

# **LOWER MEDWAY INTERNAL DRAINAGE BOARD**



**MINUTES OF THE MEETING of the BOARD**  
held at **The Boards Offices, 17 Albion Place, Maidstone**  
on **Monday 27 March 2017**

## **Members of the Board Present**

Chairman: R Hinge

S Batt  
D Davis  
D Dewar-Whalley  
G Etheridge  
J Gore  
N Hampshire  
K Ingleton  
J C Lewis  
S Mair  
H Neaves

In attendance

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

### **1. APOLOGIES FOR ABSENCE**

Apologies were received from S Attwood, G Fulton R Hall, B Stone and J Wright.

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

R Hinge declared an interest in Item 20 – Bells & Mocketts Pumping Station.

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

**RECEIVED** a copy of the Declaration of Board Members Interest form.

**(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.

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 5 December 2016.

**(As attached to these Minutes)**

All members in attendance **AGREED** that the Minutes of the Meeting of the Board held on 5 December 2016 were correctly recorded and that they be signed by the Chairman.

#### **6. FINANCE COMMITTEE MINUTES**

**RECEIVED** the Minutes of the Finance Committee Meeting held on 5 December 2016.

**(As attached to these Minutes)**

#### **7. MINUTES**

**RECEIVED** the Minutes of the Extraordinary Board Meeting held on 9 February 2017.

**(As attached to these Minutes)**

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

**RECEIVED** the Minutes of the Internal Audit Sub Committee Meeting held on 14 December 2016.

**(As attached to these Minutes)**

#### **9. 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** the Chief Executive is in the process of getting quotations for replacement chutes.

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

#### **Item 11 – Internal Audit**

At the last meeting D Dewar-Whalley explained that the Finance Committee at their meeting on 29 May 2016 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 the Risk Management will be reviewed by the Internal Auditor during his next visit scheduled for 11 May 2017.

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

#### **Bells Pumping Station**

**REPORTED** that there were a number of outstanding items concerning Bells & Mocketts Pumping Station which will be discussed under Item 20 on this Agenda.

## **10. HEALTH & SAFETY UPDATES**

**REPORTED** that the Technical Engineer completed his NEBOSH health and safety training over three weeks in November 2016.

**REPORTED** that the Technical Engineer received a distinction in late February 2017 and is now NEBOSH qualified to advise/assist on H&S Policies and Procedures for the Boards.

The Chief Executive and Members congratulated the Technical Engineer on passing this course with distinction.

The Technical Engineer explained that he will start to look at things methodically. **REPORTED** that a review of the Boards current Policies will take place, with a provisional proposal of requirements being prepared and presented to the Joint Services Committee at their meeting on 8 September 2017. Any recommendations will be presented to the Board, along with any costings involved. There will be a need to prioritise.

The Board will need to agree on the timings of priorities at a future meeting.

Activities and changes are starting to take place and updates will be given at Board Meetings.

Members were informed that the Technical Engineer has enrolled on a course to become qualified at carrying out Fire Risk Assessments. Historically the Boards have instructed an external body to carry out this task at a cost of £1,000. The training course is £700.

D Dewar-Whalley commented that it is useful to have someone qualified to do this and suggested having a fresh pair of eyes to review the document.

The Technical Engineer explained that he will be the fresh pair of eyes, but will also seek guidance from the course trainer initially, as he's fully aware that just because he's completed a course, he doesn't automatically have absolute knowledge of compiling/reviewing such documents.

D Dewar-Whalley suggested that the Board gives consideration to having an independent person review the Fire Risk Assessments every 5 years, as these are based purely on one persons opinion on the day they are carried out. He also explained that it is important to have a set programme over a 12 month period.

G Etheridge asked whether the qualification required any refresher training.

The Technical Engineer explained that once you are qualified no more training is necessary.

G Etheridge then asked how you keep updated with the knowledge and legislation change/update.

The Technical Engineer explained that he's enrolled to HSE and receives weekly updates. He also keeps in contact with the course trainer.

## **11. ENVIRONMENT AGENCY PRECEPT**

**RECEIVED** details of the precept for the year ending 31 March 2018 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 2017 was estimated to be £410,518. The actual was £410,518.

Also **REPORTED** that the actual Environment Agency spending for the next 12 months will not increase.

