

MIDDLE LEVEL COMMISSIONERS

GOVERNANCE DOCUMENTS

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Middle Level Commissioners and administered Internal Drainage Boards (IDBs) Culverting Policy

GENERAL

1. This culverting policy applies to the Middle Level Commissioners (MLC) and the IDBs administered from the Middle Level Offices. Details of those IDBs are given in the attached Schedule. Within the MLC area, where both the MLC and a local IDB have jurisdiction, applications for consent to install a culvert will be considered by the local IDB rather than the MLC.
2. This policy applies to applications to install a culvert whether made under section 23 Land Drainage Act 1991 or under MLC/IDB byelaws.
3. Applications to install culverts under section 23 Land Drainage Act 1991 are made to MLC/IDBs as appropriate inside their rateable districts. Details of the areas of such districts can be found at www.middlelevel.gov.uk. Outside such districts such applications should be made to the Lead Local Flood Authorities Cambridgeshire or Norfolk County Councils or Peterborough City Council (as appropriate).
4. The MLC/IDBs are in general opposed to the culverting of watercourses because of the adverse flood defence, ecological and other effects that are likely to arise. In addition, the majority of the MLC watercourses are statutory navigations and culverting would not be permitted as it would also prejudice the public right of navigation.

The MLC/IDBs will therefore only approve an application to culvert a watercourse if there is no reasonably practicable alternative, if to leave the watercourse unculverted would lead to increased flood risk, or if the detrimental effects of culverting would be so minor that they would not justify an alternative being considered.

5. In all cases, where it is appropriate to do so, adequate mitigation must be provided for damage caused or storage removed. Wherever appropriate the MLC/IDBs will support the restoration of culverted watercourses to open channels. The onus will in every case be on the applicant for a culvert consent to demonstrate that there is no increase in flood risk caused by his proposals.
6. **Justification for Culverting Policy**
 - (i) The MLC/IDBs consider it beneficial for watercourses to remain open wherever possible for both flood defence and environmental purposes although it is recognised that culverting may be beneficial within heavily urbanised areas, provided that such culverts are of an appropriate size and design and are properly maintained. Culverting can exacerbate the risk of flooding, increase maintenance requirements and create difficulty in pollution detection. It can also destroy wildlife habitats, damage a natural amenity and interrupt the continuity of a watercourse.

Loss of environmental features

- (ii) Culverting can have a detrimental impact on the environment, resulting in a complete loss of features within a watercourse. The continuity of the watercourse corridor may

be broken, adversely affecting the landscape and ecological value of the watercourse for migrating species. An existing or potential amenity is also lost for present and future generations. In addition the requirements of the Water Framework Directive that water bodies should meet (as appropriate) Good Ecological Status or Potential may be prejudiced.

7. Increased likelihood of flooding from blockages

- (i) Compared with an open channel there is an increased risk of blockage once a culvert is installed. If the blockage occurs within the culvert, there is much greater difficulty in removing it.
- (ii) Flooding is more likely to result from culverts when they become obstructed, and culverted channels also provide less flood storage than open ones. Where culverts exist, proper arrangements must exist to remove the build up of debris at the culvert entrance/exit.
- (iii) Culverting will create a less permeable bed to a watercourse and often increases the speed of water flow, possibly increasing flood risk downstream.

8. Increased difficulties in providing new drainage connections, and the repair, maintenance and replacement of culverts

- (i) Drainage connections are more easily made to open watercourses where the performance of such systems can be visually monitored.
- (ii) Culverts conceal the presence of a watercourse and can lead to development or unacceptable land-use above or near them. In many urban areas buildings have been constructed above or adjacent to culverts. This means that improving standards of flood protection or accommodating run-off from future developments could be impossible or uneconomic due to the cost of replacing or enlarging existing culverts.
- (iii) The responsibility for the condition and maintenance of a culvert lies with the landowner or the owner of the culvert unless other arrangements are in place. The responsible party must therefore ensure that the culvert remains in good condition and free from obstructions. It should also be remembered that the responsible party may also be or become responsible for uprating or increasing the size of the culvert to ensure that it continues to properly pass the proper flows of water. This may lead to considerable cost and inconvenience. Generally it is easier and cheaper to improve an open watercourse than a culvert. Failure to do so could result in liability for any damage caused by flooding. Access to culverts is generally safe only with the use of special procedures and equipment, making inspection and maintenance both difficult and costly.

9. Health and safety hazards

There are dangers associated with open watercourses but culverted watercourses can be equally dangerous. Culverting does not remove the risk of drowning or injury. There have been many cases in the past where children in particular have died or suffered injury after entering culverts and they therefore can represent a considerable safety hazard. Water levels can rise suddenly and without notice, and there can be a lack of oxygen or a build-up of potentially toxic or explosive gases in culverts. All these hazards are a danger both to the

public and to operatives when maintenance is required. The installation of a weedscreen can reduce some of these dangers but weedscreen blockages can in turn lead to flooding and such screens need to be properly maintained and cleared.

10. Pollution and effect on water quality

- (i) Culverting a watercourse can make the early detection and tracing of pollution sources more difficult, resulting in the adverse impacts being perhaps more serious. However, they can also stop some types of pollution entering a wider drainage system.
- (ii) There is normally a reduction in oxygenation of water passing through a culvert. Culverting may also result in stagnant water problems, particularly if culvert levels are badly planned or constructed.

11. Consenting Process

- (i) The MLC/IDBs strongly encourage pre application discussions before making an application for consent to ensure that there are no delays in considering the matter. For pre application discussions see www.middlelevel.gov.uk/Planning/Planning_Consent_Documents/Pre-application_Enquiries. The MLC/IDBs will, if necessary reject an application if the application form is not properly completed. The consent application form and guidance is available from www.middlelevel.gov.uk/Planning/Planning_Consent_Documents.
- (ii) On receipt of a properly completed application form and appropriate fee, the MLC/IDBs will determine the application. As part of the process they may consult other organisations for example Environment Agency, or Natural England as appropriate.
- (iii) The MLC/IDBs will then determine the application, inform you of approval or rejection and where the application is approved will provide you with a copy of the consent and any appropriate informatives.

12. Do your works require consent?

- (i) The following works require ordinary watercourse consent from the relevant drainage authority under section 23 of the Land Drainage Act 1991, to:
 - a) erect any mill dam, weir or other like obstruction to the flow of any ordinary watercourse or raise or otherwise alter any such obstruction; or
 - b) erect a culvert in an ordinary watercourse; or
 - c) alter a culvert in a manner that would be likely to affect the flow of an ordinary watercourse.
- (ii) In addition, culverting works in watercourses maintained by the MLC/IDBs will require consent under the relevant authority's byelaws. The application form and process of consideration will be the same however. In addition it should also be noted that the byelaws also require the relevant authority's prior consent to any works in the channel of or within a certain distance (20 metres in the case of MLC and normally 9 metres in the case of the IDBs) (the byelaw distance) of such a watercourse.

13. What organisation should consent your works?

- (i) For works affecting a watercourse that falls within an Internal Drainage District then you will need to apply to the IDB responsible for that area.
- (ii) For works affecting a watercourse that falls outside an Internal Drainage District then you will need to apply to the Lead Local Flood Authority for the area (see 3 above) except in the case of a Main River.
- (iii) For works affecting **Main Rivers** the prior written consent of the Environment Agency is required for the erection of any structure in, over or under a main river, and consent for buildings over a culvert will usually be refused. The Agency also have byelaws which relate to Main Rivers and the byelaw distance relevant to such Rivers. Phone 03708 505 506 or visit www.environment-agency.gov.uk for further information on Main Rivers.
- (iv) To find out whether your watercourse is a Main River or within an Internal Drainage District visit www.middlelevel.gov.uk for further information.

14. Guiding principles

- (i) In considering any culverting proposals, our principal objective is to retain open watercourses with a corridor of open land on both sides. This maintains a flood channel and creates a valuable environmental feature which can enhance the site and be easily maintained. Developers will also be encouraged to incorporate existing open watercourses, or create new ones, together with access strips to facilitate the maintenance of such watercourses within their site design. Such features are of particular importance to wildlife by providing valuable open land in developed areas. Where possible, the removal of culverts will be encouraged to restore or replicate a more natural watercourse environment.
- (ii) Those proposing to culvert a watercourse are encouraged to find alternatives which retain the open watercourse as a feature. Examples include:
 - clear open span bridges with existing banks and bed retained;
 - revision of site layout to incorporate an open watercourse;
 - diversion of the watercourse in an environmentally sympathetic channel and corridor.
- (iii) In some cases culverting may be desirable or unavoidable for example, short lengths for access purposes. In such cases the length involved should be restricted to the minimum required to meet the objectives.
- (iv) Where an application for a culvert is to be made it is advised that the applicant enters into pre application discussions with the relevant authority (see 11 above) and seeks expert advice before submitting any designs. The applicant should consider the following:
 - They must not increase the risk of flooding or prevent/restrict maintenance of the adjacent open watercourse.

- All culverts should be designed and constructed so as to accommodate and not to cause restriction to flood flows in the watercourse at the specified location.

15. Technical requirements

Design and Method Statement

- (i) Detailed design plans, a flood risk assessment, an environmental assessment and a method statement for the proposed works will need to be submitted with the consent application. The MLC/IDBs will reject an application where there is insufficient information provided.

Maintenance

- (ii) The responsibility for future maintenance and clearance of a culvert must be clearly set out. Details of those responsible and a formal maintenance regime must be submitted with your application for consent. The responsibility for the maintenance of a culvert lies with the landowner or the person who owns the culvert unless other arrangements have been made (see 8 above).
- (iii) Suitable access arrangements for maintenance should be included in the design. Access chambers must be provided at each change of direction if the culverting is not straight. Sharp bends should be avoided. The maximum spacing between access chambers should not exceed 90 metres, 45 metres for pipes of 300mm diameter or less.

Size Requirements

- (iv) The minimum recommended culvert size will vary according to the size of the watercourse but culverts smaller than a 600mm diameter pipe or equivalent will not normally be permitted. For long culverts under embankments or similar structures, culverts with at least 1.5m of headroom above bed level should be used to facilitate access for inspection and maintenance.

16. Technical guidance

- (i) To ensure that the flow of the watercourse is not impeded or altered the following should be taken into account:
 - The shape of the culvert and the materials used for construction should be chosen to satisfy site-specific requirements in terms of channel hydraulics, strength and durability, and should be appropriate to the local environment.
 - The use of differently shaped pipes or different cross-sectional details within a culvert length should be avoided unless adequate hydraulic transitions are incorporated into the design. Such transitions are also essential where works to extend an existing culvert are proposed.
 - Appropriate inlet and outlet structures should be provided in order to ensure smooth hydraulic transition and avoid erosion. Headwall arrangements at the upstream and downstream ends of a culvert should be suitably keyed into the bed and banks of the watercourse, and should be appropriate to the local environment.

- Over-sized pipes or box culverts should be used wherever possible to maximise the cross-section and capacity. Allowance should be made in the hydraulic design for freeboard.
 - Overland flood flow routes should be considered to cater for situations where the capacity of the culvert could be lost due to blockages or exceeded and if necessary incorporated within the design.
 - Multiple culverts must be avoided wherever possible. Multiple small culvert arrangements are prone to blockage by accumulation of waterborne debris at the inlet. MLC/IDBs do however, recognise that site conditions may prevent a single-pipe or box-culvert option being practical, in which case a single-span bridge design is recommended. Where multiple culverts are unavoidable, the presumption will be to refuse consent. In exceptional circumstances where consent is granted, a minimum number of culverts should be used and cutwaters should be provided between pipes at the culvert inlet. The design should also incorporate:
 - Depression of the invert of one culvert to carry low flows;
 - Facilities to enable temporary diversion of flows to allow inspection or maintenance of each culvert;
 - Inlet and outlet screens may be appropriate to prevent debris entering the culvert and causing clogging, or where there is a danger to public safety. If screens are included, they need to be sized and designed to reduce the risks of blocking and provision must be made for adequate cleansing and maintenance of such screens.
- (ii) Siphons are a source of continuous maintenance problems and should where possible be avoided.
- (iii) To mitigate against the potential for erosion of the watercourse:
- Culverts and outfall structures should be designed so that the exit velocities do not create erosion problems at the outlet and downstream and appropriate erosion prevention measures should be incorporated into the design.
 - On watercourses subject to severe erosion and siltation problems consideration should in addition be given to the provision of silt traps upstream of the culvert.
- (iv) Services (for example sewers, water mains etc) should not impinge into the cross-section of the culvert.
- (v) Clear and concise guidelines for the hydraulic design of culverts are contained within the publication CIRIA C689 – Culvert Design and Operation Guide – Visit www.ciria.org to download a copy.

17. Environmental considerations

- (i) Environmental mitigation should include appropriate consideration of the provision of:
 - ledges running through very large culverts (approximately 500mm wide and 300mm above normal water level) to allow for the passage of mammals. Or the provision of appropriately located mammal underpasses close to the culvert.
 - ensuring that the height of the invert should not pose an obstruction to fish movement.
 - opening up a length of previously culverted watercourse elsewhere on the site, enhancing other lengths of the or another suitable watercourse, creation of a pond/marshy area, scrub/hedge planting.
 - the construction of headwalls and wingwalls in ‘soft-engineering’ or natural materials in keeping with the natural channel, where possible and sensible to do so.

18. Planning Considerations

- (i) Any consent granted by MLC/IDBs does not remove the need for planning permission where this is required and the grant of planning permission does not imply that consent will be granted by the relevant drainage authority or remove the need for such consent to be obtained. Nor does it give the right to enter or cross land in third party ownership.
- (ii) MLC/IDBs would normally object to a planning application and refuse land drainage consent in the following circumstances:
 - for any building over a culvert as the culvert may, in the future, need to be repaired, replaced or up-rated if conditions in the catchment change. There is also the need to maintain an overland flow route if the culvert is blocked or its capacity exceeded
 - on conservation grounds for a development which proposes a culvert where there are reasonable alternatives. Such alternative solutions might include a revised site layout or an ecologically acceptable diversion of an open channel.

19. Definitions

- (i) Culvert – A covered channel or pipeline used to continue a watercourse or drainage path under an artificial obstruction.
- (ii) Cutwater – The wedge-shaped streamlined head of a bridge pier or other structure within a watercourse channel.
- (iii) Invert – The lowest internal surface or the floor of a culvert.
- (iv) Main River – Those watercourses shown as such on the statutory main river maps held by the Environment Agency and the Department of the Environment Food and Rural

Affairs. Main river can include any structure or appliance for controlling or regulating the flow of water in or out of the channel other than those vested in or under the control of the MLC/IDBs.

