

LOWER MEDWAY INTERNAL DRAINAGE BOARD



MINUTES OF THE MEETING of the BOARD
held at **The Boards Offices, 17 Albion Place, Maidstone**
on **Monday 26 March 2018**

Members of the Board Present

Chairman: R Hinge

S Batt
M Cosgrove
D Davis
D Dewar-Whalley
N Hampshire
K Ingleton
J C Lewis
H Neaves
J Wright

In attendance

M D Watson - Chief Executive
P Bush - Technical Engineer
L Collins - Office Administrator
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.

The Chairman introduced and welcomed the newly appointed Board Member, Councillor Michael Cosgrove from Swale Borough Council. All Members introduced themselves to M Cosgrove.

1. APOLOGIES FOR ABSENCE

Apologies were received from S Attwood, G Fulton, R Hall, S Mair and B Stone.

2. 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 Batt declared an interest in Item 12 – Planning Applications regarding the Swale Borough Council, Peel Ports application and said he wouldn't comment.

N Hampshire declared an interest in Item 12 – Planning Applications regarding the Swale Borough Council as he is on the Planning Committee and said he wouldn't comment.

3. DECLARATION OF BOARD MEMBERS INTEREST FORM 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.

4. MEMBERS LIABILITIES

The Chief Executive reminded Members of their responsibilities whilst an elected Member of the Upper 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.”

As previously suggested the guidance note from ADA had been emailed to all Members to remind them of their responsibilities.

REPORTED not all Members had yet acknowledged receipt of this email.

5. 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.

6. MINUTES

RECEIVED the Minutes of the Meeting of the Board held on 27 November 2017.

(As attached to these Minutes)

All members in attendance **AGREED** that the Minutes of the Meeting of the Board held on 27 November 2017 were correctly recorded and that they be signed by the Chairman.

7. FINANCE COMMITTEE MINUTES

RECEIVED the Minutes of the Finance Committee Meeting held 27 November 2017.

(As attached to these Minutes)

8. INTERNAL AUDIT SUB COMMITTEE MINUTES

RECEIVED the Minutes of the Internal Audit Sub Committee Meeting held on 5 December 2017.

(As attached to these Minutes)

9. MATTERS ARISING FROM PREVIOUS MINUTES

Minutes of meeting - 22 February 2016

Item 9 - Engineers Report

Harty Ferry pump station site survey and repairs to screw and chute to be carried out.

The Chief Executive informed Members that this matter would be discussed in further detail later under item 21 (Any Other Business).

Minutes of meeting - 6 June 2016

Item 11 - Internal Audit

Risk Management to be reviewed by the Internal Auditor at his next visit, date to be arranged.

The Chief Executive informed Members that the next visit of the Internal Auditor is scheduled for May 2018.

Minutes of meeting - 5 December 2016

Item 16 - Lower Depot

Ongoing requirement to look for alternative owned land or premises.

The Chief Executive informed Members that this would be focused on after Bells Pump Station had been completed.

Minutes of meeting - 27 March 2017

Item 11 - EA Precept

Breakdown of report requested due to excessive administration costs.

The Chief Executive informed Members that this matter will be covered under Item 16 (Environment Agency Precept) on the agenda.

Minutes of meeting - 27 March 2017

Item 13 - Sanction to Borrow

At the last meeting the Chief Executive informed Members that DEFRA won't allow monies to be loaned between the Upper and Lower Drainage Boards. A public works loan from the Public Loan Board is currently being looked into. A financial risk assessment has to be done before this can be investigated further.

REPORTED that the Internal Audit Sub Committee at their next meeting will review this matter and include in the Financial Risk Register.

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 informed Members that this is ongoing and policies will be reviewed and harmonised by the Internal Audit Sub Committee / Joint Services Committee.

Minutes of meeting - 27 March 2017

Item 20 - Bells Pump Station

Request to have some information supplied to Swale Borough Council about the new Bells pump station project to put in the Council Newsletter.