The Chief Executive informed members that the Upper Board have objected to the Precept charge this year due to the lack of information provided regarding where the money is spent.

Although a report had not been received from the Environment Agency regarding the Precept expenditure, Members had no reason to object to the charge, as commitment had already been given for the cost to be used towards the new Bells & Mocketts Pumping Station.

J Lewis queried the £283,000 administration costs, as this seemed a very small amount of money. The Chief Executive was asked to request a breakdown from the Environment Agency in order to confirm the legitimacy of their report.

J Lewis explained for the interest of Swale Borough Council Members, the Board pays £410,000 Precept Payment to the Environment Agency which is twice the amount Kent County Council pay.

## **12. BOARD INSPECTION**

Members were asked to give consideration to a Board Inspection this year.

The Chief Executive explained to Members that the Upper Board at their last meeting suggested a visit to the Thames Barrier and felt it would be sensible to hold a joint Inspection with the Lower Board.

Some of the Members present commented that they had already been to the Thames Barrier.

The Clerk explained that the Lower Board has had two visits already to the Barrier, once in 1980s and again in 2007.

The Chief Executive was asked to arrange a visit to the Thames Barrier as a joint Inspection with the Lower Medway IDB.

Members discussed at length and expressed an interest in visiting the appointed pump supplier for the new Bells & Mocketts Pumping Station to see the pump being built and look at this type of pump in operation in order to get a better understanding on what the Board is spending its money on.

The Chief Executive was asked to find out whether this is possible with the manufacturer and then obtain prices on transport for the Board to consider.

J Lewis wanted it noted that in principal he liked the idea, however, it should be handled with caution in light of what the Auditors uncovered concerning one of the South Wales IDB Annual Inspections to Italy a couple of years ago. He commented that he wouldn't have a problem making a contribution.

## **13. SANCTION TO BORROW**

Members were asked to consider making an application to DEFRA for permission to raise an overdraft from National Westminster Bank Plc for a sum not exceeding £100,000.

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. The Board has never used it, but it is always good to have a backup plan should extra funds be needed.

**REPORTED** that at the last Upper Board meeting a point was raised regarding the value of the overdraft.

**REPORTED** that Officers have been looking into this and have made enquiries with NatWest Bank and DEFRA because it appears NatWest think the money is an overdraft facility that needs to be paid back within the current financial year and Section 55 allows the Board to borrow money.

The Chief Executive explained that following his conversation with DEFRA it would appear that additional funds are available through the Public Works Loan Board.

**REPORTED** that J Wright had suggested the Chief Executive contacts N Vickers of Swale Borough Council to consider a loan. Members were informed that N Vickers sent a very short message back saying to contact either Medway Council or Tonbridge & Malling Borough Council.

Members were shown Section 55 of the Land Drainage Act 1991 and the rules that would apply surrounding any loan taken out.

Members were reminded that the Upper Board has agreed in principal to loan the Lower Board a sum of money, should the need arise whilst constructing the new pumping station. However, the exact sum of money has not been determined, nor have the interest rate.

Members **AGREED** that the Chief Executive finds out what sum of money the Upper Board would be prepared to loan the Lower Board, should a loan be needed and under what terms.

The Chief Executive to report back to the Board so they can understand what the payment terms are.

N Hampshire wanted it noted that no agreement was taken today to borrow. The Board need to know and understand the terms before committing.

All Members in attendance **AGREED**.

Members also **AGREED** to put the sanction to borrow request on hold, pending feedback from the Chief Executive.

#### **14. INTERNAL CONTROLS – YEAR ENDING 31 MARCH 2017**

**RECEIVED** a copy of the Statement of Accounting Policies and the Statement of Internal Control for the year ending 31 March 2017.

**(As attached to these Minutes)**

**REPORTED** that the Officers had reviewed these documents and other than the change in dates, it was felt that no further amendments were required. Next year will require a few amendments, as the number of Board Meetings has reduced and the Boards External Auditor will change, but for now only date changes are required.

J Lewis queried the wording of the first paragraph of Item 3 on the Statement of Internal Control referring to the Chairman being responsible for the smooth running of meetings and for ensuring that all Board decisions are lawful, and how would the Chairman do this.

Members discussed and felt that this wording was standard terminology in all Chairman documentation. The fact that the document goes on to say that the Board has appointed a Clerk to the Board who acts as the Board's advisor and administrator is sufficient to advise the Chairman on matters accordingly.

