

ONCHAN DISTRICT COMMISSIONERS



STANDING ORDERS

FOR THE REGULATION AND OBSERVANCE

OF PROCEDURE AND BUSINESS WITH

RESPECT TO

MEETINGS OF THE AUTHORITY

WITH EFFECT FROM
5th August 2019

CHIEF EXECUTIVE/CLERK

ONCHAN DISTRICT COMMISSIONERS STANDING ORDERS

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.

---ooo0ooo---

Policy Review - History:

Please be aware that a hard copy of this document may not be the latest available version, which is available in the Authority's document management system, and which supersedes all previous versions.

Those to whom this policy applies are responsible for familiarising themselves periodically with the latest version and for complying with policy requirements at all times.

| | | | |
|----------------------------|----------------------|--------------------|-----------------------------|
| Effective from: | Replaces: | Originator: | Page X of Y |
| August 2019 | Standing Orders 2014 | Chief Executive | 1 of 47 |
| Board Ratification: | | | 5 th August 2019 |

| History or Most Recent Policy Changes – MUST BE COMPLETED | | |
|--|----------|------------------------------------|
| Version: | Date: | Change: |
| 4 | 05/08/18 | Amendments and additional clauses. |

ONCHAN DISTRICT COMMISSIONERS STANDING ORDERS

Table of Contents

| | |
|--|----|
| INTRODUCTION | 8 |
| PART 1 - INTERPRETATION | 8 |
| PART II – THE BOARD | 9 |
| 1. MEETINGS OF THE AUTHORITY | 9 |
| 1.1. Annual Meeting..... | 9 |
| 1.2. Board Meeting | 9 |
| 1.3. Commencement Time and duration of Meetings | 9 |
| 1.4. Special Meetings | 9 |
| 1.5. Special Meetings at the request of Members | 9 |
| 1.6. Business to be transacted at Special Meetings..... | 10 |
| 2. NOTICE OF MEETINGS | 10 |
| 2.7. Form of Summons | 10 |
| 2.8. Publication of Summonses | 10 |
| 3. ELECTION OF CHAIRMAN, LEAD MEMBER AND COMMITTEES | 10 |
| 3.1. Private Meeting - Selection of Chairman..... | 10 |
| 3.2. Special Board Meeting - Election of Lead Members | 11 |
| 3.3. Annual General Meeting..... | 11 |
| 3.4. Private Business..... | 11 |
| 3.5. Alteration or withdrawal of Motions..... | 12 |
| 4. CHAIRMAN OF THE MEETING | 12 |
| 5. QUORUM | 12 |
| 6. VALIDITY OF PROCEEDINGS | 12 |
| 7. WITHDRAWAL OF MEMBERS DURING MEETINGS | 13 |
| 8. RECORD OF ATTENDANCES | 13 |
| 9. VOTING | 13 |
| 9.1. Majority to Determine..... | 13 |
| 10. METHOD OF VOTING | 13 |
| 11. ALL MEMBERS TO VOTE | 13 |
| 12. MINUTES OF MEETINGS | 14 |
| 12.3. Signature of Minutes..... | 14 |
| 12.5. Circulation of Minutes | 14 |
| 12.6. Inspection of Minutes..... | 14 |

ONCHAN DISTRICT COMMISSIONERS STANDING ORDERS

| | |
|--|----|
| 13. APPLICATION OF STANDING ORDERS TO SPECIAL COMMITTEES..... | 14 |
| 14. DELEGATION OF POWERS, REFERRAL BACK OF COMMITTEE MINUTES | 14 |
| 15. ORDER OF BUSINESS AT COMMITTEE MEETINGS | 15 |
| 16. SPECIAL MEETINGS OF COMMITTEE AT REQUEST OF CHAIR | 15 |
| 17. CHAIRMAN'S EX-OFFICIO MEMBERSHIP OF COMMITTEES..... | 15 |
| 18. NOTICE OF MEETINGS..... | 15 |
| 19. VOTING IN COMMITTEE | 15 |
| 20. CASTING VOTE OF CHAIR..... | 15 |
| 21. RULES OF ORDER AND DEBATE | 15 |
| 22. CONFIDENTIALITY OF COMMITTEE PROCEEDINGS | 16 |
| 23. PRESS STATEMENTS..... | 16 |
| 25. BUSINESS TO BE TRANSACTED..... | 17 |
| 26. NOTICES OF MOTION..... | 17 |
| 27. MOTIONS – EXCLUSION OR AMENDMENT | 18 |
| 28. ORDER OF MOTIONS IN AGENDA | 18 |
| 29. MOTIONS OR AMENDMENTS TO BE SECONDED..... | 18 |
| 30. MOTIONS NOT MOVED..... | 18 |
| 31. MOTIONS TO RESCIND RESOLUTIONS | 19 |
| 32. MOTIONS OF NO CONFIDENCE | 19 |
| 33. MOTIONS WITHOUT NOTICE | 19 |
| 34. QUESTIONS | 20 |
| 35. RULES OF DEBATE FOR AUTHORITY MEETINGS..... | 20 |
| 35.1 Motions and Amendments..... | 20 |
| 35.3 Rules of Debate – Members wishing to Speak | 20 |
| 36. RESPECT FOR CHAIR | 22 |
| 37. INTERVENTION OF CHIEF EXECUTIVE/CLERK IN DEBATE | 22 |
| 38. QUESTIONS OF OFFICERS..... | 22 |
| 39. DEPOSIT OF PLANS | 22 |
| 40. CAPITAL PROCEDURES AND PETITION APPLICATIONS..... | 23 |
| 41. POINTS OF ORDER..... | 23 |
| 42. IMPROPER CONDUCT | 23 |