- (v) Watercourse – Includes all rivers, streams, ditches, drains, cuts, dykes, sluices, sewers (other than public sewers) and passages through which water flows.

SCHEDULE

Benwick Internal Drainage Board
Bluntisham Internal Drainage Board
Churchfield & Plawfield Internal Drainage Board
Conington & Holme Internal Drainage Board
Curf & Wimblington Combined Internal Drainage Board
Euximoor Internal Drainage Board
Hundred Foot Washes Internal Drainage Board
Hundred of Wisbech Internal Drainage Board
Manea & Welney District Drainage Commissioners
March & Whittlesey Internal Drainage Board
March East Internal Drainage Board
March Fifth District Drainage Commissioners
March Sixth District Drainage Commissioners
March Third District Drainage Commissioners
Middle Level Commissioners
Needham & Laddus Internal Drainage Board
Nightlayers Internal Drainage Board
Nordeph Internal Drainage Board
Ramsey First (Hollow) Internal Drainage Board
Ramsey Fourth (Middlemoor) Internal Drainage Board
Ramsey Upwood & Great Raveley Internal Drainage Board
Ransonmoor District Drainage Commissioners
Sawtry Internal Drainage Board
Sutton & Mepal Internal Drainage Board
Swavesey Internal Drainage Board
Upwell Internal Drainage Board
Waldersey Internal Drainage Board
Warboys Somersham & Pidley Internal Drainage Board
White Fen District Drainage Commissioners

MIDDLE LEVEL COMMISSIONERS ("the Board")

General principles relating to the respective roles of the Board, Board Members, Chairman and Clerk

This paper should be read in conjunction with the Schedule of Matters Reserved to the Board and the Board's Scheme of Delegations.

The Board is responsible for:

- 1 Establishing and maintaining the Board's vision, mission and values
- 2 Deciding the Board's strategy and structure and policies
- 3 Delegating functions as appropriate
- 4 Exercising accountability to rate and special levy payees and to relevant third parties
5. Deciding and monitoring budget expenditure
- 6 Appointing the Clerk and Engineer to the Board
- 7 Setting the annual rate and special levy
- 8 Taking responsibility for the Board's composition and development
- 9 Ensuring that adequate operational planning and financial control systems are in place

Board members, whether elected or nominated, should all fully participate in the running of the Board and have equal responsibility for:

1. Acting in the overall interest of the Board and not in the particular interest of an area of affiliation;
2. Familiarising themselves with the Board's District and its workings;
3. Addressing agricultural and urban land drainage, flood management and environmental issues, with each making input related to their background and experience;
4. Fully participating in the Board's affairs including attending all Board meetings unless prevented by ill-health or other necessary circumstances;
5. Declaring any pecuniary or non-pecuniary interest on any item on the agenda;
6. Acting in accordance with the Board's Standing Orders, Financial Regulations, Financial Code and other Board policies;
7. Representing the rate payers and special levy payers in the Drainage District, including both receiving information for the Board and the dissemination of the Board's decisions

The Chairman's key responsibilities include:

1. Setting the agenda, style and tone of Board discussions and chairing Board meetings, to promote effective decision making and constructive debate;
2. Providing leadership to the Board;

3. Ensuring proper information is made available to the Board;
4. Planning and conducting Board meetings effectively;
5. Getting all Board members involved in the Board's work;
6. Promoting effective relationships and open communication, both inside and outside the Boardroom, between Board members and those who undertake work for the Board;
7. Ensuring there is provision for the induction and development of Board members;
8. Ensuring the Board focuses on its key tasks;
9. Engaging the Board in assessing and improving its performance;
10. Ensuring effective implementation of Board decisions;
11. Establishing a close relationship of trust with the Clerk's office;
12. Representing the Board and presenting the Board's aims and policies to the outside world;
13. Understanding the views of ratepayers, special levy paying councils and key stakeholders and ensuring that effective lines of communication exist with the Board.

The Clerk's office has responsibility for the day to day running of the Board's business. Key responsibilities include:

1. Implementing Board policy;
2. Developing where appropriate strategic operating plans that reflect the longer term corporate objectives and priorities established by the Board;
3. Maintaining an ongoing dialogue with the Chairman of the Board;
4. Closely monitoring the operating and financial results against plans and budgets;
5. Taking remedial action where necessary and informing the Board of significant changes;
6. Representing the Board at meetings with ratepayers, special levy paying councils, Government, professional associations and key stakeholders;

NB To facilitate the management of the Board's day to day business, delegated authority to take all decisions necessary for the implementation of such business is given to the Clerk's office, subject to the exceptions reserved to the Board (or Board committee or Chairman (or other member(s))) and noted in the Schedule of Reserved Matters or Scheme of Delegations.

MIDDLE LEVEL COMMISSIONERS

EMPLOYEES CODE OF CONDUCT

1. INTRODUCTION

The Commissioners' Code of Conduct is set out below. It covers the main standards of behaviour the Commissioners require from employees and includes the Commissioners' Rules, which employees need to follow. It should be read in conjunction with the Employee Handbook.

Nothing in this Code shall infringe the rights and duties of employees under the Whistle Blowing Policy and Confidential Reporting Code.

The Commissioners' Rules and the examples of misconduct are not exhaustive. All employees are under a duty to comply with the standards of behaviour and performance required by the Commissioners and to behave in a reasonable manner at all times.

A breach of the Commissioners' Rules may result in disciplinary action. A single instance of gross misconduct may result in dismissal without notice. Examples of misconduct, which the Commissioners normally regard as gross misconduct are included in the Employee Handbook.

2. COMMISSIONERS' RULES

2.1 Attendance and Timekeeping

Employees are required to:

- a) arrive at work promptly, ready to start work at their contracted starting times
- b) remain at work until their contracted finishing times

Employees must obtain authorisation from their Line Manager if for any reason they wish to arrive later or leave earlier than their agreed normal start and finish times.

The Commissioners reserve the right not to pay employees in respect of working time lost because of poor timekeeping.

Persistent poor timekeeping may result in disciplinary action.

2.2 Standards and Conduct

Employees are required to:

- a) behave in a way that does not constitute unlawful discrimination
- b) comply with all reasonable management instructions
- c) comply with the Commissioners' operating policies and procedures
- d) co-operate fully with their colleagues and with management

- e) maintain satisfactory standards of performance at work.
- f) ensure that any queries received from the media are referred immediately to management. Unauthorised employees must not attempt to deal with queries themselves.
- g) ensure the maintenance of acceptable standards of politeness.
- h) take all necessary steps to safeguard the Commissioners' public image and preserve positive relationships with:
 - i) Local Authorities
 - ii) Members of the public
 - iii) Other associates
 - iv) Other Navigation Authorities
 - v) Ratepayers
 - vi) Environment Agency
 - vii) Internal Drainage Boards

2.3 Flexibility

Employees may be required to comply with any reasonable request wherever practicable and in accordance with their contract of employment.

- a) from time to time to undertake duties outside their normal job remit
- b) from time to time to work at locations other than their normal place of work
- c) to work additional hours at short notice, in accordance with the needs of the Service
- d) to undertake standby and call out duties as required by the Commissioners

2.4 Conflicts of Interest

Employees must declare an interest in any of the Commissioners' business, where there is a direct or indirect personal or prejudicial interest. Such interests are clearly defined in the Members' Code of Conduct which employees are required to read.

2.5 Confidentially

Employees are required to keep confidential, both during their employment and at any time after its termination, all confidential information gained in the course of their employment about the Commissioners' business, members, colleagues or ratepayers, except as required by law or in the proper course of their duties.

Employees are not permitted to engage in any activity outside their employment with the Commissioners, which could reasonably be interpreted, as competing with the Commissioners.

Examples of confidentially – this list is not exhaustive, it is intended for guidance only:-

- Any matters relating to employment/contracts of employment

- Wages, salaries, bonuses etc
- Personal details of employees, Members, ratepayers

2.6 Working Clothing and Personal Protective Equipment

Employees are required to:

- a) wear the appropriate clothing for the role in which they are employed
- b) wear or use any personal protective equipment or clothing as instructed by and supplied by the Commissioners at all times when required to do so.

2.7 Health and Safety

2.7.1 General

Employees are required to:

- a) observe the Commissioners' health and safety procedures
- b) ensure that safety equipment and clothing are always used in accordance with the Commissioners' health and safety procedures
- c) gain an understanding of the Commissioners' health and safety procedures

2.7.2 On Site Rules

Employees working on site are required to follow any site-specific rules, in addition to the requirements of the Employee Handbook and of the Commissioners' Rules.

2.8 Property and Equipment

- a) Employees may only use the Commissioners' telephone, fax or e-mail services for private use in accordance with the Electronic Mail and Internet Use Policy set out in the Employee Handbook.
- b) Employees may not without the permission of the Chief Executive, remove Commissioners' or site property or equipment from Commissioners' or site premises unless for use on authorised Commissioners' business.

On termination of their employment employees must return all Commissioners' property, such as keys, laptops, mobile telephones, vehicles, documents or any other items belonging to the Commissioners. This list is not exhaustive.

Where an employee damages property belonging to the Commissioners, either through misuse or negligence, the Commissioners reserve the right to make a deduction from the employee's pay in respect of the costs of repairing or replacing any such damaged property.

2.9 Personal Property

Personal possessions on the Commissioners' premises and/or in Commissioners' vehicles are the sole responsibility of employees who should ensure that their personal possessions are kept in a safe place at all times.

2.10 Environment

In order to provide a cost-effective services, employees are requested to:-

- a) handle all materials with care.
- b) switch off equipment when it is not in use.
- c) use the Commissioners' equipment, materials and services wisely.
- d) try to reduce wastage and the subsequent impact on the environment by ensuring that they close windows, avoid using unnecessary lighting or heating or leaving taps running.

2.11 Changes in Personal Details

To ensure the prompt payment of monies due to you and that the Commissioners are able to contact you or another designated person in case of an emergency, employees must notify the Commissioners as soon as possible of any change of:

- a) name
- b) address
- c) marital status
- d) next of kin
- e) telephone number
- f) bank account (which affects where monies due to you from the Commissioners are paid)

This will also help the Commissioners to maintain accurate personal details in compliance with the Data Protection Act 1998.

MIDDLE LEVEL COMMISSIONERS

Employees Code of Conduct

I confirm receipt of a copy of the Employees Code of Conduct

Name

Signed

Date.....

MIDDLE LEVEL COMMISSIONERS

FINANCIAL CODE

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A SUMMARY

1. This Financial Code supplements the Commissioners' Financial Regulations, Standing Orders, Schedules of Reserved Matters and Scheme of Delegations to ensure that their resources are properly managed, accounted for and controlled. It should be read together with those Regulations, Orders, Schedules and Scheme together with any supplementary guidance produced by the Chief Executive in respect thereof.
2. The level at which decisions relating to the finances and functions of the Commissioners are to be taken are as set out in the Schedule of Reserved Matters and the Scheme of Delegations and within the Middle Level Acts 1810-74
3. The Chief Executive, in conjunction with the Treasurer shall be responsible for maintaining adequate and effective controls and procedures in the manner and format he considers to be best and shall, where appropriate, prepare additional rules of procedure or guidance, supplementary to this Code.
4. The Treasurer shall be responsible for setting up and maintaining the financial and management accounting/reporting systems, processes, procedures and coding lists. Such systems shall be properly documented and shall not be changed save by or with the approval of the Treasurer. The Treasurer shall be the Commissioners' Responsible Financial Officer, as defined in and for the purposes of the Accounts and Audit Regulations
5. The Chief Executive, the Chief Engineer and the Treasurer shall be responsible to the Commissioners for securing economy, efficiency and effectiveness in their use of resources and for ensuring that value for money is provided.
6. The Treasurer shall ensure that the Commissioners' Financial Statements for each Financial Year ending 31 March are prepared in accordance with any advice received from the Internal Auditor and with the provisions in force from time to time of the Accounts and Audit Regulations and the Financial Reporting Standard for Smaller Entities and, so far as may be appropriate, with the Practitioners' Guide to the Preparation of Financial Statements for IDBs.
7. The Treasurer shall ensure that the Commissioners consider and approve their Financial Statements for a Financial Year in accordance with the provisions of the Accounts and Audit Regulations.
8. References in this Code to "the Chairman" shall also include the Vice Chairman.

B SCHEME OF BUDGET DELEGATION

1. The Chief Executive shall be a budget holder and is responsible with the Treasurer to the Commissioners for the overall management of the Commissioners' Finances, the Expenditure Estimates and all Budgets
2. The Treasurer shall be a budget holder in respect of the administration budget and is responsible to the Chief Executive for preparing and managing the Commissioners' budgets.
3. The Chief Engineer shall be a budget holder and is responsible to the Chief Executive for preparing and managing the Capital Works Budget the Maintenance Works Budget, the ICT budget, the Plant/Labour Operating Accounts, the Plant Replacement Budget, the Stock Control Account and the Rechargeable Works Budget and any other matter in respect of which he is authorised under the Scheme of Delegations.

4. The Chief Executive shall have the power to overrule any decision taken by another budget holder to procure goods and services, charge, allocate or otherwise commit expenditure, if he/she feels that it is in the best interests of the Commissioners to do so.
5. Budget holders may appoint employees to act on their behalf, providing such appointments are notified to the Chief Executive. Budget holders may at any time remove any such authority, providing such removal is notified to the Chief Executive.
6. No other employee shall be empowered to enter into contracts on behalf of the Commissioners unless instructed to do so by a budget holder. Nor shall any other employee commit the Commissioners to a particular course of action or provide an undertaking or assurance to any other party without the prior consent of the relevant budget holder or of the Chief Executive.
7. Neither Board members nor Commissioners shall individually have the power to commit the Commissioners to any contract unless authorised to do so by resolution or under the Scheme of Delegations.
8. No budget holder or other employee other than the Chief Executive shall procure goods and services, charge, allocate or otherwise commit expenditure against a budget that they have no budgetary responsibility for.
9. All correcting journal entries shall always be authorised and approved by or on behalf of the Treasurer.
10. All employees and members have a responsibility for health and safety, compliance with policies procedures and codes of practice, for the general security of the Commissioners' property, and, for economy efficiency and effectiveness in the use of resources.
11. All employees and members shall familiarise themselves with and observe the Financial Regulations, the Schedules of Reserved Matters, the Scheme of Delegations and this Code.
12. The Chief Executive may make such changes to the nature and extent of any budget holder's responsibility other than his/her own as he/she thinks fit but subject to the provisions of the Middle Level Acts 1810-74 and of the Financial Regulations, the Schedules of Reserved Matters and the Scheme of Delegations.
13. Failure to comply with any aspect of this Code may result in disciplinary action being taken against the individual(s) concerned. Serious breaches by members may result in action being taken against them, in accordance with the Members' Code of Conduct.

