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UPPER MEDWAY INTERNAL DRAINAGE BOARD



MINUTES OF THE MEETING of the BOARD
held at **Ightham Mote, Ivy Hatch, Kent**
on **Tuesday 28 June 2022 at 10am.**

Members of the Board Present

O Baldock
Cllr M Davis
Cllr M Gillman
C Hosmer
S Highwood
Cllr S McGregor
Cllr J Perry
Cllr H Rogers
L Young

In attendance

O Pantrey – Clerk
L Carey – Finance Officer
J Davis – Works Supervisor

1. APOLOGIES

Apologies received from Cllr King, D Goff, C Wheeler, W Thompson, B Bishop.

The Chairman welcomed the members and made a comment on how lovely it was to have everyone back in a face-to-face meeting.

To familiarise everyone, and since most members had not yet met in person due to covid, the Chairman asked everyone to give a short introduction.

2. ITEMS OF INTEREST DECLARATION

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

3. REGISTER OF MEMBERS INTERESTS 2022/23

The Chairman reminded the members that it was a legal obligation to ensure declaration of interests were made. He then encouraged those that had not yet filled out the form to do so.

The Clerk said that should members be struggling with the online format that he could produce a hard copy.

4. MINUTES

The Chairman requested any alterations to the minutes of 22nd March 2022. He then requested that these were approved as correct.

On proposal from the Chair, it was **AGREED** by all Members present that the minutes of the meetings held on 22nd March be approved as a true and accurate account.

5. ACTION LIST AND MATTERS ARISING

The Clerk said the combined action list should now improve transparency to all members who are not in the various committees, and he hoped this serves as an improvement. He said there were some outstanding items that were discussed at the Finance meeting that are not on this list due to time constraints, but they will be included in the November meeting (items such as pay scales, bank accounts, and COSHH).

6. CHAIRMAN'S REPORT

The Chairman said that he had attended meetings held with EA regarding Leigh Barrier and that it was agreed that flooding was going to remain a major issue even with the expansion work. He said this would require a continued Board presence and that he was happy to continue to provide this going forward.

He followed by saying he had attended the Kent Flood Forum and Medway Catchment Partnership strategic meeting held at Wrotham, and that he hoped this would prove to be a worthwhile way of combining various authorities' aspirations.

He informed members about his visit to Invicta House regarding NFM in the catchment along with the Vice-Chairman, Biodiversity representative, and the Clerk. He said this would be covered later in other reports but was happy that the issues surrounding flood mitigation were being explored.

He continued by saying the new office was now set up at Bullen Court and that it seemed that the staff were settled in. He said that while the office was considerably smaller than Albion Place, it offered a suitable and professional space from which to administer the Board.

He finished by thanking the staff for their efforts while moving the office and he said he looked forward to the fresh start that Bullen Court offered.

7. CLERK'S REPORT

Covid Response

The Clerk said that while he wanted to draw a line under covid, it continues to niggle away at us, and he could now confirm that a member of staff contracted the virus while at a hospital appointment. He was informed that he should stay until he could record 2 consecutive days where a LFT showed negative. He has since made a full recovery and is back to work after a reintroduction to ensure no relapse.

Staffing

The Clerk continued by saying that as per the March meeting, the staffing level in the office remains at 3 and we are continuing to assess the need for further technical employees as projects and innovations gather pace. He confirmed that the working relationship between himself, Lorna, and John remains extremely positive, and the decision of the Board in December remains an entirely justified one.

He said that John will still be leaving us in July 2023, and we have now received over 20 applications for the role since the advert was released in early June, including all 3 of the ground team. He explained that they plan to hold interviews in the second week of July with a view that we will fill the role by the end of July, thus allowing the new start to have a full cutting season with John. It is clear that the industry remains difficult to recruit into, especially at officer level, and the time required with John will be vital for any successful

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candidate. He said that they are also aware that while we are time pressured this role cannot be rushed, so will make every effort to find the right person for the role.

Office Admin

The Clerk warned that while workloads are steady, there was an increasing potential for high workloads to creep in as the new projects begin to take shape. The new Works Supervisor will be laden with expectation relating to the existing works but also PSCA and additional contractors, while there was also the growing need for storage expansion within the existing district.

