

# **AXE BRUE & PARRETT DRAINAGE BOARD SCHEME OF DELEGATION**

## **SCHEDULE OF MATTERS RESERVED FOR THE BOARD (version 2)**

**(All sections and schedule numbers refer to the Land Drainage Act 1991)**

### **1.0 Board Structure and procedures**

- 1.1 Any change to the Board's status or application to alter the boundaries, or to in any way reorganise the Internal Drainage District, in accordance with sections 2 and 3 of the Land Drainage Act 1991.
- 1.2 Changes to the structure, size and composition of the Board, following the triennial comparison of aggregate values pursuant to Schedule 1 Part 2 section 6 of the Land Drainage Act 1991.
- 1.3 Major changes relating to the rateable value of the drainage district, the district structure for rating and capital structure, including balances, provisions and reserves.
- 1.4 Approval of Board minutes and reports together with any major changes in their format.
- 1.5 Responsibility for the overall management of the Internal Drainage Board (IDB).

### **2.0 Board membership and other appointments**

- 2.1 Election of the Chairman and Vice Chairman of the Board in accordance with Standing Orders.
- 2.2 Membership and Chairmanship of Board committees together with delegated powers.
- 2.3 Filling casual vacancies, if for any reason whatsoever the place of an elected member becomes vacant before the end of their term of office, in accordance with Schedule 1 Part 3 section 10 of the Land Drainage Act 1991.
- 2.4 Appointment or removal of the Returning Officer and approval of the Electoral Register.
- 2.5 Appointment or removal of the Internal Auditor and accountants.
- 2.6 Any application made to the Audit Commission to remove, appoint or re-appoint the external auditor.
- 2.7 Appointments to outside bodies, the SDBC (Somerset Drainage Boards Consortium) Management Committee, joint committees and any subsidiary Board.
- 2.8 Ensuring adequate succession planning for senior management and operatives.

### **3.0 Management structure and internal controls**

- 3.1 Major changes to the Board's management and control structure.
- 3.2 Setting up, reviews and changes to the Board's Standing Orders and Financial Regulations and Internal Controls.
- 3.3 Approval of any works/activities that may be requested by the Environment Agency using their supervisory powers (section 7 of the Land Drainage Act 1991) or their default powers (section 9 of the Land Drainage Act 1991).
- 3.4 Approval of any adoption/abandonment, adding to or decreasing the liability for land drainage infrastructure within the drainage district.
- 3.5 Approvals of applications made to or from the Environment Agency or other third party to en-main, de-main or reclassify any land drainage/flood defence infrastructure within the drainage district.
- 3.6 Approving the dates and times of Board meetings and inspections.

## **4.0 Strategies**

- 4.1 Approval and review of the IDBs long term objectives and strategy.
- 4.2 Extension of the Board's activities into new business or geographic areas.
- 4.3 Material changes in general supervision over matters relating to the drainage of land in the drainage district.

## **5.0 Financial controls and reporting**

- 5.1 Approval and review of the financial and corporate risk assessment
- 5.2 Approval of the financial statement for inclusion in the annual report
- 5.3 Approval and reviews of the annual operating, maintenance and capital expenditure budgets and any material changes to them.
- 5.4 Approval of the annual report and accounts, including the corporate governance statement and remuneration report.
- 5.5 Approval of Consortium accounts.
- 5.5 Approval of the reserves policy and changes in the level of any provision, or reserve.
- 5.6 Levying of drainage rates and special levies.
- 5.7 Approval of any significant changes in accounting and investment policies or practices.
- 5.8 Approval of any write-off of rates over £20, and any material rating amendment or exemption.
- 5.10 Approval of any commutation of obligations and of the financial consequences over a value of £5,000.
- 5.11 Approval of applications for grant aid and requests for contributions over £50,000 made to DEFRA, the Environment Agency or others. Approval of contributions to outside bodies over £500.

