

LOWER MEDWAY INTERNAL DRAINAGE BOARD



MINUTES OF THE MEETING of the **BOARD**
held at **The Boards Offices, 13 Conqueror Court, Sittingbourne**
on **Monday 12 June 2023 at 1pm**

Members of the Board Present

Chairman: S Mair
Vice-Chairman: J Mair
Cllr H Browne (remotely)
Cllr S Curry (remotely)
Cllr D Davis (remotely)
Cllr G Etheridge (remotely)
R Hall
J Hinge
J Lewis
T Malpas
Cllr P Marchington
Cllr R Palmer
B Stone
Cllr T Thompson (remotely)
Cllr D White

In attendance

P Haselhurst – Clerk
C Longden – Finance Officer
L Rowland – Office Manager
W Smith – Works Manager

Richard Tournay – Environment Agency

1. WELCOME AND INTRODUCTIONS

The Chairman welcomed Members, including the new Members joining for their first meeting.

2. APOLOGIES FOR ABSENCE

Apologies were received from D Carnell, G Fulton, and T Winckless. It was advised that S Curry needs to leave the meeting at 2pm.

3. ITEMS OF INTEREST DECLARATION

The Chairman declared an interest as his company, George Webb Finn are the managing agents of the depot that the Board rents at Stickfast Farm, Howt Green, Bobbing. He also confirmed the catering for today's meetings had been supplied by his wife's company, Sarah Serves.

4. MINUTES

RECEIVED (Appendix 1) the Minutes of the Meeting of the Board held on 28 November 2022.

These minutes were circulated to Members via email on 20 December 2022 with a request for any amendments to be advised by 31 January 2022. They were then added to the website.

It was **AGREED** that the Minutes of 28 November 2022 were correctly recorded and should be considered officially approved.

5. ACTION LIST & MATTERS ARISING FROM PREVIOUS MINUTES

RECEIVED (Appendix 2) a copy of the Action List of the Board held on 28 November 2022.

The outstanding items on the action list were updated as follows:

Ongoing Legal Issue – The Chairman confirmed this was still ongoing and confirmed that he was aware that the landowner had passed away, shortly following by his wife at the end of last year.

Culverts Leading to Windmill Creek – still outstanding.

Potential New Board Member – the Chairman confirmed that we hoped J Attwood may be able to join the Board, but this does not look possible due to his busy schedule. He asked Members if they were aware of any landowners that may want to join the Board to make himself or the Clerk aware.

Hybrid Meetings – The Clerk confirmed she will have a policy ready for the Board meeting in November.

Capital Financing and Reserves Policy – The Clerk confirmed we need to revisit this, due to there being a stale mate in the vote at the last meeting. This will be discussed later in the agenda under Governance Update (Item 16).

6. CHAIRMAN REPORT

The Chairman gave the following report:

Thank you for attending today's meeting and firstly, I would like to welcome Terry Thompson, Dolley White and Tony Winckless as new Members representing Swale Borough Council. I would further like to welcome Simon Curry from Medway Council.

Since we last met back in November 2022, I'm pleased to report that there were no major drainage incidents in the Board's district. However, the pump at Leysdown did develop a fault in April 2023 when it was necessary to use the recently purchased backup pumps for a couple of weeks to manage water levels. There were some initial concerns that it might not be possible to replace the faulty part in the pump, but I'm pleased to say that MidKent Engineering were able to do so.

The design phase of the proposed replacement of the pumps at Harty and Leysdown is progressing and I'm hoping that our Clerk and Engineer, Priscilla will be able to outline the next stages of work and their timings with anticipated dates for ordering the pumps and for them to be constructed in 2024. The first phase of the public works loan application has been completed and is now, subject to final approval from DEFRA for funds to be made available.

The office team headed up by Priscilla continues to deliver a good service to those who live and operate within the Board's district where she is fully supported by Lisa Rowland, Office Manager, Carrie Longden, the Board's Finance Officer, Will Smith, Works Manager and Anita Soloman, Technical Officer, and I would like to say thank you to you all.

You may recall last year that Priscilla started a new members induction day, which was extremely popular, and Priscilla will be putting in place another induction day later this year, which will be for the benefit of not only new Members, but existing Members, should they wish to attend.

The relationship between the Lower Medway Internal Drainage Board and the North Kent Marshes Board continues to work well under the responsibility of Priscilla, with the Lower Board undertaking the administration and the maintenance works of the North Kent Marshes Board's district.

