

THE RIVER STOUR (KENT) INTERNAL DRAINAGE BOARD

Minutes of the Online Meeting of the Board held at 14:00 on Thursday 27 May 2021

PRESENT

Mr G R Steed (Vice Chairman), Cllr M D Conolly, Mr D J Fuller, Mr P N Howard, Cllr P D Jull, Cllr D Ledger, Mr A D Linfoot OBE, Cllr G B Sparks, Cllr D O Smith, Mr M P Wilkinson, Mr P Williams and Mr L Wooltorton.

IN ATTENDANCE

Mr J Dilnot (Engineering Assistant), Mr P Dowling (Clerk & Engineer to the Board), Ms A Eastwood (Finance & Rating Officer) and Mr J Williamson (Technical Assistant).

WELCOME

The Vice Chairman welcomed to the meeting Ms D Thompson (EA Incident Response Team Leader – Stour Area), Dr D Price (EA Technical Advisor Swale & Stour Team) and Ms Ghada Mitri Renner (EA Team Leader, Asset Performance Team for Swale & Stour). The Vice Chairman also welcomed Mr D Godden (Rhino Plant Hire).

APOLOGIES FOR ABSENCE

The Vice Chairman reported that he had agreed to chair this meeting because the Chairman was unable to attend due to a medical appointment. Apologies for absence were also received from Mr D M Botting, Cllr M J Burgess (Deputy Vice Chairman), Cllr D Crow-Brown, Mr P S Dunn, Ms N H Dyas, Cllr N Ovenden, Mrs G Wyant and Mr M Thomas (KSCP).

RULES & STANDING ORDERS

Ref: A2-2 Rules & Standing Orders of the Board

The Vice Chairman reported that Ministerial approval has been received for the revised Rules & Standing Orders which allow IDBs to continue to meet remotely into the future and enable IDBs to choose which meetings are held remotely and which ones are held in person, or a mixture of both. The other changes to this document were to order 1 and order 5 which now state that a Chairman, a Vice Chairman and a Deputy Vice Chairman if so decided, shall be elected for a period not exceeding 3 years.

The new document was discussed, and it was proposed by Cllr Ledger, seconded by Cllr Conolly and resolved that the amended Rules & Standing Orders be formally approved and adopted. This was agreed by all present.

The Vice Chairman reported that the next Board meeting, scheduled to take place on 5 August, is planned to be at Council Offices – details still to be confirmed – to give Members the opportunity to attend in person if they so wish.

DECLARATIONS OF INTEREST

Mr G Steed declared a landownership interest in respect of DDC's Planning Application 21/00402.

MINUTES OF THE MEETING OF THE BOARD HELD ON THURSDAY 4 FEBRUARY 2021

The minutes of the Board held on Thursday 4 February 2021 were received. It was proposed by Cllr Sparks, seconded by Mr Linfoot and resolved that the minutes be confirmed and signed by the Vice Chairman as a true record of the proceedings at that meeting.

MATTERS ARISING FROM THE MINUTES

Environment Agency Works

The Vice Chairman asked if a meeting has been held to discuss the signage and road closures at Hothfield. Ms Mitri-Renner reported that no meeting has taken place as yet, but it is being planned.

MINUTES OF THE MEETING OF THE FINANCE, GENERAL PURPOSES & WORKS COMMITTEE HELD ON MONDAY 10 MAY 2021

It was proposed by Mr Linfoot, seconded by Mr Wilkinson and resolved that the minutes of the meeting of the Finance, General Purposes & Works Committee held on Monday 10 May 2021 be received.

MATTERS ARISING FROM THE MINUTES

KCC Elections

The Clerk & Engineer reported that Cllr Crow-Brown could not attend this meeting as it clashed with a KCC meeting, but he has passed on the Board's congratulations on his appointment to represent Birchington & Rural on KCC.

Joint Report for the period 1 January to 31 March 2021

Ref: A3-6 Health & Safety

The first Health, Safety & Welfare (HSW) Awareness Module, produced by ADA, is titled "*Board Member Responsibilities*" and a link was sent to all members prior to the meeting. The Vice Chairman considered these HSW modules to be highly informative and encouraged all to listen to them to improve awareness and understanding of the issues involved.

The Clerk & Engineer reported that the Board's Health & Safety Policy was last reviewed and approved in 2018 so it is due for review this year, with a view to finalising it at the November meeting.

The Clerk & Engineer reported that there was unfortunately a fatal incident in the EA's Thames region, which involved two operatives working on riverside trees. Although details are not yet known, as there is an ongoing HSE investigation, EA procedures are to be reassessed. Whilst local working procedures (EA and IDB) are constantly reviewed and thought to be suitable, this incident highlights the seriousness of the consequences when things go wrong.

