

LOWER MEDWAY INTERNAL DRAINAGE BOARD



MINUTES OF THE MEETING of the BOARD
held at **The Boards Offices, 17 Albion Place, Maidstone**
on **Monday 3 December 2018**

Members of the Board Present

Chairman: S Batt

S Attwood
D Davis
D Dewar-Whalley
G Etheridge
G Fulton
R Hall
K Ingleton
H Neaves
J Lewis
J Mair
S Mair
B Stone
J Wright

In attendance

M D Watson - Chief Executive
J Williams – Finance Assistant
L Rowland - Administration Assistant

1. APOLOGIES FOR ABSENCE

Apologies were received from N Hamsphire and M Cosgrove.

2. APPOINTMENT OF CHAIRMAN, VICE CHAIRMAN AND COMMITTEES

a) Chairman of the Board

On a proposition by D Dewar-Whalley seconded by S Mair, S Batt was elected as Chairman of the Board.

S Batt accepted his new role as Chairman and welcomed new landowner Member J Mair.

b) Vice Chairman of the Board

On a proposition by The Chairman seconded by G Fulton, S Mair was elected as Vice Chairman of the Board.

c) Finance Committee

The Chief Executive asked if the existing Members wished to continue on the Finance Committee.

S Batt, D Dewar-Whalley, J Lewis and S Mair confirmed they would continue on the Finance Committee.

H Neaves confirmed he would be stepping as a Member and therefore, Finance Committee Member also.

The Chief Executive asked for a volunteer to fill the remaining place.

J Mair put himself forward.

The Chairman confirmed as with tradition the Vice Chairman would be the Chairman of the Finance Committee.

AGREED by all Members present that S Batt, D Dewar-Whalley, J Lewis, J Mair and S Mair would be the Finance Committee.

d) Bills Committee/Joint Services Committee

The Chief Executive explained that the Finance Committee Members are traditionally also on the Bills and Joint Services Committees, all Members present agreed to also be on the Bills and Joint Services Committees.

AGREED by all Members present that S Batt, D Dewar-Whalley, J Lewis, J Mair and S Mair would be on the Bills and Joint Services Committees.

d) Internal Audit Sub-Committee

The Chief Executive asked if the current Members wanted to remain on the Internal Audit Sub-Committee.

J Wright confirmed he would continue as a Member.

The Chief Executive confirmed that N Hampshire had already agreed to remain a Member by telephone earlier that morning.

AGREED by all Members present that J Wright and N Hampshire continue to be on the Internal Audit Sub-Committee.

e) Works Health & Safety Group

The Chief Executive asked D Dewar-Whalley if he wished to continue being on the Works Health & Safety Group.

D Dewar-Whalley confirmed he would continue as a Member.

AGREED by all Members present that D Dewar-Whalley would remain on the Works Health & Safety Group.

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 Batt declared an interest in Item 13 – Planning Applications regarding the new battery storage facility at Neats Court.

S Mair declared an interest in Item 13 – Planning Applications regarding the Old Rides Farm.

4. DECLARATION OF BOARD MEMBERS INTEREST FORM 2018/2019

REPORTED that G Fulton, P Hicks and D McDonald have not yet completed their Declaration of Board Members Interest form for the year 2018/2019.

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.

G Etheridge informed the Chairman and Members that P Hicks was seriously ill and would be replaced after May 2019.

The Chief Executive confirmed that the Administration Assistant would now be contacting Members who had not signed the form monthly.

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 asked Members to all take a copy of the Good Governance for Internal Drainage Board Members booklet that had been provided by ADA.

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.

The Chief Executive gave members a brief update of the matters relating to pending legal cases. Should any decision be required by the Board the Chief Executive will provide members with a further update and a decision can be made from there.

7. MINUTES

RECEIVED the Minutes of the Meeting of the Board held on 23 July 2018.

(As attached to these Minutes)

All Members in attendance **AGREED** that the Minutes of the Meeting of the Board held on 23 July 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 23 July 2018.

(As attached to these Minutes)

9. JOINT SERVICES MINUTES

RECEIVED the Minutes of the Joint Services Committee Meeting held on 7 November 2018.

