

LOWER SEVERN (2005) INTERNAL DRAINAGE BOARD

Governance & Probity Meeting

Wednesday 2nd December 2020

**Virtual Meeting
10.30am**

LOWER SEVERN (2005) INTERNAL DRAINAGE BOARD

TERMS OF REFERENCE OF THE GOVERNANCE & PROBITY COMMITTEE

Approved 5 June 2019, Minute 2879

Matters for recommendation by the Committee to the Board

1. Consideration of proposals affecting the structure, size or composition of the Board.
2. Consideration of any proposal to alter the Board's overall corporate governance arrangements and committee structure.
3. Formulation or revision of Standing Orders, Procedural Rules and Financial Regulations.
4. Terms of reference of, and delegations to, committees.
5. Delegations to Officers.
6. Formulation or revision of Codes of Member and Officer Conduct or related Protocols.
7. Formulation or revision of any policy document relating to the Board's policies or practices under Data Protection, Freedom of Information or Anti - Fraud or Bribery legislation and IT Security/E-risks.
8. Formulation or revision of Complaints Procedures.
9. Formulation of any protocols intended to clarify and/or facilitate the efficient administrative operation of the Board or its Committees.
10. To keep under regular review the content and effectiveness of the Board's corporate governance arrangements generally and to make appropriate recommendations.
11. Delegation to the Principal Officer to receive, consider and determine complaints and to submit reports to Members as appropriate.

Minutes of the Governance & Probity Committee Meeting
Of the Lower Severn (2005) Internal Drainage Board
Held Wednesday 2nd September 2020 at 10.00 am
Zoom Virtual Meeting

Present:	Cllr B Behan Mrs F Collins Cllr M Riddle Mr K Withers	Chairman	
Staff:	Kieran Warren Martin Dear Louise Reading	Principal Officer Accounting Officer Minutes	PO AO

****Please refer to your meeting papers as dated above for the documents referred to in these minutes****

3067	Apologies/Welcomes The Chair welcomed all Members to the meeting.	
3068	Chairman Announcements There were no Chairman's Announcements	
3069	Declaration of Interest There were no declarations of interest.	
3070	Minutes of the Previous Meeting It was resolved that: <ul style="list-style-type: none"> The minutes of the meeting held on 4th December 2019 be approved. 	
3071	Matters arising from the Minutes Actions 1,2 & 4 are complete. Actions 3 & 5 to be discussed (minutes 3076 & 3077 refer)	
3072	Appointed Members Terms of Office The Chair reminded Members that this had been discussed at the previous meeting and the PO had produced a report as requested. The PO suggested that it seemed inappropriate to limit Elected Members terms as they were voted in by the public and thus democratically appointed. Mrs Collins understood that capping any term may not be achievable, although it was important that the situation was reviewed periodically. Cllr Riddle pointed out that Councils try to appoint Councillors within the Boards area so they have an understanding of the area and the Boards purpose. Cllr Burford thought that the idea of regular Member rotation was to be welcomed bringing new ideas and challenging existing ones. He felt that the Board could amend the Constitution to state that Elected Members served no more than 3 terms (equal to 9 years) and that Appointed Members should not exceed a 9-year term. The Chair questioned whether the Board would end up with Members who didn't representative the area or have an understanding of the Boards operations. Members noted with concern that at times it had proven difficult to recruit and retain Members.	

	<p>Cllr Riddle favoured no change to the current policy which worked well and the IDB had good Governance in place.</p> <p>It was resolved that:</p> <ul style="list-style-type: none"> • The existing arrangements regarding Members Terms of Office be re-affirmed. 	
3073	<p>Cap on Re-Chargeable works</p> <p>The PO reminded Members that this was considered at the Full Board meeting in February 2020. It had been suggested that a cap be set on the scale of rechargeable works which the Engineers could authorise.</p> <p>The PO observed that any cap on rechargeable works would have no impact on the criteria already approved by the Board.</p> <p>Cllr Burford felt that some rechargeable works had the potential to produce an income stream for the Board and that proposals should be prepared and considered by the Board. If a project could be managed by outside resource and still provide a surplus this was a positive outcome.</p> <p>Cllr Riddle was cautious about employing people to take on rechargeable works and felt the rate would need to be high to ensure that all costs were covered and additional revenue guaranteed.</p> <p>Cllr Jones informed Members that he felt that the Boards operations should always be prioritised and that it seemed unlikely to find time to carry out this type of work as a general rule.</p> <p>The PO questioned whether the Board should be completing works outside its area. He was also concerned that Officers could spend a lot of abortive time on proposals only for them to be discarded. This would be time taken away from 'normal' Officer duties.</p> <p>It was resolved that:</p> <ul style="list-style-type: none"> • The proposed Scheme of Delegation to Offices be approved without the addition of a cap on requests for rechargeable works. 	
3074	<p>Out of Hours Contact List Report</p> <p>The PO reported to Members that a Contacts list had been issued to the Members, Officers and Pump Attendants for review. He stated that it was impossible with the limited resource to maintain a 24/7 out of hours system in house and extremely expensive to have this outsourced.</p> <p>The PO also advised Members that Officers and staff have attended when called upon and with the new pumps there will be telemetry allowing much improved remote monitoring.</p> <p>In response to Mrs Collins question, the PO advised that, there had been less than 10 out of hours calls in the last two years, and not all required attendance. These had been received by email, telephone or via Board Member.</p> <p>Cllr Jones asked who would be the first point of contact on the list. The PO suggested that it would be unfair to have one Officer as sole point of contact and that Members could contact any of the four named Officers.</p> <p>Cllr Burford expressed that it was a reasonable expectation that landowners/homeowners dependent on working pumps should have them operating and the Board had an obligation to protect properties. He felt that a duty mobile could be available. Office hours equated to a third of the day so there was a high chance that an emergency would occur outside of these hours. He also felt that a one off call out charge payment should be agreed rather than a weekly amount and/or changes to contracts of employment.</p>	

	<p>The PO suggested that a key part of the out of office hours service was the information available at the Pump Stations so that a member of the public can reliably get hold of a Board Officer.</p> <p>The PO also felt a duty phone would impact the Officer's movements over the period they were on call and thus needed to be considered carefully.</p> <p>Mrs Collins added that the Board must provide cover in difficult circumstances where property/life are at risk.</p> <p>After some discussion Members generally agreed that a single point of contact that could manage any situation and arrange the right outcome was desirable</p> <p>It was resolved that:</p> <ul style="list-style-type: none"> • The PO be asked to investigate the options available and report back to the next Governance and probity Committee Meeting; and • The PO be asked to consider the cover for Saul Pumping Station and report back. 	<p><u>20200902 G&P1</u> The PO provide a report at the next G&P Meeting</p> <p><u>20200902 G&P2</u> The PO to contact pump attendant</p>
3075	<p>Quorums for Meetings</p> <p>The PO referred to his report where the same formula for the quorum for the Full Board meeting had been applied to the other Committees, with a minimum number of Members set at 3. He also advised that it was fortunate that the Board, recently, never had a problem with low Member attendance.</p> <p>Members questioned the historical reason for the current quorum of 8 for the Full Board out of 29 Members as this seemed rather low.</p> <p>The PO advised any change to this would require Board Approval as it represented a change to the Standing Orders.</p> <p>Cllr Burford informed Members that other Committees he sits on require a minimum attendance of half the total Committee Members plus one..</p> <p>Mr Withers stressed the importance of ensuring that there should be enough Members to validate any change.</p> <p>Cllr Burford asked if the PO could analyse the figures from the previous four years meetings to see the impact if the formula half plus one had been applied.</p> <p>It was resolved that:</p> <ul style="list-style-type: none"> • The PO to report at the next Governance and Probity Committee Meeting on the impact on the last four years meetings had the formula half plus one been applied. 	<p><u>20200902 G&P3</u> The PO to research Committee attendance figures and report back</p>
3076	<p>Redundancy Policy</p> <p>The PO advised Members that he had checked the Redundancy Policy with Citation. Citation had supplied some minor changes to wording but also suggested that the policy states that the Board follows ACAS guidelines. This would negate the need for constant review and provide the Board with the most up to date policy information.</p> <p>Cllr Burford supported this approach and suggested, to which Members agreed, that due to the nature of the business being so small and staff knowing each other very well redundancy can negatively impact the working environment. Following ACAS guidance and employing an external company to handle redundancy would allow for a detached and fair view.</p> <p>It was recommended that:</p> <ul style="list-style-type: none"> • That adherence to ACAS guidelines to determine redundancy policy be adopted. 	

