

**Minutes of the Governance & Probity Committee Meeting
Of the Lower Severn (2005) Internal Drainage Board
Held Wednesday 3rd April 2019 at 10.30 am
At Gables Hotel Falfield**

Present: Cllr B Behan Chairman
Cllr J Jones
Cllr M Riddle
Ald M Sykes

Staff: Kieran Warren Principal Officer PO
Louise Reading Minutes

2846	<p>Apologies Apologies were received from Cllr Burford, Cllr Abraham & Keith Withers</p>	
2847	<p>Chairman's Announcements Cllr Behan informed the committee that the ADA workshop was excellent and that it was very informative to hear about other Internal Drainage Boards issues and commonalities.</p>	
2848	<p>Declaration of Interests Cllr Riddle declared interest in item 10 (Review of Chairman's Honorarium), and took no part in the discussion or voting and left the room for this item of business</p>	
2849	<p>Minutes of the Previous Meeting</p> <p>It was resolved that:</p> <ul style="list-style-type: none"> • The minutes of the Meeting held on 5th December 2018 be approved as a true and accurate record. 	
2850	<p>Governance & Probity Terms of Reference Review Owing to the nature of this Committees range of responsibilities it was agreed that the majority of items are subject to Board approval.</p> <p>The PO suggested that this Committee would be the best forum to be responsible for any complaints against the Drainage Board, Members and staff. Cllr Riddle asked whether any complaint against an appointed member be dealt with by its Council. It was agreed that if is was in relation to Board business then the Board have a duty to investigate.</p> <p>The Committee approved that where there was a considerable period of time between meetings, if the complaint was considered minor then it could be reported at the next meeting. A Special Meeting could be called should the issue be major or escalate to this point.</p> <p>Cllr Riddle questioned whether the complaints procedure need to be updated. The PO undertook to check this issue and report back.</p> <p>The PO stated that sometimes minor problems are not necessarily recorded as a complaint and it might only become apparent if the situation reoccurs or escalates. Complaints are a measure of service and must be recorded as accurately as possible.</p> <p>It was recommended that</p> <ul style="list-style-type: none"> • The Committee' proposed Terms of Reference, as set out in Appendix A, be submitted to the Board for approval. 	<p>Action 1 PO to check Complaints Procedure</p> <p>Action 2 PO to add to Terms of Reference</p>

2851	<p>Staff & Pensions Terms of Reference Review The Committee agreed that no changes were required.</p>	
2852	<p>Members Code of Conduct Further to minute 2788 the PO referred to the ADA Good Governance for Internal Drainage Board Members and the Cabinet Office Code of Conduct as a useful benchmark for the Committee to consider. Cllr Behan expressed concerns that the Members may sometimes make declarations without fully understanding public expectations and the impact of any inadvertent omission.</p> <p>Cllr Riddle explained that Councils provided a good level of training for new Councillors on this issue and that Elected Members were probably more at risk from a lack of understanding the importance of this and suggested that a training/information session for Elected Members might be useful.</p> <p>It was resolved that</p> <ul style="list-style-type: none"> • The Code of Conduct be approved and re-issued to all Members following the May elections 	
2853	<p>Grievance Procedure In accordance with minute 2826 the PO presented the proposed Grievance Principles and Procedure to the Committee. Citation had provided advice to the PO.</p> <p>He stated that the new staffing structure should assist the prompt resolution of problems. Should the problem escalate, then the Grievance Principles and Procedure would be followed in all case.</p> <p>Cllr Behan asked if a third party would need to be involved. The PO informed the Committee that on the advice of Citation the procedure is a 2-stage process and that 3rd party involvement isn't something they recommend and that mediation should happen internally.</p> <p>Cllr Jones asked if the agreed party would include a union representative, the PO confirmed it could be a union representative, friend or family member. Cllr Jones went on to suggest that in Step1 wording to the effect of "invites the aggrieved party and their chosen representative".</p> <p>It was resolved that</p> <ul style="list-style-type: none"> • The Grievance Procedure and Principles as amended and set out in Appendix B be submitted to the Board for approval and implemented in all future grievance cases. 	
2854	<p>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.</p> <p>It was resolved that</p> <ul style="list-style-type: none"> • The regulation remains unchanged and reviewed next year once the Capital Programme was up and running. 	
2855	<p>Review of the Chairman's Honorarium Cllr Riddle left the room. Referring to minute 2655 the PO proposed the Chairman's Honorarium should increase in line with the salary recommendations for July 2019. Cllr Behan referenced the amount of time that is spent discussing this subject and that</p>	