He said that the natural flood management plans are a separate task that will be discussed later, but this represents a huge time sink at the preparation phase, that he hoped to resolve with the IDB Resilience Fund initiative.

He confirmed that the internal audit was now complete, and that it appeared the Board had made a full turnaround from the condition inherited a couple of years ago. He made reference to a comment for the auditor that we are continuing to improve our governance and financial practices.

EA Partnership

He continued by saying he was pleased to report that the relationship with the EA continues to flourish, with John and himself now attending two further meetings with David Lowe and Gregory Aldridge. He said that these meetings surrounded public sector agreements and critical ordinary watercourses. He confirmed that he was hopeful to have draft copies of the PSCA resolved in the next month, and while there is no policy for de-maining of COWS currently, it is hoped the work under PSCA and through Carol will serve as the basis for this in the future. He said that he made a request to the RFCC to improve the use of PSCA and move work regarding de-maining policy forward. He reported that while attending the recent ADA Technical and Environment Committee meeting this was highlighted by the EA as a main issue they would like to see built upon so it seemed all parties were pushing in the same direction finally, although there is concern from the IDBs about investing in expensive plant when the EA currently will not guarantee long term contract works. He said he was hopeful this will be resolved as the desires of the agency alter.

L Young asked about COWS and the costs involved. The Clerk said this will come from precept sent to the EA.

Cllr Davis asked about funding of COWS and main river. The Clerk said this land was already levied and the precept was a payment to the EA regarding this.

Local Issues

The Clerk continued by saying they had been fortunate with the weather, and although they have seen some heavy downpours, we are yet to see anything rivalling the storms from last year yet, in terms of rain received. He confirmed that he and the Works Supervisor were beginning to look at installation of water control features through Haviker Street and along the length of UM19 in an attempt to pilot recovering what was released by the Board 10 years ago. He said that the science for this was likely coming from our ecology study but would await also to see how this is welcomed by residents. He said that the critical thing is the speed in which these structures can be removed so they were trialling mostly on roadside or easily accessible structures at this time.

He confirmed that mowing is due to start in early July, but as members could see in the Work Supervisor report, we have been out to do top cuts on road sections so that road safety is not compromised. He finished by saying that staff would return to these in the coming months for full channel works as normal.

8. WORKS SUPERVISOR REPORT 164

The Chairman asked about the sale of the JCB. The Works Supervisor confirmed it had been sold after the highest bidder from 3 quotes was contacted and collected the machine. He said this now paved the way to look for machinery away from traditional tractors and excavators.

The Works Supervisor gave the Board a short overview on wheeled excavators and how they might improve the efficiency of the Boards works.

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He said that he and the Clerk had discussed the opportunities that a wheeled machine offered, including increased works on roadside ditches that might be done under PSCA with councils. He also explained that they had been investigating removing tractors from the works and replacing with multifunction machines such as a MultiHog. He said this offered the chance to mow, pump water, and jet culverts.

L Young said that a multi-use machine was an excellent idea that would help councils who struggled to get this sort of work done.

M Gillman echoed this saying Parish Councils would benefit too.

Clr Davis asked if this was going to need more staff. The Clerk said he wanted to do as much as was possible from existing budgets and then come to the Board about expanding work force if needed. He said it was likely to require either managerial staff if contractors were to be used, or ground staff if the Board wished to pursue a bigger team in the field.

C Hosmer asked how much work was done with a tracked excavator. The Works Supervisor said that it was about 15-20% but we were experimenting with increased contractor use this year.

M Gillman asked about the cost of plant moves. The Works Supervisor said this was a major consideration as to why we were looking at a wheeled excavator as it removed the need for so many moves.

9. FINANCE REPORT

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

She confirmed that the end of year was now complete and the documents that members had were now a reflection of what would go to the external auditor.

The Clerk said that a question raised in the finance committee about the variance figures missing was a result of the Board not using that software from Sage, so it was not ported across. He said they would look into using it going forward as an extra tool for transparency.

