

**Minutes of the Governance & Probity Committee Meeting  
Of the Lower Severn (2005) Internal Drainage Board  
Held Wednesday 31<sup>st</sup> March 2021 at 10.30 am  
Virtual Meeting**

Present: Cllr B Behan Chairman  
Mrs F Collins  
Cllr M Riddle  
Cllr J Jones

Staff: Kieran Warren Principal Officer PO  
Louise Reading Minutes

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<b>3198</b>	<b>Apologies/Welcomes</b> Apologies were received from Cllr P Abraham and Cllr P Burford	
<b>3199</b>	<b>Chairman's Announcements</b> There were no Chairman's Announcements	
<b>3200</b>	<b>Declarations of Interest</b> There were no declarations of interest.	
<b>3201</b>	<b>Minutes of the Previous Meeting</b>  <b>It was resolved that:</b> <ul style="list-style-type: none"> <li>• <b>Subject to the amendment to the date in minute 3090 from 31<sup>st</sup> March 2022 to 31<sup>st</sup> March 2021, the minutes of the meeting held on 2<sup>nd</sup> December 2020 be approved as a correct record.</b></li> </ul>	
<b>3202</b>	<b>Reserves and Board Closure</b> At the last Governance and Probity Committee meeting, Members had requested that the PO investigate the level of reserves available to meet its obligations should the Board cease operations. The PO updated Members that he had contact local authorities and the LGPS and was able to obtain broad figures. Based on current reserves and the value of net assets, he was confident that in the very unlikely event of closure the Board had sufficient funds to meet its liabilities.  He also advised Members that if the Board were to be replaced by a new drainage body, then the application of TUPE regulations would mean that its liabilities would transfer to its successor  <b>It was resolved that:</b> <ul style="list-style-type: none"> <li>• <b>The report be noted</b></li> </ul>	
<b>3203</b>	<b>Remote Meetings</b> The PO updated members about legislation allowing meetings to be held virtually due to expire on 7 <sup>th</sup> May 2021. He was waiting on guidance from Defra as to how IDBs could proceed beyond that date.  Members agreed that a mixture of remote and in person meetings seemed to provide flexibility. Cllr Riddle highlighted that unlike local authorities the Board's area included 8 different local authorities and remote meetings could save considerable travel time for those that live furthest away. The PO added that some Members were very happy with the current meeting arrangements  <b>It was resolved that:</b> <ul style="list-style-type: none"> <li>• <b>The report be noted</b></li> </ul>	