Ms Mitri Renner added that, whilst she cannot discuss the details of this incident, consequently all in channel works, procedures, policies and operational instructions are being reviewed and until this review is complete there is a nationwide stoppage to in-channel works unless that work can be safely done from the riverbank or if there is an imminent risk of flooding.

Cllr Conolly asked if the HSW Modules sent to the Members would be useful to the Board's Contractors. The Vice Chairman stated that these are more for Board Members but there may be others that are more suited to the contractors. The Clerk & Engineer agreed that this are aimed at Board Members but there are regular meetings with contractors to run through various issues such as the works programme, environmental issues and HSW matters and any of these videos could be included if suitable. The Clerk & Engineer stated that he will forward the links to Mr Godden to share with Rhino's workforce. Mr Godden stated that he will view the information when received and will share it with his workforce where appropriate. He further stated that HSW is under constant review, staying safe is always a main priority when carrying out works and every task has its own risk assessment sheet.

Ref: W7 IDB Programme of Works (Including works carried out under PSCA)

Tree & Shrub Maintenance

It was reported that this year's IDB tree maintenance programme was delayed due to poor weather and ground conditions which led to an underspend of £6,270. The F&GP Committee recommended to the Board that this underspend be carried over and added to the 2021-22 pioneering budget (increasing it to £24,270). Cllr Conolly asked if we have the resources to use this extra budget. The Clerk & Engineer replied that it is intended to include another contractor for this additional work. It was proposed by Cllr Ledger, seconded by Mr P Howard and resolved that the 2021-22 pioneering budget be increased to £24,270. All present agreed.

Water Level Control

It was reported that works are starting next week to repair the permanent pump at Cooper Street.

It was also reported that the ongoing leak at Boiling Spot Stop on the South Stream at Hacklinge is to be investigated but no works are planned as yet.

Ref: A4-3 Biodiversity Action Plan (BAP)

The Vice Chairman reported that a lot of work has been done on the new BAP document, which was distributed electronically to all Members and he asked if there were any comments. The Clerk & Engineer commented that it was intended to slim down the document, but a lot of valuable information has been kept and the core of the Board's future focus is best summarised on page 73 which is a summary of priority actions. Mr Linfoot commented that, in his view, the new BAP document is excellent, and he considered that an effective and efficient job has been done in adapting and updating the original document in line with the new ADA's recommended format. The Vice Chairman thanked Mr Linfoot and stated that one of the challenges when producing this document had been to ensure that the work and achievements to date were captured.

Cllr Conolly considered this document to be very good and asked if it would be accessible from the Board's website. The Clerk & Engineer confirmed that the full document will be on the Board's website, and it is the intention to provide more regular updates on any activities carried out in future. It was proposed by Mr Linfoot, seconded by Cllr Sparks and resolved that the BAP document be received and approved subject to any final minor changes. All present agreed.

Ref: W7G Environment Agency Works

The Vice Chairman asked if there were any updates on the refurbishment of the Brewery Sluice. Dr Price reported that the EA has been conducting testing at the outfall to check the weight the existing structure

can take because the preferred option is to have a penstock with a flap-valve contained within it so when the Delf discharges it will exit via the flap. As the flap will be smaller than the culvert, there will be a chance for silt to build up behind it, but the penstock will allow for this silt to be flushed out when opened. Early indications from the testing are positive so the formal report is awaited with some design options before finalising. It is hoped that works will start in the autumn. The upstream trash screen is under a different project and works are planned for July.

Ms D Thompson reported that the EA is having problems with unauthorised access at Hacklinge again, as this track should only be accessible to farmers and people who genuinely need it. Cllr Jull reported that the British Horse Society has applied for this track to be recognised as a Public Bridleway. The EA representatives were not aware of this. Cllr Jull stated that it should presumably come through as a Kent Public Rights of Way (KPRW) consultation, but these consultations do take a long time and it may be worth contacting KPRW to lodge an interest. The Vice Chairman stated that if increased access will cause problems, then the EA should consider being proactive and act at the earliest opportunity. Dr Price confirmed that he will follow this up.

The Clerk & Engineer reported that the Richborough Sluice has been refurbished and improved by the East Kent Engineering Partnership and should soon be fully functional. A really good job has been done and it will be interesting to see how well it will function during periods of heavy rainfall, particularly when Stonar Cut gates are operated.

Mr Woollorton reported that works at Mile Feed Penstock should start within the next couple of weeks and works at Kingfisher Sluice will commence in late June. He further reported that the works at Lampen Penstock are now scheduled to start in August.