3077	<p>Vice Chairman Honorarium</p> <p>Referring to minute 2969 the PO advised Members that the Chairman had provided some figures as a possible benchmark for the Vice Chairman honorarium. These figures were around 30%. Members were also advised that the hourly rate system currently in place arose from a historic Board decision where the Vice Chairman had spent a considerable amount of time dealing with protracted HR issues.</p> <p>Cllr Riddle was keen to see one system used for both the Chairman's and Vice Chairman's honorarium for consistency and equality.</p> <p>It was recommended that;</p> <ul style="list-style-type: none"> • The Vice Chairman's honorarium be set at 30% of the Chairman's allowance, increasing tri-annually and with effect from November 2019. 	
3078	<p>Member Attendance</p> <p>The PO informed Members that the Covid 19 pandemic has inevitably created a barrier for some Members to attend meetings.</p> <p>Members agreed unanimously that there should be a suspension on the Elected Members forfeiting their position on the Board due to non-attendance to meetings over a 6-monthly period.</p> <p>It was resolved that:</p> <ul style="list-style-type: none"> • In view of the present Covid crisis, the requirement for any Elected Member to vacate office for non-attendance over a six-month period be waived for the period 23rd September 2020 to 6th May 2021. 	
3079	<p>Policies to be Reviewed</p> <p>Members reviewed the following Policies:</p> <ul style="list-style-type: none"> • Anti-Bribery Policy • Anti-Fraud & Corruption Policy • Complaints against Board Members Policy <p>Complaints Procedure</p> <p>The only changes that were required were minor wording.</p> <p>It was recommended that: The following policies be amended and submitted to the Board for Approval;</p> <ul style="list-style-type: none"> • Anti-Bribery Policy as per Appendix A • Anti-Fraud & Corruption Policy as per Appendix B • Complaints against Board Members Policy as per Appendix C • Complaints Procedure as per Appendix D 	<p>20200902 G&P4 Policies to be amended</p>
3080	<p>Other Urgent items the Chairman Decides is Urgent Urgent Item – Review of Reserves</p> <p>At the request of the Treasury Sub Committee Meeting on 26th August 2020, the PO advised Members that the Board ought to review its unallocated reserves policy. [Minute 3065 of the Sub-Committee meeting refers.]</p> <p>Members heard that advice from ADA's Good Governance Guide indicated that IDBs should hold 100% expenditure in their unallocated reserves. The Board's current policy is to hold 'approximately 30%'. If the Board were to fall in line with this guidance this would equate to a 7p rise in rates.</p> <p>Cllr Riddle pointed out that IDBs vary greatly with-it history, operations and reserves. He added that his understanding was that reserves were</p>	

	<p>designed to provide sufficient funds to wind up the Board's operations if it were to be abolished.</p> <p>Members felt that it seemed unreasonable to have this level of reserves in the bank and that Auditors would question such practice. The consensus was that the Board's current policy had served the Board well on the past and continued to do so. Following his discussions with the AO, the PO felt that 50% represented a more reasonable level.</p> <p>Members supported a proposal to ask ADA to supply the rationale for issuing this guidance.</p> <p>It was resolved that:</p> <ul style="list-style-type: none"> • The PO be requested to contact ADA to seek a detailed explanation for suggesting a level of reserves set at 100%; and • In the meantime the Board maintain its existing policy of holding a 30% level of reserves. 	<p><u>20200902 G&P5</u> The PO to contact ADA ref the Reserves.</p>
3081	<p>Date of Next Meeting Members noted that the next Governance and Probity meeting would be held on 2nd December 2020.</p>	
	The meeting closed at 11.40am	

RESERVES POLICY

INTRODUCTION

At its meeting on 3 April 2019, this Committee considered the robustness of the Board's Reserves Policy. The Minute states:

Level of Reserves

In accordance with minute 2827 the Committee discussed the level of reserves. The PO pointed out that Drainage Boards used different measures and that there is no definitive percentage level used. The reserves need to be available in the event of unforeseen circumstances.

It was resolved that

- *The regulation remains unchanged and reviewed next year once the Capital Programme was up and running.*

[Minute 2854 refers.]

Subsequently, on 26 August 2020, the Treasury Sub-Committee asked this Committee to re-examine the issue of reserves and the Board's position was re-examined on 2 September this year and Members' views were recorded as follows:

3080 Other Urgent items the Chairman Decides is Urgent – Review of Reserves

At the request of the Treasury Sub Committee Meeting on 26th August 2020, the PO advised Members that the Board ought to review its unallocated reserves policy. [Minute 3065 of the Sub-Committee meeting refers.] Members heard that advice from ADA's Good Governance Guide indicated that IDBs should hold 100% expenditure in their unallocated reserves. The Board's current policy is to hold 'approximately 30%'. If the Board were to fall in line with this guidance this would equate to a 7p rise in rates. Cllr Riddle pointed out that IDBs vary greatly with-it history, operations and reserves. He added that his understanding was that reserves were designed to provide sufficient funds to wind up the Board's operations if it were to be abolished.

Members felt that it seemed unreasonable to have this level of reserves in the bank and that Auditors would question such practice. The consensus was that the Board's current policy had served the Board well on the past and continued to do so. Following his discussions with the AO, the PO felt that 50% represented a more reasonable level. Members supported a proposal to ask ADA to supply the rationale for issuing this guidance.

It was resolved that:

- ***The PO be requested to contact ADA to seek a detailed explanation for suggesting a level of reserves set at 100%; and***
- ***In the meantime the Board maintain its existing policy of holding a 30% level of reserves.***

THE PRESENT ARRANGEMENTS

LSIDB Financial Regulations, reviewed, revised and approved in February this year, state

- Uncommitted provisions in the revenue budget shall not be carried forward to a subsequent year. However, a general provision including a contingency should be maintained which is equivalent to approximately 30% of the Board's annual expenditure. **[Regulation 4.5]**
- Reserves will be maintained at an adequate level to support the ongoing operations of the Board. Each reserve will be reviewed, on an annual basis by the Treasury Sub Committee prior to review by the Board. Reserves will be held jointly in general cash and investment accounts of the Board. **[Regulation 19.3]**

ADVICE FROM OTHER SOURCES

Joint Panel on Accountability and Governance

The Joint Panel on Accountability and Governance (JPAG) has produced a Practitioners' Guide to support the preparation by smaller authorities in England of statutory annual accounting and governance statements found in the Annual Governance and Accountability Return. The Guide is recognised by relevant government departments as the authoritative source for smaller authorities in England on proper practices for accounting and governance and in preparing an annual return.

1.13 Reserves — The authority needs to have regard to the need to put in place a General Reserve Policy and have reviewed the level and purpose of all Earmarked Reserves.

5.32. General Reserve — The generally accepted recommendation with regard to the appropriate minimum level of a Smaller Authority's General Reserve is that this should be maintained at between three (3) and twelve (12) months Net Revenue Expenditure (NRE). NRE (subject to any planned surplus or deficit) is effectively Precept\Levy less any Loan Repayment and/or amounts included in Precept\Levy for Capital Projects and transfers to Earmarked Reserves. The reason for the wide range (3 to 12 months) is to cater for the large variation in sizes of individual authorities. The smaller the authority the closer the figure should be to 12 months NRE, the larger the authority the nearer to 3 months. In practice, any authority with an NRE in excess of £200,000 should plan on 3 months equivalent General Reserve. In all of this it is important that each authority adopt, as a General Reserve policy, the level appropriate to their size and situation and plan their Budget so as to ensure that the adopted level is maintained. Changes in activity levels/range of services provided will inevitably lead to changes in the requisite minimum level of General Reserve in order to provide working capital for those activities.

5.168. As authorities have no legal powers to hold revenue reserves other than those for reasonable working capital needs, or for specifically earmarked purposes, whenever an authority's year-end general reserve is significantly higher than the annual precept or rates and special levies, an explanation should be provided to the auditor.

ADA

IDBs certainly vary quite a bit both in terms of size (geographically and financially), function (pumped/gravity catchments etc), and delivery (directly employed workforce v contractors). The Guide is very much written to find a balance throughout those different types of IDB and specifies a norm. Certainly for smaller IDBs I believe the 100% figure (less grants received) is relevant, equally a higher figure may be more prudent with a predominantly directly employed workforce. I think your move towards 50% sounds prudent given the circumstances, but it might be worth sounding out other boards for views before fixing on a final % in the longer term.

Final point, I think it is clearly understood, but obviously any balances being held as savings towards future capital expenditure, equipment purchase etc clearly sit outside of this. Also there is consideration of savings to take account of weather events. Clearly IDBs work within an area of work which has significant climate risks and as such retaining such reserves are also a key aspect. [IAN MOODIE]

Following on from Ian's reply to you, we did see some pressure on IDB funds last winter when several were strained by the considerable extra costs of pumping/dealing with floods and they had to dig very deep into reserves. There were concerns about the solvency of one but happily problems were avoided thanks to them having those reserves.

The answer for your board will probably come from your business risk plan and your contingency allowance to deal with those risks if they materialise. As Ian says, the bigger Boards may have a bit more room for manoeuvre than smaller ones. Really important too that you have agreements in place with the EA (PSCA) about how you engage and assist during flood events and get remunerated for that.

On a more extreme scale, and if a local emergency is declared, you may also be able to recover money through the LLFA if the Bellwin Scheme threshold is passed. There is a grey area where IDBs can fall between the gaps if Bellwin is not mobilised and ADA is discussing this with Defra at the moment. [INNES THOMSON]

OTHER IDBs

The purpose of holding a general reserve is primarily to ensure the Board has sufficient funds, in a year where they would have no income, to dissolve the Board and pay off final liabilities e.g. redundancy etc.

My Board sets a General Reserve level of 20% which equates to £500K, but we do have other designated reserves that would also be utilised should the Board wind up.

I think the GGG is too prescriptive and as long as your Board understand why they hold reserves and that they are adequate for that purpose, a minute covering this should suffice for you and the internal auditor

[Peter Bateson, Witham Fourth IDB]

The General Reserve is held to ensure the Board has sufficient funds in times where expenditure may exceed income. Last year would be a very good example of this where many Boards had the need to dip into reserves to cover excessive pumping costs and overtime.

