

THE RIVER STOUR (KENT) INTERNAL DRAINAGE BOARD

Minutes of the Meeting of the Board
held on Thursday 26 June 2008
at 2.30pm in the Board's Offices at
34 Gordon Road, Canterbury

PRESENT

M J G Tapp Esq (Chairman), A D Linfoot OBE (Vice Chairman), Messrs Councillor T Austin, I R Cooling, G F Ellis, Councillor B T Naughton, M P Wilkinson, Councillor J Woodford and Councillor Mrs M Martin.

IN ATTENDANCE

Mr J Davis (IDB Contracts Manager – Rhino Plant Hire), Mr P N Dowling (Engineer to the Board) and Mr D Lewis (Clerk of the Board).

APOLOGIES FOR ABSENCE

Apologies for Absence were received from Messrs P E Dyas, D Rogers, I G Steed and Councillor C J (Kit) Smith. An apology for absence was also received from Mr Andrew Pearce (Flood Risk Manager (Kent & East Sussex Area) – Environment Agency).

MINUTES OF THE MEETING OF THE BOARD HELD ON THURSDAY 31 JANUARY 2008

The Minutes of the Meeting of the Board held on Thursday 31 January 2008 were received. It was proposed by Councillor Mrs M Martin, seconded by Councillor B T Naughton and resolved that these Minutes be confirmed and signed by the Chairman as a true record of the proceedings at that Meeting.

MATTERS ARISING FROM MINUTES

Ref: A.10-3

Kentish Stour Countryside Project

The Chairman stated that at the Board Meeting in January the Board received a most interesting and informative presentation on the Kentish Stour Countryside Project from Mr Matt Hayes, the Canterbury and Wantsum Countryside Officer. The Chairman stated that Mr Hayes' presentation mainly covered KSCP's activities in the Lower Stour area of the Board and it would now be nice if the Board could receive a similar presentation on KSCP's activities in the Ashford and Upper Stour areas. The Chairman therefore asked the Clerk to see if he can arrange for Miss Debbie Adams of KSCP to give the Board a short presentation of KSCP's activities in the Ashford and Upper Stour areas at the next meeting of the Board in September.

Ref: W.1-14 Critical Ordinary Watercourses (COWs)

The Chairman asked the Engineer if he had been given a date, by the Environment Agency, for the Kent COWs Workshop. The Engineer stated that no date had yet been set for the Kent COWs Workshop as publication of the Environment Agency's Planned Maintenance Programme for 2008/2009 is yet to be released. The Engineer reported that he had spoken with the Environment Agency's Area Flood Risk Manager, Andrew Pearce, and the intention is to hold a Workshop to discuss issues of concern if they cannot be resolved at the local officer level. The Workshop should cover all areas of watercourse management, including the planned maintenance of COWs. The Engineer further stated that when the Environment Agency's 2008/2009 Maintenance Programme is issued, it should become clear whether a Workshop will be necessary. Councillor Mrs M Martin (Ashford Borough Council) asked the Engineer to advise her of the date of any future Workshop. The Engineer stated he would do this.

MINUTES OF THE MEETING OF THE FINANCE, GENERAL PURPOSES AND WORKS COMMITTEE HELD ON MONDAY 9 JUNE 2008

The Minutes of the Meeting of the Finance, General Purposes and Works Committee held on Monday 9 June 2008 were received. It was proposed by Mr M P Wilkinson, seconded by Mr A D Linfoot and resolved that these minutes be received.

MATTERS ARISING FROM MINUTES

Ref: A.3-13 River Basin Planning

The Chairman asked the Engineer to give the Members an update on the Draft River Basin Management Plan for the South East River Basin District.

The Engineer reported that the 1st draft Mock-up of the River Basin Management Plan had been received but many of the main and important details, such as water body designation, were still missing. The Engineer stated that the full Draft River Basin Management Plan for the South East River Basin District is expected to be issued in December 2008 with a consultation period of 6 months until June 2009. The Chairman asked the Engineer to keep the Board updated on River Basin Planning matters as they progress.