He continued by saying that the Board has received the updated Financial Risk Assessment now, which includes the request from the auditor relating to cyber-crime protection. He confirmed he had also added a recommendation regarding ongoing meeting with our IT provider and for training in GDPR to be extended to all staff and members who wish to receive it.

On proposal from the Chair, it was **AGREED** to accept the amended Financial Risk Assessment.

Action: Clerk to update the website with the new Financial Risk Assessment

10. BIODIVERSITY REPORT

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

He said he could report that work relating to conservation, biodiversity, and natural flood management is progressing well with Carol set to begin her ecology and sensitive practice study in the next month.

He confirmed that once Carol has begun to make headway with year 1, he will report to the Board with her findings, but he was confident this will be seen as a positive improvement in the eyes of our partner authorities, particularly with the incoming PSCA with the Environment Agency.

He said that on the subject of Natural Flood Management, he, along with the Chair, Vice-Chair, and the Clerk took part in a meeting with South East Rivers Trust and Kent County Council at Invicta House where we set out expectations regarding desires of both the IDB and the council. This has since led to a short list regarding key NFM sites, that the Clerk will elaborate on in the strategy item later. He said that the first likely use of

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IDB funding for natural flood management will be in the catchment of watercourse UM28 at Capel. He confirmed that KCC have agreed to match our funding input to essentially double the effectiveness of our contribution, details again will come from the Clerk later.

Finally, he said that discussions had begun with KCC regarding a project in Staplehurst that my fellow member Cllr Perry informed the Board of previously. He explained that the Clerk took part in a site meeting with Mark Gallant, Cllr Perry, Cllr Parfitt, and the landowners to discuss the project and how it would likely benefit the downstream flows. He said the next stage is a public engagement opportunity before a final planning permission is sought for the site.

C Hosmer asked about SERT and who they were. The Clerk said they were non-profit organisation that offered delivery and planning on NFM and river enhancement work.

L Young said that she had approached them in the past about funding, but it had not worked out. The Clerk said that it demonstrated the need for working closely with match funding partners such as KCC.

11. HEALTH AND SAFETY REPORT

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

He said that he was very happy to be able to attend an in-person meeting of the Works, Health, and Safety committee at our new office in East Peckham in April. He explained the purpose of the committee is to engage all levels of the company from board to ground staff so that health, safety, and welfare issues are addressed and brought forward in an open forum. He said that since there is no further engagement with the LMIDB, all staff were invited, and that this turned out to be of huge benefit to the overall meeting.

He said that we continue to make strides forward and set a good standard in health and safety, and he could confirm that a long-standing issue regarding hazardous substances has been investigated and reported upon by the Clerk. He confirmed the Works Supervisor has also arranged removal of the products by a specialist and the depot will be a safer place for it.

He repeated that we had a case of Covid in the work force, although it was contracted outside of the staff themselves. He stated that the safe return and lack of further spread shows that although the threat of covid is reduced in general, our policy on handling those that fall victim is still robust enough to ensure continuation of service.

He reported that the Clerk was continuing to work on new traffic management assessments to improve the way we approach road traffic management. His initial thoughts are that this will likely see a reduction in the need for excessive measures, and instead favour a more minimal approach to persons and kit in the way of road users.

He said he was delighted to report no accidents in this period, and that we are continuing to push staff to utilise the near miss system, although this remains a tough sell. Training is now up to date for all staff which further reinforces our attitude towards a safer working environment, with additional training sessions booked for next month to complete skill sets in the ground team.

Finally, he said the next meeting of the Works, Health, and Safety committee is due in July to which any members are of course welcome to attend should they wish. He noted it is a good opportunity to meet the staff and to discuss practical solutions to issues that arise in the day-to-day operation of the company.

Cllr Gillman said that near miss is a major thing that needs to be considered especially in the event of investigation.

The Clerk said that health and safety represented a financial risk to the Board and that having these conversations and representation was a real positive towards the financial security of the Board.

12. STRATEGY AND OBJECTIVE

The Chairman said that this section was in relation to the resilience fund initiative that the Clerk was developing to aid in the management of the funding of NFM. He confirmed this has been into the finance committee and that they were recommending this to the Board.

