

LOWER MEDWAY INTERNAL DRAINAGE BOARD



MINUTES OF THE MEETING of the BOARD
held at **The Boards Offices, 17 Albion Place, Maidstone**
on **Monday 2 December 2019**

Members of the Board Present

Chairman: S Batt

H Browne
C Buckwell
D Carnell
D Dewar-Whalley
G Fulton
R Hall
J Lewis
J Mair
R Truelove
G Whelan

In attendance

M D Watson - Chief Executive
O Pantrey – Technical Assistant
J Murphy – Finance Officer
L Rowland – Office Manager
J Davis – Works Supervisor (most of the meeting)

G Mitri Renner – Environment Agency

1. APOLOGIES FOR ABSENCE

Apologies were received from S Attwood, D Davis, S Mair, B Stone.

The Chairman welcomed the Members to the meeting and introduced Ghada Mitri Renner, the Swale Asset Performance Team Leader from the EA.

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.

The Chairman asked that G Mitri Renner proceed with her presentation first. Therefore, item 23 on the agenda (Environment Agency Precept Report) became item 3 and the other item numbers have been changed accordingly.

3. ENVIRONMENT AGENCY PRECEPT REPORT

RECEIVED the Preliminary IDB Annual Report 2018/19.

(As attached to these Minutes – Appendix 17)

G Mitri Renner explained she is the new contact for the Lower Medway IDB and is also new to the Asset Performance team. She explained to Members that the report was preliminary, and it had not yet been approved. She also went on to apologise for the lateness of the report and also for a lot of missed deadlines, but she felt things were back on track for the coming year and was personally looking forward to working with LMIDB.

G Mitri Renner asked Members if they had any questions they wished to raise or if there were any surprises in the report.

R Hall asked are the figures quoted in the LMIDB precept report for 2018/19 from the EA inclusive of EA office costs overheads?

G Mitri Renner explained she did not know the answer but would find out.

G Mitri Renner talked through the report and asked for Members comments.

J Lewis said it was a welcome departure from previous regimes.

G Mitri Renner confirmed she had been with the team for 3 weeks and she was learning and improving the process.

The Chief Executive explained to Members that himself, the Chairman and the Works Supervisor had met with Ian Nunn on two separate occasions, the last time just 2 weeks ago.

The Chairman said that it was fair to say that they had provisionally put in place an 8-year plan.

G Mitri Renner confirmed that they were looking at a 5 to 8-year plan which included Capel Fleet, White Drain at Graveney Marshes, outfalls and cost benefit ratios to ensure they have funding or can secure funding.

The Chief Executive explained to Members that at the area between Seasalter and Brenley Corner had not been touched in 20+ years and there was overgrown/floating pennywort that was infesting marshes into private drains and our watercourses. He explained this was something we want to tackle in one go.

G Mitri Renner confirmed this could take us into 2021 or longer and site visits were being booked.

The Chief Executive explained that the Capel Fleet and White Drain areas were classed as a low risk area, which meant it didn't fall into the EA's funding and doing this work ourselves would not cost the Board any more money.

G Mitri Renner explained they were also looking at other small projects and confirmed the EA would continue to fund 50% of the running costs of Bells Pump Station.

The Chief Executive confirmed of the £30k Bells Pump Station costs we had received £15k back from the EA this year.

G Mitri Renner asked Members if they had any other questions.

D Dewar-Whalley said that he had found it very useful that G Mitri Renner was here and suggested that she join all Board meetings going forward.

G Mitri Renner agreed that was something she would like to do.

The Chief Executive stressed that we must have the precept report much earlier.

G Fulton mentioned in September Medway/Swale Estuary Strategy published on the EA website. A meeting had taken place last Wednesday to discuss the Shoreline Management Plan.

G Mitri Renner explained that they haven't got to the bottom of it yet and asked if the Board would like her to present an update on the Estuary Strategy next time.

The Chief Executive confirmed yes.

4. MINUTES

RECEIVED the Minutes of the Meeting of the Board held on 24 June 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.

5. ACTION LIST & MATTERS ARISING FROM PREVIOUS MINUTES

RECEIVED a copy of the new Action List of the Board held on 24 June 2019.

