

Upper & Lower Medway Internal Drainage Boards Scheme of Delegation 2022

The Medway IDB's (meaning both the Upper Medway Internal Drainage Board and the Lower Medway Internal Drainage Board) have approved a schedule of reserved matters which clearly sets out those decisions that only the Board can take. All other matters which, by definition, the Board considers suitable for delegation or may otherwise need to be dealt with between Board meetings are hereby delegated to the Committees as set out in this Scheme of Delegation, in accordance with Rules made by the Board and approved by the Secretary of State. **As of 2023 it will be expected that each Board will have its own Scheme of Delegation unless otherwise agreed during 2022 by the Boards themselves.**

Each of the Committees shall fulfil its role as specified in their terms of reference. The Committees shall also exercise their delegated powers in accordance with the Rules, any Consortium Agreement and the Board's Financial Regulations, Orders, Policies and Procedures.

Proper Officer and Responsible Financial Officer Duties and Powers

Each of the Medway IDBs have a Clerk to the Board acting on behalf of an individual Board. It is also recognised that although contracted to the LMIDB, office staff (excluding the LMIDB Office Manager and Clerk) act on behalf of both Upper and Lower Medway IDBs also. This is outside of recharge or sub-contraction which is to be considered separate. This agreement will be terminated from April 1, 2022, or as otherwise agreed between the Boards.

1. Responsible Financial Officer

The Clerk of the Board shall be the Board's Responsible Financial Officer and shall be responsible for the Board's accounting procedures, in accordance with the Accounts and Audit Regulations in force at any given time.

1.1 The Clerk of the Board shall be the Proper Officer of the Board and as such is specifically authorised to:

- Receive and record notices disclosing pecuniary interest.
- With permission sign notices on behalf of the Board or other documents on behalf of the Board.
- Maintain, on behalf of the Board, a register containing information in respect of all drainage hereditaments in the Drainage District (Section 52 of the Land Drainage Act 1991). {this section covers the statutory map with adopted watercourses marked}
- Act as the Board's Returning Officer at the election of the Board's Elected Members (Land Drainage (Election of Internal Drainage Boards) Amendment Regulations 1977).

1.2 In addition, the Clerk of the Board has the delegated authority to undertake the following matters on behalf of the Board:

- The day to day administration of the Board, together with routine inspection and control.
- The day to day supervision and control of the Board's Staff.
- To call any extra meetings of the Board or any of its Committees or Sub-committees as necessary, having first consulted with the Chairman and Vice Chairman of that committee.

- Authorisation to respond immediately to any correspondence requiring or requesting information which relates to previous decisions of the Board, but not to correspondence requiring an opinion of the Board that is still to be made.
- Authorisation to approve all routine recurring expenditure within the approved annual budget.
- Authorisation to approve emergency expenditure up to a maximum of £10,000, in consultation with the Chairman and Vice Chairman of the relevant Board or committee, outside the approved annual budget. Details of the emergency expenditure are to be reported in full to the Board at its next regular meeting (Financial Regulations 3.14).
- Authorisation to issue drainage rate demands to agricultural ratepayers once the Board has set the rate for the relevant financial year.
- Authorisation to issue Special Levies to the Special Levy Councils once the rate has been set by the Board for the relevant financial year.

1.3 The delegated actions of the Clerk of the Board shall be in accordance with Standing Orders, Financial Regulations and this Scheme of Delegation and in line with any other directions given by the Boards from time to time.

In the event of the Clerk of the Board's long-term absence from work due to ill health etc, the Board's Finance Committee shall delegate powers.

2. Engineer to the Board

The Clerk will perform the role of the Engineer to the Board shall be the Board's Engineering, Technical and Conservation Officer and shall be responsible for all engineering, technical, conservation, and health & safety related matters, in accordance with current legislation and Board policies.

2.1 The Engineer to the Board is specifically authorised to:

- Enter any land in the Board's Drainage District for the purpose of exercising any functions under the Land Drainage Act. (Section 64 of the Land Drainage Act 1991).
- Enter and survey any land in the Board's Drainage District (including the interior of any mill through which water passes or in connection with which water is impounded) and take levels of the land and inspect the condition of any drainage work on it. (Section 64 of the Land Drainage Act 1991).

2.2 In addition, the Engineer to the Board has the delegated authority to undertake the following matters on behalf of the Board:

- To administer the Board's Watercourse Maintenance and Water Level Control & Emergency Response contracts.
- To make arrangements and administer other works, outside the Board's main contracts, as required.
- To submit comments, on behalf of the Board, in respect of planning and development proposals that are within, or may have the potential to affect, the Board's Drainage District.

- To liaise directly with Environment Agency and other Operating Authorities on all Flood & Coastal Defence Risk Management matters that may affect, or have the potential to affect, the Board's Drainage District.
- To liaise directly with Natural England, the Environment Agency and all other local conservation and biodiversity bodies/organisations on all conservation and biodiversity matters that may affect, or have the potential to affect, the Board's Drainage District.

3. Finance, Bills and Joint Services Committee

The **Finance Committee** for each respective Board shall be delegated to make decisions on behalf of the Boards in respect of the following matters:

- Responsible for all matters relating to financial management of the Board's affairs, including preparation of annual estimates and the approval of financial monitoring reports in respect of investment income and other banking arrangements, recommending but not the setting and levying of drainage rates and Special Levies or the borrowing of money.
- Internal and external Audit arrangements and audit reviews to be carried out at least annually.
- Preparing, for the Board's approval, responses to legislative and other allied consultations.
- Any other matter which may be delegated to it by the Boards.
- The Chairman and Vice Chairman are authorised to jointly consider and approve all applications in respect to changes in staff remunerations packages, including recommendations made by the ADA Lincolnshire IDBs Pay and Conditions Advisory Committee.

