

Ramsey Internal Drainage Board

Administered by:



middle level
commissioners

Governance

Schedule of Matters Reserved for the Board and the Scheme of Delegation, including associated duties.

This document outlines the duties associated with the IDB (the Board), its members and officials and confirms the schedule of matters that are reserved for the Board to determine and those that are delegated to the Chair (includes Vice Chair) and to the Clerk (Middle Level Commissioners via their Chief Executive and team).

The Board can determine that matters can be permanently or temporarily either delegated, reserved or escalated in addition to or in place of those outlined within this document.

In the event of undue urgency or emergency the Clerk and Chair can agree an approach to such matters and refer/report to the Board at the next opportunity.

It is recognised that the appointment of the Internal Auditor and arrangements for key contracts and services such as electricity, insurance and banking, that would ordinarily be for each IDB to determine, are managed and determined as 'group' arrangements by MLC with representative inputs informing the decisions. It is also recognised that for efficiency and effectiveness, consistency in policy is required across the Middle Level and therefore there will be a standardisation.

This document is not intended to be exhaustive but to cover the vast majority of circumstances that arises in the running of the Board. Matters not covered within this document will be considered by the Clerk in conjunction with the Chair on a case-by-case basis depending upon the level of risk.

The Board and its Members

Board Members, whether elected or appointed, have equal responsibility to one another and have shared responsibility as the Board. Members have duties and responsibilities analogous to those of directors of companies. They must hold themselves and each other to account for:

- Acting in the overall current and future interest of the Board.
- Acting lawfully and for continuous improvement in governance standards.
- Familiarising themselves with the Board's district and highland catchment (where relevant).
- Fully participating in the Board's affairs.
- Declaring any pecuniary or non-pecuniary interest and managing conflicts of interest.
- Their ongoing learning and development.
- Keeping up to date with relevant policy, process, standards and sectoral knowledge.
- Being a conduit to/from and ambassador for the Board with local ratepayers and beneficiaries.
- Conduct consistent with the seven ethical standards for public service (the Nolan Principles) and the Board's Code of Conduct.

The Chair (inc Vice Chair) has enhanced responsibilities in terms of leadership and for setting the style and tone of Board discussions. This includes:

- Chairing and conducting meetings effectively.
- Ensuring the Board is focussed on key tasks and relevant matters.
- Setting a high standard for behaviour and conduct.
- Promoting effective and open conversations and positive working relationships.
- Establishing a close working relationship with the Clerk and the MLC team and other IDB Chairs.
- Dealing with conflict or issues sensitively.
- Inputs into Middle Level IDB collaborative working, group arrangements and overall governance evolution.

Reserved Matters for the Board

1. Electing a Chair and Vice Chair.
2. Determining whether to seek Ministerial Order to provide a payment for the Chair and the level of such a payment.
3. Appointing a Clerk (including Responsible Financial Officer and Data Protection Officer) and Consulting Engineer along with associated service provision arrangements.
4. Co-opting Members to elected member vacancies.
5. Approving the electoral register.
6. Continuation in office of any member under the Code of Conduct.
7. Appointing officials (eg District Officer & Pump Attendants) as contractors to deliver services on behalf of the Board. Determining maximum remuneration/allowances for their officials.
8. Approval of any recruitment of direct employees and determining annual salary, terms & conditions, pension, benefits and severance package. The default position is that the Board is the line manager of the employee.
9. Approval to seek the development of schemes for i) re-composition of the Board ii) amalgamation of the Board with one or more others iii) boundary change iv) differential rating and/or v) electoral districts.
10. Oversight of the Board's operations and performance; ensuring legal compliance, efficient delivery, sound planning and prudent management.
11. Vesting/de-vesting of watercourses in/from the Board's control (sometimes called adoption).
12. Authorisation of duly authorised officers able to use the Board's powers for their operational and regulatory role on behalf of the Board.
13. Approve the Board's Biodiversity Action Plan (BAP)
14. Registration, sale, disposal or rental or material change of use of Board assets including plant, property, vehicles and land. Includes setting any rental fees, charge out rates and granting rights of access.
15. The purchase of land.
16. Changes in rateable value of hereditaments within the drainage district.
17. Approval of the Annual Accounts.
18. Approval to banking authorised signatories, mandate changes and limits of authority and the issuing of any company credit card and associated limits.

