

# 1. Governance

## 1.1 Apologies

## 1.2 Declaration of Interest

### 1.1 Minutes of the Meeting held on 4 November 2019

Present

|  | 23<br>.1.<br>14 | 26<br>.6.<br>14 | 13.<br>11.<br>14 | 22<br>.1.<br>15 | 18<br>.6.<br>15 | 12<br>.1<br>15            | 21<br>.1<br>16 | 16<br>.6.<br>16 | 10<br>.1<br>16 | 26<br>.1.<br>17 | 15<br>.1.<br>17 | 6.<br>11<br>7 | 22<br>.0<br>18 | 21<br>.5.<br>18 | 5.<br>11<br>8 | 20<br>.5.<br>19 | 4.<br>11<br>9 |
|--|-----------------|-----------------|------------------|-----------------|-----------------|---------------------------|----------------|-----------------|----------------|-----------------|-----------------|---------------|----------------|-----------------|---------------|-----------------|---------------|
| David Backhouse<br>DB                    |                 |                 |                  |                 |                 | A<br>pp<br>oi<br>nt<br>ed | x              | x               | x              | x               | A               | x             | -              | x               | x             | x               | A             |
| Michael Conroy<br>MC                     | x               | X               | x                | X               | -               | X                         | x              | x               | -              | x               | x               | x             | x              | x               | x             | x               | x             |
| David Hinchliffe<br>(Chair)              |                 |                 | x                | X               | X               | X                         | x              | x               | x              | x               | x               | A             | x              | x               | x             | x               | x             |
| Richard<br>Hinchliffe RH                 |                 |                 | x                | X               | X               | X                         | x              | A               | x              | A               | x               | x             | x              | x               | x             | x               | x             |
| Walter<br>Ketteringham WK<br>(ViceChair) | x               | X               | x                | X               | X               | X                         | x              | x               | x              | x               | A               | x             | A              | x               | A             | x               | x             |
| Sam Longthorp<br>SL                      | x               | X               | x                | X               | X               | A                         | x              | A               | A              | A               | A               | x             | x              | x               | x             | x               | A             |
| Richard<br>Ketteringham<br>RK            | x               | X               | x                | X               | X               | A                         | x              | x               | x              | x               | A               | x             | A              | x               | x             | x               | A             |
| Pat Hagan PH                             |                 |                 |                  |                 |                 |                           |                |                 | x              | x               | x               | A             | x              | x               | A             | A               | -             |
| Kim Parkinson<br>KP                      |                 |                 | x                | X               | X               | X                         | x              | x               | x              | x               | A               | x             | X              | x               | x             | x               | x             |
| Kyle Heydon KH                           |                 |                 |                  |                 |                 |                           |                |                 |                |                 |                 |               |                | x               | A             | x               | x             |
| Martin Oldknow<br>MO                     |                 | X               | x                | X               | X               | X                         | x              | A               | x              | x               | x               | x             | X              | x               | x             | x               | x             |
| David Oldroyd<br>DO                      | X               | X               | x                | X               | X               | X                         | x              | x               | x              | x               | x               | x             | X              | x               | x             | x               | x             |
| Dave Ridge DR                            |                 |                 |                  |                 |                 |                           |                |                 | A              | x               | A               | x             | A              | x               | x             | A               | x             |
| Phil Marran PM                           |                 |                 |                  |                 |                 |                           |                |                 |                |                 |                 |               |                |                 |               |                 | A             |
| Paul Evans PE                            |                 |                 |                  |                 |                 |                           |                |                 |                |                 |                 |               |                |                 |               |                 | A             |

In attendance on behalf of JBA Consulting, Clerk, Finance Officer, Engineer and Environmental Officer:

|                        |   |
|------------------------|---|
| Ian Benn CEO           | x |
| Martin Spoor AM        | x |
| Craig Benson FO        | x |
| Paul Jones Eng         | x |
| Alison Briggs EO/Admin | x |

## **Governance**

### **Apologies**

**2019.89** Apologies received from Phil Marran, Paul Evans, Sam Longthorp and David Backhouse, Richard Ketteringham

### **Declaration of Interest**

**2019.90** None.

### **Minutes of the Meeting 20 May 2019**

**2019.91** DO proposed the minutes be signed as true record by the Chairman, MO seconded. All in agreement

### **Matters arising**

**2019.92** None

### **Complaints and FOI requests**

**2019.93** EO advised there had been none.

## **Moving toward Asset Management**

## **Organisational**

### **Legislation**

**2019.94** Draft National FCERM Consultation – Officers had responded on behalf of the Board, Chairman supportive of those responses. The Environment Agency were disappointed in numbers responded to consultation across England. Chair considered lack of responses may be driven by cynicism.

