

ONCHAN DISTRICT COMMISSIONERS



## **STANDING ORDERS**

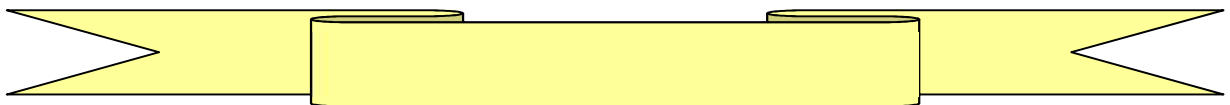
FOR THE REGULATION AND OBSERVANCE

OF PROCEDURE AND BUSINESS WITH

RESPECT TO

MEETINGS OF THE AUTHORITY

WITH EFFECT FROM 1<sup>st</sup> FEBRUARY 2014.



Attention is drawn to Standing Order 24 regarding Improper  
Conduct and to the need for members to be aware that they  
are NOT protected by "Parliamentary Privilege" when speaking  
in public at meetings of the Authority.

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# ONCHAN DISTRICT COMMISSIONERS

## STANDING ORDERS

### 1. MEETINGS OF THE AUTHORITY

- (1) The annual meeting of the Authority shall be held at the Commissioners Offices on the first Tuesday in May.
- (2) The ordinary meetings of the Authority shall be held once per fortnight (14 days) in the Commissioners' Boardroom on Mondays (and, if necessary, continue on the following Tuesdays).

Or on such other day or days as may be decided by resolution of the Authority.

Public notice of the dates for meetings of the Authority will be displayed at the Commissioners' Offices and at any other place the Commissioners should, from time to time, determine.

- (3) The annual meeting and all other meetings of the Authority for the transaction of general business shall commence at seven p.m. unless notice to the contrary be given by the Chief Executive/Clerk. A meeting shall close no later than 10 p.m. unless decided otherwise by a majority vote of those present.
- (4) An extraordinary meeting of the Authority may be called at any time by the written notification of the Chairman or the Chief Executive/Clerk.
- (5) If the Chairman refuses to call an extraordinary meeting of the Authority after receiving a requisition for that purpose, signed by at least one-third of the Members, or if without so refusing the Chairman does not call an extraordinary meeting within 7 days after the requisition has been presented to him, then at least one-third of the members may forthwith call such a meeting.
- (6) Any requisition for an extraordinary meeting shall state the nature of the business to be transacted at such meeting, and the same shall be specified in the notice of the meeting and no other business shall be transacted at such meeting.

### 2. NOTICE OF MEETINGS

A notice of a meeting of the Authority, signed by the Chief Executive/Clerk and specifying the business to be transacted, shall be sent to each member at least three clear days preceding the holding of an annual or ordinary meeting, and in the case of an extraordinary meeting shall be delivered with all possible despatch. A notice shall be left at or be sent by post to the usual place of abode of every member other than if a member gives notice in writing to the Chief Executive/Clerk of some other address at which notice should be served. Any notice addressed to a member and left at or sent by post to the

appropriate address shall be deemed sufficient service of the notice. Want of service of a notice on any member shall not affect the validity of a meeting.

### **3. ELECTION OF CHAIRMAN AND COMMITTEES**

- (1) On the first Tuesday of May in each calendar year the annual meeting shall be held for the election of the Chairman, Vice Chairman and Lead Members of the Authority, and any other appointments necessary for the ensuing year.
- (2) The Chief Executive/Clerk shall occupy the Chair and conduct the proceedings necessary for the election of the Chairman of the Authority.

At such election of Chairman, should there be more than one nomination, voting shall be by secret ballot, each member placing a mark, opposite the nominated person for whom he wishes to record his vote.

- (3) The Chairman so elected shall then take the Chair and proceed to the election of:-
  - (a) the Vice Chairman,
  - (b) the Lead Members of the Authority,
  - (c) any other appointments, including any Special Committees of the Authority.

In any case where there are more nominations than vacancies such election shall be by ballot as prescribed in clause (2) hereof. In the event of any candidate failing to receive a majority of the votes of the members present, the candidate with the least number of votes shall be excluded wherever possible. Fresh nominations shall be sought if equality of votes prevents the majority election of a member after two ballots.

### **4. CHAIRMAN OF THE MEETING**

The Chairman of the Authority shall preside, if present, at a meeting of the Authority. In the absence of the Chairman, the Vice Chairman shall preside, if present, and in the event of both the Chairman and the Vice Chairman being absent, another member chosen by the members present shall preside. Any power of the Chairman in relation to the conduct of a meeting may be exercised by the person presiding at the meeting.

### **5. QUORUM**

- (1) Subject to sub-paragraph (3) hereof no business shall be transacted at a meeting of the Authority unless at least one-half of the whole number of the members of the Authority are present,
- (2) If there is not a quorum present at any stage of a meeting of the Authority, the meeting shall stand adjourned. Consideration of any business not transacted shall be adjourned to a time fixed by the Chairman at the time the meeting is

adjourned or, if the Chairman does not fix a time, to the next ordinary meeting of the Authority,

- (3) Where more than one-third of the members of a local authority become disqualified at the same time, unless the number of members in office is increased to not less than two thirds of the whole number of members of the authority, the quorum of the authority shall be determined by reference to the number of members of the authority remaining qualified instead of by reference to the whole number of members of the authority.
- (4) No business shall be transacted at a meeting of a Special Committee unless at least three voting members are present provided that in the event of only two voting members being present recommendations as to a proposed course of action may be submitted to the Authority for consideration.

## **6. VALIDITY OF PROCEEDINGS**

The proceedings of the Authority shall not be invalidated by any vacancy among the number of the Authority or by any defect in the election or qualification of any member.

