

Rules Made By the Rye Internal Drainage Board With the Approval of the Minister under Paragraph 3 of Part 1 of the Second Schedule to the Land Drainage Act 1991

The relevant statutory provisions governing the election and procedures of an Internal Drainage Board are set out in the Annex to these Rules for reference purposes.

1. A notice of a Board Meeting with an Agenda shall be sent by post to every member of the Board so as to arrive at least three days before the Meeting.
2. The Board shall hold a meeting to be called "The Annual Meeting" in November each year and Ordinary Meetings on such other dates as considered appropriate.
3. No business shall be transacted by the Board other than that which appears in the agenda, unless the Chairman declare any matter to be urgent and therefore at least three fourths of the members present vote in favour of proceeding therewith.
4. No business shall be transacted at any meeting unless at least one third of the number of members are present at the commencement of the meeting. At the date of approving these rules a quorum shall, therefore, be six members.
5. The Board shall meet at The Talbot Hotel, Malton on Fridays at 2.00 p.m., unless stipulated otherwise.
6. The Board shall, as soon as they conveniently can, appoint a Chairman and Vice-Chairman. The term of office of such Chairman and Vice-Chairman shall continue until the first meeting of the Board after the next election following his appointment.
7. If a casual vacancy occurs in the office of Chairman or Vice-Chairman, the Board shall as soon as possible choose another member to fill such vacancy, and he shall continue in office until the next Annual Meeting.
8. If at any meeting the Chairman and the Vice-Chairman are absent, the members present shall choose one of their number to be the Chairman of such meeting.
9. Every matter brought before the Board shall be decided on by a majority of those present and voting. The voting shall be by show of hands.
10. In the case of equality of votes at any meeting, the Chairman shall have a second or casting vote.
11. The Board may appoint Committees and Chairman of such Committees as they think fit, but all the acts of any Committee shall be subject to the approval of the full Board unless otherwise agreed.
12. All proceedings, resolutions and reports of any Committee shall be circulated to all members at least three days before a meeting of the Board.
13. Minutes of every Board and Committee Meeting shall be made and include details of :-
 - (a) all the appointments of Officers made by the Board
 - (b) all the names of Members present at each meeting
 - (c) all orders made by the Board: and
 - (d) all resolutions and proceedings of the meetings of the Board and Committees.

Standing Orders
Order of Debate

14. Every motion or amendment shall be moved and seconded and if necessary written down and handed to the Chairmen or Clerk, and shall be read out before if is further discussed.
15. A member who speaks shall direct his speech strictly to the motion under discussion, or to a motion or amendment proposed by himself or to a question of order.
16. A member shall not address the Board more than once in any motion or amendment by the mover of an original resolution may reply and in his reply shall strictly confine himself to answering previous speakers, and shall not introduce any new matters into the debate.
17. A motion or amendment once made and seconded shall not be withdrawn without the consent of the Board.
18. Every amendment shall be relevant to the motion on which it is moved.
19. Whenever amendment upon an original motion has been moved and seconded, no second or subsequent amendment shall be moved until the first amendment shall have been disposed of, but notice of any number of amendments may be given.
20. An amendment shall be either:
 - (a) to leave out or add words: or
 - (b) to refer a subject of debate to a Committee for consideration or reconsideration.
21. If an amendment be rejected other amendments may be moved on the original motion. If an amendment be carried, the motion as amended shall take the place of the original motion and shall become the question upon which any further amendment may be moved.
22. No motion to rescind any resolution which has been passed within the proceeding six months shall be in order.

Common Seal

23. All deeds and other documents to which the Common Seal of the Board shall require to be fixed shall be sealed in pursuance of a resolution of the Board, and in the presence of the Chairman and the Clerk of the Board.

An entry of the sealing of every deed and other document to which the Common Seal shall have been affixed shall be made by the Clerk of the Board in a book to be provided for that purpose, and shall be signed by the Chairman (or other Member) of the Board present at the sealing.

Suspension of Standing Orders

24. Any one or more of the Standing Orders, in any case of urgency or upon motion made on a notice duly given, may be suspended at any meeting, providing that two thirds of the members of the Board are present, and voting shall so decide.

