

UMIDB
UPPER MEDWAY INTERNAL DRAINAGE BOARD



MINUTES OF THE MEETING of the BOARD
held at 17 Albion Place Maidstone
on **Tuesday 21 November 2017.**

Members of the Board Present

M Dobson - Chairman

D Aikman
J Cannon
K Jay
T Reader
J Scholey
G Swift
R Thomas
C Wheeler

In attendance

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

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.

The Chairman introduced and welcomed the newly appointed Administration Assistant, Lisa Rowland.

The Chairman then went on to introduce and welcome Julie Foley and Lisa Lennox of the Environment Agency who have been invited to attend the meeting and provide members with a presentation on what projects/works the Boards 2017/2018 Precept money has been/will be used for. Item 16 was discussed first of all.

1. APOLOGIES

Apologies received from D Cooley, S Highwood, R Lewis, S McLeod, H Rogers, M Round, C Stewart and R Young.

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. DECLARATION OF BOARD MEMBERS INTEREST 2017/2018

REPORTED that D Cooley, S McLeod and R Young have not yet completed their Declaration of Board Members Interest form 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.

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 a copy of the Minutes of the Meetings of the Board held on 18 July and 1 August 2017.

(As attached to these Minutes)

AGREED by all Members present that the Minutes are correctly recorded and that they be signed by the Chairman.

6. FINANCE COMMITTEE MINUTES

RECEIVED the Minutes of the Finance Committee Meeting held on 18 July 2017.

(As attached to these Minutes)

7. JOINT SERVICES COMMITTEE MEETINGS

RECEIVED the Minutes of the Joint Services Committee Minutes Meeting held 8 September 2017.

(As attached to these Minutes)

8. MATTERS ARISING FROM PREVIOUS MINUTES

Minutes of meeting 21 March 2017

Item 7 – Internal Audit Sub Committee Minutes

Members requested that Officers arrange a computer back up, process plan including restoring data.

REPORTED that this process was carried out on 26 July 2017. The Chief Executive notified the results to J Scholey, Chairman of the Internal Audit Sub-Committee. J Scholey suggested this process be carried out once a year and is sufficient for our requirements.

Minutes of meeting 21 March 2017

Item 12 – Sanction to Borrow

A request was made to investigate the possibility of being able to borrow more money than the current limit.

An agreement was made to use the Public Works Loan Board process should funds be required. This process needs adding to the Financial Risk Register, which will be discussed in the next Internal Audit Sub-Committee meeting on 5 December 2017.

J Scholey requested the Chief Executive makes enquiries with DEFRA over Municipal Bonds Authority for a possible loan source. The Chief Executive explained that he had spoken to Carol Tidmarsh of DEFRA about this but she had never heard of that Agency before, it seems Local Authorities can use it, she was unsure about IDBs.

J Scholey explained that this route had not yet come to fruition with the Councils.

Minutes of meeting 21 March 2017

Item 18 – Environment Agency Precept 2017/2018

An appeal to withhold payment until a sufficient report and explanation is forthcoming from the Environment Agency has been submitted to DEFRA.

A presentation was given by the EA during the meeting (Item 16) to hopefully resolve this issue.

Minutes of meeting 1 August 2017

Item 13 – Engineers Report

A request by D Aikman for Officers to look at the additional costs due to Landowners not allowing the IDB to carry out the necessary works efficiently, which affects the rates they pay.

The Chief Executive explained that he has not yet managed to look at this – ongoing.

Minutes of meeting 1 August 2017

Item 20 – Any Other Business, New Office and Lower Depot combined facility

Investigations to be carried out, with the findings and proposals to be reported to the Board.

The Chief Executive explained that this matter is ongoing. Any updates will be reported to the Board at the next meeting.

9. ANNUAL RETURN - YEAR ENDING MARCH 2017

RECEIVED a copy of the approved IDB Annual Return for the year ending 31 March 2017.

(As attached to these Minutes)

REPORTED that no areas for concern have been raised.

The Chief Executive informed Members that the approved Annual Return is displayed on the Boards Website.

J Scholey wanted it noted that he was pleased to see a clean audit report. Well done to those involved.

10. END OF YEAR ACCOUNTS - YEAR ENDING MARCH 2017

RECEIVED a copy of the End of Year Accounts for the year ending 31 March 2017.

(As attached to these Minutes)

REPORTED that this document is produced purely for Board Members information and the asset values reported reflect current book value, not actual purchase price as stated in the annual return.

