

UMIDB
UPPER MEDWAY INTERNAL DRAINAGE BOARD



MINUTES OF THE MEETING of the BOARD
held at 17 Albion Place Maidstone
on **Tuesday 13 November 2018.**

Members of the Board Present

H Rogers - Chairman

O Baldock
J Cannon
D Goff
S Highwood
J Scholey
C Stewart
G Swift
R Thomas
W Thompson
C Wheeler

In attendance

M D Watson - Chief Executive
J Williams – Finance Assistant
L Rowland - Administration Assistant
J Davis – Works Supervisor (part of the meeting)

1. APOLOGIES

Apologies received from D Aikman, P Harper and M Round.

2. APPOINTMENT OF CHAIRMAN, VICE CHAIRMAN AND COMMITTEES

a) Chairman of the Board

On a proposition by C Wheeler seconded by R Thomas, H Rogers was elected as Chairman of the Board.

H Rogers accepted his new role as Chairman and welcomed new landowner Members D Goff and W Thompson. W Thompson confirmed he represents the Staplehurst and Headcorn areas and D Goff confirmed he represents the Collier Street area.

The Chief Executive introduced Jenny Williams, Finance Assistant to Members.

b) Vice Chairman of the Board

On a proposition by R Thomas seconded by O Baldock, C Wheeler was elected as Vice Chairman of the Board.

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

c) Finance Committee

The Chairman proposed that D Aikman remain a member of the Finance Committee.

C Wheeler confirmed he would continue as a Member.

The Chief Executive asked for volunteers for 2 further members. C Stewart and D Goff put themselves forward.

AGREED by all members present that D Aikman, H Rogers, C Wheeler, C Stewart and D Goff would be the new Finance Committee.

d) Bills Committee/Joint Services Committee

The Chief Executive explained that the Finance Committee traditionally are 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 D Aikman, H Rogers, C Wheeler, C Stewart and D Goff would be on the new Bills and Joint Services Committees.

d) Internal Audit Sub-Committee

The Chief Executive asked for volunteers for additional members.

J Scholey confirmed he would continue as a Member.

S Highwood and W Thompson put themselves forward.

AGREED by all members present that J Scholey, S Highwood and W Thompson would be on the new Internal Audit Sub-Committee.

e) Works Health & Safety Group

The Chief Executive asked for volunteers for one Member for the Works Health & Safety Group.

O Baldock put himself forward.

AGREED by all members present that O Baldock would be on the Works Health & Safety Group.

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

REPORTED that M Round and J Scholey have not yet completed their Declaration of Board Members Interest form for the year 2018/2019.

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

(As attached to these Minutes)

Copies of the Declaration of Board Members Interest Forms were available during the meeting. J Scholey completed his form in the meeting.

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

5. MEMBERS LIABILITIES

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

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 a copy of the Minutes of the Meetings of the Board held on 17 July 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.

8. FINANCE COMMITTEE MINUTES

RECEIVED the Minutes of the Finance Committee Meeting held on 17 July 2018.

(As attached to these Minutes)

Minutes were noted and no comments made.

9. MATTERS ARISING FROM PREVIOUS MINUTES

The Chief Executive apologised that some of the matters arising from previous minutes had been put on the backburner and they had not progressed as he hoped.

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 in due course.

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 informed Members the EA do not seem to be keen in progressing with this, even though it would save them money.

Minutes of meeting 23 January 2018

Item 9 - Minimal Bank Balances Policy – Further Lending/Emergency Funding Options

Officers to look into further lending/emergency funding options.

The Chief Executive explained that Officers are still to look into further lending/emergency funding options.

Minutes of meeting 23 January 2018

Item 13 – Any Other Business, GDPR

GDPR to be looked into to ensure the Board's policies comply. ADA guidance to be obtained.

The Chief Executive informed members that a GDPR audit had taken place on 30 October 2018 by an independent GDPR consultant. He explained that a report has since been received along with guidance on policies, in particular guidance for a privacy policy on our website. The Chief Executive confirmed he will communicate further developments on GDPR in the next meeting.

The Chairman informed Members that their consent must be given for their names to appear on our website and he suggested that the Chief Executive include a section on the Declaration of Board Members Interest form for Members to be able to give their consent for this.

Minutes of meeting 6 March 2018

Item 14 – Health & Safety Meeting

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

The Chief Executive confirmed the policy has now been written and will be covered later in the agenda under section 10 – Health & Safety Updates.

Minutes of meeting 17 July 2018

Item 12 - Health & Safety Updates

Health Assessments for all staff have been put on hold. Policies to be approved will be covered later in the agenda under section 10 – Health & Safety Updates.

