

UMIDB
UPPER MEDWAY INTERNAL DRAINAGE BOARD



MINUTES OF THE MEETING of the BOARD
held via **Zoom Conference Call**
on **Tuesday 23 March 2021 at 1pm.**

Members of the Board Present

H Rogers - Chairman

M Boughton
M Davis
P Dixon
D Goff
P Harper
S Highwood
C Mackonochie
S McGregor
J Perry
W Thompson
C Wheeler

In attendance

O Pantrey – Clerk
L Rowland – Office Manager
L Carey – Finance Officer
J Davis – Works Supervisor

David Lowe – Environment Agency

The Chairman thanked David Lowe for attending the meeting and also welcomed J Perry who is a new Member to the board joining us from Maidstone Borough Council.

1. APOLOGIES

Apologies received from O Baldock, S McLeod and G Swift.

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. EA PRESENTATION FROM DAVID LOWE

The Clerk welcomed David Lowe to the meeting.

David Lowe confirmed he is the Technical Advisor for Medway and North Kent Asset Performance team and was here today to talk about the precept for the previous year and also the upcoming year.

David started his presentation confirming the precept for 2020/21 was £124,000 and gave his breakdown of spend (£57-67,000) as follows:

- £500 – Chafford Sluice
- £2,000 – silt testing at Hope Mill and has some works to do at Hope Mill next year
- £17,125 – working with Medway Valley Countryside Partnership on invasive species works
- He explained that the work on Bockingfold Sluice repairs had to be put off, but they were hoping to carry over £15,000-£20,000 and this was due to start on 6 April.
- £27,000 towards general plant and hire and fuel costs.

He explained that they had trouble spending the money due to COVID staffing levels and he confirmed that it had been agreed for the precept to be lowered for the new financial year to £90,000.

David asked if there were any questions.

A discussion took place regarding Japanese Knotweed.

The Chairman said that there were bad Patches in Yalding on the Beult.

The Clerk mentioned issues at the Gravelly Ways site and also at Ashurst and he would resend details.

David asked if he could be sent the grid references where they are, and he would look into whether they are already being covered or not.

David gave his prediction of spend of £90,000 for 2021/2022 as follows:

- £30,000 – Beult and pioneering works
- £10,000 – Hope Mill desilting works
- £20,000 – modelling project by external consultants on auto sluices
- £20,000 – invasive species works with Medway Valley Countryside Partnership
- £5,000 – plant and hire costs associated with works
- £5,000 – general works and fuel costs across the Medway patch

David also explained that they are looking to put together PSCA agreements in the next 2-3 months and there may be an opportunity to have some money back as a result of this.

The Chairman asked about the PSCA agreements.

David confirmed that the PSCA agreements allows the EA to hand back money if the precept money has not been spent.

The Clerk said that he wished to clarify about money passing back to us from the EA and said that there does have to be a good reason. He explained that if they do underspend for the year generally speaking, we will find a project for that money to go to and that money cannot just be passed back because it hasn't been spent.

P Harper asked why there was two different figures on the Section 141 Statement, one of £99,342.97 and one of £90,000.

The Clerk confirmed the £90,000 figure on page two was our precept figure.

The Vice Chairman thanked David for this presentation and said this was the first time we had received factual information and hoped this would continue in the future.

David ran through work they are doing outside IDB including the Leigh barrier embankment scheme and a long conversation was had about this plus concerns in the Mill Stream area.

David confirmed a report would be sent to us which could be forwarded on to Members.

4. EA SECTION 141 STATEMENT 2021

RECEIVED a copy of the EA Section 141 Statement 2021.

(As attached to these Minutes – Appendix 1)

As the EA Section 141 Statement had been covered in the previous agenda item, no further questions were asked.

5. MINUTES

RECEIVED a copy of the Minutes of the Meetings of the Board held on 10 November 2020.

(As attached to these Minutes – Appendix 2)

It was **AGREED** that the Minutes of 10 November 2020 were correctly recorded and should be considered as approved.

6. ACTION LIST & MATTERS ARISING FROM PREVIOUS MINUTES

RECEIVED a copy of the Action List of the Board held on 10 November 2020.

(As attached to these Minutes – Appendix 3)

The Clerk confirmed that the 3 items listed on the agenda will be discussed in more detail later in the agenda.

7. CHAIRMAN REPORT

The Chairman confirmed that he had attended two meetings with the EA which resulted in the finalisation of the Section 141 Statement. He confirmed he had also attended various Finance Committee Meetings, including most recently a Lower Board Finance Meeting with the Vice Chairman and more about that will be discussed later in the agenda.

He explained that there is now in place informal meetings of the Chairmen/Vice Chairmen of both Boards which the Clerk attends and D Dewar-Whalley from the Lower Board chairs. He said these meetings are proving to be very productive and are very important informal meetings where strategic decisions can be made on how to guide our Boards into the future.