ONCHAN DISTRICT COMMISSIONERS STANDING ORDERS

| | | |
|------|---|----|
| 42.1 | Disorderly Conduct | 23 |
| 43. | ELECTRONIC EQUIPMENT | 24 |
| 44. | ATTENDANCE OF THE PUBLIC AND PRESS..... | 24 |
| 45. | MOTIONS OF EXPENDITURE..... | 24 |
| 46. | ADJOURNMENT OF MEETING OR DEBATE | 24 |
| 47. | REPORTS AND CORRESPONDENCE | 25 |
| 48. | SEALING OF DOCUMENTS | 25 |
| 49. | SEAL OF PETITIONS..... | 25 |
| 50. | CUSTODY OF SEAL | 25 |
| 51. | AUTHENTICATION OF DOCUMENTS | 25 |
| 52. | SUBMISSION OF ESTIMATES..... | 25 |
| 53. | INSPECTION OF DOCUMENTS | 26 |
| 54. | INSPECTION OF LANDS, PREMISES, ETC..... | 26 |
| 55. | CONDUCT OF MEMBERS AND OFFICERS..... | 26 |
| 56. | INTEREST OF MEMBERS IN CONTRACTS AND OTHER MATTERS..... | 26 |
| 57. | INTEREST OF OFFICERS IN CONTRACTS..... | 27 |
| 58. | MATTERS AFFECTING PERSONS EMPLOYED BY THE AUTHORITY | 27 |
| 59. | FILLING OF NEW POSTS AND VACANCIES | 27 |
| 60. | ADVERTISEMENTS AND NOTICES | 27 |
| 61. | VOTING ON APPOINTMENTS | 28 |
| 62. | CANVASSING OF AND RECOMMENDATIONS BY MEMBERS | 28 |
| 63. | RELATIVES OF MEMBERS OR OFFICERS | 28 |
| 64. | SALARIES AND PROMOTIONS OF OFFICERS | 28 |
| 65. | URGENT BUSINESS..... | 29 |
| 66. | DECLARATION OF SECRECY..... | 29 |
| 67. | PRIVILEGE | 29 |
| 68. | SUSPENSION OF STANDING ORDERS | 29 |
| 69. | VARIATION AND REVOCATION OF STANDING ORDERS | 30 |
| 70. | COPIES OF STANDING ORDERS TO BE SUPPLIED TO MEMBERS..... | 30 |
| 71. | INTERPRETATION OF STANDING ORDERS | 30 |

ONCHAN DISTRICT COMMISSIONERS STANDING ORDERS

| | |
|---|-----------|
| 72. LEAD MEMBERS | 30 |
| SCHEDULE A - FINANCE AND GENERAL PURPOSES | 32 |
| SCHEDULE B - HOUSING | 34 |
| SCHEDULE C - ENVIRONMENTAL AND TECHNICAL SERVICES | 35 |
| STANDING ORDERS ON THE MAKING OF CONTRACTS | 38 |
| 1. Tenders and Contracts | 38 |
| 2. Invitation to Tender or Quote | 38 |
| 3. Purchase, Sale or Lease of Land | 38 |
| 4. Methods of inviting tenders and quotations | 39 |
| 4.1 Estimated cost in excess of £100,000 for schemes funded by capital, and £56,000 for revenue funded schemes, supplies and services: | 39 |
| 4.2 Estimated cost between £21,000 and £100,000 for schemes funded by capital, and between £21,000 and £56,000 for revenue funded schemes, supplies and services: | 39 |
| 4.3 Estimated cost between £5,000 and £21,000: | 39 |
| 5. Reservation of Rights | 40 |
| 6. Sub-Contracts | 40 |
| 7. Undertaking by Sub-Contractor | 40 |
| 8. Nomination of Sub-Contractor | 40 |
| 9. List of Approved Contractors | 40 |
| 10. Advertisement for Select Lists | 40 |
| 11. Submission of Tenders | 41 |
| 12. Closing Date and Time for Receipt of Tenders | 41 |
| 13. Late tenders | 41 |
| 14. Opening Tenders | 41 |
| 15. Record of Tenders | 41 |
| 16. Amendment of Tender before Acceptance | 42 |
| 23. Contents of Contracts | 43 |
| 24. Variation of Contract | 44 |
| 25. Contracts | 44 |
| 26. Consultants | 44 |
| 27. Conditions of Engagement | 44 |
| 28. Security for Performance | 45 |
| 29. British and European Standards | 45 |
| 30. Indemnities and Insurances | 45 |
| 31. Prevention of Fraud | 45 |
| 32. Determination of Contract | 45 |
| 33. Recovery of Sums incurred by the Authority | 45 |
| 34. Debarring Contractors | 46 |
| 35. Assignment and Sub-Letting | 46 |
| 36. Procedure Notes | 46 |
| 37. Payment on Account | 46 |
| 38. Capital Procedures | 46 |

ONCHAN DISTRICT COMMISSIONERS STANDING ORDERS

| | | |
|-----|--|----|
| 39. | Disposal of Surplus Property, Materials, etc | 46 |
| 40. | Suspension of Standing Orders..... | 46 |
| 41. | Variation and Revocation of Standing Orders..... | 47 |
| 42. | Standing Orders to be Given to Members | 47 |

ONCHAN DISTRICT COMMISSIONERS STANDING ORDERS

INTRODUCTION

The power to make Standing Orders for the regulation of the Authority's proceedings and business is contained in the Local Government Act 1985.

Aim: To seek to regulate the proceedings and business of the Authority without regard to party or other advantage and in the sole interest of an efficient representative local democracy.

PART 1 - INTERPRETATION

In these Standing Orders, where not inconsistent with the provisions thereof, "The Chair" shall mean the person chairing a meeting of the Authority for the time being.

The ruling of the Chair upon the construction and application of these Standing Orders at a meeting shall be final.

The term "Chief Executive/Clerk" shall include any properly nominated person acting in that capacity.

Terms within these Standing Orders that imply gender shall be interpreted as applying equally to both genders.

ONCHAN DISTRICT COMMISSIONERS STANDING ORDERS

PART II – THE BOARD

1. MEETINGS OF THE AUTHORITY

1.1. Annual Meeting

The annual meeting of the Authority shall be held at the Commissioners Offices on the first Tuesday in May.

1.2 Board Meeting

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.

1.3 Commencement Time and duration of Meetings

All meetings of the Authority referred to in Standing Orders 1, 2, 3, 7 and 8 shall commence at 7.00 p.m. unless in special circumstances the Chairman or Chief Executive/Clerk shall fix some other hour for the holding of any meeting.