The Chief Executive explained that a draft report had been sent to D Dewar-Whalley's for review and is awaiting his comments.

N Hampshire confirmed the next newsletter would be published in the summer and we would need to submit this to Swale Borough Council by mid May for this to be included in time.

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 next Internal Audit is scheduled for 14th May 2018.

Minutes of meeting - 27 November 2017

Item 16 – Members Liabilities

Members to acknowledge that they have received the ADA Guidance note sent by Officers via email.

REPORTED not all Members have acknowledged receipt.

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. He further explained that we would want to know what work we would be undertaking in advance and invoice for that work in one hit rather than having multiple/smaller invoices throughout the year. He also explained that we are not quite ready to schedule this work, and we would want to do this when we are so we are in a better position so we cannot be criticised for rushing the work.

The Technical Engineer also informed Members that Julie Foley is also keen to progress this.

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 11 (Bells Pump Station Update) on the agenda.

10. HEALTH & SAFETY UPDATES

The Technical Engineer informed Members that he has received confirmation that he passed his Health & Safety NEBOSH Fire training carried out in December 2017, and he received a credit in late February 2018. He is now NEBOSH Fire qualified to advise/assist fire policies and procedures for the Boards.

He also informed members that the review of policies has been delayed due to the funding being agreed late.

D Dewar-Whalley informed Members that now the Works Health and Safety Committee and we are in a good place and far more forward then we were.

The Technical Engineer informed members that our plans for equipment will start shortly, however, no money would be spent until the pump station is finished and all our risks are gone.

The Technical Engineer informed members that the Chief Executive had been requested to have an Asbestos Survey carried out on the Boards Offices. **REPORTED** that the Asbestos report for the office has been received and action will be required to manage/remove the identified asbestos as necessary.

A lengthy discussion took place.

M Cosgrove requested for the Members to see previous Asbestos Surveys that had been carried out.

It was agreed that a quotation should also be obtained and a summary of the situation should be sent to Members as soon as possible.

The Technical Engineer explained that the internal auditor during his last visit had picked up on the Hand Arm Vibration Monitoring arrangements and declared them unsatisfactory. **REPORTED** that all chainsaw use has already been suspended. A robust policy and training will be put in place to reduce the risks. He also explained there will be only 2 trained chainsaw users going forward, one on each Board.

The Technical Engineer informed Members he attended a HSE run HAV Management course in February 2018.

11. BELLS PUMP STATION UPDATE

The Technical Engineer informed Members that the completion date of the new pump station is scheduled for 27 April 2018. The time allowance with Breheny is until 25 May 2018, however, they are ahead of schedule and hope to be left site in advance of this date.

The Technical Engineer showed Members the Boards finances up to the end of February 2018.

REPORTED that the Boards current liability is £790,000.

The Technical Engineer reminded Members that we were keen for final payment to go into the next financial year and confirmed the final payment for Breheny is due in May 2018, when the Board would have received the first special levy instalments.

The Chief Executive advised Members that there were a number of disputes with the contractors and 2 meetings with Breheny and ACE are scheduled in order to resolve any issues and payments.

The Chief Executive explained that he has not been impressed by ACE and they appear to have been overwhelmed by the project.

The Technical Engineer explained that they should have been onsite overseeing everything, but certain items had been missed which should have been included in their original quotation ie crane mat to install the pumps and the connection of the cables to the transformer cabinet.

N Hampshire asked why Bells cost much more than the original estimate.

The Technical Engineer explained that the original budget was £1.857m, however, when more detailed plans were drawn up this figure increased to £2.396m, then as the project has progressed there have been design details either missed or required changing which has resulted in additional unexpected costs. Members were informed that lessons have been learnt during this project and Officers would have a different approach towards any future projects. The original pricing in February 2016 was just not realistic.

A slideshow of photos and videos were shown to Members demonstrating the latest progress.