He said there had been various issues with finance, admin, banking and general support for the Clerk and he had also attended one specific meeting to discuss bad debt and an action plan had been put in place for that.

The Chairman asked Members if they had questions.

No questions were asked.

8. CLERK REPORT

The Clerk gave his report as follows:

With Covid being essentially part of life now it has become easier to manage into the future as the advice became simpler to interpret and the development of the vaccine given better roll out timings. Since the last meeting staff have been working from home but from the turn of the year, we have been keeping an office presence 3 days a week on a rota. The Works Supervisor continues to operate from the office due to personal circumstances.

This rota has served to bring routine back to office working, albeit on a small scale, and allows for workloads relating to post, printing, and other tasks to be spread across the 3 other members of the office team. While the timeline for a full office return is still some way off due to the vaccine, it is likely we will all be back working from the office as a base around the end of May/start of June, as an estimation. Clearly there is a need for the office, and it is the best way for collaboration to occur, but the pandemic has highlighted the uses of remote working, and the option will remain open going forward, although on a more relaxed basis.

The workforce is still working on a rota system and have been now for roughly 6 months. Over Christmas and New Year, we had several members working overtime and through their holiday in order to maintain a presence and clear blockages during the bad weather. Going forward we are expecting to have the ground force back in from April 12 in separated teams but all working every day as opposed to a rota. We will be enforcing the usual hygiene standards and masks in vehicles will be mandatory for the foreseeable future.

Staffing

The newest member of the ground team has been established and is integrating well. He has been given an induction and has been working with various other members of the team to get to know them better. Jordan joins us with a managerial background at several golf clubs and will be a great asset to us into the future.

The Technical Assistant role is being re-filled, hopefully in the coming weeks. We had two applications from the ground teams, both of which were from the LMIDB. It is my intention to interview the prospective applicants next week with a member from both the UM and LM IDB's in order to make sure they are both conducted fairly, and also so that we have a good understanding of whether either person is suitable for what is a very demanding role.

As you may be aware John Davis will be leaving us in the next few years, and we thank him for his long-term notice. This will require someone to shadow and then replace him, discussions of which are ongoing between us. While there will be ample opportunity to say farewell, on a personal note John has been invaluable to me as a mentor and friend since my arrival at the company and it will be extremely sad to see him go. His replacement has extraordinary boots to fill, but I am sure that he will have the right person in place and prepared for when the time comes. It is important to say again this is a long-term notice and there is plenty for John and myself to achieve before he leaves.

Health and Safety

Although the Christmas period was very busy, with flooding occurring throughout both districts we maintained a good safety level with no injuries recorded. We did have a Near Miss report which was for slipping on ice by a watercourse, and I am pleased to see that this vital form is now being utilised by the ground teams.

I have also been working on, and subsequently launched, an app for our ground staff to record and document the location of hazards and invasive species. This app has multiple uses including that of tracking work started and completed. This in turn should offer us better understanding of how much maintenance we are completing and the need for additional staff or contractors.

The hazards list will prove to be a very useful too, not only for the existing ground teams, but for contractor safety also. The format used gives a good visual representation of potential problems and

UMIDB

dangers while also allowing the teams to add new hazards as they find them. We will continue to monitor this, but initial signs are positive.

Something that has arisen from the use of the digital format is the need for DSE evaluation. The feedback we have is showing signs that working from the phones for inputting has caused some levels of difficulty due to the way the devices display the content. As a result, I will be trialling tablets in the coming months to see if this improves the overall experience.

Office Admin

We continue to use and develop the in-house system for paperwork and while there is still the occasional bug, it is proving to be very successful in our drive towards a paperless office. There have been new forms added to track holidays and make this task slightly less contrived than in the past, while also increasing the transparency.

I am pleased to say that our website now has a form that members of the public can use to report blockages. Over the Christmas period we were overwhelmed by calls and I decided that a system needed to be introduced that allowed us to catalogue and plan responses. This has proven so far to reduce the length of time we spend on the phone, while allowing retrospective action to be better recorded also.

Our discussions on human resources led us to organise an external specialist to come in and organise our current arrangement. Janet Marshall came in last Friday to go through the HR files and put them into an order that made the digitisation more straight forward. She also discarded unnecessary papers we were still in control of so that we were not in breach of GDPR. These files will now be transferred to our server so that we can remove the need for paper elements where possible. It is important to note that we will retain past employee files for a set number of years to comply with regulations.

Planning and Development has now been running for 8 months with the WLMA. We have managed to handle some simple consents internally but the partnership with the WLMA is starting to bear fruit. We will be receiving monthly updates instead of quarterly in the future so as to keep a better track of what is and is not being commented on, while also letting us know the progress of consents that are underway.