STATUTORY PROVISIONS

Extract from the Statutory provisions set out in Schedule 1 & 2 of the Land Drainage Act 1991 Governing the Election of Members to, and the proceedings of, an Internal Drainage Board.

Schedule 1 – Part 1

Elected Members

A person shall not be qualified for election as a Member of an Internal Drainage Board unless he is:

- (1) (a) both the owner and the occupier of not less than four hectares of land in respect of which a drainage rate may be levied by the Board and which is situated in the electoral district for which he is a candidate for election: or
 - (b) the occupier, whether under tenancies of year to year or otherwise, of not less than eight hectares of such land as aforesaid: or
 - (c) the occupier of land which is of an assessable value of £30 or above and is situated in the electoral district for which he is a candidate for election: or
 - (d) a person nominated as a candidate for election by the person (whether an individual or a body of persons) who is both the owner and the occupier of land which -
 - (i) is situated in the electoral district in question: and
 - (ii) is either of not less than four hectares in extent or of an assessable value of £30 or above.

(2) A person shall not be qualified for the purposes of sub-paragraph (1) above as being an occupier of any land or, as being the owner and occupier of any land or a person nominated by the owner and occupier of any land, if at the date of the election any amount demanded in respect of any drainage rate levied on that land has remained unpaid for more than one month.

(3) In sub-paragraph (1) above, the reference to the assessable value of any land is reference to the amount which for the purposes of any drainage rate levied at the relevant date would be the annual value of the land.

(4) The preceding provisions of this paragraph shall have effect subject to the provisions of paragraph 18 of Schedule 2 to the Water Consolidation (Consequential Provisions) Act 1991 (which makes provision with respect to relevant dates falling before 1st April 1993).

(5) In this paragraph “the relevant date” means the date as at which the qualifications of candidates for the election in question are determined in accordance with rules made under paragraph 1 above.

Schedule 1 – Part 2

Members appointed by Charging Authorities

(1) The charging authority for any area wholly or partly included in an internal drainage district may appoint a member or members of the internal drainage board having power, by virtue of regulations under the Local Government Act 1998, to issue special levies to that authority.

(2) In appointing a person to be a member of an internal drainage board a charging authority shall have regard to the desirability of appointing a person who-

(a) has a knowledge or experience (including knowledge of the internal drainage district in question or commercial experience) of some matter relevant to the functions of the board: and

(b) has shown a capacity in such a matter.

(3) The number of appointed members of an internal drainage board -

(a) shall be determined, in accordance with the following provisions of this paragraph, for the period 1st April 1993 to 31st March 1996 and each succeeding three year period beginning with 1st April: and

(b) shall be so determined in relation to each drainage board by reference to the amounts ascertained, on the 31st December, preceding the relevant three year period, as the amounts in respect of which that board make drainage rates and issue special levies in the financial year preceding that period.

(4) The number of appointed members of an internal drainage board -

(a) shall not exceed by more than one the number of other members of the board: and

(b) subject to paragraph (a) above, shall be such that the number of appointed members bears, as nearly as possible, the same proportion to the maximum number of all the members of the board as the aggregate amount of the expenses of the board in respect of which drainage rates have been made and special levies have been issued.

(5) If more than one charging authority is entitled to appoint members of an internal drainage board under paragraph (1) above -

(a) each such authority may appoint the number of members of the board calculated by multiplying the maximum number of appointed members by the relevant fraction for that authority and disregarding any fraction in the resulting product: and

(b) where in respect of the board

(i) any such authority has appointed a member: or

(ii) the calculation referred to in paragraph (a) above results in respect of each such authority in a product of less than one, the charging authorities shall, unless they otherwise agree, jointly appoint the number of members of the board representing the difference between the maximum number of appointed members and the aggregate number of members that may be appointed by individual charging authorities or, as the case may be, constituting the maximum number of appointed members.

