

# **LOWER MEDWAY INTERNAL DRAINAGE BOARD**



**MINUTES OF THE MEETING of the BOARD**  
held at **The Boards Offices, 17 Albion Place, Maidstone**  
on **Monday 10 July 2017**

## **Members of the Board Present**

Chairman: R Hinge

S Attwood  
S Batt  
D Davis  
D Dewar-Whalley  
G Fulton  
P Hicks  
J C Lewis  
S Mair  
H Neaves  
B Stone  
J Wright

In attendance

M D Watson - Chief Executive  
P Bush - Technical Engineer  
L Collins - Office Administrator

The Chief Executive explained to members that due to the removal of the Differential Rating Order, this has affected the number of representatives each Local Authority is now entitled to. Members were informed that Swale Borough Council is entitled to 5 representatives, Medway Council are entitled to 2 representatives and Tonbridge & Malling Borough Council is entitled to 1 representative. This leaves to representatives to be agreed by all Councils. 2 representatives have been agreed (1 from Swale Borough Council and 1 from Medway Council); however, Officers are still waiting to receive contact details for all the newly appointed members.

The Technical Engineer informed members of the evacuation procedure in the event of a fire or an emergency evacuation situation. It was explained that members would be involved at some point with a fire drill.

## **1. APOLOGIES FOR ABSENCE**

Apologies were received from G Etheridge, R Hall and K Ingleton.

## 2. ITEMS OF INTEREST DECLARATION

S Attwood and R Hinge declared an interest in Item 15 – Bells & Mocketts Pumping Station.

R Hinge and S Mair declared an interest in Item 12A – Consents IDB84 Bayford.

## 3. DECLARATION OF BOARD MEMBERS INTEREST FORM 2017/2018

**REPORTED** that S Attwood, G Fulton, R Hinge, D McDonald, B Stone and J Wright had not yet completed their Declaration of Board Members Interest forms for the year 2017/18.

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.

Forms were available during the meeting and a number of completed forms were handed to Officers by the end of the meeting.

## 4. PRIVATE & CONFIDENTIAL MATTERS

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

## 5. MINUTES

**RECEIVED** the Minutes of the Meeting of the Board held on 27 March 2017.

**(As attached to these Minutes)**

All members in attendance **AGREED** that the Minutes of the Meeting of the Board held on 27 March 2017 were correctly recorded and that they be signed by the Chairman.

## 6. FINANCE COMMITTEE MINUTES

**RECEIVED** the Minutes of the Finance Committee Meetings held on 27 March and 31 May 2017.

**(As attached to these Minutes)**

## **7. INTERNAL AUDIT SUB COMMITTEE MINUTES**

**RECEIVED** the Minutes of the Internal Audit Sub Committee Meeting held on 21 March 2017.

**(As attached to these Minutes)**

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

### **Minutes of meeting 22 February 2016**

#### **Item 9 – Engineers Report 154**

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.

**REPORTED** that a quotation for £600 had been received to carry out minor repairs.

**REPORTED** that the Chief Executive has spoken to Spaans Babcock to provide a quotation for replacement chutes. Awaiting quotation to arrive, which will be added to the Boards Financial Plan.

### **Minutes of meeting 6 June 2016**

#### **Item 11 – Internal Audit**

D Dewar-Whalley went through this report and discussed the fact that Risk Management is mentioned but has not been received. A recommendation was made for the new Internal Auditor to review this at the next audit.

**REPORTED** that this request will be actioned at the next Internal Audit.

### **Minutes of meeting 5 December 2016**

#### **Item 16 – Lower Depot**

Ongoing requirement for Officers to look for alternative owned land or premises to move the depot to. Suggested within a 5 year period.

**REPORTED** that this is ongoing.

### **Minutes of meeting 9 February 2017**

#### **Item 3 – Bells & Mocketts Pump Station**

A concern was raised by members over the £1m professional indemnity/liability insurance was insufficient. Members requested that the level be increased to £2m subject to cost. Chief Executive to make enquiries.

Chief Executive **REPORTED** that he had made enquiries with Simon Darch of PBA and he agreed that he was happy to increase the limit, but has not provided a quote as yet to do so.

S Batt requested that this should be in writing. The Chief Executive to arrange.