C MANAGING BUDGETS & REPORTING

1. The Treasurer shall be responsible to the Chief Executive for preparing the Commissioners' Estimates/Budgets, for monitoring income and expenditure during the course of the year and alerting the Chief Executive to any material variances, and, for providing budget holders with the financial information that they require and assisting them as necessary to enable them to properly prepare/manage their budgets.
2. It is the Treasurer's responsibility to ensure that the Chief Executive is presented with the proposed Expenditure Estimates in order that Rates and Special Levies can be determined in due time in accordance with the Land Drainage Act 1991 and the Middle Level Acts 1810-74 and it is the individual budget holder's responsibility to provide the Treasurer with their detailed budgets and supporting information in order that he/she may do so.

3. The Chief Executive shall ensure that the Commissioners each year consider and approve the Expenditure Estimates in order that the Drainage Rates and Special Levies can be determined in accordance with the Land Drainage Act 1991 and the Middle Level Acts 1810-74.
4. Any drainage rate refunds due for whatever reason shall be approved by the Chief Executive prior to being paid or otherwise accounted for.
5. The Finance Officers shall be responsible to the Chief Executive for ensuring that the Drainage Rates and Special Levies are substantially collected by 31 October each year. Outstanding Rates/Levies shall be pursued in a timely manner after that date.
6. The Finance Officers shall advise the Chief Executive immediately should a Local Authority fail to make their Special Levy payment at the agreed time, or where Drainage Rates are outstanding following Reminder.
7. Every budget holder is responsible for seeking to ensure that actual expenditure on each of their budgets does not exceed the budget as approved and shall regularly monitor income/expenditure to this end. Budget holders shall wherever practical get approval for material adverse variances to any of their budgets that are anticipated. Approval shall be sought in accordance with the Schedules of Reserved Matters and the Scheme of Delegations.
8. The Chief Executive (or in his absence the Treasurer or the Chief Engineer) shall be the only employee who can convene a meeting of the Commissioners, the Board or a Committee. The Chairman, Vice Chairman or any 3 other Board members shall also have the power to convene such a meeting.
9. The Chief Engineer in conjunction with the Treasurer shall prepare a Report for each Board and Executive Committee meeting, detailing the progress made on approved capital schemes during the reporting period as compared to approved budgeted costs, and, when appropriate, will propose new capital schemes for consideration. Such Report will also detail the maintenance work that has been carried out during the reporting period and the cost of such work.
10. The Treasurer shall also prepare a Financial Report for each Board and Executive Committee meeting and, shall prepare any other management accounting/financial report that may be required by the Board, Committee or the Chief Executive.

D PURCHASING GOODS & SERVICES (INCLUDING PLANT)

1. Unless otherwise authorised by the Commissioners or the Board, by resolution or required under the terms of any formal procedures relating to such work, budget holders and their approved deputies shall always comply with the following procedures when procuring goods and services. Quotations/Tenders will be sought as follows, other than in emergency situations, where approved buying groups or approved contractors/consultants/suppliers for a particular area of work or expertise have been appointed or are used or where approved service level agreements are in force. These threshold amounts may be amended from time to time by resolution of the Board:

Estimated Value of Goods/Services	Quotes/ Quotations/Tenders to be obtained
<= £2,000	No quotations/tenders required
> £2,000 and <= £5,000	Obtain 1 written quotation
> £5,000	Obtain 3 quotations or 3 tenders as appropriate

2. The budget holder shall be responsible for ensuring that quotations or tenders are sought when required by the above table. Where it is not possible to get the required quotations or tenders, the Chief Executive's approval must be obtained prior to awarding the contract.
- 3 Any approved contractors, consultants or suppliers' list shall be maintained and kept up to date by the Chief Engineer in conjunction with the Treasurer.
4. A budget holder must never agree to permit a third party to provide them with goods/services where tenders or quotations are required without obtaining a copy of their terms of business beforehand.
5. Budget holders shall fully comply with all competition law and the Bribery Act 2010 and shall so far as is reasonable, satisfy themselves as to the insurance policies of contractors and their systems of work before awarding works contracts.
6. Budget holders shall not enter into any contract that has been Reserved to the Commissioners, the Board or a Committee without obtaining the Chief Executive's approval beforehand. The Chief Executive shall not permit any budget holder to enter into such a contract if he/she considers it to be inappropriate or that the required approval has not been given.
7. The procurement of all goods and services shall be authorised as follows; These threshold amounts may be amended from time to time by resolution of the Board:

Value of Purchase Order Authorisation required

£	£	Authoriser(s)
>0 and <=10,000		Budget holder: 1. Capital Schemes budget – Chief Engineer or authorised deputy or Chief Executive 2. Maintenance Works budget, ICT budget, Operations Budget, Plant Replacement budget, Stock Control Account and Rechargeable Works budget – Chief Engineer or authorised deputy or Chief Executive
>10,000 and above		3. Administration budget – Chief Executive or Treasurer or Assistant Treasurer or authorised deputy Budget holder or deputy and one of Chief Executive, Treasurer, Chief Engineer or Chairman (where such officers are not the primary budget holder).

All expenditure on training, continuous professional development, courses and seminars may only be authorised by the Chief Executive, the Treasurer or the Chief Engineer. All expenditure where corporate credit cards are used as the means of payment shall only be authorised by the Treasurer or when the Treasurer uses the corporate credit card as the means of payment, the Chief Executive. All emergency works <£20,000 shall be authorised beforehand by the Chief Executive or the Chief Engineer. All emergency works >£20,000 must be approved beforehand by the Chairman or in his absence a member of the Board.

8. All procurement of goods and services shall be authorised by the signing and dating of an official purchase order or purchase instruction. On so authorising the procurement of goods or services the budget holder (and any secondary authoriser) will have satisfied themselves that the Financial Regulations and this Code have been complied with and that any approval required by the Schedules of Reserved Matters or the Scheme of Delegations has been obtained. The Chief Executive, the Treasurer or the Chief Engineer shall be authorised to raise sign and date a purchase order or purchase instruction where the procurement has been authorised by the ~Commissioners, the Board or a Committee.
9. The budget holder must never break down a job and string a number of purchase orders or authorisations together simply to avoid having to get 3 written quotations/tenders or approval from a secondary authoriser.
10. The following information must be clearly stated on each purchase order or instruction:
 - i. The name of the supplier.
 - ii. The agreed price of the goods/services required, other than in an emergency or where impractical to do so.
 - iii. The cost centre(s) to which the item(s) will be allocated and thereby charged to.
 - iv. The Unique Order No. as approved by the budget holder.
11. The Treasurer shall inform the Chief Executive immediately, if he/she establishes that any person has procured goods or services, charged, allocated or otherwise committed expenditure against a budget for which they have no responsibility.
12. All quotes/tenders, delivery notes, invoices for payment and credit notes shall be matched to the official purchase order or instruction, examined, coded and certified as correct by the budget holder and secondary authoriser (where appropriate) before they are proposed for payment or set off. If the budget holder or secondary authoriser deems any invoice/credit note to be incorrect they shall notify the Treasurer immediately, who shall not process such invoices/credit notes for payment or set off until satisfied that payment or set off is properly due. The quotes/tenders, purchase orders and delivery notes, where required to be signed or where amended, shall all be filed together with the invoices/credit notes as directed by the Treasurer.
13. The Treasurer shall ensure that all Invoices which have been approved for payment are duly scheduled for payment. A Schedule of Proposed Payments shall be prepared by or on behalf of the Treasurer once a month, or as otherwise directed by the Chief Executive.
14. The Schedule of Proposed Payments shall be authorised by a Board Member.
15. Where it is considered that there are valid reasons for departing from these procedures, the approval of the Chairman shall be obtained. Any such departure will be reported to the Board.

E BANK MANDATE AND INVESTMENTS

1. No changes shall be made to the Commissioners' bankers or the bank mandate without the prior consent of the Board.

2. Approved signatories for the bank accounts are as follows:
 1. Chief Executive or
 2. Treasurer
3. All payments shall be duly authorised by the appropriate person(s) and checked by or on behalf of the Treasurer prior to being made.
4. All cheque books, deposit books, banking cards and other documentation or materials relating to the Commissioners' bank accounts shall be retained in the custody of the Clerk.
5. All payments, bank transfers and investments shall be made in the most efficient/secure manner as determined from time to time by the Treasurer.
6. The Treasurer shall maintain a Register of Passwords and Contact Details relating to financial transactions. All bank accounts shall be reconciled weekly by the Finance Officers and checked at regular intervals by the Treasurer.

F INVESTMENTS AND LOANS STRATEGY

1. All investments made by the Commissioners are made within guidance received from CIPFA (Chartered Institute of Public Finance Accountants) Guidance for the Public Sector, and relevant legislation:
 - The Commissioners' investment activities are limited by statute
 - The Commissioners may invest in major Banks and Building Societies
 - The Commissioners' investments must be regarded as low/medium risk
 - The Commissioners' investments must be made in their name and not any named individual
2. All investments shall be negotiated by Chief Executive or the Treasurer and reported to the Board. Such investments shall be for an appropriate period.
3. All borrowings shall be effected in the name of the Commissioners and shall be from the Public Works Loans Board unless a short term or emergency loan is required.
4. No loans shall be taken out without a resolution of the Commissioners.
5. All investment certificates and other documents relating thereto shall be retained in the custody of the Treasurer.

G COLLECTING MONEY

1. The Finance Officers shall be responsible for ensuring that all monies received are properly recorded in the accounting records.
2. Transaction copies of all receipts issued shall be retained for at least six years.

H SUNDRY DEBTORS

1. The Finance Officers are responsible for raising and collecting sundry debts due.
2. Each budget holder shall be responsible for providing the Treasurer with the necessary information to enable rechargeable work to be properly accounted for and invoiced, and, any other debts due to be properly invoiced. The budget holder shall advise the Treasurer whenever an Invoice is to be raised for goods provided or services rendered, under their control.
3. The Treasurer shall ensure that all such Invoices are properly raised as soon as practicable after being authorised and that the amounts due are collected promptly.
4. The Treasurer shall be responsible for ensuring that all other periodic debts due are properly raised when required and collected promptly.
5. The Chief Executive shall be responsible for ensuring that the Board consider whether all rents payable to them should be reviewed by a Chartered Surveyor at least once every 5 years.
6. The Treasurer shall calculate the claims for highland water payments due from the Environment Agency and send such claims to the Agency by the dates specified by the Agency.
7. Any refunds due to debtors for whatever reason shall be approved by the Chief Executive prior to being paid or otherwise accounted for.
8. The Finance Officers shall ensure that all debts are substantially collected within 30 days from the Debtor Invoice tax point date. The Finance Officers shall advise the Chief Executive of any debt that becomes 3 months overdue or whenever a debt becomes doubtful or is disputed.
9. The Chief Executive shall be empowered to collect all sundry debts due.
10. The Chief Executive shall obtain the Board's approval for instigating legal proceedings other than proceedings within the County Court small claims limit.

I EMPLOYING/MANAGING STAFF

1. The Chief Executive shall be responsible to the Commissioners for all matters regarding their employees.
2. The Commissioners shall always consider the extent to which independent advice should be sought before recruiting and appointing senior officers.
3. The Chief Executive shall, in accordance with the Scheme of Delegations and the Staff Handbook, have the authority to employ temporary staff and replace permanent staff provided that the employment costs are contained within the Expenditure Estimates/Budgets approved by the Board. The Chief Executive and such other officers, as are specified in the Staff Handbook, shall be authorised to take disciplinary action against any of the Commissioners' employees.

4. The Board's approval shall be required for the employment of additional permanent staff to fill new roles.
5. Subject to the above paragraphs and to the terms of any employee's contract, neither Commissioners nor Board members shall individually have the power to formally offer anyone any form of employment or to dismiss an employee, or otherwise take disciplinary action against any employee unless the Commissioners or the Board have specifically authorised such action.
6. Neither Commissioners nor Board members shall individually give instructions to any employee, unless the Board has authorised this approach. Such instruction shall come from the Commissioners themselves or the Board itself via the Chairman, Vice Chairman Chief Executive Chief Engineer or a Committee established for this purpose.
7. Line managers shall be responsible to the Chief Executive for managing the day to day activities of employees under their control. The nature and extent of this responsibility shall be determined by the Chief Executive.

J STOCK IN STORES/DELIVERED TO SITE

1. The Chief Engineer shall be responsible to the Chief Executive for all matters relating to the stock in stores or delivered to site and for managing stock in and out.
2. The responsible person regarding the physical check of all items in stock shall be the Treasurer for office equipment and for all other stock shall be the Chief Engineer.

K ASSET ACCOUNTING/MANAGEMENT

1. Any assets to be sold will be advertised in the appropriate media or by the method most appropriate for securing best value and will be sold for the highest offer unless being part-exchanged or traded-in when acquiring another asset, or otherwise sold for a budget price approved by the Board.
2. The Chief Engineer shall be responsible for documenting and maintaining the Records of the Commissioners' operational assets

L AUDIT

1. As a requirement of the Accounts and Audit Regulations, the Treasurer shall ensure that the Board is presented with the Internal Auditor's Report each year.
2. All employees are required to assist the Internal and External Auditors, or their authorised representative, in the performance of their duties.

M SALARIES AND WAGES

1. The Commissioners shall always seek independent advice before making significant changes to the Chief Executive's terms and conditions of employment, other than where such changes are as a result of legislative change.