	<p>maybe the increase could be repeated for 3 years and reviewed tri-annually. The PO and Committee welcomed this suggestion.</p> <p>It was recommended that:</p> <ul style="list-style-type: none"> • The Chairman's Honorarium to be linked to the staff pay award for the next three years being reviewed tri-annually. 	
2856	<p>Delegation of Powers to Officers</p> <p>The PO presented a schedule of the Board's existing Delegations to Officers together with a number of proposed amendments. Members were happy with the proposed amendments with the word it's removed from point 2 under the Principal Officer.</p> <p>It was recommended that</p> <ul style="list-style-type: none"> • The amendments to the Delegations of Powers to the Officer's as set out in Appendix C be accepted and submitted to the Board for approval. 	
2857	<p>Long Service Award</p> <p>In accordance with minute 20 the PO reported upon the issue surrounding the position of Long Service awards. The Committee discussed that it was a changed work place now with employees no longer staying with a company for long periods.</p> <p>It was recommended that:</p> <ul style="list-style-type: none"> • A Long Service Award policy based on a cash award set below the threshold set by HMRC for tax, NI and reporting liabilities be adopted by the Board the payment to be set at £1000 upon the completion of 20 years' service. 	
2858	<p>De-briefing of ADA workshop.</p> <p>Cllr Behan told the committee that the event was a very thorough overview financially, procedurally and operationally.</p> <p>Discussion around several topics included meetings, agendas, finance byelaws, hazards, consents, accountability, audit, reserves conservation, ratings and more. Cllr Behan informed Members that some Boards have a dedicated Conversation/Biodiversity Officer. The PO advised the Board that this responsibility currently sat under the remit of the Civil Engineer.</p> <p>Cllr Behan spoke of ADA's advice that the Board understands and has more involvement with local councils in local flood strategies. Matthew Riddle requested a Chairman's announcement be noted for the June Board meeting - <i>I encourage all Members to engage with their local Lead Flood Authorities so that they can understand the operation of Flood Strategies in their area.</i></p> <p>The PO advised that slides from the workshop can be issued to all members along with a copy of the 'An Introduction to Internal Drainage Boards' booklet issued by ADA.</p>	<p>Action 3 Chairman's Announcement be included at next Board Meeting</p> <p>Action 4 PO to issue slides and booklet</p>
2859	<p>Schedule of Policies and Revisions for next meeting</p> <p>These were noted</p>	
	<p>The meeting closed at 12pm</p>	

LOWER SEVERN (2005) INTERNAL DRAINAGE BOARD

TERMS OF REFERENCE OF THE GOVERNANCE & PROBITY COMMITTEE

Approved 5 November 2014, Minute 2101

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.
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.

GRIEVANCE HEARINGS: PRINCIPLES AND PROCEDURE

STEP	ACTION	TIMESCALE
1	On receipt of a formal written grievance, PO invites the aggrieved party <i>and their chosen representative</i> to a meeting to hear their grievance.	Within 7 working days
2	PO, together with two Members as agreed between the PO and the Chairman, listen to the aggrieved party's representations, ask questions as appropriate and adjourn the meeting.	Within 14 working days
3	PO and the two Members discuss the issues raised, investigating where necessary and make a decision.	-
4	PO writes to the aggrieved party – and/or arrange a meeting with them – to notify them of the decision, the reasons why and advise them of their right of appeal.	Within 2 working days of Step 3
5	If the case proceeds to the appeal stage, the aggrieved party set out in writing to the PO the basis for their appeal.	Within 14 working days of Step 4
6	PO, together with <u>two different</u> Members as agreed between the PO and the Chairman, conducts a second meeting with the aggrieved party along the same lines as the first hearing of the case.	Within 14 working days of Step 5
7	PO notifies the aggrieved party of the outcome of their appeal.	Within 2 working days

PRINCIPLES

1. The PO and nominated Members have full delegated authority to determine the case.
2. When a survey or review report is commissioned from a third party, the Board should be very clear about whether or not the findings of the report are intended to be binding, and if not, why not.
3. The Board's position on its expectations regarding a forthcoming survey or review should be communicated to all affected staff.

