

LOWER MEDWAY INTERNAL DRAINAGE BOARD



MINUTES OF THE MEETING of the BOARD
held at **The Boards Offices, 17 Albion Place, Maidstone**
on **Monday 24 June 2019**

Members of the Board Present

Chairman: S Batt

H Browne
D Carnell
D Davis
D Dewar-Whalley
G Fulton
J Mair
S Mair
B Martin
R Palmer
B Stone
R Truelove

In attendance

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

1. APOLOGIES FOR ABSENCE

Apologies were received from S Attwood, C Buckwell, G Etheridge, J Lewis, T Valentine and G Whelan.

The Chairman welcomed all the new Members present at the meeting and asked everyone around the table to introduce themselves.

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. REGISTER OF MEMBERS' INTEREST

REPORTED that G Etheridge, G Fulton and all new Members have not yet completed their Register of Members' Interest form for the year 2019/2020.

G Fulton completed his form and handed it in at the meeting.

New Members H Browne, D Carnell, R Palmer and R Truelove also completed their form and handed them in at 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.

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

4. 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. Copies were given to all new Members present.

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.

The Finance Assistant was asked to leave the room.

The Chief Executive explained that the Finance Assistant's contract is due to end on 17 September 2019 and he requested the Board's approval to make her contract a permanent one.

On a proposition by D Dewar-Whalley seconded by D Davis it was **AGREED** to make the Finance Assistant's contract permanent.

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

The Finance Assistant re-joined the meeting.

6. **MINUTES**

RECEIVED the Minutes of the Meeting of the Board held on 28 January 2019.

(As attached to these Minutes – Appendix 1)

All Members in attendance **AGREED** that the Minutes of the Meeting of the Board held on 28 January 2019 were correctly recorded and that they be signed by the Chairman.

7. **FINANCE COMMITTEE MINUTES**

RECEIVED the Minutes of the Finance Committee Meeting held 28 January 2019.

(As attached to these Minutes - Appendix 2)

Minutes were noted and no comments made.

8. **END OF YEAR FINANCE COMMITTEE MINUTES**

RECEIVED the Minutes of the End of Year Finance Committee Meeting held on 22 May 2019.

(As attached to these Minutes – Appendix 3)

Minutes were noted and no comments made.

9. **INTERNAL AUDIT SUB COMMITTEE MINUTES**

RECEIVED the Minutes of the Internal Audit Sub Committee Meeting held on 25 February 2019.

(As attached to these Minutes – Appendix 4)

Minutes were noted and no comments made.

10. 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 still ongoing, and we hope to progress a provisional site later in the year. He explained that we are still looking at land, the depot design is straight forward and the office design is a work in progress.

Minutes of meeting - 10 July 2017

Item 10 – Internal Auditors Report

Members requested more information be given on Audit Reports.

The Chief Executive informed Members that in the latest report the change in format that Members requested has been actioned, and this matter will be covered under Item 11 - Internal Auditors End of Year Report 2018/19 later in the agenda.

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 and the Solicitor has confirmed we are legally OK because we have implied rights.

Minutes of meeting - 26 March 2018

Item 9 – Engineers Report

Harty/Leysdown pumps need replacing within the next 3 years subject to funding.

D Dewar-Whalley asked what would happen if the pumps did fail within the next 3 years.

The Chief Executive explained that the worse case scenario would be that large sections of farm land would be flooded. He explained that depending on what went wrong we could put a tractor pump in intermittently to reduce the flooding.

D Carnell asked what was the timescale to replace them?

The Chief Executive confirmed if done in the summer months it would be a couple of months of work.

Minutes of meeting - 26 March 2018

Item 20 – Board Inspection

Inspection to be combined with the opening of Bells Pump Station.

The Chief Executive explained to new Members that this took place on 29 March 2019 and asked Members that attended if they enjoyed the day.

Members agreed they all enjoyed the day.

Minutes of meeting – 3 December 2018

Item 10 - Members Expenses

Recommendation has been made for payments to be able to be made to Members.

The Chief Executive informed Members that this matter will be covered under Item 13 – Members Expenses later in the agenda.