11. HEALTH & SAFETY UPDATES

RECEIVED a copy of the Boards Health and Safety Plan.

(As attached to these Minutes)

The Technical Engineer informed Members that the Joint Services Committee approved the Medway IDBs Health & Safety Plan at their meeting on 8 September 2017.

Members were asked to give consideration to formally approve the implementation of the recommended Health & Safety Plan.

On a proposition by R Thomas, seconded by G Swift members **AGREED** to formally approve the implementation of the Health & Safety Plan.

12. PLANNING APPLICATIONS

RECEIVED the various planning applications the Board has been invited to comment on since its last meeting.

(As attached to these Minutes)

The Chief Executive read through all the planning applications received.

Members noted the Planning Applications for which the Chief Executive had commented on.

13. CONSENTS

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

- (a) Mousehole Farm, Nettlestead
Proposal: To install a new underground supply to Fishing lakes which passes under an ordinary watercourse.

REPORTED that this was a straightforward application and the Chief Executive made sure the temporary works described how UKPN would install the cable under an ordinary watercourse with sufficient depth of cover.

Following Member consultation, consent was **GRANTED** on 1 August 2017.

- (b) Elphicks Fisheries, Spelmonden Road, Horsmonden, TN12 8EL
Proposal: To install a 600mm diameter culvert in a watercourse and create a new vehicular crossing into Fisheries.

REPORTED that the Chief Executive recommended consent be granted because the large diameter pipe installed within a small roadside ditch means the chance of blockage is minimal.

Following Member consultation, consent was **GRANTED** on 31 August 2017.

- (c) Ayleswade Farm, Ayleswade Lane, Headcorn –
Proposal: To create meanders within the IDB watercourse – a KWT and EA partnership project.

REPORTED that the new proposed meanders will create more flood storage within the channel, but the Board would have concerns that some of the works will limit its ability in the future to maintain the watercourse. The proposal to plant trees along its length does give the Chief Executive concern that once these trees are established mowing the river banks with the use of a large tractor would be limited. The position of the trees needs to be agreed with the Chief Executive in advance, so that appropriate access is still possible along one bank of the stream. The excess spoil is intended to be used to create a beetle bank. These will need to be created at least 9m away from the stream to allow the Board a continuous maintenance strip along the river.

Following Member consultation, consent was **GRANTED** on 18 September 2017.

- (d) Former Headcorn Hall, Shenley Road, Headcorn
Proposal: To construct a new access for development and installation of 2 x 300mm diameter culverts within the existing roadside ditch.

REPORTED that the existing site area is 1.88ha and the run-off from the development is being reduced to 4.2 l/s/ha, so the Chief Executive is happy with this aspect of the development. The other, is the culverting of the ditch along Shenley Road to form the access road into the new development. The application is proposing to install 2 x 300mm diameter pipes which normally the Chief Executive would have an issue with because of their small size. However, other culverts along this road are of a similar size and the ditch is very small, installing a larger culvert so close to the carriageway would be unsuitable.

Following Member consultation, consent was **GRANTED** on 25 October 2017.

14. ENGINEER'S REPORT

RECEIVED the Engineer's Report Number 151.

(As attached to these Minutes)

The Chief Executive read through the Engineers Report.

C Wheeler asked how much work does the bigger excavator do that the little excavator can't do.

The Chief Executive explained that the larger excavator does heavy dredging works, lots of tree work and has a longer reach.

15. WORKS, HEALTH & SAFETY GROUP MEETING

RECEIVED a copy of the Works Health & Safety Group Meeting Minutes dated 7 August and 19 October 2017.

(As attached to these Minutes)

The Technical Engineer explained that R Thomas was the appointed Upper Medway Board Representative and had attended the last couple of meetings.

R Thomas explained that a lot of positive information is received at these meetings both from Officers and the Workforce Representatives. He leaves the meetings feeling he's achieved something.

16. ENVIRONMENT AGENCY PRECEPT REPORT UPDATE

RECEIVED a presentation from Lisa Lennox from the Environment Agency (EA) regarding the Medway Maintenance Programme outlining proposed works for using the 2017/2018 Precept Payment.

(As attached to these Minutes)

Suggested sites were the Alder Stream at Stonecastle Farm, investigating alternative replacements for Duddies and Darmans automatic sluices on the River Teise, improvement works on the River Beult.