Minutes of meeting 17 July 2018

Item 20 – Elections

The Chief Executive explained that the Board currently has 3 vacancies for Elected Members. He also explained that Yalding Parish Council have enquired about providing a representative from the parish council to sit on the Board but the only criticism could be that we already have 2 members representing district 2 already. The Chief Executive confirmed he needs to clarify our legal position on this before we can make a decision. The Chief Executive also explained that we do not currently have a representative from Tandridge DC and he will be requesting they provide another representative.

Minutes of meeting 17 July 2018

Item 23 – AOB (Recognition of Board Members)

The Chief Executive apologised that he has yet to progress with the letters and gifts/donations to the 2 Members in question.

17 July 2018 – Item 23 – AOB (Policy to Protect Directors & Officers)

The Chief Executive informed Members that he is in the process of looking into a Protecting Directors and Officers Policy with NFU Mutual. He confirmed that he has received a quotation for this cover and it would cost around £400 per year. The Chief Executive invited Members to look at the NFU booklet which explained the cover in more detail.

Members generally felt this was a good idea.

J Scholey requested that the paperwork be looked at very closely to ensure it covers our requirements.

The Chairman requested that the Chief Executive go through the fine details.

On a proposition by C Stewart seconded by R Thomas it was **AGREED** we should go ahead with a Policy to Protect Directors & Officers.

10. HEALTH & SAFETY UPDATES

The Chief Executive confirmed that the planned health assessments have been put on hold.

The Chief Executive confirmed that we are progressing with the various policies, by submitting a few at a time to the Health and Safety Group in order of importance. The Chief Executive informed members the following policies are currently being reviewed: Accidents, Fire Safety, Winter Weather, Communication & Consultation and Stress Management policies.

RECEIVED a copy of the Joint Winter Policy.

(As attached to these Minutes)

The Chief Executive informed Members that the Health and Safety Group had approved the Joint Winter Policy in their recent meeting. The Chief Executive talked through the policy and displayed a copy of the policy on the screen.

J Scholey questioned why it was called Winter Policy rather than Severe Weather Policy and said it needed to include snow and ice.

AGREED by all members present to approve the Joint Winter Policy.

The Chief Executive asked for the Board to agree that all Health & Safety policies can be agreed by the 2 Board representatives on the Works, Health & Safety Group.

AGREED by all members present to that all Health & Safety policies can be agreed by the 2 Board representatives on the Works, Health & Safety Group.

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.

D Goff commented that the Maidstone Borough Council, Bentletts Scrapyard planning application had now been changed to 32 houses and a new application had only been submitted this week. D Goff said he would email the link to the Chief Executive to make sure that we comment/object again on the new application.

C Stewart commented that the Tunbridge Wells Borough Council, Little Rhoden Farm planning application had various issues to address and it was quite frustrating that an inexperienced officer was looking after such a complex application. C Stewart confirmed she would be speaking to the Head of Planning regarding this application.

The Chief Executive confirmed he had also emailed James Moysey from TWBC directly and also been in contact with Bronwyn Buntine at Kent County Council regarding this application.

The Chairman also confirmed he would speak to the Head of Planning regarding the issues.

12. CONSENTS

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

(As attached to these Minutes)

a) Park Farm, Frittenden Road, Biddenden, Ashford, TN27 8LG

Proposal: Enhancing and restoring 640m of the Hammer Stream.

Following member consultation consent was **GRANTED** on 26 July 2018.

b) Pullen Farm, Staplehurst Road, Frittenden, Kent, TN17 2EE

Proposal: 400m of fencing to be installed on the riverbank, IDB watercourse U10.

Following member consultation consent was **GRANTED** on 5 October 2018.

c) Naked Foods Limited, Smarden Road, Headcorn, Kent

Proposal: Concrete posts to be installed within 8m of the IDB watercourse U3, spaced at least 0.9m apart with 5 posts to be removeable for future access (giving 4.5m access).

Following member consultation consent was **GRANTED** on 5 October 2018.

13. ENGINEER'S REPORT

J Davis joined the meeting.

RECEIVED the Engineer's Report Number 154.

(As attached to these Minutes)

The Chief Executive read through the Engineer's Report that showed the work carried out from July 2018 to October 2018.

The Engineer's Report was noted with no comments made.

J Davis informed Members they were welcome to come and see the district and witness the practices that are carried out at anytime.

14. 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)

R Thomas commented that he felt the Health and Safety Group was working even better now and they are working together as more of a team.

Minutes were noted with no further comments.

15. INTERNAL AUDITORS INTERIM REPORT 2018/2019

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 Chairman commented that he was pleased to see that all areas were rated as green (all of the expected controls are in place and working effectively).

Report was noted with no further comments made.