I am delighted to say that we are awaiting confirmation back from a developer in Paddock Wood about the first ever Surface Water Development Contribution. If the conditions of the consent are agreed this will see a contribution of £77,836.55 paid to the UMIDB (20% is of course payable to the WLMA for the processing). This will bring in £62,269.24 of funds that can be used on projects around the site and the district.

EA Partnership

The PSCA with the LMIDB is now signed and approved, paving the way for a similar agreement with the UMIDB. I will continue to liaise with the EA over this, primarily with David Lowe who you met today. The PSCA gives us the option to undertake works that might not otherwise get done due to time constraints on the agency and I look forward to seeing what we can achieve together once this is in place.

It has also become a concern to us that some COWs are not being maintained as expected, and there is a worry these may increase the risk of flooding. I will continue to monitor this and work with both David Lowe and John Davis to establish watercourses we may want to take back into IDB adoption.

Local Issues

This winter saw very high levels of rainfall that caused problems across both districts. Flooding at Penshurst continues to be a major area of problems where the Eden meets the Medway. It is difficult to assess whether anything can be done here, but we did not receive many calls about this area.

UMIDB

This would suggest that danger to property is low. As EA main river, it is entirely possible we have been left out of any communication, but we will continue to monitor it.

Staplehurst saw serious flooding in the usual places such as Couchman Green and Clapper Lane. The backing up of the river led to ditches being unable to clear themselves. This build up caused issues on the roads as highway ditches became overwhelmed. It also highlighted a wider issue that we have with riparian ownership and how we might tackle this historically difficult situation. WC 10, which runs from Friday's at Knoxbridge, down to Cherry Tree Farm and Headcorn Place Farm suffered extremely high levels and flooding at Mill Lane in Frittenden was as bad as I have seen it. The IDB was frequently present but there were no blockages to be removed or obstructions that would have made the situation worse as this was due to very heavy bursts of rain discharging into a district with a full river. Some properties were flooded briefly and called us to remedy the issue. As you will be aware this is outside the IDB's remit, but we attended and helped where possible. Landowners were reminded of their right to defend their property and this will continue to be the line taken going forward. It does raise the question of whether the IDB should have pumps to assist in these matters and take some pressure away from the emergency services.

Colliers Street, Haviker Street, Paddock Wood, and Marden all saw very high levels of water in the expected areas. The IDB maintained a dialogue with the local flood teams and acted upon information about blockages and obstructions. This again was largely down to volume of water on a saturated catchment but storage due to lack of riparian maintenance may serve as a way to move and restrain some water in the future. I, the Works Supervisor, and the Vice-Chairman have been working with local landowners to rectify problems, but we do appear to have some grey area issues about highway ditches. I will work with the EA, KCC and local landowners to establish some better guidelines about riparian and authority responsibility.

Training

Training continues to be held back although opportunities are looking more promising as the year progresses. We will be looking to conduct regular training such as fire, health and safety at work, and manual handling in the coming months. We will also be training two of our ground team on plant for the coming season. This will consist of a tractor and excavator course.

The Clerk, Works Supervisor, and eventually the Technical Assistant will all go through the CITB SMSTS course to make sure we are suitably qualified for the EA PSCA.

Biodiversity

We continue to liaise with Carol Donaldson on the progress of the BAP, for which we are expecting a draft around April. The practical elements of this will be drawn up in due course and meetings with the ground teams will be arranged with the Works Supervisor.

There is also continued participation in local groups that branch out conservation and biodiversity into slightly different areas from our standard practices. However, the South East Rivers Trust have some interesting ideas on NFM that I will be exploring, aimed primarily at the Upper Beult region of the district.

The Chairman thanked the Clerk for his report and congratulated him specifically on the Surface Water Development Contribution money. He said it does raise the question if this money should go towards a long term commitment from ourselves in terms of maintenance work and how we deal with the finances.

The Clerk said that the money certainly looks to improve the network in Church Farm in Paddock Wood and said there is already some elements where he needs to work with Network Rail in order to spend some of that money. He added, where we carry that money over, we should look to see it as money that is available to the Board, but if projects come up that will be the ideal place to spend the money so not using public funds in those areas. He said there does need to be a level of prudence with that money and ultimately there is no ringfence and we can do with it what we see fit.

The Chairman asked Members if they had any questions.

J Perry thanked the Clerk for all the work done in the Staplehurst area and said that there is a riparian ownership problem where landowners are not being cooperative and asked what we need to do about that. He also raised the issue of the area around Pets at Home experiencing flooding that hadn't been seen in the past and wondered what the Clerk's thoughts were on that particular issue.

