

LOWER MEDWAY INTERNAL DRAINAGE BOARD



MINUTES OF THE MEETING of the **BOARD**
held at **The Boards Offices, 17 Albion Place, Maidstone**
on **Monday 28 January 2019**

Members of the Board Present

Chairman: S Batt

D Dewar-Whalley

K Ingleton

J Lewis

J Mair

S Mair

N Hampshire

P Marchington

B Stone

J Wright

In attendance

M D Watson - Chief Executive

J Williams – Finance Assistant

L Rowland - Administration Assistant

J Davis – Works Supervisor

J Kelly – Environment Agency

1. APOLOGIES FOR ABSENCE

Apologies were received from S Attwood, D Davis, G Fulton and R Hall.

2. ENVIRONMENT AGENCY PRESENTATION

The Chairman welcomed John Kelly - Asset Performance Team (Swale and Stour), Team Leader to the meeting.

J Kelly talked through how the precept had been spent. £74k Bells & Mocketts Pump Station, £64k Elmley Rock Armour emergency concrete repair works, £55k refurbishment of Wick Sluice, £93k dredging/weed cuts in Swale, £76k Warden Bay outfall and £9k on general River Medway outfall design.

He also informed Members that the government had asked for 10% of their maintenance budget back and therefore the EA opted to use the IDB precept monies to make up the shortfall. This amounted to 93k.

J Wright asked if the EA are involved in speaking to Peel Ports regarding issues with drainage clearing that they are responsible for, in particular the Lower Halstow Creek.

J Kelly confirmed that they do speak to them, but they do not have any power to force their hand to undertake dredging as is it not main river.

The Chief Executive confirmed that Kent County Council are taking legal action against Peel Ports with regards to Lower Halstow Creek.

J Lewis commented that he was taken aback that the work J Kelly mentioned had amounted to £410,000.

J Kelly went on to give a breakdown of where the costs had been spent.

J Kelly asked Members for suggestions where they thought the precept money could be spent.

The Chairman asked if for the forthcoming year we would be allowed to keep some money back to do some of the work ourselves.

J Kelly said with prior arrangement, that would be a possibility as long as the EA knew where the money was being spent. He also said that the earlier the ideas were put toward the better.

The Chief Executive suggested replacing the pumps at Harty/Leysdown Pump Station could be a good way of spending some of the money and confirmed we would be willing to project manage this ourselves.

The Chairman suggested that the Chief Executive sit down with the EA in the next month to discuss things further.

The Chairman also asked whether the precept money could be used to help with the construction of the new depot/office. He explained this would be a one off expense.

J Kelly thought this was a reasonable request and felt this should be on the list to be discussed further and this should be discussed within the next couple of months.

P Marchington queried whether the EA were responsible for the Queenborough Creek because local residents had concerns of low flows and mosquito issues in the summer. The Chief Executive suggested this needs to be monitored in a normal year because last summer was especially dry.

J Kelly mentioned a big project being looked into is the replacement of the Warden Bay outfall and this could be on the cards within a year or two. The EA were struggling to justify spending anything on it because there were no properties affected. The Chief Executive suggested looking at this properly because he is aware the school has flooded and

therefore the main road linking the village could be vulnerable and the caravan site adjacent as well.

The Chairman also wanted the shortfall from our precept to be discussed further.

3. 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.

4. DECLARATION OF BOARD MEMBERS INTEREST FORM 2018/2019

REPORTED that D McDonald has not yet completed his Declaration of Board Members Interest form for the year 2018/2019.

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.

The Chief Executive explained that new updated forms will be circulated before the next financial year for Members to complete.

The Chief Executive also confirmed that the Administration Assistant will chase Members who had not signed the form monthly in the next financial year.

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.

The Chief Executive reminded Members of the Good Governance for Internal Drainage Board Members booklet that had been provided by the ADA and copies were available again at the meeting.

6. PRIVATE & CONFIDENTIAL MATTERS

J Kelly was asked to leave the meeting temporarily whilst private and confidential matters were discussed.

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.

The Chief Executive gave Members an update of the matters relating to pending legal cases.