**2019.95** Environment Bill – Noted

**2019.96** ADA – Chairman considered it inappropriate the conference is held annually in London, suggesting ADA should look at holding a combining conference with FloodEx, making it a dynamic event. KP commented on price of return rail fare to London.

### **Events & Representation**

**2019.97** Noted

**2019.98** Clerk advised his request to attend a meeting at the Home Office arranged by Defra. Significant concerns had been expressed across the industry by several IDBs associated with Council domination at meetings, unwillingness to expend money delivering Board function, attempts to hold rates down to avoid impact on Council budgets. Chair recognised there were concerns over the misunderstanding by local councils of the function of an IDB, reiterating they were independent public bodies, not subject to the same legislation and regulation as Councils.

## **Risk & Review**

### **Recommendations**

**2019.99** FO advised report for information.

### **Budget comparison**

**2019.100** Budget y/e 31.3.2020 – 2<sup>nd</sup> instalment of special levies should be received shortly which will increase % collection.

KP noted negative % associated with drain maintenance. FO advised the business involved was no longer a contractor of the Board. There had been considerable scrutiny of applicable legislation which states if a contractor has not continually advised the client of ongoing cost of contract although invoice not issued, it becomes statute barred. 31.3.2020 will be 2 years

since contractor ceased being contractor to the Board. Meeting with Auditor is planned to agree whether statute barred or action to take.

### Asset Costing & Valuation

**2019.101** Rating – Special Levy 2<sup>nd</sup> payment expected any day. All agricultural rates have been collected.

**2019.102** List of cheques and other payments – Payments totalling £51,078.36 had been sent from the account, £17,332.84 approved by the Clerk. **DO proposed agreed for approval by Chair, MO seconded, all in agreement.** FO advised Members on insured risks associated with pump stations. Confirmed regular discussions with insurers who liked to see telemetry, proper routine maintenance of sites etc. Premium is not reduced but insurers are kept informed.

### Strategy & Planning

**2019.103 Recommendations** – to consider the draft Corporate Plan

**2019.104 Corporate Plan** – The Clerk had supplied Members with a draft for consideration, driven by this Board moving toward Asset Management. Presence of an adopted documented plan was highlighted by DMBC in Danvm DC audit 5-years ago. Corporate Plan provides written evidence of strategic direction of the Board. Document had been produced in association with the Chairman. The Environment Agency is keen to see IDBs working toward asset management in terms of GiA support.

Chair advised good document, DO agreed. MO concerned about strategic objectives which he thought were more visionary and required amendment. Strategic objective of Board is to reduce flooding. Clerk advised document sits between an Asset Management policy and Strategic Asset Management Policy, but amendments would be made.

Chair considered Board should have greater role overseeing maintenance activities which needed to be strengthened within the document. AssetM noted plan also linked with necessity to revise old agreements and could be linked with Highways England and its contribution to pump stations, and the Coal Authority. A Corporate Plan would be vehicle by which these old agreements can be reviewed. Currently capital programmes are not aligned between the Board and any third-party stakeholders and a Corporate Plan would assist with that. DO supportive of work done by Engineer and Asset M with Highways England and questioned whether Charging Authority members had flagged this with DMBC.

Chair advised the plan correctly identified District Stakeholders. Admin. advised responses from Coal Authority associated with Draft National FCERM Strategy spoke of Doncaster Area Drainage Act being outdated legislation and used language suggestive of a sense of misunderstanding as to roles, responsibilities, site ownership and funding. Officers aware of Coal Authority lobbying BEIS and Defra to revoke Act, suggesting it should have access to FCERM Grant Aid monies. Issues had appeared through another Board associated with telemetry under the perception of betterment. These had been robustly defended however lingered. The aim appears associated with not funding flood risk management works the Authority considers betterment, for example, work at the 50:50 Bentley Ings PS between the EA and Coal Authority which was not equally funded. Should the Coal Authority be successful, responsibility for its subsidence stations would fall back on locals under the "he who benefits pays" principle, impacting on the Board and its agricultural and special levy ratepayers. Officers argument is mining subsidence stations would not exist were it not for mining subsidence in that area. Chair advises as coal mining industry moves further into history and memories fade, it will become more difficult to sustain the understanding for the requirement of subsidence mitigation station sites. **Chair agreed in principle a good document, should be worked on and brought back to next meeting, all in agreement.**

### Strategic Planning

**2019.105 Humber Comprehensive Review** – Meetings had been held with landowners at the end of October. Generally positive meetings. KP had spoken to Philip Winn regarding potential wastages. He advised Philip Winn asked for Board to put in examples of what it

would like to see as part of the consultation. Noted River Don piles at A614 are weak, recent high tides had shown leakage.