## **7. RECORD OF ATTENDANCES**

The Chief Executive/Clerk or other authorised officer shall record the members present at a meeting of the Authority and shall also note in the minutes the time at which any member leaves the meeting other than temporarily.

## **8. MAJORITY**

- (1) Subject to the provisions of any enactment, all questions coming or arising before the Authority shall be decided by a majority of the members present and voting thereon at a meeting of the Authority.
- (2) Subject to those provisions, the person presiding at the meeting shall have a second or casting vote in the case of an equality of votes, and shall be free to cast that vote as he or she thinks fit and not be under any obligation, real or perceived, to vote for maintaining the status quo.

## **9. VOTING**

- (1) The mode of voting at meetings of the Authority shall be at the discretion of the Chairman except as provided for in Standing Order 3.
- (2) Only those members who are present when the question is put from the Chair shall be entitled to vote.
- (3) Every member present when the question is put from the Chair shall be required to record his vote for or against.

- (4) The voting on any question shall be recorded so as to show whether each member present voted for or against that question.

## **10. MINUTES OF MEETINGS**

- (1) Minutes of proceedings of every meeting of the Authority shall be drawn up and recorded by the Chief Executive/Clerk or some other authorised officer.
- (2) A copy of the minutes of the last preceding ordinary meeting and of any intermediate extraordinary meetings of the Authority shall be sent to each member with the notice convening the ordinary meeting.
- (3) At such ordinary meeting the Chairman shall put the questions that such minutes be signed as a correct record. No motion or discussion shall take place upon the minutes, except upon their accuracy, and any question on their accuracy shall be raised by motion.
- (4) If no such question is raised, or if it is raised, then as soon as it has been disposed of, the Chairman shall sign the minutes or the corrected minutes as the case may be, and shall initial each consecutively numbered leaf comprising those minutes.

## **11. APPLICATION OF STANDING ORDERS TO SPECIAL COMMITTEES**

- (1) Standing Orders 6 to 10 shall apply in relation to a Special Committee of the Authority or a sub-committee of any such committee as they apply in relation to the Authority.
- (2) Until the contrary is proved, where a minute of any meeting of any such committee or sub-committee has been made and signed in accordance with Standing Order 10 as applied by this paragraph, the Committee or sub-committee shall be deemed to have been duly constituted and to have had power to deal with the matters referred to in the minute, the meeting shall be deemed to have been duly convened and held and the members present at the meeting shall be deemed to have been duly qualified.

## **12. DISCLOSURE OF INFORMATION**

- (1) All agenda, reports, and other documents and all proceedings of Special Committees and the Authority shall be treated as confidential unless and until they become public in the ordinary course of the Authority's business.

Except that any question arising at a meeting of a Special Committee or of the Authority, as to the appointment, promotion, dismissal, salary, superannuation, conditions of service, or conduct of any person employed by the Authority, shall not be the subject of a public minute or report to be discussed in public unless and or until the Authority has otherwise determined.

- (2) All matters dealt with or brought before the Authority when sitting in private shall be treated as strictly confidential and, unless otherwise determined by the Authority, shall not be disclosed to any person outside the Authority.
- (3) Any member or former member of the Authority who, without the consent of the Authority, divulges any information communicated to him in confidence whilst a member shall be guilty of an offence and liable on summary conviction to a fine not exceeding £1000 (Local Government Act 1985).

### **13. ORDER OF BUSINESS.**

- (1) Except as provided for by paragraph (2), the order of business at every meeting of the Authority shall be transacted in the following order:-
  - (a) choice of a person to preside if the Chairman or Vice Chairman be absent,
  - (b) any business required by statute to be done,
  - (c) to approve as a correct record and sign the minutes of the previous ordinary meeting and of any intermediate extraordinary meeting or meetings,
  - (d) business arising out of such minutes if not referred to in the minutes of any Special Committee,
  - (e) business adjourned from a previous meeting,
  - (f) consideration of reports and correspondence appearing on the agenda,
  - (g) To answer questions asked under standing order 18.
  - (h) motions in the order in which notice has been received,
  - (i) Chairman's announcements,
  - (j) other business, if any, authorised by the Chairman for consideration.
- (2) Business falling under items (a), (b), (c) or (d) of paragraph (1) shall not be displaced, but subject thereto the foregoing order of business may be varied:-
  - (a) at the discretion of the Chairman; or
  - (b) by a resolution duly moved and seconded and passed on a motion which shall be moved and put without discussion.
- (3) Any business which the Authority decided shall be taken in private shall be postponed until the conclusion of the other business and then be transacted in private.

### **14. NOTICES OF MOTION**

- (1) Notices of every motion relating to any new subject or matter not already before the Authority, other than a motion which under Standing Order 15 may be moved without notice, shall be given in writing at the ordinary meeting preceding the one at which it is intended to bring it forward.

- (2) Any notice delivered to the Chief Executive/Clerk shall be dated and numbered by him, in the order in which it is received, and entered in a book which shall be open to inspection by any member of the Authority.
- (3) The Chief Executive/Clerk shall set out in the summons for every meeting of the Authority any motion of which notice has been duly given in the order in which it was received, unless the member giving such notice intimated, in writing, when giving it, that he proposes to move it at some later meeting, or has since withdrawn it in writing.
- (4) If a motion thus set out in the summons be not moved either by a member who gave notice thereof or by some other member on his behalf it shall, unless postponed by consent of the Authority, be treated as withdrawn and shall not be moved without fresh notice.
- (5) Any motion of which notice has been duly given shall, upon being moved and seconded, stand deferred without discussion for one complete cycle of meetings (ie 3) for consideration and report.
- (6) Every motion shall be relevant to some matter in relation to which the Authority have powers or duties or which affects the district.