(As attached to these Minutes – Appendix 2)

The Office Manager explained that the new Action List will be circulated with the minutes and should help with any action items being addressed more efficiently.

The Chief Executive talked through the matters arising as follows:

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 the Finance Committee had just approved a quotation for land agent services for the search of a suitable site for the depot to begin.

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 previously informed Members that the lease had still not been signed and the Solicitor has confirmed we are legally OK because we have implied rights.

The Chairman confirmed this was still in the hands of the solicitors and is progressing, however, the landowner is very ill which was contributing to the slow progression.

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 Chief Executive confirmed as discussed previously that himself and the Chairman met with Ian Nunn on 3 July and on the 15 November 2019 with the Works Supervisor and G Mitri Renner to discuss the precept and Capel Fleet.

Minutes of meeting – 24 June 2019

Item 13 – Members Expenses

The Chief Executive was asked to draw up a Members Expenses Policy.

Covered under Item 13 on today's agenda.

Minutes of meeting – 24 June 2019

Item 14 – Health & Safety Updates

Request for the workforce to be given hard copies of the Risk Assessment Method Statement & Safety Advice Guide and they should sign to say they have received this.

The Technical Assistant confirmed this had been completed in September 2019.

Minutes of meeting – 24 June 2019

Item 16 – Consents, Rushenden Pump Station

A new Rushenden Pump Station is likely to be built by a developer.

The Chief Executive has confirmed that the tender documentation for the new pump station will likely to be sent to us towards the end of January 2020 for us to comment on the specification for the pumps.

6. CHAIRMAN REPORT

The Chairman started off by thanking all of the office staff as this year had been a challenging year.

He showed Members two certificates we had received from the National Pump Awards for acknowledging that we had got to the final for the design of Bells Pump Station.

The Chairman confirmed we had received £315k back from the EA. £300k towards a new depot and £15k towards Bells Pump Station.

He confirmed Alice Quarry officially opened Bells Pump Station.

He explained we had just agreed for a land agent to start the search on a new site for the depot.

He also confirmed what had been touched on earlier, that a potential business plan had been put in place with the EA which included Capel Fleet and White Drain.

He confirmed he had attended the ADA Conference along with Chief Executive and other Members and it had been a bit of a let down due to speakers being pulled last minute because of the upcoming election.

He also confirmed that they were now visiting all staff at least twice a year.

He explained he had also visited Shelbourne Reynolds factory with the Chief Executive, the Works Supervisor and the Upper Board Chairman.

7. CHIEF EXECUTIVE REPORT

The Chief Executive explained that we have had an interesting year with the ongoing tribunal issue and the Spearhead mowers issue which was explained in the Works Supervisors Report.

The Chief Executive confirmed O Pantrey had joined the office team as the new Technical Assistant and he had been a breath of fresh air. He explained he was impressed with the office team and we are moving in the right direction. He explained that the new website, new Sage software and internet banking were working extremely well, and he was very happy with where we are with regards to our health & safety and governance policies.

He explained that the Technical Assistant has his NEBOSH exam on Wednesday 4 December and after recently purchasing a drone the Technical Assistant had also undergone some training to operate this.

He also explained that he had been tidying up and getting rid of a lot of old documents, especially from the cellar where a lot of these documents are stored.

The Chairman explained that some documents will be saved for history records and they will be pulled together and scanned at some point.

H Browne suggested that the local archives might be interested in this history and we could perhaps work together as scanning was rather expensive and a partner could share the cost of that.

The Chief Executive confirmed himself and the Technical Assistant had attended a Drainage Rating User Group meeting recently and that we were using a DRS system that was a couple of versions behind.

The Technical Assistant explained that the engine behind our DRS system was outdated and we were looking to update it in April. He explained they were impressed with the DRS online cloud system and we would be looking to use this in the future and the Medway IDB had volunteered to help test the system.

The Chairman commented that we had also recently opened a Land Registry account.

The Technical Assistant explained that this costs us £3 per search but the new DRS online system they had seen at Kings Lynn actively encourages land owners to update their own information.

D Dewar-Whalley added that it had been a very busy year and the Board has got more involved in the last 12-15 months and things had become far more professional as a result. He also explained that the auditor was now looking at the whole operation of the business so we could control risks better.