The Chief Executive informed Members the Bells Pump Station is officially handed over to the Board tomorrow (Tuesday 27th March 2018) and if we are happy we can decommission the old pumps.

The Chief Executive also informed Members that this afternoon he had been sent the 99 year lease for the land to be signed and asked Members if they were happy for the Chairman to sign the lease today. He explained this lease has been very difficult to obtain and had taken a very long time to materialise and because it had taken so long, the 24 month lease to allow access for the work to be carried out onsite is no longer required.

M Cosgrove asked whether the Chief Executive had read the lease and was happy with it. The Chief Executive confirmed he had and he was happy.

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

All Members in attendance were in agreement.

The Chief Executive explained that once the final work had taken place at the pump station a tour would be arranged for Members.

12. 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.

The following planning applications in particular, are being kept a close eye on:

Medway Council

Ref: MC/18/0247

Proposal: Developed land and undeveloped land for up to 65 dwellings and associated works and infrastructure

Location: Land at White House Farm, Stoke Road, Hoo St Werburgh

Swale Borough Council

Reference: 18/500072

Proposal: Re-development including the creation of a flat platform at a minimum of 4.6m AOD

Location: Former Steel Rolling Mill Site, Rushenden Road, Queenborough, Kent ME11 5HS

Reference: 17/506492

Proposal: Development including up to 11,250 residential dwellings and commercial space

Location: Land South and East of Sittingbourne

13. CONSENTS

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

(a) **Location:** Land South of Junction of the A2500 and Barton Hill Drive Near Minster, Kent

Proposal: Surface water drainage solution associated with a new roundabout adjacent to Barton hill Drive, Minster

Comments: Consent granted with the following specific conditions:

- 1) The work is in accordance with the information provided within the consent application information submitted on 14/12/17 but received on 18/12/17.
- 2) The outflow from the existing road drainage into the existing ditch network equates to 39 litres/sec. The new roundabout drainage is being designed to limit the discharge (via a new attenuation pond) into the existing ditch network to 19 litres/sec for the 1:100 yr (+40% CC). The Boards usual 7 litres/sec/hect for the 1:100 yr event rate is being exceeded but as you have informed me there's a 50% improvement on the existing surface water drainage outflows into the local ditches which the Board are happy with.
- 3) The consent is valid for a period of 12 months from the date of this letter.

REPORTED following member consultation consent was issued on 16 February 2018.

14. ENGINEERS REPORT

RECEIVED the Engineer's Report Number 161.

(As attached to these Minutes)

The Chief Executive read through the Engineers Report that detailed all work that had been carried out since last summer. The report also showed pictures of recent work

undertaken. This included work on 2 large watercourses: IDB 72 – Tonge Mill and IDB 73 – Frognall Farm Stream. He explained these watercourses had not been done for approximately 15 years. He also explained that now this extensive work had been done it should not need to be done again for approximately another 15 years.

15. WORKS, HEALTH & SAFETY GROUP MEETING

RECEIVED a copy of the Works Health & Safety Group Meeting Minutes dated 11 December 2017 and 5 March 2018.

(As attached to these Minutes)

D Dewar-Whalley asked Members if they had any questions on the minutes.

The Technical Engineer explained that both Boards were working closely and it is going very well, a lot has been achieved.

16. ENVIRONMENT AGENCY PRECEPT

RECEIVED details of the precept for the year ending 31 March 2019 and the Environment Agency's Estimate of Expenditure and Income relating to land drainage.

(As attached to these Minutes)

REPORTED that the EA Precept Payment 2018 was estimated to be £410,518. The actual is £410,518.

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

RECEIVED a copy of the EA's precept payment report outlining proposed works for using the 2018/2019 Precept Payment.

