



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 THURSDAY 7TH NOVEMBER 2019
AT HOWDEN METHODIST CHURCH, 62 HAILGATE, HOWDEN, DN14 7SL

PRESENT:

Ratepayer Members:	Mr Featherby(VC) Mr Henley Mr Nicholls	Mr Hick Mr Wright Mr Screeton	Mr Sweeting Mr Maclean
Appointed Members:	Cllr West (C) Cllr Meredith Cllr Roberts Mr Baxter	Mr Atkinson Cllr Aitken Cllr Marwood Mr Traill	Cllr Bayram Mr Wilkins Cllr P West
Co-opted Members:			
Members Present:	19		

APOLOGIES:

Ratepayer Members:	Mr Mowforth
Appointed Members:	
Co-opted Members:	
Officers:	Miss Cowen

ABSENT:

Ratepayer Members:	Mr Scutt
Appointed Members:	Cllr Wilkinson
Co-Opted Members:	

IN ATTENDANCE:

Officers:	Mr McLachlan – Chief Executive Mr Towse – Operational & Technical Manager	Mr Martin – Senior Engineer Mrs O’Driscoll – Board Secretary (Minutes)
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Others:

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257. Order of Meeting

- 257.1. As this was the Annual General Meeting, the CEO was permitted to chair the first part of the meeting until the Chairman was installed.
- 257.2. The CEO explained that once the appointments had been made, normal Board business would commence.

258. Apologies

- 258.1. Apologies were noted from Mr Mowforth and the Policy & Finance Manager, Miss Cowen.

259. Declarations of Interest

- 259.1. The CEO asked for declarations of interest; Mr Sweeting stated his interest in Sweeting Bros Ltd – contractors to the Board.

260. Health & Safety

- 260.1. The CEO explained that Health & Safety needed to be high on the agenda and invited observations on any Health and Safety matters, under this or an appropriate agenda item.
- 260.2. No Health & Safety matters were raised.

261. Additional Agenda Items

- 261.1. The CEO informed that in accordance with the regulations as 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.
- 261.2. Cllr Roberts requested an item to be added under 16.1, matters arising in the meeting papers in relation to the Howden Pollution Issue. All Board Members were agreeable for this to be included under the item Matters Arising.

262. Welcome and introductions

- 262.1. The CEO welcomed Mr George Baxter of Newport, a new member of the Board appointed by ERYC.
- 262.2. Mr Baxter introduced himself to the Board, informing he had worked as a land agent in Beverley before retiring and had a general interest in the drainage of the area.
- 262.3. The CEO confirmed that he had inducted Mr Baxter and could advise the Board that in accordance with Schedule 1 (5) of the Land Drainage Act 1991, he had demonstrated that he had knowledge or experience of matters relevant to the Board and had shown capacity in such matters.

263. Election of Chairman

- 263.1. The CEO set out the procedure for the election of the Chairman and oversaw proceedings.
- 263.2. Nominations were invited by the CEO for the role of Chairman, advising that Cllr Kay West had put herself forward. This was not contested; no further nominations were made.
- 263.3. It was PROPOSED by CLLR MEREDITH and SECONDED by CLLR AITKEN and UNANIMOUSLY RESOLVED that CLLR WEST be elected as CHAIRMAN.

264. Appointment of Chairman

- 264.1. Cllr Kay West was appointed as Chairman.

265. Election of Vice Chairman

- 265.1. The CEO set out the procedure for the election of the Vice Chairman and oversaw proceedings.
- 265.2. Nominations were invited by the CEO for the role of Vice Chairman; nominations were given for Mr Featherby to be re-elected. This was not contested; no further nominations were made.
- 265.3. It was PROPOSED by MR WRIGHT and SECONDED by MR HENLEY and UNANIMOUSLY RESOLVED that MR FEATHERBY be elected as VICE CHAIRMAN.

266. Appointment of Vice Chairman

- 266.1. Mr Featherby was appointed as Vice Chairman.