The Lease of the first-floor premises to Jarmans Solicitors continues.

Will Smith continues to manage the five outside Land Drainage Operatives, although Keith Miles retires on 31 July 2023. The position will be advertised for a replacement Land Drainage Operative this week.

We are currently short of one landowner Member and I would appreciate the Members giving some thought as to who they feel might make a suitable member to approach and possibly invite to join the Board.

I would also like to thank the Members of the Finance Committee who have continued to provide support throughout the year.

Finally, following the previous year of considerable change for the Lower Board, I'm pleased that matters have now settled down and the employees of the Board and its Members are,

and can continue to focus on providing the drainage advice and support to the people and businesses within its district.

7. CLERK REPORT

The Clerk also welcomed the new Members to the Board. She confirmed the team were now at full complement and she has been working on a road map/corporate strategy which will be looked at later in the agenda under Item 14. She confirmed Keith Miles will be retiring in July after 33 years' service and an advert will be going out today for the vacant position.

8. BOARD UPDATE

Already covered previously under Chairman Report Item 6.

9. HEALTH AND SAFETY UPDATE

RECEIVED (Appendix 3) a copy of the amended Health and Safety Policy document.

The Works Manager highlighted the reported accident involving the tractor and confirmed that the brake retainer pin had come loose.

H Browne thanked staff for the worked involved with health safety and said it had come along way.

10. ENVIRONMENT AGENCY UPDATE

RECEIVED (Appendix 3) a copy of the EA LMIDB Annual Precept Report for 2022-2023.

R Tournay was welcomed to the meeting.

R Tournay confirmed that P Cox had been working on the Medway Estuary and Swale Strategy (MEASS) and appraisals have been put forward for that, however there was no timeline as of yet.

The Clerk thanked R Tournay and confirmed that P Cox, herself, and the Chairman have spoken at length with regard to the EA precept and we have gained back £70,000 for projects that we are best placed to lead on. She also confirmed that the EA are implementing MEASS at the moment, and she sits on the Southeast Coastal Group for that to represent MEASS. She displayed page 5 of the EA Annual Precept Report which demonstrated the proposed precept expenditure of £335,000 for 2023-2024 and said that a lot of this money will be going towards implementing those MEASS projects where there's a benefit to our area within our district.

The Clerk asked Members if they had any questions.

H Browne brought up the issue the EA are having with their frameworks and asked are they in a position to carry out the works they are permitted to?

R Tournay confirmed that unfortunately the national framework issue will go on until at least September and that other frameworks are in the process of being implemented but this is very slow and awkward/difficult to justify as they can be very expensive. He confirmed this has mainly affected the mechanical works and if the works have not been started already, chances are it may be delayed.

The Clerk asked R Tournay to explain the framework issue in a bit more detail for the benefit of Members that may not already be aware of this.

R Tournay said that the framework contracts on the mechanical works are coming to an end this financial year. He explained these contracts are dealt with at a national level and implementation of these frameworks nationally have been very slow and this is having an effect on local areas such as Swale, getting works carried out. He added that in a lot of places they have reached a ceiling cost with what they can spend with the framework and they are trying to find other frameworks that they can use. He said he hoped that by September/October time this will be sorted out and this has been raised at the highest level.

The Chairman confirmed that he will be having a meeting with the Clerk, I Nunn and P Cox before the year end to review this.

H Browne thanked Richard and expressed her understanding of the problems the EA are having nationally. She said it gives the Board confidence we would be looking to get any monies back that haven't been spent, and as also recently discussed at the NKMIDB Board meeting, the IDBs would also look at ways that things could still be facilitated.

R Tournay said that if here were any specific questions, he would discuss these with P Cox and ask her to come back to us after her leave.

J Lewis commented that he felt the frameworks were the problem and for example when the IDB built Bells Pumping Station this was done for a lot less than what the EA would have done it for because of the frameworks.

R Tournay commented that the frameworks can be frustrating but their hands are tied.

J Lewis also mentioned the issue that was raised previously with regards to using the Dutch approach to shoreline management, he asked if the think group are still totally opposed to that idea?

R Tournay confirmed that he wasn't something he could answer as he is not involved in MEASS, however he would ask the question.

RECEIVED (Appendix 3a) a copy of the EA Section 141 Statement for the year commencing April 2023.