**Minutes of meeting 27 March 2017**

**Item 11 – Environment Agency Precept**

Members requested a breakdown of the report provided, as the administration costs within the report seemed excessive.

The Chief Executive has requested this information and was awaiting a reply.

*G Fulton joined the meeting and apologised for being late.*

**Minutes of meeting 27 March 2017**

**Item 12 – Board Inspection**

Members requested a visit to Holland to look at the pumps being manufactured.

The Chief Executive explained that this would be covered within Item 16 on the Agenda.

**Minutes of meeting 27 March 2017**

**Item 13 – Sanction to Borrow**

Members requested confirmation of the amount of loan from the Upper Board and conditions to be agreed. Also felt that alternative emergency funding to be investigated to be put in place should the pump station require further funding. Sanction to borrow not agreed, requires review and explanation.

The Chief Executive explained that the Sanction to Borrow request will be asked to the Upper Board at their meeting next week.

**Minutes of meeting 27 March 2017**

**Item 14 – Internal Control**

Members requested clarification concerning the responsible body/person to be brought to the attention of the Internal Auditor.

The Chief Executive explained that he had spoken to ADA about this matter and they have confirmed that the responsible body is the Board.

Members asked the Chief Executive to request this explanation be put in writing from ADA.

**Minutes of meeting 27 March 2017**

**Item 16 – Consents Item (c) Power Station Road**

Members requested to unadopt 3-4m of the ditch.

The Chief Executive informed members that this request had been actioned.

**REPORTED** that at some point the Boards statutory maps will need to be amended and approved by DEFRA.

**Minutes of meeting 27 March 2017**

**Item 18 – Works, Health & Safety Meetings**

A recommendation to harmonise policies across both Lower and Upper Boards to assist Officers.

**REPORTED** that a plan will be produced by Officers to present to the Joint Services Committee at their meeting on 8 September 2017.

**Minutes of meeting 27 March 2017**

**Item 20 – Bells Pump Station**

D Dewar-Whalley requested information be supplied to Swale Borough Council about the new pump station to put in the Council newsletter.

The Chief Executive to action.

**9. HEALTH & SAFETY UPDATES**

The Technical Engineer explained that a review of the Boards current policies will continue to take place with a provisional proposal of requirements being prepared for presentation to the Joint Services Committee at their meeting on 8 September 2017.

**REPORTED** that the Board will need to agree on the timings of priorities.

**REPORTED** that activities and changes are starting to take place. Any major updates will be given at the Board meetings.

**10. INTERNAL AUDITORS END OF YEAR REPORT 2016/2017**

**RECEIVED** a copy of the Internal Auditors End of Year Report 2016/2017.

**(As attached to these Minutes)**

The Technical Engineer informed members that D Dewar-Whalley had picked up some concerns regarding checks on the Fire Risk Assessment. Not enough detail had been provided within the Auditors Report. Satisfactory/unsatisfactory does not explain to Board members what has been checked.

After discussing, members **AGREED** they need to steer the Internal Auditor with regards to how much detail is required/expected.

The Technical Engineer explained it is key that the Internal Auditors report and advice is correct and meaningful and members may wish to review how long the Auditor is expected to stay on site for. Obviously, more work will result in more cost.

D Dewar-Whalley explained that the Auditor shouldn't be influenced by the time the previous Auditor used to take.

All members in attendance **AGREED**.

## 11. PLANNING APPLICATIONS

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

**(As attached to these Minutes)**

The Chief Executive explained that checking the weekly planning application lists was one of the jobs which had become a low priority recently because of other major projects taking precedent. He has kept up to date with any big developments, but is behind with the weekly lists.

He then read through the planning applications.

## 12. CONSENTS

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

- (a) **Location: L84 Bayford – Wetland restoration project involving the creation of 3 scrapes within an adjacent field.**

Members were informed that this proposal shouldn't affect future maintenance.

**REPORTED** that the relevant Board members have already been consulted.

- (b) **Location: L75 Murston Drain – Eurolink Phase V surface water strategy previously agreed by KCC to allow impermeable areas to discharge at a rate of 7.7 l/s/ha.**

Members were informed that this application is making out that the IDB has already given consent for a discharge rate of 5 l/s/ha. The Chief Executive explained that this is not true.