If any business before the Board is not completed at 10.00 p.m. the Board shall immediately decide by majority decision of the Members present and eligible to vote, how any outstanding business should be dealt with.

In the absence of any majority decision the meeting shall stand adjourned until 7.00 p.m. the following day.

1.4 Special Meetings

An extraordinary meeting of the Authority may be called at any time by the written notification of the Chairman or the Chief Executive/Clerk.

The provisions of Standing Order No 2 (Notice of Meeting) shall apply to the notice to be given of any such meeting.

1.5 Special Meetings at the request of Members

At the request in writing, signed by at least 4 of the members of the Authority, the Chairman in consultation with the Chief Executive/Clerk will call a special meeting of the Authority for the transaction of the business specified in such requisition and no other business shall be transacted at such meeting.

Notice of such meeting shall be given in accordance with Standing Order No. 2 (Notice of Meeting) and shall specify the business to be transacted and the names of the Members signing the requisition. The date of any meeting convened under this Standing Order shall be no later than 21 days from the receipt of the requisition.

The Chairman on receiving a requisition in accordance with Standing Order No. 1.4 does not within seven days convene a meeting of the Authority, the Chief Executive/Clerk shall, on presentation of a requisition similarly signed by no less than 4 of the total number of Members, convene a meeting to be held within 21 days from receipt of the requisition.

ONCHAN DISTRICT COMMISSIONERS STANDING ORDERS

1.6 Business to be transacted at Special Meetings

Where a meeting of the Authority is convened on requisition by members of the Authority, the notice convening such meeting shall specify the business to be transacted thereat, and no business other than that so specified shall be transacted.

2. NOTICE OF MEETINGS

2.1 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 before any meeting of the Authority, and in the case of an extraordinary meeting shall be delivered with all possible despatch.

2.2 Where a meeting is convened under Standing Order No 1.4 and the business certified by the Chairman and Chief Executive/Clerk to be of sufficient urgency to warrant an urgent meeting, twenty-four hours before such a meeting, a summons to attend the meeting, specifying the business to be transacted thereat, shall be left or delivered by post at the usual place of abode of every member of the Authority.

2.3 Want of service of a summons on any members of the Authority shall not affect the validity of the meeting.

2.4 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.

2.5 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.

2.6 Alternatively, such summons may be served electronically by transmitting it to the email address of the Member except where any Member has elected not to accept such means of delivery and notified the Chief Executive/Clerk in writing accordingly.

2.7 Form of Summons

The summonses to attend the meetings of the Authority shall be printed in a uniform manner, and numbered consecutively so as to facilitate reference.

2.8 Publication of Summonses

Authority summonses and printed reports of the various Committees (except where such business is transacted in private under Standing Order No 3.4) shall be sent to the representatives of each news medium published in the District, at the same time as they are sent to members of the Authority, and they shall be published on the Authority's Website.

3. ELECTION OF CHAIRMAN, LEAD MEMBER AND COMMITTEES

3.1 Private Meeting - Selection of Chairman

The Chief Executive/Clerk shall convene a special private meeting of the Authority during the first meeting in April in each year for the purpose of selecting the Chairman-Elect for the ensuing Municipal Year. If the Authority is unable to make such a selection or if the selected member is no longer a Member of the Authority by 1st May, a person will be selected either at a special meeting convened in accordance with Standing Order No. 1.4 or at another special meeting convened by the Chief Executive/Clerk especially for the purpose in May before the Annual Meeting.

ONCHAN DISTRICT COMMISSIONERS STANDING ORDERS

3.2 Special Board Meeting - Election of Lead Members

In every year of the general election of Members, the Chief Executive/Clerk shall convene a special public meeting of the Authority between 1st May and the Annual Meeting of the Authority. At such meeting the business will be as set out in Standing Order 3 (Election of Leader Members) but in the year of a general election of Commissioners that business shall be preceded by the confirmation of the selection of Chairman.

3.3 Annual General Meeting

- a) 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 municipal year. Or on such other day or days as may be decided by resolution of the Authority, and refer to Standing Order 1.1.
- b) The Chief Executive/Clerk shall occupy the Chair and conduct the proceedings necessary for the election of the Chairman of the Authority.
- c) 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.
- d) Once All Members have voted, the Chief Executive/Clerk shall read and announce the result of the ballot.
- e) The Chairman so elected shall then take the Chair and proceed to the election of:-
 - the Vice Chairman,
 - the Lead Members of the Authority,
 - 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 (c) 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.

3.4 Private Business

- (a) The Board may, upon a motion duly made and seconded and voted for without debate by a two-thirds majority of the members present, agree that any particular business be discussed or transacted in private. In such event that business shall, unless otherwise directed by the Chairman, be forthwith postponed until the conclusion of the rest of the business before the meeting, and then transacted in private.
- (b) The Board may transfer an item of private business into public by resolution carried by two-thirds of the Members present. The mover of a motion to transfer from private to public may make a statement of the reason and the mover of the item may respond giving the reason for it being in private, but no other Member may speak except to second the motion and the question will be put to the Board without further debate.

ONCHAN DISTRICT COMMISSIONERS STANDING ORDERS

3.5 Alteration or withdrawal of Motions

A member may with the consent of the Board signified without discussion:

- (a) amend before it is seconded a motion of which he has given notice; or
- (b) with the consent of his seconder, alter a motion which he has moved, and which has been seconded.

Any such alteration or amendment must be such as could be made as an amendment to the Motion.

A motion or amendment may be withdrawn by the mover and no member may speak upon it further. In the case of a motion or amendment that has been seconded the seconder must consent to the withdrawal.