2. The Commissioners shall where appropriate seek independent advice before making significant changes to terms and conditions of employment.
3. The Treasurer shall be responsible for the proper compilation of the payroll(s) and for the final determination of pay, as approved by the Board.
4. No material changes other than those arising as a result of legislative change shall be made to terms and conditions of employment without the prior consent of the Board or a duly authorised Committee. Where such changes have been authorised the budget holders will ensure that such changes are communicated to the relevant employee(s).
5. All annual holiday entitlements (including any carried forward provisions) shall be agreed with the relevant Chief Officer at the beginning of every financial year and signed off by him/her as such, in accordance with the Commissioners' terms and conditions of employment.
6. All time-off in lieu, sick leave, working-from-home arrangements and other absences from work or the work place shall be approved in writing by the Line Manager and/or the relevant Chief Officer.

N INSURANCES

1. The Treasurer shall be responsible for expeditiously submitting all insurance claims that the Chief Executive agrees should be pursued. Budget holders shall be responsible for providing the Treasurer with all of the necessary information he/she deems necessary in order to successfully make an insurance claim.

O SECURITY

1. No employee shall install software onto a computer without prior written consent from the Chief Executive or the Chief Engineer. All employees shall comply with the use of computers, email and internet policy, as set out in the Employee Handbook.
2. Maximum limits for cash holdings of more than £200 inclusive of petty cash shall not be exceeded without express permission from the Chief Executive or the Treasurer
3. Keys to all of the Commissioners' operational buildings and properties shall be controlled by the Chief Engineer, who shall maintain the list of key holders and provide a copy on request to the Chief Executive

P REVIEW OF FINANCIAL CODE

1. The Commissioners reserve the right to make reasonable changes to this Code at any time in future.
2. Failure to take action against any employee following a breach of the Financial Regulations or of this Code does not constitute a waiver of the Commissioners' right to take disciplinary action on any future breaches of the Financial Regulations or of this Code and no single or partial action taken shall prevent any further disciplinary action being taken or other action being taken against any employee.
3. This Code shall be reviewed at the same time as the Financial Regulations.

MIDDLE LEVEL COMMISSIONERS

Fraud and Corruption Policy

INTRODUCTION

One of the basic principles of public sector organisations is the proper use of public funds. It is therefore important that all those working in the public sector are aware of the risk of wrongdoing and the means of enforcing the rules against it. The aim of this document is to set out the Commissioners' policy for suspected or detected irregularities.

POLICY

The Commissioners are committed to a culture of honesty, openness and fairness. They are therefore also committed to the elimination of any fraud and corruption and to the rigorous investigation of any such cases and the punishment of those involved.

The Commissioners actively encourage anyone having reasonable suspicion of irregularities to report them. It is also the policy of the Commissioners that no employee should suffer as a result of reporting reasonably held suspicions. Malicious reports will, however, be subject to the Disciplinary Procedure.

The Commissioners will take all reasonable steps to recover fully all losses from those responsible in proven cases of fraud or corruption including all costs incurred in the pursuit of such action.

DEFINITIONS

The term 'Fraud' encompasses criminal offences involving the use of deception to obtain some benefit or to be to the detriment of some person or organisation.

Corruption, in its broadest sense, involves the taking of decisions for inappropriate reasons – e.g. awarding a contract to a friend, appointing employees for personal reasons, or the giving or accepting of gifts as an inducement to take some course of action on behalf of the organisation.

The Audit Commission defines **Fraud** as – “the intentional distortion of financial statements or other records by persons internal or external to the authority which is carried out to conceal the misappropriation of assets or otherwise for gain”.

Corruption is defined by the Commission as – “the offering, giving, soliciting or acceptance of an inducement or reward which may influence the action of any person”.

DISCOVERY OF FINANCIAL IRREGULARITIES

Financial irregularities can come to light in a number of ways. They are usually discovered as a result of:-

- Employees becoming aware of or suspecting that management controls are not being complied with
- Routine work, or Audit testing
- Information (tip-off) from a third party, internal or external to the organisation.

Any allegation, but particularly an anonymous one, should be treated with caution and discretion, because what appears to be suspicious circumstances may have a reasonable explanation. There is also a risk that some reports may be malicious. It must be remembered that those against whom allegations are made, are innocent until the contrary is shown.

Under no circumstances should information about any suspected irregularity be passed to a third party or to the media without the **express authority** of the Chief Executive or Internal Auditor

RESPONSIBILITY OF EMPLOYEES

Employees who are aware of, or suspect that a financial irregularity is taking place, or has taken place, have a duty to report their suspicions, since by doing nothing they may be implicating themselves. They should immediately inform their line manager. The only exception to this rule is where the employee suspects that the line manager might be involved in the irregularity. In that event, the employee should advise the Chief Executive, Internal Auditor or a Board Member.

Employees must not attempt to investigate suspected irregularities themselves, or discuss their suspicions other than with more senior managers in accordance with the Policy above.

Examples of the types of financial irregularity that might be suspected are:-

- Theft or abuse of property or funds
- Deception or falsification of records (e.g. fraudulent time or expense claims)

RESPONSIBILITIES OF MANAGERS

It is Management's responsibility in conjunction with internal audit to maintain control systems to ensure that the Commissioners' resources are properly applied in the manner, on the activities, and within the limits approved. This includes responsibility for the prevention and detection of fraud and other irregularities.

Where a report is received from an employee or other party of a suspected financial irregularity, the recipient should immediately inform the Chief Executive, who in turn will notify the Internal Auditor.

Line managers should not themselves attempt to undertake any detailed investigation of the possible irregularity and should not discuss their suspicions or those reported to them, other than with the Chief Executive and the Internal Auditor.

In cases of suspected irregularities, it is often necessary to suspend a suspect from duty. Any suspension will only take place in accordance with the Disciplinary Procedure. The purpose of suspension is to prevent any suggestion of a suspect having the opportunity to continue with the act complained of, falsify or destroy records, influence witnesses, etc. Suspension is not a punishment nor does it imply any fault or guilt on the part of the employee concerned.

RESPONSE

Upon receiving a report of suspected financial irregularity, the Internal Auditor will launch an investigation. The Auditor's conclusions and recommendations will be reported to the Chief Executive and the Chairman will be updated on the situation. A formal report will be made to the Board.

The Internal Auditor will confer with the Chief Executive to agree the action plan to be adopted in the light of the particular circumstances.

When a prima facie case of fraud or corruption has been established, the following procedure will apply regarding referral to the Police:-

- **Minor cases of Misappropriation of Cash, etc.**

In minor cases of suspected fraud and/or cash misappropriation by employees, as soon as reasonable evidence has been acquired and where speedy action is considered imperative in order to prove fraud, the Internal Auditor may call in the Police without reference to other officers. He will however advise the Chief Executive soon as practicable afterwards.

- **Major and more Complex Frauds:**

The Internal Auditor will discuss the case with the Chief Executive, and consultation with the Police will normally be approved.

Depending upon Police advice, the case will be reviewed by the above officers who will decide if it should be referred officially to the Police for investigation. If it is decided to do so the Chief Executive will authorise the official complaint and notify the Chairman of the Commissioners.

Following the official report to the Police, any further investigations by the Internal Auditor that are considered necessary, will be planned and executed in close co-operation with the Police, with the Chief Executive and the Chairman being kept informed.

The circumstances of the particular case will dictate when the Police and District Auditor are informed, but it is recommended that the Police should be informed when:-

- There is evidence of an irregularity which needs to be confirmed by witness interview if criminal prosecution is contemplated;
- Interview of the suspect is desirable to confirm the evidence of records;
- A prima facie case of fraud has been established but the perpetrator could not be identified.

INVOLVING THE POLICE

The Internal Auditor and Chief Executive may be reluctant to involve the Police in the belief that:-

- They are only interested if the alleged criminal offence is greater than a specific monetary value
- They will not be interested because of the potential complexity of the issues involved which render little chance of a successful prosecution
- The organisation prefers to deal with such incidents internally, avoiding publicity but implementing dismissal and recovery through civil action
- The Police will want hard evidence before they will pursue investigations, but when it is provided they advise that the rules of evidence have not been complied with.

Protracted internal investigations often unnecessarily delay involving the Police, thereby diminishing the value of co-operation with them. However, properly organised investigations, conducted by individuals with an inside working knowledge of the organisation, will be of great assistance to any subsequent Police enquiry, and management should therefore not be discouraged from liaising with the Police as soon as the issues are identified.

Publication Scheme for Middle Level Commissioners

What is and why do, the Middle Level Commissioners use, a Publication Scheme?

The Middle Level Commissioners (MLC) are a statutory public body undertaking flood defence and navigation functions.

The Freedom of Information Act 2000 (“the Act”) gives a general right of access to recorded information held by public authorities, sets out exemptions from that right and places a number of obligations on public authorities. MLC are regarded as a non-departmental public body for the purposes of the Act. Further information about the Act can be obtained from The Information Commissioners (<http://www.ico.gov.uk>)

The MLC are required to adopt and maintain a publication scheme setting out the classes of information it holds, the manner in which it intends to publish the information, and whether a charge will be made for the information. The purpose of a scheme is to ensure a significant amount of information is available, without the need for a specific request. Schemes are intended to encourage organisations to publish more information proactively and to develop a greater culture of openness.

What Information is routinely available?

The information is grouped into seven classes.

1. Who we are and what we do

Organisational information, structures, locations and contacts.

2. What we spend and how we spend it

Financial information relating to projected and actual income and expenditure, procurement, contracts and audited accounts.

3. How we make decisions

Decision making processes and records of decisions.

4. Our policies and procedures

Current written protocols, policies and procedures for delivering our services and responsibilities.

5. Lists and registers

All statutory and non-statutory Registers.

6. The services we offer

Information about the services we currently provide including leaflets, guidance and newsletters produced.

7. Navigation matters

Information relating to the public navigations of the MLC.

How to access the information?

The information contained in each class may be accessed through a variety of means and in a number of formats where these are available. All information is available for inspection on request and by prior appointment, where appropriate copies can be made available. A charge may be made for the supply of and copies of information, each case being considered individually. Normally, however, a charge will be made for providing copies.

1. On the MLC web-site

Some information is available on the web-site. This information is non-chargeable unless hard copies are requested from MLC.

2. By e-mail

E-mail admin@middlelevel.gov.uk with 'Freedom of Information Request' in the subject line.

3. By post

To obtain paper copies of the information please contact:

The Chief Executive
Middle Level Commissioners
85 Whittlesey Road
March
Cambs PE15 0AH

Tel: 01354 653232 Fax: 01354 659619 <http://www.middlelevel.gov.uk>

Please note that while a hard copy of requested information will normally be supplied upon request multiple copies will not normally be provided.

4. In person

Please contact the Offices to arrange an appointment.

Charges and Exempt Information

Charges may be imposed for the provision of some of the information within this publication scheme. Where a heading set out below contains information which is subject to the levying of a charge this is made clear with a £ symbol shown. In adopting this scheme there has been an effort to be as open as possible but there are instances where, for legitimate reasons, certain information is not available or is exempt from disclosure. Where this is the case the reasons behind the decision to exclude certain information will be clearly stated. A decision to exclude information is made following consideration of the general exemptions contained in the Act, the Environmental Information Regulations and the Data Protection Act or where it may be of a confidential or commercially sensitive nature.

All copyright in information made available or supplied is reserved by the MLC.

The Information Available

1. Who we are and what we do

Constitution of the Board, including the structure & membership of the Board.

Staffing Structure

Geographical area covered

Outline of responsibilities

Location of offices and contact details

Admin\Word\Policies\governancedocs

Details of administered drainage boards

2. What we spend and how we spend it (£)

Annual accounts

Audit of accounts

Revenue and capital spending plans

Financial Regulations

Funding; details of drainage rates, special levies, grants and other financial contributions

Programme of Works

Contracts awarded and their value

3. How we make decisions (£)

Meeting and committee minutes

Public consultations

Reports of advisory groups

Environmental Impact Assessments

Other publicly available reports

4. Our policies and procedures

Policies and procedures for the conduct of the MLC's business

Policies and procedures about the provision of services

Policies and procedures about employment matters

Whistle blowing policy

Anti-fraud & corruption policy

Data protection policy

Freedom of Information Publication Scheme

Statutory Notices

Charging regimes and policies

Biodiversity Action Plan

5. Commissioners Lists and registers (£)

Drainage and Navigation Infrastructure

Statutory Returns

Rate Register

Register of members' Interests

Register of Gifts and Hospitality

Fishing Information

6. The services we offer (£)

Regulatory role – including planning applications

Byelaws

Information for landowners and occupiers, developers and users of the navigation

Notices, leaflets and guidance and planning consent and guidance documents

Media releases

Details of the services for which the MLC are entitled to recover a fee together with those fees

7. Navigation matters

Navigation notes

Navigation closures

Mooring Policy

Boat Safety Information

Feedback

Feedback about this publication scheme should be directed to the Chief Executive via e-mail or the postal address above. If you are not satisfied that information is being published in accordance with this scheme you can refer your complaint to the Information Commissioner:

The Case Reception Unit
Customer Services Team
Information Commissioners Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF

www.ico.gov.uk/complaints/freedomofinformation.aspx

SAFEGUARDING PUBLIC MONEY

The monies held by the Middle Level Commissioners and the administered internal drainage boards and the Commissioners for Imbanking Fenlands and Low Grounds constitute public funds. The Commissioners and IDBs have therefore adopted the following framework to safeguard such funds.

Framework to safeguard public money

1. There must be in place safe and efficient arrangements to safeguard public money
 - (a) Regulation 4(1) of the Accounts and Audit (England) Regulations 2011 requires the Commissioners/IDBs to ensure that their financial management is adequate and effective. The Regulations also require there to be a sound system of internal control. This includes arrangements for the management of risk. Nowhere is this more important than when considering how to manage money.

What is money?

- (b) 'Money' includes cash and anything easily converted into cash. For example, a non-exhaustive list of money includes:
 - physical cash and notes, petty cash and unclaimed receipts, imprest accounts, cash in transit;
 - unpaid income held by debtors;
 - signed and unsigned cheques, drafts and other orders for payment;
 - current, deposit and investment accounts at banks and financial institutions and access to undrawn borrowing facilities;
 - credit cards (where held – see below), debit cards, store cards, fuel cards;
 - access to balances by telephone or electronic transfer; and
 - the ability to buy goods or services on credit.
- (c) This guidance applies to all accounts held with financial institutions, as principal or trustee, including controls over access whether physical or electronic. 'Public money' refers to all money controlled by the Commissioners or IDBs.

