

**CONFIRMED MINUTES OF THE 119TH BOARD MEETING
WEDNESDAY 20 SEPTEMBER 2017 AT HOLLY WALK, LEAMINGTON SPA**

Present: Dr Ann Limb CBE DL (AL) (Chair)
Anna East (AE)
Jon Carlton (JC)
Justin McCracken (JM)
Gerry McCormack (GM)
Christopher Welford (Chief Executive)

In attendance: Alison Bennett (Deputy Chief Executive Officer)
Jess O'Brien (Communications Manager)
Michael Lyttle (ML) (HMRC)

Apologies:

Board secretary: Helen Maccallum (HM)

1. Introduction

1.1 The Chair welcomed everyone to the 119th Board meeting and she introduced Michael Lyttle (ML) to those Board members who did not attend the last meeting.

2. Apologies

2.1 No apologies were received.

3. Declaration of Interests

3.1 The Chair reminded Board Members that if a topic was discussed during the meeting which they had an interest in, that this should be declared to the Chair.

3.2 In line with ENTRUST' governance procedures, Declaration of Interest forms will be sent out for the Board Members to complete and return to the Board Secretary.

3.3 **Action:** The Board Secretary to send Declaration of Interest forms to the Board Members.

4. Minutes of last meeting

4.1 The minutes of the 118th meeting held on 4 July 2017 were approved as being an accurate record and will be signed by the Chair.

5. Action points

5.1 The Board noted the work that had been completed to deliver the previous action points.

5.2 Addendum item for the Board

6. HMRC Update

6.1 ML advised the Board that there had been a good level of attendance from EBs at the recent Landfill Communities Fund (LCF) Forum. HM Treasury (HMT) also attended and HMRC considered that there had been some useful discussions.

6.2 He also informed the Board that the process for devolution of landfill tax to Wales is progressing.

7. Audit Committee

7.1 GM provided an overview of the items discussed by the Committee earlier in the day, including:

- Business Continuity Plan test – the Committee was pleased with the results of the test which went very well;
- External Network Penetration Test – this was carried out by a new supplier and covered the same and some additional areas to the previous test in 2013. Following completion of the test a number of issues had been identified, which are being addressed through an Action Plan;
- Compliance Risk Model – the Committee received an update on the updated Model and its planned publication;
- Quality Assurance programme - the Chair of the Audit Committee and the CEO will be working together on finalising the Non-Executive Director (NED) internal assurance matrix;
- Management Assurance and Risk Management – the Strategic Risk Register (SRR) will be discussed at the Board's Strategic Planning day;
- The Committee approved its 2016/2017 self-assessment annual report; and
- Hospitality and Senior Staff Travel registers were reviewed.

8. Human Resources and Remuneration Committee

8.1 AE informed the Board that routine business was discussed, which included:

- Employee Manual – that the staff manual had been revised and updated to make it simpler;
- Staff Survey – the 2016/2017 staff survey had been completed and overall the results were very positive and an Action plan was in progress;
- Human Resources - operational report was reviewed by the Committee;
- Health and Safety - an update on the outstanding Action Points from the previous meeting had been completed; and
- The Committee approved its 2016/2017 self-assessment annual report.

9. Enrolment and Revocations

9.1 The Deputy Chief Executive (DCEO) introduced this paper which showed that 18 Environmental Body's (EBs) have enrolled during the period 1 June to 31 August 2017.

9.2 She also advised that there have been 12 revocations processed during this period and we are still receiving revocation requests from Environmental Bodies (EBs) based in Scotland.

9.3 The Board formally noted the list of enrolments and approved the list of voluntary revocations for the period 1 June to 31 August 2017.

10. Information Technology Strategy

10.1 The CEO introduced the paper. He explained that the main challenge in developing the strategy related to uncertainty about the long term future of the Fund. He assessed that in the next 18 months this issue will be more clear. He outlined some of the key issues for the Board to note:

- The annual requirement to be cyber security accredited;
- The findings of the external network penetration test;
- The management of our firewalls and details of their “end of life” support in 2020;
- The rationale for deferring the replacement of our servers and extending their warranty by a further year; and
- Microsoft Office 2007 will become unsupported from April 2018 and the Company is looking to migrate over to Microsoft Office 2016 before the end of March 2018.

The Board approved the strategy and agreed the proposal to extend the warranty on our servers by a further year.

10.2 **Action:** The CEO to arrange for the extension of the warranty on the servers for a further year and to migrate over to Office 2016.

11. 2016/2017 Form 4 Strategy Evaluation

11.1 The DCEO introduced the paper and reminded the Board that at their July 2017 Board meeting they were provided with a report on the outcome of 2016/2017 Form 4 Strategy. While HMRC's Key Performance Indicator (KPI) had been met for this area, she advised that this involved using resources to chase EBs with nil returns. The Executive would therefore like to retain our focus on funded EBs in the Form 4 return period in order to ensure that any financial risk to the Fund is mitigated.