Provided that the Chairman may, if conducive to the despatch of business, allow the motion to be dealt with at the meeting at which it is brought forward.

## **15. MOTIONS AND AMENDMENTS WHICH MAY BE MOVED WITHOUT NOTICE**

The following motions and amendments may be moved without notice:-

- (i) on the accuracy of the minutes,
- (ii) for the precedence of any business specified in the notice,
- (iii) for referring any business to a Special Committee,
- (iv) for appointing or deferring any business for consideration at a future meeting,
- (v) for the appointment of a Special Committee or members thereof, occasioned by an item mentioned in the summons to the meeting,
- (vi) for the adjournment of any meeting or debate,
- (vii) for dealing with correspondence, reports and recommendations of Special Committees or officers, or other documents and any consequent resolutions,
- (viii) for amendments to any motion,
- (ix) for hearing any application or evidence,
- (x) for appointing a Chairman,
- (xi) that the Chairman do leave the Chair,
- (xii) for the suspension of any specified standing order or orders, in accordance with Standing Order 36,
- (xiii) that any specified business be transacted in private at a later stage in the meeting.



- (xiv) for taking any business from the private business for consideration in public,
- (xv) that a member named under Standing Order 24 be not further heard or do leave the meeting,
- (xvi) for leave to withdraw a motion before a vote has been taken, but not afterwards,
- (xvii) that a member be now heard,
- (xviii) that the question be now put,
- (xix) to proceed with the next business,
- (xx) authorising the sealing of documents,
- (xxi) inviting a member to remain under Standing Order 30,
- (xxii) that the Authority do now adjourn.

Provided that a motion moved and seconded under paragraphs (x) - (xxii) inclusive shall be put without debate.

## **16. AMENDMENTS**

- (1) Amendments to any motion must be relevant thereto and shall not have the effect of introducing a new proposal into or negating the motion before the Authority. When an amendment has been moved no second amendment shall be considered until the first is disposed of.
- (2) If such amendment is carried, it shall then be submitted as a substantive or original motion, upon which a further amendment may be move.
- (3) If a first amendment be negated, a further amendment to the original question may be moved, but only one amendment can be submitted for discussion at any one time.

## **17. MOTIONS OR AMENDMENTS TO BE SECONDED**

A member when seconding a motion or amendment may declare his intention to reserve his speech until a later period in the debate.

## **18. QUESTIONS**

- (1) A member of the Authority may, if one clear day's notice in writing has been given to the clerk, ask the Chairman or the Chairman of any committee any question on any matter in relation to which the Authority has powers or duties or which affects the district.
- (2) Every question shall be put and answered without discussion, but the person to whom a question has been put may decline to answer.

- (3) An answer may take the form of:-
- (a) a direct oral answer; or
  - (b) where the desired information is contained in a publication of the Authority, a reference to that publication; or
  - (c) where the reply to the question cannot conveniently be given orally, a written answer circulated to members of the Authority.

## **19. RULES OF DEBATE FOR AUTHORITY MEETINGS**

- (1) A motion or amendment shall not be discussed unless it has been proposed and seconded, and unless notice has already been given in accordance with Standing Order 14 it shall, if required by the Chairman, be put into writing and handed to the Chairman before it is further discussed or put to the meeting.
- (2) A member when speaking shall address the Chairman. If two or more members wish to speak, the Chairman shall call on one to speak and the other or others shall then await being called on by the Chairman to speak. Whilst a member is speaking the other members shall remain silent, unless rising to a point of order or in personal explanation.
- (3) A member shall direct his speech to the question under discussion or to a personal explanation or to a point of order.
- (4) An amendment shall be relevant to the motion and shall be either:-
- (a) to defer a subject of debate for consideration or reconsideration at a future meeting,
  - (b) to leave out words,
  - (c) to leave out words and insert or add others,
  - (d) to insert or add words,
- but such omission, insertion or addition of words shall not have the effect of negating the motion before the Authority.
- (5) Only one amendment may be moved and discussed at a time and no further amendment shall be moved until the amendment under discussion has been disposed of,
- provided that the Chairman may permit two or more amendments to be discussed (but not voted on) together if circumstances suggest that this course would facilitate the proper conduct of the Authority's business.
- (6) If any amendment be lost, 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 motion upon which any further amendments may be moved.

- (7) A member may, subject to the consent of the Authority having been signified without discussion:-
- (a) alter a motion of which he has given notice, or
  - (b) with the further consent of his seconder alter a motion he has moved,
- if (in either case) the alteration is one which could be made as an amendment thereto.
- (8) A motion or amendment may be withdrawn by the mover with the consent of his seconder and of the Authority, which shall be signified without discussion, and no member may speak upon it after the mover has asked permission for its withdrawal, unless such permission shall have been refused.
- (9) The mover of a motion has a right of reply at the close of the debate on the motion, immediately before it is put to the vote. If an amendment is moved, the mover of the original motion shall also have a right at the close of the debate on the amendment, and shall not otherwise speak on the amendment. The mover of the amendment shall have no right of reply to the debate on his amendment and no member shall speak on any subject after the same has been put to the vote.
- (10) When a motion is under debate no other motion shall be moved except the following:-
- (a) to amend the motion,
  - (b) to adjourn the meeting,
  - (c) to adjourn the debate,
  - (d) to proceed to the next business,
  - (e) that the question be now put,
  - (f) that a member be not further heard,
  - (g) by the Chairman under Standing Order 24 (2) that a member do leave the meeting,
  - (h) a motion under Standing Order 15 (xiii) or 24 (6) to exclude the public,
  - (i) to postpone consideration of the motion,
  - (j) that the subject under debate be referred to a Special Committee.
- (11) A member may move without comment at the conclusion of a speech of another member, "That the Authority proceed to the next business"; or "That the question be now put"; "That the debate be now adjourned"; or "That the Authority do now adjourn", on the seconding of which the Chairman shall proceed as follows:-
- (a) on a motion to proceed to the next business; unless in his opinion the matter before the meeting has been insufficiently discussed, he shall first give the mover of the original motion a right of reply, and then put to the vote the motion to proceed to next business,

