

BLACK SLUICE INTERNAL DRAINAGE BOARD

MINUTES

of the proceedings of a meeting of the Audit & Risk Committee

held at the offices of the Board on
24th October 2023 at 2pm

Members

Chairperson - * Mr M Brookes

* Mr W Ash
* Mr M Leggott
* Cllr M Geaney

* Mr V Barker
* Mr J Fowler
Cllr Z Lane

* Member Present

In attendance: Mr D Withnall (Chief Executive)
Mrs A Chamberlain (Finance & Admin Director)

2213 Recording the Meeting - Agenda Item 1

Members were informed that the meeting would be recorded.

2214 Apologies for absence - Agenda Item 2

Apologies for absence were received from Cllr Z Lane.

The Chairperson welcomed Cllr M Geaney and Mrs A Chamberlain to their first Audit & Risk Committee meeting.

2215 Declarations of Interest - Agenda Item 3

No declarations of interest were received.

2216 Minutes of the last meeting - Agenda Item 4

Minutes of the last meeting held on 25th April 2023, copies of which had been circulated, were considered and it was AGREED that they should be signed as a true record.

2217 Matters arising - Agenda Item 5

(a) Insurance arrangements - Minute 2139

The Chief Executive confirmed that all the recommendations for the insurance cover have been carried out and have been through another renewal on 30th September 2023. The costs of the renewal were displayed on screen, noting that the management liability policy has a minimum premium of £5,000 plus the insurance premium tax.

The Chief Executive added that when the Board insured with Towergate, the management liability was combined with other IDBs and so there wasn't a minimum like there is now with the NFU. There were no other options that the NFU could do through their underwriters, but they are going to look for alternative options for next year's renewal.

Mr J Fowler questioned what management liability covers as opposed to professional indemnity? It was confirmed that management liability includes the following cover:

- Executive Liability and Company Reimbursement (wrongful executive act)
- Corporate Liability (wrongful corporate act)
- Employment Practices Liability (wrongful employment act)
- Fraud Losses (dishonest act)

(b) Policy No. 1: Risk Management Strategy - Minute 2141(b)

Risk 8.1 Risk of loss of telemetry

The Chief Executive reminded the committee that night and day pumping levels had been set up due to the difference in electricity price for day and night to minimise electricity expenditure. However, the difference in the day rate and night rate is now minimal (larger pumping stations 1-2pence difference per kWh, smaller pumping stations 3-4 pence difference per kWh). The decision has therefore been taken, whilst in the current emergency rainfall event, to bring the daytime levels down to the same as the night levels (they were lowered further yesterday in order to 'make room' for further forecast rain). Once out of the emergency situation, the levels will return to usual day time levels but will not return to the day and night regime. Reference was also made to the standing charges and that they are currently high. It is believed that this is to fund upgrades to the system by National Grid.

Risk 8.2 Risk of loss of telephone communications

The Chief Executive noted that the Board's telephones are now ten years old, noting that the phones are not supported by Avaya (provide telephone connection system). There have been issues with the ability to receive incoming calls, which has been overcome for the time being, but will need to look at upgrading the telephone system in the long term. The Chief Executive therefore suggesting that it will be included in next years budget. It was noted that, if necessary, the phones should be replaced earlier than the next financial year to ensure that they are available and working during an emergency (c£2,500 cost).

Risk 8.4 Risk of Network Failure

The Chief Executive informed the committee that some issues with the internal network have been experienced recently and that HBP (IT support contract) are only managing temporary solutions. The Finance and Admin Director is therefore going to chase HBP for a permanent solution. The Chief Executive noted that the switches were only installed last year, and this seems to be the common factor when there are issues as rebooting them resolves the issue temporarily.

This was further discussed at Minute 2221, the review of the risk register.

2218 To receive the Annual Return including External Auditor's Opinion for 2022/2023 - Agenda Item 6

The Annual Return including External Auditor's opinion was presented, it being noted that there were no matters to report from the external audit.

The Chairperson, and committee, expressed their thanks to all the team involved.

2219 To review the following Board's policies - Agenda Item 7

The Chief Executive explained that these are policies that have been identified for review and any changes have been made in red, noting that employee title changes have also been highlighted in red, but that these are only a result of the recent organisational structure change following the retirement of the previous Chief Executive.