(6) For the purpose of sub-paragraph (3) above the relevant fraction, in relation to a charging authority, is the fraction which identifies how much of the aggregate amount of the special levies issued by the internal drainage board in question consists in a special levy issued to that authority.

(7) In this paragraph "appointed member", in relation to an internal drainage board, means members of the board appointed by one or more charging authorities under this Part of this schedule or, at a time before the commencement of this Act, under the corresponding provisions of the Internal Drainage Boards (Finance) Regulations 1990.

Schedule 1 – Part 3

Supplemental Provisions with Respect to Members

Terms of Office etc. of Members

- (1) Subject to the following provisions of this part of this Schedule, elected members of an internal drainage board shall come into office on 1st November next after the day on which they are elected and shall hold office for a term of three years.
- (2) Subject as aforesaid, the terms of appointment of a member of an internal drainage board who is appointed by one or more charging authorities shall be determined by the authority or authorities by which he is appointed.
- (3) Subject as aforesaid, the members of an internal drainage board who are appointed by the relevant Minister as first members of that board shall hold office until the end of one year from the 1st November next following the day on which they are appointed.

Resignation etc. of Elected Members

- (1) An elected member of an internal drainage board may resign his office by notice given to the Chairman of the Board.
- (2) If an elected member of an internal drainage board is absent from the meetings of the board for more than six months consecutively, he shall, unless his absence is due to illness or some other reason approved by the board, vacate his office at the end of that six months.

Insolvency of Members and Candidates

- (1) A person who is an undischarged bankrupt or has at any time within the preceding five years made a composition or arrangement with, or granted a trust deed for, his creditors shall be ineligible for election as a member of an internal drainage board and also for being a member of such a board.
- (2) If:-
 - (a) an elected member of an internal drainage board is adjudged bankrupt;
 - (b) the estate of such a member is sequestrated; or
 - (c) such a member makes a composition or arrangement with, or granted a trust deed for, his creditors, he shall vacate his office.

Filling casual vacancies

- (1) Subject to sub-paragraph (2) below, if for any reason whatsoever the place of an elected member of an internal drainage board becomes vacant before the end of his term of office, the vacancy shall be filled by the election by the Board of a new member.
- (2) Where the unexpired portion of the term of office of the vacating member is less than six months, the vacancy need not be filled.
- (3) A person elected to fill a casual vacancy shall hold office so long as the vacating member would have held office.

Eligibility of vacating member of Board

(1) Subject to the preceding provision of the Schedule, a vacating member of an internal drainage board shall be eligible for re-election or re-appointment.

Meaning of "elected member"

(1) Reference in this part of this Schedule to an elected member, in relation to an internal drainage board, are references to any member of that board other than a member appointed by one or more charging authorities.

Schedule 2

Expenses and Proceedings etc. of Internal Drainage Boards

Payment of Expenses etc. of Members and Officers

(1) The relevant Minister may, if he thinks fit, by order authorise an internal drainage board to pay to the Chairman of the Board, for the purpose of enabling him to meet the expenses of his office, such allowance as may be specified in the order.

(2) An internal drainage board may pay any reasonable expenses incurred by their members and officers in:

- (a) attending meetings of the Board or a Committee or Sub-Committee thereof:
- (b) carrying out inspections necessary for the discharge of the functions of the Board: or
- (c) attending conferences or meetings convened by one or more internal drainage boards, or by an association of internal drainage boards, for the purpose of discussing matters connected with the discharge of the functions of internal drainage boards:

and may pay any reasonable expenses incurred by their members or officers in purchasing reports of the proceedings of such conference or meeting.

Proceedings

Any member of an internal drainage board who is interested in any company with which the Board has, or proposes to make, any contract shall:-

- (a) disclose to the Board the fact and nature of his interest: and
- (b) take no part in any deliberations or decision of the Board relating to such contract
- (c) and such disclosures shall be forthwith recorded in the Minutes of the Board.

