLR MARWOOD and SECONDED by CLLR ROBERTS and UNANIMOUSLY RESOLVED that the Board APPROVE the budget and set the rate and special levy at **14.18** pence in the pound.

214. Petition – Land North of Eastrington

- 214.1. The CEO informed that the Board that the Chair had been petitioned in the matter of land near to the banks of the River Foulness between Bursea and Eastrington. He explained that the land is owned by the Board; it was transferred from the Environment Agency as part of the asset transfer agreement when the Board took on operational responsibility for the River Foulness. Adding that it is assumed that the land was originally purchased to facilitate river bank improvements as there is evidence of borrow pits. The area is 0.94 acres (0.38ha).
- 214.2. The CEO explained that he had been contacted by Ms Carol Atkinson of Barmby Grange who is acting along with and for Ms Atkinson and Ms Bayston of Bloomhill Farm (the Claimants). She claims the land does not belong to the Board but remains part of Barmby Grange and Bloomhill Farm.
- 214.3. The CEO went on to say that he had explained a number of potential options to deal with this matter but had made it clear to the claimants that this was a reserved matter and

therefore a decision for the Board. He continued that in the interim Ms Atkinson applied to the Land Registry to change the title through a procedural process. The CEO informed that he has objected to the procedural process on the basis that this remained a reserved matter for the Board and that he had written to the Land Registry setting out the Board's current position.

- 214.4. He reported that Land Registry have informed him that this matter can be taken to arbitration if matters cannot be resolved amicably.
- 214.5. The CEO went on to describe the land to the Board as being just under 1 acre, much of it river bank and it sits between the river and Carr Drain. It is considered the land has little arable use and would likely be categorised as permanent grassland. Optimistically, good accessible grazing land in this area 'may' fetch as much as £5K per acre; however, the value of this land is considered substantially less than this.
- 214.6. The CEO recommended that subject to a survey and further investigations the Board either;
- a) Remove their objection to the procedural process with the Land registry; this will result in the land transferring to the claimants.
 - b) Sell the land to the Claimants for an agreed fee plus the Board's costs.
 - c) Sell the land to the claimants for a nominal fee, say £1 plus the Board's costs.
 - d) Defend the matter at arbitration and should the Board be successful, seek to recover all staff costs, surveyor fees and solicitor fees.
- 214.7. An in-depth discussion took place into why this land would be of use to the claimants. The general opinion is that further investigation should be carried out into what is there. Mr Mowforth pointed out that the Board does not want to be setting a precedent by handing over land that the Board owns. The AMgr added that this is a Board asset.
- 214.8. The general view of the Board was to keep the land but to find out the cost of legal action and legal opinion before arbitration. The CEO advised that a Tribunal hearing could be very costly.
- 214.9. The CEO pointed out that there is a Title Deed between the former land owner and the Rivers Authority.
- 214.10. The AMgr pointed out that as an operational floodbank, it would continue to be accessible to the Board, in order for it to be maintained. Mr Wilkins asked if the idea could be put to the claimants that we keep the land but that they can utilise it.
- 214.11. After further discussion it was decided that this matter would be investigated further and delegated to the Executive Committee.
- 214.12. It was PROPOSED by MR MARWOOD and SECONDED by CLLR WEST and UNANIMOUSLY RESOLVED that delegation be given to the Executive Committee to decide on this matter.

215. Any Other Business

- 215.1. The CEO explained that as mentioned previously, he would like to ask for authority from the Board to enter into developer agreements.
- 215.2. It was PROPOSED by CLLR ATKIN and SECONDED by CLLR GALBRIATH and UNANIMOUSLY RESOLVED that authorisation from the Board be given to the CEO to enter into Developer Agreements.
- 215.3. The CEO brought up reconstitution and asked for the opinion and suggestions of the Board of making the quorate less. The CEO explained that he will bring this to the next Board Meeting, advising that a reconstitution is required with permission required from the Secretary of State.
- 215.4. The CEO noted that a number of members were unexpectedly missing at the beginning of the meeting and reminded members of the need to give early notice of apologies, at least a week in advance, except in exceptional circumstances, so proceedings could be managed better.
- 215.5. Mr Mowforth reported that there had been an incident concerning another IDB, where salt water had contaminated a farmer's land. He explained how the farmer had abstracted water from the IDB's watercourse to store for irrigation, that this watercourse discharged into an estuary through a non-return flap door and that there had been a fault on this.
- 215.6. Mr Mowforth added that the damage is estimated to be around £250-£400k and is possibly subject to legal challenge. He questioned:
- a) How often are the Board's outfalls to salt or brackish watercourses inspected?
 - b) Can the Board produce records of the date and functional/condition of these outfalls?
 - c) Is the Board's Insurance suitably robust to cover an incident or challenge of this nature?
- 215.7. Discussion took place regarding this incident. The CEO agreed to make enquiries with ADA on the legal implications and thanked Mr Mowforth for bringing it to his attention.

216. Date of Next Meeting

- 216.1. TBC