The level of this reserve would vary between Boards based on the level of risk they could be exposed to.

[Karen Daft, Welland & Deeping IDB]

QUESTIONS FOR MEMBERS TO CONSIDER

1. Whilst the Board is engaged in the financially significant exercise of renewing all of its pumping stations, then its annual expenditure is high. Once this programme has been completed, we can expect to see expenditure levels drop considerably. Is it not more reasonable to set a new reserves level once the Board has reached this point?
2. One of the reasons for maintaining a General Reserve is so that the Board can meet unforeseen expenditure – eg if there were to be a fire at the offices or to replace stolen plant and equipment. Many of these types of event are covered by the contracts of insurance which the Board has in place.
3. The 30% reserves level used by the Board for many years has worked well; neither internal nor external auditors have seen fit to raise this issue as a cause for concern.
4. The Board's auditors may take a dim view of the authority if we were deemed to be collecting revenue merely to hold it in our accounts with no specific purpose.
5. If the Board were to raise its reserves level from 30% to 100% in one step, then this would mean a 7p increase in the Drainage Rate for the coming year. Furthermore, that increase would not include any other increase required to support the organisation's capital or revenue expenditure.
6. A large increase in the Drainage Rate could well be seen as insensitive at a time when some of our ratepayers may be struggling financially as a result of the pandemic.

7. It is possible that a significant increase in the Drainage Rate, however fully explained, would meet some resistance from both ratepayers and the eight charging authorities upon which we impose a levy.

CONCLUSION

The level of reserves presently maintained by the Board is commensurate with that of other Boards. It is difficult to justify an increase from 30% to 100%. Members could consider an incremental approach whereby an increase from 30% to say 40% or 50% was introduced over a number of years but I am not satisfied that such action is either necessary or justified.

Recommendation:

That the Board re-affirms its Reserves Policy as set out in the current Financial Regulations.

Kieran Warren, Principal Officer

Martin Dear, Accounts Officer

November 2020

QUORUM FOR COMMITTEE MEETINGS

Introduction

At the Committee meeting held on 4 September 2020 Members agreed to further look at this issue. The Minute states:

Quorums for Meetings

The PO referred to his report where the same formula for the quorum for the Full Board meeting had been applied to the other Committees, with a minimum number of Members set at 3. He also advised that it was fortunate that the Board, recently, never had a problem with low Member attendance.

Members questioned the historical reason for the current quorum of 8 for the Full Board out of 29 Members as this seemed rather low.

The PO advised any change to this would require Board Approval as it represented a change to the Standing Orders.

Cllr Burford informed Members that other Committees he sits on require a minimum attendance of half the total Committee Members plus one...

Mr Withers stressed the importance of ensuring that there should be enough Members to validate any change.

Cllr Burford asked if the PO could analyse the figures from the previous four years meetings to see the impact if the formula half plus one had been applied.

It was resolved that:

- **The PO to report at the next Governance and Probity Committee Meeting on the impact on the last four years meetings had the formula half plus one been applied.**

[Minute 3075 refers.]

Meeting Date	Committee	No of Members in attendance / Maximum possible attendance	Half +1 applied	Rounded up	Would meeting have gone ahead
23/09/2020	Full Board	24/28	15		Yes
09/09/2020	F & GP	07/10	6		Yes
02/09/2020	Engineering	05/14	8		No
02/09/2020	G & P	05/06	4		Yes
26/08/2020	Treasury	05/05	3.5	4	Yes
22/07/2020	Full Board	18/28	15		Yes
01/07/2020	F & GP	09/10	6		Yes
11/03/2020	Treasury	05/05	3.5	4	Yes
05/02/2020	Full Board	20/28	18		Yes
22/01/2020	F & GP	08/10	6		Yes
11/12/2019	F & GP	08/10	6		Yes
04/12/2019	G & P	04/06	3.5	4	Yes
06/11/2019	Full Board	21/28	18		Yes
06/11/2019	F & GP	07/09	5.5	6	Yes
24/10/2019	Engineering	06/11	6.5	7	No
25/09/2019	Full Board	23/29	15.5	16	Yes
11/09/2019	F & GP	08/09	5.5	6	Yes
04/09/2019	Treasury	04/04	3		Yes
05/06/2019	Full Board	21/29	15.5	16	Yes
22/05/2019	F & GP	07/11	6.5	7	Yes
03/04/2019	G & P	04/06	4		Yes
13/03/2019	Treasury	04/04	3		Yes
06/02/2019	Full Board	22/29	15.5	16	Yes
23/01/2019	F & GP	07/11	6.5	7	Yes
09/01/2019	Staff & Pen	08/09	5.5	6	Yes
12/12/2018	F & GP	08/11	6.5	7	Yes
05/12/2018	G & P	05/06	4		Yes
21/11/2018	Engineering	11/11	6.5	7	Yes
07/11/2018	Treasury	04/04	3		Yes
07/11/2018	Full Board	22/29	15.5	16	Yes
26/09/2018	Full Board	22/29	15.5	16	Yes
12/09/2018	F & GP	06/09	5.5	6	Yes
05/09/2018	Treasury	04/04	3	3	Yes
18/07/2018	Treasury	04/04	3	3	Yes
27/06/2018	Full Board	18/29	15.5	16	Yes
06/06/2018	F & GP	08/09	5.5	6	Yes
10/05/2018	Engineering	08/11	6.5	7	Yes
09/05/2018	Staff & Pen	09/11	6.5	7	Yes
04/04/2018	G & P	05/06	4	4	Yes
14/03/2018	Treasury	04/04	3	3	Yes

07/02/2018	Full Board	20/29	15.5	16	Yes
31/01/2018	F & GP	08/09	5.5	6	Yes
13/12/2017	F & GP	07/09	5.5	6	Yes
22/11/2017	Engineering	09/11	6.5	7	Yes
08/11/2017	Full Board	21/29	15.5	16	Yes
01/11/2017	Treasury	04/04	3	3	Yes
18/10/2017	Staff & Pen	08/12	7		Yes
20/09/2017	Full Board	19/29	15.5	16	Yes
06/09/2017	F & GP	04/09	5.5	6	No
28/06/2017	Full Board	18/28	15		Yes
14/06/2017	Staff & Pen	11/12	7		Yes
14/06/2017	F & GP	09/09	5.5	6	Yes
10/05/2017	G & P	05/06	4		Yes
15/03/2017	Treasury	04/04	3		Yes
08/02/2017	Full Board	24/28	15		Yes
08/02/2017	Staff & Pen	11/12	7		Yes
01/02/2017	F & GP	06/09	5.5	6	Yes
18/01/2017	Staff & Pen	11/12	7		Yes
21/12/2016	Full Board	18/29	15.5	16	Yes
14/12/2016	F & GP	07/09	5.5	6	Yes
07/12/2016	Staff & Pen	09/12	7		Yes
23/11/2016	Engineering	07/11	5.5	6	Yes

* The total number of meetings is 62, of which 3 would have not proceeded.

MEETING: Governance & Probity Committee

MEETING DATE: 02.12.2020

REF: KW/B4/2020

REPORT BY: Principal Officer

OUT OF HOURS SERVICE

Introduction

At the meeting held on 2 September, Members considered what arrangements might be introduced to deal with incoming calls outside normal office hours. The Minute reads:

Out of Hours Contact List Report

The PO reported to Members that a Contacts list had been issued to the Members, Officers and Pump Attendants for review. He stated that it was impossible with the limited resource to maintain a 24/7 out of hours system in house and extremely expensive to have this outsourced.

The PO also advised Members that Officers and staff have attended when called upon and with the new pumps there will be telemetry allowing much improved remote monitoring.

In response to Mrs Collins question, the PO advised that, there had been less than 10 out of hours calls in the last two years, and not all required attendance. These had been received by email, telephone or via Board Member.

Cllr Jones asked who would be the first point of contact on the list. The PO suggested that it would be unfair to have one Officer as sole point of contact and that Members could contact any of the four named Officers.

Cllr Burford expressed that it was a reasonable expectation that landowners/homeowners dependent on working pumps should have them operating and the Board had an obligation to protect properties. He felt that a duty mobile could be available. Office hours equated to a third of the day so there was a high chance that an emergency would occur outside of these hours. He also felt that a one off call out charge payment should be agreed rather than a weekly amount and/or changes to contracts of employment.

The PO suggested that a key part of the out of office hours service was the information available at the Pump Stations so that a member of the public can reliably get hold of a Board Officer.

The PO also felt a duty phone would impact the Officer's movements over the period they were on call and thus needed to be considered carefully.

Mrs Collins added that the Board must provide cover in difficult circumstances where property/life are at risk.

After some discussion Members generally agreed that a single point of contact that could manage any situation and arrange the right outcome was desirable

It was resolved that:

- **The PO be asked to investigate the options available and report back to the next Governance and probity Committee Meeting; and**
- **The PO be asked to consider the cover for Saul Pumping Station and report back.**

[Minute 3074 refers.]

