

**Minutes of the  
Lower Severn (2005) Internal Drainage Board  
Meeting held Wednesday 27<sup>th</sup> June 2018 at 2.00 pm  
At the Gables Hotel Falfield**

Present:

Mr G Littleton                      Chairman  
Cllr Abraham  
Mr M Barnes  
Cllr B Behan  
Cllr P Burford  
Mr T Cullimore  
Mr P Goodey  
Miss R Hewlett  
Mr J Hore  
Cllr J Jones

Cllr S Morgan  
Mr J Nichols  
Cllr E Orpen  
Ald B Richards  
Cllr M Riddle  
Mr R Thatcher  
Cllr S Walker  
Ald C Williams

Martin Dear                      Accounts Officer                      AO  
James Druett                      Land Drainage Engineer              LDE  
James Thomas                      Civil Engineer                          CE  
Kieran Warren                      Principal Officer                        PO  
Sue Williams                        Minutes

<b>2674.</b>	<p><b>Apologies:</b> Apologies were received from Mrs F Collins, Mr R Godwin, Mr R Hyslop, Mr I Ractliffe and Mr G Simms.</p>	
<b>2675.</b>	<p><b>Declarations of Interest</b> Miss R Hewlett declared her interest in matters relating to Minute 2699.</p>	
<b>2676.</b>	<p><b>Chairman's Announcement</b> The Chairman announced that he would not stand for the office of Chairman at the next Annual Meeting to be held in November.</p>	
<b>2677.</b>	<p><b>Minutes of the Previous Meeting</b></p> <p><b>It was resolved that:</b></p> <ul style="list-style-type: none"> <li>• <b>The minutes of the Meeting held on 7<sup>th</sup> February 2018 be approved as a correct record.</b></li> </ul>	
<b>2678.</b>	<p><b>Chairman's Honorarium</b> As recommended by the Governance &amp; Probity Committee at their meeting held 4<sup>th</sup> April 2018:</p> <p><b>It was resolved that:</b></p> <ul style="list-style-type: none"> <li>• <b>The honorarium for the post of Chairman be increased by 1% from November 2018.</b></li> </ul>	
<b>2679.</b>	<p><b>Standing Orders</b> As recommended by the Governance &amp; Probity Committee at their meeting held 4<sup>th</sup> April 2018:</p> <p><b>It was resolved that:</b></p> <ul style="list-style-type: none"> <li>• <b>The Standing Orders as appended A to these minutes be approved.</b></li> </ul>	Appendix A

2680.	<p><b>Disciplinary Procedure</b> As recommended by the Governance &amp; Probity Committee at their meeting held 4<sup>th</sup> April 2018:</p> <p><b>It was resolved that:</b></p> <ul style="list-style-type: none"> <li>• <b>The Disciplinary Procedure be re-affirmed with no changes.</b></li> </ul>	
2681.	<p><b>Essential Car User Allowance</b> As recommended by the Staff &amp; Pensions Committee at their meeting held 9<sup>th</sup> May 2018:</p> <p><b>It was resolved that:</b> <b>The Essential Car User Allowance be set at the lowest point of White Book Rate A.</b></p>	
2682.	<p><b>Pay Review – Class 1 Operative</b> As recommended by the Staff &amp; Pensions Committee at their meeting held 9<sup>th</sup> May 2018:</p> <p><b>It was resolved that</b></p> <ol style="list-style-type: none"> <li>1. <b>The Fitter be re-classified as a Craftsman Band A;</b></li> <li>2. <b>The PO be requested to provide a job review report for the Foreman and General Operative positions for consideration by the Staff &amp; Pension Committee; and</b></li> <li>3. <b>In order to ensure that any recommendations arising from the job reviews outlined above can be accommodated in the budget cycle of meetings in 2018/19, the PO be requested to bring forward the date of the Committee meeting to October 2018.</b></li> </ol>	<p><u>Action 1</u> PO to prepare job review for Foreman and General operatives positions</p>
2683.	<p><b>Demainment</b> As recommended by the Engineering Committee at their meeting held 10<sup>th</sup> May 2018:</p> <p><b>It was resolved that:</b></p> <ul style="list-style-type: none"> <li>• <b>The principle of demainment be accepted.</b></li> <li>• <b>The Engineers to formulate a strategy to determine which rivers justified demainment.</b></li> </ul>	<p><u>Action 2</u> Engineers to formulate strategy to assess rivers</p>
2684.	<p>The Chairman of the F&amp;GP Committee reported the recommendations that came from the Meeting held 6<sup>th</sup> June 2018.</p> <p><b>Treasury Management Policy</b> The F&amp;GP had made a recommendation to amend the Treasury Management Policy so that financial institutions that were in the Financial Services Compensation Scheme could be used for investment of surplus funds.</p> <p><b>It was resolved that:</b></p> <ul style="list-style-type: none"> <li>• <b>The Treasury Management Policy as appended B to these minutes be approved.</b></li> </ul>	<p>Appendix B</p>
2685.	<p><b>Insurance Schedule</b></p> <p><b>It was resolved that:</b></p> <ul style="list-style-type: none"> <li>• <b>The Schedule of Insurances be approved.</b></li> </ul>	
2686.	<p><b>Internal Audit 2017/18</b> Members noted the internal audit report completed by Bishop Fleming and the actions proposed by the PO to address the areas highlighted by the report.</p>	