- (b) on a motion that the question be now put; unless in his opinion the matter before the meeting has been insufficiently discussed, he shall first put to the vote the motion that the question be now put, and if it is passed then give the mover of the original motion his right of reply under paragraph (11) of this Standing Order before putting his motion to the vote,
  - (c) on a motion to adjourn the debate or the meeting, if in his opinion the matter before the meeting has not been sufficiently discussed and cannot be reasonably be sufficiently discussed on that occasion he shall put the adjournment motion to the vote without giving the mover of the original motion his right of reply on that occasion.
- (12) A member may rise on a point of order or in personal explanation and shall be entitled to be heard forthwith. A point of order shall relate to an alleged breach of a standing order or statutory provision and the member shall specify the standing order or statutory provision and the way in which he considers it has been broken. A point of order may also relate to discussion of a motion which, if affirmed, would require the Authority or its officials to act ultra vires. A personal explanation shall be confined to some material part of a former speech by him which may appear to have been misunderstood in the present debate.
- (13) The ruling of the Chairman during debate or on the admissibility of a personal explanation shall not be open to discussion.
- (14) Whenever the Chairman interrupts a debate the Authority shall be silent.

## **20. INTERVENTION OF CHIEF EXECUTIVE/CLERK IN DEBATE**

Notwithstanding anything contained in these standing orders, it shall be competent for the Chief Executive/Clerk or other officer in attendance, with the consent of the Chairman, to make any statement in relation to any matter or thing connected with the public interest or public business and it shall be competent for any member speaking during the progress of a debate to address any question through the Chairman to the Chief Executive/ Clerk or other officer in attendance in relation to any matter or thing in connection with the subject under consideration.

## **21. RESCISSION OF PRECEDING RESOLUTION**

- (1) No motion to rescind any resolution passed within the preceding six months, and no motion or amendment to the same effect as one which has been rejected within the preceding six months, shall be proposed unless the notice thereof given in pursuance of Standing Order 14 bears the signature of at least three members of the Authority.
- (2) When any such motion or amendment has been disposed of by the Authority it shall not be open to any member to propose a similar motion or amendment during any meeting of the Authority within a further period of six months.

## **22. ADJOURNMENT OF MEETING OR DEBATE**

- (1) When any member has the right to speak, he may move the adjournment of the meeting or the debate if he confines his observations to the matter of adjournment. A member moving an adjournment under this order may be heard in support for not more than five minutes: and one other member may be heard in opposition similarly before the motion is put to the vote without further debate.
- (2) An amendment to a motion to adjourn may be moved if it relates to only the question of time.

## **23. REPORTS AND CORRESPONDENCE**

- (1) The adoption of reports and recommendations shall be moved by the appropriate Lead Member, or should he decline or be unable, then by some other member of the Authority.
- (2) All correspondence for consideration by the Authority shall be submitted to the Chief Executive/Clerk.
- (3) Any correspondence received later than four days prior to the day of a meeting shall not be considered at such meeting unless the Chief Executive/Clerk is consulted and agrees otherwise.
- (4) Provided that the provisions of sub-section (2) and (3) shall not prevent the Chairman of the Authority from ruling on whether or not to consider any late item of correspondence.

## **24. IMPROPER CONDUCT**

- (1) If at a meeting any member of the Authority who, in the opinion of the Chairman, misconducts himself by persistently disregarding the ruling of the Chair, or by behaving irregularly, improperly, or offensively, or by wilfully obstructing the business of the Authority, the Chairman or any other member may move "That the member named be not further heard", and the notice if seconded shall be put and determined without discussion.
- (2) If the member named continues to act improperly after a motion under the foregoing paragraph has been carried, the Chairman shall:-

EITHER move "That the member named do leave the meeting" (in which case the motion shall be put and determined without seconding and without discussion, and if such motion is carried the member named shall be under a duty to withdraw from the meeting),

OR adjourn the meeting of the Authority for such period as he in his discretion shall consider expedient.

- (3) If the Chairman rules that language used by a member ought to be withdrawn it shall be the duty of that member to withdraw it.
- (4) Any member or members making comments of a derogatory or defamatory nature and refusing to withdraw such comments, shall be solely responsible for the consequences of his or their actions. Any member or members shall also be under a duty to desist from making derogatory or defamatory comments of a personal nature concerning other public bodies and/or elected representatives.
- (5) In the event of general disturbance, which in the opinion of the Chairman renders the due and orderly despatch of business impossible, the Chairman in addition to any other powers vested in him may, without question put, adjourn the meeting of the Authority of such period as he in his discretion shall consider expedient.
- (6) If a member of the public interrupts the proceedings of any meeting, the Chairman may, after warning, order his removal from the Boardroom, or may order that the public be cleared from the Boardroom.

## **25. SEALING OF DOCUMENTS**

- (1) The Common Seal of the Authority shall not be affixed to any document unless the sealing has been authorised by a resolution of the Authority or of a Special Committee to which the Authority have delegated powers in this behalf, but a resolution of the Authority (or of a Committee where that Committee has the power) authorising the acceptance of any tender, the purchase, sale, letting, or taking of any property, the issue of any stock, the presentation of any petition, memorial, or address, the making of any rate or contract, or the doing of any other thing, shall be a sufficient authority for sealing any document necessary to give effect to the resolution.
- (2) The seal shall be attested by the following persons present at the sealing, viz., the Chairman or Vice Chairman of the Authority or other member of the Authority, and the Chief Executive/Clerk or Deputy Chief Executive/Clerk of the Authority.

