

LOWER MEDWAY INTERNAL DRAINAGE BOARD



MINUTES OF THE MEETING of the **BOARD**
held at **The Boards Offices, 17 Albion Place, Maidstone**
on **Monday 23 July 2018**

Members of the Board Present

Chairman: H R Neaves

S Attwood
S Batt
D Davis
D Dewar-Whalley
N Hampshire
K Ingleton
J C Lewis
P Marchington
B Stone
J Wright

In attendance

M D Watson - Chief Executive
P Bush - Technical Engineer
L Rowland - Administration Assistant

The Chief Executive informed members of the evacuation procedure in the event of a fire or an emergency evacuation situation. It was explained that members would be involved at some point with a fire drill.

1. APOLOGIES FOR ABSENCE

Apologies were received from G Etheridge, G Fulton, R Hall and S Mair

2. APPOINTMENT OF CHAIRMAN TO HOLD THIS MEETING

The Chief Executive asked for a proposal for a Chairman for this meeting.

On a proposition by J C Lewis seconded by S Batt it was **AGREED** that H R Neaves would chair the meeting.

The Chairman requested a minute silence for our previous Chairman R Hinge.

The Chairman introduced and welcomed the newly appointed Board Member, Councillor Peter Marchington from Swale Borough Council.

3. ITEMS OF INTEREST DECLARATION

Members were asked to declare any pecuniary and/or non pecuniary interests they have in any of the items to be discussed on the Agenda.

S Attwood declared an interest in Item 13 – Planning Applications regarding the New Hook planning application 18/501323 and said he wouldn't comment.

4. DECLARATION OF BOARD MEMBERS INTEREST FORM 2018/2019

REPORTED that S Attwood, G Fulton, R Hall, N Hampshire, P Hicks, S Mair, D McDonald and B Stone have not yet completed their Declaration of Board Members Interest form for the year 2018/2019.

RECEIVED Declaration of Board Members Interest forms for 2018/2019.

(As attached to these Minutes)

Copies of the Declaration of Board Members Interest Forms were available during the meeting.

Members were reminded that this form should be completed by ALL Board Members at the start of each financial year and amended as necessary during the year. Any staff member who has a significant interest should also complete a form. Forms should be completed at your earliest convenience and then returned to the office.

5. MEMBERS LIABILITIES

The Chief Executive reminded Members of their responsibilities whilst an elected Member of the Lower Medway Internal Drainage Board and went over the key points below:

“The Members have responsibility/accountability for the overall control of the IDB's finances and therefore certain financial/fiduciary duties, breach of which could render them personally liable. These duties can be summarised as an obligation, in the context of this document, to act responsibly and with reasonable care in respect of the IDB's finances and to properly and fully consider the implications of the IDB's financial position. These rules are set by Government to make sure that no unacceptable risks are taken with public money. It is therefore very important that Members exercise independent judgment and proper care and diligence.”

The Chief Executive explained to members that this is taken from the ADA guidance note which has already been issued to members. A copy of the full guidance note is available on request.

6. PRIVATE & CONFIDENTIAL MATTERS

Members were reminded that all matters discussed relating to employees of the Board should at all times be treated as confidential. Members were reminded once again that there could be implications for the Board under Data Protection and Employment Law if matters discussed were disclosed to others.

7. MINUTES

RECEIVED the Minutes of the Meeting of the Board held on 26 March 2018.

(As attached to these Minutes)

All members in attendance **AGREED** that the Minutes of the Meeting of the Board held on 26 March 2018 were correctly recorded and that they be signed by the Chairman.

8. FINANCE COMMITTEE MINUTES

RECEIVED the Minutes of the Finance Committee Meeting held 26 March 2018.

(As attached to these Minutes)

9. FINANCE COMMITTEE MINUTES

RECEIVED the Minutes of the Finance Committee End of Year Meeting held on 26 March 2018.

(As attached to these Minutes)

10. INTERNAL AUDIT SUB COMMITTEE MINUTES

RECEIVED the Minutes of the Internal Audit Sub Committee Meeting held on 11 April 2018.

(As attached to these Minutes)

11. MATTERS ARISING FROM PREVIOUS MINUTES

Minutes of meeting - 5 December 2016

Item 16 - Lower Depot

Ongoing requirement to look for alternative owned land or premises.

The Chief Executive explained that this matter is ongoing.

Minutes of meeting - 27 March 2017

Item 11 - EA Precept

The Chief Executive explained that he had chased the EA again for a breakdown of administration costs within the EA Schedule 1 Form submitted with the EA Precept invoice but the EA have not been forthcoming.

A long discussion took place regarding the best way forward and it was agreed that once the Bells Pump Station payment had been received this must be looked at again and even consider to obtain a freedom of information request to gain the official figure we are asking for.