The Clerk confirmed the EA Section 141 Statement was for Members information.

The Chairman thanked Richard for his attendance.

Richard left the meeting.

11. BIODIVERSITY UPDATE

In the Technical Officer's absence, The Clerk confirmed that the Board are required to have a Biodiversity Action Plan (BAP), and one was completed in 2020/2021 and due to staff and Board changes, this was not progressed to the next stage in terms of reviewing the outputs and working out what we can do to contribute to the objectives. She explained that a couple of projects are now in the pipeline. One is to install a replacement sluice at Luddenham, and we are in the process of gaining quotes. The other is we have purchased a solar pump to help with water movement on the Luddenham Marsh also and we are working with the RSPB on that. She confirmed both of these projects have been funded from EA precept money that we have gained back from them, and not the IDB budget.

She confirmed we are also now looking to undertake ecological surveys on some adopted ditches across the marsh, to look at how we can enhance and conserve biodiversity through our operations. She said that the purpose of the ecological surveys on top on the BAP is to be able to get some firm local actions and work with landowners to see what opportunities there are to improve the environment. She confirmed the BAP is available to view on our website or can be circulated to anyone directly that is interested.

The Clerk confirmed that the Technical Officer is doing a fantastic job working with Carol Donaldson to do some surveys so we can then internally create a bespoke channel maintenance handbook so we can look at what we can do specifically as part of our operations in a given area to fulfil those objectives.

J Lewis commented that it was all very well doing the sluices and seawalls, but are they going to dredge to the outfalls?

The Clerk said this was a really good question and that siltation is a national problem and also a resourcing issue for the EA who are responsible for those assets. She said the priority for protected agricultural land is far below where it should be in her opinion and doesn't achieve as much funding for example as urban areas. She confirmed that this is something the NKMIDB have also grappled with on Allhallows Sluice.

J Lewis said the simple answer would be to put in pump which the Clerk agreed with.

This was discussed in more detail and frustrations were noted.

H Browne asked if we could look at the cost benefit analysis.

The Clerk said this was more of an EA issue and she couldn't see there being time and the resource to push forward that approach internally at the moment.

12. PLANNING AND CONSENTS

RECEIVED (Appendix 4) the Technical Officer's Planning and Consenting Report.

The Clerk asked the Board to be aware of the fantastic work that the Technical Officer has put into bringing back the planning and consents inhouse, as well as administering the Byelaws which generates a small income where there's water discharged into our district. She confirmed this is set out in our reserves which will be seen later on the agenda.

The Chairman asked if Members had any questions.

D Davis referred to planning application TM/22/02777 (Land and Buildings North and West of St Marys Church, Old Church Road, Burham) and asked why we weren't consulted and if we even needed to be consulted as he wasn't aware we had any assets in the area.

The Clerk confirmed that we do have some adopted watercourses in the Burham area, and we don't get formally consulted on planning consultants as we are not a statutory consultee so we have to be proactive, particularly as we have our Byelaws and consent process which sits outside of planning.

J Lewis commented that several of these applications are not within our district, but we have still given advice. He asked if we had given advice or charged for it?

The Clerk confirmed that we give advice and the reason we give advice, even if a site is not in our district, it might be within the drainage catchment. If it's in the drainage catchment and surface water is being discharged, we can apply Byelaw 3 (increase in surface water).

R Palmer said that he felt that no objection was a misleading statement on planning applications (comment quite often made by the council) and suggested that when a letter goes out we have the opportunity to make that clearer by saying in the officers report we are not making any comment on the suitability of the application (for or against), but we would make the following observation that we feel are worthy to have. He confirmed that he has also raised this with Swale BC and felt if we could also do the same this end, there is no confusion.

The Clerk agreed that was a good point and would take that onboard.

13. WORKS MANAGER REPORT

RECEIVED (Appendix 5) the Works Supervisor Report Numbers 175.

The Works Manager thanked the workforce for their hard work. He confirmed in the 2022/2023 maintenance season they identified 225 tasks at the beginning of the season and 196 (87%) were completed, 7 (3%) and still ongoing and 22 (10%) were not completed. The not completed tasks were due to access issues, wet weather, and deteriorating ground conditions during the end of the season and they will be a part of the 2023-2024. He confirmed J Backhouse had now completed his excavator training and has been piloting the excavator whilst doing the track repairs at Bells Pumping Station and has shown good skills in the short amount of time, he's been using the machine and will continue to learn under S Mason who has 15+ years experience. Finally, he confirmed the retirement of K Miles who is retiring on 31 July, he said he will be a huge loss to the Board and colleagues, and plans are in place to celebrate his retirement and an email has been sent by the Office Manager with the details.