The Clerk said there was a point raised at the Finance Committee about the fund being insufficient in terms of its initial capital. Perhaps going to £250,000 is more acceptable as a starting point, with a maximum annual outlay of £25,000 thus securing the fund for 10 years.

Cllr Davis said he didn't think it was necessary to extend the figure at this time. Cllr McGregor said he agreed as did the other members.

The Clerk continued by saying there was a question about the structure of the decision-making process as to whether it should be the Board or a delegated committee. He said there is a benefit to the Board deciding as the decision will be final, but it may also lead to several potential projects being pitched during a main meeting. He said a committee option allows for more flexibility and a less log jamming in the Board meetings.

Cllr Davis asked about the limits set each year. He asked if there could be some flexibility, to which the Clerk said this is why he felt the Board should be the ones pitched to by prospective projects.

Cllr McGregor said that he felt there should be a time limit and a means of recovery in the event of non-action.

O Baldock agreed and said there should be a maximum time before the money should be returned.

Cllr Gillman said that a tiered fund would increase the outcome success. He explained that this could mean a stepped release of funds to incentivise outcomes.

O Baldock said that for any projects funded it needed to be recognised that the UMIDB was a contributor and that it should be published as such.

On proposal from S Highwood and seconded by Cllr Davis, it was **AGREED** that the fund should be established in principal, subject to further policy and procedure documents received from the Clerk.

Action: Clerk to send out policy and procedure drafts ahead of the next meeting. Stage 1 September, Stage 2 before the main Board in November.

The Clerk then explained that there was a request from KCC for £12,500 of funding towards the modelling and design of flood management scheme in the catchment of UM28 Alder Stream. He said that this was an Environment Agency COWs but that it offered alleviation to homes in Capel. He reiterated the point from earlier that this money would be matched by the council to ensure completion of the works.

He said that phase 1 ,which was the prospecting and feasibility study, was complete and the money being requested was for the modelling and design of the measures which would be undertaken by South East Rivers Trust. He said this represented a good opportunity to work with the council in a reduced liability project that would potentially see a reasonably quick outcome and give weight to the resilience fund itself.

There was a question about the cost breakdowns for these sorts of projects. The Clerk said he had a full breakdown of phase 2 and that the delivery in phase 3 was being done under local levy by the council.

He said that SERT had also produced breakdowns of two other projects as requested at the meeting at Invicta House. He said that these were for delivery of measures in Forest Row, and for feasibility at Paddock Wood which was a critical area of interest to the Board.

Cllr Gillman said was this potentially coming before the policy and procedure, for the fund, was in place. The Clerk said this would be considered separate and act as a practical pilot for the fund initiative.

Cllr McGregor asked that we ensured that we had an outcome and that in the future we looked more towards delivery than planning to ensure proper spending of the public purse.

On proposal from the Chair all **AGREED** to support the pilot funding at UM28 for the sum of £12,500 on the basis that KCC matched the contribution.

Action: Clerk to arrange with KCC the best way forward with regards to this contribution of £12,500.

13. INTERNAL AUDIT REPORT

The Clerk said he had received the final report from the auditor who has highlighted continued improvement in the way the Board handled governance and finance and shows a clear departure from the systems inherited a few years ago.

He said he was happy to report that the Board was not considered to be failing on any aspect with only a few areas of minor improvement were requested, relating to:

- Addition of IT/Cyber-crime section to financial risk assessment. Resolved in this meeting.
- A point about communicating budget over/underspends. To be resolved in the future meetings of the finance committee.
- There was 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. Resolved by the Finance Officer ahead of the final report.
- Acknowledgement that the Board did not approve the AGAR as such for 2020/21. This is now to be actioned in item 15 of the meeting today.
- Members expenses policy needed to be more robust to avoid member abuse. The Clerk said this will be submitted in November after a review. Likely to remove hourly rates for member time which will instead require an agreed amount and invoice for services rendered as per a contractor.

He finished by saying he thought this represented 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 that once signed off with the AGAR this will be published on our website alongside our unaudited accounts prior to external audit review.

Action: Clerk to add budget oversight section to finance committee meetings.