4. In the interest of maintaining trust between employer and employee, the results of a survey/review should be shared with the affected employee. The findings should not be redacted or amended in any way.
5. Similarly, any information obtained by an employee should be shared with the Members and officers dealing with the case, along with an indication of its provenance.
6. The process is fully documented, (eg correspondence and minutes of meetings).
7. In order to promote mutual understanding and to avoid doubt, oral communications should always be confirmed in writing, dated and shared.
8. The Board's dealings with an aggrieved member of staff, whilst confidential, should be open and transparent. Both officers and Members should ensure that information provided to either party, from whatever source, should be shared in full by both sides so that the same facts and arguments are available to all. This is in line with the judicial process whereby lawyers for each side must disclose the details of their respective cases prior to the court hearing.
9. Staff should be provided with direct access to Members on request– eg Chairman and Vice –Chairman of the Board together with the Chairman of the Staff & Pensions Committee – so that they can explain their case informally; this may help to avoid recourse to the formal grievance procedure.
10. Grievance cases should be heard without delay.
11. Both parties must accept that no action should be taken that prejudices a case (eg by issuing a management instruction, amending a contract of employment or working to rule) during its progress through the grievance procedure.
12. In order to maintain impartiality, where a case appears to be intractable then formal mediation should be used to achieve a full, fair and final resolution.

Governance & Probity Committee – 3 April 2019

Full Board – 5 June 2019

LOWER SEVERN (2005) INTERNAL DRAINAGE BOARD

DELEGATION OF POWERS TO OFFICERS

Delegations to the **Principal Officer**

1. To undertake the statutory role of Clerk.
2. To convene all meetings of the Board, Committees, Sub-Committees and Working Parties.
3. To undertake all functions relating to the registration of electors and the administration of elections.
4. To maintain a register of Notices of Motion.
5. To undertake any role or exercise any power allocated to the **Principal Officer** under Financial Regulations or any adopted Code or Policy document, whether of a statutory or non- statutory nature.
6. To issue Press Statements on the Board's behalf.
7. To maintain the Register of Members Interests.
8. To represent the Board in the Magistrates Court in connection with the recovery of unpaid drainage rates or other debt owed to the Board.
9. To maintain the Rating Register.
10. To serve or publish any formal notice, not being the responsibility of any other officer of the Board.
11. To determine all Grievance cases in accordance with the approved Grievance Policy.
12. To undertake any role or exercise any power allocated to the **Principal Officer** under any adopted Code or Policy document whether of a statutory or non-statutory nature.

Delegations to the **Accounts Officer**

1. To undertake the role of Responsible Financial Officer.
2. To undertake any role or exercise any power allocated to the Responsible Financial Officer under any applicable Statute or Regulation, or under any adopted Code or Policy Document, whether of a statutory or non-statutory nature.
3. To undertake and carry out the duties of the **Accounts Officer** as detailed in the Board's Financial Regulations.
4. To set out the Board's accounting arrangements.

5. To ensure that the Board's accounting records, **financial affairs** and practices are compliant with legislative and Audit (Commission – **remove**) requirements.
6. To operate the (on-line - **remove**) Board's banking (service – **remove**) **arrangements**.
7. To maintain the Board's insurances.
- 8. To maintain the Fixed Asset Register.**
- 9. To maintain the Risk Register.**
- 10. To undertake the role of Data Protection Officer.**
11. (Statement of Responsibilities for the Statement of Accounts. – **Remove**)

Delegations to the Civil Engineer

1. Negotiate and agree Area Wide Charge and commuted sums with developers.
2. Procure modelling services in accordance with Financial Regulations.
3. Issue Land Drainage Consents.
4. Issue and enforce statutory notices under the Land Drainage Act 1991.
5. Maintain the Board's Asset Register.
6. Respond to consultations on planning applications.
7. Disposal of surplus assets up to the value of **£10,000** (presently £5,000).
8. Represent the Board's interests at Executive level on matters appertaining to flood risk.

Delegations to the Land Drainage Engineer

1. Authorise repairs to pumping stations and machinery up to the value of £ 30,000.
2. Negotiate and authorise compensation payments to landowners.
3. Issue and enforce statutory notices under the Land Drainage Act 1991.
4. Issue Land Drainage Consents.
5. Maintain the Board's Asset Register.
6. Respond to consultations on planning applications.
7. Disposal of surplus assets up to the value of £5,000.
8. Represent the Board's interests at Executive level on matters appertaining to flood risk.