Roles and responsibilities of members

2. The effectiveness of the arrangements to protect money must be regularly reviewed
 - (a) The Commissioners and IDBs are responsible for putting arrangements in place to safeguard public funds. They may delegate the role of protecting money to individuals, for example to the Clerk or the Treasurer, but the legal responsibility always remains with the authority and its members.
 - (b) Therefore, arrangements should:
 - demonstrate how those responsibilities are met;
 - be current; and
 - include specific duties of individuals.
 - (c) The duties of such individuals may include:

- securely managing money;
 - identifying internal controls; and
 - supervision measures.
- (d) External advice and guidance to enhance internal expertise, skill or knowledge may be sought from time to time. Periodic reviews of arrangements should be reported to the Commissioners/IDB.
3. The Commissioners/IDBs must arrange for the proper administration of their financial affairs and that one of its officers has responsibility for those affairs

The duties of those charged with day to day administration of the monies of the Commissioners/IDBs include to advise the Commissioners/IDBs on their:

- corporate financial position;
- key financial controls necessary to secure sound financial management;
- cash and investment management; and
- on the requirements of the Accounts and Audit Regulations.

Corporate arrangements for monitoring and scrutiny

4. Income and expenditure and the money represented by each must be protected and controls over money must be embedded in Financial Regulations
5. The Commissioners/IDBs must approve the setting up of and any changes to accounts with banks or other financial institutions
6. Corporate credit card accounts must be set up to operate within defined limits and cleared monthly
7. The Commissioners/IDBs must approve every bank mandate, the list of authorised signatures for each account, the limits of authority for each account signature and any amendments to mandates
- (a) Financial Regulations should set out clearly the responsibilities of those handling money.
- (b) Internal controls should include clear arrangements for the temporary holding, transit and storage of cash and clear rules about the frequency of banking. Those handling money and those with responsibilities for controls should be aware of the terms of the insurance cover for money movement and security.

Corporate controls to manage risk, error and fraud

8. Risk assessment and internal controls must focus on the safety of the Commissioners'/IDBs' assets, particularly money
- To the extent possible, the Commissioners/IDBs should apply and monitor a clear segregation of duties regarding money and its movements.
9. Those with direct responsibility for money must undertake appropriate training from time to time

- (a) Members should keep themselves informed about known risks and threats to money. The Commissioners/IDBs may engage with police and local anti-fraud and corruption networks to keep up to date with risks and security threats.
- (b) Fidelity Guarantee insurance or any other form of security is not by itself sufficient protection over threats to money or other assets. Risk assessed insurance should, however, always cover maximum exposure to loss of money.
- (c) Bank reconciliations should be carried out at intervals of no greater than monthly and will be reported through the Commissioners'/IDBs' Annual Return. In the event of bank reconciliation discrepancy, explanations should be checked and verified.
- (d) The Commissioners/IDBs have authorised those approved on their bank mandate to make payments to suppliers between meetings. However the Commissioners/IDBs must receive a schedule of paid accounts at every annual general meeting, listing all payments that have been made to suppliers during the reporting period.
- (e) Internal audit should review and report on controls over money annually.
- (f) The Commissioners/IDBs may from time to time request written confirmation of balances from the bank/financial institution. This may be more frequent where paper statements are not received and reliance is placed on electronic information.

MIDDLE LEVEL COMMISSIONERS **SCHEDULES OF RESERVED MATTERS**

The Middle Level Commissioners are a statutory navigation and flood risk management authority established under the Middle Level Act 1862. The Commissioners also exercise functions under the Land Drainage Act 1991 and related legislation. The Commissioners exercise jurisdiction over the Middle Level waterways and exercise functions within the Middle Level area. A map of the Middle Level waterways and showing the Middle Level area is on the Commissioners' website at www.middlelevel.gov.uk.

Under section 68 of the Middle Level Act 1862 "the superintendence of all matters and affairs belonging to or vested in the Commissioners and the exercise of all powers and duties to be performed by them shall subject and without prejudice to the rights and powers of the Commissioners at any meeting be exercised by the Middle Level Board, save that the Board may not levy taxes (lay rates or raise Special Levies) or borrow money". The majority of matters relating to the Commissioners are by that section therefore within the competence of the Middle Level Board. However, by section 67 of the Middle Level Act 1862, the Board may delegate any of their powers.

In addition to the Board itself, the Commissioners currently have four committees, the Executive Committee, the Employment Committee, the Water Resources Committee and the Conservation Committee.

The Commissioners have also delegated a number of matters to senior members of staff to ensure the efficient day to day management of the Commissioners' business and organisation.

Within the Commissioners' structure therefore, the decision making process is as follows:-

1. The Middle Level Commissioners

Schedule of Matters Reserved for the Commissioners

1. Strategy and Management
 - 1.1. Responsibility for the appointment of and supervision of the Board and of any committees and for the general supervision over all matters relating to the Commissioners' functions in the Commissioners' area.
 - 1.2 Approval of the Commissioners' objectives and policies (except where specifically delegated to the Board)
 - 1.3 Extension of the Commissioners' activities into new business or geographic areas.
 - 1.4 Material changes in the criteria for exercising statutory powers or in the way in which duties are performed by the Commissioners.

- 2 Structure
 - 2.1 Any proposed change to the Commissioners' status as an independent and autonomous statutory corporation or proposed abolition.
 - 2.2 Any application to alter the boundaries of, or to in any way reorganise the Commissioners' area whether in accordance with sections 2 and 3 of the Land Drainage Act 1991 or otherwise.
 - 2.3 The making of byelaws or the promotion of any change to the statutes governing the Commissioners' functions.

3. Financial reporting and controls
 - 3.1 Approval of the Board's annual report and the Commissioners' accounts, including approving the corporate governance statement.
 - 3.2 Approval of estimates and other budgets.
 - 3.3 Levying of drainage rates/special levies and any charges levied in respect of navigation.

- 3.4 Approval of any write off or rating exemption, other than an exemption by way of transfer to special levy.
- 3.5 Applications to make vary or revoke orders sub-dividing the drainage district forming the Commissioners' area for the purposes of raising expenses.
- 3.6 Approval of annual values as at 31st December in every year, to determine the proportion of drainage expenses raised from the proceeds of drainage rates and special levies.

4. Internal controls
 - 4.1 Approval of Commissioners' meeting minutes and reports together with any material changes in their format.
 - 4.2 Approving the dates and times of the Commissioners' meetings.
 - 4.3 Approving any borrowing by the Commissioners.
 - 4.4 Approval of any adoption/abandonment, adding to or decreasing the Commissioners' liability for infrastructure within the Commissioners' area.

5. Membership and other appointments
 - 5.1 Changes to the structure, size and composition of the Commissioners.
 - 5.2 Election of the Middle Level Board and the Chairman and Vice Chairman of the Commissioners in accordance with the provisions of the Middle Level Acts.
 - 5.3 Membership of Committees other than Committees specifically established by the Middle Level Board under section 67 of the Middle Level Act 1862.
 - 5.4 Continuation in office of any member at any time, including the suspension or termination of service in accordance with the provisions of the Middle Level Acts and/or requirements of the Members Code of Conduct.
 - 5.5 Filling casual vacancies, if for any reason whatsoever the place of an elected Board member becomes vacant before the end of their term of office, in accordance with the provisions of the Middle Level Acts.

6. Delegation of Authority
 - 6.1 The delegation of authority to the Board is in accordance with section 68 of the Middle Level Act 1862.

7. Corporate governance matters
 - 7.1 Hearing any appeal from a decision of the Board under section 68 of the Middle Level Act 1862.
 - 7.2 Determining the independence of members.

8. Any other matter whether specifically delegated or not which the Commissioners may by resolution reserve to a meeting of the Commissioners.

2. The Middle Level Board

Schedule of Matters Reserved for the Board unless specifically delegated by them or by the Commissioners

1. Strategy and Management

- 1.1 Responsibility so far as delegated to them by the Commissioners under section 68 of the Middle Level Act 1862 for the overall management of the Commissioners and so far as aforesaid for the general supervision over all matters relating to the Commissioners' functions in the Commissioners' area.
- 1.2. Approval of the Commissioners' operational strategies.
- 1.3. Approval of the Commissioners' annual operating and capital expenditure budgets and any material changes to them for submission to the Commissioners. Where it is not feasible or practical to obtain the Board's prior approval to any such changes, the Executive Committee's prior approval shall be obtained.
- 1.4. Oversight of the Commissioners' operations ensuring:
 - Competent and prudent management
 - Sound planning
 - An adequate system of internal control
 - Adequate accounting and other records
 - Compliance with statutory and regulatory obligations.
- 1.5. Review of the Commissioners' performance in the light of their strategy, objectives and targets, service delivery plans and renewals/refurbishment programmes, policies and budgets, and ensuring that any necessary corrective action is taken.

2. Structure and capital

- 2.1 Changes relating to the Commissioners' capital structure, including balances, provisions and reserves.
- 2.2 Changes in rateable value of and exemptions relating to the transfer to special levy of hereditaments within the Commissioners' area.
- 2.3 Major changes to the Commissioners' management and control structure, and, the appointment of additional permanent staff to fill new roles.

3. Financial reporting and controls

- 3.1 Approval of the annual accounts for submission to the Commissioners, including recommending the completion of the corporate governance statement
- 3.2 Approval of estimates, revised estimates and other budgets for submission to the Commissioners.
- 3.3 Approval of material changes in the level of any provision, or reserve. (Where it is not feasible or practical to obtain the Board's prior approval to any such changes, the Executive Committee's prior approval shall be obtained and later ratified by the Board).
- 3.4 Approval of investment strategies.
- 3.5 Approval of any rating amendment referred to in 2.2 above.
- 3.6 Changes to plant and labour charge out rates by a proportion greater than inflation.
- 3.7 Approval of any commutation of obligations and of the financial consequences arising therefrom.
- 3.8 Approval of applications for government grant in aid.

4. Internal controls

- 4.1 Ensuring maintenance of a sound system of internal control and risk management including:
 - Receiving reports on, and reviewing the effectiveness of, the Commissioners' risk and control processes to support their strategy and objectives
 - Undertaking regular assessments of these processes

- Recommending to the Commissioners an appropriate statement for inclusion in the annual return.

4.2 Changes to the Commissioners' Rules and Financial Regulations.

4.3 The Designation of any feature under section 30 and Schedule 1 of the Flood and Water Management Act 2010.

4.4 Consideration of action to enforce the removal of obstructions to the flow of any ordinary watercourse.

(sections 24 and 25 of the Land Drainage Act 1991).

4.5 Approval of non-delegated Byelaw consents and ratification of any consents that have been granted between Board meetings.

4.6 Approval of Board minutes and associated reports together with any material changes in their format and a schedule of paid accounts.

4.7 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).

4.8 Approvals of applications made to or by the Environment Agency or other third party to en-main, de-main or reclassify any land drainage/flood defence/navigation infrastructure within the Commissioners' area.

4.9 Approving the dates and times of the Board meetings and inspections.

5. Contracts

5.1 Approving major capital projects and principal contracts arising therefrom.

5.2 Approving contracts which are material strategically or by reason of size, entered into by the Commissioners in the ordinary course of their undertakings.

5.3 Contracts not in the ordinary course of the Commissioners' undertakings, unless reserved to the Commissioners.

5.4 Approving the use of Buying Groups and Service Level Agreements through which to procure goods and services.

5.5 Approving the sale or purchase of any land or the granting or obtaining of rights over land save, where the granting or obtaining of rights is concerned, where such grant is in accordance with a policy or strategy already agreed by the Board or the Commissioners.

5.6 Approving the acquisition or disposal of fixed assets and plant and vehicles save where acquired or to be disposed of in accordance with a policy or strategy already agreed by the Board or the Commissioners.

5.7 Approving major investments by the Commissioners

6 Succession Planning and Appointments

6.1 Ensuring adequate succession planning for senior management and operatives.

6.2 Appointment or removal of the Internal Auditor.

6.3 Any request to remove or not reappoint the external auditor.

6.4 Any appointments to outside bodies and any joint committees.

7. Remuneration

7.1 Approving the remuneration of and training policies for employees

7.2 Approving changes to the terms and conditions of employees other than changes made in consequence of legislative change.

7.3 Determining the policy of paying allowances or reimbursing expenses incurred by Board members.

7.4 The introduction of new employee incentive schemes or major changes to existing schemes.

7.5 Approval of any severance packages in excess of the statutory minimum or of any pension enhancement made thereto.

8 Delegation of Authority

8.1 The delegation of responsibilities other than by the Commissioners.

- 8.2 Receiving minutes, reports and recommendations arising from any committees and any joint committee.
9. Corporate governance matters
 - 9.1 Undertaking any review of the Commissioners' own performance, that of their 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, and relevant third parties.
 - 9.4 Reviewing the Commissioners' overall corporate governance arrangements and committee structure and reporting thereon to the Commissioners.
 - 9.5 Receiving reports on the views of the Commissioners' stakeholders.
 - 9.6 Appointment to Committees established by the Board under section 67 of the Middle Level Act 1862.
10. Other
 - 10.1 Approval of the appointment of the Commissioners' bankers.
 - 10.2 Prosecution, defence or settlement of litigation. Settlement of other disputes or appeals being material to the interests of the Commissioners.
 - 10.3 Approval of the overall levels and areas of cover of insurance for the Commissioners
 - 10.4 Major changes to the rules of the Commissioners' pension schemes and admissions policies, so far as these fall under the Commissioners' jurisdiction.
 - 10.5 Changes to those authorised to institute legal proceedings, pursuant to various powers afforded to the Commissioners by the Middle Level Acts 1810-74, Land Drainage Act 1991 and the Flood and Water Management Act 2010.

SCHEME OF DELEGATION

1. Introduction

- 1.1 The Middle Level Commissioners have approved Schedules of Reserved Matters which clearly set out those areas where primary decisions can be taken only by the Middle Level Commissioners themselves or the Middle Level Board. The Commissioners and/or the Board may however specifically delegate certain decisions on such matters together with any other matters which by definition are considered suitable for delegation or may otherwise need to be dealt with between Board or Commissioners' meetings (as the case may be) and such matters are hereby delegated as set out in this Scheme of Delegation in accordance with the provisions of the Middle Level Acts 1810-1874 and the standing orders made by the Commissioners ("the Orders").
- 1.2 Any delegated powers shall be exercised in accordance with the Orders and the Commissioners' Financial Regulations, Financial Code, Policies and Procedures.