A minutes of the proceedings of a meeting of an internal drainage board or a Committee of such Board, purporting to be signed at the next ensuing meeting by a person describing himself, as or appearing to be, the Chairman of the meeting to the proceedings of which the Minute relates shall be evidence of the proceedings and shall be received in evidence without further proof and until the contrary is proved every meeting in respect of the proceedings of which a minute has been so signed shall be deemed to have been duly convened and had, and where the proceedings are the proceedings of a Committee, the Committee shall be deemed to have been duly constituted and to have the power to deal with the matters referred to in the minutes.

The proceedings of an internal drainage board shall not be invalidated by any vacancy in the membership of the Board or by any defect in the appointment or qualification of any member of the Board.

Annual Report

An internal drainage board shall:-

- (a) before such date in every year as the relevant Minister may fix, send to that Minister a report of their proceedings during the proceeding year: and
- (b) at the same time send a copy of the report to the Environment Agency and to the council of every county and London Borough in which any part of the Board's district is situated.

Every such report shall be in such form and shall contain particulars with respect to such matters as the relevant Minister may direct.

Accounts

(1) An internal drainage board shall:-

- (a) as soon as the accounts of the Board have been audited, send a copy of them to the relevant Minister: and
- (b) at the same time, send a copy of the accounts to the Environment Agency and to the council of every county and London Borough in which any part of the Board's district is situated.

(2) A copy of the audited accounts of an internal drainage board shall be kept at the office of the Board and any person who is liable to pay drainage rates in the Board's district shall be entitled, without payment, to inspect and take copies of, or extracts from, that copy.

ASSOCIATION OF DRAINAGE AUTHORITIES

MEMBERS OF DRAINAGE BOARDS – CODE OF CONDUCT

The following Code of Conduct is recommended by the Association of Drainage Authorities as a guide applicable to all Members of Drainage Boards, whether elected, co-opted or appointed. The Code is a supplement to Statutory Provisions and Standing Orders made by individual Boards.

- (1) A member shall be aware of the statutory authority governing Bye-Laws, Standing Rules and Orders.
- (2) A member has an overall duty to carry out his functions for the benefit of Land Drainage and Coastal Protection bearing in mind national and local interest and in particular the Board and the Ratepayers.
- (3) A Board is a non-profit making organisation and has a duty to levy rates to the required amount to exercise its functions in a proper manner for the safety of human life, livestock and property.
- (4) A Member's concern is the functioning of the Board and the whole of its area. His approach should not be parochial.
- (5) A Member is acting as Trustee for the Ratepayers and must act accordingly and in accord with the General Law of the land.
- (6) Decisions of the Board or Committee whether unanimous or by a majority must be accepted as a decision of the Board and Committee and binding on all members.
- (7) A Member should observe the rules of debate.
- (8) In the case of membership of a Sub-Committee it must be understood whether the Sub-Committee has plenary power or power of recommendation only.
- (9) A Member should be aware of the dangers of small Committees (never less than two) with plenary powers which then bind the whole Board.
- (10) A Member must note that Board matters and especially Sub-Committee matters are private and confidential.
- (11) It is essential for a Member to disclose a pecuniary interest in projects. Whilst it is appreciated that all benefit from better drainage, there can be cases where a Member benefits directly or indirectly from Drainage Board activities. In such cases the Member should (after making his submissions) offer to retire from the meeting or with the permission from the Chairman abstain from voting.
- (12) Particular allegiance to or Membership of any body should be made known to the Clerk and Chairman if there is conflict. The Member should abstain from voting on the relevant matter. Such disclosure of interest may also arise from a family relationship or other close association where there can be a clash of interest whether financial or otherwise.
- (13) If a Member is also a Member of another authority, he should disclose this fact and when dealing with Board business, should act solely in the Board's best interest. If he is unable to do so he should resign from one of the authorities.
- (14) Confidential and private information which has not been made public should not be used for private gain.

(15) Gifts and hospitality by others should be accepted with caution. Offers of financial reward should obviously be reported to the Clerk/or Chairman.

(16) The Rules relating to expenses and allowances must be strictly observed. Incorrect expenditure not authorised by the Board and not in accordance with the Land Drainage Acts may be surcharged to the individual Members by the Auditors.

(17) Board facilities must only be used on the properly authorised business of the Board.