



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 14th AUGUST 2019 AT
ST CUTHBERTS MASONIC HALL, SELBY ROAD, HOWDEN DN14 7JW

PRESENT:

Ratepayer Members:	Mr Featherby(VC) Mr Henley	Mr Hick Mr Scutt	
Appointed Members:	Cllr West (C) Cllr Meredith	Mr Atkinson Cllr Aitken	Cllr Bayram Mr Wilkins
Co-opted Members:			
Members Present:	10		

APOLOGIES:

Ratepayer Members:	Mr Falkingham Mr Nicholls	Mr Mowforth Mr Screeton	Mr Wright
Appointed Members:	Cllr P West		
Co-opted Members:	Mr Maclean		

Officers:

ABSENT:

Ratepayer Members:
Appointed Members:
Co-Opted Members:

IN ATTENDANCE:

Officers:	Mr McLachlan – Chief Executive Miss Cowen – Policy & Finance Manager	Mr Towse – Operational & Technical Manager Mrs O’Driscoll – Board Secretary (Minutes)
Others:	Mrs Carol Atkinson (member of the public)	

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237. Welcome & Apologies

- 237.1. The Chair welcomed members and gave apologies received and informed members that Mrs Atkinson, a member of the public was also present.
- 237.2. The CEO explained that a new member had been appointed to the Board, Cllr Paul West, but unfortunately had to send his apologies for today's meeting.

238. Declarations of Interest

- 238.1. There were no declarations of interest.
- 238.2. The CEO explained that the Board Meeting was not quorate and that in order continue, at least 75% of Members present would need to resolve to suspend standing order number 4 in accordance with the procedure at standing order number 27.
- 238.3. The CEO also expressed his continued concern at having a Board Meeting during harvest.
- 238.4. It was PROPOSED by CLLR K WEST and SECONDED by CLLR BAYRAM and UNANIMOUSLY RESOLVED that the Standing Orders would be suspended.

239. Land Dispute River Foulness

- 239.1. The Chair explained that there was a change to the order of the agenda due to Mrs Atkinson being present at the meeting. She continued that Mrs Atkinson would like the Board to listen to her claim regarding the ownership of a portion of land owned by the Board at Bishopsoil on the right bank of the river Foulness.
- 239.2. The CEO reminded members that those present at the 6th February meeting considered a petition submitted by Mrs Atkinson, claiming that land currently registered in the Board's name remains part of Barmby Grange and Bloomhill Farm (north of Eastington). Mrs Atkinson had applied to the Land Registry to change the title, a process that resulted in the Board being in receipt of a formal notice from the land registry, the Board were asked to consider potential options, from defending the matter at arbitration to selling the land to the claimant for an agreed nominal fee subject to further investigation. The Board resolved to carry out further investigation into the matter before making a decision and delegated it to the Executive Committee (minutes 214.1-214.12)
- 239.3. He continued that shortly after the Board meeting, the Board received a notice from the Land Registry stating "*...it is clear that the applicant does not have a documentary title to the land sought to be removed from your title. As such the notices dated 7 December 2018 and 18 December 2018 are withdrawn.*" The CEO had updated members of this at the Board meeting held on 22nd May and the matter had been deemed resolved.
- 239.4. The CEO informed that Mrs Atkinson had submitted a complaint regarding the Board's handling of the matter, which had been investigated by the Vice Chair in accordance with the Board's Complaints Procedure. He advised that the conclusions of the complaint were a separate matter and not for debate today.