	<p><b>It was resolved that:</b></p> <ul style="list-style-type: none"> <li>• <b>The Internal Audit Report prepared by Bishop Fleming be approved.</b></li> <li>• <b>The actions as proposed by the PO be approved to address the area highlighted by the audit.</b></li> </ul>	
2687.	<p><b>Office Designation to Sign Off Statutory Documents</b></p> <p><b>It was resolved that:</b></p> <ul style="list-style-type: none"> <li>• <b>For statutory purposes the Principal Officer be authorised to act as Clerk to the Board and the Accounts Officer be authorised to act as the Responsible Financial Officer to the Board.</b></li> </ul>	
2688.	<p><b>Annual Governance Statement</b></p> <p>The AO had prepared the Annual Governance Statement. He had made Members aware that he had entered a 'no' response regarding providing proper opportunity for electors to exercise their rights. This was owing to the late publication of notice to inspect the 2016/17 accounts.</p> <p><b>It was resolved that:</b></p> <ul style="list-style-type: none"> <li>• <b>The Annual Governance Statement be approved.</b></li> </ul>	
2689.	<p><b>Accounting Statements 2017/18</b></p> <p>The AO had prepared the Accounting Statement 2017/18</p> <p><b>It was resolved that:</b></p> <ul style="list-style-type: none"> <li>• <b>The Accounting Statements 2017/18 be approved</b></li> <li>• <b>The Board gave approval for the Chairman to sign the Accounting Statements.</b></li> </ul>	
2690.	<p><b>Default Works Costs Recovery</b></p> <p>It had been reported to the F&amp;GP Committee that an application by the defendant to set aside a judgement in the Board's favour was dismissed. The Committee had considered the options available to recover the debt and costs. Two options were shortlisted:</p> <ul style="list-style-type: none"> <li>• Obtain a Third-Party Debt Order</li> <li>• Place a charge on the defendant's property</li> </ul> <p>These would be considered by the F&amp;GP Chairman and PO to establish the most appropriate method.</p> <p>The PO updated members that this action was on hold whilst awaiting the outcome of an Appeal by the defendant to a circuit judge at Bristol County Court.</p>	<p><u>Action 3</u> Await outcome of Appeal. If judgement stands PO and F&amp;GP Chair to determine the best option to recover debt and costs</p>
2691.	<p><b>Staff &amp; Pensions Committee Meeting Date</b></p> <p>The PO proposed an additional Staff &amp; Pensions Committee Meeting date be added to the calendar, Minute (2682(3)).</p> <p><b>It was resolved that:</b></p> <ul style="list-style-type: none"> <li>• <b>A meeting of the Staff &amp; Pensions Committee be held on Wednesday 31<sup>st</sup> October 2018 at 10.30 am.</b></li> </ul>	<p><u>Action 4</u> Arrange venue</p>
2692.	<p><b>Electoral Register 2018</b></p> <p>The Electoral Register had been prepared as at 1 April 2018 with amendments up to 30<sup>th</sup> April 2018 appended to the register. The register was available at the meeting for members inspection.</p>	<p><u>Action 5</u> Publish Notice of Approved Register</p>