(As attached to these Minutes)

The Chief Executive talked through the items on the Minutes the Joint Services Committee Meeting.

10. MEMBERS EXPENSES

RECEIVED document regarding Members Expenses.

(As attached to these Minutes)

The Chief Executive informed Members that a recommendation had been made for Members to be paid.

The Chief Executive explained that he agreed with the recommendation and that all Board Members be paid as an incentive for the extra work they put in and also felt it would help address attendance issues that we have had in the past.

The Chief Executive further explained that he felt this was a good idea as he wants to be able to rely on Members and would like them to take more of an active role.

The Chief Executive asked for Members opinions.

Members discussed this at length and various points were raised.

G Etheridge commented that being on the Board was his statutory duty, and therefore he would not be eligible and Members from other councils were likely to be the same and this should be looked into further.

The Chairman commented that the payment would be proportionate to attendance and would also be taxed at source.

D Dewar-Whalley suggested that we use an external source for recommendations on setting the rate of payment as this would be a fairer way to go about it and they would be better qualified to judge how to handle a matter of this nature.

D Davis suggested that the finance department of TMBC could recommend a body that could assist with this.

D Dewar-Whalley also suggested that a review of this should be undertaken in November/December 2019.

The Chairman requested that the Chief Executive research this further and report back to Members.

The Chief Executive confirmed he would look into this matter in more detail and he would like something put in place in time for the next financial year. He confirmed he would supply further details in time for the next meeting in January.

The Chief Executive also explained that the Declaration of Interests Form would be adjusted to include an opt in or opt out option for Members payments. Some Members may not wish to claim the payment at all, which would be a personal choice and would remain confidential. He also mentioned that a new section will be added to the Declaration of Interests Form where Members can give us permission for their details to be put on our website.

On a proposition by G Etheridge seconded by D Dewar-Whalley it was **AGREED** that the Board should put Members payments in place once all relevant issues had been addressed and once this had been put in place it should be reviewed in approximately 12 months' time.

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.

The Chairman informed Members that a feasibility study would go ahead, which means the new depot could be budgeted for without spending much money at this stage. He further explained there were 3-4 provisional sites in mind for a new depot not far from Junction 5 of the M2 and Iwade. He also confirmed that until all big bills are settled, we cannot progress any further than the design at this stage.

J Wright suggested that we liaise with James Freeman from Swale Borough Council in the early stages to help with progression.

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 confirmed that Members will see in the latest report on Item 17 (Internal Auditors Interim Report 2018/19) that the change in format that had been requested has now been put in place.

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, the Solicitor has confirmed we are legally OK because the legal process has gone so far and we have implied rights.

Minutes of meeting – 26 March 2018

Item 14 – Engineers Report

Harty Ferry/Leysdown palisade fencing has been installed at Leysdown pump. Replacing both pumps in the future will be looked at once progress has been made with the new depot/office.

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 explained that the plan was now likely to be to hire a coach to take Members over to the pump station and then have a lunch afterwards sometime in the New Year.

Minutes of meeting – 26 March 2018

Joint Winter Policy

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

The Chief Executive informed Members that this matter will be covered under Item 12 (Health & Safety Updates) on the agenda.

12. HEALTH & SAFETY UPDATES

RECEIVED Winter Weather Policy.

(As attached to these Minutes)

The Chief Executive confirmed that Croners have provided various health and safety policies and we are working on the most important first. The most important being the Winter Weather Policy which needs to be looked at today.

Members generally felt that the policy should be called an Adverse Weather Policy rather than a Winter Weather Policy so that it covered all weather issues.

S Mair asked if our insurance would be compromised if a vehicle was taken home.

The Chief Executive confirmed that on the rare occasions that this happens, the insurance company are informed of the different overnight address for the vehicle, the policy is adjusted and additional payments are made to ensure we still have adequate cover.

D Dewar-Whalley requested that the last bullet point that states the Board will still pay your wages should be removed as payment of wages would be covered elsewhere and are not necessary on this policy.