- 239.5. The Chair introduced Mrs Atkinson, who explained that she is representing the owners of the land in the role of attorney.
- 239.6. Mrs Atkinson informed the Board that the family have deeds dated 1918, when they purchased land. She continued that these deeds show the land purchased as extending up to the river. She went on to say that they also have documentation dated 1982 in which permission is given by the family for the flood bank to be created. She continued that permission would not have been obtained from the family, if they hadn't owned this land.
- 239.7. She continued that going forward, the family are looking to re-let land but before this can be done, the future management of this land needs to be understood.
- 239.8. An in-depth discussion took place regarding the land and the CEO presented a location plan.
- 239.9. The CEO explained that Land Registry shows the land was transferred to OHDB from the Environment Agency in 2011/12, when de-mainment took place and that he can only base his knowledge on the information that had been provided by the Land Registry.
- 239.10. Discussions took place on the options available. Cllr Bayram proposed that the Board do nothing and leave it to Mrs Atkinson to pursue. Mr Featherby (VC) expressed that he would not be in favour of this option and would like the matter to be resolved amicably with Mrs Atkinson. He continued that by doing nothing there would still be a cost to the Board if taken to the land tribunal. Mr Featherby proposed that the matter be referred back to the Executive Committee to consider, following a survey and valuation.
- 239.11. Cllr Meredith queried whether the Board required the land in order to carry out their statutory duties and if there would be any issues due to the land being part of the flood bank. The CEO explained that the Board had permissive powers to gain access to land.
- 239.12. Cllr Meredith also enquired if being a local authority the Board could give away land. The CEO confirmed that for a public authority to 'give land away' would likely to be deemed unacceptable by the Board's auditors.
- 239.13. Cllr Meredith continued that he would like to understand what changed after 1982, the latest date on documentation held by Mrs Atkinson's family. The OTM advised this may have arisen due to the river being re-aligned. Mrs Atkinson replied that the deeds held by the family show the course of the river the same as it is today. Further discussions took place.
- 239.14. Cllr Aitkin suggested that the Board should not set a precedent which would allow ratepayers to have a claim on Board-owned land, as this is part of the public purse; she added that it seemed sensible to go with the Vice-Chair's suggestion.
- 239.15. Mrs Atkinson also informed that there was a public right of way across the land and that this would need to be maintained. Members were of the view that responsibility of maintaining public rights of way was that of the local authority. The CEO added that if notification for maintenance was received from the local authority, the Board would fulfil the necessary legal requirements.

- 239.16. Mrs Atkinson enquired as to the timescale for this matter to be reviewed by the Executive Committee. The CEO replied that the next Executive Committee meeting would take place in October and that the Board would write to Mrs Atkinson after the meeting.
- 239.17. It was PROPOSED by MR FEATHERBY and SECONDED by CLLR AITKIN and UNANIMOUSLY RESOLVED that the matter be delegated to the Executive Committee and that a survey and valuation of the land should be carried out before a proposal is put to Mrs Atkinson. **ACTION EXEC CTTE / CEO.**

240. Other Agenda Items

- 240.1. The CEO informed Members that procedurally due to upcoming confidential items on the agenda, for example staff matters, members of the public present would be required to leave before these items could be discussed.
- 240.2. The CEO instructed that guidance had been provided by the Board's internal auditors who had asked for Any Other Business to be removed from the meeting agenda as it was not best practice.
- 240.3. He went on to say that in accordance with the regulations to proceedings of the Board (Standing Orders), other business that does not appear on the agenda may be discussed, but only with the agreement of 75% of Members present.

241. Minutes of the previous Full Board Meeting

- 241.1. The Chair directed Board Members to Appendix A – the minutes of the previous full Board meeting held on the 22nd May 2019.
- 241.2. It was PROPOSED by CLLR WEST and SECONDED by CLLR MEREDITH and UNANIMOUSLY RESOLVED that the minutes be adopted as a true record.

242. Matters Arising from the previous minutes

- 242.1. The CEO updated Board Members on the Actions arising from previous minutes.
- 242.2. With regard to minute 76.2 - Howden Pollution Issue, this was still ongoing and there had been no action taken from Yorkshire Water; the CEO would continue his attempts at communication.
- 242.3. The Apprentice opportunity (minute 194.2) was ongoing with interviews to start on Friday (16th August).
- 242.4. The action to verify an entry on the Accounts Settled for Quarter 4 (minute 225.2) had been dealt with; it had been a typing error on the papers.
- 242.5. Minute 227.5 was resolved. The CEO directed Board Members to the letter he had written to the Regional director of the Environment Agency in relation to De-mainment of Market Weighton Canal and Mill Beck (minute 227.5) - Appendix E in the supplementary papers. He

informed that he had had a response back advising that they were in the process of looking at this as a pilot and would write to the Board in due course.