Proposal

The level of service which the Board has the capacity to provide must be clearly understood and agreed. The following guidelines are proposed:

- A call for assistance and/or advice will not automatically prompt attendance on site
- A call made during unsocial hours eg in the early hours of the morning may not be picked up immediately, particularly when there are no flood warnings posted
- A caller may be re-directed to another source of assistance
- A caller may be advised that the issue will be dealt with during normal office hours
- Other persons to contact will still be posted at each station (see Appendix A – NB Mr Chamberlayne has been asked if he will act as an additional contact for the Saul pumping station and his response is awaited)

At present we are upgrading our telephone system. This will allow us the flexibility to switch between four officers – the Engineers, the Foreman and myself - on a weekly rota basis so that out-of-hours calls are picked up and managed. The additional costs that are likely to be incurred are negligible and will only arise when overtime is required.

Recommendation:

That the above arrangements for an Out of Hours service be approved.

Kieran Warren

Principal Officer

LOWER SEVERN INTERNAL DRAINAGE BOARD

OUT-OF-HOURS CONTACT LIST

NAME	DESIGNATION	PHONE	E-MAIL	PUMP
Matthew Riddle	Board Chairman	07877 413298	matthew.riddle@southglos.gov.uk	All
James Druett	Land Drainage Engineer	07815 445531	JDruett@lowersevernldb.org.uk	All
James Thomas	Civil Engineer	07963 892441	JThomas@lowersevernldb.org.uk	All
Andrew Terrett	Foreman	07831 328620	ATerrett@lowersevernldb.org.uk	All
Kieran Warren	Principal Officer	07921 940789	KWarren@lowersevernldb.org.uk	All
Graham Littleton	Elected Member Longney	07710 425256	Grahamlittleton03@gmail.com	Elmore
John Jones	Councillor, Stroud DC	01452 740839	Cllr.john.jones@stroud.gov.uk	Saul
Roger Godwin	Elected Member Longney	07774 220066	Rag.farms@outlook.com	Lapperditch Wicks Gn Marshfield
Jim Nichols	Elected Member Oldbury	07976 800435	Jwnich76@gmail.com	Oldbury
John Cornock	Elected Member Oldbury	01454 412655	mjcornock@aol.com	Oldbury
John Chamberlayne	Pump Attendant	07802 328997	Linda.chamberlayne@hillfarmlongney.co.uk	Lapperditch Wicks Gn Marshfield
Sophie Round	Pump Attendant	07899 802047	Sophieround77@hotmail.co.uk	Elmore

IF YOU RECEIVE A CALL OR E-MAIL.....

- Visit the pumping station to assess the situation and take action (eg switching the pump to manual) if you can
- If you can't make a visit or you are unsure what action to take, then contact one of the 4 Board Officers listed above
- Contact the person who rang or e-mailed you to explain what has been done and whether further action is planned

April 2020

LOWER SEVERN (2005) INTERNAL DRAINAGE BOARD

FREEDOM OF INFORMATION PUBLICATION SCHEME: GUIDE TO INFORMATION

1. Introduction

- 1.1 The Freedom of Information Act 2000("the Act") gives a general right of access to recorded information held by public authorities and sets out exemptions from that right and places a number of obligations on public authorities, which includes Internal Drainage Boards.
- 1.2 Further information about the Act and its operation can be obtained from the Information Commissioner's Office (<http://www.ico.gov.uk>).
- 1.3 The Board is required to adopt and maintain a publication scheme setting out the classes of information it holds, the manner in which it intends to publish the information, and whether a charge will be made for the information. The purpose of a Publication Scheme is to ensure a significant amount of information is available, without the need for a specific request. Schemes are intended to encourage organisations to publish more information proactively and to develop a greater culture of openness.
- 1.4 The Board has adopted the model publication scheme produced by the Information Commissioner. To supplement the model scheme, we have also produced this Guide to Information which indicates in greater detail, both how information will be published and where we may charge for producing it. The Guide also specifies the type of information which is exempt from disclosure. The Schedule to the Guide, shows in greater detail than is disclosed in the generic classes contained in the model publication scheme itself, the types of information which we will routinely make available.

2. What Information is Routinely Available

- 2.1 Information on who we are and what we do:
 - Organisational information, structures, locations and contacts
- 2.2 Information on what we spend and how we spend it:
 - Financial information relating to projected and actual income and expenditure, procurement, contracts and audited accounts
- 2.3 Information on what our priorities are and how we are doing:
 - Strategies and plans, value for money indicators, audits, inspections and reviews
- 2.4 How we make decisions:
 - Decision making processes and records of decisions
- 2.5 Information on policies and procedures:

- Current written protocols, policies and procedures for delivering our services and responsibilities

2.6 Information on lists and registers:

- All statutory and non-statutory registers (with personal information redacted)

2.7 The service we offer:

- Information about the services we currently provide including leaflets, guidance and newsletters.

3. How to Access Information

3.1 The information referred to in the document may be accessed through a variety of means and in a number of formats where available. All information is available for inspection on request and by prior appointment; where appropriate copies can be made available. A charge may be applied for providing the information; each case is considered individually.

- Some information will be available on our web-site. This information is non-chargeable
- Information may be requested by e-mail to admin@lowersevernldb.org.uk with 'Freedom of Information Request' in the subject line
- Information may be requested by post to:

The Clerk
Lower Severn Internal Drainage Board
Waterside Buildings
Oldbury Naite
South Glos
BS35 1RF

Tel: +44 (0)1454 413340 Fax: +44 (0) 1454 411830
<http://admin@lowersevernldb.org.uk>

Please note that where hard copies of information will normally be supplied upon request, multiple copies cannot normally be provided.

- Information may be requested in person at the Boards' offices by prior appointment only. Please refer to contact details above

3.2 The Board will always endeavour to respond promptly and fully within 20 working days, as set out in the Freedom of Information Act.

4. Exempt Information

4.1 Information is exempt if, and so long as in all the circumstances of the case the public interest in maintaining the exemption outweighs the public interest in disclosing the information, For example:

- Information relating to any individual
- Information that is likely to reveal the identity of an individual

- Information relating to the financial affairs or business affairs of any particular person (including the Board)
- Information relating to any consultations or negotiations, or contemplated consultations or negotiations, in connection with any employee relations matter arising between the Board or a Minister of the Crown and employees of, or office holders under, the Board.
- Information in respect of which a claim to legal professional privilege could be maintained in legal proceedings
- Information which reveals that the Board proposes:
 - (a) To give under any enactment a notice under or by virtue of which requirements are imposed on a person, or;
 - (b) To make an order or decision under any enactment
- Information relating to any action taken or to be taken in connection with the prevention, investigation or prosecution of a crime

4.2 In adopting this scheme the Board intends to be as open as possible but there are instances where, for legitimate reasons, certain information is not available. Where this is the case the reasons behind the decision to exclude certain information will be clearly stated. Justification for excluding information is made in consideration of the general exemptions contained in the Act, the Environmental Information Regulations, the Data Protection Act or where it may be of a confidential or commercially sensitive nature.

5. Charges

- 5.1 Charges may be imposed for the provision of some of the information available. Where a class contains information which may be the subject of a charge, this is made clear with a £ symbol in the Schedule to this Guide.
- 5.2 Any charge made will be justified, transparent and kept to a minimum.

6. Feedback

- 6.1 Feedback, comments or complaints about this publication scheme should be made to the Clerk at the address stated in section 3. If you are not satisfied that information is being published in accordance with this scheme you can refer your complaint to the Information Commissioner:

The Case Reception Unit
 Customer Services Team
 Information Commissioners Office
 Wycliffe House
 Water Lane
 Wilmslow
 Cheshire
 SK9 5AF
<http://www.ico.gov.uk/complaints.aspx>

LOWER SEVERN (2005) INTERNAL DRAINAGE BOARD

SCHEDULE TO GUIDE TO INFORMATION:

DETAILS OF INFORMATION AVAILABLE

Introduction

We show below and in greater detail than is disclosed in the generic classes of information contained in the adopted Model Publication Scheme, the information which will routinely be made available.

Who we are and what we do:

- Constitution of the Board, including the structure and membership
- Staffing structure
- Geographical area covered
- Outline of responsibilities
- Location of offices and contact details

What we spend and how we spend it (£):

- Annual accounts and financial reports
- Audit of accounts
- Schedules of paid accounts
- Revenue and capital spending plans
- Financial regulations
- Funding: details of drainage rates, special levies, grants and other financial contributions/sources of income
- Staff and Board member allowances and expenses
- Contracts awarded and their value

What our priorities are and how we are doing (£):

- Business Plan

How we make decisions:

- Programme of meetings
- Agendas for and minutes of meetings of the Board, Committees and Working Parties
- Terms of reference of the Board, Committees and Working Parties
- Delegations to Officers
- Standing Orders
- Board reports
- Public consultations
- Reports from advisory groups/joint committees and ADA
- Assessments of flooding risk

Minute 2010
11th June 2014

- Other publicly available reports

Our policies and procedures:

- Policies and procedures for the conduct of the Board's business
- Policies and procedures about the provision of services
- Policies and procedures about employment matters
- Asset management plan
- Investment policy
- Risk management policy
- Whistle blowing policy
- Anti-fraud and corruption policy
- Bribery Act policy
- Data protection policy
- Freedom of Information Publication Scheme
- Member Code of Conduct
- Employees Code of Conduct
- Member/Officer protocol
- Health and safety policy

List and registers (£):

- Record of drainage infrastructure
- Asset register
- Complaints register
- Rate book
- Electoral register, (for the purpose of election of IDB members)
- Risk register
- Register of members' interests
- Register of gifts and hospitality
- Members' attendance register
- Freedom of Information

The services we offer (£)

- Byelaws
- Land drainage consents
- Formal comments on planning applications
- Notices, leaflets and guidance
- Media releases

LOWER SEVERN (2005) INTERNAL DRAINAGE BOARD

MODEL PUBLICATION SCHEME

Freedom of Information Act

This model publication scheme has been prepared and approved by the Information Commissioner. It may be adopted without modification by any public authority without further approval and will be valid until further notice.