Suggested sites for using the 2018/2019 Precept Payment were the Alder Stream at Lindow Lea Farm and blockage removal on the Postern Stream near Tonbridge.

L Lennox explained that the Environment Agency were also open to any other suggested works/sites that members of the IDB can think of.

The Technical Engineer explained that the Board need to see that the works being carried out by the EA are providing value for money for the ratepayer. IDBs can carry out works at a fraction of the cost and would consider doing so if there were commitment from the EA to allow the work. The works need to be efficient and planned well in advance.

Members in attendance were in agreement.

Julie Foley suggested that a meeting be arranged to discuss setting up a Public Sector Cooperation Agreement.

The Technical Engineer explained that the Chief Executive had reservations about this based on a previous experience. However, if an agreement was set up then there needed to be give and take/assistance provided on both sides with regards to any issues identified or permissions required, not just handing over a problem for someone else to deal with.

Both Julie Foley and Lisa Lennox agreed.

Julie Foley then went on to give a presentation about the Medway Flood Partnership.

(As attached to these Minutes)

The purpose of the partnership was outlined, the progress made so far and the details of the Medway Flood Action Plan.

Members were informed that the Medway Maintenance Group brings everyone together to discuss how to make the action plan work.

It was suggested that time is given to iron out how to make the plan work, then the Board will give consideration to setting up a Public Sector Cooperation Agreement with effect from April 2019.

C Wheeler joined the meeting.

Members were informed that an annual meeting of all the Chairmen on 8 December 2017 at Ashford.

The Chairman checked his diary and confirmed his attendance.

Lisa Lennox explained to Members that the Precept Report the Board had asked for is currently in draft format waiting to be signed off.

The Chairman thanked Julie Foley and Lisa Lennox for their presentations.

Julie Foley and Lisa Lennox both left the meeting.

A discussion took place between members.

Members were disappointed that the EA has still not produced a satisfactory report showing where the Boards 2017/2018 Precept money has been/is going to be spent, even though this was promised at the last meeting.

The Chief Executive reminded members that the Board is still withholding the first payment of £59,711.50 which was due in May 2017 and that the second instalment of £59,711.50 is due in December 2017.

J Scholey felt that without a written report there is no evidence to prove that any of this work has been carried out. We have to be accountable.

Members **AGREED** that until a satisfactory report has been received justifying where almost £120,000 has been spent, then the Board will not be releasing any payments to the EA.

Upon receipt of the report, Members suggested that the Chief Executive forwards a recommendation to the Chairman, giving Members 14 days to respond with their comments.

Members stressed that the Chief Executive should cost the report.

17. MEMBERS LIABILITIES

REPORTED that at the last Lower Board Meeting, Members at that meeting requested confirmation of Members Liabilities during their elected term on the Board.

REPORTED that the Chief Executive has been in contact with ADA in order to obtain clarification.

As a result of numerous IDBs contacting ADA requesting the same clarification, ADA has been in contact with a Solicitor in order to obtain an official stance.

RECEIVED a copy of the Guidance Note from ADA regarding Liability of Board Members.

(As attached to these Minutes)

Members were asked whether they had any questions.

No questions asked. Guidance Note taken as read by all Members present.

18. ESTIMATES AND SPECIAL LEVIES

RECEIVED the recommendations of the Preliminary Estimates Committee for the Estimates for the year commencing 1 April 2018.

(As attached to these Minutes)

REPORTED that the Environment Agency has confirmed that for the next 12 months the precept payment will remain the same.

REPORTED that the Finance Committee's recommendation is to increase the penny rate to 4.0200 for the next year, a 20% increase.

RECEIVED a copy of the Boards Asset Plan.

(As attached to these Minutes)

The Chairman asked all Members present whether they had received H Rogers email regarding the Special Levy. (Copies of the email were made available to hand out).

All Members in attendance had received H Rogers email.

The Technical Engineer made reference to the email and explained that H Rogers comments are duly noted. He went on to explain that Members had requested that a plan be put in place to give a sustainable plan for the future and this request has been carried out.

J Scholey explained that he has a problem transferring £175,000 from the Asset Plan into the Estimates. This should be taken care of with depreciation. The shortfall being around £70,000 with this cost coming out of balances.

R Thomas strongly supported J Scholey's comment.

A lengthy debate took place over the Boards plant and equipment, the depot yard and the Boards offices.