Minutes of meeting – 28 January 2019

Item 2 – Environment Agency Presentation

Members requested that the CEO discuss with the EA about keeping some of the precept for work we do ourselves, finalising the precept spend and the shortfall of the precept.

The Chairman confirmed that himself and the Chief Executive would be meeting Ian Nunn on 3 July 2019 to get some answers on Capel Fleet as it has never been dredged and to ask what plans they had for the IDB precept.

The Chief Executive added that Capel Fleet has been discussed but currently the EA want the Board to do all the legwork.

D Dewar-Whalley asked the Chief Executive if he knew anything more about Kent Council Council taking legal action against Peel Ports regarding Lower Halstow.

The Chief Executive confirmed there was no further update at this stage and it was ongoing. He confirmed he would provide an update at the next meeting.

G Fulton made Members aware that the Environment Agency had made repairs to walls in the Sheppey area that had been undermined by the sea. The issue was alerted to them at short notice and 6 months later they carried out the £64,000 repair which entailed 5 weeks' worth of work. He explained that three quarters of the cost of the work was spent on importing the clay and only part of work needed was done because they had run out of money so the whole thing has to be re-done. He further explained that Elmley area are trying to set up an agreement with the EA so they can do the work themselves.

The Chief Executive confirmed he had received an email from ADA on this matter.

The Chairman confirmed this would also be raised at the meeting with Ian Nunn in July.

Minutes of meeting – 28 January 2019

Item 16 – Engineers Report (Rushenden Pump Station)

Quote for refurbishment of Rushenden Pumps to be circulated once received.

The Chief Executive explained that Rushenden Pump Station is likely to be rebuilt by a developer and informed Members that this matter will be covered under Item 16 – Consents later in the agenda.

Minutes of meeting – 28 January 2019

Item 19 – Any Other Business (New Accounting Software)

Sage installation and staff training booked in for March 2019.

The Chief Executive was pleased to confirm to Members that Sage software is now up and running together with internet banking making things much easier and using more up-to-date systems.

Minutes of meeting – 28 January 2019
Item 19 – Any Other Business (Website)
New website progression.

The Chief Executive informed Members that the new website went live on 20 May 2019 and this matter will be covered under Item 18 – Website later in the agenda.

11. INTERNAL AUDITORS END OF YEAR REPORT 2018/2019

RECEIVED a copy of the Internal Auditors Interim Report 2018/2019 produced by David Griffiths on 8 and 14 May 2019.

(As attached to these Minutes - Appendix 5)

The Chief Executive explained that there were 3 items in the amber category, Asset Valuations, Insurance and Online banking.

The Chief Executive explained that Bells Pump Station had affected the asset valuations. Even though the pump is worth nothing to anyone else, a value needs to be used. It can't be the real cost of £2.8m but the cost to the Board which was £1.4m.

The Chief Executive explained that because the combined bank balances were almost at £3m (for both Board's), our Fidelity Guarantee Insurance was no longer adequate. This insurance has now been increased from £3m to £4m.

The Chief Executive also explained that our auditor had asked to look at our new online banking procedure and he identified straight away that having the Chief Executive as an inputter and approver needed to be changed. Our bank mandates have since been corrected and the Chief Executive is no longer an inputter, only an approver. The finance Assistant is still an inputter and the Administration Assistant is now the second inputter.

12. END OF YEAR ACCOUNTS - YEAR ENDING MARCH 2019

RECEIVED a copy of the End of Year Accounts year ending 31 March 2019.

(As attached to these Minutes - Appendix 6)

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.

The Chairman explained to Members that next year the End of Year Accounts will be presented in a different format to make them easier to understand.

The Chief Executive explained that no reminders had been sent to rate payers last year and we can expect the rates outstanding amount to be less as this year reminders/calls to problem payers will be done.

13. MEMBERS EXPENSES

The Chief Executive explained that since the last meeting he had spoken to the ADA and other IDBs. He explained the ADA are dead against the idea and can't find a mechanism in legislation to use. They are worried it could set up a dangerous precedent if other Board's started doing this. However, they confirmed that paying the chairman is allowed under the LDA and they informed him in at least two IDB districts the Chairmen are paid £3500 per year (which was calculated at 20% of the RFCC Chairman's salary).