7. MINUTES

RECEIVED the Minutes of the Meeting of the Board held on 3 December 2018.

(As attached to these Minutes – Appendix 1)

All Members in attendance **AGREED** that the Minutes of the Meeting of the Board held on 3 December 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 3 December 2018.

(As attached to these Minutes - Appendix 2)

9. 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 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 the lease had still not been signed, however, our Solicitor are currently in the process of making sure our interest is registered via land registry.

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 confirmed he hopes that this will still go ahead as Members suggested in March 2019.

Minutes of meeting – 3 December 2018

Item 10 - Members Expenses

Recommendation was been made for payments to Members.

The Chief Executive confirmed we are going ahead with this.

Minutes of meeting – 3 December 2018

Item 18 - GDPR, Email Addresses for Board Members

Members asked the Chief Executive to look into email address for Members.

The Chief Executive confirmed that he had looked into this and we would require a licence to do this and the cost would be £135 per email address.

Members all agreed that this was too expensive and we should not go ahead with this.

Minutes of meeting – 3 December 2018

Item 23 – Protecting Directors and Officers Policy

Members agreed to take out a Protecting Directors and Officers Policy and asked the Chief Executive to look into the fine details of the policy and also to increase the cover.

The Chief Executive confirmed that this had now been done and we have gone ahead with the policy.

Minutes of meeting – 3 December 2018

Item 24 - Any Other Business, H Neaves

The Chief Executive informed Members that himself and The Chairman delivered a hamper of food and wine to H Neaves as a thank you for his 40+ years' service earlier this month.

10. ANNUAL RETURN - YEAR ENDING MARCH 2018

RECEIVED a copy of the approved IDB Annual Return for the year ending 31 March 2018.

(As attached to these Minutes - Appendix 3)

REPORTED that two areas had been raised. The first one stating that the chief financial officer hadn't signed the document and yet in the copy they sent back it was. The second issue was to make sure the figures in red were used in next year's return.

The Chief Executive informed Members that the approved Annual Return is displayed on the Boards Website.

11. END OF YEAR ACCOUNTS - YEAR ENDING MARCH 2018

RECEIVED a copy of the End of Year Accounts for the year ending 31 March 2018.

(As attached to these Minutes - Appendix 4)

REPORTED that this document is produced purely for Board Members information and the asset values reported reflect current book value, not actual purchase price as stated in the annual return.

12. HEALTH & SAFETY UPDATES

The Chief Executive confirmed that the following policies have been reviewed: Accidents, Fire Safety, Winter Weather, Communication & Consultation and Stress Management policies.

The Chief Executive asked for permission from the Board to agree that all Health & Safety policies can be agreed by the Board representative on the Works, Health & Safety Group and for the Chairman to be the second approver. He explained the Upper Medway Internal Drainage Board had recently agreed this in their latest Board meeting.

On a proposition by D Dewar-Whalley seconded by K Ingleton it was **AGREED** that the Board's representative on the Works, Health & Safety Group and the Chairman would be the second approver for Health & Safety policies.

13. WORKS, HEALTH & SAFETY GROUP MEETING

RECEIVED a copy of the Works Health & Safety Group Meeting Minutes dated 8 January 2019.

(As attached to these Minutes - Appendix 5)

D Dewar-Whalley reminded Members that fire and risk assessments had already been carried out at the office, depots and pump stations and a number of issues had come to light and most had already been rectified. He explained that the current signage at Rushenden pump station could barely be read, and that new signs had now been received and are going to be installed this week.

14. PLANNING APPLICATIONS

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

(As attached to these Minutes - Appendix 6)

The Chief Executive read through all the planning applications received.

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

15. CONSENTS

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

(As attached to these Minutes - Appendix 7)

(a) Location: Wallend Farm, Lower Road, Eastchurch

Proposal: Installation of new footbridge crossing the IDB watercourse south of Wallend Farm

Comments: Consent granted with the following specific conditions:

1. The applicant will inform the Board when the work is proposed to start.
2. Should any details of the project change that are different from the information supplied to me on 17th December 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.
3. The consent is valid for 1 year 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 18 January 2019.