14. END OF YEAR ACCOUNTS – YE MARCH 2022

The Clerk explained that these accounts had been discussed as part of the finance report but there was a need to officially approve the accounts and to sign the annual governance statement which outlined the efforts of the Board to ensure the suitability of the accounting process and the submission of the accounts for audit.

On proposal by the Chairman, it was **AGREED** to approve the end of year accounts for year ending March 2022.

On proposal by the Chairman, it was **AGREED** for the Chairman to sign the Annual Governance Statement on behalf of the Board.

15. ANNUAL RETURN (AGAR) – YE MARCH 2022

The Clerk explained that the AGAR represented a culmination of the internal audit, the end of year finances, and the external audit carried out by PFK Littlejohn. He said that the figures used came directly from the finance report submitted to the Board and could be seen on page 6 of the report.

He explained that section 1 related to the Board's measures to ensure suitable accounting process, and that section 2 was the figures themselves.

He warned that the Board had failed previously to have this approved by the main Board and instead used the Finance Committee which the auditor had stated as unsuitable. He said that they therefore required Board approval for the accounts submitted and the AGAR section 1 and 2.

On proposal from the Chairman, it was **AGREED** that the Chairman should sign sections 1 and 2 of the AGAR, for submission to the external auditor.

Action: Clerk to publish unaudited accounts ahead of the June 30th deadline

Action: Finance Officer to submit financial report and AGAR to the external auditor ahead of the June 30th deadline

16. GOVERNANCE AND POLICY

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

Updated Policy

- Anti-bribery policy
- Breach notification policy
- Data compliance statement
- Data protection training policy
- Data retention and disposal policy
- Environmental policy
- Policy Statement

On proposal from the Chairman, it was **AGREED** to approve the policies listed

Action: Clerk to update website with policies

Updated Governance Documentation

- Financial Risk Assessment (Approved with item 9)
- Scheme of Delegation

It was requested that there were some changes made to the Scheme of Delegation ahead of the Board being asked for approval relating to explanation of the relevance of the ADA Lincolnshire Branch Pay and Conditions Committee, the removal of setting up of joint services, adding of credit card limits, and to several formatting and repetition issues.

The Clerk confirmed these changes would be made and the following was the official list of alterations:

- Altered Finance Committee delegation in entirety (Page 2 and 3)
- Added unbudgeted approval up to £50,000 (Page 2 and 3)
- Added limit to unbudgeted expenses to £200,000 (4 X £50,000) (Page 2 and 3)
- Added committee has the ability to set up trusts or funds after Board approval (Page 2 and 3)
- Added committee not able to sell property (land and buildings) (Page 2 and 3)

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- Added committee not able to sell assets over £50,000 in value (Page 2 and 3)
- Added committee has ability to approve credit and debit card holders up to £10,000 (Page 2 and 3)
- Added note regarding credit card limit per year (Page 3)
- Added committee has ability to approve PSCA where there is pressing need (Page 2 and 3)
- Altered salary and remuneration delegation into the committee and Board (Page 3)
- Removed remuneration delegation of the Chair and Vice-Chair
- Removed decisions for working with other Board and Authorities from Finance Committee delegation (Page 3)
- Added decision on PSCA and working with other Boards and Authorities (Page 5)

On proposal from Cllr Davis and Seconded by Cllr McGregor, it was **AGREED** to accept the alterations to the Scheme of Delegation subject to the changes made in the meeting being added to the document prior to publication.

Action: Clerk to amend Scheme of Delegation and send out to members for information ahead of website publication.

17. PLANNING AND CONSENTS REPORT

The Clerk reported that there has only been one consent request received after a culvert extension in Yalding was reported to us via KCC. He said that the Board has since approved the extension for the applicant Clock House Farms as there was no alteration to the existing invert levels and no subsequent restrictions to flow.

He added that he had sent a notice to take action to a landowner near Green Acres on Lees Road. This notice was requesting the landowner submitted a consent application for a culvert that had been put into the watercourse without prior notification. He confirmed he was still awaiting the application although he had spoken with the owner who said he was actioning it.