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

- 5.1 Subject to sub-paragraph 5.3 hereof no business shall be transacted at a meeting of the Authority unless at least 4 of the members of the Authority are present.
- 5.2 If there is not a quorum (4 members) present at any stage of a meeting of the Authority, the meeting shall stand adjourned.
- 5.3 If there is not a quorum present the Chairman shall declare the meeting of the Authority at an end and the names of those who are present and of those who are absent, shall be recorded by the Chief Executive/Clerk upon the minutes of the Board.
- 5.4 If at the expiration of fifteen minutes after the time of the scheduled meeting at which any meeting of the Authority is appointed to be held, a quorum shall not be present, no business shall be transacted.
- 5.5 The consideration of any business not then transacted shall stand adjourned to a time agreed by the members of the Board present at the time the meeting is adjourned.
- 5.6 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.
- 5.7 No business shall be transacted at a meeting of a Special Committee unless at least four voting members are present provided that in the event of only three voting members being present recommendations as to a proposed course of action may be submitted to the Authority for consideration.

6. VALIDITY OF PROCEEDINGS

- 6.1 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.

ONCHAN DISTRICT COMMISSIONERS STANDING ORDERS

7. WITHDRAWAL OF MEMBERS DURING MEETINGS

- 7.1 After a meeting of the Authority has been formally constituted, no member shall leave or withdraw from such meeting, except temporarily, without first asking and obtaining permission from the Chairman.
- 7.2 However, such permission is not required in any case where a Member retires under Standing Order 57 (Interest of members in Contracts and other Matters) consequent on a declaration of interest.

8. RECORD OF ATTENDANCES

- 8.1 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.

9. VOTING

9.1 Majority to Determine

All decisions and questions arising before the Board shall be decided by a majority of such elected Members as are present in the Boardroom and eligible to vote at the time the issue arises. Unless specified elsewhere in these Standing Orders in relation to specific questions, the majority required will be a simple majority.

- 9.2 In the case of equality of votes, the Chairman (or such other person as may have been elected to preside in his absence) shall have a second or casting vote, and shall be free to cast that vote as he thinks fit and not be under any obligation, real or perceived, to vote for maintaining the status quo.

10. METHOD OF VOTING

- 10.1 The mode of voting at meetings of the Authority shall be at the discretion of the Chairman except as provided for in Standing Order 3.3.
- 10.2 Only those members who are present when the question is put from the Chair shall be entitled to vote.
- 10.3 Every member present when the question is put from the Chair shall be required to record his vote for or against.
- 10.4 The voting on any question shall be recorded so as to show whether each member present voted for or against that question. In the equality of votes, the Chairman shall exercise a casting vote.
- 10.5 Particulars of every vote taken shall be recorded in the minutes and unless the vote is unanimous shall record the names of those voting for and against.

11. ALL MEMBERS TO VOTE

- 11.1 Upon a vote being taken, all Members of the Board present in the Boardroom and eligible to vote shall be required to record their votes as either affirmative or negative; for the avoidance of doubt, no Member may abstain from voting and unless he records a vote may be the subject of a Motion by the Chairman that he leave the meeting. On such a Motion being seconded and approved by the Board of Commissioners, the Member named shall then forthwith leave the Boardroom and take no further part in the meeting. Any such instance shall be referred to the Chief Executive/Clerk for investigation and report.

ONCHAN DISTRICT COMMISSIONERS STANDING ORDERS

11.2 No Member shall make any protest or expression of dissent other than by calling for a division as herein provided, and the Chief Executive/Clerk shall not record on the minutes any protest or expression of dissent made by any other means.

12. MINUTES OF MEETINGS

12.1 Minutes of proceedings of every meeting of the Authority shall be drawn up by the relevant officer, and minutes record clearly and concisely all decisions taken at the meeting and of the other proceedings as is necessary to give reasons to the decision making

12.2 At such ordinary meeting the Chairman shall put the questions that such minutes be signed as an agreed record. No motion or discussion shall take place upon the minutes, except upon their accuracy, and any question of their accuracy shall be raised by motion.

12.3 Signature of Minutes

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.

12.4 That the signed minutes be kept in a book kept for that purpose.

12.5 Circulation of Minutes

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.

12.6 Inspection of Minutes

Upon the minutes of any meeting of the Authority being circulated to Members of the Authority prior to the next meeting, such minutes will be deemed draft and are not for public circulation.

The minutes shall be open for public inspection once ratified by the Board at their statutory convened meeting.

13. APPLICATION OF STANDING ORDERS TO SPECIAL COMMITTEES

13.1 Standing Orders 6 to 12 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.

13.2 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 12 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.

14. DELEGATION OF POWERS, REFERRAL BACK OF COMMITTEE MINUTES

All decisions taken on behalf of the Authority by Committees, or individuals shall be subject to approval by the Board save where the decision is made in accordance with previously approved policies and the scheme of delegation and in those circumstances through the decision shall be reported to the Authority and the Authority shall not vary it, unless new evidence/information comes to light.

ONCHAN DISTRICT COMMISSIONERS STANDING ORDERS

15. ORDER OF BUSINESS AT COMMITTEE MEETINGS

The order of business of meetings of Committees shall be regulated and arranged by the Chief Executive/Clerk.

16. SPECIAL MEETINGS OF COMMITTEE AT REQUEST OF CHAIR

At the request in writing of a Chair of a Committee, the Chief Executive shall within seven days convene a special meeting of that Committee to be held within fourteen days of receipt of such requisition, and the notice convening such meeting shall specify the particular business to be transacted. No business other than that so specified shall be transacted at the special meeting.

17. CHAIRMAN'S EX-OFFICIO MEMBERSHIP OF COMMITTEES

The Chairman shall be ex-officio a member of every Committee appointed by the Authority, but shall not be counted in constituting a quorum for the purpose of Standing Order 5 (Quorum of Committee). Although entitled to speak as any other Member, the Chairman shall not vote in Committee nor propose or second any motion or amendment. The Chairman's ex-officio membership of Committees shall be in addition to the numbers of members of the respective Committees set out in Standing Order No. 3 (Election of Leader, Chairs and Members of Committees).

18. NOTICE OF MEETINGS

In summoning meetings of Committees both scheduled and special, the Chief Executive/Clerk shall wherever possible give Members at least three working days' notice of such meeting and the business to be transacted thereat. Notice shall be given by delivery of a summons, specifying the business to be transacted, and which shall be left or delivered by post at the usual place of abode of every member of the Committee. Want of service of a summons on any members of the Committee shall not affect the validity of the meeting. Alternatively, such summons may be served electronically by transmitting it to the email address of the Member except where any Member has elected not to accept such means of delivery and notified the Chief Executive in writing accordingly.