## **26. CUSTODY OF SEAL**

The Common Seal of the Authority shall be kept in a safe place in the custody of the Chief Executive/Clerk

## **27. AUTHENTICATION OF DOCUMENTS**

Any notice, order or other document which the Authority is authorised to give, make or issue shall be signed on behalf of the Authority by the Chief Executive/Clerk or a person authorised in that behalf by the Chief Executive/Clerk or the Authority.

## **28. INSPECTION OF DOCUMENTS**

- (1) A member of the Authority may, for the purposes of his duty as such member but not otherwise, on application to the Chief Executive/Clerk inspect any document which has been considered by a Special Committee or by the Authority, and if copies are available shall on request be supplied for the like purposes with a copy of such document.

Provided that a member shall not knowingly inspect and shall not call for a copy of any document relating to a matter in which he is professionally interested or in which he has directly or indirectly any pecuniary interest within the meaning of sections 11 and 12 of The Local Government Act, 1985. This standing order shall not preclude the Chief Executive/Clerk or the advocate to the Authority from declining to allow inspection of any document which is or in the event of legal proceedings would be protected by privilege arising from the relationship of advocate and client.

- (2) All minutes and reports of a Special Committee shall, as soon as the Committee has concluded action on the matter to which such minutes or reports relate, be open for inspection by any member of the Authority.

## **29. INSPECTION OF LANDS, PREMISES, ETC.**

Unless specifically authorised to do so by the Authority or a Special Committee, a member of the Authority shall not issue any order respecting any workings which are being carried out by or on behalf of the Authority or claim by virtue of his membership of the Authority any right to inspect or to enter upon any lands or premises which the Authority have the power or duty to inspect or enter.

## **30. INTEREST OF MEMBERS IN CONTRACTS AND OTHER MATTERS**

If any member of the Authority has any pecuniary interest direct or indirect within the meaning of Sections 11 and 12 of The Local Government Act, 1985, (other than an indirect interest described in sub-section 14 (4) - (6) thereof), in any contract, proposed contract, or other matter, that members shall withdraw from the meeting while the contract, proposed contract, or other matter, is under consideration by the Authority unless—

- (i) the disability to discuss that matter imposed upon him by the section has been removed by the Isle of Man Local Government Authority under section 14 (1) thereof; or
- (ii) the contract, proposed contract, or other matter is under consideration by the Authority as part of the report of a Special Committee and is not itself the subject of debate; or
- (iii) the Authority invites him to remain.

A member shall be guided by the National Code of Local Government Conduct as issued by the Department of Local Government and the Environment in all matters of interest of either a pecuniary or non-pecuniary nature.

### **31. INTEREST OF OFFICERS IN CONTRACTS**

The Chief Executive/Clerk shall report to a meeting of the Authority particulars of any notice given by an officer of the Authority under section 23 of The Local Government Act, 1985, of a pecuniary interest whether direct or indirect in a contract.

### **32. MOTIONS AFFECTING PERSONS EMPLOYED BY THE AUTHORITY**

If any question arises at a meeting of the Authority (or of a Special Committee thereof) as to the appointment, promotion, dismissal, salary, superannuation or conditions of service, or as to the conduct of any person employed by the Authority, such question shall not be considered in public and shall not be the subject of discussion until the Authority has decided whether or not to sit as a Committee in private session.

### **33. FILLING OF NEW POSTS AND VACANCIES**

- (1) No new office shall be created, nor any person be employed in addition to the Authority's establishment except with the agreement of the Authority.
- (2) All vacancies to be filled in established posts of the Authority, unless they are to be filled by promotion or transfer, shall be advertised publicly unless the Authority determines otherwise.

Provided that where, a similar vacancy occurs, within six months of such a vacancy having been advertised, the Authority may appoint one of the former applicants.

### **34. VOTING ON APPOINTMENTS**

Where there are more than two persons nominated for any position to be filled by the Authority, and of the votes given there is not a majority in favour of one person, the name of the person having the least number of votes shall be struck off the list and a fresh vote be taken, and so on until a majority of votes is given in favour of one person.

### **35. CANVASSING OF AND RECOMMENDATIONS BY MEMBERS**

- (1) Canvassing of members of the Authority or any Special Committee of the Authority directly or indirectly for any appointment under the Authority shall disqualify the candidate concerned for that appointment. The purport of this paragraph of this standing order shall be included in every advertisement inviting applications for appointments or in any form of application.
- (2) A member of the Authority shall not solicit for any person any appointment under the Authority, and this paragraph of this standing order shall preclude a member from giving a written testimonial of a candidate's ability, experience, or character for submission to the Authority with an application for appointment.



### **36. RELATIVES OF MEMBERS OR OFFICERS**

- (1) A candidate for any appointment under the Authority who knows that he is related to any member or officer of the Authority shall when making application disclose that relationship to the Chief Executive/Clerk. A candidate who fails to disclose such a relationship shall be disqualified for the appointment and if appointed shall be liable to dismissal without notice. Every member and officer of the Authority shall disclose to the Chief Executive/Clerk any relationship known to him to exist between himself and any person whom he knows is a candidate for an appointment under the Authority. The Chief Executive/Clerk shall report to the Authority or to the appropriate Committee any such disclosure made to him.
- (2) The purport of this standing order shall be included in every advertisement inviting applications for appointments or in any form of application.
- (3) For the purpose of this standing order persons shall be deemed to be related if they are husband and wife or if either of them or the spouse of either of them is the son or daughter or grandson or granddaughter or brother or sister or nephew or niece of the other, or of the spouse of the other.

