

Upper Medway Internal Drainage Board

Scheme of Delegation 2023

The Upper Medway IDB has 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. This document replaces the previously approved Scheme of Delegation that served the Upper and Lower Medway IDBs jointly.

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

The Upper Medway Internal Drainage Board has a Clerk who acts as the Proper Officer and as the Returning Officer. The act of Responsible Financial Officer is part of the Finance Officer role to ensure efficient and appropriate delegation of critical responsibility in regard to financial provision and audit. The Clerk, in conjunction with the Finance Officer will perform the duties relating to day-to-day financial management. The Clerk will represent the Board in all instances where the Chairman and Vice-Chairman, or any other Board member, cannot be present.

1. Officer Roles

- 1.1 The Finance Officer shall be the Responsible Financial Officer for the Board and shall be responsible for the Board's accounting procedures, in accordance with the Accounts and Audit Regulations in force at any given time.
- 1.2 The Responsible Finance Officer will ensure the suitable presentation of all statutory documents related to finance and audit. They will then request the signature of the Board Chairman and Clerk by way of authorisation at the next meeting of the Board.
- 1.3 The Sustainable Development Officer will provide the Clerk and the Board with advice and guidance in relation to its consenting obligations under the Land Drainage Act 1991 and the application of its byelaws (see section 8 of this document). The Sustainable Development Officer has the delegation to comment on behalf of the Board in relation to all planning, enforcement, or development matters, including speaking on its behalf during site visits (relevant to planning matters).
- 1.4 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).
- 1.5 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.

1.6 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 and 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 Committee

The **Finance Committee** is a sub-committee of the Board with delegation relating to the financial arrangements and oversight of the Board's budgets, purchases and expenditure. The committee will have delegation to act on behalf of the Board relating to the following:

- Financial management of the Board's affairs in conjunction to those powers already delegated to the Clerk, including preparation of annual estimates, approval of financial monitoring reports in respect of investment income, setting up of funds or trusts (after Board approval of initiatives), and/or other banking arrangements
- Credit and debit card approvals. Credit card approvals will be limited to £10,000 per card holder and the committee must notify the Board when a new card holder is approved at the next meeting of the Board.*
- Recommendation for, but not the setting or levying of, drainage rates and Special Levies.
- 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, including that of Public Services Cooperation Agreements.
- Approval of emergency, non-budgeted purchases and contracts where there is immediate threat to the Board or the district e.g., use of additional contractors in the event of flood or other disaster.
- Any other matter which may be delegated to it by the Board.

*Note: There will be no grounds for exceeding the £10,000 limit of a credit card in a single year without Board approval.

Constitution and Restrictions

The committee will consist of 5 members of the Board of which the required quorum is 3 members. All other Board members are welcome, but not obliged, to attend. The Clerk, Finance Officer, and any other staff or person deemed necessary may attend at the invitation of the committee Chairman. The minutes of the meetings shall be taken by the Clerk or as otherwise delegated by the committee.

The committee will be formed to oversee the financial affairs of the Board but will have a limited ability in which to approve non-budgeted items. The committee will have the authority to approve non-budgeted purchases, relating to both capital and revenue needs, to the value of £50,000, with an annual limit to these purchases of £200,000. These purchases will require explanation and justification at the next full Board meeting.

The committee does not have the ability to authorise the sale of any Board owned property (read: buildings or land) or any assets over £50,000 in value.

The committee is not permitted to authorise the borrowing of money unless there is an immediate threat to the financial position of the Board or threat to stakeholders e.g., a need to protect against flooding

The committee has the ability to agree Public Services Cooperation Agreements where there is a pressing need, for example risk of flooding or excessive cost to the Board for failure to utilise the agreement mechanism.

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

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

Remuneration

The committee is authorised to consider and approve all applications in respect to changes in staff remunerations packages. Recommendations made by the ADA Lincolnshire IDBs Pay and Conditions Advisory Committee (Figures from which the ADA White Book is created) relating to remuneration are to be used at the discretion of the Board. Remuneration will be reviewed by the finance committee in October to assess the variation against inflation, and then again in March by the full board using the recommendations from the ADA Lincolnshire P&C Committee as a guide. The Clerk and Finance Officer will then publish the pay scales for the coming year.