**REPORTED** that the applicant has approached KCC to start with and has designed ready to build to 7.7 l/s/ha.

Members discussed the implications and concerns were raised with potential problems in the future if development downstream were to take place.

On a proposition by D Dewar-Whalley, seconded by S Mair that the Board formally **REFUSED** this application on the grounds that that the discharge rate needs to be 7 l/s/ha. All members in attendance were in favour.

- (c) **Location: L8 – Rushenden Drain – 101 new homes and the relevant surface water discharge into the IDB drain.**

The Chief Executive explained that the land at this site had previously been raised and members had raised concerns about the land compacting and possibly sliding, which would interfere with the drainage ditch.

**REPORTED** that a flood risk assessment has been carried out by the developer which states that the site is not affected by fluvial or tidal flooding.

The Chief Executive explained that he has concerns about the pumping station failing and water would back up the drainage system and fail. The developer is only attenuating for the 1 in 30 year return storm at 7 l/s/ha, not for the 1 in 100 year return storm at 7 l/s/ha, which means the pump station will have to work hard and longer, resulting in more cost to the Board.

The Chief Executive's recommendation is to refuse this application due to the additional strain on the Boards pumping station. The developer has been asked to fund a new pumping station, but the site has now been split into smaller sites for development.

Members were also concerned that if the pump failed at any time, homeowners could come after the Board for compensation.

On a proposition by S Mair, seconded by J Lewis that the Board formally **REFUSED** this application because of the additional strain on the Boards pumping station and because the developer has not attenuated for the 1 in 100 year return storm. All members in attendance were in favour.

### **13. ENGINEERS REPORT**

**RECEIVED** the Engineer's Report Number 159.

**(As attached to these Minutes)**

The Chief Executive read through the Engineers Report and showed members a number of photographs of the depot tidy up. Pictures before and after.

The Technical Engineer explained that this process was carried out in order to get the workforce mindset of looking after the equipment they use.

### **14. WORKS, HEALTH & SAFETY GROUP MEETING**

**RECEIVED** a copy of the Works Health & Safety Group Meeting Minutes dated 20 March, 8 May and 19 June 2017.

**(As attached to these Minutes)**

The Technical Engineer explained to members that some changes have not gone down too well with the workforce, but needed to happen in the best interest of the Board and its employees.

Initially the works representatives turned up to the meetings with a wish list, but were reminded items brought to the meeting should be on a need basis, not a want basis.

**REPORTED** that a serious meeting was held with all of the workforce in May.

**REPORTED** that a suggestion had been made by the Finance Committee for a Board Member from each Board to also attend these meetings.

The Technical Engineer welcomed this suggestion, but appreciates it might be difficult or a big ask for members to give additional time.

D Dewar-Whalley explained that he thought it was a very good idea and he was happy to put himself forward as the representative from this Board giving support to Officers and showing the workforce there is nothing to hide - transparency.

The Technical Engineer explained that the meetings had been taking place every 6-8 weeks and last 2-3 hours, but eventually these should reduce to once a quarter and take around an hour.

On a proposition by P Hicks, seconded by J Wright it was **AGREED** that D Dewar-Whalley should represent the Lower Board at the Works, Health & Safety meetings.

Members felt that it was important to have a representative there so D Davis, S Attwood and S Mair volunteered their services as second reserve, just in case D Dewar-Whalley is unable to attend a meeting.

**AGREED** by all members present.

## 15. **BELLS PUMPING STATION**

**RECEIVED** an update on the new Bells pump station project.

**(As attached to these Minutes)**

The Chief Executive informed members that the project was due to start the first week of June, but was delayed a month due to a marsh harrier nesting within 200m of the site. English Nature were consulted and advised construction be delayed by one month.

**REPORTED** that Brehenys compensation claim for the delay came in at £46k, however, the Chief Executive and Technical Engineer has queried the breakdown of their costs and has managed to get the claim reduced to £32k.

**REPORTED** that so far 5 compensation events have been claimed for, 2 have been turned down.

**REPORTED** that the site compound started last week and Heads of Terms were issued on 3 July 2017.

Members asked whether any further/additional liabilities were expected.