- 242.6. Minute 231.7 was resolved; the Executive Committee had agreed the purchase of a second weed boat and a new one had been ordered for delivery by April next year.

243. *Executive Committee Meeting*

- 243.1. The CEO directed Board Members to the minutes of the Executive Committee Meeting held on the 25th July 2019 set out at Appendix B of the meeting papers. These were noted by Board Members to be a true record.

- 243.2. It was PROPOSED by CLLR AITKIN and SECONDED by MR ATIKINSON and UNANIMOUSLY RESOLVED that these minutes be adopted as a true record.

244. *Financial Position and Approved Budget*

- 244.1. The CEO informed that the financial position as of 2019/20 Quarter 1 was presented diagrammatically at Appendix D of the meeting papers.

- 244.2. He explained that as with last year, some early adjustments were recommended to the approved budget following confirmation of the 2018/19 year-end position; the projected income would be adjusted (increased) to reflect additional PSCA work, and the projected expenditure adjusted to match this. Other minor 'housekeeping' adjustments would be made.

- 244.3. He continued that the format of the Expenditure Variance Report had been amended as of 2019/20 to include capital purchases that were funded from revenue, such as plant, vehicles, and other large equipment; their inclusion enabled demonstration of a balanced expenditure budget against income.

- 244.4. He explained that the Public Works Loan Board repayments were shown as capital repayments; expenditure on grant-funded capital works was treated separately within the main accounts.

- 244.5. He explained that the report now included the 'Accelerated Programme' line agreed for the 2019/20 budget for 'serviceability' works required on parts of the network. Some of these funds had been redistributed within the expenditure budget to cover recent purchases of additional equipment that would support the accelerated programme. As per the approved budget, there was a line indicating the ringfenced portion of the Board's reserves for accelerated spend (if required). This line was to remain obscured unless the reserves were drawn upon later in the year.

- 244.6. It was PROPOSED by CLLR AITKIN and SECONDED by MR ATIKINSON and UNANIMOUSLY RESOLVED that the Board approve the proposed amendments to the approved budget.

244.7. Cllr Aitkin requested that if possible, a balance sheet for the Howdenshire Scheme be presented to the next Board meeting, showing the breakdown of expenditure against the scheme funds. **ACTION CEO.**

245. *Invoices Paid and Accounts Settled*

245.1. The CEO directed Board Members to the payments made by the Board in Quarter 1 which were presented at Appendix F.

245.2. It was PROPOSED by MR WILKINS and SECONDED by MR SCUTT and UNANIMOUSLY RESOLVED to approve the record of accounts for Quarter 1 of 2019.

246. *Capital Programme*

Capital Maintenance Strategy

246.1. The CEO explained that the proposed Strategy would, at a strategic level, consider future capital investment requirements for a large part of the Humber Head Levels - an area that includes 32 pumping stations and numerous structures in a study area of 625km² (241 square miles) and a benefit area of 489km² (182 square miles).

246.2. He continued that these assets serve a publicly maintained watercourse network of 564km (350miles) and that initial estimates placed land and property values at £8.21bn to £11.97bn. He explained that the 'do-nothing' scenario would result in the abandonment of the drainage assets, where, over a relatively short period, much of the study area would return to its natural state and become unsustainable. He added that in this scenario, the value of damages would be equivalent to the write-off value of the affected land and property and that for any property on 'dry islands' cut off by flood water, the present-day cost of building safe access to the island would be weighed against the write-off value of the property on the island.

246.3. The CEO reported that this information would be used to inform the next major review of the Yorkshire regional FDGiA programme along with other potential investment programmes from 2021 onwards.

246.4. He reported that the study would consider statutory investment requirements arising from health and safety, electrical compliance and other regulations along with economic benefits based on the current FCRM Appraisal Guidance.

246.5. He went on to say that the above approach had been agreed with the Environment Agency and was awaiting approval for study monies. He reported that an economics specialist had been interviewed in early July and subsequently appointed in view to completing the Strategy by Spring 2020, adding that both himself and the PFM would be involved in writing the final strategy.

