

UPPER MEDWAY INTERNAL DRAINAGE BOARD



MINUTES OF THE MEETING of the **BOARD** held at
Upper North Hall, Bullen Court
on **Tuesday 14 November 2023** at **10am**.

Members of the Board Present

O Baldock
Mr Davis
D Goff (Chairman)
C Hosmer
Cllr King
Cllr Perry
Mr Rogers
W Thompson
C Wheeler
S Highwood
Cllr Farr

In attendance

O Pantrey – Clerk
L Carey – Responsible Finance Officer
J Schuiling – Works Manager
E Robertson – Sustainable Development Officer

The Chairman proceeded the meeting by a round table introduction of members.

1. **APOLOGIES**

Apologies received from Cllr Harper.

2. **ITEMS OF INTEREST DECLARATION**

No pecuniary interests were noted by members for the upcoming meeting.

3. **REGISTER OF MEMBERS INTERESTS 2023/24**

The Clerk reminded members that this was a legal obligation and that new forms would be going out in January 2024 and it would be appreciated if they could be completed and returned.

4. **MINUTES**

The Chairman requested any alterations to the minutes of 20 June 2023. He then requested that these were approved as correct.

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On proposal from the Chair, it was **AGREED** by all Members present that the minutes of the meetings held on 20 June 2023 be approved as a true and accurate account.

5. ACTION LIST & MATTERS ARISING FROM PREVIOUS MINUTES

The Clerk asked if the Board still wishes to explore re-constitution and if they required a document to be raised for this.

Mr Thompson asked from a question about Board member numbers?

The Clerk replied that the Board currently have 19 Board Members, but the Board could however reduce to 15 or even 13 so that there were better attendance rates at the meetings.

There was a question about removing members.

The Clerk replied that there is a mechanism, but it would be a last resort.

The Chairman explained that we have struggled for some time to get elected members on the Board and had 3 vacancies. He suggested a paper could be presented to the Board.

There was a question about the ability to reconstitute.

The Clerk said it was possible to reconstitute but, on this Board, appointed members must have a majority of one currently. He said there are issues with reducing the number of members, because we could lose members from smaller councils. He said this would be on the Board members to have a discussion outside of the meeting to decide upon how this might work. He said they smaller councils could be represented by a larger authority.

There was a comment that those not attending should be reported to their council.

H Rogers said members have to take some kind of judgement in terms of what the political balance is between the authorities, but this would also need to be done on the elected members, by looking at the area represented.

The Clerk said this would not be too difficult as we currently work within a 5-area district system.

He commented that he agreed that we should consider carefully who we might lose.

S Highwood said he can't see what is wrong with the numbers and that should be left alone as it works fine.

The Chairman commented that ADA and DEFRA monitored the attendance and that ours was below expectations.

The Clerk continued by saying the Leigh Barrier visit was still being investigated.

He also said that he and the LMIDB Clerk, would be attending the Tonbridge and Malling Scrutiny Committee later that week.

Action: Clerk to attend the TMBC Scrutiny Committee meeting

6. CHAIRMAN REPORT

The Chairman began by saying he and S Highwood visited a NFM site with the ground team in Marden. He was very impressed with the kits and work taking place.

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The Chairman was delighted to report that they held an interview with Miss Emma Robertson, and he is pleased to announce that she has now taken up the role as the Sustainable Development Officer.

The Chairman has also had regular meetings with the Clerk and the office team discussing the 5 years plan and the finances for the coming year.

The Chairman, Clerk and Mr Rogers attended the ADA Southeast meeting in Ashford 2 weeks ago. He stated that it was the best attended meeting that he has ever been to, this is held once a year.

He said Ian Nunn, the local Operational Manager for the EA, was very upbeat about the works the Drainage Boards do especially using the PSCA framework. He also said that the automated alert systems were still an area of concern as these systems cannot be overridden by a person.

The Chairman added that the EA was still actively recruiting to fill positions between local and area management.

There was a question about the EA presentation in January.

The Clerk responded that he expected Ian Nunn or Gregory Aldridge.

He continued by saying that the EA have been hinting they might need to increase the precept to enable them to employ additional field workers, but he felt it was cheaper to use PSCA agreements with the Drainage Boards. Our counter argument against increased EA staff would be to increase the use of IDB's which would cost less money and has less risk. He said the Board is not looking to take on the Leigh Barrier or the Medway itself, but only what was typically the IDB's in the past. This would be cheaper than framework contractors, so would potentially be a win, win situation.