Ref: W5 Planning Applications

The Vice Chairman invited comments on the Planning Applications listed on the F&GP Committee meeting minutes. There were no queries or comments.

Ref: W15 **Applications for Consent and Enforcement Actions**

The Vice Chairman invited comments on the Applications for Consent and Enforcement actions in the F&GP Committee meeting minutes. There were no queries or comments.

FINANCE

DRAINAGE RATES INCOME

The Finance & Rating Officer reported that a letter has been sent to both ratepayers for which Judgements were issued, one has verbally committed to clear his balance by the 2 June and no reply has been received from the other. If payment is not received in due course warrants will be issued which will incur further costs.

Ref: F1-2a Final Internal Audit Inspection of the 2020-2021 Accounts and Accounting Records

It was reported that the Board's Internal Auditor, Mr David Griffiths, carried out his inspection of the Board's 2020-21 accounts and accounting records on 30 April 2021 and his report was included in the F&GP meeting minutes. The Vice Chairman reported that the auditor commented that despite the Covid pandemic there was nothing identified of concern and the records and reports were of a very high standard and he thanked the Finance & Rating Officer.

There being no further comments it was proposed by Cllr Jull, seconded by Cllr Sparks and resolved that the Final Internal Audit Report for the 2020-21 Accounts and Accounting Records be received and approved.

Ref: F.1-2b Review of the Internal Control and Internal Audit Arrangements for the Financial Year Ended 31 March 2021

The Vice Chairman thanked Cllr Burgess, Cllr Jull and Mr Wilkinson for completing the inspection of the Board's accounts and accounting records for 2020-21 which was completed on 30 April with the Internal Auditor's assistance.

The Vice Chairman reported that the Internal Review Audit Team suggested that the Demaining Reserve be increased annually. The F&GP Committee subsequently proposed a 5% increase for 2020-21 (retrospectively), a 5% increase for 2021-22 and the level of future increases to be decided according to the situation at the time, including affordability. It was proposed by Mr Linfoot, seconded by Cllr Conolly and resolved that the F&GP proposal above be approved. All present agreed.

There being no further comments it was proposed by Mr Linfoot, seconded by Cllr Ledger and resolved that the Internal Audit Review Team's Report on the Board's 2020-21 Accounts and Accounting Records be received and approved.

Ref: F1-5a Annual Governance and Accountability Return 2020-21 (AGAR)
Annual Internal Audit Report 2020-21

It was reported that the AGAR 2020-21 was received and following his audit, the Internal Auditor completed and signed the Annual Internal Audit Report 2020-21 (page 3 of the AGAR). It was proposed by Mr Woollorton, seconded by Mr Linfoot and resolved that the Annual Internal Audit Report 2020-21 be received, noted and approved.

Ref: F1-5b Accounts for Financial Year Ended 31 March 2021

The Vice Chairman presented the Board's accounts for the year ended 31 March 2021 and invited any comments. There being no queries or comments it was proposed by Cllr Sparks, seconded by Mr Linfoot and resolved that the Accounts for the Financial Year Ended 31 March 2021 be received and approved.

Ref: F1-5c Annual Governance and Accountability Return 2020-2021 (AGAR)
– SECTION 1 (Annual Governance Statement 2020-21)

It was reported that Section 1 of the AGAR (page 4) requirement for the Board to carry out a review of effectiveness of the system of internal control was accomplished by the Final Internal Audit carried out by Mr D Griffiths which enabled him to complete page 3 of the AGAR (Annual Internal Audit Report 2020-21) and the review of the Internal Control and Internal Audit Arrangements by Cllr M Burgess, Cllr P Jull and Mr Wilkinson, both carried out on 30 April 2021. This section (page 4 of the AGAR) was completed by the Clerk & Engineer on 30 April 2021, it was proposed by Mr Linfoot, seconded by Cllr Sparks and resolved that the Annual Governance Statement 2020-21 be received and approved.

Ref: F1-5d Annual Governance and Accountability Return 2020-21 (AGAR)
– SECTION 2 (Accounting Statements 2020-21)

It was reported that Section 2 of the AGAR (page 5) Accounting Statements 2020-21 were prepared, signed and dated by the Finance & Rating Officer – Responsible Financial Officer – and checked by the

Internal Auditor. It was proposed by Cllr Jull, seconded by Mr Wilkinson and resolved that the Accounting Statements 2020-21 be received and approved.