Howdendyke Pumping Station

- 246.6. The Operational & Technical Manager (OTM) gave an update on the progress of the Howdendyke Scheme. He reported that the Early Contractor Involvement surveys to determine the most appropriate pump sets were complete, and that topographical surveys were in progress.
- 246.7. He added that the most cost-effective option was being looked at, such as whether to replace components only or the whole station including the building.
- 246.8. Cllr Meredith asked if there would be any logistical issues associated with dismantling the pumping station. The OTM answered that temporary pumps may be brought in.

Market Weighton Canal Bank Stabilisation (Newport)

- 246.9. The CEO updated that there had been a meeting with the fisheries officer regarding the piling works, who had been happy with the approach proposed for the scheme, as it would likely encourage certain species.
- 246.10. With regard to the trees along the bank, the OTM informed that the piles were to be set back a metre to allow for bank stabilisation and for the majority of the trees to be retained. He added that some of the trees nearer to the waterside would need to be removed in order to guarantee stabilisation, and that before any work could be carried out, a bat survey was required.
- 246.11. The OTM continued that once he had put a programme together, he would send letters out to local residents informing them of the work to be undertaken.
- 246.12. Cllr Aitken asked if the piles would be seen once they were in place. The OTM answered that the majority of them would not be visible.
- 246.13. Cllr Aitken suggested that the more communication that local residents receive from the Board, the more likely they were to support the works.
- 246.14. The OTM stated that this work was critical as the defence was starting to fail which would eventually lead to damage of nearby infrastructure.

247. *New Maintenance Contracts*

- 247.1. The CEO reported that all new framework contract orders had been issued and that the seasonal programme had commenced. He asked the Chair for permission to ask the Board to approve the Maintenance Programme, in accordance with the Board's procedures.
- 247.2. The CEO updated Members on the Definitive Maintenance Map, which was now accessible on the Board's website. He explained that all culverts had been marked on it so that these could be excluded from the Maintenance Programme; this would allow third parties to be notified of their responsibilities.

- 247.3. He went on to explain the procedures of the new framework contracts, adding that the definitive map now allowed ratepayers to see work that was to be carried out. The CEO gave a demonstration of the Map's features, explaining that the map will also be populated with information about work completed later in the year.
- 247.4. Mr Scutt asked if culverts had always been the responsibility of the landowner to maintain. The CEO answered that the general rule is that culverts are the responsibility of whoever built them for their purpose [and the subsequent owner].
- 247.5. It was PROPOSED by CLLR AITKEN and SECONDED by MR WILKINS and UNANIMOUSLY RESOLVED that the Board approve the Maintenance programme for 2019/20.

248. Policy Update

- 248.1. The PFM directed Board Members to Appendix G in the meeting papers, explaining that since the new Finance Officer had taken up post in May, she had been able to dedicate some time to reviewing and updating the Board's governance documents.
- 248.2. The PFM went on to explain which policies had been reviewed and updated where necessary, adding that the Board's ratification was needed in order for the updated policies to be published.
- 248.3. She continued that reviews of other policies that required more time to update would be presented to a future meeting of the Executive Committee for thorough consideration before submission to the Full Board.
- 248.4. The PFM advised that the Board did not currently have policies on certain topics which were considered best practice by Defra and others, recommending that the Board should work towards developing these.
- 248.5. She added that there were various HR related matters that would benefit from a formal policy, but that these would need to be subject to consultation with staff prior to submission to the Board.
- 248.6. It was PROPOSED by CLLR AITKIN and SECONDED by MR ATKINSON and UNANIMOUSLY RESOLVED that the Board approve the updated policies as set out in Appendix G of the supplementary meeting papers, subject to any necessary minor amendments.

249. Internal Audit Report

- 249.1. The PFM directed Board Members to Appendix C of the Meeting papers, to the copy of the Internal Auditor's report. She commented that there were comments to be noted about additional agenda items and the importance of member attendance to ensure meetings are quorate.