19. Assuring that the Annual Governance & Accountability Return (AGAR) has been compiled appropriately with all topics reference therein taken into account by the Board.
20. Approve that the Chair can sign the AGAR on behalf of the Board.
21. Review and determine any changes in the determination of annual values for rating purposes and associated write-offs.
22. Approval to investment and/or budgeting policies and strategies, along with material change to these.
23. Approval to any borrowing by the IDB via Public Works Loan Board application.
24. Approval of estimates and any other budget, including the use of Financial Reserves.
25. Set the drainage rate and associated special levy requirements, resolving that these can be sealed and issued along with the Clerk being authorised to recover all unpaid rates and levies.
26. Review and approval of new key policies or material changes to existing key policies, such as Financial Regulations.
27. Changes to the Board's Byelaws and adoption of any update to Defra's model IDB Byelaws.
28. The setting up (or removal) of formal sub-Committees with associated membership, and delegations.
29. Determination of the approach to actual or prospective legal matters and litigation, either as claimant or defendant, including the settlement of disputes or appeals.
30. Agreeing dates for Board meetings and approval of minutes.

Scheme of Delegation

Chair (includes Vice Chair)

1. Authority to sign deeds and formally register the Board's land – in conjunction with the Clerk.
2. Authority to approve and/or authorise payments.
3. Authority to procure goods, services, plant and machinery within the budget and any terms provided by the Board and within its policies.
4. Authority to authorise the Clerk and/or Consulting Engineer to submit funding bids and enter agreements/contracts on behalf of the Board, including packaging as appropriate with MLC and/or other IDBs.
5. Authority to work with and/or advise the Clerk and/or Consulting Engineer in terms of the use of the Board's powers for consenting and enforcement, including associated negotiations with consent applicants.
6. Input on behalf of the Board into strategic matters across the Middle Level and to 'group' procurement of services and goods.
7. Authority to seek advice from external advisors as they may consider necessary or appropriate in the Board's interests.
8. On behalf of the Board the authority to approve, authorise or sign formal letters, notices or other documentation; respond to consultations or communications; discuss works; represent at meetings.
9. Authority to negotiate and/or settle small claims or determine small value write-offs on behalf of the Board – in conjunction with the Clerk.
10. Authority to grant temporary rights over or interests in land owned by the Board and discuss works and access with landowners and tenants.

11. Authority to take any actions reasonably necessary in an emergency to manage the Board's interests.

Clerk (ie Middle Level Commissioners' Chief Executive)

The Clerk will delegate tasks and responsibilities to MLC employees as appropriate. * are routinely performed by the Consulting Engineer and their team. The Clerk has responsibility for the day-to-day running of the Board's business.

1. Authority to sign deeds and formally register the Board's land – in conjunction with the Chair.
2. Authority to draw up and sign off the Board's accounts and other financial statements and to be the Board's Responsible Finance Officer and Data Protection Officer under relevant legislation.
3. Authority to sign demands for payment for sums due to the Board.
4. Authority to authorise proceedings relating to debt recovery or other actions in the County Court.
5. Authority to take and appear in proceedings in Magistrates Courts for non-payment of drainage rates.
6. Authority to take and appear in proceedings relating to debt recovery or (where such action is authorised by the Board) other actions in the County Court.
7. Authority to procure goods, services, plant and machinery within the budget provided by the Board.
8. Authority to submit funding bids, claims and enter agreements/contracts on behalf of the Board, including packaging as appropriate with MLC and/or other IDBs. *
9. Authority to use the Board's powers for consenting and enforcement, including setting fees and charges, and associated negotiations with consent applicants.*
10. Authority to issue, sign and/or reject consents on behalf of the Board. *
11. Authority to seek advice from external advisors as they may consider necessary or appropriate in the Board's interests.
12. Authority to discharge and make payment of properly authenticated accounts.
13. Authority to enter the Board into Group arrangements with other IDBs for the provision of services including, but not limited to, electricity, insurance, banking and audit.
14. Authority to submit the Annual Report (IDB1) return to Defra.
15. On behalf of the Board the authority to approve, authorise or sign formal letters, notices or other documentation; respond to consultations or communications; discuss works; represent at meetings.
16. Authority to negotiate and/or settle small claims or determine small value write-offs on behalf of the Board – in conjunction with the Chair.
17. In conjunction with the Chair, authority to appeal on behalf of the Board to the Minister under Section 57(4) of the Land Drainage Act 1991 for any non-payment of Highland Water Claims.
18. In conjunction with the Chair, authority to appeal on behalf of the Board to the Minister under Section 40 of the Water Resources Act 1991 the IDB Precept.
19. Escalate exceptional issues of material concern regarding the Board's performance and/or sustainability to Defra, the Environment Agency or other bodies as appropriate.
20. Authority to take any actions reasonably necessary in an emergency to manage the Board's interests.