Ref: F.1-2 Internal Audit Arrangements – Review of the Effectiveness of the System of Internal Audit

The Chairman reported that the Vice Chairman and Councillor Tony Austin had completed their review of the effectiveness of the system of Internal Audit. The Chairman invited the Vice Chairman and Councillor Austin to give a report of the review they conducted for the Board. The Clerk handed out copies of the Vice Chairman's and Councillor Austin's report into the Review of Internal Control and Internal Audit Arrangements. The Vice Chairman apologised to the Members for not issuing a copy of the report with their meeting papers. After giving the Members a short period to read the report, the Vice Chairman took the Members through the following report:

Councillor T Austin (Canterbury City Council) stated that he would like to thank the Vice Chairman for taking the lead during the review and for drafting the report. The Chairman thanked both the Vice Chairman and Councillor Austin for conducting the review and their comprehensive report. Councillor Mrs Marion Martin (Ashford Borough Council) asked if there were any "Inter-IDB" opportunities where, we could use the same contractors as the other IDBs in Kent. The Chairman stated that the possibility of using the same contractors as other Kent IDBs was fully explored during the recent review and re-letting of the Board's main maintenance contract and all local contractors were given the opportunity to submit tenders for the work if they so wished.

It was proposed by the Chairman, seconded by Councillor B T Naughton and resolved that the Report on the Review of Internal Control and Internal Audit Arrangements be received and approved.

ENGINEER'S REPORT FOR THE PERIOD 1 JANUARY 2008 TO 30 APRIL 2008

IDB Programme of Works

Weedcutting & Aquatic Weed Control

The Engineer reported that Natural England had recommended that the placing of netted barley straw bales at approximately 30 locations across the eastern side of the Hacklinge Marshes SSSI may help address the excessive growth of algae in the watercourses. The Engineer stated that he had made arrangements to acquire the barley straw locally and had taken advice from the Centre for Aquatic Plant Management. The Clerk stated that Hacklinge Marshes was a SSSI within the Board's Drainage District and that the Board had a duty, under the Land Drainage Act (1994) to further conservation and enhances natural beauty of the marshes and that the barley straw trial was part of this duty. The Clerk stated that the cost of this trial is not likely to be significant and it is hoped that this action may go some way to improve some of the failing units in the SSSI.

IDB Asset Management System

The Engineer reported that the development of ADA's Data Information System (ADIS) has continued. The intention is for ADA to hold a single database detailing the location, number, type and condition of all assets managed by IDBs. The system has been developed in such a way as to allow the highest level of compatibility with the Environment Agency's NFCDD system.

The Engineer further reported that all Boards were requested to commence visual inspections of Board Managed Assets, including watercourses, from 1 April 2008 with a target date for the completion of updated condition assessment data by 31 October 2008. Councillor B T Naughton (Ashford Borough Council) stated that he was surprised that most of the data required was not readily available from records. The Engineer stated that all the Board's Managed Assets, including watercourses, needed to be visually inspected and a condition assessment made and recorded. The Chairman stated that there was approximately 175km of watercourses to be visually inspected and numerous structures also needed to be inspected. Councillor Mrs Marion Martin (Ashford Borough Council) asked the Engineer what was going to be done with the data once on the database. The Engineer stated that the database, when complete, would provide a National picture of all IDB managed and maintained assets which could help to identify long

term investment requirements and would compliment the Environment Agency's National Flood and Coastal Defence Database.

NOTIFICATIONS OF CONSENT FOR WORKS

Ref: 08-ST-03 Construction of a New Rising Main
under an Ordinary Watercourse at Fordwich

Councillor T Austin (Canterbury City Council) asked the Engineer if he could provide more details in respect of the above application. The Engineer stated that the above application is in connection with a proposal by Southern Water to construct a new rising main to discharge storm flows from a combined sewer overflow in Brooklands Close, Fordwich to the Great Stour. The Engineer stated that Southern Water is trying to improve the existing sewerage system at Brooklands Close in order to resolve an existing problem of external sewer flooding of residential properties and the highway. Southern Water's works includes the installation of a new tank to provide increased storage on a combined sewer overflow in Fordwich Road during high rainfall events. The Engineer stated that the stored sewerage will be pumped back into the sewerage system when capacities allow. The Engineer further advised that, as part of the scheme, Southern Water needed to construct a new rising main to discharge filtered overflows from the combined sewer to an outfall in the north bank of the River Stour during extreme conditions. The Engineer stated that the proposed route of the rising main pipeline will cross an Ordinary Watercourse situated in the Board's district for which the Board's consent is required. Councillor Austin thanked the Engineer for providing additional details of the Southern Water proposal. The Clerk stated that he was able to provide Councillor Austin with a copy of Southern Water's application and a copy of the Board's consent if he so wished. Councillor Austin stated that he would be most grateful if copies could be made available to him.

Environment Agency Works

The Chairman reported that Mr Dyas had tendered his apology for not being able to attend the meeting but had particularly asked for the desilting of the Minster Stream to be raised at the meeting so that it could be noted by one of the Thanet District Council Representatives. The Chairman stated that unfortunately none of the Thanet District Council representatives were present at the meeting to take note of the need for the Environment Agency to urgently plan in desilting of the Minster Stream. The Chairman advised the Members that the Environment Agency's Maintenance Programme for 2008/2009 was due to be released in early July and it may be best to check the programme prior to bringing the Minster Stream to Thanet District Council's attention.