250. Electoral Register and Elections Programme

- 250.1. The PFM reported that following the Board's approval of the updated electoral register at the last meeting, the register had been duly advertised, with no objections received.
- 250.2. The CEO informed that the remaining agenda items may include confidential matters and therefore the remainder of the meeting should exclude members of the public, subject to the agreement of the Board.
- 250.3. It was PROPOSED by MR HENLEY and SECONDED by MR SCUTT and UNANIMOUSLY RESOLVED that the remainder of the meeting would exclude members of the public.
- 250.4. Mrs Atkinson left the Meeting.

251. Public Sector Agreements

- 251.1. With the Chair's permission the CEO tabled a supplementary paper for Agenda Item 11.2.
- 251.2. The CEO informed that staff had now taken on full management of the Vale of Pickering Board (VPIDB) engineering and development control services on a fixed price basis charged at £37k per year.
- 251.3. The CEO continued that the Board were still undertaking main river maintenance work for the Environment Agency and that after a successful year on the River Ouse North Bank, the Agency Board had taken on maintenance for parts of the river Ouse South Bank and River Don. The revised estimate for 2019/20 stood at £163k.
- 251.4. Some discussion followed regarding the benefits of public sector agreements. Cllr Aitken commented that they have the benefit of creating economies of scale, enabling the Board to become less reliant on the rate, particularly for purchase of plant and machinery.
- 251.5. The CEO explained that the supplementary item was in relation to a partnership opportunity
- 251.6. After some discussion, Cllr Bayram expressed that all Board Members should have the opportunity to voice their opinion on this and requested it be brought to another Board Meeting.
- 251.7. The CEO advised that an emergency board meeting would likely be required due to time constraints and suggested that a sub-committee be established in order to scrutinise the proposal in detail and report their findings to the full Board.
- 251.8. It was UNANIMOUSLY RESOLVED that a sub-committee would be appointed to scrutinise the matter, comprising Mr Scutt, Mr Hick, Mr Wilkins, Mr Henley, the Vice-Chair and the Chair, and that an emergency board meeting be arranged to receive the sub-committee's conclusions and recommendations.

252. New Development

252.1. With the Board's permission, the CEO skipped this item on the basis that there was little to report.

253. Scheme for Board Vehicles

253.1. The CEO explained that following discussions with the Executive Committee, a proposal had been put forward to replace essential-user and existing mileage allowances for relevant officers with a scheme for Board vehicles on a cost-neutral or cost-saving basis. The Committee had requested an enhanced business case be put to them prior to the Board Meeting.

253.2. He continued that the OTM was currently using his own vehicle for work duties and that although the OTM received a vehicle and mileage allowance, it was not sufficiently covering the costs of running the vehicle and that a works vehicle would be much more appropriate. The CEO put forward the option of purchasing a vehicle for the OTM and giving him a reduced mileage rate of £0.2p, explaining that by his estimation, it stood to save the Board £9k over 5 years.

253.3. The CEO continued that the majority of the Executive Committee had favoured the proposal but had requested that further detail be included in the business case for consideration at the Board meeting.

253.4. A discussion followed regarding the proposal with reference to best practice. The general opinion was that providing a company vehicle for both business and personal use would be more efficient for the Board, with private mileage being paid by the OTM.

253.5. Mr Scutt commented that from personal experience, having use of a pick-up vehicle had improved operational efficiency.

253.6. It was PROPOSED by MR HICK and SECONDED by MR SCUTT and UNANIMOUSLY RESOLVED that the Board approve the purchase of a vehicle for the Operational & Technical Manager.

254. Staff Matters

254.1. Following approval of the new staff structure at the previous Board Meeting, the CEO announced that, in respect of the senior engineer position, a job offer had been made and the new member of staff would start on the 27th August 2019.

254.2. He went on to say that although the position had been advertised across the region in free papers and on social media at a salary of £27,000 - £31,000, there had not been many applicants.

255. Appointed Member Vacancy

255.1. The CEO informed that, following the retirement of Councillors Galbraith and Pollard, Cllr Paul West had been appointed and there was one Nominated Member vacancy remaining.

256. *Date of Next Meeting*

256.1. The date of the next scheduled meeting was 7th November 2019, starting at 9am at the Methodist Church, Howden.