<p><b>3203</b></p>	<p><b>Policies to be Reviewed</b></p> <p><u>Biodiversity Plan</u> The Chair felt the plan was reflected the Board's aspirations to maximise the biodiversity benefits from its activities.</p> <p>Cllr Riddle suggested that it could be sent out for consultation to an environmental body for review. For example, to check for any new protected species to be included. Members agreed with this.</p> <p>The PO suggested contacting ADA and Cllr Jones suggested local council Biodiversity officers may be able to help.</p> <p><u>Data Protection Policy</u> The PO advised Members that this policy followed statutory guidance and that it was up to date.</p> <p>Cllr Riddle asked if staff should be given training so they feel supported in such an important area. The Chair suggested that maybe the Boards Data Protection Officer could provide some internal training. The PO advised Members he would investigate options for staff data protection training and report back.</p> <p><u>Employee Handbook</u> The PO advised Members that the handbook was issued by Citation. He advised that the redundancy section needed revising after Members agreed at the last Governance and Probity Committee meeting that the Board would follow ACAS advice in this area.</p> <p>The PO also felt it important to add a section to cover home working due to the changes the Covid pandemic had brought. Members agreed that it was important that expectations were recorded and agreed between the Board and its employees.</p> <p>The Chair asked Members if putting the wrong fuel in a vehicle was classed as gross misconduct as this seemed harsh. The PO agreed, although it was included under gross misconduct in case of a malicious act.</p> <p>In response to Cllr Jones' question, the PO advised that in recent years insurance certificates showing employees had business use on their car insurance had not been checked and that he would reintroduce monitoring arrangements.</p> <p><u>Standing Orders</u> On page 80 between points 32 and 33 the PO advised there should be a heading 'Authority for Virtual Meetings'.</p> <p>On Page 77 under point 6 the wording 'by secret ballot' should be removed as this is incorrect.</p> <p>The Chair asked the PO if there needed to be an amendment as to the signing of the paper minutes as Covid had restricted this. She advised that her council post the minutes for signing and return. The PO advised that he would look into this</p> <p><b>It was recommended that:</b></p> <ul style="list-style-type: none"> <li>• The Biodiversity Plan be issued to local councils and ADA for consultation and report back to the next Governance and Probity Committee Meeting;</li> <li>• The Data Protection Policy be submitted to the Board for Approval as per Appendix A;</li> <li>• The Employee Handbook be revised and reissued to all staff;</li> <li>• The Standing orders be amended and submitted to the Board for approval as per Appendix B.</li> </ul>	<p><b>20210331 G&amp;P1</b> PO to consult ADA and local councils for Biodiversity plan review</p> <p><b>20210331 G&amp;P2</b> PO to investigate data protection training for staff</p> <p><b>20210331 G&amp;P3</b> PO to request insurance documents from employees</p> <p><b>20210331 G&amp;P4</b> PO to investigate the signing of paper minutes</p> <p>1879</p>
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<b>3204</b>	<b>Schedule of Policies</b>  <b>It was resolved that:</b> <ul style="list-style-type: none"> <li>• <b>The Schedule of Policies be noted.</b></li> </ul>	
<b>3205</b>	<b>Date of Next Meeting</b> Members noted that the next Governance and Probity meeting would be held on 1 <sup>st</sup> December 2021, with the possibility of an additional meeting in September 2021 if business warrants it.	
	<b>The meeting closed at 11.30am</b>	

# **Lower Severn (2005) Internal Drainage Board**

## **DATA PROTECTION POLICY**

### **Introduction**

The Data Protection Act 2018 ("the Act") has replaced the Data Protection Act 1988 and came into force on 25 May 2018.

The General Data Protection Regulation ("the Regulation") came into force on 25 May 2018 and is designed to cover the collecting, storing, processing and distribution of personal data. It gives rights to individuals about whom information is recorded. This applies to all individuals whether they are employees, members, ratepayers or other customers, suppliers or members of the public.

The General Data Protection Regulation is being implemented in the UK through the Data Protection Act 2018.

### **Policy Statement**

In order to meet its legal obligations and to operate effectively the Lower Severn (2005) Internal Drainage Board ("the Board") needs to collect, maintain and use certain personal information about current and past employees, members, ratepayers and other customers, suppliers and others with whom it has dealings. All such personal information, whether held on paper, computer or other format will be obtained, handled, processed, transported and stored lawfully and correctly in accordance with the Act.

The Board will aim to ensure that all employees and others who have access to any information held are fully aware of and abide by their duties and responsibilities under the Act.

The Board recognises that personal information is confidential and that unauthorised disclosure is a criminal offence under the Act.

### **Lawful Basis for Collecting and Processing Data**

The Board is defined as a Public Authority under the Act. The Board has a lawful basis for collecting and using data under the Land Drainage Act 1991, in particular Section 52 Register of Drainage Hereditaments and Section 53 Power to require information. This data is categorised under the Act as a legal obligation to hold for the purpose of usage under the requirements of the Land Drainage Act 1991. The intended purposes for processing the personal data is for the Board's legal obligations of the Land Drainage Act 1991 and any other relevant Act.

An individual or organisation has no right to object to the Board holding this relevant data. The Board does not require consent to hold the relevant data and there is no right to have it erased.

## Data Protection Principles

The Board is committed to the principles contained in the Act.

