

UMIDB  
**UPPER MEDWAY INTERNAL DRAINAGE BOARD**



**MINUTES OF THE MEETING of the BOARD**  
held at 17 Albion Place Maidstone  
on **Tuesday 6 March 2018.**

**Members of the Board Present**

M Dobson - Chairman

D Aikman  
S Highwood  
T Reader  
H Rogers  
G Swift  
R Thomas  
C Wheeler

**In attendance**

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

**1. APOLOGIES**

Apologies received from D Cooley, K Jay, M Round, J Scholey and C Stewart.

**2. ITEMS OF INTEREST DECLARATION**

None of the members present declared a pecuniary and/or non pecuniary interest in any of the items to be discussed on the Agenda.

**3. DECLARATION OF BOARD MEMBERS INTEREST**

**REPORTED** that D Cooley, S McLeod and R Young have not yet completed their Declaration of Board Members Interest form for the year 2017/2018 despite numerous reminders being sent out from the Office.

**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.”

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.

R Thomas thought that as a Council Representative he would not be responsible as an individual and the Council itself would be responsible instead. The Chief Executive explained that is definitely not the case and all Members are personally responsible.

#### **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** a copy of the Minutes of the Meetings of the Board held on 21 November 2017 and 23 January 2018.

**(As attached to these Minutes)**

**AGREED** by all Members present that the Minutes are correctly recorded and that they be signed by the Chairman.

## 7. FINANCE COMMITTEE MINUTES

**RECEIVED** the Minutes of the Finance Committee Meeting held on 21 November 2017.

**(As attached to these Minutes)**

The Chief Executive explained that there is a recommendation from the Finance Committee to change the Boards current bank provider. From 1 April 2018 NatWest will be implementing charges on almost everything we currently do and are pushing for us to move to electronic banking. The Board has received a proposal from Handelsbanken and apart from a monthly service fee, initially everything else will be free of charge and they also offer a slightly better interest rate.

D Aikman confirmed that the reason members are not keen to move to electronic banking yet is because currently there is not a secure system in place. NatWest charges for things already and they would like the Board to move to electronic banking as soon as possible. Handelsbanken will charge nothing extra for the Board to operate in the same way as we are now for the first year. For example, we can continue to use cheques as we have been and we have the option to move to electronic banking when we are ready.

H Rogers was not familiar with Handelsbanken and asked that we make the appropriate FSA Checks.

The Office Administrator confirmed that we have received a presentation from Handelsbanken and that they are one of the most secure banks on the high street. She also confirmed they have offices in Maidstone and Chatham.

The Chief Executive confirmed that our Financial Regulations need to be changed before we are able to go electronic and we would have a tiered system in place before any payments could be released.

Members discussed various tiered systems we could put in place.

The Chief Executive confirmed we would be able to set up our own system to suit our own requirements and before we move to electronic banking this tiered system will be discussed in more detail and agreed by the Board.

On a proposition by D Aikman, seconded by R Thomas it was **AGREED** to change our banking provider to Handelsbanken.

All Members in attendance were in agreement.

## 8. INTERNAL AUDIT SUB COMMITTEE MINUTES

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

**(As attached to these Minutes)**

R Thomas asked whether any advice from ADA had been received with regards with data protection.

H Rogers confirmed that there is a Members Awareness Day scheduled to take place on 27 March 2018 at Tonbridge & Malling Borough Council to cover general data protection and GDPR and he could extend this invitation to anyone who wished to attend.

The Chief Executive requested that further details be forward to him.

The Chairman confirmed the Board will appoint someone to attend.

## **9. MATTERS ARISING FROM PREVIOUS MINUTES**

### **Minutes of meeting 1 August 2017**

#### **Item 13 – Engineers Report**

A request by D Aikman for Officers to look at the additional costs due to Landowners not allowing the IDB to carry out the necessary works efficiently, which affects the rates they pay.

The Chief Executive explained that he has not yet managed to look at this – ongoing.

### **Minutes of meeting 1 August 2017**

#### **Item 20 – Any Other Business, New Office and Lower Depot combined facility**

Investigations to be carried out, with the findings and proposals to be reported to the Board.

The Chief Executive explained that this matter is ongoing. Any updates will be reported to the Board at the next meeting.

### **Minutes of meeting 21 November 2017**

#### **Item 16 – Environment Agency Precept Report Update**

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

The Chief Executive explained the Board would need an agreement with the EA first and this discussion is yet to take place.

### **Minutes of meeting 23 January 2018**

#### **Item 9 - Minimal Bank Balances Policy**

Officers to look into further lending/emergency funding options.

It was agreed to set the minimal bank balances at £350,000 at the Upper Board Meeting held on 23 January 2018.

J Scholey also wanted to have a further lending facility in place.

The Technical Engineer explained this is still outstanding. The maximum lending Handelsbanken would be prepared to offer is £90,000 based on the Boards current assets.