## **6.0 Contracts and legal agreements**

- 6.1 (a) Award of tender within approved annual budget.
  - Up to £50k Clerk or Finance Officer
  - £50k to £100k Clerk and Finance Officer with approval of Chairman or Vice Chairman
  - £100k to £250k Chairman and Vice Chairman
  - Over £250k Tender award sub-committee with delegated powers.
- (b) Award of tender for extra works in addition to the approved annual budget
  - Up to £15k Clerk and Finance Officer.
  - £15k to £25k Chairman and Vice Chairman
  - Over £25k Full Board
- (c) Award of tenders where the tender sum is in excess of the approved annual budget
  - Up to 5% or £10k whichever is greater Chairman and Vice Chairman
  - The Chairman and Vice Chairman have the power to refer the matter back to the main Board for approval if they perceive there to be a wider Board interest.
- 6.2 Contracts which are material strategically or by reason of size, entered into by the Board in the ordinary course of its undertakings, for example any borrowings over £1,000 or any long term commitment (beyond one year), acquisitions or disposals of fixed assets above £15,000 (excluding land), the granting of any rights over land.
- 6.3 Contracts not in the ordinary course of its undertakings, for example any joint administration arrangement or extension to include others in such an arrangement, any loans and repayments; all foreign currency transactions above £5,000; and major acquisitions or disposals above £5,000 (excluding land), and any purchase/disposal of land (whether compulsorily acquired or otherwise).

(Sums between £5,000 and £15,000 will be the subject of delegated powers to the Chairman and Vice Chairman by the Board).

- 6.4 Legal agreements for commuted sums for taking over assets constructed by third parties, the value of which is over £10,000.
- 6.5 Legal agreements between the Board and other bodies for the undertaking of works or activities in conjunction with or on behalf of that body over the value of £10,000. Where any matters relating to Section 6 require urgent action then the Chairman and Vice Chairman are empowered to act or enter into an agreement that will be ratified at the next Board meeting.
- 6.6 Approval of compensation payments in excess of £2,000 per claim.

## **7.0 Remuneration and employment**

- 7.1 Approving the remuneration policies, remuneration and salaries for employees.
- 7.2 The introduction of new employee incentive schemes or major changes to existing schemes.
- 7.3 Approving any application to pay the chairman of the Board an allowance, for the purpose of enabling him/her to meet the expenses of his/her office, in accordance with Schedule 2 section 1 of the Land Drainage Act 1991.
- 7.4 Determining the policy of paying allowances or reimbursing expenses incurred by Board members, in accordance with Schedule 2 section 1 of the Land Drainage Act 1991.
- 7.5 Approval of any severance packages awarded to employees in excess of the statutory minimum or of any pension enhancement made.
- 7.6 The employment, dismissal or redundancy of the Chief Executive, Clerk or Finance Officer.
- 7.7 The terms and conditions of employment for (office) staff as well as policies within the Staff Handbook are delegated to the Somerset Drainage Boards Consortium Management Committee.

## **8.0 Delegation of Authority**

- 8.1 The division of responsibilities between the Chairman and Chief Executive, which should be in writing.
- 8.2 The setting up, terms of reference and delegated powers for any Board committees or sub committee.

## **9.0 Corporate governance matters**

- 9.1 Undertaking a formal and rigorous review of the Board's own performance, that of its committees/joint committees, individual members and of those appointed to outside bodies.
- 9.2 Determining the independence of members.
- 9.3 Considering the balance of interests between ratepayers, billing authorities, employees, developers and the community.
- 9.4 Reviewing the Board's overall corporate governance arrangements and committee structure.

## **10.0 Policies**

- 10.1 Approval of all policies.

## **11.0 Other**

- 11.1 Changes to the Board's Byelaws, in accordance with section 66 of the Land Drainage Act 1991.
- 11.2 Prosecution, defence or settlement of litigation involving above £1,500 or being otherwise material to the interests of the IDB. Settlement of other disputes or claims over £1,500 or being otherwise material to the interests of the IDB.
- 11.3 Approval of any appeal lodged against the precept levied by the Environment Agency.
- 11.4 Approval of the overall levels of insurance for the authority including Directors' and Officers' liability insurance, indemnification of Board members and personal accident insurance.
- 11.5 Changes to the rules of the Board's pension schemes/admissions policies, changes in trustees or changes in the fund management arrangements.
- 11.6 Changes to those authorised to institute legal proceedings, pursuant to various powers afforded to the Board by the Land Drainage Act 1991.
- 11.7 Changes to The Schedule of Matters Reserved for the Board.
- 11.8 Consents for major and controversial developments under Land Drainage Act and byelaws.

V2 Adopted: Axe Brue IDB: 09 February 2016  
Parrett IDB: 02 February 2016