16. ENGINEERS REPORT

RECEIVED the Engineer's Report Number 164.

(As attached to these Minutes - Appendix 8)

The Works Supervisor read through the Engineers Report that showed the work carried out from November 2018 to January 2019.

The Works Supervisor showed photos of the new trucks on the screen and informed Members that they had now been received by Crawfords. He explained that the canopies are currently being installed and the optional extras (ie tow bars) will be added shortly.

He further explained that the official handover of the trucks, tractors and mowers will take place during The Detling Show at the Kent Showground in March 2019 and is hoped an article will appear in the ADA Gazette featuring this.

The Works Supervisor also showed a video of the excavator working at Hamhill and suggested to Members that an 8 tonne excavator could be worth purchasing in the future. He explained that he expected the cost for this to be approximately £65-68,000.

The Works Supervisor brought to the attention of Members of the compromised telegraph poles at LMIDB 12 and confirmed he is currently liaising with the utility services and a site visit will be taking place on 29 January 2019.

The Chief Executive explained that the plan is still to move Rushenden Pump Station but in the meantime, we still need to maintain it. He explained the pumps had not been serviced in a long time and required attention. He informed Members that a quotation had

been received to replace the pumps and this had come in at £13,000 per pump. He also explained that we are waiting on costs to refurbish the current pumps and this would be communicated to Members once received.

J Lewis asked if we had eel regulations to adhere to.

The Chief Executive explained that we wouldn't as this was a refurbishment and not a new pump station.

17. ESTIMATES AND SPECIAL LEVIES

The Chief Executive reminded Members that the Finance Committee's recommendation is to increase the penny rate to 5.9855 for the next year, a 2.5% increase.

RECEIVED a copy of the Board's Estimates for the 2019/2020 financial year.

(As attached to these Minutes - Appendix 9)

The Chief Executive talked through the Board's Estimates and he pointed out that the costs were very similar to before apart from pump station costs, insurances and members expenses.

N Hampshire asked why we had not included an increase on legal and professional fees and suggested a provision should be made for this.

D Dewar-Whalley agreed this was a valid point.

The recommendation of a 2.5% penny rate increase was discussed and all Members were happy with the increase.

On a proposition by N Hampshire, seconded by D Dewar-Whalley it was **AGREED** to set the penny rate at 5.9855 and that the Chief Executive and the Chairman should sign the Drainage Rates & Special Levies Certificate.

18. FINANCIAL REGULATIONS

RECEIVED a copy of the Financial Regulations with the proposed alternations highlighted.

(As attached to these Minutes - Appendix 10)

The Chief Executive talked through the various alterations needed to the Financial Regulations as per the agreed changes to the Board's banking practices in anticipation of moving to Handelsbanken. Copies had previously been supplied to the Finance Committee Members by email on 18 January 2019.

The Chief Executive informed Members that the credit card spending limit will be changed from £2,000 to £5,000 as previously approved.

On a proposition by J Lewis seconded by S Mair it was **AGREED** we should go ahead with the changes to the Financial Regulations

19. ANY OTHER BUSINESS

a) Website

The Chief Executive confirmed that work on the new website is approximately 30-40% complete and it is looking good. He explained that he is currently in the process of providing text to the website designer and expects to be finished within the next 2-3 months.

N Hampshire reminded The Chief Executive that the new website must be updated with a privacy notice.

b) New Accounting Software

The Chief Executive informed Members that Sage has now been ordered and installation of the software and staff training has been booked in for March 2019.

c) Waste Disposal

J Wright asked if we currently have a policy for the disposal of rubbish that we clear and if it was disposed of responsibly.

The Works Supervisor explained that we remove rubbish from the watercourses and then we notify the councils who arrange for this to be collected.

J Wright requested that we should look into how we can responsibly dispose of removed waste.

The Chief Executive confirmed that we would look into this further in time for the next meeting.

P Marchington explained that licenses would likely need to be obtained if we disposed of the removed waste ourselves and this would also need to be looked into.

The Works Supervisor informed members that rubbish from a stream is down to the landowner, the Board simply remove the blockages.

20. CLOSURE

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