The Technical Engineer also explained the situation regarding the sanction to borrow. As this borrowing needs to be repaid within the same financial year it was borrowed, i.e. by

the 31 March, depending on what time of the year funds are required, if there is no further income expected before the end of the financial year, this option would not be a feasible.

### **Minutes of meeting 23 January 2018**

#### **Item 13 – Any Other Business, GDPR**

GDPR to be looked into to ensure the Boards policies comply. ADA guidance to be obtained.

The Chief Executive presented his summary to Members as below:

ADA has provided a summary of their interpretation of what GDPR is likely to mean to IDB's.

It is recommended that we:

1. Carry out a DATA Audit of what information we hold, where it came from and who do we share it with,
2. Ensure we have a PRIVACY STATEMENT to inform people how we use the information they provide to us and what happens to it, how long its kept for and that out of date Data will be erased, and where to lodge a complaint (via ICO) if the public think their data is misused.
3. We must ensure Personal Data is STORED SECURELY
4. Data the IDB collects must only be used for the purposes we intend to use the personal data for. RECORDS of specific consent for individuals for the IDB to use their data in any way must documents and accessible for audit.

The advice has raised a number of queries from IDB's on how some of the recommendations will be achieved. Further information is going to be provided in due course.

The Chief Executive confirmed this is guidance from ADA and it was also published in the ADA Gazette.

The Chief Executive explained the first stage is to do an audit to see what we currently have and hold and what we do with it.

H Rogers recommended sending a privacy statement attached to the next set of demands.

Members had a lengthy discussion on how to ensure the Board complies with the new rules and Members felt IDB's must be led by ADA on this issue.

### **Minutes of meeting 23 January 2018**

#### **Item 13 – Any Other Business, Credit Card Limit**

Credit card limit to be raised to £5000 and policy changed to reflect this change.

The Chief Executive explained now it's been agreed to increase the credit card limit to £5,000 the Financial Risk Assessment/Risk Register needs to be changed to reflect this. This matter is covered under item 16 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.

The Technical Engineer discussed the Emergency Lighting requirement for the Upper Depot. **REPORTED** that estimates for this work have been presented to the Finance Committee for consideration and their recommendation is to accept the lower estimate of £4,700.

R Thomas explained that this matter was discussed at the Works, Health & Safety meeting held on 6 March 2018 and he was happy to confirm that he was extremely confident in the way the Officers had been tackling the H&S issues.

On a proposition by R Thomas, seconded by D Aikman it was **AGREED** to go ahead with the installation of the Emergency Lighting at the estimated cost of £4,700.

All Members in attendance were in agreement.

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.

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. PLANNING APPLICATIONS

**RECEIVED** the various planning applications the Board has been invited to comment on since its 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.

## 12. CONSENTS

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

a) Cogate Road, Paddock Wood

Proposal: Construction of two new dwellings both of which have a rear fence line within 8m of the IDB adopted watercourse 93 – Gravelley Ways Stream.

Following Member consultation, consent was **GRANTED** on 22 February 2018.

## 13. ENGINEER'S REPORT

**RECEIVED** the Engineer's Report Number 152.

**(As attached to these Minutes)**

The Chief Executive read through the Engineers Report that showed the work carried out for the whole year and also pictures of work recently carried out.

The Chief Executive explained that repairs had been carried out to the tree snipper and it is currently being utilised by the Lower Board, for which they will be invoiced accordingly.

R Thomas said he was quite keen to visit the Lower Board depot and go out to site to see what work was being carried out. The Chief Executive confirmed that the Works Supervisor is happy to accommodate this request at any time.

## 14. WORKS, HEALTH & SAFETY GROUP MEETING

**RECEIVED** a copy of the Works Health & Safety Group Meeting Minutes dated 11 December 2017.

**(As attached to these Minutes)**

The Technical Engineer explained this meeting now takes place every 12 weeks and each meeting is minuted. The Chief Executive chairs the meeting, the Technical Engineer is the competent person and there is a representative from each Board and also a representative from each workforce. The Office Administrator also attends.

The Chief Executive explained that after the bad snow last week it has 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 recommended 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 generally felt it was best to have one policy that covered both Boards.

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.

H Rogers explained that the policy had been to not pay in the past due to previous issues with employee attendance and he was in agreement it should now be changed.

On a proposition by R Thomas, seconded by G Swift it was **AGREED** to change the Winter Policy in conjunction with the Lower Board and to pay employees in future if the Chief Executive feels the weather conditions are dangerous.

All Members in attendance were in agreement.

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

## 15. **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 £119,423. The actual is £119,423.

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)**

The Chief Executive talked through his response to the EA. He felt they should be providing the Board with an enhanced level of service, but it appears they are using the money for routine maintenance. The best example of this was the £15,000 for the Somerhill Stream pioneering and blockage removal.