(a) Policy No. 3: Financial Regulations

The Finance and Admin Director highlighted the following proposed changes:

- 5.2 - Income - Cheques can now be paid in using the Bankline App and so the policy has been amended to reflect this. The Finance and Admin Director confirmed that the deposit limit is £5,000 for one cheque and £15,000 total per day.

Mr V Barker questioned how many rate payers pay by cheque now? It was estimated that the Board process around 400 cheques annually, but it is a declining figure.

- 9.6 - Treasury Management / Banking Arrangements - The Chief Executive is to review all the Director's credit card statements and the Projects Director (Deputy CEO) will review the Chief Executive's.

The Committee RESOLVED to recommend that the Financial Regulations (No. 03) be approved at the next Board meeting.

(b) Policy No. 4: Procurement Policy

The Chief Executive noted that the Projects Director (Deputy CEO) reviewed this policy and radical changes were anticipated, however, there is only one minor proposed change, as follows:

- 4.4 Items below £500 - Currently the policy refers to 'small incidental purchases' being purchased from the most appropriate local supplier without following the policy. However, it is felt that this is getting abused and so is proposed to change the wording so that only 'unexpected purchases required to complete works on site or emergency repairs' can be purchased from the most local supplier without getting two quotes (if under £500).

Mr M Leggott questioned how it is getting abused? It was confirmed that multiple purchases around the £50-£60 price range were being purchased and using 'small incidental purchase' rather than getting prices from different suppliers.

The Committee RESOLVED to recommend that the Procurement Policy (No. 04) be approved at the next Board meeting.

(c) Policy No. 5: Investment Strategy

The Chief Executive noted the following proposed amendments:

- 1.1 Introduction - Removing the reference to the credit crunch (2008-2009) and the COVID-19 pandemic.
- 1.2 Introduction - Update to reference the Department for Levelling Up, Housing and Communities (formerly Department of Communities and Local Government & Office of the Deputy Prime Minister).
- 3.3 Specified Investments – Change to the Government guarantee from £50,000 to £85,000.

The Committee RESOLVED to recommend that the Investment Strategy (No. 5) be approved at the next Board meeting.

(d) Health and Safety Committee Terms of Reference

The Chief Executive noted that he completed his National Examination Board in Occupational Safety and Health (NEBOSH) qualification earlier in the year, part of which covered the importance of communication and involvement of employees in health and safety. Therefore, following his promotion to Chief Executive, a Health and Safety (H&S) Committee has been formed.

Composition – The Chief Executive noted that he didn't want the committee to be made up of too much management. The committee has met three times and seems to be working well.

The Chairperson made the suggestion of a Board Member being on the H&S Committee. Mr M Leggott noted that he has been appointed onto Witham 4th IDB's H&S Committee, noting that the composition is very similar. Mr M Leggott noted that he has attended one Witham 4th H&S Committee meeting, noting that there is a mature level of conversation and that they seem pleased to see a Board Member taking an interest in their welfare. Mr M Leggott noting that it shows all inclusivity and how seriously H&S has to be taken.

Cllr M Geaney highlighted her only concern of intimidating other committee members by having a Board Member present. Mr M Leggott noted that from experience on Witham 4th's H&S Committee, it doesn't intimidate them at all. Further noting that the committee members are very much of the opinion of achieving better H&S in a practical way that suits everybody's job role. Mr M Leggott noted that the only current drawback is that as a farmer there are certain times of the year where he could not attend meetings. The Chief Executive noted that the H&S Committee are currently meeting monthly due to the level of work required reviewing the policy, risk assessments, safe systems of work etc.

It was felt that having a fixed Board Member would be beneficial for continuity and building a relationship with the committee members.

All AGREED to add a Board Member to the composition of the H&S Committee. It was confirmed that the Board or Nominations Committee should decide on the Board Member. Mr M Leggott declared an interest in joining the H&S Committee.

The Chief Executive added that some suggestions have already been materialised e.g., the suggestion of tourniquets and chainsaw specific first aid kits. By purchasing these and showing that the workforce representatives are being listened to has shown to them that it is being taken seriously and is encouraging good conversation and debate.

Mr M Leggott noted that it seems like the Board are a little behind with health and safety. The Chief Executive responded that that is why steps are being taken to rectify this.

Discussion took place around who should chair the meeting, it being felt that it should be the Chief Executive and that the Chief Executive should always have an involvement.

Role – The role of the committee has been taken from NEBOSH guidance.