On a proposition by D Dewar-Whalley seconded by J Wright it was **AGREED** that the Board approve the Winter Weather Policy subject to the slight adjustments discussed.

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. He confirmed the Land off Plover Road, Minster on Sea application with Swale Borough Council we would be keeping an eye on.

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:** Graveney Road, Goodnestone, Faversham, ME13 8UP
Proposal: Discharging of the surface water from the proposed development off Graveney Road to 20 litres/sec into the local watercourse/culvert)
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 4th May 2018 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 on 26 July 2018.

- (b) **Location:** Unit 1 New Road Garage, New Road, Sheerness, ME12 1NB (affecting IDB Watercourse 6 – The Fleet)
Proposal: Demolition of existing commercial units and construction of 9 New Commercial Units – this application was resubmitted to ensure the development did not fall within the IDB’s 8m byelaw margin.
Comments: Consent granted with the following specific conditions:
1. The applicant will inform the Board when the work is proposed to start.
 2. To ensure the new fencing is 8m away from the top of the river bank and that a key is provided to the Board for access.
 3. Should any details of the project change that are different from the information supplied to me on 4th October 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.
 4. 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 on 7 November 2018

- (c) **Location:** Old Rides Farm and south east of New Rides Farm, to the south of Eastchurch, Isle of Sheppey, Kent
Proposal: The installation of a new sewer pipeline and temporary crossing of ditches for construction)
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 14th June 2018 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 26 July 2018.

15. **ENGINEERS REPORT**

RECEIVED the Engineer's Report Number 163.

(As attached to these Minutes)

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

G Etheridge asked when the Stoke drain would be worked on.

The Chief Executive confirmed this would be sometime during the winter.

16. WORKS, HEALTH & SAFETY GROUP MEETING

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

(As attached to these Minutes)

A long discussion took place regarding the purchase of smart phones for the workmen.

The Chief Executive agreed to look into this in more detail for the future.

D Dewar-Whalley confirmed that various health and safety policies are still being worked through.

D Dewar-Whalley explained that fire and risk assessments had been carried out at the office, depots, pump stations approximately 4 weeks ago and a number of issues had come to light that were being put right. For example there is currently no fire extinguisher or electricity signs at the Bells pump station, but this is all in hand and will be rectified imminently.

D Dewar-Whalley said there were a few issues to resolve but we are currently within regulations.

17. INTERNAL AUDITORS INTERIM REPORT 2018/19

RECEIVED a copy of the Internal Auditors Interim Report 2018/2019 produced by David Griffiths on 11 October 2018.

(As attached to these Minutes)

The Chief Executive talked through the report and highlighted the 2 items rated as amber (VAT and GDPR).

The Chief Executive explained that the VAT issue had now been resolved.

The Chief Executive informed Members that a GDPR consultant had done a data audit and should any Members wish to see the detailed report they could do so.

18. GDPR

RECEIVED draft copies of Data Protection Compliance Statement (Privacy Notice), Access Request Policy, Breach Notification Policy, CCTV Policy, Data Protection Training Policy, Data Protection and Disposal Policy and General Privacy Notice (Website).

(As attached to these Minutes)

The Chief Executive explained that our GDPR consultant had provided the policies mentioned above for us and asked Members to take a look at them.

D Dewar-Whalley recommended that as an appointed consultant had provided the policies that the Board go ahead and approve them.

On a proposition by D Dewar-Whalley seconded by K Ingleton it was **AGREED** that we should approve the draft policies subject to the appropriate review when necessary.

D Dewar-Whalley requested that we ask our consultant when we should review them.

Various Members also commented that we will need to keep a record of who approved the policies.

The Chief Executive confirmed that there will be a date on the policies when both the Lower and Upper Boards approve them, so we would have a corresponding record who was present at the Board meetings in the Members Attending Register and also the Minutes.

The Chief Executive took this opportunity to remind Members that if they wish to continue to receive the ADA Gazette they need to respond to ADA's email confirming they wish to do so.

J Wright suggested that Board Members be given their own Boards email address rather than using personal ones for Board correspondence.