This publication scheme commits the Board to make information available to the public as part of its normal business activities. The information covered is included in the classes of information mentioned below, where this information is held by the authority. Additional assistance is provided to the definition of these classes in sector specific guidance manuals issued by the Information Commissioner.

The scheme commits the Board:

- To proactively publish or otherwise make available as a matter of routine, information, including environmental information, which is held by the Board and falls within the classifications below.
- To specify the information which is held by the Board and falls within the classifications below.
- To proactively publish or otherwise make available as a matter of routine, information in line with the statements contained within this scheme.
- To produce and publish the methods by which the specific information is made routinely available so that it can be easily identified and accessed by members of the public.
- To review and update on a regular basis the information the Board makes available under this scheme.
- To produce a schedule of any fees charged for access to information which is made proactively available.
- To make this publication scheme available to the public.
- To publish any dataset held by the Board that has been requested, and any updated versions it holds, unless the Board is satisfied that it is not appropriate to do so; to publish the dataset, where reasonably practicable, in an electronic form that is capable of re-use; and, if any information in the dataset is a relevant copyright work and the Board is the only owner, to make the information available for re-use under a specified licence. The term 'dataset' is defined in section 11(5) of the Freedom of Information Act. The terms 'relevant copyright work' and 'specified licence' are defined in section 19(8) of that Act.

Classes of information

Who we are and what we do

Organisational information, locations and contacts, constitutional and legal governance.

What we spend and how we spend it

Financial information relating to projected and actual income and expenditure, tendering, procurement and contracts.

What our priorities are and how we are doing

Strategy and performance information, plans, assessments, inspections and reviews.

How we make decisions

Policy proposals and decisions. Decision making processes, internal criteria and procedures, consultations.

Our policies and procedures

Current written protocols for delivering our functions and responsibilities.

Lists and registers

Information held in registers required by law and other lists and registers relating to the functions of the Board.

The services we offer

Advice and guidance, booklets and leaflets, transactions and media releases. A description of the services offered.

The classes of information will not generally include:

- Information the disclosure of which is prevented by law, or exempt under the Freedom of Information Act, or is otherwise properly considered to be protected from disclosure.
- Information in draft form.
- Information that is no longer readily available as it is contained in files that have been placed in archive storage, or is difficult to access for similar reasons.

The method by which information published under this scheme will be made available

The Board will indicate clearly to the public what information is covered by this scheme and how it can be obtained.

Where it is within the capability of the Board, information will be provided on a website. Where it is impracticable to make information available on a website or when an individual does not wish to access the information by the website, the Board will indicate how information can be obtained by other means and provide it by those means. In exceptional circumstances some information may be available only by viewing in person. Where this manner is specified, contact details will be provided. An appointment to view the information will be arranged within a reasonable timescale.

Information will be provided in the language in which it is held or in such other language that is legally required. Where an authority is legally required to translate any information, it will do so.

Obligations under disability and discrimination legislation and any other legislation to provide information in other forms and formats will be adhered to when providing information in accordance with this scheme.

Charges which may be made for information published under this scheme

The purpose of this scheme is to make the maximum amount of information readily available at minimum inconvenience and cost to the public. Charges made by the Board for routinely published material will be justified and transparent and kept to a minimum.

Material which is published and accessed on a website will be provided free of charge.

Charges may be made for information subject to a charging regime specified by Parliament.

Charges may be made for actual disbursements incurred such as:

- photocopying
- postage and packaging
- the costs directly incurred as a result of viewing information

Charges may also be made for information provided under this scheme where they are legally authorised, they are in all the circumstances, including the general principles of the right of access to information held by public authorities, justified and are in accordance with a published schedule or schedules of fees which is readily available to the public.

Charges may also be made for making datasets (or parts of datasets) that are relevant copyright works available for re-use. These charges will be in accordance with either regulations made under section 11B of the Freedom of Information Act or other enactments.

If a charge is to be made, confirmation of the payment due will be given before the information is provided. Payment may be requested prior to provision of the information.

Written requests

Information held by the Board that is not published under this scheme can be requested in writing, when its provision will be considered in accordance with the provisions of the Freedom of Information Act.

LOWER SEVERN (2005) INTERNAL DRAINAGE BOARD

GIFTS AND HOSPITALITY POLICY

Policy Application

The guidance set out in this document applies both to Members of the Board and to its employees. It is also intended to apply to those who carry out works on behalf of or at the request of the Board.

So far as Board Members are concerned, this policy guidance supplements the requirements of the Member Code of Conduct and should be read in conjunction with that Code.

Policy Objective

The purpose of this policy document is to provide guidance to Members and staff on the action that can, or should, be taken in the event that they are offered gifts/hospitality. Although there are limited exceptions for small value gifts/hospitality, the general rule is that anything at or over an estimated value of £ 25.00 should be registered to protect both the individual and the Board. It is most important that this requirement is observed so as not to bring the Board into disrepute. In any case of uncertainty, the Principal Officer should be consulted.

Detailed Guidance

1. Members and employees should treat with extreme caution any offer of a gift or favour or hospitality that is made to them personally. The person or organisation making the offer may be doing or seeking to do business with the Board or may be applying to the Board for some decision to be taken in his favour or someone with whom he is connected.
2. There are no hard and fast rules about the acceptance or refusal of hospitality or tokens of goodwill. For example, working lunches may be an appropriate way of doing business provided that they are approved by the Principal Officer and provided that no extravagance is involved. In the same way, it may be reasonable for staff to represent the Board at a social function or sporting event organised by outside persons or organisations. If the value of the hospitality is estimated to exceed £25.00 however, it should be recorded in the register.
3. Each Member or employee is personally responsible for all decisions connected with the acceptance or offer of gifts or hospitality and for to avoid risk of damage to public confidence. The receipt and details of gifts and hospitality should always be reported to the Principal Officer. When hospitality has been declined, those making the offer should be courteously but firmly informed of the procedures and standards operated by the Board and told why hospitality cannot be accepted.
4. Members and employees should not accept significant personal gifts from contractors and outside suppliers, although the Board will allow Members and employees to keep insignificant items of token value such as pens, calendars and diaries. Such insignificant items do not require recording in the Gifts and Hospitality register provided that their estimated value does not exceed £25.00.
5. Acceptance by Members and employees of hospitality through attendance at relevant conferences and courses is acceptable where it is clear that the hospitality is corporate rather than personal and where the Member or employee is satisfied that any purchasing decision will not be compromised. However, if the value of such hospitality is estimated to exceed £25.00 per person, then as a precaution the item should be disclosed in the register.
6. Members and employees should register any offer of a gift or favour or hospitality that is refused.

LOWER SEVERN (2005) INTERNAL DRAINAGE BOARD

MEDIA PROTOCOL

1. Any request from the media about a matter concerning the Board's POLICY should be initially referred to the Board Chairman for a response. Prior to a response being given, the Chairman will consult the Principal Officer and any other parties whom he considers appropriate in the circumstances. If the enquiry is made to any officer other than the Principal Officer, the Principal Officer should be informed immediately.
2. In normal circumstances, in the case of a written response by the Chairman on a matter of POLICY, such response will be issued by the Principal Officer.
3. Any comments to the media in response to an enquiry about a purely OPERATIONAL matter will be dealt with by the Principal Officer (or his nominee) after consultation with the Chairman/appropriate Committee Chairman and any appropriate officer.
4. In cases where the Board will to make a statement to the media on a pro-active basis, such matter will initially be discussed between the Chairman and Principal Officer who may seek assistance from any other appropriate Member or officer.

LOWER SEVERN (2005) INTERNAL DRAINAGE BOARD

REVISED WHISTLE BLOWING POLICY

Overall Policy Objective

The overall objective of this policy is to maintain a working environment where people, whether they are employees of the Board, suppliers, contractors or members are able to raise concerns where they think there is misconduct or malpractice, and to know that their concerns will be taken seriously and investigated without fear of victimisation. The policy is intended to give confidence to employees to whistle blow and, as such, it incorporates statutory provision for protection under the Public Interest Disclosure Act 1998.

Our Commitment

The Board attaches high priority to ethical standards and probity and is committed to taking appropriate action where misconduct or malpractice is identified. We are committed to being open, honest and accountable. The Board will protect staff from being penalised for raising concerns about misconduct or malpractice provided that allegations are made in good faith and without mischievous or malicious intent. The following are covered by this policy:

- Employees including part time, agency and temporary staff
- Board Members (except where allegations are made directly against a Board Member)
- Suppliers and those providing services under a contract whether working for the Board on Board premises or their own premises

For the purposes of this policy, everyone referred to above is to be treated as being an "employee".

