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UPPER MEDWAY INTERNAL DRAINAGE BOARD



MINUTES OF THE EXTRAORDINARY MEETING of the BOARD
held via **Zoom Conference Call**
on **Tuesday 22 March 2022 at 10am.**

Members of the Board Present

O Baldock
Cllr M Davis
Cllr P Dixon
Cllr M Gillman
C Hosmer
S Highwood
Cllr D King
Cllr J Perry
W Thompson
C Wheeler

In attendance

D Lowe – Environment Agency
G Surgenor-Aldridge – Environment Agency
O Pantrey – Clerk
L Carey – Finance Officer
J Davis – Works Supervisor

1. APOLOGIES

Apologies received from H Rogers, D Goff, L Young, B Bishop, Cllr P Harper, Cllr S McGregor.

In the absence of the Chairman and Vice-Chairman, C Wheeler was appointed interim Chairman for the meeting.

The Chairman welcomed the members and our colleagues from the Environment Agency.

2. ITEMS OF INTEREST DECLARATION

No member declared an interest in any of the upcoming agenda items.

3. REGISTER OF MEMBERS INTERESTS 2022/23

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Members were introduced to the online register of interest declaration form. The Clerk said he hoped this would provide greater efficiency while also further removing the need for paper.

A question was asked regarding the information provided and whether it would be put on the website.

The Clerk said he felt it was not necessary to display this publicly but would make the information available on request.

4. ENVIRONMENT AGENCY PRECEPT REPORT 2022

The Clerk passed the floor to David Lowe of the Environment Agency.

The first report regarding the new works at the Leigh and Hildenborough Barrier was given. He explained the increases in the height would serve to protect further flooding potential into the future. An explanation on the practical works was given relating to clay inserts and scour proofing.

A question was asked as to whether the barrier was fit for purpose during the works.

D Lowe said it was entirely fit for purpose still and the embankment works would only serve to improve the resilience.

A further question was asked about Hildenborough and how the landowners were involved.

D Lowe said that there was ongoing communication with the main landowner, and they had come to an agreed solution to ensure this work would be completed and offer the best possible protection for Hawden.

A question was asked about pumping station failure and how this would be resolved.

D Lowe said there were several resilience measures including a secondary power source, means to have mobile pumps situated, and a weir/spillway that would offer a final fail-safe measure.

The Clerk asked if the main landowner had been compensated, was it ongoing or one off, and had it come from IDB precept.

D Lowe said that the landowner had been compensated with a one-off payment and this was not made from the money received from the IDB.

A report on the spending of precept for 2021 and the expected spending for 2022 was then given by D Lowe. He highlighted the need for continued precept support from the IDB with specific need for main river maintenance and for studies on the auto sluice system on the River Teise. It was discussed how the rate for 2022/23 was agreed with the Clerk earlier in 2021 and to be kept at £90,000.

2021 Spend was outlined as:

- £35,000 spent on Leigh Barrier works and improvements as agreed with the Clerk
- £5,000 was contributed to the Medway Valley Countryside Project for their INNS project
- £23,000 was used on M and E works at Leigh and across assets in the district
- £25,000 was spent on general maintenance and plant hire

2022 Spend was expected to be

- £20,000 on MVCP for increased invasive species control
- £20,000 on maintenance
- £20,000 on asset maintenance

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It was determined that there was £30,000 left to spend to which he hoped to move £20,000 spent on autosluice study.

The Clerk agreed with the £20,000 being spent on the survey as it had a potential impact on the IDB's desires to hold water levels in the summer. He suggested that the remaining £10,000 should be earmarked for PSCA work so that there was some budget to complete further maintenance on COWS in the coming season.

Members were supportive of the proposal, but it was highlighted that the auto sluices were vital to the water provision around the Teise and Beult. It was requested that it was properly investigated as to whether they could be supported in the future.

The Clerk said the key point was communication between the EA, IDB, and Stakeholders so it was completely clear how this would affect landowners.

The Chairman thanked the colleagues from the Environment Agency, and they left the meeting.

Action: Clerk and EA to maintain regular meetings relating to shared issues such as PSCA and COWs

5. MINUTES

The Chairman requested any alterations to the minutes of 23rd December 2021. He then requested that these were approved as correct.