19. VOTING IN COMMITTEE

All votings taken in Committee shall be determined at the discretion of the Chairman.

20. CASTING VOTE OF CHAIR

The Chair or other Member chairing a meeting of any Committee of the Authority shall have a second or casting vote to be used in case of equality of votes.

21. RULES OF ORDER AND DEBATE

As far as is consistent with procedure at meetings of any Committee, the general Standing Orders shall apply in the regulation of the proceedings of such Committee

ONCHAN DISTRICT COMMISSIONERS STANDING ORDERS

22. CONFIDENTIALITY OF COMMITTEE PROCEEDINGS

22.1 All agenda, reports, and other documents and all proceedings of Special Committees and the Authority shall be public unless the Chief Executive/Clerk in consultation with the Chairman or Lead Members decides that any item should be treated as confidential unless, the grounds for such decision must be one of the following:-

- (a) that the subject is one of pending litigation or negotiation in which the Authority's position could be prejudiced by premature publication; or
- (b) that publication would be injurious to any public or private interest; or
- (c) that the matter is one of commercial sensitivity; or
- (d) Staff matter (disciplinary, etc).

But such agenda, reports or other documents shall be circulated to the appropriate Members under "Private and Confidential" cover and shall be made available on request to all Members of the Authority. The issue shall be made public as soon as practicable after the grounds for keeping it private no longer apply.

In exceptional circumstances In Committee minutes may be recorded by a nominated person.

Confidential matters remain so until they become public in the ordinary course of the Authority's business.

22.2 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.

22.3 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.

22.4 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).

23. PRESS STATEMENTS

23.1 The Chairman and Chief Executive with the permission of the Chairman can make a press release.

23.2 Subject always to Standing Order 22 (Confidentiality of Committee Proceedings), any Committee of the Authority may authorise the Chief Executive/Clerk in consultation with the Chair of the Board to issue a statement to the news media relating to any item dealt with by the Board or Committee before such item is published.

23.3 Notwithstanding the preceding paragraph, it shall be competent for the Chief Executive/Clerk, with the consent of the Chairman, to make any statement in relation to any matter or thing connected with the public interest or business of the Authority.

23.4 This Standing Order shall not preclude any Member making a statement to the news media in a personal capacity provided that it is made clear within the statement that the views expressed are the Member's own and do not necessarily represent the Authority's position.

23.5 In the event of any statement by the Lead Member arising out of a press briefing in relation to the agenda for any Board Meeting, an embargo shall be imposed on publication until 7.00 a.m. on the day two days prior to the meeting.

ONCHAN DISTRICT COMMISSIONERS STANDING ORDERS

24. ORDER OF BUSINESS.

24.1 The Authority on the ground of exception may vary the order of business in accordance with Part (2) of this Standing Order, the order of business at every meeting of the Authority shall be as follows or as near thereto as circumstances permit, a discretionary power with reference thereto being invested in the Chief Executive/Clerk;

- (a) To choose a person to preside if the Chairman or Vice Chairman be absent.
- (b) To deal with any business required by statute to be done before any other business.
- (c) To approve as a correct record and sign the minutes of the previous ordinary meeting and of any intermediate extraordinary meeting or meetings of the Authority.
- (d) To dispose of any relevant business arising out of such minutes if not referred to in the minutes of any Special Committee.
- (e) To dispose of any relevant business adjourned from a previous meeting.
- (f) To consider any planning decisions/communications from the Government's Planning Committee.
- (g) Consideration of any report from the Clerk or Other Officer.
- (h) Consideration of any relevant correspondence
- (i) To answer questions asked under standing order 34 (Written Questions).
- (j) To consider Motions in the order in which notice has been given under Standing Order 26 (Notices of Motion) in the order in which they have been received.
- (k) Chairman's announcements.
- (l) Any other URGENT business, if any, authorised by the Chairman for consideration.

24.2 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.

24.3 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.

25. BUSINESS TO BE TRANSACTED

No business to be transacted at a meeting of the Authority other than that specified in the summons relating thereto except business prescribed by statute, subject to the Chairman's discretion.

26. NOTICES OF MOTION

26.1 Notices of every motion relating to any new subject or matter not already before the Authority, other than a motion which under Standing Order 33 may be moved without notice, shall be delivered in writing signed by the member or members of the Authority giving the notice not later than noon on the Wednesday next before the meeting of the Authority, to the Chief Executive/Clerk.

ONCHAN DISTRICT COMMISSIONERS STANDING ORDERS

- 26.2 Any notice delivered to the Chief Executive/Clerk shall be dated and numbered, in the order in which it is received, and entered in a book which shall be open to inspection by every member of the Authority.
- 26.3 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.
- 26.4 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.
- 26.5 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 for consideration and report.
- 26.6 Every motion shall be relevant to some matter in relation to which the Authority have powers or duties or which affects the District, and shall not exceed 100 words in length.

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.

27. MOTIONS – EXCLUSION OR AMENDMENT

- 27.1 The Chief Executive/Clerk, after consultation with the Chairman, shall exclude from the Agenda for the Board Meeting any Motion which may be out of order, and may in consultation with the Member or Member giving Notice make such clerical alterations or corrections thereto as will bring such Motion into due form.
- 27.2 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.
- 27.3 If such amendment is carried, it shall then be submitted as a substantive or original motion, upon which a further amendment may be moved.
- 27.4 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.

28. ORDER OF MOTIONS IN AGENDA

The Chief Executive/Clerk shall set out in the Agenda for the meeting of the Authority, all Motions of which notice has been duly given in the order in which they have been received, unless the member giving such notice has intimated in writing, that he proposes to move it at some later meeting, or has since withdrawn it in writing.

29. 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.

30. MOTIONS NOT MOVED

If a motion set out in the Agenda be not moved either by the member who gave notice thereof or by some other member on his behalf it shall, unless postponed by consent of the Board, be treated as withdrawn and shall not be moved without fresh notice.