Cllr Perry said that he lives on a flood plain and the EA flood alert system is very unreliable. He said there are numerous alerts sent out, when there is no sign of any flooding. He warned that the danger was that landowners etc have now come to just ignore the alerts.

The Chairman said that the National Flood Forum are gathering information from around the country, as this has become a major issue. They are now holding monthly meetings with ADA to get this information to be presented to DEFRA, to work on a solution.

7. MEMBERS ROUND TABLE REPORT

The Chairman asked if there were any questions the Board would like to raise at this point or if they have any concerns within their local area relating to surface water and localised flooding,

Cllr King said that he has already discussed this with the Clerk, as he frequently visits the river Eden and it is basically just growing and closing down and therefore does not function as a river anymore.

The Clerk said that beavers are likely being introduced into the river Eden in the next couple of months.

He said that we are having a representative from the EA join our January meeting, where you can ask further questions.

The Chairman requested a meeting with the EA local team management was arranged.

A question was asked regarding PSCA's with local councils. It was asked what thoughts have the Board got on approaching them, or do we want to leave it for now?

The Clerk responded that this will be discussed later in the meeting.

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Action – Clerk to arrange meetings with EA Local Management.

8. CLERK REPORT

The Chairman asked the Board if there were any questions that they have for the Clerk regarding this, there were none.

9. WORKS REPORT

The Clerk explained that the Works Manager Jordan Schuiling moved into this role after the retirement of John Davis in June 2023.

The Works Manager stated that he was in the ground team for a couple of years, but that his promotion has not changed the work ethic of the team, and that he was pleased with how things have developed.

Regarding works completion he said that they have achieved over 80% of the works, plus additional PSCA works that were added into the programme.

The Chairman would like to thank the staff on behalf of the Board in all the works they have completed.

10. FINANCE REPORT

The Chairman asked if there were any questions for either the Clerk or the Responsible Finance Officer.

The Clerk referred to the Budget Report showing the actual spend up to the end of September 23 and the forecast income & expenditure from October onwards. He said the anticipation for the year was to make a £63k loss because we were working towards controlling the diminishing excessive reserves the Board had made from the sale of Albion Place.

He explained that as we did not budget for SWDC to be used within our revenue costs and we didn't also budget for external works that have been carried out by the Works Manager under PSCA and Section 20. So therefore, it turns out that instead of making a £63k loss the forecast is for a £22k surplus. So, in terms of funds in we need to decide how much we are going to put into reserves and how much we are going to spend on a yearly basis, so that it does not over inflate our income and expenditure, which previously would have resulted in us making a substantial surplus this year.

The Finance Officer explained that her report showed the income through rechargeable works Section 20 from June – October for the sum of £8,242.71. She said that the works team has just completed the first stage of PSCA works for the EA and there is another Section 20 works in the coming week. By the end of the year, we are expecting closer to £40k for rechargeable works,

The Chairman said we are now starting to see the funds coming in, which was the question at a previous meeting as to how much PSCA/rechargeable works would we get.

The Clerk said there is a figure which he would go into with the Finance Committee at the next meeting because we are going to build an element of risk into the Boards budget going forwards.

The Finance Officer referred members to the reconciliation of the bank accounts top sheet from April – October 2023, which goes to the Finance Committee on a monthly basis, of which the Board has to approve as part of the Audit. She explained that the Board must be made aware of how the period expenditure and reconciliation looks like as part of the overall financial regulations of the Board. The appendix has been designed to show you the current financial position and get approval from the Board as well.

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On proposal by S Highwood, and seconded by H Rogers, it was **AGREED** to accept the reconciliation top sheet for the period April to October 2023.

The Clerk said that the Financial Risk assessment requires an anniversary approval. He said that as part of the June meeting, we have now made the recommended changes to the financial risk assessment, as per the internal auditor's request.

On proposal from M Davis, and seconded by W Thompson, it was **AGREED** to accept that Financial Risk Assessment.

11. SUSTAINABLE DEVELOPMENT REPORT

The Chairman asked if anyone has any questions for the Sustainable Development Officer (SDO).