Expenditure Oversight

Finance committee members will receive an expenditure pack each month that includes a budget report, summary top sheet, bank statements, 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 with one member who, on a rotational basis, will approve the expenditure each month. This member will review the invoices on behalf of the Finance Committee by signing the summary top sheet. Any questions raised during this meeting are also reported to the Finance Committee.

The full Board is to be made aware of all reconciliation at each meeting of the Board. This is to be achieved through presentation of the expenditures 'top sheet' for all months since the last meeting as per the audit framework requirements.

4. Biodiversity / Health and Safety Committee

4.1 The Biodiversity Committee and the Health and Safety Committee has the delegated authority to make decisions on the spending of the annual budget for that specific function. It will also assess and determine suitability of contracts relating to either Biodiversity/Conservation or Health & Safety. Where there is a need to commit the Board to long term contracts for the above functions, this should be done in conjunction with the Board Chairman and Vice-Chairmen, who may suggest referral to the main Board. All decisions will need to be reported to the Board at the earliest opportunity. Any deviation from the set annual budget will require approval from the Finance Committee unless otherwise dictated or delegated by the Board.

4.2 These committees will comprise of at least one Board members, who will be elected as per other committees, the Clerk, and any other Board members or member of staff as dictated by the Board.

4.3 Each of these committees will report to the Board at every meeting to ensure they remain part of the Boards governance.

4.4 Each of these committees will, in conjunction with the Clerk, review the policies relating to their function and submit them to the Board for information each year (or as often as required), to which the Clerk will then implement.

4.5 Overall policy relating to Biodiversity / Conservation and Health & Safety will require Board approval.

5. Other Committees or Sub – Committees

5.1 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).

6. Chairman and Vice Chairman

6.1 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.

6.2 The Clerk may consult with the Chairman and Vice-Chairman on matters within his delegation but to which he would prefer Board approval. The Chairman and Vice-Chairman have the authority to approve requests from the Clerk for minor issues and expenditures to which they feel do not require the consultation of the Board or its committees. All these decisions should be communicated to the Board at the earliest opportunity.

7. The Board

The purpose of 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.

7.1 The following matters are reserved to the Board for approval, notwithstanding that the Finance 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, Audit, and Health and Safety Committees.
- 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.
- Approval of Public Sector Co-operation Agreements (PSCA).
- Approval of works with other Board and public authorities under collaboration or joint service.

8. Consents - Relating to Development and Relaxation of Board Byelaws

Applications for the Boards consent in relation to Section 23 of the Land Drainage Act, 1991 and its byelaws (specifically B3, B10, and/or B17), otherwise known as a Consent, will be handled in the first instance by the Sustainable Development Officer.

This consent must be sought (or may be sought by the Board), for all instances of development or watercourse alteration that either impact the Board directly or indirectly. This may include, but is not limited to, applying byelaw 3 in the watershed catchment of the Board’s district where there is an increase in flow and/or volume of surface water discharged as a result of development.

Board Sustainable Development Subgroup

- For consent applications that are above that of the Clerk yet under major development status, an impromptu subgroup of the Board can be formed by the Sustainable Development Officer and/or Clerk to respond in a timely manner.
- The 5-person subgroup will comprise the Board Chairman, Vice-Chairman, and 3 other members of which there must be at least 1 appointed and 1 elected member.
- The sub-group will be advised by the Sustainable Development Officer and the Clerk, where required, on a recommendation.
- The subgroup will have a delegated authority regarding consenting and enforcement as set out in **8.5**.

8.1 The Sustainable Development Officer will carry out the following initial tasking in relation to sustainable development on behalf of the Board:

- Comment on any applications that impact the district or the watershed catchment either directly or indirectly, offering written guidance to the local planning authority in regards to the consenting requirements of the application.
- Visit any development or proposed development site, to offer advice and guidance to either the applicant, LPA, or LLFA, regarding the impact likely to be seen on the Board’s interests as a result of the development.
- Provide written guidance to prospective developers when a proposal is likely to be rejected, including the reasons relating to either the Board’s application of the Land Drainage Act or its byelaws.

- The subgroup consents will be reported by the Sustainable Development Officer at the next meeting of the Board as per all other consenting and enforcement.