The Works Supervisor joined the meeting.

8. WORKS SUPERVISOR REPORT

RECEIVED the Works Supervisor Report Number 166 (previously known as the Engineer's Report).

(As attached to these Minutes - Appendix 3)

The Works Supervisor talked through the Works Supervisor Report that showed the work carried out from May 2019 to October 2019.

The Works Supervisor explained to Members the issues we had experienced with the Spearhead flail mowers and talked them through the pictures on his report which resulted in a bad mechanical failure. He explained that all the mowers had been sent back as they were not fit for purpose and we had received a full refund back from Crawfords on Friday 29 November.

He explained that he has postponed the purchase of a new trailer for the foreseeable future and has opted for the existing trailer to be serviced instead which has cost just £500. This cost was mainly for replacement tyres.

He explained that after a very positive demo of a Shelbourne Reynolds flail mower and a factory visit with The Chief Executive and both the Lower and Upper Chairmen, last week he had been given permission to purchase new flail mowers.

The Chairman confirmed that we have a 2 year warranty with the new flail mowers.

The Works Supervisor confirmed that the new flail mowers would cost £34,500 and he had saved a further £3k on extras.

J Lewis congratulated the Works Supervisor and his team and said they had done a very good job.

9. REGISTER OF MEMBERS' INTEREST

REPORTED that B Martin have not yet completed his Register of Members' Interest form for the year 2019/2020.

10. 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.

11. FINANCIAL RISK ASSESSMENT

RECEIVED a copy of the Financial Risk Assessment.

(As attached to these Minutes – Appendix 4)

The Chief Executive explained that the external auditors had criticised the Board for not having our Financial Risk Assessment reported in our Main Board meetings, even though it had been reviewed in other Committee meetings. The Financial Risk Assessment will now be shown yearly in the main Board Meetings.

The Chief Executive asked Members for any comments on the Financial Risk Assessment.

H Browne commented that she thought we had discussed in a previous meeting that the Finance Committee would look at this on our behalf.

The Chief Executive confirmed this was the case but explained that the Board were still required to give approval.

D Dewar-Whalley agreed and confirmed this had been noted.

AGREED by all Members that they are happy with the current Financial Risk Assessment and to keep it under review.

12. FINANCE REGULATIONS

RECEIVED a copy of the updated Finance Regulations.

(As attached to these Minutes – Appendix 5)

The Chief Executive asked Members to approve the changes to the Finance Regulations. He explained that there were 2 changes. The first proposed change was that the Chief Executive should be cleared to approve payments up to £30,000. He explained this was due to the workforce moving from weekly to monthly pay and the salary bill each month would always exceed the previous £10,000 limit. The other change was that the online banking process has been improved. He explained that both the Finance Officer and Officer Manager are inputters and he is no longer an inputter, only an approver which reduces risk.

On a proposition by H Browne seconded by J Lewis it was **AGREED** to approve the updated Finance Regulations.

13. POLICIES REPORT

RECEIVED a copy of the updated Governance Documents List, the Health & Safety Policy Statement and the Members Expenses Policy.

(As attached to these Minutes – Appendix 6)

a) **Governance Documents List**

The Chief Executive talked through the Governance Documents List and explained that most of the documents that had not been reviewed since 2014 were ADA approved documents and suggested that all of the policies that had not been reviewed since 2014 be included in the next Board meeting agenda.

b) **Health & Safety Policy Statement**

The Chief Executive explained to Members the change to the Health & Safety Policy Statement and asked for Members to approve this.

On a proposition by D Dewar-Whalley seconded by D Carnell it was **AGREED** that the Health & Safety Policy Statement be signed by the Chairman.

R Hall asked the Chief Executive to look further into the Modern Slavery Act and whether we needed to include this in our policies.

H Brown commented that we should also ask any contractors for their statement.

c) Members Expenses Policy

The Chief Executive asked Members to read and accept the new Members Expenses Policy that has previously been approved by the Joint Services Committee.

On a proposition by G Fulton seconded by D Dewar-Whalley it was **AGREED** to accept the Members Expenses Policy.