The Clerk said that riparian ownership was a sticking point and he was aware that the Vice Chairman also wished to raise the issue in today's meeting. He explained that more often than not when we ask a landowner to clear a ditch, generally they do and then they go on to maintain it. He said the problem is education and information specifically around riparian issues. Not everyone does maintenance and then the IDB have a decision whether to enforce it or whether to take on the responsibility ourselves and then ask the landowner to do maintenance going forwards. He said he felt the IDB should be taking responsibility for the extreme cases, rectifying them where possible and then enforcement should be made on the ongoing maintenance. He said, however, if people are just generally letting their watercourses go and causing a nuisance that is a different matter. Overall education is the key point, and we are working with KCC and the EA to find a better solution. He also pointed out that riparian ownership was a key subject on the newsletter that is being sent out with the rate demands, so we are actively tackling a difficult situation.

The Clerk said to answer the question regarding the area around Pets at Home, he said these were extraordinary events and that was why they had received flooding when they usually wouldn't. He explained that there was an average of 212% rainfall in December on already saturated catchments and that particular watercourse has a very high set of hills that drop into that catchment almost as far as the other side of Cranbrook. He said in terms with how we deal with that, it really needs to be controlled in the Upland areas. He said the problem for the IDB is that we are resigned to a catchment which tends to be at the bottom of the hill and we need things to be done at the top of the hill and we tend to rely on KCC for that.

The Clerk added that in the future there may be an environment bill which will offer the opportunity to alter IDB districts where necessary in order to provide a better service for drainage and it may be as a result of that bill we are able to discuss areas that the IDB needs to take more interest in. Until that bill goes through, which could be later this year, we are in a difficult situation in controlling that.

J Parry thanked the Clerk for his comprehensive response and said it was not easy and he had a difficult job.

The Vice Chairman said that riparian ownership is an ongoing problem. He said we had some success recently when The Clerk wrote to one landowner and the landowner has cleared the ditch along side the road and also put a new pipe in that had been damaged by his tractors going in and out of the field. He said however, the problem is likely to get worse. He said he had spoken to the EA, the IDB and KCC and they have had more calls about flooding on roads than ever before and a lot of this was down to the maintenance of roadside ditches which no one seems to want to take responsibility for.

The Vice Chairman said that he had spoken to Mark Green from Maidstone Borough Council and he said they may have some money set aside for drainage works that we could potentially use if we cannot get the riparian owner to do the work. He asked whether it was likely that any other councils may have similar monies and if Councillors could look into this further and come back to the Board with their findings.

The Chairman said that as far as Tonbridge & Malling Borough Council are concerned, he is aware there is money for drainage but what it is used for he was not sure. He said he would investigate further and find out.

C Mackonochie said that she didn't know about any available monies and would also look into this. She said she was very interested and pleased about the Surface Water Development Contribution for Paddock Wood and asked how this had come about, and is there a chance for more? She

mentioned the Tunbridge Wells Plan that's due going to Red 19, particularly in East Capel. She said presumably if that goes ahead there could be quite a lot there that could fall under the IDB.

The Clerk said he did not want to promise riches that cannot be delivered. He said having said that, if there is a creation of an impermeable surface within our district, the Byelaws that we have and the development plan that we put in place last year does allow us to charge depending on the scheme of attenuation for any creation of an impermeable surface. To say that every development within the IDB would be subject to charge is a difficult question to answer and is very specific to development itself. He said what he has seen from the WLMA they do chase this money and are extremely thorough in their investigation. He explained that they earn 20% of the fees so there is a financial motivator for them to chase this money on our behalf. He added, that it is important to say Section 106 to his knowledge does not include provision of Surface Water Drainage and it's because of that we have put in place our own sustainable planning and development program. He said he will endeavour to get money from developments, but he was reluctant to promise any figures.

C Mackonochie thanked the Clerk and said this was perfect timing.

The Chairman asked if there were any further questions.

S McGregor asked if we had considered applying for CIL money for future capital developments.

The Clerk said his preference would be avoid using the community infrastructure levy as it takes funds away from other public services. He said we could apply to the Public Works Loan Board if we wished to go down that route.

The Chairman said it was his understanding that there was not any CIL money from the Leigh Barrier which would have been a huge contributor potentially.

9. WORKS SUPERVISOR REPORT

RECEIVED the Works Supervisor Report Number 161.

(As attached to these Minutes - Appendix 4)

The Chairman asked if there had been any updates since the report and said Members were being asked about a decision on the future of the excavator. He said he felt there was not quite enough information in the report for the Board to make a decision, but it was important that the Board were aware of this. He requested that the excavator item be treated as more of a for information item than a decision item.