The Technical Engineer explained that until the piling work had been carried out, this is unknown. **REPORTED** that by the end of September we should know of any additional liabilities.

Telemetry was discussed. **REPORTED** that it is being investigated to a costing point for consideration.

P Hicks asked whether a site visit could be arranged for members.

The Chief Executive explained that this was not possible, due to the fact that anyone attending site needs to have had site induction training and wear the correct PPE. **REPORTED** that photographs and video footage of construction will be taken and members will be updated at the meetings.

**REPORTED** that monthly progress meetings are held with the contractors. Weekly progress reports are received detailing what they have already done and what they will be doing next.

**REPORTED** that the Technical Engineer will be visiting the site on a regular basis.

S Batt asked whether the contractor is responsible for site security and any damage incurred on site.

The Chief Executive explained the contractor is responsible, not the Board.

The lease agreement was discussed and members requested that the Chief Executive obtains some definitive answers in writing from the Solicitor.

## **16. BOARD INSPECTION**

At the last meeting members expressed an interest in going to Holland to view the manufacturer of the pump for the new Bells & Mocketts pumping station.

**REPORTED** that the Chief Executive had looked in to the possibility of arranging this, but unfortunately the costs were prohibitive.

The pump supplier has offered to assist with arranging a trip for a number of people, but can't accommodate such a large party.

A joint Board Inspection with the Upper Board had been suggested proposing a visit to the Thames Barrier.

**REPORTED** that the EA have offered the Board 9 October 2017 a visit to the Thames Barrier, but there will be limited access due to the recent terrorist activity.

Members discussed and decided they didn't want to do this, as a number of members had already visited.

No other suggestions were made at this time.

## **17. ADA SOUTH EAST BRANCH ANNUAL MEETING**

**RECEIVED** a copy of the ADA South East Branch Annual Meeting Minutes dated 27 April 2017.

**(As attached to these Minutes)**

## 18. ADA CONFERENCE 2017

**REPORTED** that the annual ADA Conference will be held on 16 November 2017 at 1 Great George Street, Westminster. Should any member wish to attend, please let the Chief Executive know as soon as possible.

R Hinge expressed an interest in attending this years event.

## 19. STAFFING RESOURCES

The Chief Executive explained that he had concerns over current staffing levels and had taken a closer look at everyone's workload over the last six months and is convinced that everyone is at maximum capacity, taking into account the work involved with the Bells & Mocketts pump station project.

A request was made for the Board to consider employing someone part-time on a 12 monthly temporary contract basis initially in order to assist with the basic day to day general administration work.

Members discussed and **AGREED** in principle to the proposal.

D Dewar-Whalley asked how this would affect the Boards budgets and requested that the Chief Executive puts some figures together then report back to the Finance Committee for consideration.

The Chief Executive thanked members for their understanding and explained that the same proposal will need to be presented to the Upper Board next week for consideration.

## 20. LOWER HALSTOW

The Chief Executive reported there had been ongoing drainage issues in the Lower Halstow area.

**RECEIVED** a report in to the flood risk of Lower Halstow area.

**(As attached to these Minutes)**

A number of photographs were shown to members of the watercourse concerned.

The Chief Executive explained that Peel Ports owns the bed of ditch. However, there is confusion over which body is the enforcing authority. KCC and the EA think the ditch should be the IDBs responsibility, although at present the area is not within the defined drainage district. It could be argued if should be.

Members discussed this matter and various concerns were raised regarding potential flood risk in the area.

Members **AGREED** that the Chief Executive should approach Peel Ports in the first instance to rectify the watercourse and suggest that using faggots and reducing the size of the watercourse could solve the problem.

Members also **AGREED** that KCC should approach Peel Ports to do something because of potential flooding, which would then involve the Highways department. The Chief Executive to arrange.

## **21. ANY OTHER BUSINESS**

### **(a) Member Liability / Board Liability**

The Chief Executive informed members that S Mair had raised a valid point during the Finance Committee meeting concerning potential members personal liability.

This point was raised as a result of the Boards pension liability being disclosed at year end (31 March 2017).

The Chief Executive informed members that he would seek clarification on this matter from ADA.

## **22. CLOSURE**

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