These principles are:

- Personal data shall be processed fairly and lawfully and, in particular, shall not be processed unless specific conditions are met;
- Personal data shall be obtained only for one or more specified and lawful purposes and shall not be further processed in any way incompatible with that purpose or those purposes;
- Personal data shall be adequate, relevant and not excessive in relation to the purpose or purposes for which they are processed;
- Personal data shall be accurate and where necessary, kept up to date;
- Personal data processed for any purpose or purposes shall not be kept longer than is necessary for that purpose or those purposes;
- Personal data shall be processed in accordance with the right of data subjects under the Act;
- Appropriate technical and organisational measures shall be taken against unauthorised or unlawful processing of personal data and against accidental loss or destruction of, or damage to, personal data;
- Personal data shall not be transferred to a country or territory outside the European Economic Area unless that country or territory ensures an adequate level of protection for the rights and freedom of data subjects in relation to the processing of personal data.

To meet the requirements of the Act the Board is committed to the following:

That personal information shall be:

- Processed lawfully, fairly and in a transparent manner in relation to individuals;
- Collected for specified, explicit and legitimate purposes and not further processed in a manner that is incompatible with those purposes; further processing for archiving purposes in the public interest; scientific or historical research purposes or statistical purposes shall not be considered to be incompatible with the initial purposes;
- Adequate, relevant and limited to what is necessary in relation to the purposes for which they are processed;
- Accurate and, where necessary, kept up to date; every reasonable step must be taken to ensure that personal data that are inaccurate, having regard to the purposes for which they are processed, are erased or rectified without delay;
- Kept in a form which permits identification of data subjects for no longer than is necessary for the purposes for which the personal data are processed; personal data may be stored for longer periods insofar as the personal data will be processed solely for archiving purposes in the public interest, scientific or historical research purposes or statistical purposes subject to implementation of the appropriate technical and organisational measures required by the Act in order to safeguard the rights and freedoms of individuals;
- Processed in a manner that ensures appropriate security of the personal data, including protection against unauthorised or unlawful processing and against accidental loss, destruction or damage, using appropriate technical or organisational measures.

## Compliance with the Data Protection Principles

In order to comply with the data protection principles, the Board will:

- Observe fully all conditions regarding the fair collection and use of personal information;
- Meet its legal obligations to specify the purpose for which information is used;
- Collect and process appropriate personal information only to the extent that it is needed to fulfil operational needs or to comply with legal obligations;
- Ensure that the personal information used is as accurate as possible;
- Apply strict checks to determine the length of time personal information is held and ensure that personal information is not held any longer than is necessary;
- Ensure that individuals about whom information is held are able to exercise their rights under the Act, including the right to be informed that processing is taking place, the right of access to their own personal information, the right to prevent processing in certain circumstances and the right to correct, rectify, block or erase incorrect information;
- Take appropriate technical and organisational security measures to safeguard personal information;
- Ensure that personal information is not transferred outside the EEA without suitable safeguards.

## Commitment to Data Protection

The Board adheres to its commitment to the Act by:

- Allocating specific responsibility for data protection to at least one person;
- Ensuring that employees handling personal information are supervised appropriately;
- Processing requests for access to personal information in a timely and courteous manner;
- Recording any breaches in data protecting policy and taking disciplinary action as necessary;
- Periodically reviewing the management of personal information and updating the policy and procedures accordingly.

## Lawful Processing

Before any processing of personal data takes place the lawful basis for processing will be established. The Lawfulness of processing conditions include:

- Consent of the data subject;
- Processing is necessary for the performance of a contract with the data subject or to take steps to enter into a contract;
- Processing is necessary for compliance with a legal obligation;
- Processing is necessary to protect the vital interests of a data subject or another person;
- Processing is necessary for the performance of a task carried on the public interest or in the exercise of official authority vested in the Board.

## Responsibilities

The overall responsibility of ensuring compliance to the Act remains with the Board. However:

- The day to day responsibility rests with the office based employees;
- It is the responsibility of all employees to ensure that personal information provided to the Board, for example current address, is accurate and up to date. To this end employees are required to inform the Board immediately when changes occur;
- Employees whose role involves the collection, maintenance and processing of personal information about other employees, ratepayers, customers, suppliers or any other individuals with whom the Board has dealings are responsible for following the Boards rules on good data protection practise as notified from time to time.