The Works Supervisor thanked the Clerk for his kind words earlier. He said that regarding the excavator it had been brought up on several occasions in the past and the machine was now 16 years old, and he had included a rough break down of costs in his report to keep the machine running. He suggested possibly purchasing a second hand machine with low hours so the depreciation was picked up by the previous purchaser. To give an example, he said that over the last two years we have hired Keaveney Plant hire to operate our machines and this has cost £19,925. He said he could purchase a machine for £60,000 with low hours, and have one of our own trained operators on it and felt with the PSCA agreement he personally feels we need our own machine. He added that we also need a specific machine with low flow circuits to operate our weed cutting bucket so we would not be able to use one of Keaveney's machines for this. He said we could use someone like Land & Water, but they would charge a huge amount of money. He concluded by saying now that we are looking to develop the maintenance program, which will include more pioneering works we need to update the machinery that we use to meet the needs of the PSCA works and the extreme conditions we are now experiencing. He said there are watercourses that have not been maintained for a number of years that also require a lot of work.

The Chairman asked if there were any questions for the Works Supervisor and said it was important we look at the excavator issues.

C Wheeler said that the excavator had always cost lots of money and the amount of time we need it he felt we should rent a machine/use contractors and that we didn't need the liability of our own machine.

The Chairman said if we negotiated a contractor in advance, it would be cheaper.

The Works Supervisor confirmed that he was currently undergoing a marketing testing exercise with Keaveney to supply an excavator complete with an operator for the coming season and he will have the details of this in the next couple of weeks.

The Chairman said we also need to take into consideration the transportation costs when hiring plant.

The Works Supervisor said that a move can cost up to £300 and he was currently looking to get transportation costs down. He added that we could also hire an 8 tonne machine to carry out works on smaller watercourses and we also hire a wheeled machine to carry out works around the highway sections. He said for the PSCA works we are looking to do, we will need to, in time, have additional plant at our disposal as this plant is not available off the shelf unfortunately.

The Chairman asked whether there was much cross use on the excavator.

The Works Supervisor said at present there's little use, but said the excavator was going into the Lower area tomorrow.

C Wheeler asked what the Lower Board do.

The Clerk confirmed that the Lower Board have their own operator for the excavator.

The Clerk said he was discussing with the Lower Board/Works Supervisor the purchase of a small wheeled excavator. He said with a contract we need to be careful, because if the weather turns we may still have to uphold our agreement with the contractor.

The Works Supervisor confirmed this and said as on his report, they would want a firm commitment from the Board of 3-5 years which means full payment even if weather conditions prevent work being carried out.

The Chairman said it was an important decision to make and asked the Clerk to make this a main item in the next Finance Meeting to look at this issue/ratification.

C Wheeler suggested that the Lower Board should purchase a replacement as they have more money and the Upper Board could cross hire from them.

The Clerk said that was an interesting point and that was entirely feasible as this was an ongoing discussion he was having with them.

The Chairman thanked the Works Supervisor for his time.

10. BIODIVERSITY ACTION PLAN UPDATE

The Clerk thanked C Macknochie for agreeing to become the biodiversity representative for the Upper Board.

The Clerk informed Members that Carol Donaldson had now completed the audit phase of the BAP, making sure that everything is still up to date in terms of legislation and information held within the existing BAP is correct. She is now working on the practical elements of the plan and she will be meeting with the ground teams so they are implemented. He explained, this will allow Carol to see our current standards and techniques and give us some pointers on how we can improve them. He

said this will also give us the opportunity to demonstrate to Carol what we will and will not be able to do practically.

The Clerk also explained that Carol is also going through water level management plans to determine their impact and how we might utilise these documents. He said that most water level management plans tend to be high level water level management plans relating to marshland and which will be more important to the Lower Board, however, she might find a place for the Upper to introduce a water level management plan going forwards.

The Chairman asked if Members had any questions.

No questions asked.

11. NEW OFFICE UPDATE

The Chairman said that he hoped Members have had the chance to read the email that was circulated regarding the purchase of a new office building and said that it had been a very busy week last week. He explained that himself and the Vice Chairman had been invited by the Lower Board to attend their finance meeting and he was particularly grateful to have been invited and to be able to take part and express opinions. He said he generally feels there are significant benefits to the Upper Board as there are no capital outlays and we will no longer be a property owner but a tenant instead.

The Chairman asked the Vice Chairman to give a brief overview on the new office.

The Vice Chairman confirmed that M Davis had also joined the Lower Board Finance meeting and it had proved that we had moved on a long way in the last few months with the relationship with the Lower Board as they could have gone ahead with the purchase without any input from the Upper Board. He said he felt the email had outlined a lot of the information and asked Members if they had any questions or wanted any points to be expanded on.

P Harper said that he had found it interesting reading and said it had moved a long way since the last meeting. He said there were a couple of key drivers - to get out of the current office and the requirements of the Lower Board to get a co-located new depot and we have moved away from that to purchasing an office in Sittingbourne and the issue of the depot is now being looked at separately. He said that if we were looking just to relocate the office location, he found Sittingbourne an odd choice and said it would take him 30 minutes to get there and he was the closest Member on the Board. He wanted to know the logic to the Sittingbourne location from the Upper Board's point of view.