D White asked about staff training and if we have staff trained in the same areas to offer backup and if the Works Manager felt he had sufficient training himself?

The Works Manager confirmed we do have back-up, confirming we have 5 ground staff, 2 of which are tractor operators, and 2 are now excavator operators. He explained that our current contractor that was previously undertaking our larger excavator work is due to retire,

and we have decided to bring all of that work inhouse. He also confirmed that he was more than confident in his role with the training that has been provided including health and safety training.

The Clerk added that we have a training budget, and one of the key things she looked at when she came in was to see if there was any gaps in our training.

D White said it was great to hear we are investing in staff and important to highlight that.

S Curry left the meeting.

14. CORPORATE STRATEGY

RECEIVED (Appendix 6) draft Corporate Strategy for review and agreement.

The Clerk displayed the Corporate Strategy on screen and explained that she had put this together as it is important to have a roadmap of where we want to get to. She talked through some key areas of the document and displayed some of the objectives under those themes. She confirmed she has mapped out what our tasks are over the next 3 years, so we can measure and monitor as we go along, and the purpose of this today is to ask Members for their agreement in principle to go out to consultation with other risk management authorities and to bring this back to the Board in November to formally approve it.

The Chairman thanked the Clerk for her hard work putting this together. He asked Members if they were comfortable with the Clerk's proposal to take this to the next step?

J Lewis asked who our consultees were.

The Clerk confirmed all our stakeholders for example RSPB, Natural England, Medway Estuary Swale Partnership and our immediate partnerships for example the Environment Agency, Swale Borough Council, Kent County Council, Medway Council etc.

On a proposition by R Palmer seconded by D White, it was **AGREED** for the Corporate Strategy to be put out to consultation and for this to come back to the Board for approval in the November meeting.

All Members were in favour.

Action – The Clerk to put the Corporate Strategy out for consultation.

15. REGISTER OF MEMBERS' INTEREST

The Clerk explained an email has been sent out to Members from the Office Manager, asking them to confirm their current form is correct and any Members who have not yet completed a form have also been reminded.

16. GOVERNANCE UPDATE

RECEIVED the following policies which were emailed separately to Members from the agenda for Member's review/information:

- Capital Financing and Reserves Policy.
- Members Code of Conduct.

The Clerk confirmed the Capital Financing and Reserves Policy is reviewed annually to set our general reserve, and this was looked at in November and was broadly agreed but we had some back and forth on some of the nuances around recognising the office building and the freehold value of it. She said we had also had a stalemate vote which was not realised until after the meeting. She displayed the amended Capital Financing and Reserves Policy on screen and highlighted the changes under section 5.19 relating to the office freehold value on page 6.

Members held a detailed discussion regarding this change.

On a proposition by H Browne seconded by R Hall, it was **AGREED** for the Finance Committee to look at the wording of section 5.19 of the Capital Financing and Reserves Policy in more detail and come back to the Board.

All Members were in favour.

The Clerk confirmed that there was no change to the Members Code of Conduct policy and requested approval for the renewal.

On a proposition by J Hinge seconded by J Mair, it was **AGREED** to approve the Members Code of Conduct.

All Members were in favour.

17. FINANCE COMMITTEE MINUTES

RECEIVED (Appendix 7) Finance minutes from 30 January 2023 (previously circulated by email on 27 March 2023).

The Chairman confirmed this item was for information and asked if Members had any questions.

No questions raised.

18. ANNUAL MANAGEMENT ACCOUNTS REPORT

RECEIVED (emailed separately) a copy of the Annual Management Report for year ending March 2023.

RECEIVED (emailed separately) Quarter 4 bank reconciliation documents for 2022-2023.

The Clerk confirmed to streamline and improve our accounting processes she has put all of the documents that relate to the signing off of our annual accounts into a new Annual Management Accounts Report which also satisfies the Transparency Code that we should be working to. She confirmed the Finance Committee have already reviewed the document and approved it. She gave a brief summary of the document and in particular highlighted the importance of the breakdown of income and expenditure which the Board need to be aware of which has informed the figures in the Annual Return (AGAR), which we will be looked at under Item 20. She confirmed that the Board are also required to sign off the controls that have been put in place to support our financial systems.