## Individuals' Rights

Individuals have the following rights. The right:

- To be informed;
- Of access;
- To rectification;
- To erasure;
- To restrict processing;
- To data portability;
- To object;
- Not to be subject to automated decision-making including profiling.

Individuals' Rights are restricted if the information is lawfully collected.

## Access to Information

Anyone who is the subject of personal information held by the Board has the right to make a subject access request. Those who wish to exercise this right should write to the Principal Officer. The Board reserves the right to charge £10 for responding to such requests. If, as a result of a subject access request, any personal information is found to be incorrect, it will be amended. The Board will deal promptly and in a courteous manner with subject access requests and will normally respond within 40 days. If there is a reason for delay, the person making the request will be informed accordingly.

## Breach of the Policy

Breach of this policy by an employee will be regarded as a disciplinary offence and will be dealt with under the Board's formal discipline procedure.

Employees who consider that there has been a breach of this policy in relation to personal information about them held by the Board should raise the matter via the Board's formal grievance procedure.

## Contact

If you have any questions, comments or complaints about this Data Protection Policy please contact Martin Dear using the details below:

Martin Dear  
Data Protection Officer  
Lower Severn (2005) Internal Drainage Board  
Waterside Buildings  
Oldbury Naite  
Thornbury  
South Gloucestershire  
BS35 1RF

Email: [MDear@lowersevernidb.org.uk](mailto:MDear@lowersevernidb.org.uk)

## Updating this Data Protection Policy

The Board may update or amend this Data Protection Policy from time to time, to comply with law or to meet changing business requirements. When updates are made to this Policy, the Board will take appropriate measures to inform you, consistent with the significance of the changes made.



## **Lower Severn (2005) Internal Drainage Board**

### **STANDING ORDERS**

**Rules made by the Lower Severn (2005) Internal Drainage Board with the approval of the Secretary of State under paragraph 3(1) of the Second Schedule to the Land Drainage Act, 1991. The relevant statutory provisions governing the proceedings of an Internal Drainage Board are set out in the Annex to these Rules for reference purposes.**

#### **Regulations as to Proceedings**

1. Meetings of the Board, for which five clear working days' notice will be given, will be open to the public and press who will on the invitation of the Chairman be able to speak at the meeting. The Board can pass a resolution to exclude the public and/or press from a meeting or part thereof where it is considered that the nature of the business to be transacted so requires. In that event the reasons for such exclusion shall be clearly recorded in the minutes:-
  - a) The Board will hold an Annual General Meeting in November each year together with such other meetings as it may determine.
  - b) At one such meeting the Board will determine the drainage rate and special levies to be set to enable the latter to be served on the special levy councils by no later than the 15<sup>th</sup> February in respect to the following financial year.
  - c) In addition either the Chairman and/or 10 or more members may call a Special Meeting to consider any urgent matter.
2. For each meeting, members will receive an Agenda and any accompanying papers by post or other means dispatched at least five clear working days before the meeting.
3. No business shall be transacted by the Board, other than that which appears on the Agenda, unless 75% of the members present agree to any such additional issue being discussed as a matter of urgency. The reasons for such urgent consideration shall be recorded in the minutes of the meeting.
4.
  - a) A formal meeting of the Board cannot be conducted unless at least half plus one members are present at the start of and during the meeting. If departures reduce the number below the quorum then the Chairman will terminate the meeting at that point.
  - b) All resolutions and proposals will be decided by a majority of votes of the members present. Except as provided elsewhere in these rules, voting shall be by show of hands.
  - c) In the case of an equality of votes at any meeting, the Chairman for the time being of such meeting shall have a second or casting vote.
5. The Board shall meet at a venue to be determined from time to time with such venue being specified in the agenda.
6. The Board shall, **by secret ballot**, at the Annual General Meeting appoint a Chairman and Vice-Chairman whose terms of office shall continue until the following Annual General Meeting. Wherever practicable, one of these positions shall be held by an elected member and the other by an appointed member.
7. If any vacancy occurs in the office of Chairman or Vice-Chairman, the Board shall as soon as they conveniently can after the occurrence of such vacancy, choose someone

of their number to fill such vacancy.

