

# **LOWER MEDWAY INTERNAL DRAINAGE BOARD**



**MINUTES OF THE MEETING of the BOARD**  
held at **The Boards Offices, 17 Albion Place, Maidstone**  
on **Monday 22 February 2016**

## **Members of the Board Present**

Chairman: R Hinge

S Attwood  
S Batt  
D Dewar-Whalley  
G Etheridge  
G Fulton  
J Gore  
P Hicks  
K Ingleton  
J C Lewis  
H R Neaves

In attendance

M D Watson - Clerk & Engineer  
L Collins - Office Administrator  
J Davis - Works Supervisor  
P Bush - Administration Assistant

The Chairman introduced and welcomed Simon Darch & Daniel Sharp of Peter Brett Associates (PBA) and Simon Cox of the Environment Agency (EA), who have very kindly come along to be involved with the discussions concerning Item 8 on the Agenda – Bells & Mocketts pump station.

## **1. APOLOGIES FOR ABSENCE**

Apologies were received from D Davis, S J Mair, B Stone and J Wright.

## **2. ITEMS OF INTEREST DECLARATION**

None of the Members present declared an interest in any items listed on the Agenda.

**REPORTED** that N Hampshire and S Iles have still not completed their Members Declaration of Interest Form for the year 2015/16. Copy forms were sent to the outstanding Board Members following the last meeting held on 25 January 2016.

**RECEIVED** a copy of the Declaration of Board Members Interest Form for the year 2016/17.

**(As attached to these Minutes)**

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

A number of completed forms were handed to Officers at the end of the meeting.

### **3. PRIVATE & CONFIDENTIAL MATTERS**

Members are reminded that all matters discussed relating to employees of the Board should at all times be treated as confidential. Members are reminded once again that there could be implications for the Board under Data Protection and Employment Law if matters discussed were disclosed to others.

### **4. MINUTES**

**RECEIVED** the Minutes of the Meeting of the Board held on 25 January 2016.

**(As attached to these Minutes)**

All members in attendance **AGREED** that the Minutes of the Meeting of the Board held on 25 January 2016 were correctly recorded and that they be signed by the Chairman.

### **5. FINANCE COMMITTEE MINUTES**

**RECEIVED** the Minutes of the Finance Committee Meeting held on 25 January 2016.

**(As attached to these Minutes)**

All members in attendance **AGREED** that the Minutes of the Finance Committee Meeting held on 25 January 2016 were correctly recorded and that they be signed by the Chairman.

### **6. MATTERS ARISING FROM PREVIOUS MINUTES**

There were no matters arising from previous minutes that required discussion.

## 7. HEALTH & SAFETY UPDATES

There was nothing to report.

## 8. BELLS & MOCKETTS PUMP STATION

**REPORTED** that since the last meeting the Clerk has received an update from Peter Brett Associates on what has been completed to date.

The ground investigation works have been completed and the results were as expected. There is 6-8m of alluvium setting above a thick layer of London clay.

**(As attached to these Minutes)**

**REPORTED** that five companies were due to submit tender bids to the Boards offices by 12 noon on 16 February 2016.

**RECEIVED** a copy of the Peter Brett Associates Bells & Mocketts Pumping Station M&E Tender Assessment Summary Report. (This was handed out to Members as they arrived for the meeting).

**(As attached to these Minutes)**

**REPORTED** that the Tender bids were due in by noon on 16 February 2016 and from the information received, the attached report was compiled and emailed to the Clerk on 19 February 2016.

The Clerk informed Members that he and the Chairman had a meeting this morning with S Darch & D Sharp of PBA and S Cox of the EA, followed by a telephone conference call with I Nunn of the EA to get their thoughts and preferences, in order to report back to the Board.

The Clerk explained to Members that he felt quite negative coming in to work this morning having read the report. However, following on from the meeting held with PBA and the EA using a sensible approach, a Plan B has been established.

D Sharp explained that PBA had been commissioned to specify the M&E works and had put this project out to tender requesting four different pump options. **REPORTED** that initially 6 parties were interested in tendering. Two parties withdrew and four completed tenders had been received. However, there were only two compliant tenders.

D Sharp proceeded to read through the document and provided Members with an explanation of the options available and confirmed the figures reported.

The Clerk explained that Members needed to make a decision on the way forward with this project.