ONCHAN DISTRICT COMMISSIONERS STANDING ORDERS

31. MOTIONS TO RESCIND RESOLUTIONS

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 negatived within the preceding six months, either by the Board or a Committee acting under delegated authority shall be proposed unless the notice thereof given in pursuance of Standing Order No. 26 (Notices of Motion) bears the names of at least four members of the Authority. When any such Motion has been disposed of by the Board, no member shall propose the same or similar Motion within a further period of six months. This order shall not apply to Motions moved in pursuance of the report or recommendations of a Committee.

32. MOTIONS OF NO CONFIDENCE

Upon a Motion of which due notice has been given under the provisions of Standing Order 26 (Notices of motion), signed by four members of the Board vote of no confidence in or censure of a Lead Member or Chairman of the Board may be removed from their role, Thereafter, the Board shall fill any vacancies as provided for in Standing Order 60.

33. MOTIONS WITHOUT NOTICE

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

- (i) Motions relating to the accuracy of the minutes,
- (ii) That an item of business specified in the summons of the meeting shall have precedence.
- (iii) For referring any business to a Special Committee,
- (iv) Motions for appointing or deferring any business for consideration at a future meeting of the Authority,
- (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) Motions for dealing with correspondence or other documents of which notice has been given,
- (viii) That a Motion be amended,
- (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 66,
- (xiii) that any specified business be transacted in private at a later stage in the meeting.
- (xiv) That an item of business be discussed in private or in public.
- (xv) That a member named under Standing Order 42 be not further heard or do leave the meeting,
- (xvi) That leave is given 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) That the next business be proceeded with,
- (xx) Authorising the sealing of documents,
- (xxi) Inviting a member to remain under Standing Order 57,
- (xxii) That the Authority do now adjourn.

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

ONCHAN DISTRICT COMMISSIONERS STANDING ORDERS

34. QUESTIONS

- 34.1 A member of the Authority may submit a question, in writing to the Chief Executive/Clerk, by noon on the last working day of the week preceding the date fixed for holding any ordinary meeting of the Authority asking 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.
- 34.2 In the absence of the Chairman, a question may be directed to the Vice-Chair. A question may be in a number of parts, but the total of all words included in the question shall not exceed 200.
- 34.3 The Chief Executive/Clerk, in consultation with the person to whom the question has been directed, may deem that the question is of a nature such that the matter should be presented to the Board in private. However, by a simple majority of members present, the Board may allow the matter to be presented in public.
- 34.4 Every question shall be put and answered without discussion, but the person to whom a question has been put may decline to answer.
- 34.5 An answer may take the form of:-
- (a) a direct oral answer; or
 - (b) give such answer as is thought appropriate;
 - (c) where the desired information is contained in a publication of the Authority, a reference to that publication; or
 - (d) where the reply to the question cannot conveniently be given orally, a written answer circulated to members of the Authority;
 - (e) indicate that a written private and confidential answer will be given to circulate to all members in due course.

35. RULES OF DEBATE FOR AUTHORITY MEETINGS

35.1 Motions and Amendments

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 26 (notices of motion) 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.

35.2 Rules of Debate – Seconder’s Remarks

A member when seconding a motion or amendment may, if he declares his intention to do so, reserve his speech until a later period of the debate.

35.3 Rules of Debate – Members wishing to Speak

A member wishing to speak shall signify such wish by raising his hand, but will only speak when called upon by the Chairman and 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 provided by these Standing Orders.

A member shall direct his speech to the question under discussion or to a personal explanation or to a point of order.

ONCHAN DISTRICT COMMISSIONERS STANDING ORDERS

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.

35.4 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.

35.5 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.

35.6 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.

35.7 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.

35.8 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.

35.9 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.

35.10 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,

ONCHAN DISTRICT COMMISSIONERS STANDING ORDERS

- (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.

35.11 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.

35.12 The ruling of the Chairman during debate or on the admissibility of a personal explanation shall not be open to discussion.

35.13 Whenever the Chairman interrupts a debate the Authority shall be silent.

36. RESPECT FOR CHAIR

During debate all remarks shall be addressed to the Chair. If during the course of a meeting a Member wishes to leave the Boardroom for any reason other than a declaration of interest or temporarily, the Chairman's permission must first be obtained. During the course of any Board meeting, members of the Authority, Officers and others entering and leaving the Boardroom for whatever reason must acknowledge the Chair on doing so.

37. 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.

38. QUESTIONS OF OFFICERS

Any member speaking during the progress of a debate may address any question through the Chairman to the Chief Executive/Clerk, Finance Manager, District Surveyor or other officer in attendance, in relation to any matter or thing in connection with the question under consideration. Such Officer shall, if the information required is readily and immediately available, with the leave of the Chairman advise the Board accordingly

39. DEPOSIT OF PLANS

All plans referred to in the report of any Committee which may require the consideration of the Authority will be available at the office of the District Surveyor for at least two clear working days before the meeting of the Authority at which it is proposed the same shall be considered, and shall be available for viewing by any Member of the Authority in the Surveyor's Department from 10.00 a.m. on the day of the Board meeting, unless the public interest would be prejudiced thereby. In such case, the Chief Executive/Clerk shall report accordingly to the Board.

ONCHAN DISTRICT COMMISSIONERS

STANDING ORDERS

40. CAPITAL PROCEDURES AND PETITION APPLICATIONS

The submission to Government of petitions for leave to borrow money in connection with capital schemes shall be subject to Board approval in accordance with Standing Order No. 14 (Delegation of Powers; Referral back of Committee minutes) but on approval being granted by the Board the petition may be submitted by the Chief Executive/Clerk prior to consideration by the Authority; in such circumstances, if the Authority disapproves the submission, the petition will be withdrawn forthwith.

41. POINTS OF ORDER

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 only to an alleged breach of a Standing Order or statutory provision and the way in which the Member considers it has been broken. A personal explanation shall be confined to some material part of a speech made by him during the course of the debate which may appear to have been misunderstood.

42. IMPROPER CONDUCT

42.1 Disorderly Conduct

- (a) 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 following a request of any other member through the Chairman may move "That the member named be not further heard", and the notice if seconded shall be put and determined without discussion. If carried, the named Member shall then not be permitted to speak or take part in any debate, except to vote, for the remainder of the meeting.
- (b) 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.