8.2 Applications made to the Board for the granting of consent in relation to development where the Board will be requested to grant consent under the Land Drainage Act 1991 or its byelaws will be handled by the Sustainable Development Officer, who will carry out the following on behalf of the Board:

- Acknowledge the receipt of the application to the applicant.
- Advise on the payment and timeframes for the completion of the application process, including the extension of the prescribed 2-month handling period in the event of complications or further evidencing.
- Keep a log of all comments and cases in regards to both consent and enforcement of the Land Drainage Act for reporting purposes into the Board.
- Assess and advise the Clerk on the potential recommendation.
- In conjunction with the Clerk, create a consent response or recommendation to the Board (depending on delegation set out below).
- Inform the applicant of the recommendation/consenting
- Confirm and ensure suitable response is received from members consulted.
- Issue a final consent response in conjunction with the Clerk, who will sign each consent on behalf of the Board.
- Work with the applicant to resolve rejected consents or confirm the rejection in its entirety.

Delegation In Regard to Consenting

8.3 Sustainable Development Officer Delegation:

- Make comments to the LPA, LLFA, EA, or applicant on behalf of the Board.
- Respond to questions and comments from the LPA, LLFA, EA, or applicant.
- Provide advice and recommendations to the Clerk regarding his delegated authority.
- Provide advice and recommendations to the Board regarding their delegated authority.
- Report and respond to the Board in relation to consenting matters at both Board meetings and impromptu communications.

8.4 Clerk Delegation

- Grant or reject all temporary consent applications.
- Grant or reject all treated foul applications.
- Section 23
 - Grant or reject all applications for culverting of ordinary watercourse up to 10m.
 - Grant or reject all applications for watercourse realignment up to 10m.
 - Grant or reject all applications for low-flow (under 25% of channel height) in-channel Natural Flood Management applications (up to a max 10 structures).
- Byelaw 3
 - Grant or reject all applications of 1-3 dwellings, up to 3 traveller pitches, or developments under 330m².
- Byelaw 10/17
 - Grant or reject all applications for low level hedging up to 1m.
 - Grant or reject all applications for tree planting.
 - Grant or reject all applications for demountable fencing (electric, driven, or otherwise removable).

- Grant or reject all applications for the discharge pipe and headwalls for developments of 1-3 properties, up to 3 traveller pitches, or developments under 330m².

8.5 Board Subgroup Delegation

- Section 23
 - Grant or reject all applications for culverting of ordinary watercourse between 11m-30m.
 - Grant or reject all applications for watercourse realignment between 10m-30m (linear change from cut to return)
 - Grant or reject all dam, weir, or sluice applications up to 3m in width (brink of each side of channel)
 - Grant or reject all in-channel Natural Flood Management applications above 25% channel height and/or above 10 structures in number.
- Byelaw 3
 - Grant or reject all applications of 4-9 dwellings, 4-9 traveller pitches, or developments between 330m²-1000m².
- Byelaw 10/17
 - Grant or reject all applications for hedging above 1m in height.
 - Grant or reject all applications for permanent fencing.
 - Grant or reject all applications for re-surfacing within 8m of the brink NOT requiring a covenant.
 - Grant or reject all applications for Natural Flood Management associated works within 8m.

8.6 Board Delegation

The Board has the power to make decisions on all applications for consent regardless of size. It also has the power to over-rule its officer decisions (assuming a consent decision has not already been sent to an applicant). All consenting, enforcement, or sustainable development matters must be reported to the Board at the next meeting.

The Board must be consulted in the following instances:

- Section 23
 - Applications for culverting or realignment of watercourses over 30m
 - All permanent structures over 3m in width
- Byelaw 3
 - All developments of 10 or more properties or any works considered a major development (over 1000m² of impermeable surface creation).
- Byelaw 10/17
 - All applications for the resurfacing or works that require a covenant in a deed.
 - Permanent buildings that will be within 8m of the brink.

8.7 Any monies received from the collection of either surface water development contributions or commuted sums are to be separated from other funds and placed in reserve for use on sustainable development improvements for the district which may include, but are not limited to, professional service, recruitment, watercourse improvement, training, control structure maintenance or installation, and replacing tooling and plant, or any other use as deemed appropriate by the Board or its committees.

8.8 All consent applications, approvals, comments, and rejections are to be reported to the Board at each meeting via written or verbal report.

