



RIVER LUGG INTERNAL DRAINAGE BOARD RULES

Rules made by the River Lugg Internal Drainage Board with the approval of Ministers under paragraph 3(1) of the Second Schedule to the Land Drainage Act, 1991. (The relevant statutory provisions in respect of members of Internal Drainage Boards and the proceedings of an Internal Drainage Board are set out in Annexes 1 and 2 respectively to these Rules for reference purposes)

Regulations as to Proceedings

1. Meetings of the Board, for which 14 days notice will be given, will be open to the public and press who will on the invitation of the Chair be able to speak at the meeting. The Board can name a resolution to exclude the public and/or press from a meeting or part thereof:-
 - a) The Board will hold an Annual General Meeting at which the election of Chair and Vice Chair will be made.
 - b) The Board will hold a meeting at which the drainage rate and special levies will be set to enable the latter to be served on the special levy council by no later than the 15th February in respect to the following financial year.
 - c) In the event of the need for an emergency meeting the notice will be waived.
2. For each meeting, other than for one arranged as an emergency meeting, members will receive an Agenda and any accompanying papers by post or other means despatched at least seven days before the meeting.
3. No business shall be transacted by the Board, other than that which appears on the Agenda, unless 75% of the members present agree to any such additional issue being discussed.
4.
 - a) A formal meeting of the Board cannot be conducted unless one third of the 21 Board members, i.e. 7 or more are present at the start of and during the meeting. If departures reduce the number in attendance to below 7 then the Chair will terminate the formal meeting at that point.
 - b) All resolutions and proposals will be decided by a majority of votes of the members present.
 - c) In the case of an equality of votes at any meeting, the Chair for the time being of such meeting shall have a second or casting vote.
5. The Board shall meet at a venue to be determined from time to time with such venue being confirmed in the agenda.
6. The Board shall, as soon as they conveniently can, appoint a Chair and Vice-Chair. The term of office of such Chair and Vice-Chair shall continue until the first meeting of the Board after the next election following their appointment.
7. If any vacancy occurs in the office of Chair or Vice-Chair, the Board shall as soon as they conveniently can after the occurrence of such vacancy, choose some one of their number to fill such vacancy.
8.
 - a) At any meeting of the Board the Chair, if present, shall preside.

- b) If the Chair is absent from a meeting of the Board, the Vice-Chair, if present, shall preside.
 - c) If at any meeting of the Board both the Chair and Vice-Chair are not present at the time the members present shall choose some one of their number to be Chair of such meeting.
9. The Board shall cause Minutes to be made of all meetings and recorded in an appropriate form:-
- a) of all appointments of Officers made by the Board
 - b) of the names of the members present at each meeting of the Board and Committees or Sub-Committees of the Board
 - c) of all orders made by the Board and Committees or Sub-Committees of the Board, and
 - d) of all resolutions and proceedings of meetings of the Board and of Committees or Sub-Committees of the Board.

The Board will approve, with or without amendment, the minutes of the preceding meeting and these will be duly signed by the Chair together with any financial statements presented at that meeting.

10. All proceedings, resolutions and reports of every Committee or Sub-Committee intended to be laid before the Board shall be circulated among the members of the Board at least seven days before the meeting of the Board at which the same are to be submitted.

Committees or Sub-Committees

11. The Board may appoint such Committees or Sub-Committees as they think fit but all acts of any Committee or Sub-Committee shall be subject to the approval of the Board unless the Board has delegated its powers to that Committee or Sub-Committee to deal with a specific issue.
12. A Committee or Sub-Committee may elect a Chair of their meetings. If no such Chair is elected, or if they are not present, the members present shall choose some one of their number to be Chair of such meeting.
13. A Committee or Sub-Committee may meet and adjourn as they think proper. Proposals at any meeting shall be determined by a majority of votes of the members present, and shall be decided by a show of hands. In case of any equal division of votes the Chair shall have a second or casting vote.
14. Regulations 9 and 10 shall apply to minutes of Committees and Sub-Committees.