Minutes of meeting - 27 March 2017

Item 18 – Works, Health and Safety Meetings

Recommendation to harmonise policies across both Lower and Upper Boards to assist Officers.

The Chief Executive explained that this is still being worked on.

Minutes of meeting - 10 July 2017

Item 10 - Internal Auditors Report

Members requested more information be given on Audit Reports. In addition Members need to steer the Internal Auditor with regards to how much detail is required/expected.

The Chief Executive explained that the request for this would have to come from the Audit Committee officially along with reasons why the current report is not adequate and what additional areas require additional auditing.

The Technical Engineer explained that the current audit we pay for is inexpensive and we would need to pay more to achieve the more detailed report we are looking for.

D Dewar-Whalley stated that the Board has the ultimate responsibility to the auditor so it should be accepted what the Board is requesting rather than this having to be requested officially from the Audit Committee.

N Hampshire joined the meeting.

D Dewar-Whalley suggested that he give some recommendation for future reports as there are a lot of grey areas and the audit will become even more important in the future.

It was **AGREED** for D Dewar-Whalley to give his recommendations and to give direction to the auditor.

The Technical Engineer recommended that an independent person should also review the new policies we are putting in place (ie HAVS).

Minutes of meeting - 27 November 2017

Item 19 – ADA Update

LMIDB to consider and work out a plan for PSCA direct with EA for precept money from April 2019.

The Technical Engineer informed Members that we are suggesting doing some work ourselves and Julie Foley is also keen to progress this. However, the frustration lies in being able to get the EA to commit to any work in advance.

J Wright asked whether the Lower Halstow drain could be looked at.

The Chief Executive explained this was outside our drainage district and was in the hands of Kent County Council.

Minutes of meeting - 27 November 2017

Item 20 – Any Other Business, Bells Update Legal Agreement

Confirmation on Boards position and Lease agreement signing process.

The Chief Executive informed Members that this matter will be covered under Item 19 (Bells Pump Station Update) on the agenda.

Minutes of meeting – 26 March 2018

Item 14 – Engineers Report

Harty Ferry/Leysdown further repairs to be carried out.

The Chief Executive informed Members that this matter will be covered under Item 15 (Engineers Report) on the agenda.

Minutes of meeting – 26 March 2018

Item 20 – Board Inspection

Officers to arrange inspection to be combined with the opening of Bells Pump Station.

The Chief Executive informed Members that this matter will be covered under Item 20 (Board Inspection 2018) on the agenda.

Minutes of meeting – 26 March 2018

Joint Winter Policy

Joint winter policy agreed and to be submitted to Board for approval.

The Technical Engineer explained this policy is still being written and will be submitted to the Board for full approval before the next winter approaches.

12. HEALTH & SAFETY UPDATES

The Technical Engineer confirmed that meetings with our health provider took place in May 2018 and health assessments are hoping to start in August 2018.

The Technical Engineer gave an update on the asbestos in the office. He explained that M Cosgrove had emailed the Chief Executive giving various recommendations on how to proceed with this issue.

The Technical Engineer further explained that we have paid to have archive records released and to ensure as much as possible we have up to date asbestos reports in place and these are now held as computerised records.

The Technical Engineer showed Members a copy of The Chief Executive's detailed response to M Cosgrove giving his recommendations and this matter was discussed in great detail by Members.

The Technical Engineer explained that the main area in question was that a heating engineer had carried out some minor work in the basement in 2006 and had cut through a asbestos containing ceiling strip and this could be a potential risk of release of asbestos, albeit a very minor one. However, in his opinion this was still a RIDDOR reportable issue and Members needed to decide whether to report the issue to HSE. Reporting the issue may negate any potential further action from HSE.

The Technical Engineer further explained that Officers have consulted Croner Health and Safety Consultants and they recommended that air sampling be done in the basement. 4 samples were taken, and all 4 samples came back clear.

It was generally felt by members that due diligence had been done and we have acted responsibly and the asbestos is now fully controlled as all safety measures and policies are in place.

N Hampshire felt it was the Board's statutory duty to report the RIDDOR incident to HSE.

On a proposition by J Wright seconded by D Dewar-Whalley it was **AGREED** that the Board feel they have acted responsibly and covered their statutory duties and no further action be required at this stage.

The Technical Engineer also confirmed that we are still progressing with the various H&S policies required but we are working on the most important first.

13. PLANNING APPLICATIONS

RECEIVED the various planning applications the Board has commented on since the last meeting.

(As attached to these Minutes)

The Chief Executive read through all the planning applications received.

Members noted the Planning Applications for which the Chief Executive had commented on.

14. CONSENTS

RECEIVED particulars of applications requiring the written consent of the Board.