(As attached to these Minutes)

Members previously wanted to know why the EA's administration costs were only £283,000. The Chief Executive explained after many months of asking the question he has finally found someone who is willing to answer this. Unfortunately, he was only able to do this after April. David Cassidy (Senior Finance Business Partner) will look at what has been sent in previous years and in future tailor it to our needs. He further explained that the report included some typos ie Hanning should be Halling, Wack Sluice should be Wick Sluice.

The Chief Executive asked Members if they could think of any areas where the money could be spent.

J Wright asked why Lower Halstow wasn't on the list. The Chief Executive responded to say that Kent County Council had served notice on Peel Ports.

S Batt suggested Graveney Marshes.

Capel Fleet and the weir was discussed.

It was suggested we enquire about the rough cost of repair of Capel Fleet.

J C Lewis asked if we were due to receive any further monies for Bells Pump Station from the EA. The Technical Engineer confirmed they are not due to pay us anything else at this stage. However, the 50/50 split of the overspend was yet to be finalised.

The Chief Executive asked Members if they were happy to pay the precept payment and informed Members that the Board only has 30 days to submit an appeal to The Minister against payment of the Precept payment based on the report received from the EA.

A lengthy discussion took place on the unsatisfactory detail of the report.

On a proposition by S Batt, seconded by D Dewar-Whally it was **AGREED** to make the EA precept payment of £410,518 with the condition that the EA provide us with more information than they have in the current report.

All Members in attendance were in agreement.

J C Lewis suggested that we must make it clear that we will not pay next year if we receive a similar report next time around.

The Chief Executive informed Members the EA has intimated that the Precept Payment is likely to rise by 2% the following year.

17. FINANCIAL RISK ASESMENT/RISK REGISTER

RECEIVED a copy of the Boards current Financial Risk Assessment/Risk Register.

(As attached to these Minutes)

D Dewar-Whalley explained that the Financial Risk Assessment/Risk Register needed tidying up and ensured Members that management of the risks are in place and just needed to now be put on paper.

D Dewar-Whalley asked for permission for the updates of this document to be delegated to the Finance Committee.

Members were asked to agree/approve the document in its current format, with a view to the Finance Committee tidying up the management narrative by the next meeting.

On a proposition by J Wright, seconded by K Ingleton it was **AGREED** to approve the current Financial Risk Assessment/Risk Register and delegate the updating of this document to the Finance Committee.

All Members in attendance were in agreement.

18. STATEMENT OF INTERNAL CONTROL & STATEMENT OF ACCOUNTING POLICIES

RECEIVED a copy of the Boards Statement of Accounting Policies and Statement of Internal Control for the year ending 31 March 2018.

(As attached to these Minutes)

The Office Administrator explained that the Statement of Internal Control and Statement of Accounting Policies are reviewed and approved each year to satisfy the internal and external Auditors. These statements are for the current financial year up to 31 March 2018.

Members were informed that the Chief Executive and The Office Administrator had reviewed both documents and the following changes had been made:

Statement of Accounting Policies

All year ending dates have been changed to 2018.

Item - 13

The valuation took effect from 1 April 2017 and the next valuation is scheduled to take effect from 1 April 2020.

Statement of Internal Control

Any reference to the Clerk has been changed to the Chief Executive throughout.

All year ending dates have been changed to 2018.

Item 3

Finance Committee of Members who meet at least three times a year.

The Full Board meets at least three times a year.

No other amendments were deemed necessary.

N Hampshire commented that the Accounting Standards has recently changed and suggested that Officers seek advice that these documents reflect the new Accounting Standards.

19. INTERNAL AUDITORS INTERIM REPORT 2017/2018

RECEIVED a copy of the Internal Auditors Interim Report 2017/2018 produced by David Griffiths on 11 January 2018.

(As attached to these Minutes)

The Technical Engineer highlighted the section on Hand Arm Vibration Monitoring arrangements and declared them unsatisfactory.

D Dewar Whalley directed members to the last page of the report regarding General Data Protection Regulations (GDPR) and explained that this had been discussed in the Finance Meeting. The Board need to agree an appointed person to deal with GDPR.