The committee will consist of 5 members of each Board of which the required quorum is 3 members. The minutes of the meetings shall be taken by the Office Manager or as otherwise delegated by the committee.

The Chairman of the Boards shall not hold the office of Chairman of the Finance Committee.

The Finance Committee may refer specific matters to both Boards for a final decision if it so wishes.

The **Bills Committee** is a sub-committee, comprised of members from the Finance Committee. Each member is a signatory on the Board's bank accounts. The purpose of this Committee is to review the Board's expenditure each month. Members receive a Bills Committee pack that includes a summary top sheet, invoices paid, direct debits taken from the accounts, transfer of funds between accounts, petty cash expenditure, and monthly salary details. A meeting is then arranged, if necessary, with one member who on a rotational basis acts as Chairman of the Committee each month. This member will approve the invoices on behalf of the Bills Committee by signing the summary top sheet. Any questions raised during the Bills Committee meeting are also reported to the Finance Committee.

The **Joint Services Committee** is as of the meeting of October 4, 2021, dissolved. This is in line with the decision of the UMIDB to withdraw from the Joint Service arrangement held between the two Boards that provided joint administrative service.

Future working partnerships between the Upper and Lower Medway Internal Drainage Boards will be done after individual agreement of each Board / committee of the Board.

4. Other Committees or Sub – Committees

4.1 The Board may appoint such Committees or Sub-Committees as it thinks fit but all acts of any Committee or Sub-Committee shall be subject to the approval of the Board unless the Board has delegated its powers to that Committee or Sub-Committee to deal with a specific issue (Standing Orders 11).

5. Chairman and Vice Chairman

5.1 The following powers are delegated to the Chairman and Vice Chairman:

- The Chairman and Vice Chairman are authorised to consider and approve, on behalf of the Board, all applications for the Board's Consent for Works that are likely to have a material effect on the flow of any IDB Designated Watercourse or Ordinary Watercourse within the Board's Drainage District (Section 23 of the Land Drainage Act 1991).

5.2 Election of Board Chairman, Vice-Chairman and Committee Members

- The holding of elections to decide upon the Board Chairman, Vice-Chairman and Committee appointees will be done at the same meeting in which the penny rate is set by the Board. This election is to be held every 3 years.
- The office will be held by the elected persons for the period of 3 years unless the Member resigns from the post or steps down from the Board itself.
- In the event of a resignation or removal of the Member from the Board outside of the allotted period, a vote upon a replacement will take place at the next earliest meeting.
- The Chairman, Vice-Chairman and Committee members may hold their office for an indefinite period provided they are re-elected at each subsequent election by the Board.

6. The Board

The thinking behind having a Schedule of Reserved Matters for the Board is that, without such a schedule, many decisions that the Board would expect to take can fall within the delegated authority of an executive, committee or joint committee. The existence of a schedule of matters reserved for the Board provides an internal safety net to ensure that these decisions have to be referred to the Board. It also simplifies the process of delegation and makes it easier for the Board to give executives and committees the powers they need to perform their functions. Broader powers can be delegated if they are made subject to the exceptions set out in the schedule. A schedule also allows corporate-wide changes to be made without having to alter the terms of delegation for each individual or committee.

No matter how effective a Board may be it is not possible for members to have hands on involvement in every area of the Internal Drainage Board's business. An effective Board controls

the business but delegates day to day responsibility to the executive management. That said there are a number of matters which are required to be, or, in the interests of the organisation, should only be decided by the Board as a whole. It is therefore incumbent upon the Board to make it clear what these 'Reserved Matters' are.

6.1 The following matters are reserved to the Board for approval, notwithstanding that the Finance, Bills and Audit Committees may make recommendations thereon for the Board's consideration:

- Election of the Chairman and Vice Chairman of the Board in accordance with Standing Orders.
- Appointment of Members of the Finance, Bills, Audit Committee and Health and Safety.
- Approval of the appointments of Members to any other Board Committee or Sub-Committee.
- Approval of the Board's long term objectives and strategy.
- The setting and levying of Agricultural Drainage Rates and Special Levies.
- To approve the borrowing of any money or the repayment of any existing loans.
- Approval of the Board's Annual Accounts and Annual Return.
- Approval of the annual estimates, revised estimates, and other budgets.
- Approval of any significant changes in accounting policies or practices.
- Approval of any changes to the Board's Byelaws, in accordance with Section 66 of the Land Drainage Act 1991.
- Approval of any changes to the Board's Standing Orders and Financial Regulations.
- Approval of Board Meeting Minutes and Reports.
- The making of any Orders under Statutory Powers.
- To ensure that the Board employs and maintains a sound system of Internal Control and Risk Management, including periodic reviews of its effectiveness.
- Approving the dates, times and venues of Board meetings.
- Approving the date and programme for the Members' Annual Visit/Inspection.
- Approving all appointments to the Board's Staff.
- Approving the appointment of the Internal Auditor.

7. Urgent Matters

In the event of any matter arising which requires an urgent decision, the Clerk shall consult with the Chairman and Vice Chairman of the Board before taking any action on behalf of the Board. Any actions that have been taken in respect of urgent matters are to be reported to the Board in full at its next regular meeting.

8. Delegation – Limitations

Board Members, Committees, Sub-Committees and Officers shall, at all times, act in accordance with the Board's Standing Orders, Financial Regulations and this Scheme of Delegation and, where applicable, any other Rules, Regulations, Schemes, Statutes, Bye-Laws or Orders made and with any directions given by the Board.

9. Review Date

This document is to be reviewed periodically, as and when required, and in conjunction with other relevant Board policies.