### **37. SUSPENSION OF STANDING ORDERS**

- (1) Subject to standing order 8 (Majority) and to paragraph (2) of this standing order, any of the preceding standing orders may be suspended so far as regards any business at the meeting where such suspension is moved.
- (2) A motion to suspend standing orders shall not be moved without notice unless there shall be present at least two-thirds of the whole number of the members of the Authority.

### **38. VARIATION AND REVOCATION OF STANDING ORDERS**

Any motion to add to, vary or revoke these standing orders shall when proposed and seconded stand adjourned without discussion to the next ordinary meeting of the Authority. No new or revised standing order or any revocation of a standing order shall be valid or binding until confirmed by the Authority at the ordinary meeting held after the meeting at which it was approved.

### **39. STANDING ORDERS TO BE GIVEN TO MEMBERS**

A copy of these standing orders, and of such statutory provisions as regulate the proceedings and business of the Authority, shall be given to each member of the Authority by the Chief Executive/Clerk upon delivery to him of the member's declaration of acceptance of office on the member being first elected to the Authority.

#### **40. INTERPRETATION OF STANDING ORDERS**

The ruling of the Chairman as to the construction or application of any of the standing orders, or as to any proceedings of the Authority, shall not be challenged at any meeting of the Authority.

#### **41. LEAD MEMBERS**

- (1) A Lead Member shall be appointed by the Authority to undertake special responsibilities for each of:-
  - (a) Finance and General Purposes matters;
  - (b) Properties and Amenities matters;
  - (c) Environmental and Technical Services matters, and
- (2) The areas of special responsibility of each Lead Member shall be as set out in Schedules A - C respectively of these standing orders.
- (3) The Authority may at any time delegate any matter not coming within the special area of responsibility of any Lead Member.
- (4) Each respective Lead Member shall be given delegated authority at the discretion of the Authority for day-to-day matters coming within each respective special area of responsibility. It shall be the duty of every Lead Member to liaise as necessary with the Chief Executive/Clerk and Senior Officers and any other designated official in dealing with delegated matters and in advising and informing the Authority.
- (5) Questions as to the extent and nature of delegated authority to be given to Lead Members and to the Chief Executive/Clerk and Senior Officers will be decided by the Authority from time to time. Orders or instructions to be given to an official of the Authority in relation to any matter shall be conveyed only by the Chief Executive/Clerk or in his absence by any other designated official.

## **SCHEDULE A**

### **FINANCE AND GENERAL PURPOSES**

It shall be the duty of the Lead Member for Finance and General Purposes matters, subject to the provisions of these standing orders and of any amendments thereto, to advise and inform the Authority with regard to the following matters:-

- (1) Preparation of estimates of the probable income and expenditure of the Authority for the ensuing year.
- (2) Consideration of the amount of rate to be levied in such financial year, in order to meet the contemplated expenditure.
- (3) Control of the collection of all rents due to the Authority and accounting for such.
- (4) Control of the collection of all rates due to the Authority and accounting for such.
- (5) Payment of all accounts together with all salaries, wages, interest, rents, rates, taxes and other fixed charges by BACS payment following agreed procedures, or by cheque; for which purpose all cheques issued on behalf of the Authority shall be signed by any two of the officers designated by the Authority for that purpose.
- (6) Ensuring collection of all other income due and receivable by the Authority and accounting for such.
- (7) Supervision of the keeping of all necessary books of account and other records and control of the banking arrangements.
- (8) Consideration of the collection of outstanding debt and recommendations regarding the writing off of such debts.
- (9) Consideration of all applications for licences, certificates and permissions, except those delegated to any other Special Committee.
- (10) Consideration of any proposed expenditure not provided for in the estimates for the current financial year.
- (11) Negotiation of all authorised loans for capital expenditure with the Isle of Man Bank, accounting for loan requirements, allocation of charges and inclusion within estimates.
- (12) Preparation, not less than once a quarter, of an account of the income and expenditure of the Authority for the period of the financial year to that date.

- (13) Annual presentation to the Authority of the financial statements for financial year commencing on the first day of April and ending on the thirty-first day of March, in accordance with the Accounts and Audit Regulations 2006.
- (14) Receipt of the Auditor's Report upon the annual financial statements.
- (15) Ensuing that all necessary insurance policies are in place, that the amounts insured are adequate, and that all insurable risks are included in such insurance cover.
- (16) Consideration of all Bills introduced into the Insular Legislature which may, directly or indirectly, have a financial impact upon the Authority.
- (17) Consideration of the financial impact of byelaws or amendments to existing byelaws.
- (18) Consideration of all matters relating to furnishing, equipment and Information Services in the Commissioners offices.

## **SCHEDULE B**

### **PROPERTIES AND AMENITIES**

It shall be the duty of the Lead Member for Properties and Amenities, subject to the provisions of these standing orders and of any amendments thereto, to advise and inform the Authority with regard to the following matters:-

- (1) Supervision and adequate maintenance of Onchan Park including the Nivison Stadium, all buildings and equipment, roads and car parks, macadam footpaths, boating pool, tennis courts, bowling greens, play equipment and other amenities.
- (2) Supervision of the upkeep of all housing estate open grass areas owned by the Authority and the repair and maintenance of the play equipment, all buildings, walls, macadam footpaths and fences within playgrounds; Centenary Park, Jubilee Park, and all other gardens, open spaces, grass verges, fences and hedges, trees owned or under the control of the Authority.
- (3) Supervision of the operation of the Library, associated staff and facilities, including equipment and the provision of books and periodicals for both lending and reference purposes, including the maintenance and repair of the building.
- (4) Supervision of the upkeep and operation of the Youth and Community Centre and the development of the Recreation Ground.
- (5) Provision of any entertainment and any catering or other facility that the Authority may think fit.
- (6) Supervision of all the public sector houses, shops, garages and workshops owned by the Authority, including sheltered housing, Hawthorn Villa, Pennington Hall, and any other buildings owned by the Authority.
- (7) The letting of public sector housing, sheltered housing, garages and commercial premises to suitable persons in accordance with the relevant Acts of Tynwald as may be in force from time to time and in accordance with the current policy of the Authority.
- (8) The provision and supervision of public conveniences.
- (9) All matters coming within the provisions of the Housing Acts.
- (10) Consideration of all matters relating to staff personnel and establishment.
- (11) Provision and supervision of public information services, including the Authority's website.