2. Committees

- 2.1 The Commissioners have at present four Plenary Committees and one Advisory Committee. Plenary Committees have the ability to take decisions on behalf of the Commissioners, whereas Advisory Committees do not. The Commissioners or the Board may from time to time constitute other Committees which may either have the ability to take decisions on their behalf or be simply Advisory.
- 2.2 The Committees presently constituted are the Middle Level Board, the Executive Committee, the Employment Committee and the Water Resources Committee which are Plenary and the Advisory Conservation Committee.
- 2.3 The powers delegated to the Middle Level Board are set out in the Schedule of Matters Reserved for the Board.
- 2.4 The Executive Committee
The Commissioners and/or the Board have delegated the following powers to the Executive Committee.
 1. To consider agendas for forthcoming meetings of the Board and of the Commissioners and to make such recommendations thereon or as they consider appropriate.
 2. To consider monthly and quarterly financial reports.
 3. To consider quarterly reports from the Chief Engineer as to capital and maintenance works.
 4. To consider any other matters delegated to them and to the extent delegated to them by the Board or the Commissioners.
 5. To approve any changes in the remuneration of an employee, other than the Chief Executive, the Chief Engineer or the Treasurer or to grant an allowance to an employee.
 6. To take any decision (other than a decision the responsibility for which is already delegated elsewhere by the Commissioners or the Board) which in the opinion of the Chairman or the Chief Executive is urgent and where a meeting of the Board would not be practical. Such decisions may in this case deal with matters otherwise reserved to the Board provided that a report thereon is made to the Board as soon as practical.

2.5 The Employment Committee

The Commissioners and/or the Board have delegated the following powers to the Employment Committee.

1. To take any decisions on annual pay awards for employees.
2. To take decisions on travelling expenses or other travelling allowances paid to an employee.
3. To consider and take decisions on variations to employment contracts affecting all or a majority of employees.
4. To hear and determine all appeals lodged by employees on employment matters (including matters of disciplinary and grievance) where it would not be appropriate for the Chief Executive to do so.
5. To consider and take decisions on any other matter delegated to them and to the extent delegated to them by the Board or the Commissioners.

2.7 The Water Resources Committee

The Commissioners and/or Board have delegated the following powers to the Water Resources Committee.

1. To consider and determine, in co-operation with the Environment Agency, operational and management issues concerning the availability of water during the summer months and the most appropriate method(s) of advising users of the position from time to time.
2. To consider and determine such other related matters as the Board or the Commissioners may delegate to the Committee.

3. Delegation to Officers

The Commissioners and/or the Board have delegated certain matters for decision and/or action by the Chief Executive, the Chief Engineer or the Treasurer. These are listed as follows:-

Middle Level Commissioners

Scheme of Delegation

To the Chief Executive

- Authority to sign deeds– in conjunction with a Member of the Board
- Authority to sign demands for payment and to authorise accounts
- Authority to take and appear in proceedings in Magistrates Courts for non-payment of drainage rates
- Authority to take and appear in proceedings relating to debt recovery or other actions in the County Court
- Authority to procure goods, services, plant and machinery within the budget provided by the Middle Level Board
- Authority to arrange insurance cover so far as he may consider necessary or appropriate to safeguard the Commissioners' interests
- Authority to seek such further advice from such external solicitors as he may consider necessary or appropriate in the Commissioners' interests.
- Authority to discharge and make payment of properly authenticated accounts
- Authority to respond to communications
- Authority to employ such permanent staff as may be required within pre-agreed budgets
- Authority to employ such temporary staff as may be required
- Authority to discipline and/or dismiss staff in accordance with current employment legislation and the Commissioners' employment policies
- Authority to issue formal letters, notices and other documentation and take enforcement action for breaches of Legislation including Byelaws, enforceable by the Commissioners.
- Authority to sign consents and other formal documents, other than deeds, on behalf of the Commissioners
- Authority to decide whether to grant or refuse a consent application in respect of the Commissioners' functions
- Authority to grant temporary rights over or interests in land owned by the Commissioners
- Authority to negotiate and/or settle small claims against the Commissioners
- Authority to negotiate contributions towards drainage works from third parties
- Authority to discuss works and access with landowners
- Authority to issue press releases and to respond to consultations on behalf of the Commissioners
- Authority to undertake work for any person or organisation as may be approved of or authorised by the Commissioners or for whom the Commissioners undertake functions
- Authority to be a member of and attend meetings of any committee or organisation with functions related to those of the Commissioners and where appropriate to pass relevant information on to partner organisations
- Authority to temporarily close the Commissioners' public navigations in accordance with the applicable legislation to enable works (whether by the Commissioners or a third party) to take place.
- Authority to delegate such tasks as may be appropriate
- Authority to take any action which he may reasonably consider necessary in an emergency to protect the Commissioners' interests.

- Authority to award honoraria to members of staff where this is justified within the terms of the Handbook.

To the Chief Engineer

- Authority to discipline and/or dismiss staff within the Engineering Department in accordance with current employment legislation and the Commissioners' employment policies
- Authority to discuss works and access with landowners
- Authority to procure goods, services, plant and machinery within the budget provided by the Middle Level Board
- Authority to authorise accounts
- Authority in liaison with the Chief Executive to seek such further advice from such external solicitors as he may consider necessary or appropriate in the Commissioners' interests.
- Authority to respond to communications
- Authority to negotiate contributions towards drainage works from third parties
- Authority to undertake work for any person or organisation as may be approved of or authorised by the Commissioners or for whom the Commissioners undertake functions
- Authority to be a member of and attend meetings of any committee or organisation with functions related to those of the Commissioners and where appropriate to pass relevant information on to partner organisations
- Authority to conduct the Commissioners' engineering matters
- Authority to delegate such tasks as may be appropriate
- Authority to take any action which he may reasonably consider necessary in an emergency to protect the Commissioners' interests.
- Authority to advise the Chief Executive on the appropriate arrangements for professional indemnity cover so far as he may consider necessary or appropriate to safeguard the Commissioners' interests in respect of their engineering related consultancy work
- Authority to enter into contracts with consultants or contractors for works approved by the Middle Level Board or a duly authorised committee
- Authority to report directly to the Board, the Executive Committee, the Chairman and Vice Chairman on engineering matters
- Authority in liaison with the Chief Executive to respond to press enquiries and approve submitted articles on Middle Level engineering related matters

To the Treasurer

- Authority to draw up and sign off the Commissioners' accounts and other financial statements and to be the Commissioners' responsible financial officer under relevant legislation
- Authority in the absence of the Chief Executive to sign deeds– in conjunction with a Member of the Board
- Authority to sign demands for payment and to authorise accounts
- Authority to procure goods, services, plant and machinery within the budget provided by the Middle Level Board
- Authority to discharge and make payment of properly authenticated accounts
- Authority to respond to communications

- Authority to discipline and/or dismiss less senior staff within the Clerk's department in accordance with current employment legislation and the Commissioners' employment policies
- Authority to negotiate contributions towards drainage works from third parties
- Authority to discuss works and access with landowners
- Authority in the absence of the Chief Executive to issue formal letters, notices and other documentation relating to breaches of Legislation including Byelaws, enforceable by the Commissioners.
- Authority in the absence of the Chief Executive to sign consents and other formal documents, other than deeds, on behalf of the Commissioners
- Authority to undertake work for any person or organisation as may be approved of or authorised by the Commissioners or for whom the Commissioners undertake functions
- Authority to be a member of and attend meetings of any committee or organisation with functions related to those of the Commissioners
- Authority in the absence of the Chief Executive to temporarily close the Commissioners' public navigations in accordance with the applicable legislation to enable works (whether by the Commissioners or a third party) to take place.
- Authority to delegate such tasks as may be appropriate
- Authority to take any action which he may reasonably consider necessary in an emergency to protect the Commissioners' interests.

This Scheme of Delegation is to be read in conjunction with the following policies:-

1) Financial Regulations

2) Procurement Policy

Approved.....

Review date.....

MIDDLE LEVEL COMMISSIONERS

Whistle Blowing Policy and Confidential Reporting Code

POLICY AIMS

The aim of this policy is to maintain a working environment where people, whether they are employees of the Commissioners, suppliers, contractors, members or private individuals co-opted on to committees are able to raise concerns where they think there is misconduct or malpractice, and to know that their concerns will be taken seriously and investigated. The policy is intended to give confidence to employees to whistle blow and, as such, it incorporates statutory provision for protection under the Public Interest Disclosure Act 1998. Members of the public may also have concerns. That is why we have produced this whistle blowing policy not only to help our staff but we will publish this document on our website to enable the public to also contact us with their concerns.

OUR COMMITMENT

The Commissioners attach high priority to ethical standards and probity and are committed to taking appropriate action where misconduct or malpractice is identified. We are committed to being open, honest and accountable. The Commissioners will protect both former and current staff from being penalised for raising concerns about misconduct or malpractice provided that allegations are made in good faith and without mischievous or malicious intent.

The following are affected by this policy:

- All former and current employees
- Members
- Private individuals co-opted on to committees
- Suppliers and those providing services under a contract whether working for the Commissioners on Middle Level premises or their own premises.

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INTRODUCTION

Employees are often the first to realise that there may be something seriously wrong within the Commissioners. However, they may not express their concerns because they feel that speaking up would be disloyal to their colleagues or to the Commissioners. They may also fear harassment or victimisation. In line with the policy statement we encourage employees and others that we work with, who have serious concerns about any aspect of our work, to come forward and voice those concerns. We wish to make it clear that they can do so without fear of victimisation, subsequent discrimination or disadvantage. This 'Whistle blowing Policy and Confidential Reporting Code' aims to encourage and make it possible for employees to raise serious concerns within the Commissioners rather than overlooking a problem or 'blowing the whistle' outside.

AIM AND SCOPE OF THE POLICY

This policy aims to:

- encourage anyone to feel confident in raising serious concerns and to question and act on their concerns about practice

- provide avenues for anyone to raise those concerns and receive feedback on any action taken and make sure that anyone receives a response to their concerns and that they are aware of how to pursue them if they are not satisfied
- reassure anyone that they will be protected from possible reprisals or victimisation if they have a reasonable belief that they have made any disclosure in good faith.

There are existing procedures in place which make it possible for staff to lodge a grievance relating to their own employment. This policy is intended to cover major concerns that fall outside the scope of other policies and procedures. These concerns include:

- conduct which is an offence or a breach of law
- disclosures related to miscarriages of justice
- health and safety risks, including risks to the public as well as other employees
- damage to the environment
- the unauthorised use of public funds
- the Commissioners' Constitution (including Standing Orders or Other Regulations etc) not being observed or being breached by members and/or officers
- possible fraud and corruption
- sexual or physical abuse
- other unethical conduct
- information relating to any of the above being deliberately concealed or attempts being made to conceal the same.

This means that any serious concerns anyone has about the conduct of officers or members or others acting on behalf of the Commissioners can be reported under this policy. This may be about something that:

- makes anyone feel uncomfortable in terms of known standards, or
- is against Financial Regulations, Procedural Rules, etc
- falls well below established standards of practice
- amounts to improper conduct.

The concerns must however be raised in the public interest.

What is not covered?

This policy cannot be used to deal with serious or sensitive matters that are covered by other procedures. Such procedures include the following:

- Staff complaints about their employment. These complaints are dealt with through our Grievance Procedure
- Complaints about our services. These complaints are dealt with through our Complaints Procedure

SAFEGUARDS

The Commissioners are committed to good practice and high standards and want to be supportive of employees. It is recognised that the decision to report a concern can be a difficult one to make. If what is being reported is true, there should be nothing to fear because the person reporting will be doing their duty to the employer and those for whom they are providing a service. Any investigation into allegations of potential malpractice will not influence or be influenced by any disciplinary or redundancy procedures that already affect staff.

CONFIDENTIALITY

All concerns will be treated in confidence and every effort will be made not to reveal anyone's identity if they so wish. At the appropriate time however, you may need to come forward as a witness.

ANONYMOUS ALLEGATIONS

This policy encourages anyone to put their name to an allegation whenever possible. Concerns expressed anonymously are much less powerful but will be considered at the discretion of the Commissioners. In exercising this discretion the factors to be taken into account would include:

- the seriousness of the issues raised
- the credibility of the concern
- the likelihood of confirming the allegation from attributable sources.

UNTRUE ALLEGATIONS

If an allegation is made in good faith, but it is not confirmed by the investigation, no action will be taken against the person concerned. If, however, they make an allegation frivolously, maliciously or for personal gain, disciplinary action may be taken against them where appropriate.

HOW TO RAISE A CONCERN

If the person works for the Commissioners, they should normally raise their concerns with their line manager. This depends however on the seriousness and sensitivity of the issues involved and who is suspected of the malpractice. For example, if they believe that management is involved they should approach the Chief Executive or in the absence of the Chief Executive, or if the complaint relates to the Chief Executive, the Treasurer or the Board Chairman. Concerns may be raised verbally or in writing. Anyone who wishes to make a written report is invited to use the following format:

- the background and history of the concern (giving relevant dates)
- the reason why they are particularly concerned about the situation.

The earlier the concern is expressed the easier it is to take action. Although no one is expected to prove beyond doubt the truth of an allegation, they will need to demonstrate to the person being contacted that there are reasonable grounds for their concern. Advice and guidance on how to pursue matters of concern may be obtained from:

- The Chief Executive

It may be appropriate to consider discussing a concern with a colleague first and it may be easier to raise the matter if there are two (or more) of you who have had the same experience or concerns. Unions and professional associations may also raise matters of concern on behalf of their members employed by the Commissioners.

If you are a Commissioner, Board member or a member of the public you should contact the Chief Executive or, in his absence, the Treasurer.

HOW THE COMMISSIONERS WILL RESPOND

The Commissioners will respond to any concerns. Do not forget that testing out concerns is not the same as either accepting or rejecting them. Where appropriate, the matters raised may:

- be investigated by management, internal audit, or through the disciplinary process
- be referred to the police
- be referred to the external auditor
- form the subject of an independent inquiry

In order to protect individuals and those accused of misdeeds or possible malpractice, initial enquiries will be made to decide whether an investigation is appropriate and, if so, what form should it take. The overriding principle which the Commissioners will have in mind is the public interest. Concerns or allegations which fall within the scope of specific procedures (for example fraud or discrimination issues) will normally be referred for consideration under those procedures. Some concerns may be resolved by agreed action without the need for investigation. If urgent action is required this will be taken before any investigation is carried out. Within ten working days of a concern being raised, a line manager, the Treasurer or Chief Executive, depending upon who has been approached, will write:

- advising that the concern has been received
- advising how we propose to deal with the matter
- giving an estimate of how long it will take to provide a final response
- advising whether any initial enquiries have been made
- supplying information on staff support mechanisms where appropriate
- advising whether further investigations will take place and, if not, why not.