	<p><b>It was resolved that:</b></p> <ul style="list-style-type: none"> <li>• <b>The 2018 Electoral Register be approved.</b></li> </ul>	
2693.	<p><b>Capital Programme Proposal</b> The PO had prepared a report proposing a Capital Programme implementation on completion of the pump replacement works i.e. 2025/26.</p> <p>He suggested that Members be invited to nominate projects to be considered for inclusion and suggested that initially the Engineers and Engineering Committee would assess the merits of all proposals and agree the criteria for prioritising accepted projects.</p> <p>Ald Williams suggested that a timescale for implementation should be referred to the Engineering Committee to consider.</p> <p>Cllr Riddle also suggested that one holistic plan that encompassed all capital expenditure would simplify the planning strategy, rather than separate plans for plant, pumps and new projects.</p> <p><b>It was resolved that;</b></p> <ul style="list-style-type: none"> <li>• <b>A Capital Programme be prepared to commence on the completion of the pump replacement programme;</b></li> <li>• <b>A Capital Programme to include all capital items of expenditure in one plan;</b></li> <li>• <b>The Engineering Committee consider;</b> <ol style="list-style-type: none"> <li>1. <b>A means by which a Capital Programme could be managed most effectively;</b></li> <li>2. <b>Timescale for implementation; and</b></li> <li>3. <b>Funding</b></li> </ol> </li> <li>• <b>The Committee to report back to the Board.</b></li> </ul>	<p><u>Action 6</u> Add to Engineering Committee Agenda</p>
2694.	<p><b>Data Protection Act 2018 and General Data Protection Regulation 2018 (GDPR)</b> The AO had prepared a report outlining the principles of the new Act and the actions necessary for the Board to be compliant.</p> <p>He explained that the Board was required to appoint a Data Protection Officer (DPO) to monitor internal compliance, inform and advise on data protection obligations and be the first point of contact in relation to data protection matters.</p> <p>An updated Data Protection Policy and Privacy Notice had been prepared.</p> <p>The AO was awaiting further information from ADA to provide model documents based on guidance from DEFRA for IDBs to meet their operational needs as a public authority.</p> <p>Over the coming year Defra would be using routine communications opportunities to update data subjects about its Privacy Notice.</p> <p><b>It was resolved that;</b></p> <ul style="list-style-type: none"> <li>• <b>The Accounts Officer be appointed as the Data Protection Officer.</b></li> <li>• <b>The Data Protection Policy as appended C to these minutes be approved.</b></li> <li>• <b>The routine communication opportunities be used, over the coming year, to update data subjects about the Board's Privacy Notice.</b></li> </ul>	<p>Appendix C</p>

2695.	<p><b>Structures Policy</b></p> <p>The CE had prepared a table of assets such as flood bank, bridges constructed as part of the Oldbury scheme and a number of Victorian culverts and applied a unit price to give a general indication of the potential costs of renewing these structures.</p> <p>The CE recommended that the Board confirm the existing statement in relation to liability for structures on riparian owned watercourses.</p> <p><b>It was resolved that:</b></p> <ul style="list-style-type: none"> <li>• <b>The Board re-affirm the statement adopted by Minute 2415 of the Meeting held 9<sup>th</sup> November 2016.</b></li> <li>• <b>The policy to be reviewed in two years' time.</b></li> </ul>	
2696.	<p><b>Hills Pill</b></p> <p>A South Gloucestershire Council report had concluded that transferring water from the Oldbury catchment to the Hill catchment would have very little benefit to properties in the Oldbury area. The Engineers had anticipated that this option would also have the benefit of alleviating the build-up of silt in the Hills Pill outfall.</p> <p>Cllr Riddle had recently visited the outfall and could report that the flap was working since the EA had carried out desilting work but he expected that it would silt up again in the future. He considered that the Board should continue to explore ways to improve the outfall.</p> <p>The Engineers were looking to find a solution that was sustainable rather than the current situation which relied on the EA clearing the silt. The CE had been in talks with the EA to part fund some investigation works.</p> <p>The CE was concerned that the EA might abandon the outfall owing to the small number of properties it protected and the expense of the desilting work.</p>	
2697.	<p><b>Saul Pumping Station/ Elmore Pumping Station</b></p> <p>The LDE reported that tenders had been appraised from the two contractors shortlisted by the Board's consultant. A 'Letter of Intent' had been sent to the successful candidate. A pre-contract meeting would be held in the next couple of weeks prior to the start date.</p> <p>The LDE reported that he was awaiting the hydraulic model for the Elmore catchment area prior to Motion Consultants compiling the design and build tender documents. This would be a larger and more complicated scheme.</p>	
2698.	<p><b>Foreman's Absence from Work</b></p> <p>The LDE reported that the Board's Foreman had been absent from work since the end of May due to sickness. The Fitter and LDE were covering the Foreman's duties until his return.</p>	
2699.	<p><b>Donation to the Publication of Research</b></p> <p>Miss Hewlett left the meeting whilst this matter was considered.</p> <p>Six months had elapsed since the Board last discussed a request from Bristol and Gloucestershire Archaeological Society for a donation towards the publication of transcribed Gloucestershire Court of Sewers records (minute 2578).</p> <p>The PO recommended that the Board first determine in principle whether to make a donation or not. If a donation was deemed appropriate then Members could determine the size of the donation.</p>	