PLANNING APPLICATIONS

Thanet District Council

TH/07/1400 Land at Monkton Road, Minster
– Demolition of an Existing Dwelling, Construction of 100 Dwellings and
Associated Infrastructure, Facilities & Public Open Space

The Chairman reported that Mr Dyas had also asked for the Thanet District Council representatives to note that many local residents were very concerned about this application. Local residents were particularly concerned that the existing sewerage disposal facilities would not be able to cope with the increased development in this area. Councillor T Austin (Canterbury City Council) stated that he was sympathetic with Mr Dyas' comments and the concerns of the local residents. Councillor Austin advised the Members that a similar type of situation occurred in the Blean area some years ago where the existing sewerage systems were expected to cope with additional development and this also led to the old sewerage system overtopping.

REPORT OF CLERK

FLOOD DEFENCE

Ref: W.1-4 IDB Review

The Chairman stated that all Members would have received, from the Clerk, details of the Minister's proposal to amalgamate the Stour IDB with the Romney Marsh IDB in order to form a new sub-catchment IDB of South Kent. The Chairman stated that both Boards have completely separate hydraulic catchment areas and therefore the Minister's proposal seems not to be in line with Catchment Flood Management current thinking. The Chairman advised the Members that he has held initial discussions with the Chairman of the Romney Marsh IDB in respect of the Minister's proposal and it had been agreed that both Boards' best course of action would be to write to Dr Jean Venables (Chief Executive of ADA) to advise her that both Boards were situated in completely separate hydraulic catchment areas and that both Boards would be in a better position to deliver the requirements of the IDB Review if they both continued to remain Stand-Alone IDBs.

The Chairman further reported that the Clerk had recently issued details of the Minister's proposal to all Chief Executives of the Board's Special Levy paying Councils. The Chairman also reported that the Vice Chairman had sent an additional, more explanatory, letter to Canterbury City Council's Chief Executive Officer (Mr Colin Carmichael). The Chairman suggested that all other Council Appointed Members may wish to advise their Councils in a similar manner. The Chairman expressed his thanks to Mr I R Cooling and Councillor B T Naughton for personally bringing the matter to the attention of Mr David Hill, Chief Executive Officer Ashford Borough Council. The Chairman stated that Ashford Borough Council intended to write to the Minister in support of the Board's alternative proposal to remain a Stand-Alone Independent IDB.

The Chairman advised the Board that because of the extreme importance of this matter, the full Finance, General Purposes and Works Committee decided to form themselves into an IDB Review Sub-Committee in order to discuss all aspects of the IDB Review. The Chairman also advised the Board that the Clerk has engaged Mr Kevin Funnell, the Internal Auditor to write a report on the proposed amalgamation with the Romney Marsh Area IDB.

Mr G F Ellis asked what benefits the Stour IDB would forego if the amalgamation with the Romney Marsh Area IDB took place. The Chairman stated that no short term or long term benefits could be seen from the proposed amalgamation but reduced representation and increased costs had been clearly identified. The Vice Chairman stated that the Romney Marsh Area IDB was approximately twice the size of the Stour IDB. The Vice Chairman stated that there was

concern that unless the Stour IDB's funding was "ring-fenced in perpetuity" there was a danger that the Stour funding streams may be swallowed up by the much larger Romney Marsh Area IDB.

FINANCE

Ref: F1-2 Internal Audit Arrangements – Final Internal Audit Report for 2007/2008 Financial Year

The Board considered the Internal Auditor's Final Internal Audit Report for 2007/2008. The Members noted the Internal Auditor's comments, and in particular noted his comments in respect of the two Notification Forms that were missing from the Board's Register of Members' Interests. The Chairman invited the Clerk to advise the Members of the problems he has encountered over the Register of Member's Interests. The Clerk reported that he had reminded both Members several times by letter and telephone to no avail. The Clerk stated that one of the Members in question was an Appointed Member from one of the Board's Special Levy Councils and the other was an Elected Member. The Chairman asked the Clerk for details of the attendance record for both Members. The Clerk reported that the Appointed Member was first appointed in May 2007 and has only attended one Board Meeting (19 July 2007) since the date of his appointment. The Elected Member was elected in November 2006 and has never attended a Board Meeting since the date of his election. The Clerk advised the Board that the terms of appointment for Appointed Members are mainly a matter for the appointing authority but the rules for Elected Members are laid down in Schedule 1 (Part III) of the Land Drainage Act, 1991. The Act clearly states "if an Elected Member of an Internal Drainage Board is absent from meetings of the Board for more than six months consecutively, he shall, unless his absence is due to illness or some other reason approved by the Board, vacate his office at the end of that six months". The Clerk asked the Members for a direction in respect of this matter. The Chairman considered that the Elected Member should vacate his seat and that the Clerk should advise him accordingly. Councillor B T Naughton (Ashford Borough Council) suggested that the Clerk could write to the Leader of the Council of the Appointed Member and point out the Member's poor attendance record. It was agreed that the Clerk should follow these courses of action.