267. Appointment of Executive Committee

- 267.1. As explained by the CEO, the formal procedure for appointment of members, and the delegations to the Executive Committee, was that adopted at the 2018 Annual General Meeting; he continued that the procedure was set out in Appendix A.
- 267.2. The CEO thanked the Members from last year for the time they had given to Executive Committee matters.
- 267.3. The CEO explained that currently there were 7 members of the committee: Mr Wright, Cllr Aitken, Mr Atkinson, Cllr Roberts, Mr Mowforth and the Chairman and Vice Chairman who were elected by default. He continued that as Mr Falkingham has stepped down from the Board, the Committee had reduced to 6 members.
- 267.4. He informed the Board that 5 – 7 members on the Executive Committee was sufficient but there was a vacancy should a member wish to stand.
- 267.5. Mr Wright made a nomination for Mr Sweeting to stand.

267.6. It was PROPOSED by MR WRIGHT and SECONDED by CLLR BAYRAM and UNANIMOUSLY RESOLVED to APPROVE the nomination of MR SWEETING to the Executive Committee.

267.7. Mr Sweeting accepted the appointment to the Executive Committee.

267.8. It was PROPOSED by CLLR MARWOOD and SECONDED by MR HENLEY and UNANIMOUSLY RESOLVED that the Board re-elect the current members of the Executive Committee including Mr Sweeting.

268. Remuneration Sub-Committee

268.1. The CEO advised that the function of the Remuneration Sub-Committee was to undertake an annual assessment of the performance of executive staff based on their individual achievements and that of the Board. He explained that this was currently made up of three members of the Executive Committee: Cllr West, Mr Featherby and Mr Wright.

268.2. He continued that the sub-committee were privy to sensitive information concerning pay and matters relevant to an employee's performance and wellbeing and were expected to make a recommendation to the Executive Committee regarding the annual remuneration of the executive staff along with any associated performance targets.

268.3. He explained that the duration of appointments to the sub-committee was 3 years; hence there were no changes due this year.

268.4. Cllr West, Mr Featherby and Mr Wright indicated that they were willing to continue their roles on the sub-committee for a further year.

268.5. Cllr Aitken expressed her thanks to the current members, acknowledging that it required significant input and consideration.

269. Elections

269.1. The CEO reported that the Board's triennial elections were concluded on 25th September 2019. Nominations for 10 of the 11 electoral districts were received; no seat was contested, resulting in no poll. The CEO explained that the election results were represented graphically at Appendix B in the meeting papers.

269.2. He also informed that Mr Falkingham had decided not to stand for the Board on this occasion; a letter of thanks had been sent to him from the Chairman.

269.3. He continued that as there now remained a vacancy; the Board had an option to co-opt a member. It was for a Board member to propose a suitable candidate.

269.4. Mr Sweeting suggested Mr John Axup. He explained that Mr Axup's business was related to drainage and he also farmed land at Brind. The CEO added that his name had also been put forward by Mr Falkingham and the Parish Council.

269.5. It was PROPOSED by MR SWEETING and SECONDED by MR SCREETON and UNANIMOUSLY RESOLVED to APPROVE Mr Axup as a Co-opted member, subject to his acceptance.

270. Minutes of the previous Full Board Meeting on 14th August 2019

270.1. Cllr Aitken noted a spelling mistake to her name, this should be Aitken not Aitkin.

270.2. It was PROPOSED by CLLR MEREDITH and SECONDED by MR WILKINS and UNANIMOUSLY RESOLVED that these minutes be adopted as a true record.

271. Minutes of the Emergency Board Meeting

271.1. The CEO directed members to the supplementary paper in which the Minutes of the Emergency Board Meeting held on 29th August were laid out.

271.2. He read out the statement included in the supplementary papers and advised that unless instructed by the Board, these minutes would not be published pending legal opinion.

271.3. It was PROPOSED by CLLR AITKEN and SECONDED by MR SCREETON and UNANIMOUSLY RESOLVED that these minutes should not be published.