	<b>It was resolved that:</b> <ul style="list-style-type: none"><li>• <b>The Board agreed in principle to make a donation.</b></li><li>• <b>A donation of £500 was agreed by a majority.</b></li></ul>	
	Meeting closed 3.20 pm	

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

**STANDING ORDERS**

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

**Regulations as to Proceedings**

1. Meetings of the Board, for which five clear working days' notice will be given, will be open to the public and press who will on the invitation of the Chairman be able to speak at the meeting. The Board can pass a resolution to exclude the public and/or press from a meeting or part thereof where it is considered that the nature of the business to be transacted so requires. In that event the reasons for such exclusion shall be clearly recorded in the minutes: -
  - a) The Board will hold an Annual General Meeting in November each year together with such other meetings as it may determine.
  - b) At one such meeting the Board will determine the drainage rate and special levies to be set to enable the latter to be served on the special levy councils by no later than the 15<sup>th</sup> February in respect to the following financial year.
  - c) In addition, either the Chairman and/or 10 or more members may call a Special Meeting to consider any urgent matter.
2. For each meeting, members will receive an Agenda and any accompanying papers by post or other means dispatched at least five clear working days before the meeting.
3. No business shall be transacted by the Board, other than that which appears on the Agenda, unless 75% of the members present agree to any such additional issue being discussed as a matter of urgency. The reasons for such urgent consideration shall be recorded in the minutes of the meeting.
4.
  - a) A formal meeting of the Board cannot be conducted unless at least 8 members are present at the start of and during the meeting. If departures reduce the number below the quorum of 8 then the Chairman will terminate the meeting at that point.
  - b) All resolutions and proposals will be decided by a majority of votes of the members present. Except as provided elsewhere in these rules, voting shall be by show of hands.
  - c) In the case of an equality of votes at any meeting, the Chairman for the time being of such meeting shall have a second or casting vote.
5. The Board shall meet at a venue to be determined from time to time with such venue being specified in the agenda.
6. The Board shall, by secret ballot, at the Annual General Meeting appoint a Chairman and Vice-Chairman whose terms of office shall continue until the following Annual General Meeting. Wherever practicable, one of these positions shall be held by an elected member and the other by an appointed member.

## **Appendix A**

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

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

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

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

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

**Notices of Motion**

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

**Standing Orders  
Order of Debate**

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

## **Appendix A**

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

### **The Common Seal**

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

### **Suspension of Standing Orders**

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

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

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

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

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

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

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

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

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

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

(5) Until the contrary is proved—

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

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

## LOWER SEVERN (2005) INTERNAL DRAINAGE BOARD

### Treasury Management Policy

Date: 27/06/2018 Version: 2018/01 Author: MD

Approved at the Board Meeting on 27 June 2018

#### Introduction

The primary principle governing the Board's investment criteria is the security of the financial institution in which the Board places its funds. Yield/return and liquidity are also key considerations.

#### 1. The Board's funds

##### Approved Financial Institutions

The Board's funds are currently held at NatWest and Lloyds Banking Group. NatWest is a 100% subsidiary of RBS (Royal Bank of Scotland). In February 2009, the UK Government injected funds into RBS which gave it a shareholding stake of 81%. RBS is a 'nationalised bank'

Lloyds had also received large injections of UK Government funds. These have since been repaid following the sale of the Government holdings.

The Treasury Sub-Committee has the approval to invest cash sums with authorised financial services institutions in the Financial Services Compensation Scheme, up to the maximum amount guaranteed for each institution.

##### Maturity Policy

Current policy: -

In order to obtain higher rates, it was agreed to increase the length of maturity to up to 1 year on a maximum of £500,000 held at NatWest who are the Board's principal bankers. Currently the Board can place up to £500,000 on deposit with at Lloyds, with a length of maturity of 1 year. Lloyds are the Board's secondary bankers with total funds of £700,000.

In the event that circumstances require the policy be amended, it will be brought before F&GP or the Board dependent on timing.

#### 2. Funds received from Developers

Under minute No. 2218 at 24 June 2015 Board Meeting, the Board approved the appointment of Smith & Williamson Investment Managers. They will manage the fund on a non- discretionary basis.