- (a) **Location: New Rides Wind Farm, Eastchurch, Isle of Sheppey, ME12 4DD**
Proposal: Creation of three seasonal wetland ponds and the overflow from these ponds discharge into IDB watercourse 1H.
Comments: Consent granted with the following specific conditions:
- 1) The work is in accordance with the information provided within the consent application information submitted via email on 22/3/18 and 9/2/18.
 - 2) The consent approval is valid for a period of 12 months from the date of this letter.

REPORTED following member consultation consent was issued on 12 April 2018.

- (b) **Location: Plot 1, London Medway Commercial Park, Hoo Peninsula, Rochester, ME3 9GX**
Proposal: Surface water drainage solution associated with Plot 1 of the London Medway Commercial Park, Hoo and the consent to allow three new outfalls to discharge into IDB Watercourse 30 (Berry Wiggins Drain).
Comments: Consent granted with the following specific conditions:
- 1) The work is in accordance with the information provided within the consent application information submitted via email on 1/3/18 and 4/4/18.
 - 2) The surface water will be attenuated to 7 litres/sec/hect for the 1:100 yrs storm (micro drainage calculations back this up) plus 20% additional storage for climate change. The Boards usual requirement is 30% but provided the developer can increase the attenuation pond maintenance frequency the effects will not be noticeable. Please provide the Board a copy of the maintenance schedule and show the frequency has been increased.
 - 3) The consent approval is valid for a period of 12 months from the date of this letter.

REPORTED following member consultation consent was issued on 12 April 2018.

- (c) **Location: Land north of Sittingbourne and in Kemsley (Watercourse Kemsley Drain)**
Proposal: Installation of new underground water pipeline via open trenching and directional auger boring, including working area and site compounds.
Comments: Consent granted with the following specific conditions:
- 1) The work taking place under the IDB adopted watercourse 90 – Kemsley Drain, will be a minimum depth of 1.1m.
 - 2) The work being carried out with the 8m byelaw margin will be have the pipe at such a depth that the weight of a 22 ton excavator can safely travel over it without damaging the pipe and that any manhole will be able to take the same weight and be flush to the ground (as opposed to standing proud).
 - 3) The applicant will inform the Board when the work is proposed to start.
 - 4) Should any details of the project change that are different from attached Record sheet 1-19 (last amendment is dated 29-09-17) then the applicant will need to consult with Chief Executive who may decide that the applicant needs to re-apply for Consent should there be any major fundamental design changes that affect the watercourse or with the 8m Byelaw margin.
 - 5) The consent is valid for 4 years after which time the applicant will need to re-apply if the work has not started within that time period.

REPORTED following member consultation consent was issued on 9 July 2018.

15. ENGINEERS REPORT

RECEIVED the Engineer's Report Number 162.

(As attached to these Minutes)

The Chief Executive read through the Engineers Report that showed the work carried out from February 2018 to June 2018.

The Chief Executive explained that up until the beginning of July block clearing, tractor repairs and depot maintenance had been done and that mechanical weed cutting work will commence later this month.

The Chief Executive also showed pictures of the replacement fencing at Leysdown Pump Station and explained that we are waiting for safety signs to be fitted.

16. WORKS, HEALTH & SAFETY GROUP MEETING

RECEIVED a copy of the Works Health & Safety Group Meeting Minutes dated 5 March 2018.

(As attached to these Minutes)

D Dewar-Whalley explained that there has been a lot of work done putting things in order, keeping the necessary records and that things were becoming more efficient.

The Technical Engineer explained that although there is not too much to report on this occasion, both Boards are working closely and it is going very well and a lot has been achieved.

17. ENVIRONMENT AGENCY REPORT

RECEIVED latest email from David Lowe giving the Environment Agency's proposed work for the current financial year.

(As attached to these Minutes)

Also **REPORTED** the actual Environment Agency spending for the next 12 months will not increase.

The Chief Executive reported that met with the EA in May to discuss the Upper and Lower precept.

The Technical Engineer pointed out to Members that the original cost to decommission Mocketts was £150,000, but it had now been reduced to £47,000.

Members discussed this issue in great detail and it was generally felt that after payment for Bells Pump Station had been received more questions must be asked and answers received for the precept in future.

On a proposition by J Wright seconded by D Dewar-Whalley it was **AGREED** the precept be paid with more scrutiny given for future payments.

18. INTERNAL AUDITORS END OF YEAR REPORT 2017/18

RECEIVED a copy of the Internal Auditors End of Year Report 2017/2018 produced by David Griffiths on 16 May 2018.

(As attached to these Minutes)

The Chief Executive confirmed that David will review our GDPR processes during his next interim inspection.

The Internal Auditors End of Year Report was noted by Members with no questions asked.