The Chief Executive asked Members to agree to apply to DEFRA to allow the Board to pay the Chairman an allowance of £3,500 as previously discussed.

J Lewis raised the point that for the current Chairman this is completely reasonable, however, should we have a different Chairman in the future this should be reviewed.

All Members **AGREED** with this and requested that this should be reviewed each year.

On a proposition by R Hall seconded by H Browne it was **AGREED** for the Chief Executive to apply to DEFRA to allow the Board to pay the Chairman an allowance of £3,500.

14. FINANCE COMMITTEE MINUTES

RECEIVED the Minutes of the Finance Committee Meeting held 24 June 2019.

(As attached to these Minutes - Appendix 7)

Minutes were noted and no comments made.

15. JOINT SERVICES MINUTES

RECEIVED the Minutes of the Joint Services Committee Meeting held on 9 September 2019.

(As attached to these Minutes – Appendix 8)

Minutes were noted and no comments made.

16. INTERNAL AUDIT SUB COMMITTEE MINUTES

RECEIVED the Minutes of the Internal Audit Sub Committee Meeting held on 29 October 2019.

(As attached to these Minutes – Appendix 9)

Minutes were noted and no comments made.

17. INTERNAL AUDITORS INTERIM REPORT 2019/2020

RECEIVED a copy of the Internal Auditors Interim Report 2019/2020 produced by David Griffiths on 29 October 2019.

(As attached to these Minutes - Appendix 10)

The Internal Auditors Interim Report was noted, and no comments made.

18. EXTERNAL AUDITORS REPORT YEAR ENDING MARCH 2019

RECEIVED a copy of the External Auditors Report year ending March 2019.

(As attached to these Minutes - Appendix 11)

The External Auditors Report was noted, and no comments made.

19. ESTIMATES AND SPECIAL LEVIES

RECEIVED a copy of the Board's Estimates for the 2020/2021 financial year.

(As attached to these Minutes - Appendix 12)

The Chief Executive started by saying that overall the Board is in a better position than it was 12 months ago, and the Board's finances are also looking healthy.

He asked Members to look at the rates and levies due page and explained that some councils have a 3.5% increase and Swale BC a 3.6% increase, but this was down to an increase in developed land.

The Chief Executive talked through each page of the figures and reminded Members that the Finance Committee's recommendation is to increase the penny rate to 6.1950 for the next year, a 3.5% increase. He then asked if Members had any questions.

D Dewar-Whalley confirmed that the internal auditor had looked at this to check he was happy with this and had confirmed he was.

The Technical Assistant took the opportunity to remind Members of the ADA guidance relating to the personal financial liability of Board Members. He explained that liability would be placed upon Members should they act "recklessly" and the example given was if a decision was made by Members that went against all the advice and facts members were presented with. It was added that this is deemed highly unlikely to occur.

The recommendation of a 3.5% penny rate increase was discussed, and all Members were happy with the increase.

On a proposition by H Browne, seconded by D Dewar-Whalley it was **AGREED** to set the penny rate at 6.1950 and that the Chief Executive and the Chairman should sign the Drainage Rates & Special Levies Certificate.

ALL Members were in favour.

20. HEALTH & SAFETY UPDATES

RECEIVED a copy of the updated Workforce Policy List.

(As attached to these Minutes - Appendix 13)

The Chief Executive explained that they had gone through all policies recently and confirmed they had just gone through just policies at this stage and not procedures.

D Dewar-Whalley confirmed they had changed a few policies and had brought in the latest legislation.

The Technical Assistant explained to Members that everything relating to health and safety conveyed from the Board and we are building a culture within the Board.

The Chief Executive confirmed the workforce had now been issued with new smart phones.

The Technical Assistant confirmed this had improved efficiency and communication between the workforce and the Works Supervisor and the new phones had better cameras, 4G and we were better able to monitor usage and able to locate them better and this was extremely useful for lone workers.

The Technical Assistant informed Members that an outside organisation has done an inspection of the depots, pump stations and office. He explained that the main issue in the office is the fire doors are not adequate and are expensive to replace. He further explained that inadequate external lighting had also come to light.

The Technical Assistant explained that we have been advised that we may have problems selling the office building without changing the fire doors and we have a Fire Stopping visit on 6 January 2020 which was costing £350.