Reporting – The H&S Committee will report to the Board through the annual H&S report.

The Committee RESOLVED to recommend that the Health and Safety Committee Terms of Reference be approved at the next Board meeting.

(e) Policy No. 7: Health and Safety

Cope Safety Management (H&S Consultant) previously produced and reviewed this policy, and it has never been to the Board for review before. The newly formed Health and Safety (H&S) Committee have reviewed it and therefore presented it to the Audit & Risk Committee for review today.

The Chief Executive only became aware of this policy when completing his National Examination Board in Occupational Safety and Health (NEBOSH) qualification earlier in the year. It was also noted that the Internal Auditor has previously been asked to look in detail at H&S so as to bring to light the work that is required. It was felt that the Board are now taking steps to improve H&S, which can be highlighted to the Internal Auditor next year.

Some of the elements within the policy were covered by stand alone Board policies. In these cases, the Board's policy has been merged into the relevant section of the H&S Policy, with the proposal of no longer needing the Board stand alone policies, these are:

- Policy No. 21: Control and management of asbestos
- Policy No. 22: Control of noise at work
- Policy No. 23: Display Screen Equipment
- Policy No. 24: First aid and accident reporting
- Policy No. 25: Lone Worker
- Policy No. 36: Manual Handling
- Policy No. 37: Managing Stress

- Policy No. 38: Vibration at work

All AGREED that the above policies should be ceased in light of them now being included in the H&S Policy (No. 7).

The Chief Executive led the committee through the H&S Policy, highlighting the following:

2.3.5 Responsibilities of the Health and Safety Consultant

Mr J Fowler questioned the role of Cope Safety Management going forward? The Chief Executive explained that previously Cope Safety Management have done the Board's health and safety for the Board, continuing that he doesn't wish to continue with this approach and wants the Board to take ownership of health and safety. Cope Safety Management will still be retained and will attend twice a year to complete audits and provide recommendations.

2.3.2 Responsibilities of Managers and Supervisors

The table of responsibilities was highlighted, it being noted that the section references are to be added and that there is currently nothing within the policy relating to two of the responsibilities, H&S Committee and H&S Policy Development, and so a section about each of these will be added.

Mr V Barker noted that there are no responsibilities of Board Members. Mr V Barker referenced a previous time in which he witnessed Board employees on the weedscreen deck not wearing the correct PPE (life jackets, hard hats). He therefore questioned his responsibility as a Board Member observing this? It was felt that the correct route would be for the Board Member to inform the Chief Executive of the infringement / risk. Mr V Barker noted that he feels he has a fair relationship with the employees of the Board and wouldn't like them then to think of him as a 'tell-tale'. Cllr M Geaney questioned how Mr V Barker would feel if somebody died or was injured through such an act and it had been observed and not reported.

It was therefore felt that there should be an added section for responsibilities of the Board / Board Members, ALL AGREED as follows:

- Concerns reported to the Chief Executive
- Provision of resources for health and safety
- Review of Health and Safety Policy

Mr M Leggott referred to the above responsibility of 'the provision of resources', noting that it is not only the initial providing of equipment that is important, but also ensuring that they are replaced / repaired within a sufficient renewal date. The Chief Executive noted that all the Board's equipment is inspected for insurance purposes and so would be brought to attention if not adhering to required renewal dates.

Cllr M Geaney questioned whether it states in the employee's terms and conditions that they must wear the appropriate PPE and the consequences of not doing so? It was confirmed that it is clearly stated within the Employee Code of Conduct and within 3.16 Personal Protective Equipment of this H&S Policy and any breach of this would be classed as misconduct and would therefore dealt with accordingly.

3.1 Asbestos

It was noted that the Grant in Aid Manager (Georgina Nichols) has a report for asbestos in pumping stations that she is going to share with the Chief Executive. She also has previous experience in concrete and can see no sign of aerated concrete on the pumping station plans either.

3.2 Confined Spaces

The H&S Committee had lengthy discussion around confined spaces and there is more work to be done with regard to working under pumping stations behind the weedscreen bars, which, although is not actually classified as a confined space, the system still needs to be looked at as to how to get somebody out and up the bank.

3.3 Construction (Design and Management)

It will be ensured that any work in the future that should be done under CDM is done so.

3.5 Display Screen Equipment (DSE)

It was noted that the display screen equipment assessment is also now in electronic format. All office users have completed their DSE assessment and those that work from home are also required to complete another DSE assessment.