8.
  - a) At any meeting of the Board the Chairman, if present, shall preside.
  - b) If the Chairman is absent from a meeting of the Board, the Vice-Chairman, if present, shall preside.
  - c) If at any meeting of the Board both the Chairman and Vice-Chairman are not present at the time the members present shall choose someone of their number to be Chairman of such meeting.
9. The Board shall cause Minutes to be made of all meetings, posted on the Board's website marked as 'Draft' or 'Approved' as appropriate and recorded in an appropriate form:-
  - a) of all appointments of Officers made by the Board
  - b) of the names of the members present at each meeting of the Board and Committees or Sub-Committees of the Board
  - c) of all orders made by the Board and Committees or Sub-Committees of the Board, and
  - d) of all resolutions and proceedings of meetings of the Board and of Committees or Sub-Committees of the Board.

The Board will approve, with or without amendment, the minutes of the preceding meeting and these will be duly signed by the Chairman together with any financial statements presented at that meeting.

10. All proceedings, resolutions and reports of every Committee, Sub-Committee or Working Group intended to be laid before the Board shall be circulated among the members of the Board at least five clear working days before the meeting of the Board at which the same are to be submitted.

### **Committees and Sub-Committees or Working Groups**

11. The Board may appoint such Committees or Sub-Committees as they think fit and the quorum for these meetings shall be in the same proportion as the quorum required for Board meetings. The acts of any Committee, Sub-Committees shall be subject to the approval of the Board unless the Board has delegated its powers to that Committee or Sub-Committee.
12. A Committee, Sub-Committee or Working Group may elect a Chairman of their meetings. If no such Chairman is elected, or if he/she is not present, the members present shall choose someone of their number to be Chairman of such meeting.
13. A Committee, Sub-Committee or Working Group may meet and adjourn as they think proper. Proposals at any meeting shall be determined by a majority of votes of the members present, and shall be decided by a show of hands. In case of any equal division of votes the Chairman shall have a second or casting vote.
14. Regulations 9 and 10 shall apply to minutes of Committees, Sub-Committees and Working Groups.

## **Notices of Motion**

15. Notice of every motion shall be in writing, signed by the member or members of the Board giving the notice, and delivered at least ten clear working days before the next meeting of the Board, at the offices of Principal Officer by whom it shall be dated, numbered in the order in which it is received, and entered in a book which shall be open to the inspection of every member of the Board.
16. The Principal Officer shall set out in the report for every meeting of the Board all motions of which notice has been duly given in the order in which they have been received, unless the member giving such notice intimated in writing, when giving it, that he/she proposed to move it at some later meeting or has since withdrawn it in writing.
17. If a motion thus set out in the report be not moved either by a member who gave notice thereof or by some other member on his/her behalf it shall, unless postponed by consent of the Board, be treated as withdrawn and shall not be moved without fresh notice.

## **Standing Orders Order of Debate**

18. Every proposal or amendment, other than a proposal for the approval of a Committee, Sub-Committee or Working Group, shall be proposed and seconded and shall, if required, be written out and handed to the Chairman who shall read it out before it is further discussed or put to the meeting.
19. The Chairman will invite members to speak on the subject under discussion.
20. Members must declare where they have an interest in a matter to be discussed, the Chairman then deciding what if any part the member can take in any ensuing discussion and whether the member can vote.
21. A proposal or amendment once made shall not be withdrawn without the consent of the Board.
22. Every amendment shall be relevant to the proposal to which it is applied and its effect must not be to negate the wording of the motion.
23. Whenever an amendment upon an original resolution has been proposed and seconded, no second or subsequent amendment shall be moved until the first amendment shall have been dealt with, but notice of any number of amendments may be given.
24. If an amendment is rejected then other amendments may be proposed on the original resolution or proposal.
25. If an amendment is carried the proposal as amended shall take the place of the original proposal and shall become the question upon which any further amendment may be moved.
26. The mover of a motion has a right of reply at the end of the debate immediately before the motion is put to the vote.
27. If an amendment is moved, the mover of the original motion has a right of reply at the end of the debate upon the amendment but may not otherwise speak on the amendment.