Members were informed that the civil works have not yet been tendered, however, PBA have been liaising with civil engineering contractor, J Breheney Construction in order to obtain an understanding of the ground works and possible costs.

**REPORTED** that the capital costs have been reduced following the meeting held this morning and the life of the pump station has been extended to 60 years, taking into account maintenance.

Members were informed that the EA could convert the current Mocketts pump station to axial pumps at a fraction of the cost, so if this was the preferred option the EA would not be involved.

Members were then informed that the EA are more confident with the screw type pump as being fish friendly, rather than the axial pump and are content with the technical compliance. There are however, a few things to iron out, but nothing that would be a show stopper.

**REPORTED** that the EA will be contributing half of the cost towards the new pump station, therefore, taking into account their preferred options, the only viable option to the Board is Option D.

S Attwood asked whether the EA contribution would be taken from the Precept payment.

The Clerk informed members that prior to today the EA were going to contribute £600k towards this project using money from Flood Defence Grant in Aid Scheme and some of the Precept payment. The Clerk has spoken to Ian Nunn of the EA this morning about this and he has said that if the Board are happy to use the Precept money on the Bells & Mocketts pump station then he can't see any reason why not.

S Attwood asked whether next year's Precept could be used too.

S Cox of the EA said yes it could, however, the scheduled works that have already been planned would not be carried out, if the money is going to be used on a different project.

P Hicks asked how long the proposed term of contract for construction was.

D Sharp confirmed it was 45 weeks.

P Hicks felt it would be sensible to look at obtaining more than one estimate for the civils work.

The Clerk explained that Breheny's are an EA recommended contractor and when the project was put out to tender previously using the EA WEM Framework, 3 quotes for civils work were obtained. The Board still needs to have a detailed design drawn up, which will take more time.

S Darch explained that if the civils work is put out to tender then yes you would be guaranteed to get a competitive price, but not a guaranteed finish/outcome. However, using a recommended contractor on a budget price as a single tender will get the job done to a guaranteed finish and with a certain scope of flexibility. Members were informed that Breheny's use an open book approach and PBA will be liaising with the contractor all the way through to change work (if necessary) as the job is going along.

S Batt said that this approach would then leave the contractor held to task at the end of the job.

S Attwood asked why it was not possible to use Spaans Babcock pump.

S Darch explained that it would appear that their recommended screw was not fish friendly and there was no data provided to prove it is.

S Attwood felt that PBA should go back and speak to Spaans Babcock, as they may be able to come up with a solution if things are kept simple.

S Cox informed members that it is known that this screw type has damaged fish. However, the EA technical engineers have recommended speaking to Spaans Babcock again.

D Sharp explained that the preferred option is a contained screw that the whole unit is encased and completely turns, so no blade scraping is possible.

S Batt commented that he would like to see a decision agreed in principle today, just to get the project started. All members were in agreement.

G Etheridge asked why a screw option was preferred.

S Cox explained that the EA fish specialist/scientist had expressed this option to guarantee the safety of fish/eels. Other pumps may reduce mortality, but nothing is proven to eliminate fish/eel kill.

G Etheridge asked whether the EA had any preferred specification regarding the civils work.

S Cox said that there was no particular specification from the EA, it would be a concrete base.

The Clerk explained that the project is going to cost potentially £1.9m. This is the top end of the Boards budget and the funding will be split 50/50 with the EA. Therefore, each party will need to find £950k.

S Darch and D Sharp explained that they will work hard to try and reduce costs wherever possible.

S Attwood explained that he had spoken to a number of landowners in this area, who are all keen to assist with the project and put machinery onsite in order to reduce the overall cost.

P Hicks asked about the condition of the Haul Road.

The Clerk explained that this had been dealt with. The EA paid for the repairs to this road.

S Attwood asked when will the programme start.

The Clerk explained that if a decision is made today, then the project can start this year with a view to being commissioned early next year.

D Sharp explained that construction could start in September 2016, based on the 6 month lead time for the screw.

Members asked which Council is responsible for the Planning Permission for the project.

The Clerk explained it would be Swale Borough Council that deals with the planning. He informed members that £300 had previously been paid to Swale Borough Council planning department for an onsite visit, which is still to be arranged.

Members asked whether planning permission would be needed, or would this project fall under delegated powers.