Introduction

Employees are often the first to realise that there may be something seriously wrong within the Board. However, they may not express their concerns because they feel that speaking up would be disloyal to their colleagues or to the Board. They may also fear harassment or victimisation. We encourage employees and others that we work with, who have serious concerns about any aspect of the Board's work, to come forward and voice those concerns. It is recognised that most cases will be confidential. We wish to make clear that they can do so without fear of victimisation, subsequent discrimination or disadvantage. This 'Whistleblowing – Confidential Reporting Code' aims to encourage and make it possible for employees to raise serious concerns within the Board rather than overlooking a problem or 'blowing the whistle' outside the Board.

Aim and Scope of the Policy

This policy aims to:

- Encourage employees to feel confident in raising serious concerns and to question and act on their concerns about practice
- Provide avenues for employees to raise those concerns and receive feedback on any action taken
- Make sure that employees receive a response to their concerns and that they are aware of how to pursue them if they are not satisfied
- Reassure employees that they will be protected from possible reprisals or victimisation if they have a reasonable belief that they have made any disclosure in good faith

There are existing procedures in place which make it possible for employees to lodge a grievance relating to their own employment. This policy is intended to cover major concerns that fall outside the scope of other policies and procedures.

What Types of Conduct are Covered?

- Conduct which is against the law, a miscarriage of justice or fails to meet a legal obligation
- Health and safety risks, including risks to the public or to other employees
- Damage to the environment
- The unauthorised use of public funds
- Gross negligence
- Breaches of the Boards' governance arrangements (including Standing Orders or Financial Regulations) and policies
- Sexual, racial, physical or other abuse of service users or staff
- Other unethical conduct
- Actions which are intended to conceal any of the above
- *Unauthorised use of equipment*

This means that any serious concerns anyone has about any aspect of service provision or the conduct of officers or members of the Board or others acting on behalf of the Board can be reported under this policy. This may be something that:

- Makes anyone feel uncomfortable in terms of known standards, their experience
- Or the standards they believe the Board subscribes to:
- Is against Financial Regulations, Board Procedure Rules or other governance arrangements
- Falls below established standards of practice

- Amounts to improper conduct

What is not Covered?

This policy cannot be used to deal with serious or sensitive matters that are covered by other procedures. Such procedures include the following:

- Staff complaints about their employment. These complaints are dealt with through our Grievance Procedure
- Customers' complaints about our services and how we operate, *including complaints of improper conduct*. These complaints are dealt with through our Complaints Procedure
- Allegations against Board Members. Those wishing to complain about Member conduct should do so directly to the Clerk or Head of Governance

Additionally, the Board will not investigate allegations which are patently of a vexatious nature.

Safeguards

The Board is committed to good practice and high standards and wants to be supportive of employees. It is recognised that the decision to report a concern can be a difficult one to make. If what is being reported is true, there should be nothing to fear because the person reporting will be doing their duty to the employer and those for whom they are providing a service. The Board will not tolerate any harassment or victimisation (including informal pressures) and will take suitable action to protect anyone when a concern is raised in good faith. Any investigation into allegations of potential malpractice will not influence or be influenced by any disciplinary or redundancy procedures that already affect staff.

Confidentiality

All concerns will be treated in confidence and every effort will be made not to reveal anyone's identity if they so wish. At the appropriate time however, you may need to come forward as a witness.

Anonymous Allegations

This policy encourages anyone to put their name to an allegation whenever possible. Concerns expressed anonymously are much less powerful but will be considered at the discretion of the Board. In exercising this discretion the factors to be taken into account would include:

- The seriousness of the issues raised
- The credibility of the concern
- The likelihood of confirming the allegation from attributable sources

Untrue Allegations

If an allegation is made in good faith, but it is not confirmed by the investigations, no action will be taken against the person concerned. If, however, they make an allegation frivolously, maliciously or for personal gain, disciplinary or other appropriate action may be taken.

How to Raise a Concern

An employee should normally initially raise their concerns with their line manager. This depends however on the seriousness and sensitivity of the issues involved and who is suspected of the malpractice. For example, if they believe that management is involved they should approach the Clerk, or if the Clerk is absent or the complaint relates to the Clerk, the Head of Governance. Concerns may be raised verbally or in writing. Anyone who wishes to make a written report is invited to use the following format:

- The background and history of the concern (giving relevant dates)
- The reason why they are particularly concerned about the situation

The earlier the concern is expressed the easier it is to take action. Although no one is expected to prove beyond doubt the truth of an allegation, they will need to demonstrate to the person being contacted that there are reasonable grounds for their concern. Advice and guidance on how to pursue matters of concern may be obtained from:

- The Clerk
- The Head of Governance

It may be appropriate to consider discussing a concern with a colleague first and it may be easier to raise the matter if there are two (or more) of you who have had the same experience or concerns. Anyone may also invite their trade union, professional association representative or a friend to be present during any meetings or interviews in connection with the concerns they have raised. Unions and professional associations may also raise matters of concern on behalf of their members employed by the Board. If anyone prefers not to raise their concern through their line manager, they may report it directly to the Clerk or Head of Governance.

How the Board will Respond

The Board will respond to any concerns. Do not forget that testing out concerns is not the same as either accepting or rejecting them. Where appropriate, the matters raised may:

- Be investigated by management, internal audit or through the disciplinary process
- Be referred to the police
- Be referred to the external auditor
- Form the subject of an independent inquiry

In order to protect individuals and those accused of misdeeds or possible malpractice, initial enquiries will be made to decide whether an investigation is appropriate and, if so, what form should it take. The overriding principle which the Board will have in mind is the public interest.

Concerns or allegations which fall within the scope of specific procedures (for example fraud or discrimination issues) will normally be referred for consideration under those procedures. Some concerns may be resolved by agreed action without the need for investigation. If urgent action is required this will be taken before any investigation is carried out. Within ten working days of a concern being raised, a line manager, the Clerk or the Head of Governance, depending upon who has been approached, will write:

- Advising that the concern has been received
- Advising how we propose to deal with the matter
- Giving an estimate of how long it will take to provide a final response
- Advising whether any initial enquiries have been made
- Supplying information on staff support mechanisms where appropriate
- Advising whether further investigations will take place and, if not, why not

The amount of contact between the officers considering the issues and the person raising them will depend on the nature of the matters raised, the potential difficulties involved and the clarity of the information provided. If necessary, the Board will get further information from them. The Board will take steps to minimise any difficulties which may be experienced as a result of raising a concern. For instance, if it is necessary to give evidence in criminal or disciplinary proceedings, the Board will arrange for advice about the procedure. The Board accepts that individuals need to be confident that the matter has been properly addressed. Therefore, subject to legal constraints, we will tell them the outcome of any investigation.

Any investigations will follow the course of natural justice and will adhere to Articles 6 and 8 of the Human Rights Act 1998 (right to a fair hearing and right to private family life)

The Responsible Officer

The Clerk has overall responsibility for the maintenance and operation of this policy. In the absence of the Clerk the Head of Governance will act on her behalf. The Clerk maintains a record of concerns raised and the outcomes (but in a form which does not endanger anyone's confidentiality) and will report as necessary to the Board.

How the Matter can be Taken Further

This policy is intended to provide the opportunity to raise concerns. If internal advice is required before starting action, you may talk to:

- An immediate line manager, the Clerk or the Head of Governance
- The local union branch

The Board hopes everyone will be satisfied with any action taken. If they are not, and feel it is right to take the matter outside the Board, the following are possible contact points:

- The Appointed Auditor

- UNISON Whistle blowers hotline 0845 355 0845 or GMB 029 2049 1260
- The local Citizens Advice Bureau
- Relevant professional bodies or regulatory organisations
- A relevant voluntary organisation
- The police
- The independent charity Public Concern at Work. Their lawyers can give free confidential advice at any stage about how to raise a concern about serious malpractice at work. The charity's contact details are: 020 7404 6604, 020 7404 6576, www.pcaw.co.uk, whistle@pcaw.co.uk (enquiries), helpline@pcaw.co.uk (helpline), Public Concern at Work, Suite 306, 16 Baldwin Gardens, London, EC1N 7RJ.

If the matter is taken outside the Board, please make sure that you do not disclose confidential information. Check with the Clerk or Head of Governance.

Whistle Blowing Do's and Don'ts

Do

- Keep calm
- Think about the risks and outcomes before you act
- Remember you are a witness, not a complainant
- Phone Public Concern at Work for advice on 020 7404 6604

Don't

- Forget there may be an innocent or good explanation
- Become a private detective
- Use whistleblowing procedures to pursue a personal grievance
- Expect thanks

Review

This policy will be the subject of a formal review on a two-yearly basis

Members Code of Conduct

LOWER SEVERN INTERNAL DRAINAGE BOARD

MEMBERS' CODE OF CONDUCT

FORWARD

This Members' Code of Conduct has been prepared by the Lower Severn Internal Drainage Board, and is compliant with the *Code of Conduct for Board Members of Public Bodies* issued by the Cabinet Office, June 2011.

The Board has adopted this Members' Code of Conduct as one of its policies and is committed to its implementation. The Board will review the Members' Code of Conduct periodically and update it as appropriate.