The Chairman asked the SDO to give the Board an insight into what she has done since her arrival at the IDB.

The SDO explained about her previous experience. She then explained that she had been commenting on cases across planning, consents and enforcements, along with general enquiries. She said the Board were now dealing with around 7 times the number of comments than before she started, averaging about 35 cases per month.

She continued by saying that we are handling around 5 times more consents than before, and at present we have 3 active ones that should be generating around £75,000 in surface water development contribution.

M Davis asked how the Board knew about developments and which ones were relevant.

The SDO replied that she had to manually scan both district and catchment maps to identify them as the Board is not a statutory consultee.

There was a question about commenting on these applications and the Board benefitting from the SWDC. He added that he has noticed that some of the ones are outside our district. He asked if it could be explained to the members how outside development impacts us.

The SDO explained that the Board can comment and enforce consenting on developments outside of the district under what is known as Byelaw 3. This allows the Board to control the flow of water entering the district regardless of whether it is directly discharging to the district or indirectly to the catchment. This byelaw is the grounds for charging the contributions which are designed to manage the service provided by the board.

The Clerk added that as the Board was operating outside of the district for the first time, there was a specific need for this interpretation of Byelaw 3. He said that the UMIDB, the LMIDB, and The Stour IDB now share a joint statement on all comments regarding the byelaw application. The Clerk has also said this is why the SDO's job is becoming extremely busy as the catchment is a vast area to cover.

There was a question about developer rejection or push back of the consenting claim.

The Clerk responded that he was anticipating that at some point there would be someone that would not want to pay and that this why the regional approach was so important and that we have the full weight of all the Boards behind it.

The Clerk emphasised that this was important enough for every IDB to consider and that this Byelaw has been approved by DEFRA.

M Davis asked if there was any legal entity in place to support this, to which the Clerk replied there was currently none.

He said that after discussions with the other Boards, the Clerk is more than happy that the interpretation of Byelaw 3 is legally binding, but we could go to ADA or WLMA if necessary to help fight our corner but saying that he did not want to come across as being too heavy handed, but as a Board we do have our rights to implement the above.

It was asked how do we come to a figure to charge to the developers?

The SDO replied that this is worked out on the WLMA's framework and cost of maintenance. She said it is based upon the works we would need to do to a water course to enable it to accommodate the increase flow of water. Therefore, it is a percentage of the works that would be needed to improve the network sufficiently to hold the waterflow.

W Thompson suggested that the Board put some of the funds aside, as potentially we could be placing ourselves at a great risk and a court case later down the line.

All agreed that this was a good idea.

It was suggested that 20% of the collected SWDC funds should be put aside for any legal business that the Board may incur.

The Clerk said this 20% should be taken after the HR provision was agreed.

It was suggested that we do this for 3 years and see how much it collected.

On proposal by W Thompson, and seconded by Mark Davis, it was **AGREED** that 20% of all SWDC would be ring-fenced to fund any legal challenges in relation to planning for a period of 3 years.

The Clerk said he would like to thank Phil Camomile, and his team at the WLMA, for all their work, to which all members agreed.

The Chairman thanked Emma for all the hard work she is putting into this role.

The Clerk continued that members had been given a copy of the scheme of delegation which had been altered to reflect the changes in development responsibility and policy. He emphasised that he did not want to take the decision away from the Board, but that smaller consenting could be handled by himself and the SDO now they had professional advice in place.

It was asked if emails could still be used for the committee level approvals.

The Clerk said yes, as it is traceable and shows that the due diligence is being done.

It was asked if large developers were going to wait that long for a decision on a consent due to Board meeting schedules?

The Clerk said that some decisions still needed full Board agreement, especially for large developments.

The SDO explained that when she worked at the WLMA, they told their developers that they had to wait until the next Board meeting for major decisions.

The Clerk asked if the Board wanted to make major applications wait for the next meeting.

The members agreed it should still come to the Board where possible.

The Chairman said that if this starts to escalate, we should look at it again and get the subcommittee together to make the decision.

The Clerk said his feeling is that we should try this delegation as it stands and that the Board should have the ultimate control over these decisions. He suggested we then work backwards from the control under the advisory of the Board.

M Davis requested a meeting with the Clerk and SDO to go over some of the technical details relating to Board consenting.

H Rogers asked on what grounds would we not give consent?