The Clerk asked if there were any questions.

H Browne asked for some clarification on the -£2,274.85 previous year adjustment figure on page 13 of the balance sheet.

The Financial Officer confirmed this was an adjustment made for depreciation.

The Clerk asked for the Board's approval for the Statement of Internal Control section of the report.

On a proposition by J Hinge seconded by P Marchington, it was **AGREED** to approve the Statement of Internal Control.

D white abstained. All other Members were in favour.

The Clerk confirmed that the Finance Committee have reviewed and approved the Quarter 4 Bank Reconciliation in their earlier meeting, and she requested confirmation from the Board that they are happy with the Finance Committees findings.

On a proposition by the Chairman seconded by R Palmer, it was **AGREED** to confirm their oversight of the Quarter 4 Bank Reconciliation for 2022-2023 and they are happy with the Finance Committees findings, and this has been approved by the Finance Committee.

D white abstained. All other Members were in favour.

19. INTERNAL AUDIT UPDATE

RECEIVED (emailed separately) Mid Kent Audit's end of year internal audit report for 2022-2023.

The Clerk confirmed that this report has been Reviewed by the Finance Committee and the internal auditors found that our governance and processes are sound. She said there was one medium priority highlighted with regards to bank reconciliations being seen by both the Finance Committee and the main Board. She confirmed this has already been dealt with and was included on the agenda under the previous item today. Lastly, she confirmed that there were a number of items that were low priority/advisory items which will be reviewed, improved, and corrected as time goes on.

20. ANNUAL RETURN (AGAR)

RECEIVED (emailed separately) the Annual Return for the year ending March 2023.

The Clerk displayed the AGAR on screen and read through the internal control objectives, highlighting that item M had a tick under No because we missed adding the announcement on the website by one day previously.

The Clerk confirmed that the Chairman of Finance has signed Section 2 of the Annual Return in today's earlier Finance Meeting.

All Members present (with the exception of D White who abstained) **RESOLVED** that the Chairman should sign and date Section 1 of the Annual Return.

REPORTED that Section 3 relates to the External Auditor Report and Certificate and the Annual Internal Audit Report 2022/2023.

REPORTED that PKF LittleJohn LLP will complete the first page of Section 3 and this is where any comments on their findings will be made.

REPORTED that Mid Kent Audit, the Boards Internal Auditor completed the second page of Section 3 on 30 May 2023.

21. ADA UPDATE

The Clerk confirmed that she will be attending the Flood and Water Live Exhibition in Lincolnshire at the beginning of July and their ADA Annual Conference in London will take place in November. Details of which will be forwarded to Members in case they are interested in attending.

The Clerk said that there is a lot of work going on in the background particularly around the Biodiversity Action Plans and the Environment Act as this will have a significant impact on our work and how we approach environmental issues and she would like to introduce a bit of that at the Members Day in September.

22. ANY OTHER BUSINESS

Annual Members Day

The Clerk confirmed a Doodle Poll will be sent out shortly to Members for a joint Members Day in September for LMIDB and NKMIDB.

Biodiversity Net Gain

G Etheridge raised the question of how we monitor improvements with biodiversity?

The Clerk explained that Biodiversity Net Gain would be incorporated into the planning system and that from November 2023, BNG would apply to large developments granted planning permission. She explained that BNG contribution to a development mentioned

guidance including a spreadsheet that has been produced by Natural England that planners and developers can use.

Action – The Clerk to email Members some further information regarding Biodiversity Net Gain including the Natural England spreadsheet to Members.

Southern Water

R Hall raised the past difficulties with pollution caused by Southern Water that they wouldn't deal with and asked if we are still suffering problems.

The Works Manager confirmed that he had been in touch with the Environment Agency regarding Isle of Grain and they were doing water testing, but he didn't hear back from them.

J Lewis mentioned the issues that he has discussed with the Board in the past and is still experiencing.

Action – The Clerk, J Lewis and the Chairman to liaise/do more investigation into current Southern Water issues and what's still outstanding.

23. DATE OF NEXT MEETING

The next meeting was confirmed for Monday 27 November at 1pm.

24. PRIVATE & CONFIDENTIAL MATTERS

There were no private and confidential matters to discuss.

25. CLOSURE

There being no further business the Chairman declared the meeting closed at 2.54pm and thanked the Board for their attendance.