19. BELLS PUMP STATION UPDATE

The Chief Executive reported that Bells Pump Station had been completed ahead of schedule on 25 May 2018.

The Technical Engineer confirmed that we are working through a number of snagging issues and that ACE had been problematic.

The Chief Executive also confirmed that ACE's product had been brilliant, but the management of their product had been disappointing and their cleaning up had not been up to scratch.

The Technical Engineer stated that the only way forward was to closely manage ACE.

The Technical Engineer showed 2 videos of the Bells Pump Station.

The Technical Engineer explained that more fencing and protection across the entry door area were required and we had received a quotation for this work. He confirmed the EA will be paying half of this.

The Technical Engineer explained to members the CCTV/telemetry that we have in place and that we are sent photos by email instantly if the motion sensors are activated.

The Chief Executive informed members that an article on the pump station was in the latest ADA Gazette.

S Batt added that the Board can be really proud of this pump station and will continue to be for many years to come.

The Chief Executive gave a legal update to Members explaining that he was told back in March a final version of the lease had been prepared, only to be told in mid-May that the solicitors are still working on the lease.

The Chief Executive further explained that the land owner is constantly moving the goalposts before he is willing to sign the lease. To date over £134,000 worth of money can be attributable to either additional works demanded by the landowner or compensation to the land owner together with the legal and land agents fees associated with dealing with him.

D Dewar-Whalley said that the Board needs to show some strength and inform the solicitors that only once the lease has signed would we be willing to release any further agreed money.

On a proposition by D Dewar-Whalley seconded by J Wright it was **AGREED** that we should not pay any further amounts to the land owner or carry out any further works until he had signed the lease.

The Chief Executive explained until the lease had been signed the opening ceremony could not take place.

Members asked whether we could ask permission to hold the grand opening and the Chief Executive confirmed had already done so but had been met with silence.

The Chief Executive asked Members who should sign the lease when we are in a position to do so.

On a proposition by D Dewar-Whalley seconded by S Batt it was **AGREED** that the Chairman should sign the lease.

The Technical Engineer asked Members to give consideration to a maintenance plan for the pump station. He explained that many components that relate to the pump station are bespoke (such as the gear box and motor) and he recommended purchasing parts in advance due to some parts having up to a 7 month wait time for them to be supplied.

On a proposition by D Dewar-Whalley seconded by J Wright it was **AGREED** that parts should be purchased, stored safely and insured.

20. BOARD INSPECTION

Chief Executive explained that he hoped that the visit to the new Bells Pump Station would have happened by now. However, this has been delayed because the lease has not yet been signed by the landowner. It is expected that the inspection will take place in September 2018 and this will be a joint inspection.

The Chief Executive asked Members for permission for R Hinge's widow to do the opening of the pump station.

Members **AGREED** that R Hinge's widow and also his son should be at the opening.

21. ELECTIONS 2018

RECEIVED a copy of the Programme for the Preparation of Register and Election of Members for 2018 Elections.

(As attached to these Minutes)

The Chief Executive informed members that we have a statutory process to go through for land owners to be elected as Board Members.

The Chief Executive asked Members to approve the Register of Electors, which are all the landowners that pay rates in the drainage district.

On a proposition by K Ingleton seconded by N Hampshire it was **AGREED** to approve the Register of Electors.

The Chief Executive will now be placing a Notice on the website which will be in place for the next 14 days.

Should any landowners come back with any amendments this would need to be approved by the Board and the Chief Executive suggested that a representative be nominated, otherwise the full Board would need to reconvene.

On a proposition by K Ingleton seconded by N Hampshire it was **AGREED** that D Dewar-Whalley and J Wright would approve any amendments to the Register of Electors.

The Chief Executive explained that in addition to the website notice, letters must be distributed to all land owner Board Members asking whether they wish to continue as Board Members. He further explained that should any Members wish to step down they must do so in writing.

The Chief Executive handed out letters to S Attwood, S Batt, H R Neaves and JC Lewis.

19. ADA SE BRANCH ANNUAL MEETING

RECEIVED a copy of the Minutes of the ADA SE Branch Annual Meeting held on 26 April 2018.

(As attached to these Minutes)

20. ADA CONFERENCE 2018

The Chief Executive informed Members the next ADA Conference will be held on 14 November 2018 and asked if any Members would like to attend.

No Members wanted to attend on this occasion.

21. ANY OTHER BUSINESS

a) Lisa Rowland

The Chief Executive explained that Lisa Rowland is approaching the end of her 12 month employment contract and asked Members whether they would be willing to now make her appointment a permanent one.

On a proposition by J Wright seconded by N Hampshire it was **AGREED** to approve Lisa Rowland's permanent contract.

22. CLOSURE

There being no further business the Chairman declared the meeting closed and thanked the Board for their attendance.