Standing Orders Order of Debate

15. Every proposal or amendment, other than a proposal for the approval of a Committee or Sub-Committee, shall be proposed and seconded and shall, if required, be written out and handed to the Chair who shall read it out before it is further discussed or put to the meeting.
16. The Chair will invite members to speak on the subject under discussion.
17. Members must declare where they have an interest in a matter to be discussed, the Chair then deciding what if any part the member can take in any ensuing discussion and whether the member can vote.
18. A proposal or amendment once made shall not be withdrawn without the consent of the Board.
19. Every amendment shall be relevant to the proposal to which it is applied.
20. Whenever an amendment upon an original resolution has been proposed and seconded, no second or subsequent amendment shall be moved until the first amendment shall have been dealt with, but notice of any number of amendments may be given.
21. If an amendment is rejected then other amendments may be proposed on the original resolution or proposal.
22. If an amendment is carried the proposal as amended shall take the place of the original proposal and shall become the question upon which any further amendment may be moved.
23. No proposal to rescind any resolution which has been passed within the preceding six months, nor any proposal to the same effect as any proposal which has been negatived within the preceding six months shall be in order unless:
 - (a) notice thereof has been given and specified in the Agendaand
 - (b) the notice bears, in addition to the name of the member who proposed the resolution, the names of two other members; and when such resolution or proposal has been disposed of by the Board, it shall not be competent for any member to propose a similar proposal within a further period of six months.
24. Order 23 shall not apply to proposals which are moved by the Chair or other members of the Committee or Sub-Committee in pursuance of the report of the Committee.

Common Seal

25. The Common Seal of the Board shall be kept in some safe place. All deeds and other documents to which the Common Seal of the Board shall require to be affixed shall be sealed in pursuance of the Board, and in the presence of both the Chair and the Clerk of the Board.
26. Copies of all sealed documents must be retained.

Suspension of Standing Orders

27. Any one or more of the standing orders, in any case of urgency or upon resolution or proposal made on a notice duly given, may be suspended at any meeting, so far as regards any business at such meeting, provided that 75% of the members of the Board present and voting are in agreement.

Special Circumstances - Coronavirus

28. In relation to any meeting held before 7th May 2021, “presence” at a meeting includes physical attendance and being present through remote attendance. “Remote attendance” means attending or participating in a meeting by electronic means, including by one or more of the following:
 - i) telephone conference,
 - ii) video conference,
 - iii) live webcast,
 - iv) live interactive streaming.
29. In relation to any meeting held before 7th May 2021, regulation 5 is suspended, and the Board shall instead provide members with relevant details to enable members to attend and participate in meetings, including remotely. The board shall provide confirmation of these details in the agenda. For these purposes, “details” includes one or more of the following:
 - i) the venue,
 - ii) the availability of a telephone conference facility and the manner of accessing such facility,
 - iii) the availability of a video conference facility and the manner of accessing such facility,
 - iv) the availability of a live webcast facility and the manner of accessing such facility,
 - v) the availability of a live interactive streaming facility and the manner of accessing such facility.

ANNEX 1

STATUTORY PROVISIONS REGARDING THE PROCEEDINGS OF AN INTERNAL DRAINAGE BOARD SET OUT IN PARAGRAPH 3 OF SCHEDULE 2 TO THE LAND DRAINAGE ACT, 1991.

Proceedings of internal drainage board

- (1) An internal drainage board may, with the approval of the relevant Minister, make rules—
- (a) for regulating the proceedings of the board, including quorum, place of meetings and notices to be given of meetings;
 - (b) with respect to the appointment of a chair and a vice-chair;
 - (c) for enabling the board to constitute committees; and
 - (d) for authorising the delegation to committees of any of the powers of the board and for regulating the proceedings of committees, including quorum, place of meetings and notices to be given of meetings.
- (2) The first meeting of an internal drainage board shall be held on such day and at such time and place as may be fixed by the relevant Minister; and the relevant Minister shall cause notice of the meeting to be sent by post to each member of the board not less than fourteen days before the appointed day.
- (3) 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/her interest; and
 - (b) take no part in any deliberation or decision of the board relating to such contract;
- and such disclosure shall be forthwith recorded in the minutes of the board.
- (4) A minute of the proceedings of a meeting of an internal drainage board, or of a committee of such a board, purporting to be signed at that or the next ensuing meeting by a person describing himself as, or appearing to be, the chair of the meeting to the proceedings of which the minute relates—
- (a) shall be evidence of the proceedings; and
 - (b) shall be received in evidence without further proof.
- (5) Until the contrary is proved—
- (a) every meeting in respect of the proceedings of which a minute has been so signed shall be deemed to have been duly convened and held;

- (b) all the proceedings had at any such meeting shall be deemed to have been duly had; and
- (c) where the proceedings at any such meeting are the proceedings of a committee, the committee shall be deemed to have been duly constituted and to have had power to deal with the matters referred to in the minutes.
- (6) 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.