8.9 Any applications requiring a covenant either on its own or to be held within a property deed (or any other type of deed) must consult with a 5-person Board committee for consent as a minimum. The subgroup, Clerk and Sustainable Development Officer will make a decision on whether it requires full Board approval.

8.6 The Clerk retains the option to seek the approval of consents after consultation with only the Chairman and Vice-Chairman where they deem it appropriate. This would require a situation considered to be an emergency, where consultation with other members is likely to take longer than would be safe to delay. In any case this will require reporting to the Board as separate element of the consents report, along with suitable justification.

9. Enforcement

Enforcement of the Land Drainage Act 1991 (Section 21,24, and 25) and the Board's byelaws is carried out by the Sustainable Development Officer as part of their duties within the management of the development in the district that may affect the Board's interests. This duty may also be carried out by the Clerk, Board Chairman, or any other Officer as indicated by the Board, where required.

9.1 Delegation includes the following:

- Sending of correspondence as set out in the planning and byelaw strategy documents.
- Application of the enforcement process set out in the planning and byelaw strategy, including visits and comments on behalf of the Board in relation to enforcement.
- Issuing of enforcement letters to those in breach of the Land Drainage Act 1991 or the Board's byelaws.
- Carrying out of legal enforcement and recovery as set out in the planning and byelaw strategy documents, including speaking on behalf of the Board, and representing the Board at court actions.
- Conducting of works to rectify breaches of the Land Drainage Act or Board's byelaws.

9.2 All enforcements (active or concluded) must be reported to the Board at the next meeting as part of the Sustainable Development Report.

10. 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.

The extent of this power will only be available in the event that failure to make a decision will result in loss of financial provision, increase flood risk within the district, result in injury to a person, or bring the Board into disrepute.

11. Delegation - Limitations

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

12. Review Date

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

Approved by the Board on **20th June 2023**

[Oliver Pantrey](#)

Clerk to the Board

Amendments March 2022

- Removed Lower Medway Internal Drainage Board references
- Alteration to wording regarding Clerks and joint operations (Page 1)
- Added (4) Biodiversity and Health and Safety Committee (Page 4)
- Removed Chairmen responsibility relating to consents (Page 5)
- Added section relating to Chairman and Clerk working (Page 5)
- Added (8) Consents (Page 6)

Amendments June 2022

- Altered Finance Committee delegation in entirety (Page 2 and 3)
- Added unbudgeted approval up to £50,000 (Page 2 and 3)
- Added limit to unbudgeted expenses to £200,000 (4 X £50,000) (Page 2 and 3)
- Added committee has the ability to set up trusts or funds after Board approval (Page 2 and 3)
- Added committee not able to sell property (land and buildings) (Page 2 and 3)
- Added committee not able to sell assets over £50,000 in value (Page 2 and 3)
- Added committee has ability to approve credit and debit card holders up to £10,000 (Page 2 and 3)
- Added note regarding credit card limit per year (Page 3)
- Added committee has ability to approve PSCA where there is pressing need (Page 2 and 3)
- Altered salary and remuneration delegation into the committee and Board (Page 3)
- Removed remuneration delegation of the Chair and Vice-Chair
- Removed decisions for working with other Board and Authorities from Finance Committee delegation (Page 3)
- Added decision on PSCA and working with other Boards and Authorities (Page 5)

Amendments June 2023

- Altered title of section 1 to – Officer Roles (Page 1)
- Altered role of Responsible Finance Officer to reflect change from Clerk to Finance Officer. (Page 1)
- Made general improvements to layout of Officer Role section (Pages 1 and 2)
- Removed reference to Bills Committee as per Internal Auditor request. Renamed section to Expenditure Oversight (Page 4)
- Added paragraph relating to periodic Board review of reconciliation as per the audit framework and the Internal Auditor request. (Page 4)
- Removed reference to Bills Committee as per Internal Auditor request (Page 5)

Amendments November 2023

- Addition of Sustainable Development Officer role (Page 1)
- Addition of explanation regarding the application of byelaw 3 within the watershed catchment (Page 6)
- Major overhaul of consenting delegation and clarification (Page 6) including:
 - Board delegation
 - Board Subgroup and associated delegation
 - Clerk delegation
 - Sustainable Development Officer delegation
- SWDC usage clarified to include professional service and recruitment as part of the sustainable development management. (Page 8)
- Added new section titled Enforcement to clarify the delegation of officers. (Page 9)