It was therefore proposed by the Chairman, seconded by the Vice Chairman and resolved that the Internal Auditor's Final Internal Audit Report for 2007/2008 be approved.

Ref: F.1-3 Statement of Internal Control for the Year Ending 31 March 2008

The Vice Chairman reported that during the review of Internal Control and Internal Audit Arrangements, he and Councillor Austin had reviewed an advance copy of the Board's Accounts for 2007/2008 and a copy of the Statement of Internal Control for the Year Ending 31 March 2008 and considered both of them to be satisfactory and appropriate.

It was proposed by Councillor Mrs Marion Martin, seconded by Councillor B T Naughton and resolved that the Statement of Internal Control for the Year Ending 31 March 2008 be approved.

Ref: F.1-5

Accounts for the Year Ending 31 March 2008

The Accounts for the Year Ending 31 March 2008 were considered, Mr I R Cooling (Ashford Borough Council) stated that he had some concerns over the Board's KCC Pension Fund deficit of £100,000 which was 20% of the Board's annual income. The Vice Chairman stated that the Board's Pension Fund deficit has fluctuated in the £80,000 to £100,000 range over the last 4 years without appearing to show any long term trend. The Vice Chairman considered that providing Kent County Council Pension Fund continues to review the Board's employer contributory percentage (%) rate so that the shortfall is eliminated over a fairly long period of 10 to 20 years, there shouldn't be a problem. The Clerk advised the Members that there is no requirement under the Audit Regulations for Pension Fund details to be declared in the Board's annual accounts. The Clerk stated that Financial Reporting Standard (FRS) 17 only requires authorities with an income/expenditure of over £1 million to report pension assets and liabilities. The Clerk stated that he however provided pension details in the Board's annual accounts so that the Members are given a more complete picture of the Board's true worth.

It was proposed by Councillor B T Naughton, seconded by the Vice Chairman and resolved that the Accounts for the Year Ending 31 March 2008 be approved.

Ref: F.1-5

Audit Commission IDB Annual Return for the Year Ending 31 March 2008

The Chairman reported that the Clerk had completed the required sections of the IDB Annual Return for the Year Ending 31 March 2008 for the Board's approval. The Chairman further reported that the Internal Auditor had agreed the totals in Section 1 (Statement of Accounts) and had also completed and signed the Annual Internal Audit Report at Section 4.

It was proposed by Councillor T Austin, seconded by Councillor Mrs Marion Martin and resolved that the IDB Annual Return for the Year Ending 31 March 2008 be approved and signed by the Chairman.

ANY OTHER BUSINESS

Thanet Waste Site, Richborough

The Chairman asked the Engineer if he had managed to receive any information from the Environment Agency in respect of Mr Dyas' report that Thanet Waste was irrigating of hardcore and other materials on their site. The Engineer stated that he had not yet received any details from the Environment Agency of Thanet Waste's discharge consent but he would chase the Environment Agency for details. The Engineer considered that the irrigation would be for dust control and the resulting run-off would probably be collected and disposed off under the site's discharge consent.

Proposed Lorry Park at Aldington

Mr I R Cooling (Ashford Borough Council) stated that although the Lorry Park proposal had been discussed by the Board at earlier meetings, there was no record of the discussions or any action taken. Mr Cooling considered that the Board should make its concerns known to Kent

County Council in respect of the Lorry Park proposal. The Clerk reported that he and the Engineer were keenly following all the discussions and protests in the Local Press and Media in respect of the Lorry Park proposal but were awaiting receipt of the planning application/proposal prior to responding to KCC/Ashford Borough Council. The Chairman considered that it would be worthwhile alerting KCC to the Board's direct interest in the site of this proposal and request that details are provided to the Board as soon as they become available. The Chairman asked the Engineer to write an appropriate letter to KCC. Councillor Mrs Marion Martin (Ashford Borough Council) stated that for the sake of Ashford and East Kent there was an urgent need for a solution to be found.

MEETING CLOSED

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