271.4. Mr Baxter noted that the date in minute 262.8 should read 1st April 2020 not 1st April 2019.

271.5. It was PROPOSED by CLLR AITKEN and SECONDED by CLLR ROBERTS and UNANIMOUSLY RESOLVED that these minutes be adopted as a true record, subject to above amendment.

272. Matters Arising

272.1. With regard to minute 194.2 – Apprenticeship opportunity, the CEO reported that an apprentice had started in this role in September. He added that the Apprentice was 17 years old and had a genuine interest in the work of the Board and was showing great potential. The CEO also informed Board Members that the Senior Operator was also on the same apprentice course, both were attending college 1 day a week. He thanked the Board for allowing the opportunity to take on an apprentice.

272.2. Regarding Minute 239.17 – Land Dispute – Bloomhill Farm / Barmby Grange: the CEO reported that this matter was still ongoing and reminded Members that Mrs Atkinson had spoken at the last meeting and that this matter had been delegated to the Executive Committee. He went on to report he had taken professional advice and that the land had been valued at £5,000.

272.3. The CEO continued that the Executive Committee had made the decision to offer the land to Mrs Atkinson for £2,500 plus legal costs and subject to covenants. A letter signed by the Vice-Chair had now been sent to Mrs Atkinson informing her of the decision.

272.4. Discussions took place on this matter and the Vice-Chair informed that it was now up to Mrs Atkinson to agree this decision or to take further action.

- 272.5. Minute 76.2 – Howden Pollution Issue, was still ongoing. Cllr Roberts requested support from the OHDB to have another attempt to engage Yorkshire Water regarding the pollution problem.
- 272.6. Cllr Roberts updated the Board on this matter, explaining that there were some issues with riparian ownership, as residents were not aware of their responsibilities. He continued that Yorkshire Water had agreed to look at Derwent Drain some time ago but had not provided any feedback, adding that the pumping station at Broad Lane was pumping raw sewage into the drains.
- 272.7. Cllr Roberts continued to describe the issues faced by residents of Thorpe Avenue, adding that the Town Council had installed cameras on the Derwent Drain. He informed that, following the recent heavy rainfall, raw sewage had emerged from the open drains, almost reaching the airbricks of properties and possibly flowing into road drains and Derwent Drain.
- 272.8. Cllr Roberts asked that a multi-agency approach be taken with Yorkshire Water against the sewage problems in Howden.
- 272.9. The CEO informed Board Members of the technical issues involved in this matter.
- 272.10. Cllr Bayram stated that he was under the impression that a blockage under the road at Hovedene Drive was part of the problem; there had been a petition years ago but nothing had come of it.
- 272.11. Further discussions took place regarding this matter.
- 272.12. Mr Hick voiced concern that the CEO's involvement in this matter may divert him too much from his main duties.
- 272.13. Cllr Aitken recommended that the Councillors around the table meet and ask the CEO's advice on technical matters where needed, adding that she applauded the Board for providing measured and not standard replies to planning applications.
- 272.14. It was PROPOSED by CLLR BAYRAM and SECONDED by CLLR MEREDITH and RESOLVED by a majority that Board staff offer limited technical advice on this matter. **Action CEO / Executive Committee.**
- 272.15. Mr Hick abstained.

273. Executive Committee Meeting

- 273.1. The CEO directed Board Members the minutes of the Executive Committee meeting held on 18th October 2019, for noting.