Ref: F1-5e Notice of Public Rights and Publication of Unaudited Annual Return
Accounts for the Financial Year Ended 31 March 2021

The Local Audit and Accountability Act 2014 and the Accounts and Audit Regulations 2015 require the accounting records for the financial year to which the audit relates and all books, deeds, contracts, bills, vouchers, receipts and other documents relating to those records to be made available for inspection by any person interested, during a period of 30 working days set by the Board. These dates need to be announced by publishing them on the Board's website and on the Board's Outdoor Notice Board. It is proposed that the dates for the period of exercise of public rights be set as follows:

- Commencing on Monday 14 June 2021
- And ending on Friday 23 July 2021

It was proposed by Cllr Ledger, seconded by Mr Linfoot and resolved that the above dates be set for the Exercise of Public Rights and Publication of the Unaudited Annual Return for the Financial Year Ended 31 March 2021.

Ref: F1-6 Financial Risk Assessment

The Vice Chairman presented the Financial Risk Assessment which was revised and then reviewed by the F&GP Committee. There being no queries or comments it was proposed by Cllr Sparks, seconded by Mr Linfoot and resolved that the Financial Risk Assessment be received and approved.

Ref: F.5-4 Watercourse Maintenance Contract

The Vice Chairman reported that Mr Dunn and Mr Wilkinson have joined the Chairman, Cllr Burgess, Cllr Crow-Brown and himself on the Contracts Sub-Committee and this Committee has met to review the watercourse maintenance contract document, for a re-tender this summer. It is intended to invite Expressions of Interest by advertising in the summer edition of the ADA Gazette, on the Board's website and also in the Country Edition of the Kent Messenger. The new contract is to be decided by 30 September, for a contract start date of 1 April 2022.

Ref: F6-1 Environment Agency Precept

The Vice Chairman reported that the final draft Precept Report, detailing the final allocations for 2020-21 and proposed allocations for 2021-22, was received. Ms Mitri Renner stated that there will only be minor tweaks to this draft and stated that the final report will be produced shortly.

Ref: F8-6 Surface Water Development Contributions

The Vice Chairman reported that the Development Sub-Committee met to discuss the adoption of the Water Management Alliance's (WMA) policy to charge Developers Surface Water Development Contributions (SWDC). If adopted, this would not only allow the Board to carry out more maintenance work, on ordinary watercourses serving new and existing developments (to help reduce local flood risks), but it would also enable better engagement with Planning Authorities. The Sub-Committee has agreed to initially develop a Planning & Consenting Strategy, similar to the WMA's, and to explore further how the SWDC process might be implemented.

The Vice Chairman sought to get the Board's agreement to delegate authority to the Sub-Committee to develop a Planning and Consenting Strategy and to consult with the Local Planning Authorities and KCC, as the Lead Local Flood Authority, and then report back to the Board at the August meeting. It was proposed by the Vice Chairman, seconded by Cllr Jull and resolved that this authority be delegated to the Sub-Committee.

ADMINISTRATION

Ref: A3-2 Election of Members

The Vice Chairman reported that the Register of Electors was produced and will be made available for inspection by interested persons between 12 July to 31 July inclusive (Saturdays and Sundays excepted) and a Notice will be placed on the Board's website and on the Board's Outside Notice Board to this effect. The Vice Chairman further reported that he has inspected the Register on behalf of the Board and apart from a minor query that is being sorted, all appears in order. Members were reminded that an electronic copy can be made available on request but must be disposed of appropriately afterwards. It was proposed by the Vice Chairman, seconded by Cllr Jull and resolved that the Register of Electors can be made available for Public Inspection during the above dates. If any subsequent issues result from the public inspections, the Clerk & Engineer as Returning Officer will advise the Board accordingly.

Ref: A7-1 Employment of Staff - Salaries

It was reported that ADA Wages, Salaries and Conditions of Service April 2021 was received and the negotiated pay award for 2021-22 was 4.1% as part of a three-year agreement. This increase was communicated to the Chairmen and implemented from the 1 April 2021.

Ref: A7-2 Local Government Pension Scheme (LGPS)

The Finance & Rating Officer reported that due to several factors, key financial assumptions used to prepare the Pension Reports in accordance with IAS19 have changed. These factors will increase the Board's Net Defined Benefit Liability but the Barnett Waddingham's Actuary's IAS19 Report had not been received.

Mr Linfoot stated that the LGPS is as good as any government scheme and the Board's staffing experience is such that the employer's contribution is quite moderate by present day standards.