C Wheeler said that he wanted to endorse P Harper's comments and said he felt it was a hell of a rush and was amazed how it had happened so quickly. He said he felt to have an office and depot on the same site was too good of an opportunity to miss.

The Vice Chairman said as detailed in the paper, the initial site was not going to go ahead for various reasons and the options that had been looked into were not available either. He said COVID had changed things dramatically, however, he accepted it had happened very quickly, but something had to give all the time that we have two Boards with shared staff. He added that Board meetings no longer need to be held in a boardroom so the location should not be an issue. He concluded by saying the amalgamation of the two Boards requires more of a conversation, even though we are not quite ready for that yet.

M Davis said that this had saved the Board hundreds of thousands of pounds and also accepted it had moved quickly. He said that the compulsory purchase had proved not to be realistic, and the Lower Board are determined to purchase and not rent offices. He said part of the reason for the haste was that the building was already under offer. He said it was a very sudden decision and he had been invited to take part in it and our input had been appreciated.

M Davis said that his inclination was always to rent somewhere and that is effectively what we are doing as an Upper Board and it was hard to argue against that due to the huge savings we will be making. He said we will no longer be paying for half of a new office build. He said the new office is bigger than we need, which means there is the potential for the Lower Board to sub-let. He finished by saying apart from the location/preference for jointly renting we could not rationally oppose.

The Vice Chairman said that we were grateful we were invited to go to the meeting and said the Lower Board would have gone ahead with it anyway.

S McGregor said that he agreed that the Sittingbourne location was irrelevant, as long as the staff are happy to commute to the new location. He said that this was a significant saving, and we should say thank you very much and move forward. He added that the money we would be saving could help in not having to increase the special levy and we could buy/lease a new digger and use the money for what we should be actually doing and not worry about the office location.

P Harper said the fact that the Lower Board were going to do it anyway speaks volumes and this was typical over the last few years. He said a silver lining he could see was this would be a good opportunity to put the special levy down and we would have more money in the bank. He said that it would make sense to have a Medway Drainage Authority and it doesn't seem to be much point in having an Upper Board. He also asked as a public body are we bound by the law to have to go back to physical meetings in May, when the current legislation runs out. He also made the suggestion of hiring a conference facility nearer to Maidstone if the Board meet in person in the future.

The Clerk said that the legislation runs out in May and efforts were being made to change that and said that Zoom meetings had been a wonderful addition and has also increased attendance for the Upper Board and said attendance had been an issue in the past.

The Chairman said we could justify hiring a venue for meetings if necessary.

W Thompson said that the crux of the argument should be the charges in rent and what we will do with the money we will save.

The Clerk said that he was unable to answer the question regarding the rent yet and further discussions would need to take place on that. He said there was the opportunity to let out the other floor and it was important that the Upper Board are only paying for the half of what they will be using and to make sure that they are being charged sensibly for the running costs and any other expenses.

The Clerk asked M Davis what the difference was between a tenant and licensee?

M Davis said there wasn't much of a difference really and that a tenant has a lease and a licensee doesn't have security of tenure, but a lease was still a lease. He said it was going to be quite hard to produce a document that works for the sharing element and was quite interesting in terms of legal terms.

The Clerk said we need to consider where we spend the saved money and we have two options either to drop/freeze the rate or re-invest the money to use for public good.

S McGregor said his view was when the money was in the bank perhaps we could freeze the rate for a while and we have a need to purchase equipment by the sound of things. He said once we sell Albion Place we will also have additional revenue from that.

The Clerk confirmed that we were in the process of asking Sibley Pares to do their yearly valuation on Albion Place and we were asking them to also include in the valuation the potential of maximising the sale. He said the current valuation was for £250,000-£300,000 and we would need to decide whether to sell quickly or to hold on to the liability.

M Davis said that Albion Place was jointly owned and we did need to look into the development potential/prospects and how and when to sell it. He asked whether we needed to distinguish between capital and income and can we spend capital as we like or do we have to ring fence it?

The Clerk said that it comes down to the Board's discretion.

The Chairman said that wanted to endorse what S McGregor was saying and with the reduced revenue liability by becoming a tenant we have the potential to increase the level of work force and his preference would be to take the opportunity to increase the work on the ground. He said that careful negotiations regarding the new office was important and his preference would be for the Upper Board to become a tenant of the Lower Board to minimise the level of shared responsibility of running costs as he felt this would be easier and would also reduce cross charging. He said this will be a discussion for a later date and a decision we have to make. He said that it was important to come to a couple of formal decisions today and made the proposals below.

On a proposition by The Chairman seconded by S Highwood, it was **AGREED** that the Vice Chairman and M Davis should continue to represent the Upper Board to negotiate with the Lower Board regarding the new office.

This was unanimously **AGREED**.