274. Financial Reports – Quarter 2

- 274.1. Members were directed by the CEO to the Financial Variance Reports in the meeting papers.
- 274.2. The CEO explained how the variance reports work and ran through them.
- 274.3. The CEO went on to report that most drainage rates had now been collected; at the time of writing, £23k was outstanding (4%). He updated that this had now reduced to under £20k. Summonses had been issued to debtors and the CEO and PFM had attended court on 23rd October to obtain Liability Orders.
- 274.4. He informed that income remains broadly as expected; all management fees from partner Boards had been received. The Board had received some payments from the EA for the PSCA work; as in previous years there had been a delay due to bureaucracy, but this was not a concern. External management and fee income stood at £156k.
- 274.5. The CEO explained that there was an overspend on general administration due to provision of new equipment for additional staff and professional services costs associated with ongoing matters.
- 274.6. He went on to report that mobile plant expenditure was also over budget; this was partly due to vehicle breakdowns but largely due to procuring plant to undertake the accelerated maintenance programme. The Board had purchased two new pick-up trucks as approved at the last full Board Meeting, which could be funded from reserves if required. The reserved budget position of the accelerated programme remained strong at £83k which allowed for transfer from the accelerated programme to ‘mobile plant’ and ‘vehicles’.
- 274.7. The CEO informed that operationally the recent rainfall, which had been the heaviest for years, would heavily impact on electricity and pump failures, explaining that expenditure may come in tight or there may even be a need to dip into reserves.
- 274.8. Mr Hick thanked the operational team for exceptional work in a very wet period.
- 274.9. It was PROPOSED by CLLR ROBERTS and SECONDED by MR MACLEAN and UNANIMOUSLY RESOLVED that the Board APPROVE the financial report and adjust the budget to move £120k from the accelerated programme and transfer £60k to line 5600 (mobile plant) and £60k to line 5700 (vehicles).

275. Invoices Paid and Accounts Settled

- 275.1. Board Members were directed to *Appendix F* of the meeting papers where the invoices paid and accounts settled were presented.
- 275.2. The CEO explained that the itemised payments were those over £250.

275.3. It was PROPOSED by MR MACLEAN and SECONDED by CLLR MEREDITH and UNANIMOUSLY RESOLVED that the Board APPROVE the record of accounts for the last financial quarter, totalling £633,204.25 (net).

276. Conclusion of Annual Audit 2019/20

276.1. The CEO notified that the Board's External Auditors, PKF Littlejohn, had completed their annual audit of the Board and had concluded that there were no matters that required attention (clean bill of health). The results of the report had been published on the Board's website.

277. Capital Schemes

Near Drain Outfall – Emergency Works

277.1. Board Members were informed by the CEO that the Near Drain Tidal outfall at Skelton had failed. This outfall took water from 1,996 hectares of land including parts north of Howden. The operational team had secured the door for now, but this was a temporary measure.

277.2. He went on to say that the structure was beyond economic repair and that a lightweight plastic replacement, like the one at Laxton, should be used. He added that if the structure failed there would be no tidal defence for the 5,000-acre catchment, including part of the M62.

277.3. He advised that procurement of new doors would take 24/25 weeks and therefore a temporary structure would need to be fitted. The CEO explained that he was seeking authority to install a temporary structure and to procure the permanent structure. He went on to say that the temporary structure would allow the permanent one to be fitted behind it, adding that the cost of the temporary structure would be between £60k and £70k.

277.4. The CEO advised that the emergency works had already been commissioned and that he intended to submit a business case for National Flood Defence Grant in Aid (FDGiA) funding; however the Board was required to commit around £150k upfront to enable the emergency replacement works.

277.5. The CEO stated that the Executive Committee had authorised him to begin the procurement process, although the value of the works was below the Public Contract Regulations procurement threshold of £4,551,413, the scheme costs were a significant sum, so the Board was advised to follow the principles of the Public Contract Regulations.

277.6. He continued that Section 32 of the regulations stated that in respect of the "grounds" for a "negotiated"[procurement, deciding to]"procedure without prior publication" may be used in cases" insofar as is strictly necessary where, for reasons of extreme urgency brought about by events unforeseeable by the contracting authority, the time limits for the open or restricted procedures or competitive procedures with negotiation cannot be complied with".