The Chief Executive informed members that he has responded to the EA saying "Is this work not normal maintenance? In which case I don't think it should be included in the Precept work?"

Members asked how much the Somerhill Stream Pioneering and blocking removal work was likely to cost if it was carried out in-house. The Chief Executive said he expected it to be around £1,000.

The Technical Engineer asked if this work would fit in with our normal maintenance programme and the Chief Executive was confident it would.

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

G Swift suggested in the Forest Row area where lots of trees had fallen down.

Members suggested this could be a good opportunity to carry out some work ourselves and should go back to the EA with a case showing what work we could do in the future in order to get some of the precept money back.

The Chief Executive 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. He suggested that the Board agrees to pay the precept. Other than the £15,000 the other works relate to projects, not maintenance.

D Aikman felt the EA were using the precept payment as a tax raising authority rather than what it was intended for.

On a proposition by D Aikman, seconded by S Highwood it was **AGREED** to make the EA precept payment minus £15,000.

All Members in attendance were in agreement.

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

## **16. FINANCIAL RISK ASSESSMENT/RISK REGISTER**

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

**(As attached to these Minutes)**

D Aikman explained that the Finance Committee at their meeting had discussed the Boards risk of bad debt and what provision should be made. The Finance Committee recommend that a £2,000 provision should be made for bad debt, as this should only relate to ratepayers.

On a proposition by D Aikman, seconded by R Thomas it was **AGREED** that a £2,000 provision should be made for bad debt.

All Members in attendance were in agreement.

D Aikman, Finance Committee Chairman agreed to sign the amended document after the meeting.

## **17. 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 – 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 – Item 3**

Finance Committee Members who meet three times a year.

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

Year ending dates have been changed to 2018.

No other amendments were deemed necessary.

H Rogers recommended that the wording be changed to the Board meets at least three times a year, just in case any additional/emergency meetings are required throughout the year.

On a proposition by S Highwood, seconded by H Rogers it was **AGREED** that above changes should be made.

All Members in attendance were in agreement

**18. 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 again, as previously discussed in the meeting.

Members noted the report and did not have any questions.

**19. BOARD INSPECTION 2018**

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.

It was generally felt by Members this would be a good idea.

Members also suggested visiting the Lower Board Depot.

The Technical Engineer explained that this is likely to be joint Board Inspection on this occasion, as the Lower Board members are very keen to see the finished pump station.

## **21. ANY OTHER BUSINESS**

### **a) November 2018 Board Meeting**

The Chief Executive asked Members to give consideration moving the November 2018 Board Meeting to mid January 2019. He explained that this was to enable Officers to compile more accurate Estimates. He then explained that in most businesses 34 weeks of costs are used to compare trend. Last year Officers used 21 weeks of costs to compile the Estimates, however, with the decision the Board has made to reduce its bank balances over the coming years, more accurate Estimates need to be produced.

H Rogers explained that the Board agreed a number of years ago to bring the meeting forward (November/early December) to give the Councils more notice for their own Estimates.

The Chief Executive agreed that this was the case and continued to inform members that the latest the Councils must be notified of the special levy charges is 15 February each year.

D Aikman confirmed that this matter was discussed at length during the Finance Committee Meeting and it was their view that the Board meeting should be moved to mid January 2019 in order for Officers to produce more accurate Estimates for Members consideration.

R Thomas added that the next figures to be submitted are very important and supported the Officers/Finance Committees recommendation.

All Members in attendance **AGREED** for the meeting to be moved to January 2019.

### **b) Structure of Committees**

The Chief Executive asked for direction from Members with regards to the structure of the Committees so that meetings could be streamlined and decisions made easier than in the past.

The Chief Executive asked Members if they would be happy to streamline meetings.

The Members generally felt fewer meetings would be a good idea, but Officers would need to get this right.

A lengthy discussion took place.

The Chief Executive then went on to explain that he is concerned at how long it will take for all of the policy documents to be updated and harmonised if meetings are not streamlined, as majority of the policies involve both Boards and there could be up to 38 difference opinions voiced during 2 separate meetings. Both Boards need to be in agreement with the wording of all of these policies.

Members were asked whether they would be happy to delegate responsibility to agree the wording of policies. He explained that legislation changes are causing a significant amount of policy changes.

Members were happy for this matter to be delegated to the Joint Service Committee but requested that the revised policies are emailed to Members in advance for their comments prior to the Joint Services meeting.

**c) EA document**

H Rogers informed Members that the EA had published a glossy on Leigh Barrier Project 2023 and he is trying to save the work in East Peckham.

**d) KCC – Mineral Strategy Document**

H Rogers asked the Chief Executive whether he was aware of this document and if he had responded on behalf of the Board.

The Chief Executive explained he was aware of this but would not normally respond until after the planning application stage.

H Rogers explained 23 sites will be affected and he will provide the relevant links to the Chief Executive as requested.

**22. CLOSURE**

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