Members were informed that D Dewar Whalley has agreed to go away and look into this matter, as the Board need to make a statement to the ratepayers when sending out the Drainage Rate bills.

On a proposition by J Wright, seconded by N Hampshire it was **AGREED** to leave the appointed person to the Finance Committee.

20. BOARD INSPECTION

Members were asked to give consideration to a Board Inspection this year.

The Chief Executive suggested that members may be interested to view the new Lower Board Pump Station, possibly around June time.

Members were informed that the Upper Board were also interested in visiting the new pump station, so this could be a joint Board Inspection.

It was suggested that this visit be on the opening of the pump station. Members wanted the Chairman to officially declare it open.

D Dewar Whalley felt that the Board has as much publicity as possible and suggested inviting the Mayor of Swale to attend.

J Lewis thought it would be a good idea to have an ADA representative in attendance too.

N Hampshire mentioned that the Medway Council representative D McDonald hadn't attended a Board Meeting for a very long time. Perhaps the Board should write to the Council about the poor attendance and suggest a replacement representative be appointed.

21. ANY OTHER BUSINESS

Winter Policy

The Chief Executive explained that after the recent bad snow it had highlighted that each Board has a different Winter Policy. Due to the severity of the snow some workmen were unable to get to work. Currently the Lower Board pay employees should this happen, but the Upper Board do not. He feels that the same policy be used for all employees and that they be paid in situations when it is impossible to travel to work and carry out duties safely.

The Technical Engineer added that some of our equipment was not in the right place and was not accessible during the inclement weather and wanted the Boards to be pre-emptive and move equipment before this was likely to happen in the future.

Members felt it was best to have one policy that covered both Boards.

REPORTED that the Upper Board at their meeting have agreed for Officers to produce a plan, then circulate to members for comment.

Members were informed that when the workmen could get to the depot the mess room had temperatures of -11 degrees.

The Technical Engineer explained that as long as we had a controlled situation, when employees were unable to come into work because of the weather they should be ready/on standby at home rather than risking life. They can be updated as the weather situation improves.

All Members in attendance were in agreement with this suggestion.

REPORTED that the full Winter Policy will be reviewed and changed for Board Members to review at the next meeting in July.

Lower Depot Concerns

Due to the extremely low temperature at the depot during the recent snow, consideration will need to be given to have some sort of heating/heater installed in the depot before next winter.

Leysdown/Harty Pump Stations Reports/Quotes

The Technical Engineer explained to Members that the Works Supervisor has compiled reports on the pump stations which highlight areas of improvement. One area in particular which needs doing in order to comply is palisade fencing.

REPORTED that the estimated cost of just the fencing is £10,000.

J Wright requested that the reports be circulated to members for comment, but agree the fencing is a must.

On a proposition by J Wright, seconded H Neaves it was **AGREED** that Officers should arrange for the necessary palisade fencing at these pump stations.

Eel Research Donation

The Chief Executive informed Members that ADA is asking IDBs to contribute towards eel research.

REPORTED that ADA has contributed £10,000 and other IDBs £100 so far.

Members wanted to know exactly what research was being carried out.

The Chief Executive explained that the research involved a student.

Members discussed and **AGREED** that the Chief Executive politely declines, due to the massive cost involved in building the new eel friendly Bells & Mocketts pump station.

GDPR Regulations

This has been covered under Item 19.

Board Meetings/Estimates

Members were informed that the Finance Committee agreed that the dates given for the Estimates meeting should be changed from October 2017 to December 2017 in order to have more expenditure figures available in order to produce more accurate estimates.

Members were then informed that this would have an impact on the Board Meeting scheduled for December.

Members in attendance agreed in principal to a change of meeting date.

Officers will notify members nearer the time of the rescheduled date.

D Dewar Whalley explained that the Finance Committee will still be holding their meeting in December to review the Boards finances.

22. CLOSURE

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