The Chief Executive agreed to look into this suggestion.

19. BELLS PUMP STATION UPDATE

The Chief Executive showed a video of the Bells Pump Station.

The Chief Executive confirmed that the snagging and additional fencing had been completed. He also confirmed that he is finalising Funding with EA out of Precept and that the spare parts are due in late January.

The Chief Executive explained to Members that the University of Hull are currently on site carrying out eel surveys, as they want to monitor how effective the new pump is and have been getting some great results.

The Chief Executive informed Members that in November we had two visits from the EA and ADA VIP's. On the 9 November, he hosted a visit from Toby Willison, EA National Director of Operations and on 29 November he hosted a visit from Sir James Bevan, EA Chief Executive and Robert Caudwell, ADA Chairman. Photos were shown of both visits.

The Chief Executive also showed members the CCTV live feed and demonstrated how he can turn on the pumps remotely.

20. ELECTIONS 2018

RECEIVED Declaration By Returning Officer When No Poll document.

(As attached to these Minutes)

The Chief Executive explained to Members that an election was not required and that there were no amendments to the Register of Electors.

The Chief Executive informed Members that the Declaration By Returning Officer When No Poll information has been published on the Boards website in line with the Land Drainage Act, 1991, The Land Drainage (Election of Drainage Boards) Regulations 1938 as Amended by the Land Drainage (Election of Internal Drainage Boards) (Amendment) Regulations 1977.

The Chief Executive apologised that J Lewis' name was missing from the notice and confirmed that his had now been rectified on the website.

21. APPROVAL OF CALENDAR OF MEETINGS 2019

Members considered and approved the calendar of meetings for 2019.

(As attached to these Minutes)

AGREED dates:

Monday 28 January	Finance Committee Board Meeting (To approve the Annual Estimates and making of rate and levies)	12.30pm 1.00pm
Wednesday 22 May	Finance Committee (To approve the Annual Return)	2.00pm
Monday 24 June	Finance Committee Board Meeting	12.30pm 1.00pm
Monday 2 December	Finance Committee	12.30pm

	Board Meeting	1.00pm
Friday 6 September	The Joint Services Meeting	2.00pm
Tuesday 15 October	The Estimates Committee Meeting	2.00pm

The Chief Executive took the opportunity to mention to Members that following the recent Estimates Committee meeting the recommended increase to rates/special levies would be 2.5%.

22. ADA CONFERENCE 2018

The Chief Executive informed Members he had attended the ADA conference on 14 November 2018 in Westminster. He confirmed that the speakers at the conference were Sue Hayman – Shadow Secretary of State DEFRA, Robert Hossen – Crisis Management in North Holland and John Curtin – EA Executive Director for FCRM. He explained that the conference was a good conference and that any Members were welcome to attend next year.

23. PROTECTING DIRECTORS AND OFFICERS POLICY

RECEIVED a copy of the Protecting Directors and Officers Policy brochure.

(As attached to these Minutes)

The Chief Executive asked Members to consider and approve taking out a Protecting Directors and Officers Policy. He explained that this policy would cover legal costs, civil fines and penalties, while protecting the personal assets of Directors and Officers. He explained the cover of up to £500,000 would cost the Lower Board £296.80 (total policy £593.60).

Members generally felt this policy was a good idea.

S Mair wanted the definition of Directors for this insurance to be clarified and suggested we look at a much higher level of cover. He felt £500,000 was not enough and we should be looking more in the region of £5 million.

The Chief Executive agreed to look into this in more detail.

On a proposition by S Mair seconded by the Chairman it was **AGREED** that we should look into a policy with a higher level of cover.

24. ANY OTHER BUSINESS

a) H Neaves

The Chairman thanked H Neaves for over 40 years' service on the Board.

The Chief Executive also thanked H Neaves for his service.

S Mair suggested that H Neaves should be invited to the Bells Pump Station opening.

b) Bells Pump Station Visit

The Chief Executive asked for any preferred time for the Bells Pump Station visit to go ahead.

Members generally felt March 2019 would be a good time to go ahead with this.

25. CLOSURE

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