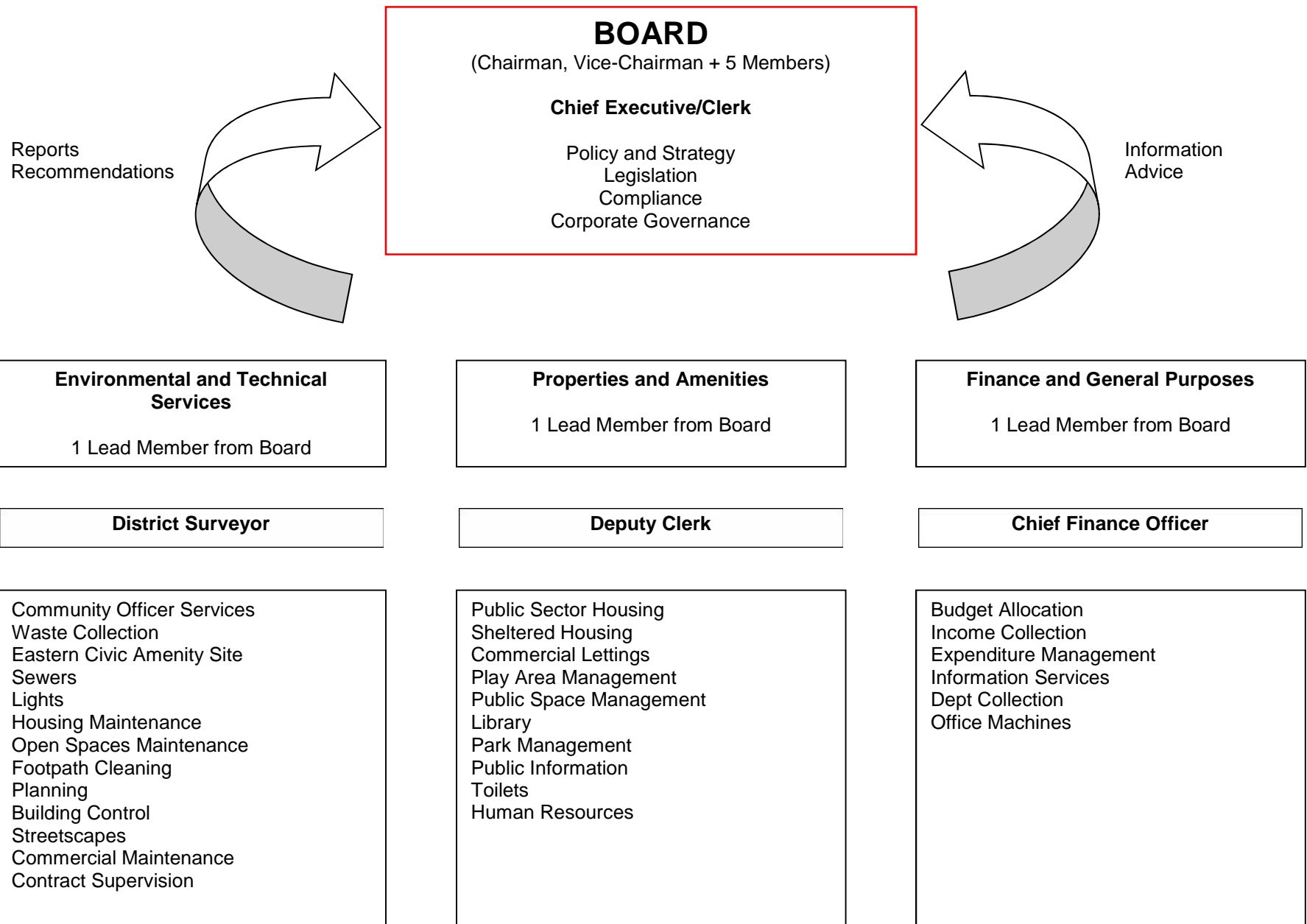
## **SCHEDULE C**

### **ENVIRONMENTAL AND TECHNICAL SERVICES**

It shall be the duty of the Lead Member for Environmental and Technical Services subject to the provisions of these Standing Orders and of any amendment thereto, to advise and inform the Authority with regard to the following matters:-

- (1) For carrying out all works as ordered by the Authority.
- (2) Maintenance of all the public sector housing, shops, garages and workshops owned by the Authority, including sheltered housing, Hawthorn Villa, Pennington Hall and Onchan Library, and any other buildings owned by the Authority.
- (3) Supervision of all contracts (including housing) let by the Authority.
- (4) Supervision of the construction and maintenance of all sewerage and drainage works, pumps, plant and associated buildings.
- (5) Provision and supervision of adequate street lighting and decorative lighting.
- (6) Ensuring that the sites of demolished buildings and the surrounding and adjacent areas thereto are kept tidy and free from rubble and other materials.
- (7) Supervision of the removal of household and trade refuse and the disposal of such refuse, including the Eastern Civic Amenity Site.
- (8) Supervision of footpath cleaning.
- (9) Removal of all nuisances.
- (10) The provision and supervision of all off-street car parks and liaison with the Department of Transport and the Police on all traffic arrangements in the town including the provision of car parks, parking facilities, highway and footpath defects, and matters of traffic control in terms of the Road Traffic Acts.
- (11) The supervision and financial provision for adequate maintenance of all public seats, shelters and public clocks.
- (12) Consideration of planning applications, and works in relation to the building regulations.
- (13) On all matters relating to development in the District.
- (14) On all matters relating to conservation within the District.
- (15) On all applications for the registration of flats under the provisions of the Housing [Flats] Regulations.