On proposal by O Baldock and seconded by Cllr M Davis, it was **AGREED** by all Members present that the minutes of the meetings held on 23rd December be approved as a true and accurate account.

6. ACTION LIST AND MATTERS ARISING

The Clerk said that he had now joined the matters arising for all committees into a single list. He said he felt this offered better transparency over committee level works so that members were further included.

7. CHAIRMAN'S REPORT

In the absence of the Chairman a report was not given on this occasion.

The Clerk said he and the Chairman had worked on several areas such as NFM, biodiversity, and HR. He wanted to thank him and the Vice-Chairman for their help over the last few months.

8. CLERK'S REPORT

The Clerk gave the following report.

Covid Response

The Clerk said all previous restrictions have now been removed regarding covid, but we are still requesting that staff testing positive stay away until they can post negative results just to be on the safe side. He said there have not been a positive covid case since Kevin last year, and he was glad to say he has returned and has made a full recovery.

Albion Place

He confirmed the sale of Albion Place was now completed. The auction raised £472,000 which saw a return to the Board of £227,504.48 after commission was paid. This money was currently being placed separately

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to the reserve as a windfall amount, the spending of which needs to be considered over the coming years. After discussions with the Chairs, he suggested the Board can take its time to assess the positive work this money can achieve and look to put some projects underway that will benefit the district. He said they would of course take time to hear suggestions from everyone in future meetings and then discuss them together to draw up a shortlist.

Staffing

The Clerk continued by saying that after the meeting of 23rd December 2021, the Board chose to re-employ Lorna and John in their previous positions, and he was delighted to have them back. He wanted to thank them both for their efforts not only with the workload in general but also for their help in making Bullen Court 'our own'.

He confirmed the current workload was manageable, but this will need to be closely monitored depending on what the Board wish to achieve in the coming years. He reiterated that any reduction in work force means an increase in contractor management, as does the taking on of EA COWS and the associated PSCA works. He said he would continue to work closely with the Board Chairs and the committees to ensure we are not leaving the Board exposed.

He said there was a need to replace John by July 2023. He said it needs to be addressed in the next couple of months, at the latest, to ensure the new Works Supervisor has enough time to learn from John and adopt the systems used in the office.

Office Admin

The Clerk said he would like to thank Phil Camamile and the WLMA for their offer to work with them following the fall out of last year's separation. As it turned out, the Board did not need the additional services, but he was grateful none the less to know we have friends in the industry that we can turn to, much the same as we did with the Stour IDB when he first came into the role.

He continued by saying the old Office Manager role has been split between Lorna and himself, as it was after the resignation last year, and didn't seem to be creating too many issues from what is a fairly light role. He reiterated that they would monitor any mistakes or missed processes to assess the need for further delegation.

He said that Lorna is now snowed under with the audits, of which a preview report will be communicated later. Combined with year end and DRS this does make the coming months very busy, but early signs are very positive. He wanted to thank Lorna for her efforts on this, and for her dealings with the LMIDB since January.

He confirmed that we have separated DRS from the LMIDB and will be carrying out the printing of the new rates demands shortly. The implementation of DRS online is currently stalling due to third party services relating to receiving payments. He said we were working with Fran at the WLMA to resolve these.

He continued by saying outside works are continuing at a pace with the new pilots for this year and the further improved works plan for 2023/24 taking shape nicely. He did explain that it is a large task to reorganise, renumber, and map the watercourses, but once completed should provide a vital source of information for staff and contractors alike.

EA Partnership

He reiterated that there were now monthly meetings with our local EA asset team, and he thanked David and Gregory for their help with this.

He said that discussions for both the adoption of COWS and the setting up of a PSCA are in the diary and should form an excellent base to bring in new work and collaboration in the future.

Local Issues

The Clerk highlighted that we were fortunate to have had a fairly dry winter, and spring had, so far, also been very kind on that front. He said that this has led to a significant reduction in phone and public report traffic.

He continued by saying that as a result, they have been able to carry out extensive works at Couchman Green which he hoped would provide a lot more storage and conveyance opportunity to an area that sees regular road flooding in the face of heavy downpours. He once again thanked John and his team for the excellent effort in bringing these previously blocked ditches back to life.