3.6 Electricity

Mr J Fowler noted that overhead wires are also of importance within the farming industry and that his farm has a procedure where every employee must be provided with maps showing all overhead wires and sign for them upon receipt. Mr J Fowler noted that this should also extend to contractors.

Mr M Leggott noted that Witham 4th IDB employees must complete a risk assessment on their tablet before they start any operation. Within completing this risk assessment, it includes all the mapping for overhead wires etc. Mr M Leggott also added that it stops any risk assessments being completed retrospectively, as the tablet provides the date and time stamp.

The Chief Executive responded that the Board are starting with uploading policies, risk assessments etc. to SharePoint. Noting that for a system like Witham 4th IDB's each member of the workforce would require a 10" tablet. The Chief Executive felt the health and safety and associated documents needed developing manually first in the short term, with a long term aim for an electronic system.

The Chief Executive referred specifically back to electricity and that the Board has a safe system of work for working around overhead cables and are also part of the Overhead Cable forum. Further noting that the Board has not had any overhead cable strikes. It being further noted that all the workforce have a map set which includes showing overhead cables.

It was noted that Welland and Deeping IDB do not operate underneath overhead cables at all.

The Chief Executive noted that the Board's workforce measure the height of the wire, call it into the supervisor, set their height limiter and ring to confirm when clear of the wire.

All AGREED to the addition of signing on receipt of map set showing overhead wires for both employees and contractors.

3.7 Fire

It was noted that the fire management plan has not been included in this policy, but instead left separate (Policy No. 35). There is currently only a fire plan for the office / depot and so a plan also needs developing for the pumping stations.

3.8 First Aid and Accident Reporting

It was noted that the flow chart within this section to help decide if an incident needs to be reported is slightly incorrect, with the corrected version shown on screen (the addition of the circumstance of a non-worker being taken directly to the hospital from the incident scene).

3.11 Lifting Operations and Lifting Equipment

It was noted that at the recent insurance inspection, a two-tonne weight was used for the excavator to be signed off for lifting purposes (alarm has to go off before the tracks come off the ground), in addition to excavating purposes.

3.12 Lone Working

The Board continue to use the lone working app, Peoplesafe.

3.13 Manual Handling

Manual Handling training is scheduled for the training day in December 2023.

Mr M Leggott noted that it is a beneficial course, but the ideal is to engineer the manual handling requirement out of the workplace. The Chief Executive acknowledged this, noting that it is the fundamental of health and safety in general to engineer the risk out of any situation, with mitigation through the use of PPE being the last resort.

3.15 Noise

The Chief Executive noted that the Board's Officers are looking to purchase a dosimeter to measure sound level in various circumstances, especially within pumping stations when the pumps are running to determine where ear protection is required.

Mr J Fowler referred to headphones / ear pods and that on his farm, earphones are banned for anybody moving around the yard due to the decrease in hazard perception it causes and the danger around being unaware of moving vehicles etc.

The Chief Executive noted that he has experience of using electronic ear defenders and has suggested them at the health and safety committee meetings, although the employee representatives felt they were not necessary and that normal ear defenders are sufficient.

Mr J Fowler referred to the initial point about the danger of wearing music headphones, suggesting it should perhaps be part of the policy that they are not to be worn in areas of movement. Mr V Barker added that he has a similar policy in which if two or more people are working together, then tractor radios should be switched off so that the person in the cab has communication with the person outside the cab.

It was questioned where this, danger of music headphones, would fit best within the policy? The Chief Executive suggested that it be picked up on each risk assessment as a constant consideration. All AGREED.

3.18 Safety Signs and Signals

The Chairperson highlighted the reference to road traffic signs, questioning if the Board's workforce are trained so they know the correct distances etc. for managing traffic? The Chief Executive responded that some have previously completed Street Works training, however, this has not been maintained due to using external contractors for such works.

3.22 Work equipment

The Chief Executive noted that this will involve input from the H&S Committee about what equipment and plant they would prefer. For example, one of the excavator drivers has noted that he prefers one make of excavator over another. Therefore, things such as this will be considered and reviewed. The Finance and Admin Director is going to complete an exercise looking at the cost over the life span of the machine for the renewal of the next excavator, for example.

3.23 Working Time

It was noted that most of the workforce have voluntarily opted out of the 48-hour week working time limit, in order for them to be able to work extra during emergency events. It was noted that they opt-out by a one-off signatory declaration.