**2019.106 Isle of Axholme Strategy** – nothing to report

## **Asset Management Decision-Making**

**2019.107 Recommendations** – Acknowledge the benefit of telemetry

## **Capital Investment Decision Making**

**2019.108 Approved Capital Investment** –noted. Hoped to have outline budget to bring to meeting, unfortunately those who went to site had not been able to formalize yet. ABB and IDS are those supplying VFDs and confident can provide a solution. Will come back to Chair with comparison report based on previous quote for renewal and this option. Chair advised weedscreen cleaner always been a problem and considered it appropriate to separate VFDs from weedscreen, preferring a solution for weedscreen cleaners first. RH noted in terms of new suppliers, service and support on new capital investment important. Advised ABB is a multinational company and wouldn't have used R&D funds if they had not felt there was a business. AssetM was requesting minimum 3-year warranty, preferred 5-year. **Chair proposed keep weedscreen and VFD separate. All in agreement.** Members were advised telemetry highlights issues at pump stations and weedscreens. Chair confirmed extant PSCA with Danvm DC. Chair advised on work ethic of Danvm MEICA team who responded to email queries whilst abroad on holiday.

**2019.109 Future capital investment** – The current status of the capital reserve account was noted as at 18 October 2019.

## **Operations & maintenance decision-making**

**2019.110 Weed screen cleaners** –

**2019.111 Durham's Warping Drain** – The Reservoir Engineer has agreed not a Reservoir, he has been chasing Reservoir Engineer on regular basis for removal of DWD from Reservoir Register. Board has put together the evidence DWD holds less than 10,000m<sup>3</sup> and inspector should not be charging Board for future inspections when he has agreed it is not a Reservoir.

**2019.112** Members were advised the Chair had approved a further year's grazing licence on the banks and requested support for his action. **All in support of Chair's action.**

## **Forward Plan**

**2019.113 Mid-term budget estimate** – Members reviewed the budget estimate

## **Resourcing strategy**

**2019.114 Telemetry** - Members were advised the importance of telemetry as a cost-effective way of managing water levels across the District however the current telemetry provider had ceased trading. Controlstar supplier had ceased trading in September, there has been no formal communication to any IDB, and the company remains active at Companies House however accounts are overdue. Crisis arose through 3 IDBs not paying quarterly invoices. Ancholme IDB offered to purchase company assets including the intellectual property of the telemetry software which was accepted. The result has been all IDBs continue to maintain visibility to all pump station and water levels across their districts. Under a "Do Nothing" scenario, IDBs would have lost visibility to everything on 20<sup>th</sup> October arising from cessation of server payments, including ability to report to LLFA following flooding through s19 reports. Ancholme IDB has intellectual property of SCADA system, and will shortly be writing to each IDB setting out next steps. Ancholme IDB will keep server running providing its costs are reimbursed but will not be able to offer maintenance support in the short term. Over the longer term, that Board may consider putting more investment into the system which will be of benefit to all Boards.

Officers had delivered a report on telemetry to another Board last year, Controlstar software delivered a superior system of the 3 companies reviewed at that time, average on price. MO advised the Board should look at replacement and required confirmation risk register had been altered to reflect this. That confirmation was given. Chair advised

he had been made aware of situation by the Clerk before information was in public domain and pleased to be provided with advance notice. He was also relieved a short-term solution was available to the Board but advised the Board needed to consider the long-term provision. Chair advised issue will discuss again at January meeting.

Eng. advised Officers had been supportive of Ancholme IDB's bid. The Shire Group IDBs should not be placed in a position where the group Boards became blind to telemetry through acts of an outside IDB. The purchase creates space within which Group Boards can consider next steps. He advised it important all Boards accepted the largest problem with any private provider is if any company goes into administration or liquidation, the essential software interface is at risk, however that will not happen to Ancholme IDB. It now owns the software as a public body and has a system that the Board can control but will require telemetry hardware contractors to fit replacement hardware on site.

## Lifecycle Delivery

### Technical Standards & Legislation

**2019.115 BAP** – Water vole population size appears reduced from previous years; this has been a slow decline. Chair advised sighting of mink on DWD and considerable number of mink within Thorne Moors.

INNS in Durham's Warping Drain remained an issue, eradication very difficult. Carp had been suggested however EA fisheries rejected the idea because of the pump stations, shading the water is not an option because of restriction to access for maintenance.

**2019.116 Land Drainage Consents and Planning applications** – Members noted the information. DO requested a list of applications to ensure Special Levy Members could accurately record declarations of interest. KH queried LDA consent and absence of recharged fee. Advised a Byelaw consent application which is not chargeable.