Finally, the Clerk confirmed that he had held meetings with South East Rivers Trust that he hoped they would be the springboard for flood management works in the near future. He said this is set to offer alleviation to several areas in the highland catchments of IDB watercourses but needs further clarification and explanation over pricing and outcomes. He confirmed that KCC are also now on board with this initiative, and he hoped to see a spade in the ground by summer 2024 as a target. He assured members that more information on this would follow as it becomes available, but he was pleased to say it should tie in with the Boards objectives and provide practical and tangible results for us to celebrate.

Cllr Perry offered his thanks again to the Clerk and his team for the work in Staplehurst and said this would provide a huge amount of relief to an area that previously was unattended. This was echoed by all members.

9. WORKS SUPERVISOR REPORT 163

The works report was for information and there were no questions asked by the members.

O Baldock wanted to thank the Works Supervisor and his team for their work. This was echoed by all Members present.

10. FINANCE REPORT

The Finance Officer gave a report on the financial position of the Board.

She confirmed the sale of Albion Place was complete and that the £227,500 received was now in the savings account. She confirmed that as a body that levies the Environment Agency, we were exempt from Capital Gains Tax.

She outlined the bank account position but highlighted that £77,000 was held by the Board after a duplicate payment for a surface water development contribution.

She confirmed we would now write off all unpaid rates under £20 as per last year.

She finished by confirming that she would no longer be working with the LMIDB as of 1st April 2022.

There was then a discussion over the sale of Albion Place and what else might have been done regarding development potential. It was agreed that the auction gave the likely best outcome and removed the risk involved regarding development.

There was also a discussion over the involvement of a company related to a Lower Board member in the sale of Albion Place. It was agreed that while it appears this should have been declared, it was for the Lower Board to determine how this sat regarding governance practice.

It was also said that in light of the above discussion it further proved that the Board's decision to separate itself from the Lower Board was justified and for the betterment of the Upper Board.

The Financial Risk Assessment was then put forward for approval after changes made by the Clerk.

On proposal by Cllr M Gillman, and seconded by W Thompson, it was **AGREED** by all present to approve the amendments.

Action: Update Financial Risk assessment on the website.

11. BIODIVERSITY REPORT

The Board Representative, S Highwood, gave the following report.

He said he was delighted to report that the Board has now appointed Carol Donaldson as our Ecological and Conservation Advisor for a study over 3 years, as approved by the Board in 2021. After receiving 3 tenders the Chairman and himself were happy that Carol would provide both the necessary experience and knowledge to the Board for the project, and were looking forward to seeing what she produces.

He said that the study itself will look at our existing practices and standards relating to works and conservation and offer advice on how we can improve and balance our ecological objectives with our flood prevention objectives. He confirmed there was also scope to assess water quality, habitat installations, and water control features where they might offer improved habitat.

He said that he had held initial meetings with Carol, and she would be commencing work this summer on watercourses 3 (River Sherway), 9 (Hammer Stream), 27 (Tudeley Brook), and 93 (Gravelly Ways). He said that these were decided as being 4 of the most significant watercourses initially but are also 4 of the most heavily maintained.

He confirmed that to compliment this work, we would also be looking to work with South East Rivers Trust for the creation of natural flood management schemes in the watershed catchments above IDB watercourses. NFM provides significant opportunity for reduction in peak flows but also an abundance of opportunity for conservation and habitat creation. He reported that the initial meetings included Carol also, and we are set to reconvene in May 2022 to draw up a project short list. He reported that he was happy to that KCC are also now going to be involved in the NFM project and the EA has also given its approval of the scheme in general.

He said that finally, we are about to begin talks with KCC regarding their Plan Tree programme. He explained that as a uniquely positioned authority we would benefit greatly from an influx in trees which would improve not only habitat but presents excellent potential for flood alleviation benefits also. He concluded that he was hopeful we will be added to their list of partners although details of their expectations will be assessed further to determine what level of involvement the Board will take.

12. HEALTH AND SAFETY REPORT

The Board Representative, O Baldock, gave the following report.

He said that generally, the health and safety provision of the Board remains good, and we are demonstrating compliance in regard to our documentation and policy.

He said 2022 sees several changes to activities in the Boards maintenance including a return to the use of fires. The Clerk has compiled a detailed risk assessment and method statement that will grow and evolve as we improve the procedure involved. This has been deemed a suitable way to manage brush and other debris that cannot otherwise be made into hibernacula.