S Darch explained that this would depend on the Planning Officers interpretation of the Act. He's been involved with similar projects and some Council's have worked under delegated powers, rather than the planning application process.

S Darch then informed members that the recommended screw pump is proven in the Netherlands, however, it is new for the UK.

S Batt asked what warranty period the pump comes with.

S Darch explained that it comes with a 1 year defect period. He's not aware of any extended warranty, but he can try and negotiate an extended warranty as the supplier is keen to have one of these pumps installed in the UK.

S Cox explained that there is one outstanding issue with regards to the procurement of the civils work that he needs to check out, but in principal he can't see why the EA will not contribute 50/50 towards this project.

S Attwood asked whether we can get a PTO shaft to drive in the event of power failure.

The Clerk explained that all the quotes include a socket to plug a generator in to.

The Clerk then went on to say that he had been in contact with the Independent Internal Auditor regarding the quote from just one contractor, instead of going out to tender. The response received was as long as there is a valid reason for not doing so and a process has been followed and documented, then the Auditor will be happy.

On a proposition by S Attwood, seconded by G Etheridge, it was **AGREED** that the Board are happy to proceed with Option D from the tender report.

The Board are also happy to go ahead with the one quote provided for the civils work, rather than put out to tender which will delay the process.

The Board are happy for the EA to use the Precept money to assist funding this project.

PBA should liaise with Spaans Babcock to try and come up with a solution to their pump specification.

S Cox to confirm the procurement of the civils work and confirm the £950k contribution towards this project from the EA.

On this basis, all members in attendance were in agreement.

## 9. ENGINEER'S REPORT

**RECEIVED** the Engineer's Report Number 154.

**(As attached to these Minutes)**

The Works Supervisor read through the Engineers Report.

Members were informed that Harty pump station may need a site survey carried out, as there appeared to have been movement in the ground works causing wear on the screw & chute.

## 10. PLANNING APPLICATIONS

**REPORTED** that there had not been any planning applications received since the last meeting for the Board to comment on.

## 11. CONSENTS

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

- (a) **Location: Ordinary Watercourse at Great Grovehurst Farm, Iwade.**  
**Proposal: Construction of a temporary access culvert (extension of time).**

The Board issued the above consent on 22 September 2015, for the construction of a temporary vehicular access across an ordinary watercourse at Great Grovehurst Farm, Iwade in connection with ongoing development. The consent included a condition stating that the applicant must remove all works and reinstate the channel to its original condition by 31 March 2016.

The applicant subsequently stated that the development Contractor is currently running slightly behind programme "due to various unforeseen issues and inclement weather on site" but they are working on ways to pull the contract back on programme as far as possible during the remainder of the contract. It was considered likely that the temporary ditch crossing may need to remain in place beyond the reinstatement date of 31 March 2016 as stipulated in the consent. The applicant therefore requested an extension of 8 weeks to the required reinstatement date (to 31 May 2016) to allow for any potential overrun.

Local Members were consulted and the extension of time was **agreed**. The applicant has been informed that the original consent has been extended until 31 May 2016. The applicant has been reminded of the consent conditions, informed of the likely increase in environmental risks related to nesting birds and has been asked to keep the Board advised of progress.

**(b) Location: Furze Hill, Halfway, Isle of Sheppey..  
Proposal: Drainage works (retrospective).**

This previously reported application, for the installation of 2 surface water drainage outlets into Westminster Drain (L7), was **refused** on 30 June 2015 following further consultation with Members. The applicant was advised that the Board remains concerned that the information provided in support of the application did not clearly demonstrate that downstream flood risk will not be increased as a result of these works.

The applicant was further advised that should he wish to pursue this proposal a new application with additional supporting information will need to be submitted, including detailed calculations in respect of surface water runoff rates (pre- and post-works) along with details of attenuation (flow restrictions and on-site storage capacities) as previously requested.

The applicant has recently engaged Herrington Consulting Ltd to carry out a hydrological analysis of the site, which has now been provided. Although details of runoff are considered acceptable, there is still some concern regarding usable storage capacities in a newly excavated ditch (due to the slope of the field and ditch). Discussions are ongoing, with progress now being made, and it is hoped that a re-application can be processed soon to finally resolve this matter.

H Neaves asked who checks on the water levels afterwards.

The Clerk said that no one does usually, but it depends on the circumstances.