On a proposition by The Chairman seconded by S Highwood, it was **AGREED** that the Upper Board are happy to progress with the move to the new offices in Sittingbourne, to share costs on a reasonable basis and in principle to sell the Albion Place offices.

8 Members were in favour, 3 against - P Harper, J Perry and C Wheeler. C Mackonochie abstained.

The Clerk said that this was a pivotal moment for this Board and we must acknowledge the importance.

P Harper requested that it be minuted that his reason for voting against was there wasn't enough due diligence/scrutiny for a public body.

M Davis said that he was concerned that some Members have voted against this decision and asked to hear from those Members if it was principle of renting and not owning or was it the deal they are uncomfortable with.

P Harper said he was not concerned whether we owned or rented, but it was the speed in which this had happened and commented that local authorities would not have this power to make this kind of decision. He said his concern was due diligence and what other properties were available if we were just purchasing offices and felt there was no rationale behind it and we had no choice.

C Wheeler said that he agreed with everything P Harper said.

J Perry said he also agreed with P Harper and felt it was rushed and felt we were being held to ransom which he didn't like and felt uncomfortable with. He said he understood the principle and was not concerned about whether we rent or buy but did feel there was a big due diligence issue.

The Chairman said to give J Perry a bit more background we have been talking to the Lower Board about this for a number of years and in the past the Upper Board had made a commitment to the Lower Board and agreed to put by £300,000 towards the creation of a new office. It had been agreed in principle that it was time to move and sell Albion Place. He said he fully agreed/shared concerns on the speed it has happened, but if we had dug our heels in, they would have lost the purchase.

The Vice Chairman said that he would like to come back to the original point that he had made that the Lower Board would have gone ahead without us. He said we are where we are and he accepts it was rather rushed but we did have an opportunity to voice concerns. He said it is important we are strong in holding up for fair and favourable terms. He said with regards to due diligence he is

not sure we should have done more and was not an expert in that field and was it fair to say it was too late.

The Clerk said that things had happened quickly, but nothing was too late and if the Board are unhappy they must make that clear now. He said you are your own Board and you should not feel pressured.

The Vice Chairman said that the majority of people on the Board were not around when the original decision was made back in 2017 and we are having to play catch up and to be blunt that was why the Lower Board has got fed up with the Upper Board and have gone ahead and done it. He said he still firmly believes, with the right negotiation we can get a good deal for the Upper Board.

The Chairman said that he fully endorsed what the Vice Chairman said. He said we do have to recognise that the decision has been voted on and it was a majority decision, however, it was a shame it was not a unanimous decision and wanted to move things on as we were only half way through the agenda unless anyone wanted to raise an urgent issue.

The Chairman said the Vice Chairman and M Davis will keep all Members informed before any agreement is made by the Upper Board to any of the terms of the new office.

12. REGISTER OF MEMBERS' INTEREST 2021/20

The Office Manager confirmed that a new form will be circulated to Members shortly for the upcoming new financial year. She explained that an editable form has been created and Members will have the choice whether to complete this form online or fill out a paper form.

13. POLICIES REPORT

RECEIVED a copy of the updated Governance Documents List.

(As attached to these Minutes – Appendix 5)

The following policies were emailed separately to Members from the agenda for Member's review/information:

Updated - Approved

Members Expenses Policy (approved by Joint Services December 2020)

Updated - Approval Required

Anti Fraud & Corruption Policy

Gifts & Hospitality Policy

Members Code of Conduct

Pension Policy

Whistle Blowing Policy

New - Approved

Contracts Standing Orders and Procurement Policy & Procedure (approved by Joint Services March 2021)

New - Approval Required

Biosecurity Policy & Procedure

Debt Policy

Policy

The Chairman asked if there were any questions on the policies.

No questions were asked.

On a proposition by The Chairman seconded by P Harper, it was **AGREED** to approve all policies requiring approval as above.

This was unanimously **AGREED**.

14. FINANCE COMMITTEE MINUTES

RECEIVED the Minutes of the Finance Committee Meeting held on 8 December 20120.

(As attached to these Minutes – Appendix 6)

The Chairman asked Members if they had any questions.

No questions were asked, minutes were considered as noted.

15. NEW FINANCE COMMITTEE MEMBER

The Chairman explained that S Highwood had agreed to become a Member of the Finance Committee, subject to the Boards approval and he wished to thank S Highwood.

On a proposition by C Wheeler seconded by W Thompson, it was **AGREED** that S Highwood would join the Finance Committee.

16. JOINT COMMITTEE MINUTES

RECEIVED the Minutes of the Joint Services Committee held on 14 December 2020.

(As attached to these Minutes – Appendix 7)

The Chairman asked Members if they had any questions.

No questions were asked, minutes were considered as noted.

17. INTERNAL AUDIT UPDATE

The Finance Officer confirmed that a final report from Mid Kent Audit was due in the next months.