### Maintenance Delivery

**2019.117 Ordinary Watercourse** – Maintenance 90% complete at the time of preparing the papers, AssetM had been informed work completed but had yet to check. Chair advised Boating Dyke at the corner from Capital Park weedscreen had not received maintenance. WK queried landowner consent where Contractor accessed DWD by tracking through adjacent land, through the hedge and presumably fence. EO confirmed existing large gap in hedge and no fence. KP noted contractor tracking across his fields. AssetM advised no landowner complaints brought to office and suggested any injury claims regarding contractor access across fields be sent into office. He would inspect work and contact Contractor.

**2019.118 Riparian owner/occupier watercourses** - Highways England – Start of year contract with A1+ to undertake reconditioning work. Initial clearance of scrub vegetation done but reconditioning works postponed, associated with its ecologist overseeing works and concerns raised relating to water vole and nesting birds. AssetM, Eng and EO had meeting arranged with Highways England and A1+ which Highways England didn't attend. Officers voiced disappointment at works undertaken and waste of public money. One section had been affected by presence of badgers, work on that section should have started however recent email indicates closer to Christmas for commercial reasons. At a second meeting with HE, attended by a new project manager with responsibility for service delivery it was acknowledged the work was ineffective and not in accordance with specification they should have delivered. However, HE's financial process indicates actions cannot be taken until next financial year. HE nationally and locally is restructuring, its process of delivery will change from 2021, and it wants to explore potential for Board to undertake maintenance on its behalf. Members advised Board can again serve notice on HE which will identify a reasonable time within which work must be done. There has been a reluctance to take this step during ongoing negotiations. Eng. advised HE acknowledges its riparian responsibility and is aware of its liability associated with injury claims. Any claim must be supported by evidence, photographs and precise location will be required together with evidence of losses sustained. Claims are made through Orders made by Land Tribunal through the Magistrates Court although initial advice of potential claim could be made directly to HE or through Board Officers to forward.

**2019.119 Network rail** – Works were completed earlier in the year and the potential form maintenance to be undertaken by the Board at network rail cost is being explored.

**2019.120 Public Sector Cooperation Agreement Asset Operations** – It is considered maintenance be deferred until next year. Agreed.

#### **Asset Operations**

**2019.121 Outlet station settlement** – Grout injection works. Contractors have accepted liability for ongoing settlement associated with the extension.

**2019.122 Pump Station PSCA works** – noted. Work on cleaner will reduce amount of time spent

#### **Natural England MoU**

**2019.123** NE is to undertake a hydrological survey of Thorne Moors to inform future management of the moor. NE wishes to facilitate partnership working with the surrounding IDBs and has requested Board assistance in providing some information. A copy of the MoU with the EO's comment had been sent to Members. **Members agreed Chair be given delegated authority to sign MoU with Natural England**

#### **Organisation & People**

**2019.124 Recommendations** – to note the information contained in the report

#### **Health Safety & Wellbeing**

**2019.125 Accidents & Incidents** – there had been none however noted agricultural industry has more fatalities than any other sector.

#### **Professional Services closed session**

**2019.126** Clerk gave a short presentation on options available to the Board.

**2019.127** Management left the meeting. All further minutes, shown below, were provided by the Chair.

**2019.128** Board in closed session after management services left the room. A discussion took place around the options and offer outlined by Ian Benn to the Board. There was agreement that the outlined options would have a significant increase and impact on the cost of management services to the Board going forward.

**2019.129** It was unanimously agreed that the board would not agree to the proposed offer.

**2019.130** The Chair discussed an alternative option that was available to the board, joining into a consortia arrangement with the Aire, Don and Ouse Consortium of independent drainage boards. Chair outlined this had been investigated by himself MO and KH. Full details of how this would work was provided by the Chair, who then led to a discussion around the possibility of a consortia arrangement being suitable. The Chair had obtained a full breakdown of the cost, which he made available to the board.

**2019.131** All members commented on the significant cost savings of such an arrangement.

**2019.132** Chair outlined that a draft of the consortia agreement had been made available and was considered appropriate.

**2019.133** Chair also outlined the benefits of consortia membership in a more strategic catchment role and the value of partnership working. DO considered this to be an important benefit going forward.

**2019.134** It was proposed by the Chair, that the board joined the Aire Don And Ouse Consortium at the conclusion of the current professional services contract, seconded by KH. Members were in unanimous agreement that the Chairman signs an agreement to join the Aire, Don and Ouse Consortium from the 1st April 2020.

**2019.135** Chairman thanked members for their attendance and attention in what had been a long meeting.

**2019.136** Meeting closed 12.05pm.

## **1.2 Matters arising not discussed elsewhere**

## **1.3 Complaints and FOI requests**

None received.