The Board resolved to invest £500,000 of the funds into a balanced multi asset portfolio. The funds were made available in 10 monthly tranches of £50,000. At 30 April 2017 £500,000 had been invested. The fair market value of these investments was £567,343. The income from these investments are to be re-invested in the 17 investment trusts held by the Board. The Treasury Sub Committee has the authority to agree into which funds these should be invested following consultation with Smith & Williamson.

# Lower Severn (2005) Internal Drainage Board

## DATA PROTECTION POLICY

### Introduction

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

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

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

### Policy Statement

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

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

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

### Lawful Basis for Collecting and Processing Data

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

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

### Data Protection Principles

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

These principles are:

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

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

That personal information shall be:

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

### Compliance with the Data Protection Principles

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

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

### Commitment to Data Protection

The Board adheres to its commitment to the Act by:

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

### Lawful Processing

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

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

### Responsibilities

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

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

### Individuals' Rights

Individuals have the following rights. The right:

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

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

### Access to Information

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

### Breach of the Policy

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

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

### Contact

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

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

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

### Updating this Data Protection Policy

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

# Lower Severn (2005) Internal Drainage Board

## PRIVACY NOTICE

### Introduction

This Privacy Notice explains when and why personal information about people is collected, how it is used, the conditions under which it may be disclosed to others and how it is kept securely.

The Lower Severn (2005) Internal Drainage Board (“the Board”) respects your right to privacy. This Privacy Notice sets out details of the information that the Board may collect from you and how the Board may use that information.

This Privacy Notice is written with specific regard to the Data Protection Act 2018 (“the Act”). The Act requires personal data to be processed in a manner that ensures its security. This includes protection against unauthorised or unlawful processing and against accidental loss, destruction or damage. It requires that appropriate technical or organisational measures are used.

### Use of Your Information

Your information will be used to:

- Fulfil any contractual agreements between you and the Board;
- Comply with legal and regulatory requirements.

### Storage of Information

The Board will ensure that all information is stored securely either in locked filing cabinets or on encrypted IT equipment. Other parties acting on the Board’s behalf may also store or process personal information. These parties have to comply with the Data Protection Act 2018.

### Legal Basis for Processing Your Information

The legal basis for collecting and using your personal information will depend on the personal information concerned and the specific context in which the Board collect it. Specifically:

- The Board will normally collect personal information from you only;
  1. Where the Board have your consent to do so;
  2. Where the Board need the personal information to perform a contract with you;
  3. Where the processing is a legitimate interest or processing is necessary to protect the vital interests of you or another person and isn’t overridden by your rights.
  4. In some cases, the Board may also have a legal obligation to collect personal information from you;
- If the Board asks you to provide personal information to comply with a legal requirement or to perform a contract with you, the Board will make this clear at the relevant time and advise you whether the provision of your personal information is mandatory or not;

- If the Board collects and use your personal information in reliance on legitimate interests (or those of any third party), the Board will make clear to you at the relevant time what those legitimate interests are.

### Disclosure of Your Information

The Board may disclose your personal information to third parties when permitted by law including:

- With your consent;
- To suppliers in order for them to provide services to the Board, this includes:
  1. Payroll;
  2. IT file storage and management services;
- When under a duty to disclose or share your information in order to comply with any legal obligation, or in order to enforce or apply the Board's Terms and other agreements; or to protect the Board's rights, property, or safety, employees, or others. This includes exchanging information with other companies and organisations for the purposes of fraud protection and credit risk reduction.

### Data Retention

The Board retains personal information collected from you where the Board have an ongoing legitimate business need to do so. For example, to comply with applicable legal, tax or accounting requirements.

When the Board have no ongoing legitimate business need to process your personal information, the Board will either delete it or, if this is not possible, securely store your personal information and isolate it from any further processing until deletion is possible. Deletion may not be immediately possible if your personal information has been stored in backup archives.

### Your Rights

You have the following data protection rights:

- That your personal information remains correct and up-to-date;
- You can object to processing of your personal information, ask the Board to restrict processing of your personal information;
- If the Board has collected and processed your personal information on the basis of your consent, then you can withdraw your consent at any time. Withdrawing your consent will not affect the lawfulness of any processing the Board conducted prior to your withdrawal, nor will it affect processing of your personal information conducted in reliance on lawful processing grounds other than consent;
- You have the right to complain to the Information Commissioner's Office (website: [ico.org.uk](http://ico.org.uk)).

If the Board has collected and processed your personal information under a legal obligation then you have no right to object to the Board holding the relevant data. The Board further does not require your consent to hold the relevant data and you have no right to have it erased.

### Contact

## Appendix C

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

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

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

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