He said he was disappointed to announce that the previously agreed joint working in relation to health and safety between the Upper and Lower Medway IDB has been rejected by the incoming LMIDB Clerk. He continued that he believed this weakens the health and safety provision of both Boards and does not represent the best interest of the staff. He said it is however, not for us to argue and as such we will seek to include more members of staff in Health and Safety Group meetings to compensate for the reduced input. Mr Baldock said he would like to thank Duncan Dewar-Whalley and the Lower Board staff for their contributions.

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He said there is a single accident to report that involved a muscular injury to an operative while climbing a fence. While not a serious injury, it does show a need to assess the way our staff traverse in the field, and the Clerk and Works Supervisor have advised staff of the need to use gates where possible.

He concluded that there is one final point to bring to the Boards attention, and that relates to a failure of system relating to driving licence checks. Normally the Clerk would carry out a 6-month check, but this was missed during August of last year, due in part to the separation and the chaos that brought. It happened to be that a member of the work force's driving licence elapsed last year and was not renewed. The office DVLA check this February discovered this oversight and an investigation was carried out. The member of staff was found to be in breach of Board policy, but it wasn't seen to be on purpose. A verbal warning was issued, and the Clerk carried out a root cause, which highlighted office failing. I can confirm these have now been resolved with more robust procedures now in place.

It was asked if the Board was still fulfilling its obligation to protect staff and public as a result of the Boards no longer working on.

The Clerk said that he managed the Health and Safety of both companies and that it was the Lower that were losing that provision.

O Baldock said that he agreed that this was a loss to the Lower Board and that he felt this was not in their interest regardless of how well they deal with it.

Action: Clerk to arrange Works, Health, and Safety Meeting

13. STRATEGY AND OBJECTIVE

The Clerk demonstrated the new formatting of the Board objectives. All members said they were very happy with them and how they showed the Boards aims.

He then continued to say that he had updated the 5-year plan for the Board. He said this now represents the changing circumstance since the separation and offered a new direction of travel.

He asked if the Board was happy to continue to adopt this as a working document for the Board, to which all members **AGREED**.

He then moved onto the phasing plan that members had received. He said this showed how he planned to realise the objectives set out by the Board in practical terms. He said it was also an important document to demonstrate to stakeholders how we might achieve our goals.

He then demonstrated how catchment water affected the main district and how he planned to work more in the highland area and slow the water prior to reaching us.

It was asked if the IDB was involved in the wetland creation in Staplehurst?

The Clerk said he had not been involved and would like further details.

Action: Clerk to investigate IDB involvement in the Staplehurst wetland project.

It was asked how the local plan relating to development at Paddock Wood would affect the work planned.

The Clerk said it something he was considerate of but for the time being the work he was planning was more about storage in existing watercourse. He confirmed we would be closely monitoring the way housing is approved and requested going forward.

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There was a question about the need for Stakeholder involvement.

The Clerk said it was vital that landowners were consulted and involved at every stage to ensure we were working together. He would be looking at using evidence from Carol Donaldson and South East Rivers Trust as a vehicle for this work and then engaging partners and stakeholders from there.

He concluded by explaining that this engagement could see reduction or removal of rates on land that sacrificed itself for NFM or flood alleviation projects, but this was still a very new concept.

He also confirmed the new maintenance management plan was breaking all watercourse from single entities into reaches, or parts. He said this allowed better understanding of maintenance requirements and allowed for contractor usage in areas that we didn't have the capacity or time.

Action: Clerk to give maps to members of IDB district and interests.

The Clerk then explained that he wanted to adopt the watercourse at Pile Lane, Staplehurst. He gave a demonstration of the mapping and potential area of impact in the future. He said this represented an important area for housing, sports facilities, and farmland and that he felt the IDB should take responsibility for it.

On proposal from Cllr M Davis, and seconded by C Wheeler, it was **AGREED** by all members present to adopt the proposed watercourse as IDB UM14.

Action: Clerk to let landowners know that this watercourse is now adopted.

14. INTERNAL AUDIT REPORT

The Clerk said we have received an initial report from the internal auditor, Mid Kent Audit. He said this is not the final report, but he and Lorna recently met with the auditor to go over their early findings.

He said he was very happy to communicate that the Board was not considered to be failing on any aspect with only a few areas of minor improvement requested.