D Aikman explained that the Boards reserves will almost disappear if we continue with the plan and reminded members that the Internal Auditor had previously suggested that it is good practice to retain one years worth of expenditure in reserve.

J Scholey didn't agree with holding so much in reserves.

C Wheeler questioned the depot yard and believes there has not been any effort to maintain it.

The Technical Engineer explained to members that there is a need to agree the plan. Is it viable? Members were informed that the plan had been presented to the Joint Services Committee and the Estimate Committees at their respective meetings and Members at those Committee Meetings agreed that the plan was right for the IDB.

The Technical Engineer further explained that the Board doesn't have to buy its equipment, there are other options available, however, the other options would commit the Board to financial liabilities. Amendments to the plan can be made each year, as Members see fit.

K Jay asked about costings involving the excavator.

The Technical Engineer explained that during last year's service and insurance inspection it was identified that the Boards excavator is suffering from age related costs. It was estimated that between £20-28k may need spending on the machine in order for it to pass the next insurance inspection. The current maximum estimated value of the excavator is £20k (based on part exchange value).

D Aikman reminded Members that the Technical Engineer had been asked to draw up a plan to have in place which enables the Board to do what they do. The relevant Committees have agreed the plan as a responsible Board. However, how do we get the money if Councils and landowners are not willing to pay. Any Members in favour can't be held responsible.

A number of Members present felt it would be a good idea to get the relevant Finance people in from the Councils to understand why we are doing what we are doing.

D Aikman explained that the Joint Services Committee had already suggested that the Chief Executive arranges this.

Members were first of all asked to vote as to whether they agreed with the IDB Plan.

All Members in attendance **AGREED** with the IDB plan, as this is something they would like the Board to achieve.

Members were then asked, how are the Board going to go about achieving it.

All Members in attendance **AGREED** that the Chief Executive should contact the relevant Finance people to attend a meeting in order to give a presentation of the Boards Plan.

D Aikman asked whether there was a deadline where the penny rate had to be set and the Councils notified.

The Chief Executive explained that within the Land Drainage Act, the IDB has to notify the Councils by 15 February of what penny rate has been set.

Members **AGREED** to adjourn this matter until the meeting with the Councils has taken place.

An emergency meeting of the Board will be arranged at a later date to discuss and agree the setting of the penny rate only.

Members were finally asked to give consideration to the additional 5% pay increase for the workmen, in order to bring their pay in line with the Lower Medway workmen.

A recorded vote took place. 8 Members were in favour (D Aikman, J Cannon, M Dobson, K Jay, T Reader, J Scholey, G Swift and R Thomas), 1 member was against (C Wheeler).

As majority were in favour it was **AGREED** that the Upper Board workmen would receive an additional 5% pay increase with effect from 1 April 2018 in order to bring their pay in line with the Lower Board workmen.

19. APPROVAL OF CALENDAR OF MEETINGS 2018

Members considered and approved the calendar of meetings for 2018.

(As attached to these Minutes)

AGREED Dates:

6 March	Finance Committee	1.00pm
6 March	Board Meeting	1.15pm
Thursday 24 May	Finance Committee ONLY (To approve the Annual Return)	2.00pm
10 July	Finance Committee	1.00pm
10 July	Board Meeting	1.15pm
13 November	Finance Committee	1.00pm
13 November	Board Meeting	1.15pm

The Estimates Committee Meeting 16 October 2018.

The Joint Services Meeting 7 September 2018.

20. ADA CONFERENCE 2017 UPDATE

REPORTED that the annual ADA Conference was held on 16 November 2017 at 1 Great George Street, Westminster. The Chief Executive & R Thomas attended.

The Chief Executive informed members that this years Conference was the 80th Anniversary and was the best turn out for a number of years. The main topic of conversation at the Conference was promoting partnership work.

Members were informed that the current ADA Chairman, Henry Cator is standing down and a presentation was made. The new Chairman, Robert Caudwell was introduced.

R Thomas explained that it was his first time to the ADA Conference and he found the day very interesting and worthwhile.

He felt the Minister, Dr Therese Coffey gave a very good speech and the new Chairman of the EA, Sir James Bevan made it very clear during his speech that we should all believe in partnerships and that they should work from both sides, not just one way which tied in nicely with what Julie Foley had explained to Members earlier on in this meeting.

21. ANY OTHER BUSINESS

There was no other business to discuss.

22. CLOSURE

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