Cllr M Geaney noted that there is no reference to anybody with disabilities throughout this policy. The Chief Executive responded that each of these policies would apply also to somebody with a disability. Further noting that a specific risk assessment would have to be completed for them and also assess whether they could safely carry out the work required of them under the working conditions i.e., long working, with any reasonable adjustments.

Review Period – The Chief Executive suggested that the policy is reviewed annually by the Chief Executive and every three years by the Audit & Risk Committee and therefore Board. All AGREED.

The Committee RESOLVED to recommend that the Health and Safety Policy (No. 7) be approved at the next Board meeting, with the above amendments.

(f) Policy No. 41: Public Sector Co-operation Agreement (PSCA)

The Finance and Admin Director has carried out an exercise to determine if the 10% addition is sufficient to cover the cost of all the work involved and it has been identified that it is, there being no proposed amendments.

The Committee RESOLVED to recommend that the Public Sector Co-operation Agreement (No. 41) be approved at the next Board meeting.

(g) Policy No. 43: Electronic Information & Communication Systems

The Finance and Admin Director highlighted the only proposed change, other than title changes:

- 4.3 Equipment and Passwords – Amendment to reflect that Dual Authentication is now in place (from April 2022) to gain access to the Board's network.

The Committee RESOLVED to recommend that the Electronic Information & Communication Systems (No. 43) be approved at the next Board meeting.

(h) Policy No. 51: Drone Flying (New Draft Policy)

The Chief Executive noted that the previous Chief Executive (Ian Warsap) produced this policy before his retirement. It was noted that it has been suggested to ensure all abbreviations are written in full.

Mr V Barker noted that he has witnessed the Environment Agency (EA) using drones to survey the SFFD and that they have not always been in control of the drone.

Cllr M Geaney referenced the following sentence: '*You should never put people in danger.*' She felt the word '*should*' should be '*must*', likening it to a pilot flying a larger aircraft and that there should be no doubt around it. All AGREED to amend to '*You should take all reasonable steps to not put people in danger*'.

Mr J Fowler noted that the policy is adequate for the weight of drone the Board has, but that if the Board find it useful and wish to upgrade drone, the policy will also require enhancing. The Chief Executive noted that the Board would likely use a specialist for a larger drone.

The Committee RESOLVED to recommend that the Drone Flying Policy (No. 51) be adopted at the next Board meeting.

2220 To receive the catalogue of Board Policies with recommended approval dates – Agenda Item 8

It was explained that those policies highlighted in yellow are to be removed from the catalogue due to now being within the H&S Policy (No.7). Due to the removal of these policies, the other policy review dates have been rescheduled to create a more even distribution in the following meetings. Due to this, some of the policies will exceed their review date (by no more than six months / the next meeting) and so these have been highlighted in red.

Mr M Leggott made reference to Policy No. 39, H&S Wearing of seatbelts in Board Vehicles, and suggested it should be within the H&S policy. The Chief Executive noted that it is not covered by any health and safety legislation which is the basis for the policy. It was therefore AGREED to keep it as a separate policy but remove any reference to H&S in the title and also with any other policies to avoid confusion.

The Committee AGREED that the Catalogue of Board Policies be adopted.

2221 To review the Risk Register - Agenda Item 9

The risks with a Risk Score of 6 were reviewed:

- *Risk 1.9 Insufficient finance to carry out works* – It was felt that due to the current rainfall emergency event and extent of pumping required, this should remain at a risk score of 6.

Following previous discussion at Minute 2217(b), the Chief Executive suggested the following changes:

- *Risk 8.2 Loss of telephone communications* – Potential impact of risk to remain at Low, Potential likelihood of risk to increase to Medium, giving a Risk Score of 2.
- *Risk 8.3 Loss of internet connection* – The Chief Executive noted that although the internet connection can sometimes be slow, he doesn't believe there is risk of losing it completely. Further noting the option of Starlink that can be explored and that work has been completed in the village to suggest that fibre could soon be available.
- *Risk 8.4 Network Failure* – Potential impact of risk to remain at High, Potential Likelihood of risk to increase to Medium, giving a Risk Score of 6. Therefore, making it something that the committee and Board will continue to monitor until the risk score can be lowered.

The committee AGREED that the Risk Register be accepted with the above amendments.

There being no further business the meeting closed at 15:35.