Signed:



Minute: 1838

Name:

G.R. LITTLETON

Date: 14-10-12

Chairman of the Board

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LOWER SEVERN INTERNAL DRAINAGE BOARD

MEMBERS' CODE OF CONDUCT

Part 1

GENERAL PROVISIONS

1. Introduction and interpretation

- 1) This code applies to **you** as a member of an Internal Drainage Board.
- 2) In this code "member" includes:
 - (a) an appointed member;
 - (b) an elected member; and
 - (c) a co-opted member,
of an Internal Drainage Board.
- 3) As a member it is your responsibility to comply with the provisions of this Code.
- 4) In this Code "meeting" means any meeting of:
 - (a) the Internal Drainage Board;
 - (b) any of the Internal Drainage Board's committees, sub-committees, or *Working Parties*

2. Scope

- 1) You must comply with this Code whenever you:
 - (a) conduct the business of your Internal Drainage Board (which, in this Code, includes the business of the office to which you are elected or appointed); or
 - (b) act, claim to act or consciously give the impression you are acting as a representative of your Internal Drainage Board, and references to your official capacity are construed accordingly.
- 2) This Code does not have effect in relation to your conduct other than where it is in your official capacity.
- 3) Where you act as a representative of your Internal Drainage Board:
 - (a) on another relevant Internal Drainage Board, you must, when acting for that other Internal Drainage Board, comply with that other Internal Drainage Board's code of conduct; or
 - (b) on any other body, you must, when acting for that other body, comply with your Internal Drainage Board's code of conduct, except and insofar as it conflicts with any other lawful obligations to which that other body may be subject.

3. Key Principles of Public Life

- 1) When acting as a member of an Internal Drainage Board you should behave in a manner consistent with the following principles to achieve good water management of the district, and maintain public confidence in the Internal Drainage Board:

- (a) **SELFLESSNESS:** You should take decisions solely in terms of the public interest. You should not do so in order to gain financial or other material benefits for themselves, their family, or their friends;
- (b) **INTEGRITY:** You should not place yourself under any financial or other obligation to outside individuals or organisations that might, or might be perceived to, influence you in the performance of your official duties;
- (c) **OBJECTIVITY:** In carrying out public business, including making public appointments, awarding contracts, or recommending individuals for rewards and benefits, you should make choices on merit
- (d) **ACCOUNTABILITY:** You are accountable for your decisions and actions to the public and must submit yourself to whatever scrutiny is appropriate to your office;
- (e) **OPENNESS:** You should be as open as possible about all the decisions and actions that you take. You should give reasons for your decisions and restrict information only when the wider public interest clearly demands;
- (f) **HONESTY:** You have a duty to declare any private interests relating to your public duties and to take steps to resolve any conflicts arising in a way that protects the public interest;
- (g) **PERSONAL JUDGEMENT:** You may take account of the views of others, including their political groups, but should reach your own conclusions on the issues before you and act in accordance with those conclusions;
- (h) **RESPECT OF OTHERS:** You should promote equality by not discriminating unlawfully against any person, and by treating people with respect, regardless of their race, age, religion, gender, sexual orientation or disability. You should respect the impartiality and integrity of the Internal Drainage Board's statutory officers, and its other employees;
- (i) **DUTY TO UPHOLD THE LAW:** You should uphold the law and, on all occasions, act in accordance with the trust that the public is entitled to place in you; and
- (j) **LEADERSHIP:** You should promote and support these principles by leadership and example.

4. General conduct

- 1) You must treat others, including employees and members of your Internal Drainage Board, with courtesy and respect.
- 2) You must not:
 - (a) do anything which may cause your Internal Drainage Board to breach the Equality Act 2010;
 - (b) bully any person;
 - (c) intimidate or attempt to intimidate any person who is or is likely to be:
 - i) a complainant,
 - ii) a witness, or
 - iii) involved in the administration of any investigation or proceedings, in relation to an allegation that a member (including yourself) has failed to comply with his or her Internal Drainage Board's code of conduct; or
 - (d) do anything which compromises or is likely to compromise the impartiality of those who work for, or on behalf of, your Internal Drainage Board.

- (e) ask or encourage members or employees of your Internal Drainage Board to act in any way which would conflict with their own Code of Conduct.
- 3) You must not:
 - (a) disclose information given to you in confidence by anyone, or information acquired by you which you believe, or ought reasonably to be aware, is of a confidential nature, except where:
 - i) you have the consent of a person authorised to give it;
 - ii) you are required by law to do so;
 - iii) the disclosure is made to a third party for the purpose of obtaining professional advice provided that the third party agrees not to disclose the information to any other person; or
 - iv) the disclosure is:
 - (aa) reasonable and in the public interest; and
 - (ab) made in good faith and in compliance with the reasonable requirements of the Internal Drainage Board; or
 - (b) prevent another person from gaining access to information to which that person is entitled by law.
- 4) You must not conduct yourself in a manner which could reasonably be regarded as bringing your office or Internal Drainage Board into disrepute.
- 5) You:
 - (a) must not use or attempt to use your position as a member improperly to confer on or secure for yourself or any other person, an advantage or disadvantage; and
 - (b) must, when using or authorising the use by others of the resources of your Internal Drainage Board:
 - i) act in accordance with your Internal Drainage Board's reasonable requirements; and
 - ii) ensure that such resources are not used improperly for personal gain.

5. Use of Public Funds

- 1) You have a duty to ensure the safeguarding of public funds and the proper custody of assets which have been publicly funded.
- 2) You must carry out your fiduciary obligations responsibly – that is, take appropriate measures to ensure that the body uses resources efficiently, economically and effectively, avoiding waste and extravagance.

6. Allowances

- 1) You must comply with the rules set by the Internal Drainage Board regarding remuneration, allowances and expenses. It is your responsibility to ensure compliance with all relevant HM Revenue and Customs' requirements concerning payments, including expenses.

7. Gifts and hospitality

- 1) You must not accept any gifts or hospitality which might, or might reasonably appear to, compromise your personal judgement or integrity or place you under an improper obligation.

- 2) You must never canvass or seek gifts or hospitality.
- 3) You must comply with the rules set by the body on the acceptance of gifts and hospitality. You should inform the Clerk of any offer of gifts or hospitality and ensure that, where a gift or hospitality is accepted, this is recorded in a public register in line with the rules set by the body.
- 4) You are responsible for your decisions on the acceptance of gifts or hospitality and for ensuring that any gifts or hospitality accepted can stand up to public scrutiny and do not bring the public body into disrepute.

8. Responsibilities as a Board Member

- 1) You should play a full and active role in the work of the Internal Drainage Board. You should fulfil your duties and responsibilities responsibly and, at all times, act in good faith and in the best interests of the Board.
- 2) You should deal with the public and their affairs fairly, efficiently, promptly, effectively and sensitively, to the best of your ability. You must not act in a way that unjustifiably favours or discriminates against particular individuals or interests.
- 3) You must comply with any statutory or administrative requirements relating to your post.
- 4) You should respect the principle of collective decision-making and corporate responsibility. This means that, once the Board has made a decision, you should support that decision.
- 5) You must not use, or attempt to use, the opportunity of public service to promote your personal interests or those of any connected person, firm, business or other organisation.
- 6) You should act in the interests of the Board as a whole and not as a representative or delegate of the body by whom you are appointed. You must not use your position as a Board Member except for the benefit of the Board.
- 7) As a Board Member you have duties and responsibilities analogous to those of directors of companies, who owe a fiduciary duty to the company and must exercise independent judgement.
- 8) Subject to your obligations as a Board Member under this Code (including the disclosure and registration of interests), the requirements of the Code are not intended to restrict your rights, acting in a private capacity, to safeguard or promote your own proper interests.

Part 2

MEMBERS' INTERESTS

9. Personal interests

- 1) You must ensure that no conflict arises, or could reasonably be perceived to arise, between your public duties and your personal interests – financial or otherwise.
- 2) You must remove yourself from the discussion or determination of matters in which you have a financial interest. In matters in which you have a non-financial interest, you should not participate in the discussion or determination of a matter where the interest might suggest a danger of bias.
- 3) When considering what non-financial interests should be declared, you should ask yourself whether a member of the public, acting reasonably, would consider that the interest in question might influence your words, actions or decisions.
- 4) It is your responsibility to ensure that you are familiar with the Board's rules on handling conflicts of interests, that you comply with these rules and that your entry in the Board's register of members' interests is accurate and up-to-date.
- 5) You have a personal interest in any business of your Internal Drainage Board where either:
 - (a) it relates to or is likely to affect;
 - i) any body of which you are a member or in a position of general control or management and to which you are appointed or nominated by your Internal Drainage Board;
 - ii) any body:
 - (aa) exercising functions of a public nature;
 - (ab) directed to charitable purposes; or
 - (ac) one of whose principal purposes includes the influence of public opinion or policy (including any political party or trade union),
of which you are a member or in a position of general control or management;
 - iii) any employment or business carried on by you;
 - iv) any person or body who employs or has appointed you;
 - v) any person or body, other than a relevant Internal Drainage Board, who has made a payment to you in respect of your election or any expenses incurred by you in carrying out your duties;
 - vi) any person or body who has a place of business or land in your Internal Drainage Board's area, and in whom you have a beneficial interest in a class of securities of that person or body that exceeds the nominal value of £25,000 or one hundredth of the total issued share capital (whichever is the lower);
 - vii) any contract for goods, services or works made between your Internal Drainage Board and you or a firm in which you are a partner, a company of which you are a remunerated director, or a person or body of the description specified in paragraph (vi);
 - viii) the interests of any person from whom you have received a gift or hospitality with an estimated value of at least £25;
 - ix) any land in your Internal Drainage Board's area in which you have a beneficial interest;

- x) any land where the landlord is your Internal Drainage Board and you are, or a firm in which you are a partner, a company of which you are a remunerated director, or a person or body of the description specified in paragraph (vi) is, the tenant;
 - xi) any land in the Internal Drainage Board's area for which you have a licence (alone or jointly with others) to occupy for 28 days or longer; or
- (b) a decision in relation to that business might reasonably be regarded as affecting your well-being or financial position or the well-being or financial position of a relevant person to a greater extent than the majority of:
 - i) other Board ratepayers
 - ii) ratepayers or inhabitants of the locality affected by the decision;
- 6) In paragraph 9.5(b), a relevant person is—
 - (a) a member of your family or any person with whom you have a close association;
 - (b) any person or body who employs or has appointed such persons, any firm in which they are a partner, or any company of which they are directors;
 - (c) any person or body in whom such persons have a beneficial interest in a class of securities exceeding the nominal value of £25,000; or
 - (d) any body of a type described in paragraph 9.5(a)i or 9.5(a)ii.