Clerk said in terms of discharge the Board could grant consent to any site, which would be based upon their relation to the greenfield rate of runoff. If above the greenfield rate, we will reject it on the basis that they are causing detriment to the district. He added we could also reject on the grounds of environmental damage among other things such as excessive culverting for example.

Action: Clerk to hold meeting with M Davis and the SDO

12. BIODIVERSITY REPORT

S Highwood reported that the Board conducted works with a landowner at Marden to improve the condition of woodland, which offered alleviation and opportunity to the Board's adopted watercourse. He and the Chairman visited the site and were given a demonstration of the new wheel excavator with mulcher attachment and tree shears.

He said the bulk of the effort was to remove falling willow from the ponds and to open up a clearing, so that the ground store of the woodland could be rejuvenated. He report that it appears the work has been successful and that we are likely to be contracted to carry out more works in the future. He confirmed that since their visit they have received heartfelt thanks from the landowner.

He continued by saying that in August he and the Clerk met with a landowner in the head waters of the IDB adopted watercourse 211 to discuss opportunity on the farm for extensive natural flood management installations. He said the goal was to walk over the property and identify sites where wooded debris and wetland creation might aid and stem the flow into the district from the catchment.

He said he was pleased to report that we have submitted an expression of interest bid to the National NFM project fund for river realignment of the UMIDB watercourse 216 at Higham Farm. He explained that this project is a joint venture between the Board and the EA that seeks to restore the heavily altered sections of the river Teise, back to their original courses. The main goal is to offer flood alleviation at Bartley Mill and to offer the opportunity to slow down flows into Lamberhurst, and to increase early warnings in the event of the river rising. He said that this is a large project and will likely cost around £400k to deliver but does represent a huge step forward in our catchment management plans for the river Teise.

The Chairman thanked Mr Highwood for his report.

13. HEALTH AND SAFETY REPORT

Mr Baldock reported that the works health & safety committee continue to meet and focus on the key areas of the Boards safety provision, and we are in a very good position regarding our policies. Procedures and liabilities. He attended the last quarters meeting and was very impressed to be able to hear from new members of staff that have joined us. He always emphasis that he is their conduit between the workforce and the Board, and if they need to have a moan about anything, then to take it up with him and he will bring it to the Board. He reported that all staff members were pleased to hear that they have that conduit in place.

The focus for this period was to look at our accident levels since the Board has taken on new staff this year and that was considered as a risk and how we could mitigate any problems. We now have a works app, and it is through this analysis we can see more. He was pleased to say there has been some increase in defects

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submissions by the staff pointing out things, but there have been no increases in accidents at all. Inexperience has offered some teething issues, which is to be expected. After discussions with Jordan and the works report we are still working within the expected budgets, so the cost to the Board is likely to be completely managed within Jordan's area.

He also attended the annual inspection at the depot in Laddingford with the Clerk. He was pleased to report that the overall condition of the building is excellent. All the guttering has been cleaned out of growth and the areas outside are being kept tidy.

The one problem that really has come to light over there is the lack of space. This is obviously being reduced as we purchase more equipment and he believes that this is something the Board need to consider, as we need to store our equipment safely and securely to prevent accidents happening, where staff could fall over items on the floor. It is not just injury to staff, but equipment can get damaged which will result in a cost back to the Board. He has stated that this is becoming a serious issue.

The Chairman thanked Mr Baldock for his report.

The Chairman reported that when he, Mr Rogers and the Clerk met in the previous week that this was discussed and the office space and that this will be shown in the 5-year plan. He explained that the Board is now two years into its 5-year plan and have recently had the depot valued as part of this.

The Clerk said the rented office space is working perfectly for what the Boards expectations are. There are a lot of options open to us with regards to storing the tractors elsewhere, including moving to bigger premises. This is something the Chairman and the Clerk are aware of and will keep the Board up to date on anything that arises from this.

14. STRATEGY AND OBJECTIVE PLANNING/ACTIONS

The Clerk said the 5 Year Plan is to set out the next 4 –5 years and to assess what we have already achieved.

The Clerk said Year 1 on the appendix is likely to happen as this is what the Clerk would like to see in the next 12 months. Years 2 – 3 are likely but they are also up for change and for environmental changes that the Board would like to see. He advised that there is also outside influences during this period and periods 4 – 5, mainly the adoption and expansion of the district which was to be agreed with KCC. This is to become a major part of the Boards work in the future and this will impact on the staff at the IDB. He warned that the Board needed to carefully consider how it was going to finance this.