AND shall refer the matter to the Chief Executive/Clerk for investigation and consideration.
- (c) 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.
- (d) 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.
- (e) In the event of general disturbance by any person, 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.
- (f) 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.

ONCHAN DISTRICT COMMISSIONERS STANDING ORDERS

43. ELECTRONIC EQUIPMENT

- 43.1 During any meeting of the Authority or a Committee, all mobile communications devices shall be switched to silent operation. Except as below, no mobile telephone or computer shall be used for any form of communication during the meeting except in case of potential emergency where the Chairman has given consent and in such case when a communication is received the individual concerned shall leave the Boardroom to deal with the matter.
- 43.2 The use of laptop and tablet computers by Members of the Authority during meetings of the Board or a Committee shall be permitted only for the purpose of viewing files relevant to the business of the meeting, and in the case of a Chair, Vice-Chair or Member who has moved the adoption of minutes of a Committee in a meeting of the Authority, for receiving information from any Senior Officer that is relevant to questions asked in debate.

44. ATTENDANCE OF THE PUBLIC AND PRESS

- 44.1 At all public meetings of the Authority, and when the Board of Commissioners are in Committee, members of the public and accredited journalists shall be permitted to attend in such part of the Boardroom as the Chief Executive/Clerk may allocate for their accommodation, but they shall withdraw, upon a vote of the Board so requiring during any portion or the whole of the meeting.
- 44.2 The admission of members of the public and reporters to the Boardroom shall be subject to the condition that no expression of dissent or approval, conversation or interruption to the proceedings of the Authority shall take place nor shall any person, other than a person authorised by the Chairman, after permission is granted by the Chairman they will inform the Board, record on tape or by other mechanical or electronic means the proceedings of the Board, or record or communicate photographic or electronic images of such proceedings. In the event of the breach of this condition, the Chairman may order the person so offending to be removed from the Boardroom.
- 44.3 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.

45. MOTIONS OF EXPENDITURE

- 45.1 Any motion or amendment which is moved, otherwise than in pursuance of a recommendation or report of the relevant Department Manager which, if carried, would materially increase the expenditure upon or reduce the income of any service under the management of the Authority or would involve capital expenditure, shall when proposed and seconded stand adjourned without discussion to the next ordinary meeting of the Authority, and any Committee affected by such motion or amendment shall consider whether it desires to report thereon.

46. ADJOURNMENT OF MEETING OR DEBATE

- 46.1 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.
- 46.2 An amendment to a motion to adjourn may be moved if it relates to only the question of time.

ONCHAN DISTRICT COMMISSIONERS STANDING ORDERS

47. REPORTS AND CORRESPONDENCE

- 47.1 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.
- 47.2 All correspondence for consideration by the Authority shall be submitted to the Chief Executive/Clerk.
- 47.3 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.
- 47.4 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.

48. SEALING OF DOCUMENTS

- 48.1 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, 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.
- 48.2 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, Finance Manager or District Surveyor of the Authority.
- 48.3 An entry of every sealing shall be made and consecutively numbered in a book to be provided for the purpose.

49. SEAL OF PETITIONS

No petition or memorial or address from the Authority shall have the Common Seal affixed to it until it has been submitted to and approved by the Authority.

50. CUSTODY OF SEAL

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

51. 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.

52. SUBMISSION OF ESTIMATES

Every recommendation of a Committee for the execution of works not included in the estimates for the year shall be accompanied by a statement or estimate of the amount of the proposed expenditure and the purpose for which it is to be applied. This Standing Order shall not apply to any case in which the estimated expenditure is less than the sum of £1,000.

ONCHAN DISTRICT COMMISSIONERS STANDING ORDERS

53. INSPECTION OF DOCUMENTS

- 53.1 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.
- 53.2 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.
- 53.3 Subject to the preceding paragraph, all reports made of minutes kept by any 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.
- 53.4 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.

54. INSPECTION OF LANDS, PREMISES, ETC.

- 54.1 Unless specifically authorised to do so no Member of the Authority or a Special Committee, a member of the Authority shall not issue any order respecting any works 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.
- 54.2 This Standing Order shall not preclude any Member of the Board inspecting or viewing any property vested in the Authority. Unless such property is open to the public, such inspection or viewing must be by arrangement with the Chief Executive/Clerk who will on request make such arrangements as necessary to facilitate it.

55. CONDUCT OF MEMBERS AND OFFICERS

The conduct of Members and Officers of the Authority shall be governed by the Onchan District Commissioners' Governance Principles and Codes of Conduct which shall be supplementary to and not in substitution for any provision within these Standing Orders.

56. 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, that Member shall disclose the fact to the Chief Executive/Clerk unless he has already done so in accordance with the provision of Section 13 of the Act or any statute amending the same.

That Member 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 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.

ONCHAN DISTRICT COMMISSIONERS STANDING ORDERS

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.

57. INTEREST OF OFFICERS IN CONTRACTS

The Chief Executive shall record in a book to be kept for the purpose, particulars of any notice given by an Officer of the Authority under Section 13 of the Local Government Act 1985 of a pecuniary interest in a Contract or proposed Contract and the book shall be open during office hours for inspection by any member of the Authority in accordance with the requirements of Standing Order 60 (Filling of New Posts and Vacancies). The Register of Officers' Interests shall be open to inspection by any Member of the Authority by prior arrangement with the Chief Executive/Clerk.

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.

58. MATTERS 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, it shall in the first instance be considered by the Board in private.

59. FILLING OF NEW POSTS AND VACANCIES

59.1 When the creation of a new post is proposed, the Chief Executive/Clerk shall inform the Board which, in consultation with the Lead Member, shall consider whether the post is necessary and what shall be the terms and conditions of the post.

59.2 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.

59.3 All vacancies to be filled in established posts of the Authority, (not being posts at a weekly wage for a period of employment by the Authority not exceeding 12 weeks) 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.