10. Disclosure of personal interests

- 1) Subject to paragraphs 10.2 to 10.5, where you have a personal interest in any business of your Internal Drainage Board and you attend a meeting of your Internal Drainage Board at which the business is considered, you must disclose to that meeting the existence and nature of that interest at the commencement of that consideration, or when the interest becomes apparent.
- 2) Where you have a personal interest in any business of your Internal Drainage Board which relates to or is likely to affect a person described in paragraph 9.5(a)i or 9.5(a)ii(aa), you need only disclose to the meeting the existence and nature of that interest when you address the meeting on that business.
- 3) Where you have a personal interest in any business of the Internal Drainage Board of the type mentioned in paragraph 9.5(a)viii, you need not disclose the nature or existence of that interest to the meeting if the interest was registered more than three years before the date of the meeting.
- 4) Paragraph 10.1 only applies where you are aware or ought reasonably to be aware of the existence of the personal interest.
- 5) Where you have a personal interest but, by virtue of paragraph 14, sensitive information relating to it is not registered in your Internal Drainage Board's register of members' interests, you must indicate to the meeting that you have a personal interest, but need not disclose the sensitive information to the meeting.

11. Prejudicial interest generally

- 1) Subject to paragraph 11.2, where you have a personal interest in any business of your Internal Drainage Board you also have a prejudicial interest in that business where the interest is one which a member of the public with knowledge of the relevant facts would reasonably regard as so significant that it is likely to prejudice your judgement of the public interest.

- 2) You do not have a prejudicial interest in any business of the Internal Drainage Board unless that business:
 - (a) affects your financial position or the financial position of a person or body described in paragraph 9;
 - (b) relates to the determining of any approval, consent, licence, permission or registration in relation to you or any person or body described in paragraph 4; or
 - (c) if that business relates to the functions of your Internal Drainage Board in respect of—
 - i) an allowance, payment or indemnity given to members;
 - ii) setting drainage rates or a special levy under the Land Drainage Act 1991.

12. Effect of prejudicial interests on participation of debate

- 1) If you have a prejudicial interest in any item of business, you must declare that interest and leave the meeting whilst the item is under consideration. Accordingly, you can take no part in the discussion or voting on the matter.

Part 3

Registration of Members' Interests

13. Registration of members' interests

- 1) Subject to paragraph 14, you must, within 28 days of:
 - (a) this Code being adopted by or applied to your Internal Drainage Board; or
 - (b) your election or appointment to office (where that is later),
 register in your Internal Drainage Board's register of members' interests details of your personal interests where they fall within a category mentioned in paragraph 9.1(a), by providing written notification to your Internal Drainage Board's Clerk.
- 2) Subject to paragraph 14, you must, within 28 days of becoming aware of any new personal interest or change to any personal interest registered under paragraph 13.1, register details of that new personal interest or change by providing written notification to your Internal Drainage Board's Clerk.

14. Sensitive information

- 1) Where you consider that the information relating to any of your personal interests is sensitive information, and your Internal Drainage Board's Clerk agrees, you need not include that information when registering that interest, or, as the case may be, a change to that interest under paragraph 14.
- 2) You must, within 28 days of becoming aware of any change of circumstances which means that information excluded under paragraph 14.1 is no longer sensitive information, notify your Internal Drainage Board's Clerk asking that the information be included in your Internal Drainage Board's register of members' interests.
- 3) In this Code, "sensitive information" means information whose availability for inspection by the public creates, or is likely to create, a serious risk that you or a person who lives with you may be subjected to violence or intimidation.

Schedule of Policies with Review Dates

Updated:

Sept 2020

	Date of Adoption	Minute Number	Web Site	Last Reviewed by G&P Committee	Proposed Review Date
Policy/Document					
1. Anti-Bribery Policy	23 September 2020	3106	Published	2 September 2020	2023
2. Anti-Fraud and Corruption Policy	23 September 2020	3106	Published	2 September 2020	2023
3. Biodiversity Action Plan	28 June 2017	2523	Published		2021
3a. Biosecurity Policy and Procedures	6 February 2019	2822	No		2023
4. Complaints Against Board Members Procedure	23 September 2020	3106	Published	2 September 2020	2023
5. Complaints Procedure	23 September 2020	3106	Published	2 September 2020	2023
6. Data Protection Policy	27 June 2018	2694	Published	10 May 2017	2021
7. Delegation of Powers to Officers	24 June 2015	2221	Published	4 th Dec 2019	2022
8. Employee Handbook	5 November 2014	2099	No	Revised April 2016 by Citation	2020
9. Financial Regulations	05 February 2020	3002	Published	04 Dec 2019	2023
10. Flood Protection and Water Level Management Policy Statement	18 September 2013	1860	Published		
11. Freedom of Information Publication Scheme	28 June 2017	2534	Published	10 May 2017	2020
12. Gifts and Hospitality Policy	28 June 2017	2532	Published	10 May 2017	2020
13. Grievance Hearings	5 June 2019	2879	No	3 April 2019	2022
14. Media Protocol	28 June 2017	2533	Published	10 May 2017	2020
15. Member Code of Conduct	18 September 2013	1838	Published		2018
16. Members/Officer Protocol	6 February 2019	2823	No*	5 December 2018	2022
17. Mission Statement	6 February 2019	2823	Published	5 December 2018	2022
18. Redundancy Policy	23 September 2020	3106	No*	2 September 2020	2023
19. Standing Orders	12 June 2013 Defra approved 20 June 2013 27 June 2018	1804 1851 2679	Published	4 April 2018	2021
20. Substitute Member Protocol	6 February 2019	2823	No*	5 December 2018	2022
21. Voting on Appointments Procedure	6 February 2019	2823	No*	5 December 2018	2022
22. Whistle Blowing Policy	28 June 2017	2534	Published	10 May 2017	2020

Terms of Reference for the Board and Committees	Date of Adoption	Minute Number	Website	Last Reviewed by G&P Committee	Proposed Review Date
23. Matters reserved for the Board	05 February 2020	3002	Published	04 December 2019	2023
24. Engineering Committee	05 February 2020	3002	Published	04 December 2019	2023
25. Finance & General Purposes Committee	05 February 2020	3002	Published	04 December 2019	2023
26. Governance and Probity Committee	05 June 2019	2879	Published	03 April 2019	2022
27. Staff & Pensions Committee	05 June 2019	2879	Published	03 April 2019	2022
28. Treasury Management Committee	05 June 2019	2865	Published	03 April 2019 (Full Board)	2022

Other Policies/Guidance Notes	Date of Adoption	Minute Number	Web Site	Proposed Review Date
29. LGPS Discretions 2014	14 June 2014	2002	No*	-
30. Guidance for Elected Members in respect of Extended Absence	22 June 2016	2352	Archived in Board Documents	-
31. Culvert and Structures Statement	9 November 2016	2415	Archived in Board Documents	-
32. Business Continuity Plan	12 February 2014	1934	No	-
33. Guidance for Members of staff in respect of Gifts and Hospitality	28 June 2017	2532	Archived in Board Documents	-
34. Capital and Finance Reserves Policy	23 September 2020	3106		2023

Financial Registers for Annual Approval	Date Approved/Noted	Latest Minute No.		Review Due
Annual Governance Statement/Accountability Return	22 July 2020	3044/5	Published	Annually
DEFRA Annual Report – signed by MD and JD	28 August 2020	-	Published	Annually
Risk Register	9 September 2020	3096 (F&GP)	Archived in Board Documents	Annually
Treasury Management Policy	22 July 2020	3042	Published	Annually
Insurance Policies Schedule	22 July 2020	3042	Archived in Board Documents	Annually

Board				
Council Entitlement to Appoint Members Review	8 February 2017	2481	Archived in Board Documents	Triennially 2020

Election				
Register of Electors Notice	3 April 2018		Published	1 April 2021
Notice of Approved Electoral Register	27 June 2018	2692	Published	June 2021
Notice of Election	11 September 2018		Published	11 September 2018
Poll/No Poll	16 October 2018		Published	16 October 2018