11.2 As part of our agreed procedure with HMRC, we have contacted 56 EBs on the frozen list who have not made a return for two years in order to attempt to secure their statutory compliance. However, if these returns remain outstanding, the EBs will be referred to the December 2017 Board for consideration of referral to HMRC for forcible revocation. The Form 4 Strategy for 2017/2018 returns will be presented to the December 2017 Board meeting and a further discussion will be held with HMRC relating to this specific KPI as part of the Corporate Plan discussions.

11.3 The Board noted the paper and agreed with the proposals.

12. 2016/2017 Stakeholder Satisfaction Survey

12.1 The Communications Manager (CM) introduced this paper and outlined the overall findings, including the comparison of ENTRUST's performance against other regulatory bodies, which was favourable. She went on to explain that for those areas, which the Executive considered needed to be approved, an Action Plan had been developed to address EBs' concerns.

12.2 The Chair considered that the Action Plan was clear and commended the Executive for the positive results. Finally, the Board confirmed that they were content to publish the results on the ENTRUST website.

- 12.3 **Action:** The CM to publish the results of the 2016/2017 Stakeholder Satisfaction survey on the website.

13. General Data Protection Regulation

- 13.1 The CM introduced the paper and explained that the General Data Protection Regulation (GDPR) comes into operation in May 2018. To ensure that ENTRUST complies with our statutory requirements, the Executive have developed an Action Plan to complete all of the necessary work by the end of March 2018.
- 13.2 The Board noted that the CM is ENTRUST's nominated Data Protection Officer (DPO) and that she has received the necessary training to ensure that we are able to implement all of the GDPR's requirements. The Board thanked the CM for the work that had been completed and they requested that this topic is added to the Agenda as a standing item.
- 13.3 **Action:** The Board Secretary to add GDPR as a standing item to the Board Agenda.

14. Corporate Support

- 14.1 The CEO introduced the paper which gave the Board an update on the financial position and income received during the year to date.
- 14.2 **Addendum item for the Board.**

15. Compliance - Addendum item for the Board

- 15.1 The DCEO introduced this paper and informed the Board that a number of inspections are slightly lower than the plan due to the resignation of a Compliance Inspector. However an offer of employment has been made following a recent recruitment campaign. The Board noted that draft reports are being issued within the planned timescales and that the budget is moving back on target.
- 15.2 The DCEO also confirmed that compliance Satisfaction Surveys are sent out following inspections and the satisfaction level for this is currently standing at 4.8 out of 5. She also advised that all comments from this feedback is discussed at the monthly Compliance team meetings.

16. Enforcement - Addendum item for the Board

- 16.1 The DCEO gave the Board an update on enforcement issues and described the ongoing cases which were being managed.
- 16.2 **Addendum item for the Board.**

17. Registrations and Regulations

- 17.1 The DCEO introduced the paper and drew the Board's attention to the following issues.
- 17.2 Environment Agency Landfill site search facility – this facility, which is used by EBs and ourselves was due to be switched off at the end of July 2017, but we had developed a work around to manage this problem. However, at the last moment, the EA had shelved their plans and the facility was retained.

- 17.3 Wales – an event has been arranged for 3 October 2017 to provide guidance to EBs on the Closure of the LCF in Wales. The Board noted that the closure is being based on the process used for closing the LCF in Scotland. It is planned that project approvals will cease at 30 September 2019 and no new enrolments will be made after that time. In addition enrolment in the scheme for EBs based in Wales will cease at 31 March 2020, unless the EB has requested to remain in the scheme if they are delivering projects in England or Northern Ireland.
- 17.4 Training – The Board noted that the training module is continuing to be accessed on our website. An Open Day was held in June 2017 and a number of EBs attended. The feedback from attendees to this event had been very positive.
- 17.5 Helpline – feedback remains at a good level and comments are monitored and dealt with.

18. Communications

- 18.1 The CM introduced this paper which set out the communications activity during the period 1 June to 31 August 2017. In July 2017 the ENTRUST website went down for approximately four hours, but EBs were still able to access EOL as this was not affected. A process had now been developed if the website is down for a long period of time, which should allow EBs to operate and access EOL.
- 18.2 Corporate Plan – work has started on the Plan, which will be presented at the Board's Strategic Planning day in October 2017.
- 18.3 Training – The CM and DCEO held a training session for staff on Customer Service. Feedback received was that some staff did not feel it was relevant to their roles.
- 18.4 LCF Communications Forum – the next meeting is scheduled for 21 September 2017 and the group will be going through the Terms of Reference and going forward given the size of the Fund. It is helpful to have these meetings as some of the EBs are not part of ADEB and can gain information.

19. Any other business

- 19.1 The Board revised the proposed date for the March 2018 Board meeting and agreed to the remaining dates for the Board meetings in 2018 and the Board Secretary will send meeting invitations out.
- 19.2 **Action:** The Board Secretary to send meeting invitations for the agreed 2018 Board meetings.
- 19.3 The CEO gave a verbal update on the Agenda items for the Strategic Planning day in October 2017 and asked the Board Members to let him know if there were any other issues to be added.
- 19.4 **Addendum item for the Board.**

20. Date of next meeting

- 20.1 The next meeting will be held on 6 December 2017, at 60 Holly Walk, Leamington Spa.

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CHAIR'S SIGNATURE

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DATE

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