28. The mover of an amendment has no right of reply to the debate on the amendment.
29. No proposal to rescind any resolution which has been passed within the preceding six months, nor any proposal to the same effect as any proposal which has been negated within the preceding six months shall be in order.

### **The Common Seal**

30. The Common Seal of the Board shall be kept in some safe place. All deeds and other documents to which the Common Seal of the Board shall require to be affixed shall be sealed in pursuance of the Board, and in the presence of both the Chairman and the Principal Officer of the Board.
31. Copies of all sealed documents must be retained.

### **Suspension of Standing Orders**

32. Any one or more of the standing orders, in any case of urgency or upon resolution or proposal made on a notice duly given, may be suspended at any meeting, so far as regards any business at such meeting, provided that 75% of the members of the Board present and voting are in agreement.

### **Authority for Virtual Meetings**

33. In relation to any meeting held before 7<sup>th</sup> May 2021, “presence” at a meeting includes physical attendance and being present through remote attendance. “Remote attendance” means attending or participating in a meeting by electronic means, including by one or more of the following:
- (i) telephone conference
  - (ii) video conference
  - (iii) live webcast
  - (iv) live interactive streaming.
34. *In relation to any meeting held before 7<sup>th</sup> May 2021, regulation 5 is suspended and the Board shall instead provide members with relevant details to enable members to attend and participate in meetings, including remotely. The Board shall provide confirmation of these details in the agenda. For these purposes, “details” includes one or more of the following:*
- (i) the venue
  - (ii) the availability of a telephone conference facility and the manner of accessing such facility
  - (iii) the availability of a video conference facility and the manner of accessing such facility
  - (iv) the availability of a live webcast facility and the manner of accessing such facility
  - (v) the availability of a live interactive streaming facility and the manner of accessing such facility.

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**STATUTORY PROVISIONS REGARDING THE PROCEEDINGS OF AN  
INTERNAL DRAINAGE BOARD SET OUT IN PARAGRAPH 3 OF SCHEDULE 2  
TO THE LAND DRAINAGE ACT, 1991.**

3. (1) An internal drainage board may, with the approval of the relevant Minister, make rules—

- a) for regulating the proceedings of the board, including quorum, place of meetings and notices to be given of meetings;
- b) with respect to the appointment of a chairman and a vice-chairman;
- c) for enabling the board to constitute committees; and
- d) for authorising the delegation to committees of any of the powers of the board and for regulating the proceedings of committees, including quorum, place of meetings and notices to be given of meetings.

(2) The first meeting of an internal drainage board shall be held on such day and at such time and place as may be fixed by the relevant Minister; and the relevant Minister shall cause notice of the meeting to be sent by post to each member of the board not less than fourteen days before the appointed day.

(3) Any member of an internal drainage board who is interested in any company with which the board has, or proposes to make, any contract shall—

- a) disclose to the board the fact and nature of his interest; and
- b) take no part in any deliberation or decision of the board relating to such contract;

And such disclosure shall be forthwith recorded in the minutes of the board.

(4) A minute of the proceedings of a meeting of an internal drainage board, or of a committee of such a board, purporting to be signed at that or the next ensuing meeting by a person describing himself as, or appearing to be, the chairman of the meeting to the proceedings of which the minute relates—

- a) shall be evidence of the proceedings; and
- b) shall be received in evidence without further proof.

(5) Until the contrary is proved—

- a) every meeting in respect of the proceedings of which a minute has been so signed shall be deemed to have been duly convened and held;
- b) all the proceedings had at any such meeting shall be deemed to have been duly had; and
- c) where the proceedings at any such meeting are the proceedings of a committee, the committee shall be deemed to have been duly constituted and to have had power to deal with the matters referred to in the minute.

(6) The proceedings of an internal drainage board shall not be invalidated by any vacancy in the membership of the board or by any defect in the appointment or qualification of any member of the board.