The amount of contact between the officers considering the issues and the person raising them will depend on the nature of the matters raised, the potential difficulties involved and the clarity of the information provided. If necessary, the Commissioners will get further information from them.

The Commissioners will take steps to minimise any difficulties which may be experienced as a result of raising a concern. The Commissioners accept that individuals need to be confident that the matter has been properly addressed. Therefore, subject to legal constraints, we will tell them the outcome of any investigation.

THE RESPONSIBLE OFFICER

The Chief Executive has overall responsibility for the maintenance and operation of this policy. In the absence of the Chief Executive, the Treasurer will act on his/her behalf. They maintain a record of concerns raised and the outcomes (but in a form which does not endanger anyone's confidentiality) and will report as necessary to the Commissioners.

HOW THE MATTER CAN BE TAKEN FURTHER

This policy is intended to provide anyone with an avenue within the Commissioners to raise concerns. If internal advice is required before starting action, you may talk to:

- an immediate line manager, the Treasurer or the Chief Executive
- the local union branch.

The Commissioners hope everyone will be satisfied with any action taken. If they are not, and they feel it is right to take the matter outside the Commissioners, the following are possible contact points:

- the External Auditor
- the Internal Auditor
- the local Citizens Advice Bureau
- relevant professional bodies or regulatory organisations
- a relevant voluntary organisation
- the police
- the independent charity Public Concern at Work. Their lawyers can give free confidential advice at any stage about how to raise a concern about serious malpractice at work. The charity's contact details are: 020 7404 6604 /020 7404 6576/www.pcaw.co.uk/whistle@pcaw.co.uk (enquiries)/ helpline@pcaw.co.uk (helpline)/Public Concern at Work, Suite 306, 16 Baldwin Gardens, London EC1N 7RJ

If the matter is taken outside the Commissioners, you must ensure that you do not disclose confidential information. Check with the Chief Executive or the Treasurer about that.

WHISTLE BLOWING DO'S AND DON'TS

Do

- keep calm
- think about the risks and outcomes before you act
- remember you are a witness, not a complainant
- phone Public Concern at Work for advice on 020 7404 6604

Don't

- forget there may be an innocent or good explanation
- become a private detective

- use whistle blowing procedures to pursue a personal grievance
- expect thanks.

The policy will be reviewed again if there are any changes in legislation or reorganisation of the staff structure.

Services to Other IDBs

The Middle Level Commissioners (MLC) are in principle prepared to undertake work, either of an administrative/financial or of an engineering nature, on behalf of other statutory Internal Drainage Boards (IDBs) and, where appropriate other persons or bodies.

Most of the IDBs administered from the Middle Level Offices were taken on in the 1970's. Other IDBs have joined more recently. The engineering Department undertakes a variety of functions on behalf of IDBs and other persons or bodies, ranging from the arranging for the undertaking of the IDBs drainworks programme to 'one off' specific tasks.

Assessment

When an IDB requests MLC to perform a function for them, an assessment will be undertaken into the costs and implications of this.

The MLC's underlying policy is that the appointment and retention of a suitable number of qualified employees with the required level of expertise is of benefit to the MLC and their rate and levy payers. The taking on of work on behalf of an IDB and others helps to provide this and other mutual benefits. It enables the MLC to justify the appointment of employees who would not be required if the MLC stood alone and provides the advantages of being able to justify full time officers and provide cover for sickness, holidays and other emergencies.

Often the administrative work is undertaken on behalf of IDBs generally and where this is the case, the addition of another IDB will not add greatly to the workload.

1 Administration/Financial

Where an IDB requests the MLC to undertake its administrative/financial work, the Clerk and the Treasurer of the MLC will undertake a provisional assessment of the workload and the requirements for resources. This assessment will also include an assessment of which employee will perform the routine tasks on behalf of the IDB and whether there are likely to be any implications for regrading any employee in consequence of any extra workload to be taken on. The MLC are not a profit making body but are required to ensure that their costs are covered and that the undertaking of work for another body does not disadvantage their rate and levy payers. The MLC will therefore ensure that the fees to be charged to the IDB will fully cover the additional cost to the MLC together with a return of 4%, based on Treasury guidance. The Treasurer will ensure that the fees charged to IDBs are indexed annually so that they continue to cover such costs.

The Clerk to the MLC will from time to time undertake an assessment of the staffing costs which the MLC would incur if the MLC stood alone. Such costs will take account of pension provision and the need for adequate cover. The additional costs paid by the MLC over and above this amount will then be considered to be incurred as a result of and on behalf of, the administered IDBs.

In addition all expenses incurred on behalf of an authority, whether travelling or subsistence, fees, the relevant portion of bulk agreements, fuel or otherwise will be charged at cost to the relevant authority.

There is clearly a risk that, if too much work is taken on, employees will be unable to cope with the workload or will fail to perform tasks adequately. Such risks are dealt with in three ways

- a) An assessment of the existing workload is undertaken from time to time to seek to ensure that adequate resources are available.
- b) Before work for any new body is taken on, the assessment referred to above is undertaken.

c) Work is only undertaken for authorities within or within a reasonable geographical distance of the MLC area. While the advent of modern technology would now make it possible to undertake work for an authority situated some distance away, there is a risk that employees will have to spend too much time in familiarising themselves with the authority's area and in travelling to that area and that issues different from those encountered in working for MLC and authorities in the local area.

In addition, should the workload in respect of an individual authority or authorities generally increase to an extent that risks may arise or increase to an unacceptable level, a further assessment of the position is undertaken.

2 Engineering

Where an IDB or other person or body requests for the first time the MLC to undertake engineering work, the Chief Engineer of the MLC will undertake a provisional assessment of the workload and the requirements for resources. This assessment will also include an assessment of which employee will perform the work and whether there are likely to be any implications for regrading any employee in consequence of any extra workload to be taken on. The MLC are not a profit making body but are required to ensure that their costs are covered and that the undertaking of work for another body does not disadvantage their rate and levy payers.

The Chief Engineer to the MLC will from time to time undertake an assessment of the staffing costs which the MLC would incur if the MLC stood alone. Such costs will take account of pension provision and the need for adequate cover. The additional costs paid by the MLC over and above this amount will then be considered to be incurred as a result of and on behalf of, the administered IDBs. The Chief Engineer will likewise from time to time review employee charge out rates for the provision of engineering services.

In addition all expenses incurred on behalf of an IDB, body or person will be charged to them at cost.

There is clearly a risk that, if too much work is taken on, employees will be unable to cope with the workload or will fail to perform tasks adequately. Such risks are dealt with in three ways

a) An assessment of the existing workload is undertaken from time to time to seek to ensure that adequate resources are available.

b) Before work for any new body is taken on, the assessment referred to above is undertaken.

c) Work is only undertaken for authorities within or within a reasonable geographical distance of the MLC area. There is otherwise a risk that employees will have to spend too much time in familiarising themselves with the authority's area and in travelling to that area and that issues different from those encountered in working for MLC and authorities in the local area.

In addition, should the workload in respect of an individual authority or authorities generally increase to an extent that risks may arise or increase to an unacceptable level, a further assessment of the position is undertaken.

All Engineers have costed hourly rates when carrying out work on behalf of other authorities. Any work undertaken for these authorities will be charged at such applicable rates unless a different charging rate is approved under the Schedules of Reserved Matters and the Scheme of Delegations.

Where an authority or body requests work to be done on their behalf by the MLC engineers, the Chief Engineer or his representative will review the request as far as is necessary to ensure that the work

- a) falls within the MLC's areas of competencies and
- b) will not put an undue strain on the resources of the MLC or prevent or unduly delay the undertaking of any MLC work or function or any work of another authority or body which the MLC have already agreed to undertake and
- c) is proposed to be charged out at the appropriate rates

Any decisions to increase resources or to undertake work for a body for which work has not previously been undertaken, either at all or to the extent or scale requested will be taken according to the Schedules of Reserved Matters and Scheme of Delegations.

MIDDLE LEVEL COMMISSIONERS

MEMBERS' CODE OF CONDUCT

FOREWORD

This Members' Code of Conduct has been prepared by the Middle Level Commissioners and is compliant with the *Code of Conduct for Board Members of Public Bodies* issued by the Cabinet Office, June 2011.

The Board has adopted this Members' Code of Conduct as one of its policies and is committed to its implementation. The Board will review the Members' Code of Conduct periodically and update it as appropriate.

Signed: _____

Name: _____ Date: _____
Chairman of the Board

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MIDDLE LEVEL COMMISSIONERS

MEMBERS' CODE OF CONDUCT

Part 1

GENERAL PROVISIONS

1. Introduction and interpretation

- 1) This code applies to **you** as a member of an Internal Drainage Board.
- 2) In this code "member" includes:
 - (a) an appointed member;
 - (b) an elected member; and
 - (c) a co-opted member,
of an Internal Drainage Board.
- 3) As a member it is your responsibility to comply with the provisions of this Code.
- 4) In this Code "meeting" means any meeting of:
 - (a) the Internal Drainage Board;
 - (b) any of the Internal Drainage Board's committees or sub-committees, joint committees or joint sub-committees.

2. Scope

- 1) Subject to paragraphs 2.2 to 2.5, you must comply with this Code whenever you:
 - (a) conduct the business of your Internal Drainage Board (which, in this Code, includes the business of the office to which you are elected or appointed); or
 - (b) act, claim to act or give the impression you are acting as a representative of your Internal Drainage Board, and references to your official capacity are construed accordingly.
- 2) Subject to paragraphs 2.3 and 2.4, this Code does not have effect in relation to your conduct other than where it is in your official capacity.
- 3) In addition to having effect in relation to conduct in your official capacity, paragraphs 4.2(c), 4.5 and 4.5(a) also have effect, at any other time, where that conduct constitutes a criminal offence for which you have been convicted.
- 4) Conduct to which this Code applies (whether that is conduct in your official capacity or conduct mentioned in paragraph 2.3) includes a criminal offence for which you are convicted (including an offence you committed before the date you took office, but for which you are convicted after that date).
- 5) Where you act as a representative of your Internal Drainage Board:
 - (a) on another relevant Internal Drainage Board, you must, when acting for that other Internal Drainage Board, comply with that other Internal Drainage Board's code of conduct; or

- (b) on any other body, you must, when acting for that other body, comply with your Internal Drainage Board's code of conduct, except and insofar as it conflicts with any other lawful obligations to which that other body may be subject.

3. Key Principles of Public Life

- 1) When acting as a member of an Internal Drainage Board you should behave in a manner consistent with the following principles to achieve good water management of the district, and maintain public confidence in the Internal Drainage Board:
 - (a) **SELFLESSNESS:** You should take decisions solely in terms of the public interest. You should not do so in order to gain financial or other material benefits for themselves, their family, or their friends;
 - (b) **INTEGRITY:** You should not place yourself under any financial or other obligation to outside individuals or organisations that might, or might be perceived to, influence you in the performance of your official duties;
 - (c) **OBJECTIVITY:** In carrying out public business, including making public appointments, awarding contracts, or recommending individuals for rewards and benefits, you should make choices on merit
 - (d) **ACCOUNTABILITY:** You are accountable for your decisions and actions to the public and must submit yourself to whatever scrutiny is appropriate to your office;
 - (e) **OPENNESS:** You should be as open as possible about all the decisions and actions that you take. You should give reasons for your decisions and restrict information only when the wider public interest clearly demands;
 - (f) **HONESTY:** You have a duty to declare any private interests relating to your public duties and to take steps to resolve any conflicts arising in a way that protects the public interest;
 - (g) **PERSONAL JUDGEMENT:** You may take account of the views of others, including their political groups, but should reach your own conclusions on the issues before you and act in accordance with those conclusions;
 - (h) **RESPECT OF OTHERS:** You should promote equality by not discriminating unlawfully against any person, and by treating people with respect, regardless of their race, age, religion, gender, sexual orientation or disability. You should respect the impartiality and integrity of the Internal Drainage Board's statutory officers, and its other employees;
 - (i) **DUTY TO UPHOLD THE LAW:** You should uphold the law and, on all occasions, act in accordance with the trust that the public is entitled to place in you; and
 - (j) **LEADERSHIP:** You should promote and support these principles by leadership and example.

4. General conduct

- 1) You must treat others, including employees and members of your Internal Drainage Board, with courtesy and respect.
- 2) You must not:
 - (a) do anything which may cause your Internal Drainage Board to breach the Equality Act 2010;
 - (b) bully any person;

- (c) intimidate or attempt to intimidate any person who is or is likely to be:
 - i) a complainant,
 - ii) a witness, or
 - iii) involved in the administration of any investigation or proceedings, in relation to an allegation that a member (including yourself) has failed to comply with his or her Internal Drainage Board's code of conduct; or
 - (d) do anything which compromises or is likely to compromise the impartiality of those who work for, or on behalf of, your Internal Drainage Board.
 - (e) ask or encourage members or employees of your Internal Drainage Board to act in any way which would conflict with their own Code of Conduct.
- 3) You must not:
- (a) disclose information given to you in confidence by anyone, or information acquired by you which you believe, or ought reasonably to be aware, is of a confidential nature, except where:
 - i) you have the consent of a person authorised to give it;
 - ii) you are required by law to do so;
 - iii) the disclosure is made to a third party for the purpose of obtaining professional advice provided that the third party agrees not to disclose the information to any other person; or
 - iv) the disclosure is:
 - (aa) reasonable and in the public interest; and
 - (ab) made in good faith and in compliance with the reasonable requirements of the Internal Drainage Board; or
 - (b) prevent another person from gaining access to information to which that person is entitled by law.
- 4) You must not conduct yourself in a manner which could reasonably be regarded as bringing your office or Internal Drainage Board into disrepute.
- 5) You may engage in political activity but should, at all times, remain conscious of your responsibilities as an Internal Drainage Board member and exercise proper discretion.
- 6) You:
- (a) must not use or attempt to use your position as a member improperly to confer on or secure for yourself or any other person, an advantage or disadvantage; and
 - (b) must, when using or authorising the use by others of the resources of your Internal Drainage Board:
 - i) act in accordance with your Internal Drainage Board's reasonable requirements; and
 - ii) ensure that such resources are not used improperly for personal gain or political purposes (including party political purposes).