Ref: A8-1 Tax Treatment of Red Diesel

The Clerk & Engineer reported that he has written to various MPs several times and ADA are still pursuing it with Treasury and Defra but there will only be a few remaining exemptions which are for agriculture, boating and emergency flood works. He further stated that an exemption for flood risk management authorities does not appear to be likely, therefore the Board needs to prepare to lose the current exemption which will lead to increased maintenance costs. The Vice Chairman stated that the IDB supports the reasoning behind the movement to red diesel in terms of trying to move towards more environmentally friendly and sustainable fuel sources but the effect on IDB an EA budgets is regrettable.

Ref: A8-1.7 Board's Website

The Technical Assistant reported that the Board's new website will go live on 1 June 2021, he will send a link to all Members, and he will welcome any comments. The mapping has been greatly improved and it is the intention to continue developing it throughout the year. The Vice Chairman thanked the Technical

Assistant for his excellent work on developing the website and stated that one of the immediate benefits of this is the control of editing and amendments which will now be done in-house.

Cllr Conolly stated that the Board should publicise its new website. The Technical Assistant stated that accessing the old website will redirect to the new website. The Clerk & Engineer stated that it will be highlighted to local Councils and other partners.

ANY OTHER BUSINESS

Ref: A10-21 Claim for Beaver Damages

The Clerk & Engineer reported that he replied to the landowner in question, advising him that the Board has not and will never release beavers and is part of the East Kent Beaver Advisory Group (EKBAG) mainly to flag the risks involved in their reintroduction. No reply has been received.

The Vice Chairman reported that there was an article in the Sunday Telegraph on the 16 May suggesting that farmers could be paid to rewild riverbanks for beavers, there is currently a lot of discussion regarding the role that beavers can play within our environment which they may benefit in the right place, but some thought needs to go into where to release them. The Vice Chairman further reported that he has had beavers breach between two of the dykes on his farm and as a consequence one of those dykes is now dry.

Ref: A3-4 Mr A D Linfoot OBE

Mr Linfoot reported that this was to be his last meeting and stated that it has been a great privilege and pleasure to have served on the Board as a Canterbury City Council's representative for quite a long time and of the various things that he has done since retiring, the Board is a clear winner in terms of the interests and the value of the works that it does and the efficiency with which it does it. He further stated that the harmony both among the Members and the Officers of the Board in doing their work and the various partner organisations such as Contractors, the EA, ADA and so on, has made it an excellent experience. Mr Linfoot stated that a great deal of credit needs to be attributed to the work of the Chairman of the Board over so many years who has done a marvellous job, but he would also like to extend this to all the Officers and Members. He felt very lucky that CCC has kept him on the Board for this long (18 years following his 8 years as a Councillor) and he wondered if he was the first Board Member to reach the age of 90 whilst still in service but he is sure he will not be the last!! Mr Linfoot stated that serving on the Board has been a great experience and he knows it cannot go on for ever, but he is really sorry to leave.

The Vice Chairman stated the Chairman asked him to read a statement in his absence: "I regret being unable to attend Denis' last Board meeting to wish him well and thank him for a job more than well done, it has been a pleasure and a privilege to work with him. Denis was appointed by CCC in 1995 and immediately elected to represent CCC on the F&GP Committee, he was Vice Chairman from 2000 to 2019. Well experienced in administration and the ways of local authorities, Denis not only helped us to remain on the straight and narrow but made sure we were on the right path on the first place. Denis is a useful wordsmith helping us to develop, draft and edit many important documents whilst ensuring clarity and firmness. He may be the only Board Member to understand the KCC Pension Plan! On behalf of the Board Members past and present I thank him for his quiet, cheerful and considered assistance to both Board and its Committees and I thank him personally for his support and friendship. The Chairmen have agreed a small presentation which we will make to Denis on your behalf when Covid Rules allow. In absentia I propose a vote of thanks to Denis."

The Vice Chairman stated that he would like to second the above proposal and added his personal thanks for all that Denis has contributed whilst serving on the Board. These words were echoed by Members present. Mr Linfoot recorded his thanks for these kind words and stated that he was glad he had the first speech as it would have been an anti-climax.

The Clerk & Engineer added that he would also like to thank Mr Linfoot on behalf of the IDB staff past and present and he stated that it has been a pleasure and privilege to have worked with him so closely and expressed his extreme gratitude for all the guidance and support that Mr Linfoot has given him over the years. He further stated that Mr Linfoot is totally committed to public service and an excellent example for all of us, Mr Linfoot and the Chairman have made a formidable team and will be a tough act to follow. He ended by thanking Mr Linfoot again for all his service and wished him all the best for the future in what he hopes will be his real and well-deserved retirement. Mr Linfoot thanked the Clerk & Engineer for his kind words.

MEETING CLOSED

There being no other business the Vice Chairman thanked the Members and all others for their attendance and declared the meeting closed.