Members then discussed and debated who the responsible body is.

There was confusion as to whether it would be the Board, or the Clerk & Engineer (Chief Executive).

Members asked for this matter to be brought to the Internal Auditors attention for clarification.

**AGREED** on a proposition by G Etheridge, seconded by D Davis that the Statement of Accounting Policies and the Statement of Internal Control for the year ending March 2017 are approved.

## **15. PLANNING APPLICATIONS**

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

**(As attached to these Minutes)**

The Chief Executive read through the planning applications.

**REPORTED** that KCC automatically respond to any planning applications over 10 dwellings. The IDB liaises with KCC to ensure that any IDB concerns are also commented on.

Swale Borough Council – Number 9. K Ingleton explained that the developer is going to form a lagoon to recycle all the surface water.

Swale Borough Council – Number 10. K Ingleton explained that this application needs close scrutiny on what's happening. KCC has rerouted the adjacent watercourse.

Swale Borough Council – Number 11. The Chief Executive explained that he has been out to site as there is a query regarding ownership of the ditch. Half of the ditch appears to be in no mans land. Two additional properties have been built on the end of the existing properties limiting access to the ditch for maintenance.

The Chief Executive informed members that conditions 9 & 10 have been discharged now that the developer has provided the relevant information.

## **16. CONSENTS**

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

(a) **Location: L3A Scrapesgate Drain – footbridge at Fleetwood Close.**  
Granted 14 March 2017.

(b) **Location: L7 Furze Hill – new potential application by SWA.**

Members were informed that S Attwood has now taken on this land and is keen to amend the idea. Awaiting further information.

(c) **Location: L3 – Persimmon Homes, Powerstation Road.**

Members were informed that the Board has objected to this before, as the proposal did not have an 8m access strip. The Chief Executive and the Chairman has visited the developer on site advising that the Board will not be able to maintain approximately 3-4m of the ditch past the corner. The rest of the watercourse is accessible mainly from the north bank and some access on the south bank.

The Chief Executive explained that he is happy that there is enough access strip along the site and requested members to consider granting this application.

J Lewis recommended that the Board formally unadopt the small 3-4m section of the ditch.

Members asked whether the developer still owns the land and what will happen regarding SuDS.

The Chief Executive explained that the developer still owns the land, however, a management company will probably take over and will look after SuDs underground.

**AGREED** on a proposition by J Lewis, seconded by K Ingleton that the Board formally unadopt the small 3-4m section of the ditch and will therefore grant consent for this application.

(d) **Location: L11 Bells Drain – New SW pipe on Eastchurch Marshes.**  
**REPORTED** that consent no longer required.

## 17. **ENGINEERS REPORT**

**RECEIVED** the Engineer's Report Number 158.

**(As attached to these Minutes)**

The Chief Executive read through the Engineers Report and showed members a number of photographs where maintenance works had been carried out.

G Etheridge informed the Chief Executive that there is an app called Country Eye which may be of use to the IDB, as it can be used for reporting fly tipping to the relevant Councils. The app allows you to forward a photograph of what needs removing.

## **18. WORKS HEALTH & SAFETY GROUP MEETING**

**RECEIVED** a copy of the Works Health & Safety Group Meeting Minutes dated 24 January 2017.

**(As attached to these Minutes)**

The Technical Engineer explained that by Law there should be Health & Safety meetings held with the workforce.

There have been various ongoing issues which relate to both Health & Safety and work practices.

**REPORTED** that these meeting are being used to consult with the workforce to bring in the modernisation changes required. There is a representative from each Board, agreed by their work colleagues and all Officers are in attendance of these meetings.

**REPORTED** that concerns regarding the Upper Board pay and conditions had been raised which needs investigation and will be put to the Joint Services Committee at their meeting on 8 September 2017. However this will not affect the Lower Board.

**REPORTED** that there are Policies which differ from each Board which need consideration to realign to assist Officers in the management of the day to day business. These issues will be prepared for discussion and put to the Joint Services Committee at their meeting on 8 September 2017 and any recommendations will be presented to the Board for consideration.

Minutes will be reported at each Board Meeting moving forward.

G Etheridge supported the recommendation of harmonisation across both Boards to assist Officers.