- 277.7. The CEO advised the Board that these works were extremely urgent and necessary and that there were a limited number of suppliers in the marketplace that were able to undertake this type of work. He informed that a supplier that had recently undertaken work for the Board of a similar type had been approached and procurement had been negotiated. Consequently, the supplier had been instructed to commence design works, undertake structural surveys and begin fabricating parts of a cofferdam.
- 277.8. Cllr Aitken commented that ERYC need to be made aware of this in case the structure was to fail in the meantime, as houses were at risk. Mr Hick added that the consequences would be catastrophic should this fail.
- 277.9. It was PROPOSED by MR HICK and SECONDED by CLLR AITKEN and UNANIMOUSLY RESOLVED that the Board APPROVE to ratify the decision to commission urgent works to the Near Drain outfall and that these are negotiated and procured from a single specialist supplier up to the value of £150,000 on the grounds that they are of extreme urgency, plus a 12.5% contingency.
- 277.10. Mr Featherby asked how soon the temporary structure could be installed; the CEO replied that this could be done within the next few weeks.
- 277.11. Mr Maclean asked how many more pointing doors there were along the river. The OTM replied that there were four to five. The CEO added that these were to be looked at for the next investment period. Some discussion took place on the state of the remaining structures.
- 277.12. The CEO reported that with regard to the capital maintenance programme, all of the Board's pumping stations were to be looked at. He added that in the next round of FDGiA funding, there would hopefully be some top-slicing for pumping stations in need of replacement.
- 277.13. He went on to say that an economist had been employed to produce supporting evidence for the Capital Maintenance Strategy, working with the PFM.

Howdendyke Pumping Station

- 277.14. It was confirmed by the CEO that all survey works were now complete, the results of which would be used to develop the ECI reports and form the basis of tender documents.
- 277.15. Mr Hick asked if the OTM was happy with the system that feeds into the pumping station. The OTM reported that there were known problems with the watercourse that runs between Ebuyer and Wren. Mr Hick commented that water was being held back upstream and not reaching the pumping station. The OTM said he intended to speak to Ebuyer/Wren to form a solution, adding it may be that a culvert would improve the issue.
- 277.16. Some discussion took place on how best to utilise this system.

Market Weighton Canal Bank Stabilisation (Newport)

- 277.17. The OTM informed the Board that a full tree and topographical survey had been carried out, indicating which trees required removal. He explained that current water levels need to drop before this work could be undertaken.
- 277.18. He added that the levels in the canal were a concern; it may be possible to reduce the levels but not until the weedboat had completed this season's work. A date for the parish meeting was to be firmed up when there was more certainty about the levels.
- 277.19. Cllr Aitken advised that the Parish Council needed to be kept up to date.

278. Maintenance

- 278.1. The CEO informed that around 75% of the maintenance programme for this year was complete, adding this was the most ambitious programme undertaken by the Board to date. He continued that the new contractual arrangements appeared to be working well albeit impacted by the rainfall in September and the issues at Near Drain.
- 278.2. He added that the performance of the Board's own workforce could have been better if more overtime opportunities had been taken over the summer, but that overtime working had been very variable amongst staff. In order to enforce overtime, contractual changes would be required (to be discussed separately at agenda item 24). He continued that this year the workforce had gone through a significant cultural shift, learning new ways of working, driving new machines and working in new areas.
- 278.3. The CEO reported that the Senior Engineer had been mapping the completed work which would appear on the Definitive Maintenance Map.
- 278.4. He added that so far, over 66 km (41 miles) of watercourses had been identified as requiring urgent intervention to restore serviceability e.g. tree works / piling / regrading and that this was increasing on a daily basis. He explained that the Asset Management Plan would provide a detailed list of works that needed to be undertaken and allow the Board to work out the cost of them.

279. Public Sector Agreements

Environment Agency Work

- 279.1. The CEO updated that the Board continued to receive increased requests from the EA; this work was generating income and turnover for the Board, allowing investment in staff and machinery.

Vale of Pickering

- 279.2. He commented that the relationship with VPIDB was evolving well; staff were currently developing an asset management plan, and that management fees had been billed and received for 2019/20.