ANNEX 2

STATUTORY PROVISIONS REGARDING MEMBERS OF AN INTERNAL DRAINAGE BOARD SET OUT IN SCHEDULE 1 TO THE LAND DRAINAGE ACT, 1991.

Members of Internal Drainage Boards

PART I ELECTION OF MEMBERS

1 Election rules

(1) An election of members of an internal drainage board shall be conducted in accordance with rules contained in regulations made by the relevant Minister:

(a) for the preparation of registers of electors and for securing that the registers are open to inspection;

(b) with respect to the holding and conduct of elections, including provisions as to returning officers, nominations, polls and the counting of votes; and

(c) for allowing any person or body of persons entitled to vote at an election to vote by a deputy.

(2) Provision made by virtue of sub-paragraph (1)(a) above may include provision with respect to the making of objections to entries in registers and with respect to the hearing and determination of such objections.

2 Eligibility of electors

(1) Subject to sub-paragraphs (2) and (3) below, the electors for members of an internal drainage board shall be the persons who at the date of the election occupy land in the board's district on which a drainage rate has been levied in the year immediately preceding.

(2) A person shall not be entitled to be an elector by reason of his/her occupation of 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 a month.

(3) For the purposes of this paragraph the owner of any hereditament shall be deemed to be its occupier during any period during which it is unoccupied.

(4) The preceding provisions of this paragraph and paragraph 3 below shall have effect subject to the provisions of paragraph 17 of Schedule 2 to the Water Consolidation (Consequential Provisions) Act 1991 (which makes provision with respect to electors who qualify by reference to drainage rates made in respect of years beginning before 1993).

3 Number of votes for each elector

(1) Each elector at an election of members of an internal drainage board shall be entitled, in accordance with the following table, to one or more votes, according to

the assessable value of the property in respect of which the elector is entitled to vote:

<i>Assessable value</i>	<i>Number of votes</i>
Less than £50	1 vote
Not less than £50 but less than £100	2 votes
Not less than £100 but less than £150	3 votes
Not less than £150 but less than £200	4 votes
Not less than £200 but less than £250	5 votes
Not less than £250 but less than £500	6 votes
Not less than £500 but less than £1,000	8 votes
£1,000 or more	10 votes

(2) In sub-paragraph (1) above, the reference to the assessable value of any land is a 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.

(3) In this paragraph “the relevant date” means the date as at which the qualifications of electors is determined for the purposes of the election in accordance with rules made under paragraph 1 above.

4 Qualification for election

(1) A person shall not be qualified for election as a member of an internal drainage board unless he/she is:

(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/she 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 upwards and is situated in the electoral district for which he/she 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 upwards.

(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 a 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.

PART II MEMBERS APPOINTED BY CHARGING AUTHORITIES

5 Appointment of members 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 Finance Act 1988, 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 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 capacity in such a matter.

(3) This paragraph has effect subject to the restrictions on appointments which are imposed by paragraph 6 below or, as the case may require, paragraph 16 of Schedule 2 to the Water Consolidation (Consequential Provisions) Act 1991 (number of appointed members of internal drainage board allowed in period ending with 31st March 1993).

6 Numbers of members appointed by charging authorities

(1) 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 proportion of the expenses of the drainage board to be raised from the proceeds of special levies in the first financial year in that period, determined in accordance with section 37 of this Act.

(2) 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 proportion of the expenses of the board that is to be raised from the proceeds of special levies.

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

(4) For the purposes of sub-paragraph (3) above the relevant fraction, in relation to a charging authority, is the fraction [the fraction of the expenses of the internal drainage board that is to be raised from the proceeds of special levies in the first financial year of the relevant period referred to in sub-paragraph (1)(a) above, which is to be raised by a special levy issued to that authority.]

(5) In this paragraph “appointed members”, 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.

PART III SUPPLEMENTAL PROVISIONS WITH RESPECT TO MEMBERS

7 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/she 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.

8 Resignation etc. of elected members

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

9 Insolvency of members or candidates

- (1) A person who is an undischarged bankrupt or who has at any time within the preceding five years made a composition or arrangement with, or granted a trust deed for, his/her 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 grants a trust deed for, his/her creditors,

he/she shall vacate his/her office.

10 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/her 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.

11 Eligibility of vacating member of board

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

12 Meaning of “elected member”

References 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.

Sealed by order of the Board on the 16th day of April 2020 in the presence of:

Mr Charles Pudge
Chairman

Adrienne Davies
Clerk to the Board