The Board needs to consider in years 4 – 5 if we make area 5 entirely IDB managed, but to do that we would have to reduce work elsewhere to compensate the HR implications.

Longer term the catchment pilot scheme would hopefully form the evidence on that going forwards. At that point the maintenance team would be such a size, we could split them in two and have it working different areas of the district. We could however have a PSCA team and a maintenance team, which will have oversight from the depot leader and then fall under the Works Manager's umbrella.

He said it was likely the Board would need to increase the SDO's team as well, but that will be based upon finance coming in through SWDC, until the Boards levy can match and accommodate the increase.

The Chairman said when he joined the Board we had no vision, but now 5 years later we have something, and we have today heard that there is so much exciting work going on.

The Chairman thanked the Clerk and his team for all the hard work they have put in.

The Clerk suggested that the levies go up by 3% this year and next, then and continue at 2% going forwards. He said that the Board has the opportunity to self-sustain some of our aspiration and he would like the Board to

do that. If in 5 – 6 years we look at it and say this is not sustainable and to achieve the work the levy must go up then so be it, but it won't be because we have not tried to fund it ourselves in the meantime.

All members agreed.

A question was raised would we levy all the farmers in the catchment areas?

The Clerk replied yes, we would have to levy the farmers and as we said above it would be down to the Board to agree either a differential rate of perhaps 50 or 75% or whether the normal rate would suffice. Any expansion must be done on the agreement with the landowners. The Stakeholders for this would have to be happy with the agreement, so that it does not impact the Special Levy without agreement from the council. He said this is about managing agricultural related surface water issues, not getting money through the door.

The Clerk gave an update on Board Achievements and Council newsletter.

The Clerk said the Newsletter is to be sent out to all LPA's, Councils and Parish Councils, to represent an overall of what the IDB does and the type of work we can deliver going forwards, as was requested by the Board at the previous meeting.

The Clerk asked if the Board was happy with the way the Newsletter has been set out, and how often does the Board want this to be sent out?

A question was asked, will this be sent out by e mail?

The Clerk replied yes.

One suggestion was that it is placed in the Parish Councils magazine as well.

Mr Davis requested a word version of the letter as he would like to change some of the wording within it.

Action – Clerk to send Newsletter to M Davis.

The Clerk asked if everyone was happy for him to send this out every 6 months.

All the Board were in favour.

15. GOVERNANCE

The Chairman said that the updated policy documents should have been read by the Board. Chairman thanked the Clerk for getting these all updated and for his excellent work in getting the wording correct.

The Chairman proposes that we accept them on mass.

On proposal from the Chair, it was **AGREED** to accept the selected policies for the coming year.

16. EXTERNAL AUDIT 2023

The Chairman said this was for information asked if anyone had any questions.

There were no questions from members.

17. ANY OTHER BUSINESS

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Update on Board website

The Clerk said that the website has now been fully rebuilt after a major problem occurred. He said everything is being back up into the cloud now so that in the future nothing can be lost.

He continued that part of the new rebuild is that we now have a digital payment section to enable our ratepayers to pay by card as well by bank transfer. He said this was an investment of £2,000, and that the payment portal is run by 'Stripe'.

He said we are trying to get our landowners to move away from cheques and this seems a good idea to enable them to do this. There is obviously a charge for this, but after a few calculations, we find it is no dearer than when we were using Worldpay, but instead of paying a monthly charge, it is a transactional charge.

The overall cost of setting the whole website up was £7k, which we have not taken from our revenue expenditure, but from our savings (surplus funds).

18. Calendar of Meetings 2024

The Chairman asked if everyone was happy with the dates? All agreed they were.

19. DATE OF NEXT MEETING

Date of next Board meeting - 23rd January 2024

Date of next Finance Committee meeting – 5th December 2023

20. PRIVATE AND CONFIDENTIAL MATTERS

The Chairman asked the staff apart from the Clerk to leave the room at that time.

The Clerk said that the RFO could stay for the first part of the discussion as she oversees HR.

The Chairman then asked the Clerk and RFO to leave the room.

21. CLOSE