**12. ENVIRONMENT AGENCY PRECEPT**

**RECEIVED** details of the precept for the year ending 31 March 2017 and the Environment Agency's Estimate of Expenditure and Income relating to land drainage.

**(As attached to these Minutes)**

**REPORTED** that the Environment Agency Precept Payment 2016 was estimated to be £410,518.00. The actual was £410,518.00.

The actual Environment Agency spending for the next 12 months will not increase.

The Clerk informed members that this is a statutory document received each year and it outlines the EAs income and expenditure for the next year.

Members were informed that the EA also provides the Board with a report on where the Precept money is spent. This is usually on previously agreed works.

The Clerk will speak to Ian Nunn about the proposed 2016/2017 scheduled works, now that a decision has been made on the pump station.

### **13. SANCTION TO BORROW**

The Clerk explained that this is something that the Board does every year, just in case it ever needed to raise emergency funds. It doesn't cost anything to apply for, and involves writing to the EA and DEFRA to request.

**AGREED** on a proposition by J C Lewis, seconded by S Batt that an application be made to DEFRA for permission to raise an overdraft from National Westminster Bank Plc. for a sum not exceeding £100,000.

### **14. INTERNAL AUDIT - YEAR ENDING MARCH 2016**

**RECEIVED** a copy of the interim Internal Audit Report for the year ending March 2016 produced by Kevin Funnell on 3 February 2016.

**(As attached to these Minutes)**

The Clerk explained that he did not feel that K Funnell's report justified all the work he carries out during his Audit visits. He's very thorough checking paperwork as well as seeing whether this information has been transferred to the Boards electronic accounts.

**REPORTED** Kevin Funnell's intention to retire on 30 June 2016, after signing off the Year End Reports.

Members were informed that a replacement independent Auditor will need to be appointed.

D Dewar-Whalley said it was a good report and he may be able to assist with an alternative auditor.

Members felt it would be a nice gesture to send K Funnell a letter thanking him for his work and wish him well in his retirement. The Clerk was asked to action this.

### **15. INTERNAL CONTROLS - YEAR ENDING MARCH 2016**

**RECEIVED** a copy of the Statement of Accounting Policies and the Statement of Internal Control for the year ending March 2016.

**(As attached to these Minutes)**

**REPORTED** that the Officers had reviewed these documents and suggest one amendment with regard to the Statement of Accounting Policies – Item 2 – Fixed Assets to reflect the Boards current practices.

#### **Existing paragraph reads:**

Fixed assets will be included in the Boards accounts at the current book value, which reflects the value the Board could obtain on the open market. It does not reflect the figure used for insurance purposes.

**Proposed amended paragraph to read:**

Fixed assets will be included in the Boards accounts at the actual purchase price, in line with the instruction received from PKF LittleJohn, the Boards external auditors in anticipation of the revised Governance and Accountability in Internal Drainage Boards in England – A Practitioners’ Guide. It does not reflect the value the Board could obtain on the open market, nor does it reflect the figure used for insurance purposes.

All Members in attendance **AGREED** with the proposed amended paragraph.

**AGREED** on a proposition by H Neaves, seconded by D Dewar-Whalley that the amended Statement of Accounting Policies and the Statement of Internal Control for the year ending March 2016 are approved.

**16. ANY OTHER BUSINESS**

S Attwood asked whether the Declaration of Board Members Interest Form is for all members to complete, or just the ones that had been mentioned within Item 2 on the Agenda.

The Office Administrator confirmed that the Form was to be completed by all members for the year commencing April 2016 through to March 2017.

The Clerk explained to Members that as a full meeting of the Board had been held today, were Members happy to cancel the meeting scheduled for 21 March 2016.

All Members present **AGREED** to cancel the meeting scheduled for 21 March 2016.

D Dewar-Whalley asked when would the next meeting be held.

It was confirmed that the next meeting of the Board would be on 6 June 2016 and the next meeting of the Finance Committee would be on 29 May 2016 to approve the Annual Return.

The Chairman thanked the Clerk for arranging the meeting this morning and for getting the paperwork and accounts in place for the new pump station for members to review.

The Clerk explained that he has been on Paternity Leave, so couldn’t take all the credit for doing this. He passed on his thanks to the Office Administrator and Administration Assistant, as this couldn’t have happened without their assistance.

**17. CLOSURE**

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