The Clerk explained that we had already received a preliminary report which had brought up a number of items and they had been very thorough, as we would want. He said they are getting to the bottom of everything and we are now starting to look in pretty good shape.

The Clerk said that he wanted to reinstate the Internal Audit Sub Committee soon as those meetings have been put on hold for some time.

18. HEALTH & SAFETY UPDATES

The Clerk said that major inspections such as asbestos, fire alarm and fire safety checks has been carried out at Albion Place as normal. He said that as per his Clerk Report we are introducing a new system to report hazards and we are also considering removing the High Volage Detection System (HVDS) from our tractors as the system was causing problems and they will continue to discuss this with the Health and Safety Group.

The Works Supervisor confirmed that he had Transport Solutions coming out this week to look at a solution for this issue.

The Clerk confirmed that the Health and Safety Group will continue as soon as possible, but he would prefer to start again when they can all meet again in the same room.

19. PLANNING APPLICATIONS & CONSENTS

RECEIVED the Planning Report for 10 November 2020 to 23 March 2021.

(As attached to these Minutes - Appendix 8)

The Clerk explained that the purpose behind this new report was to give Members an outline of comments made. outstanding consents applications, and to see consents already approved by the Chairman and going forward this report will be a live document Members will be able to see via the intranet if they wished to make an additional comment.

The Chairman asked if Members had any questions.

No questions asked.

20. ANY OTHER BUSINESS

Governance Review

P Harper said that he felt now was the time that a governance review should be undertaken to look at the potential merger of the Upper and Lower Boards and what other options may be available to us.

The Clerk confirmed that we are looking into this tentatively as the work involved would be extensive due to the two very different rates that the two Boards currently have. He suggested as an action he would speak to ADA and take advice from them and we can start investigating how this might happen. He said it is also important that we must consider it has to be a two-way thing and it has

got to be right for the public and the Boards. He added that constitutionally this does pose some issues in terms of membership and representation.

The Chairman commented that the Upper and Lower Board have very different rates, with the Upper Board's rates running approximately half of the rate of the Lower Board and if we joined together how would an issue like that be sorted out.

P Harper said we just need to look into the options at this stage and he has an open mind and keeping the Boards separate may be the best solution.

The Chairman requested that the Clerk prepare a scoping paper, with a list of issues in terms of the Boards amalgamating and to share it with Members before the next Board meeting. He said then we can determine what level of work would be required and if they are any showstoppers. He said that when he next speaks to the Lower Board he would also raise it with them.

Drainage Board Scrutiny - TMBC

The Chairman mentioned that Tonbridge and Malling Borough Council will be undertaking an overview to scrutinise drainage boards and how much we precept.

Intranet

The Vice Chairman said it was important that all board Members fully understand their role and said when he joined the Board there was no induction. He said he felt training and looking at good governance is important and The Clerk has come up with a potential solution that he will now share with you.

The Clerk shared his screen and showed Members the intranet he had created for Board Members and talked through all the elements available.

The Clerk asked Members if they had any questions.

The Chairman asked about confidentiality and security.

The Clerk said that he was confident in Microsoft's ability to make this site safe, but he would not be posting any confidential information and that was why the Board meeting appendices were not included for example.

C Mackonochie said that it was an excellent idea as it would be good to view this in your own time, and if it was kept updated it would be even better.

The Clerk confirmed it would be and it should be rolled out in the next couple of weeks.

ADA Conference Update (November 2020)

The Clerk confirmed that he had attended the ADA Conference remotely a day after the last Board meeting, on 11 November. He said as always, the topics are interesting, but quite broad and said that one main point that he found particularly interesting was from DEFRA themselves. This was the outline of a new environment bill currently going through parliament which is looking at ways IDBs can potentially change from districts to catchments in the future, and how there are potential for creation of new IDBs. Information on this is fairly limited at the moment and we are unsure whether they will enforce the change or whether it will be for the IDBs itself to determine themselves whether they want to move to a catchment. He said this is potentially a big change in workload and he would update the Board when further information is available.

21. DATE OF NEXT MEETING

The Chairman said the next Board meeting had been arranged for 15 June 2021. However, as he was unable to make this meeting, he requested moving the meeting to 22 June 2021 at 1pm instead and asked Members if this new time would be convenient.

M Boughton confirmed he would be unable to make that meeting, but suggested the Board go ahead without him if the time suited the other Members.

All other Members **AGREED** for the meeting to be moved to 22 June 2021.

Please note since the Board meeting has taken place it has been decided to move the Board meeting to 29 June at 1pm.

22. PRIVATE & CONFIDENTIAL MATTERS

There were no private and confidential matters to discuss.

23. CLOSURE

The Chairman thanked The Clerk and the rest of the staff. He said he was sorry that there was not a unanimous vote regarding the office move and he understood.

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