D Dewar-Whalley didn't agree that we may have problems selling and felt it depended who purchased the building but agreed we should go ahead with getting the quotes as planned. He felt the cost was not really necessary and the cover we have is reasonable.

The Technical Assistant explained that Tiptree Depot was in good condition, however, lack of emergency lighting had been highlighted and torches have been purchased to rectify this. Clutter which could inhibit the emergency services had also been highlighted and this had been resolved today.

The Technical Assistant also explained that due to Harty and Leysdown's pump stations age we were reluctant to make any expensive decisions on improvements.

D Dewar-Whalley confirmed that as some of the pump stations were likely to be rebuilt we are taking temporary measures to remove and risks but we are being cautious.

S Batt said he wanted to say well done to both the Technical Assistant and Works Supervisor for the work they had done on the Risk Assessment Method Statement & Safety Advice Guide. A copy was passed round to all Members to view.

D Dewar-Whalley added that this was the best document of this type that he had come across in 40 years and compliments should be given to the Technical Assistant.

D Dewar-Whalley also confirmed that fire training for all staff was coming up soon.

21. WORKS HEALTH & SAFETY GROUP MEETING

RECEIVED the Minutes of the Works Health & Safety Group Meetings held 9 July 2019 & 7 October.

(As attached to these Minutes - Appendix 14)

Minutes were noted and no comments made.

22. PLANNING APPLICATIONS

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

(As attached to these Minutes - Appendix 15)

The Chief Executive read through all the planning applications received.

The Chief Executive took this opportunity to confirm that no consents had been granted since the last meeting but there were a couple in the pipeline that had not yet been granted and had been recently circulated to Members. He confirmed that the Belgrave Road consent had been put on hold for the time being until MTS had carried out a CCTV survey.

H Browne left the meeting.

23. APPROVAL OF CALENDAR OF MEETINGS 2020

Members considered and approved the calendar of meetings for 2020.

(As attached to these Minutes – Appendix 16)

The Chief Executive explained that the main Board meetings had been reduced to 2 meetings a year, the Finance and Board Meetings were no longer on the same day and the meetings were now more evenly spread throughout the year. He also explained should we need to call an emergency Board or Finance meeting we could obviously do that.

AGREED dates:

Date	Meeting	Time
Friday 6 March	Joint Services Committee	2pm
Monday 27 April	Board Meeting	1pm
Tuesday 26 May	Finance Committee	10am
Friday 4 September	Joint Services Committee	2pm
Tuesday 13 October	Estimates & Finance Committee	2pm
Monday 23 November	Board Meeting	1pm

R Truelove mentioned that 3 councillors from Swale Borough Council were not in attendance today and he had asked why we had not received apologies from them. He said that R Palmer had not received any communication about today's meeting.

The Office Manager confirmed that all Board Members had received confirmation by email as per the email addresses provided on the Members Address List which included R Palmer's Swale BC email address.

C Buckwell confirmed that G Etheridge was on holiday and unable to attend today's meeting.

24. ANY OTHER BUSINESS

a) DEFRA – Publication of the IDB Research into Board Membership

The Chief Executive showed Members some slides which were taken from the IDB Research into Board Membership from DEFRA.

The Chief Executive explained that the Lower Board's attendance was good.

b) ADA – IDB Health, Safety & Welfare Survey 2018

The Technical Assistant explained that the Chairman had signed the Health & Safety Policy Statement earlier, but next year we will be looking at a statement of intent. He introduced a study by ADA into health and safety records of IDB's. It displayed trends in health and safety weaknesses across the industry. He said that while we were not perfect, the Board had done a lot of good work to improve in areas mentioned, and that more work was planned to further improve. He also recommended training at Board level and making a record of Members expertise in order to fully utilise the powers that the committees had.

25. PRIVATE & CONFIDENTIAL MATTERS

G Mitri Renner, the Works Supervisor, Technical Assistant and Finance Assistant were asked to leave the room.

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.

Blue papers were circulated to Members and the Chief Executive gave an update on matters.

26. DATE OF NEXT MEETING

The date of the next Board meeting was confirmed as Monday 27 April at 1pm.

27. CLOSURE

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