All Councillor Members present also felt that payments to Councillors were not necessary as they are already paid by/given an allowance from their Councils.

All Members present agreed that payment to landowner Members for exceptional circumstances was different.

Members had a lengthy discussion about Members expenses and the general feeling of the Members present was that payments for special/exceptional circumstances could be justified. It was agreed that Members should invoice the Board and payment would only be released once two Finance Committee members had approved it.

R Truelove asked whether we had budgeted for payments of this type.

The Chief Executive confirmed that we had not done as of yet, however, this would be done for the future once we have an agreement in place.

On a proposition by D Dewar-Whalley seconded by R Truelove it was **AGREED** to approve Members expenses as outlined as exceptional circumstances on behalf of the Lower Medway IDB at £25.00 per hour plus travelling expenses.

The Chief Executive will write a Members Expenses policy to cover this item.

14. HEALTH & SAFETY UPDATES

The Chief Executive confirmed that first aid training for all staff took place on 26 March 2019. That S Miles had chainsaw training in April 2019. Sun cream had been issued to all workmen in early June 2019. Purchase/replacement of all first aid kits has been supplied for all locations and finally, spill kits have been supplied for both depots and trucks and plant all have their own kits onboard.

The Chief Executive displayed on screen the Risk Assessment, Method Statement and Safety Advice Guide that O Pantrey had produced and confirmed this would be discussed in more detail with the Works Health and Safety Group Committee at their next meeting in July.

B Martin asked if we held toolbox talks and if there were fire extinguishers in our vehicles. He also asked whether employees undertook literacy tests.

The Chief Executive confirmed yes for all three items.

D Dewar-Whalley suggested that staff be given hard copies of the Risk Assessment, Method Statement and Safety Advice Guide and that they sign to confirm they have received this.

15. PLANNING APPLICATIONS

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

(As attached to these Minutes - Appendix 7)

The Chief Executive read through all the planning applications received.

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

B Martin asked whether we had any involvement with Stonebrook (in Faversham).

The Chief Executive explained this had been handed back to the local authority in approximately 2000 and was aware of the recent complaints about the conservation works being carried out near West Street. The Chief Executive had reviewed the work and was not concerned the flood risk would increase.

B Martin explained that his was in his Ward and he could help should any assistance be needed.

16. CONSENTS

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

(As attached to these Minutes - Appendix 7)

(a) Location: Minster Chalet Park, The Broadway, Minster on Sea (IDB Watercourse 3 Scrapesgate)

Proposal: Development of 46 Chalet bungalows for residential use, the site is 1.068 ha and the surface water flow will be restricted to 2.7 l/s

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 20th February and the subsequent emails of 25th February and 11th March, 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 20 March 2019.

(b) Location: Wallend Farm, Lower Road, Minster (IDB Watercourse 19 -The Crown)

Proposal: 5m extension of culvert at Wallend Farm access road crossing the IDB watercourse

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 21st February 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 20 March 2019.

(c) Location: Land North & South of A2500 Lower Road between Cowstead Corner & Wallend Industrial Estate Access (IDB Watercourse 19 – Crown Drain)

Proposal: Removal of existing 450mm brick culvert and replacing with 2 x concrete 525mm culverts under the A2500 Lower Road. Then additional road drainage will be attenuated to green-field run-off rates into a couple of ponds and discharging into the IDB watercourse via a 100mm pipe and headwall

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 12th March 2019 and consent application 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 17 April 2019.

(d) Location: Twyford Site, Rushenden Road, Queenborough, Isle of Sheppey, Kent ME11 5HX (IDB Watercourse 8 – Rushenden Drain)

Proposal: Construct new pump station (with associated rising and gravity mains discharging through existing EA seawall to the Swale) construction of a new drainage ditch and pond in the south west of the site, removal of existing 975 diameter culverts connecting existing ditches are to be removed, 8m access strip around the new pump station & pond (4m will be grass, 4m will be granular material)

Comments: Consent granted with the following specific conditions:

1. That the new pump station will be built and commissioned before the current IDB pump station is demolished.
2. That the Board will be consulted further as to the specification of the pump station and will be able to approve the final design.
3. The applicant will inform the Board when the work is proposed to start

4. Should any details of the project change that are different from the information supplied to me on 22nd May 2019 email and consent application 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.
5. 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 12 June 2019.