5. Use of Public Funds

- 1) You have a duty to ensure the safeguarding of public funds and the proper custody of assets which have been publicly funded.
- 2) You must carry out your fiduciary obligations responsibly – that is, take appropriate measures to ensure that the body uses resources efficiently, economically and effectively, avoiding waste and extravagance.

6. Allowances

- 1) You must comply with the rules set by the Internal Drainage Board regarding remuneration, allowances and expenses. It is your responsibility to ensure compliance with all relevant HM Revenue and Customs' requirements concerning payments, including expenses.

7. Gifts and hospitality

- 1) You must not accept any gifts or hospitality which might, or might reasonably appear to, compromise your personal judgement or integrity or place you under an improper obligation.
- 2) You must never canvass or seek gifts or hospitality.
- 3) You must comply with the rules set by the body on the acceptance of gifts and hospitality. You should inform the Chief Executive (or equivalent) of any offer of gifts or hospitality and ensure that, where a gift or hospitality is accepted, this is recorded in a public register in line with the rules set by the body.
- 4) You are responsible for your decisions on the acceptance of gifts or hospitality and for ensuring that any gifts or hospitality accepted can stand up to public scrutiny and do not bring the public body into disrepute.

8. Responsibilities

- 1) You should play a full and active role in the work of the Internal Drainage Board. You should fulfil your duties and responsibilities responsibly and, at all times, act in good faith and in the best interests of the Board.
- 2) You should deal with the public and their affairs fairly, efficiently, promptly, effectively and sensitively, to the best of your ability. You must not act in a way that unjustifiably favours or discriminates against particular individuals or interests.
- 3) You must comply with any statutory or administrative requirements relating to your post.
- 4) You should respect the principle of collective decision-making and corporate responsibility. This means that, once the Board has made a decision, you should support that decision.
- 5) You must not use, or attempt to use, the opportunity of public service to promote your personal interests or those of any connected person, firm, business or other organisation.

- 6) You should act in the interests of the Board as a whole and not as a representative or delegate of the body by whom you are appointed. You must not use your position as a Board Member except for the benefit of the Board.
- 7) As a Board Member you have duties and responsibilities analogous to those of directors of companies, who owe a fiduciary duty to the company and must exercise independent judgement.
- 8) If a bare majority of the Board, with due cause, consider that you have not acted within this Code of Conduct for Members you should consider resigning as a Member of the Board forthwith.

Part 2

MEMBERS' INTERESTS

9. Personal interests

- 1) You must ensure that no conflict arises, or could reasonably be perceived to arise, between your public duties and your personal interests – financial or otherwise.
- 2) You must comply with the rules of the Board on handling conflicts of interests set out in paragraphs 10 to 14.
- 3) You must remove yourself from the discussion or determination of matters in which you have a financial interest. In matters in which you have a non-financial interest, you should not participate in the discussion or determination of a matter where the interest might suggest a danger of bias.
- 4) When considering what non-financial interests should be declared, you should ask yourself whether a member of the public, acting reasonably, would consider that the interest in question might influence your words, actions or decisions.
- 5) It is your responsibility to ensure that you are familiar with the Board's rules on handling conflicts of interests, that you comply with these rules and that your entry in the Board's register of members' interests is accurate and up-to-date.
- 6) You have a personal interest in any business of your Internal Drainage Board where either:
 - (a) it relates to or is likely to affect;
 - i) any body of which you are a member or in a position of general control or management and to which you are appointed or nominated by your Internal Drainage Board;
 - ii) any body:
 - (aa) exercising functions of a public nature;
 - (ab) directed to charitable purposes; or
 - (ac) one of whose principal purposes includes the influence of public opinion or policy (including any political party or trade union),
of which you are a member or in a position of general control or management;
 - iii) any employment or business carried on by you;
 - iv) any person or body who employs or has appointed you;

- v) any person or body, other than a relevant Internal Drainage Board, who has made a payment to you in respect of your election or any expenses incurred by you in carrying out your duties;
 - vi) any person or body who has a place of business or land in your Internal Drainage Board's area, and in whom you have a beneficial interest in a class of securities of that person or body that exceeds the nominal value of £25,000 or one hundredth of the total issued share capital (whichever is the lower);
 - vii) any contract for goods, services or works made between your Internal Drainage Board and you or a firm in which you are a partner, a company of which you are a remunerated director, or a person or body of the description specified in paragraph (vi);
 - viii) the interests of any person from whom you have received a gift or hospitality with an estimated value of at least £25;
 - ix) any land in your Internal Drainage Board's area in which you have a beneficial interest;
 - x) any land where the landlord is your Internal Drainage Board and you are, or a firm in which you are a partner, a company of which you are a remunerated director, or a person or body of the description specified in paragraph (vi) is, the tenant;
 - xi) any land in the Internal Drainage Board's area for which you have a licence (alone or jointly with others) to occupy for 28 days or longer; or
- (b) a decision in relation to that business might reasonably be regarded as affecting your well-being or financial position or the well-being or financial position of a relevant person to a greater extent than the majority of:
- i) other council tax payers, or
 - ii) ratepayers or inhabitants of the electoral division affected by the decision;
- 7) In paragraph 9.6(b), a relevant person is—
- (a) a member of your family or any person with whom you have a close association;
 - (b) any person or body who employs or has appointed such persons, any firm in which they are a partner, or any company of which they are directors;
 - (c) any person or body in whom such persons have a beneficial interest in a class of securities exceeding the nominal value of £25,000; or
 - (d) any body of a type described in paragraph 9.6(a)i or 9.6(a)ii.

10. Disclosure of personal interests

- 1) Subject to paragraphs 10.2 to 10.5, where you have a personal interest in any business of your Internal Drainage Board and you attend a meeting of your Internal Drainage Board at which the business is considered, you must disclose to that meeting the existence and nature of that interest at the commencement of that consideration, or when the interest becomes apparent.
- 2) Where you have a personal interest in any business of your Internal Drainage Board which relates to or is likely to affect a person described in paragraph 9.6(a)i or 9.6(a)ii(aa), you need only disclose to the meeting the existence and nature of that interest when you address the meeting on that business.

- 3) Where you have a personal interest in any business of the Internal Drainage Board of the type mentioned in paragraph 9.6(a)viii, you need not disclose the nature or existence of that interest to the meeting if the interest was registered more than three years before the date of the meeting.
- 4) Paragraph 10.1 only applies where you are aware or ought reasonably to be aware of the existence of the personal interest.
- 5) Where you have a personal interest but, by virtue of paragraph 14, sensitive information relating to it is not registered in your Internal Drainage Board's register of members' interests, you must indicate to the meeting that you have a personal interest, but need not disclose the sensitive information to the meeting.

11. Prejudicial interest generally

- 1) Subject to paragraph 11.2, where you have a personal interest in any business of your Internal Drainage Board you also have a prejudicial interest in that business where the interest is one which a member of the public with knowledge of the relevant facts would reasonably regard as so significant that it is likely to prejudice your judgement of the public interest.
- 2) You do not have a prejudicial interest in any business of the Internal Drainage Board where that business:
 - (a) does not affect your financial position or the financial position of a person or body described in paragraph 9;
 - (b) does not relate to the determining of any approval, consent, licence, permission or registration in relation to you or any person or body described in paragraph 4; or
 - (c) relates to the functions of your Internal Drainage Board in respect of—
 - i) an allowance, payment or indemnity given to members;
 - ii) any ceremonial honour given to members; and
 - iii) setting drainage rates or a special levy under the Land Drainage Act 1991.

12. Effect of prejudicial interests on participation of debate

- 1) Prejudicial interest shall be treated as set out in the Board's Standing Orders, Order of debate:

'Members must declare where they have an interest in a matter to be discussed, the Chairman then deciding what if any part the member can take in any ensuing discussion and whether the member can vote'

Part 3

Registration of Members' Interests

13. Registration of members' interests

- 1) Subject to paragraph 14, you must, within 28 days of:
 - (a) this Code being adopted by or applied to your Internal Drainage Board; or
 - (b) your election or appointment to office (where that is later),

register in your Internal Drainage Board's register of members' interests details of your personal interests where they fall within a category mentioned in paragraph 9.6, by providing written notification to your Internal Drainage Board's Chief Executive.

- 2) Subject to paragraph 14, you must, within 28 days of becoming aware of any new personal interest or change to any personal interest registered under paragraph 13.1, register details of that new personal interest or change by providing written notification to your Internal Drainage Board's Chief Executive.

14. Sensitive information

- 1) Where you consider that the information relating to any of your personal interests is sensitive information, and your Internal Drainage Board's Chief Executive agrees, you need not include that information when registering that interest, or, as the case may be, a change to that interest under paragraph 14.
- 2) You must, within 28 days of becoming aware of any change of circumstances which means that information excluded under paragraph 14.1 is no longer sensitive information, notify your Internal Drainage Board's Chief Executive asking that the information be included in your Internal Drainage Board's register of members' interests.
- 3) In this Code, "sensitive information" means information whose availability for inspection by the public creates, or is likely to create, a serious risk that you or a person who lives with you may be subjected to violence or intimidation.

MIDDLE LEVEL COMMISSIONERS

REGISTER OF MEMBER'S INTERESTS

Declare below under the appropriate headings your interests and put "none" where no such interests are under the heading.

PART ONE – FINANCIAL INTERESTS

(1) EMPLOYMENT, BUSINESS TRADE OR PROFESSION

(a) Description, job trade or business carried out by myself

.....

(b) Name of employer, or state "self-employed"

.....

(c) Name of any firm in which I am a partner

.....

(d) Name of any company in which I am a remunerated Director

.....

(2) SPONSORSHIP

Name of any person or body who has made a payment to me in respect of my election, or any expenses incurred by me carrying out any duties.

.....

.....

(3) INTERESTS IN COMPANIES OR SECURITIES

Name of any corporate body with a business or land in the Board's area and in which I have a beneficial interest in a class of securities of that body which exceeds the nominal value of £25,000 or ¹/₁₀₀ of the total issued share capital of that body.

.....

.....

(4) CONTRACTS WITH THE BOARD

Description of all contracts for goods or services made with the board and:

- (a) myself, or
- (b) an individual, or
- (c) a company of which I am a director or partner, or
- (d) in which I have an interest as described in (3) above.

.....

.....

(5) LAND OR BUILDINGS IN THE BOARD'S AREA

Address or other description (sufficient to identify the location) of any property in which I have a beneficial interest as owner, lessee or tenant in the Board's area.

.....
.....

(6) CORPORATE TENANCIES

Address or other descriptions (sufficient to identify the location) of any land where the Board is the landlord and the tenant is a firm in which I am a partner, remunerated director or which falls within the description of (3) above.

.....
.....

(7) LICENCES TO OCCUPY LAND OR BUILDINGS

Address or other description (sufficient to identify the location) of any property in which I have a beneficial interest as owner, lessee or tenant in the Board's area.

.....
.....

(8) GIFTS AND HOSPITALITY

The interests of any person from whom you have received a gift or material advantage with an estimated value of at least £25, which in any way relates to the membership or running of the Board; received during your current term of membership (i.e. since you were last elected/appointed).

.....
.....

PART TWO – OTHER INTERESTS

List of any membership of or position of general control of management in any:

i) Body to which I have been appointed or nominated by the Board as its representative:

Name

ii) Public Authority or body exercising functions of a public nature:

Name

iii) Company, industrial and provident society, charity, or body directed to charitable purposes:

Name

iv) Body whose principle purpose includes the influence of public opinion or policy:

Name

v) Trade Union or professional association:

Name

I hereby declare that the above interests are a true and fair record. I am aware that I must within 28 days of becoming aware of any changes to the interests specified in parts one and two above, provide written notification to the Board of that change. I also declare that as a Member of the Middle Level Commissioners, I have read, accept and will abide by the Board's Members Code of Conduct.

Signed

Name

Date

Middle Level Commissioners

Gifts and Hospitality Policy

The following paragraphs are given as guidance to members and employees who may be offered gifts or hospitality. Boards are required to have in place a policy on the acceptance of gifts and hospitality, and as a public sector organisation, the Board has a duty to ensure that its resources are utilised effectively. The arrangements outlined within this policy apply to all members and staff employed by the Board and for those carrying out work on behalf of or at the request of the Board. The purpose of this policy is to provide guidance to members and staff on the action that can, or should, be taken in the event that they are offered gifts and/or hospitality. There is a limited set of exceptions and this policy sets out the standards and procedures that members and staff should follow to protect both themselves and the Board. In any case of doubt or uncertainty they should consult the Chief Executive.

- Employees and members should treat with extreme caution any offer of a gift, favour or hospitality that is made to them personally. The person or organisation making the offer may be doing or seeking to do business with the Board or may be applying to the Board for some decision to be taken in his favour or someone with whom he is connected.
- There are no hard and fast rules about the acceptance or refusal of hospitality or tokens of goodwill. For example, working lunches may be an appropriate way of doing business provided they are approved by the Chief Executive and provided no extravagance is involved. In the same way it may be reasonable for staff to represent the Board at a social function or sporting event organised by outside persons or bodies. Persons attending such functions or events as part of an official Board delegation are exempt from the above registration requirement, providing their attendance has been approved by the Chief Executive.
- Each member or employee is personally responsible for all decisions connected with the acceptance or offer of gifts or hospitality and for avoiding risk of damage to public confidence. The receipt and detail of gifts and hospitality should always be reported to the Chief Executive.
- When hospitality has to be declined, those making the offer should be courteously but firmly informed of the procedures and standards operated by the Board and told why hospitality cannot be accepted.
- Members and employees should not accept significant personal gifts from contractors and outside suppliers, although the Board will allow members and employees to keep insignificant items or token value such as pens, calendars and diaries. These insignificant items do not require recording in the Gifts and Hospitality Register.
- Acceptance by members and employees of hospitality through attendance at relevant conferences and courses is acceptable where it is clear the hospitality is corporate rather than personal and where the member or employee is satisfied that any purchasing decisions will not be compromised. Where visits to inspect equipment, supplies or services are required, employees and members should ensure that the Board meets the cost of such visits to avoid jeopardising the integrity of subsequent purchasing decisions.