(16) On all matters relating to the Community Officer Service.





# ONCHAN DISTRICT COMMISSIONERS

## STANDING ORDERS ON THE MAKING OF CONTRACTS

In exercise of the powers conferred on the ONCHAN DISTRICT COMMISSIONERS by section 27 of the Local Government Act 1985, and of all other powers enabling it in that behalf, the following standing orders are hereby made :-

### PART 1 - GENERAL

#### Application

1. These standing orders shall apply to the making of contracts by the Authority, or on its behalf, for the supply of goods, materials or for the execution of the works.

#### Invitation of Tenders

2. (1) Subject to the provisions of paragraph 2(2) and standing order 3, before seeking to make any contract the Authority shall cause appropriate public notice to be placed in a newspaper circulating in the Island and/or trade journal giving not less than 14 days notice of the intended contract and inviting tenders therefore by a fixed date and time.

(2) In the case of a contract for capital works (see standing order 11), the public notice given under paragraph 2(1) may invite any contractor interested in tendering for the work to submit his name to the Authority and the Authority may then proceed to request tenders from contractors selected from the list of those responding to the notice.

3. Notwithstanding the provisions of Standing Order 2(1):-

(1) Tenders for a contract for the execution of works estimated to cost between £3,000 and £12,000 may be sought from not fewer than three approved\* contractors without public notice inviting tenders.

(2) A contract for emergency works or a contract estimated to cost less than £3,000 may be sought or negotiated directly with a registered contractor, except that the circumstances of any emergency contract exceeding £3,000 in cost shall be reported to the Authority or the Commissioners In Committee at the next ordinary or extraordinary meeting”.

*\* From a list approved by the Department of Local Government and the Environment and the Onchan District Commissioners*

#### Contracts

4. All written contracts must provide for damages for default by the contractor and for possible cancellation in the case of bribery.

5. All written contracts must in all respects be construed and operate as Isle of Man contracts and shall be interpreted in accordance with Isle of Man Law.

### **Tenders**

6. Tenders shall be required to be forwarded to the Clerk to the Authority in plain envelopes marked **TENDER**. Any tender received after the date and time fixed for receipt shall not be considered.
7. Tenders shall be opened after the fixed date and time by the Clerk in the presence of the Chairman or Vice-Chairman of the Authority. or an appropriate Lead Member of the Authority.
8. Where the Authority decides to accept a tender other than the lowest, the reasons for such action shall be specified in the minutes of the meeting at which the Authority makes that decision.

### **Payment on Account**

9. Payments on account to contractors shall be made on a certificate issued by an authorised officer of the Authority which shall show the total amount of the contract, the value of the work executed to date, retention money, amounts paid to date, and the amounts now certified.

### **Variations of Contract**

10. Every significant variation on a contract for the execution of works shall be authorised in writing by an authorised officer of the Authority. Variations which will result in the amount of the accepted tender being exceeded shall, as soon as possible, be reported to the Authority and, except where unavoidable in the Authority's interest, no expenditure shall be incurred in respect of such variations without the approval of the Authority.

### **Suspension of Standing Orders**

11. (1) Subject to paragraph (2) of this standing order, any of the preceding Standing Orders may be suspended so far as regards any contract where the Authority is satisfied that the suspension is justified by special circumstances.  
  
(2) Standing Orders shall not be suspended without notice unless at least two-thirds of the whole number of the members of the Authority support such suspension.

## **PART II - CAPITAL SCHEMES**

### **Application**

- 12.** In addition to the foregoing provisions this Part shall have effect in regard to any contract for the execution of works which will form the subject of a borrowing petition to the Isle of Man Department of Local Government and the Environment (the Department).

### **Pre-petition Procedures**

- 13.** The Department's recommended pre-petition procedures must be observed.

### **Contracts**

- 14.** An appropriate standard form building or engineering contract must be used and every clause completed or deleted as applicable.
- 15.** Where the contract provides for increases in the cost of labour and materials, a schedule of the prices of labour, materials and goods must be completed. If this schedule is not completed the contract must state that fluctuations will not be allowed.
- 16.** Provisional sums should be kept to a minimum and wherever reasonably possible, all items should be written into the specification.

### **Additions and Variations**

- 17.** Any significant additions and variations to the contract must be approved and minuted by the Authority and written instructions given to the Authority's Architect/Supervising Professional for the project.
- 18.** Minutes of progress and/or site meetings must be formally recorded and presented to the Authority by the Architect / Supervising Officer.

## **PART III - SUPPLEMENTAL**

### **Variation and Revocation of Standing Orders**

- 19.** Any motion to add to, vary or revoke, these standing orders shall when proposed and seconded stand adjourned without discussion to the next ordinary meeting of the Authority.

### **Standing Orders to be Given to Members**

- 20.** A copy of these standing orders shall be given to each member of the Authority by the Clerk to the Authority upon delivery to him of the member's declaration of acceptance of office on the member being first elected to the Authority.



# ONCHAN DISTRICT COMMISSIONERS

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