Highways England

- 279.3. The CEO notified that he had had a very productive meeting with the regional director at Highways England about maintaining motorway watercourses. He explained that this may involve a multi-year serviceability programme (estimated at around £500k total) and then an approximate £60k per year ongoing maintenance programme plus management fees.
- 279.4. Discussion took place on how the Board's relationship with Highways may help with capital funding in the future.

New PSAs (PUBLISHED ITEM TO BE REDACTED)

- 279.5. [REDACTED]
- 279.6. [REDACTED]
- 279.7. [REDACTED]
- 279.8. [REDACTED]

280. Petition

- 280.1. The CEO informed that a petition had been received from Mr Robert Hall, a landowner at Talbot Farm, Bennetland, Gilberdyke. Mr Hall has requested that a watercourse be added to the Board's Maintenance Programme. At present the watercourse was not on the Board's Definitive Maintenance Map. Mr Hall stated that this watercourse was previously maintained by the Board.
- 280.2. The Board were directed by the CEO to the map in the meeting papers showing the location of the ditch. He continued that in determining this request, Members were reminded that they have adopted a definitive maintenance map. As to whether a watercourse was added to the map should be a decision based solely on the merits of doing so going forward.
- 280.3. The CEO advised that as this was a reserved matter for the Board, a proposal in support of Mr Hall's request was required.
- 280.4. Some discussion took place regarding the significance of the ditch. Mr Featherby asked for the CEO's recommendation and the CEO informed that in his opinion this was a minor watercourse.
- 280.5. It was PROPOSED by MR FEATHERBY and SECONDED by MR WRIGHT and UNANIMOUSLY RESOLVED that this matter be delegated to the Executive Committee following inspection of the watercourse by the Operational and Technical Manager or the Chief Executive. **Action OTM / Executive Committee.**

281. Staff Matters

281.1. The CEO reported that the new Senior Engineer started in late August and was working very well in implementing the asset management plan.

281.2. He continued that, as previously informed, an Apprentice was appointed in September and was attending college on a weekly day-release basis along with the Senior Operator.

New Contracts for Operational Staff (CONFIDENTIAL) (PUBLISHED ITEM TO BE REDACTED)

281.3. [REDACTED]

281.4. [REDACTED]

281.5. [REDACTED]

281.6. [REDACTED]

- [REDACTED]

- [REDACTED]

- [REDACTED]

281.7. [REDACTED]

281.8. [REDACTED]

281.9. [REDACTED]

- 281.10. [Redacted]
- 281.11. [Redacted]
- 281.12. [Redacted]
- 281.13. [Redacted]
- 281.14. [Redacted]
- 281.15. [Redacted]
- 281.16. [Redacted]
- 281.17. [Redacted]

282. Board Constitutional Matters

- 282.1. Following discussions at the last Executive Committee, the CEO reported that the issue of holding a Board meeting in August was referred to the Board for discussion, as was the matter of determining an appropriate quorate.
- 282.2. He reported that it had been agreed that holding a Board meeting in the middle of harvest and at peak holiday times was challenging and that officers' time could be better spent if planned meetings were reduced to 3. If necessary, an additional meeting could be arranged.
- 282.3. The CEO continued that in several recent meetings, it had been necessary to suspend the standing orders due to the Board being inquorate. The Executive Committee had considered it appropriate to amend the standing orders to reduce the quorate number from around a half (12) to around a third (8) of members.

282.4. It was PROPOSED CLLR BAYRAM and SECONDED by MR WRIGHT and UNANIMOUSLY RESOLVED that Board meetings be held 3 times per year avoiding harvest and peak summer holiday periods.

282.5. It was PROPOSED CLLR BAYRAM and SECONDED by MR SWEETING and UNANIMOUSLY RESOLVED to that the CEO be instructed to write to the Minister/Defra to request that the standing orders be amended to make the Board meeting quorate 8 members.
Action CEO.

283. Date of Next Meeting

283.1. Members were reminded of the date of the next meeting: 9am on the 5th February 2020 at Howden Methodist Church, 62 Hailgate, Howden, DN14 7SL.