The Clerk said he had gotten a little behind with comments in the last month with the other projects ongoing, but that he had since submitted all commented applications to the WLMA since the appendix was created.

It was asked if the Clerk needed additional staffing. The Clerk said that it would be useful to look into a technical assistant but that it would need to be considered against the budget.

Action: Chair asked if there can be a letter sent to all LPAs to indicate we are not statutory but still require involvement in all development within the IDD and the catchments.

Action: Clerk to look into Technical Assistant costings and remit for future budgeting.

18. ANY OTHER BUSINESS

Unbudgeted Purchase Requests

The Clerk said that he wished to make several unbudgeted purchases using funds from the savings account.

He first gave an explanation on the need for a wheeled excavator and said there was a question from the finance committee that he had sought an answer for relating to ongoing costs. He said that the indicative insurance price was lower than that of the tracked machine, most likely because it would not be left out on site. Secondly, he said that there was a need to replace the tyres (assuming normal use), every 5 years at a cost of £1000. He said he was still assessing the tax bracket, but he assumed at this stage it was considered an agricultural digging machine and therefore exempt.

He said that the request was to utilise £140,000 of the plant savings fund to purchase a new wheeled excavator and attachments.

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On proposal from the Chairman, it was **AGREED** to allow the purchase of a new wheeled excavator.

Action: Finance Officer to confirm tax class of wheeled excavator

The Clerk then explained the need for a new woodchipper, stating that he had now sold the old attachment to the Lower Medway IDB and would use the funds to offset against the cost. He said the main reason for the shift to the self-propelled unit was to minimise disruption to land and to works plans. He said this had arisen from a denial of entry on several occasions in recent years leading to problems with large wood piles for landowners and plant. He also said that the trailer had been added during the finance committee as it would offer improved safety and efficiency while transporting the machine. He confirmed there has been a trade in offer made on this also.

On proposal from the Chairman, it was **AGREED** to allow the purchase of a new woodchipper and trailer.

Action: Clerk to inform Lister Wilder about decision and set purchase in motion using existing quote.

Finally, the Clerk said there was a long-standing discussion about resurfacing the depot at Lees Road. He said that while this was potentially expensive, the health and safety risk now presented a real threat of financial risk to the Board. He said that should someone injure themselves we would be looking at a potential outlay in terms of a fine, and possible insurance premium increases.

O Baldock said he endorsed the idea of resurfacing and that the financial risk was now unacceptable.

The Clerk said that while the concreting options were expensive, he was researching the option to tarmac instead, after a suggestion from the finance committee, which would likely see a reduction in the cost. It was commented by several members that he should just go ahead and complete the works now we were at this stage.

On proposal from the Chairman, it was **AGREED** to release up to £55,000 of funds from the reserve surplus to resurface the depot external area.

Eden Farming Cluster Creation

The Clerk explained that Natural England were hoping to create a farming cluster and work with SES Water to reduce the amount of phosphorus used and excreted into the watercourses in the Eden catchment.

L Young said she would be interested and that the NFU could become involved potentially too.

Action: Clerk to send L Young details to Daniel Creech at Natural England.

Pesticide Amnesty Questionnaire

The Clerk said that he had received a request from Medway Valley Countryside Partnership regarding a questionnaire to set out a second round of pesticide amnesties. He said he would pass the link around after the meeting.

Action: Clerk to send MVCP link to members.

Passing of Timothy Reader

The Clerk said he was saddened to inform the Board of the passing of former member Timothy Reader. He said Mr Reader had joined the Board in 2001 and left in 2019 after a successful and impactful career with us.

The Clerk suggested that we sent a letter of condolence to the family, to which all members agreed.

Action: Clerk to send letter of condolences to Reader family.

19. PRIVATE AND CONFIDENTIAL MATTERS

There were no private and confidential minutes taken.

20. DATE OF NEXT MEETING

The date of the next meeting was set as:

Tuesday 18th October at 10am – Finance Committee Meeting - Bullen Court

Tuesday 15th November at 10am – Main Board Meeting - Virtual

21. 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 informed members that there would be lunch and then a guided tour of the Ightham Mote flood management measures, that he hoped all would attend. He then closed the meeting part of the day.