16. BOARD INSPECTION

The Chief Executive explained that he hoped that the visit to the new Lower Board Pump Station would have happened by now. However, this has been put on hold because the lease has not yet been signed by the landowner. The Chief Executive stressed his frustration, but he explained as we haven't had much rainfall we wouldn't have been able to demonstrate the pumps anyway.

The Chief Executive confirmed on confirmation of a date Members will receive official notification.

17. 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.

18. APPROVAL OF CALENDAR OF MEETINGS 2019

Members considered and approved the calendar of meetings for 2019.

(As attached to these Minutes)

AGREED Dates:

Tuesday 22 January	Finance Committee Board Meeting (To approve the Annual Estimates and making of rate and levies)	12.30pm 1.00pm
Thursday 23 May	Finance Committee (To approve the Annual Return)	2.00pm
Tuesday 11 June	Finance Committee Board Meeting	12.30pm 1.00pm
Tuesday 12 November	Finance Committee Board Meeting	12.30pm 1.00pm
Friday 6 September	The Joint Services Meeting	2.00pm
Tuesday 15 October	The Estimates Committee Meeting	10.00am

O Baldock gave his advance apologies for the June Board meeting.

The Chairman explained for the benefit of the new Members that the January Board Meeting is often a longer and quite difficult meeting as this is when annual estimates are approved and the rate and levies are set.

The Chairman requested that the Chief Executive provide as much information as possible in advance of the January meeting.

The Chief Executive confirmed that the Estimates meetings will be taking place next week and the findings will be circulated to Members.

The Chief Executive also confirmed that the new Finance Committee Members will be required to attend the Upper Estimates meeting on Tuesday 20 November at 2pm.

19. ANY OTHER BUSINESS

The Chief Executive informed Members that The Joint Services Committee meeting met last week and there were a number of key items discussed as follows:

a) Payments to Board Members

The Chief Executive informed Members that a recommendation had been made that Members be paid, but it had received mixed reviews by the Joint Services Committee.

The Chief Executive explained that he agreed with the recommendation and that 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 with the Chairman and Committees.

The Chief Executive asked for Members opinions.

Members discussed this at length and it was generally felt that all Members should be paid, whether they were landowners or counsellors and it should be up to the individual whether they accept the payment or not.

R Thomas requested more guidance and a review on these payments before a decision be made.

The Chief Executive suggested that he would like something put in place in time for the next financial year and confirmed he would supply further details before the next meeting in January.

The Chairman commented that local authority Members would be duty bound to inform their local authority that this is something the Board is currently looking into so they can provide any comments they may have.

b) Business Banking

The Chief Executive reminded Members that we will be moving from NatWest Bank to Handelsbanken. He informed Members that banking will be made simpler with just one main current account, rather than the separate current and imprest account we currently have.

The Chief Executive explained that all the new Finance Committee members will need to sign bank mandates with NatWest as soon as possible.

c) Website

The Chief Executive asked Members opinion on updating the website. The Chief Executive explained that the website had been developed in 2011 and required a complete revamp as it is very out of date. He explained that he had looked at lots of other websites and was impressed with the look and simplicity of the Middle Level Commissioners website.

The Chairman asked the Chief Executive to supply the costs and hit rate on our current website.

Members generally felt it was a good idea to go ahead with the new website.

d) New Accountancy Software

The Chief Executive explained that our current Access software is very out of date. He explained that alternatives had been looked into and the best option was to move to Sage which would cost £192.50 per month, as opposed to £200 per month to upgrade to the latest version of Access.

AGREED by all members present to move to Sage.

e) Plant and Machinery

The Chief Executive talked through a quotation we had received from Crawfords.

The Chief Executive displayed on screen the quotation, as this was not sent out with agenda as this was only received earlier that morning.

As requested by the Joint Services Committee a quotation was requested last week and received today relating to the replacement costs of three vans and two tractor/flail mower combinations. The Board had agreed 12 months ago to spend on plant £171,500 in this financial year and over £530,000 over three years. This quotation meant the Board could replace everything, other than the excavator for £215,000.

M Thompson commented that Crawfords would probably have to do the servicing if we went ahead with their quotation.

J Davis confirmed that servicing was included in the price quoted.

J Davis explained to Members that we should not keep our tractors for so long going forward. He explained we have had the current tractors for 10-12 years, but it is best to change them every 4-5 years to get a better trade in value.

The Chairman commented that it was a shame Members had not been given advance notification of the plant and machinery figures.

The Chief Executive apologised and explained the latest quotation had only been received earlier in the day, however, he agreed advance notification is obviously preferable and would endeavour to provide advance notification in the future.

R Thomas also agreed with the Chairman's comments regarding advance notification, but he also wanted to thank J Davis and the Joint Services for providing a well worked out solution.

On a proposition by R Thomas seconded by J Scholey it was **AGREED** to accept the quotation from Crawfords.

19. CLOSURE

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