The Chief Executive explained that Homes England want to develop the area where Rushenden Pump Station is located and they want to move and replace the pump station on our behalf. He further explained that he met with them a few weeks ago and they have budgeted £750,000 for the work and that specifications will be further discussed.

B Martin asked if the Chief Executive felt their proposal/budget met with our requirements as the budget was a lot less than the Bells Pump Station budget.

The Chief Executive confirms that it did as Bells Pump Station capacity of 3500 litres/sec is significantly more than Rushenden Pump Station of 240 litres/sec.

17. ENGINEERS REPORT

RECEIVED the Engineer's Report Number 165.

(As attached to these Minutes - Appendix 9)

The Chief Executive read through the Engineer's Report that showed the work carried out from February 2019 to May 2019 and explained this time of year is our slack period, however, the workmen are kept busy stream walking and block clearing. He explained the serious maintenance work will commence in mid-July.

The Chief Executive showed pictures of the Rushenden Pump Station pumps and pointed out the corrosion which unfortunately had only come to light after parts had been replaced.

He explained that Homes England want to build a new pump station in the next 18 months but in the meantime the IDB need a working pump.

B Martin asked if we had plans to recoup the asset.

The Chief Executive confirmed we will try to sell the pumps back to the supplier to recoup some of the money.

The Chief Executive took this opportunity to inform Members that D Crann who has worked with us since 2002/3 is retiring in October 2019 and we have placed an advertisement for his replacement.

18. WEBSITE

The Chief Executive confirmed that the Board's new website went live on 20 May and Members should have received an email confirming this.

The Chief Executive showed the new website on screen and talked Members through the various areas/pages.

D Dewar-Whalley commented that the new website was very good.

19. GOVERNANCE DOCUMENTS

RECEIVED a copy of the Anti-Bribery Policy, Policy Statement on Water Level and Flood Risk Management and Register of Members' Interests Form.

(As attached to these Minutes - Appendix 10)

The Chief Executive asked Members to review and approve the 3 documents in question.

Members looked over the 3 documents.

On a proposition by D Dewar-Whalley seconded by R Truelove it was **AGREED** to approve the Anti-Bribery Policy.

On a proposition by D Dewar-Whalley seconded by R Truelove was **AGREED** to approve the Policy Statement on Water Level and Flood Risk Management.

On a proposition by D Dewar-Whalley seconded by R Truelove it was **AGREED** to approve the Register of Members' Interests Form.

20. ADA CONFERENCE 2019

The Chief Executive explained that this year's conference will be held on 13 November 2019 at 1 Great George Street, Westminster, London and asked if any Member(s) would be interested attending.

No Members registered their interest in attending at the meeting. Since the meeting the Chairman, D Dewar-Whalley and G Fulton have expressed an interest in attending.

21. ANY OTHER BUSINESS

a) **Internal Audit Sub Committee**

The Chief Executive explained that we have lost 2 Members from the Lower Board from the Internal Audit Sub Committee and recommendations from Members for 2 replacements.

On a proposition by R Truelove seconded by R Palmer it was **AGREED** for D Carnell and D Dewar-Whalley to join the Internal Audit Sub Committee.

The Chief Executive explained that the Internal Audit Sub Committee meet twice a year and the next meeting will be later this year and will be communicated to Members of the Internal Audit Sub Committee shortly.

b) Neats Court Marshes

G Fulton made Members aware of a problem in the North Kent Marshes area where Azolla (or Floating Water Fern) is starting to infect drainage ditches. Areas of Elmley and Neats Court Marshes have seen patches appear. G Fulton mentioned one of the ways to tackle the problem is buying a box of weevils from the internet. They eat their way through the Azolla without causing harm to native species.

22. CLOSURE

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