## **19. INTERNAL AUDITORS INTERIM REPORT 2016/17**

**RECEIVED** a copy of the Interim Internal Audit Report for the year ending March 2017 produced by David Griffiths on 15 November 2016.

**(As attached to these Minutes)**

The Chief Executive informed members that the Internal Audit Sub Committee had sought clarification of the Auditors comment regarding maintenance programme. This related to the watercourse annual maintenance programme.

**REPORTED** that this document is now complete and on the Boards website.

Members were also informed that the Internal Auditor will be visiting the depot at his next visit to review its operations.

G Etheridge asked whether the Board had a scheduled maintenance plan for its plant and equipment.

The Technical Engineer explained that the maintenance is planned for May so that all the equipment is ready for use in July.

## **20. BELLS & MCKETTS PUMPING STATION**

Received a copy of the Chief Executives Bells & Mocketts Pumping Station Update Report.

**(As attached to these Minutes)**

The Chief Executive informed members that there were a number of items outstanding from the last meeting which have since been actioned, details of which are contained within the report.

**REPORTED** that the Breheny's contract was been signed off by the Chief Executive and Chairman on 27 March 2017.

**REPORTED** that all the relevant permissions are in place.

Agreement is now in place with the landowner.

**REPORTED** that a meeting is planned tomorrow (28 March 2017) with all the contractors involved, Daniel Sharp from Peter Brett Associates and Joanna Kollnberger of the Environment Agency will also be in attendance. The purpose of this meeting is to discuss and agree any flood issues.

**REPORTED** that it is anticipated that the project will start on site on 6 June 2017.

S Batt asked about site security whilst construction is taking place.

The Chief Executive explained that Breheny's are providing on site security and will be responsible whilst construction is taking place.

Members asked about telemetry.

The Chief Executive explained that this has not yet been confirmed with Peter Brett Associates. Various options are being looked at. One suggestion was Sitewatch which allows remote access from a computer/mobile phone. Water levels can be altered remotely at any time. CCTV link is also being looked into.

Members were asked to consider a PR event to launch the project involving perhaps the Chairman and a number of members, especially as this is a high profile project, which would be arranged via Peter Brett Associates Marketing department.

Members **AGREED** that there should be a PR event and that the Chief Executive liaises with Peter Brett Associates.

Members also felt that this project should have some recognition in the ADA Gazette, which should include a photograph of the Chairman breaking the soil. Should also be in the Local Press, perhaps when the project is complete showing the ribbon cutting.

D Dewar-Whalley offered to have something put in the next edition of Swale Borough Council Newsletter – Inside Swale.

The Chief Executive to forward something to D Dewar-Whalley for inclusion.

## **21. ANY OTHER BUSINESS**

### **(a) Medway IDB/River Stour IDB Partnership**

**REPORTED** that the Medway IDB/River Stour IDB Partnership comes to an end on 31 March 2017.

The Works Supervisor becomes full time at the Medway IDBs.

The Chief Executive will deal with all planning and consent applications.

P Dowling will return full time to the River Stour IDB.

**REPORTED** that a review of staffing resources will take place over the coming months.

### **(b) ADA Branch Meeting**

**REPORTED** that the next ADA Branch Meeting will take place at the Stockpot, Ashford on 27 April 2017.

The Chief Executive informed members that he'd like to have someone from the LMIDB to be represented at this meeting. Other IDBs are doing so. It is a useful meeting to find out what's happening nationally and what other IDBs in Kent are doing.

R Hinge expressed an interest in attending, subject to diary commitments. G Etheridge also expressed an interest in attending and was happy to be first reserve. All members in attendance were happy for either R Hinge or G Etheridge to attend and represent the LMIDB.

### **(c) Feedback on Meeting**

Members were asked to provide feedback on the new meeting format and presentation. Officers want the transition from paper format to a more visual format to be suitable to all members, so any feedback that could make the meetings better would be gratefully received.

N Hampshire asked whether the Appendix's could be sent as one document rather than individual attachments for ease of viewing on an electronic device during the meeting.

The Technical Engineer explained that this had also been raised at the Upper Board meeting and enquiries were being made on how to do this.

Members were reminded not to be afraid to speak up and contact any of the Officers with comments/suggestions regarding the new format.

**22. CLOSURE**

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