These related to:

- Addition of IT/Cyber-crime section to financial risk assessment. This is a good find and will be added to the November version of the document.
- No evidence of a stakeholder remittance for a levy payment. This was explained as being entirely normal practice but was being resolved by the introduction of the online DRS system.
- A receipt was not able to be located relating to a lunch meeting between the Clerk and the Chairs in the middle of last year.
- No invoice was presented for the building of the Lees Road depot or the purchase of GN69 ZNO. Both these were explained firstly by saying the depot was 15 years old and it took time to find the invoices, and that the ZNO purchase was on last year's thumb drive and needed locating. It was also noted this was presented to them last year also.
- Acknowledgement that the Board did not approve the AGAR as such for 2020/21. This was brought up last year also by the external auditor as a formality that while put to the Board, it was approved at Finance Committee level. This will be resolved this year.

He said this represents a good improvement and shows that we are not only acknowledging our failings in our governance and finance but taking steps to ensure the successful implementation and improvement. He confirmed he would communicate the final internal audit report once it had been received in May.

Action: Add IT/Cyber crime section to financial risk assessment

Action: Board to approve AGAR prior to July

15. GOVERNANCE AND POLICY

The Clerk asked members if they had any further changes to the amended policies which were:

- Anti-Fraud & Corruption Policy
- Biosecurity Policy & Procedure Members Expenses Policy
- CCTV Policy
- Contracts Standing Orders and Procurement Policy & Procedure
- Debt Policy
- Environmental Policy
- Gifts & Hospitality Policy
- Members Code of Conduct
- Pension Policy
- Procurement Policy and Procedure
- Whistle Blowing Policy

On proposal by S Highwood, and Seconded by C Wheeler, it was **AGREED** by all members present to accept the updated versions.

On the subject of the second set of documents relating to more specific governance, the Clerk asked for any comments relating to the changes made to:

- Scheme of Delegation
- Statement of Accounting Policies
- Statement of Internal Controls

It was asked that the delegation and responsibility of the finance committee be outlined for the Board.

The Clerk said this was fine and that he would make it clearer in the Scheme of Delegation what the finance committee could and could not do.

On proposal by Cllr M Davis, and Seconded by Cllr M Gillman, it was **AGREED** to accept the changes to the Scheme of Delegation

On proposal by Cllr M Gillman, and Seconded by Cllr M Davis, it was **AGREED** to accept the changes to the Statement of Accounting Policies

On proposal by W Thompson, and Seconded by Cllr M Gillman, it was **AGREED** to accept the changes to the Statement of Internal Controls.

Action: Add finance committee delegation to the Scheme of Delegation for November 2022

16. PLANNING AND CONSENTS REPORT

The Clerk said it has been a quiet few months on the planning side of things although we have made some comments into some large developments particularly in the East Peckham area.

He said he hoped members now feel more included regarding consents and hoped to continue utilising more members as time goes on.

He confirmed we had received a surface water development contribution for a development in Laddingford which saw an income of £4334.72.

17. PRIVATE AND CONFIDENTIAL MATTERS

There were no private and confidential matters to discuss.

18. ANY OTHER BUSINESS

Approval to remain aligned with the WLMA on the rate of Surface Water Development Contribution

The Clerk explained that it was in our interest to remain with the WLMA on their current inflationary increase to the SWDC.

On proposal by C Wheeler, and Seconded by W Thompson, it was **AGREED** to remain aligned with the WLMA on the rate of Surface Water Development Charging.

The Sale of the Board Owner JCB Excavator

The Clerk explained that we had received 3 tenders for the excavator and that we would be selling to the highest bidder.

This was **AGREED** by all present as the correct thing to do.

Replacement of the Works Supervisor

The Clerk explained that this needed to be resolved in the next few weeks due to the requirement of the new person to go through a mowing season and a winter under John's guidance.

There was a question about the advertising of the role.

The Clerk said he would advertise internally first and then externally should there be no suitable candidate.

This was generally **AGREED** as the correct process for the replacement of the Works Supervisor.

19. DATE OF NEXT MEETING

The date of the next meeting was set as:

Tuesday 21st June at 10am – Finance Committee Meeting

Tuesday 28th June at 10am – Main Board Meeting

20. CLOSE

There being no further business, the Chairman thanked the Clerk and his team for their efforts, and for the content of the meeting. He also thanked the Board Chairman and the Vice-Chairman for their work in the recent months and declared the meeting closed.