59.4 A vacancy requiring to be advertised shall be advertised in one or more newspapers or journals including those circulating primarily among persons who may be expected to possess the necessary skills and qualifications for the post. Those posts where the requirement to advertise does not apply shall also be published on the Authority's Website and through the Department of Economic Development (Job Centre).

60. ADVERTISEMENTS AND NOTICES

Every advertisement, notice, placard or form published or issued by or on behalf of the Authority or a Committee shall be so published or issued by and over the name of the Chief Executive/Clerk.

ONCHAN DISTRICT COMMISSIONERS STANDING ORDERS

61. 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.

62. CANVASSING OF AND RECOMMENDATIONS BY MEMBERS

62.1 Canvassing of Members or Officers 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 the form of application or particulars of appointment issued to prospective candidates.

62.2 A member of the Authority shall not solicit for any person who is a candidate for any appointment under the Authority, or recommend any person for such appointment or for promotion.

62.3 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.

63. RELATIVES OF MEMBERS OR OFFICERS

63.1 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.

63.2 The purport of this standing order shall be included in every advertisement inviting applications for appointments or in any form of application.

63.3 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.

64. SALARIES AND PROMOTIONS OF OFFICERS

64.1 The procedure for changing the grading of any post shall be for the Department Manager to prepare the job description, subject to the approval of the Chief Executive/Clerk, showing all variations from the existing post (or posts) affected and justifying the contents of those changes and duties to the satisfaction of the Chief Executive/Clerk.

64.2 A re-evaluation will then be undertaken in accordance with the London Boroughs Scheme by the management side (but in conjunction with staff side representatives) and the cost of the re-evaluation if any reported to the Board.

ONCHAN DISTRICT COMMISSIONERS STANDING ORDERS

65. URGENT BUSINESS

- 65.1 In any case where a matter arises that in the opinion of the relevant Department Manager and the Chief Executive/Clerk, cannot properly wait until the next meeting of the appropriate Committee/Board, the Chief Executive/Clerk if satisfied that all the relevant information has been provided in written form may seek a decision thereon from the Lead Member and the Chairman. Any decision taken in this manner shall be reported at the next meeting of the Board, and all relevant papers shall be made available to Members, but the Board shall not vary the substance of the decision. This procedure may only be used in case the subject matter is of such importance and urgency that, in the opinion of the Chief Executive/Clerk the Lead Member and the Chairman, it cannot properly be allowed to await a decision by the Board under its normal timeframe, and where it is inappropriate to convene a special meeting of the Committee under Standing Order 16 (Special Meetings of Committee at Request of Chair).

66. DECLARATION OF SECRECY

- 66.1 No member of the Authority shall disclose to the public details of any matter dealt with by or brought before a Committee (including the Board in-Committee) without its permission until the Committee shall have reported to the Authority or shall otherwise have concluded action on the matter.
- 66.2 No Member or Officer of the Authority may disclose details of any matter which has been considered in private without permission of the Chief Executive/Clerk.
- 66.3 Any member contravening the provisions of this Standing Order shall be reported to the Attorney-General by the Chief Executive/Clerk as contravening Section 65 of the Local Government Act 1985 and may be removed by resolution of the Board from all or any of the Committees of which he is a member for a period of time to be determined by the Authority.
- 66.4 Any officer of the Authority contravening the provisions shall be dealt with under the Authority's approved disciplinary procedure.

67. PRIVILEGE

- 67.1 Any Member feeling personally aggrieved by anything which may have transpired between the termination of one meeting of the Authority and the commencement of another may, with the consent of the Chairman, raise the question involved by pleading privilege. Such matters shall be limited to matters within the Authority's jurisdiction affecting the member individually, where no recourse is open to the Member concerned.
- 67.2 In the event of privilege being raised, it shall take precedence over all other business, and be immediately raised after the confirmation of the minutes of the previous meeting

68. SUSPENSION OF STANDING ORDERS

- 68.1 Any Standing Order, except those Standing Orders which are part of the Statute law, may be suspended, subject to the consent of a majority of four Onchan District Commissioners' Members present and voting.
- 68.2 Any motion to suspend Standing Orders shall cite the reasons for the proposal, the matter it is proposed to consider during the suspension. Any suspension approved to complete business shall be limited in duration to consideration of the matter cited.
- 68.3 The Chief Executive/Clerk shall keep a register of every suspension of Standing Orders in accordance with Section 27 of the Local Government Act 1985.
- 68.4 A Member(s) may not bring up historic staff matters which have been disposed of by the Board or legal proceedings without consultation with the Authority's Legal Advisors.

ONCHAN DISTRICT COMMISSIONERS STANDING ORDERS

69. VARIATION AND REVOCATION OF STANDING ORDERS

- 69.1 The Authority may at any time vary Standing Orders, amend or revoke these standing orders on the recommendation of the Board. Any such change shall be set out in the report of the Chief Executive/Clerk or set out as an additional paper accompanying the agenda for the Board meeting at which it is proposed.
- 69.2 The Standing Orders shall when proposed and seconded stand adjourned without discussion to the next ordinary meeting of the Authority.
- 69.3 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.
- 69.4 Revocation of Standing Orders shall not apply to 68.4 without consultation with the Board's Legal Advisors, by written Motion.

70. COPIES OF STANDING ORDERS TO BE SUPPLIED TO MEMBERS

A printed 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.

71. 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.

72. LEAD MEMBERS

- 72.1 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
- 72.2 The areas of special responsibility of each Lead Member shall be as set out in Schedules A - C respectively of these standing orders.
- 72.3 The Authority may at any time delegate any matter not coming within the special area of responsibility of any Lead Member.
- 72.4 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 Board.

ONCHAN DISTRICT COMMISSIONERS STANDING ORDERS

- 72.5 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 Officer 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/officer.

ONCHAN DISTRICT COMMISSIONERS

STANDING ORDERS

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 Board with regard to the following matters:-

- (1) 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.
- (2) Financial elements of shops, garages and workshops owned by the Authority, including, Hawthorn Villa, Pennington Hall, and any other buildings owned by the Authority.
- (3) Staff personnel and establishment.
- (4) Public information services, including the Authority's website.
- (5) Estimates of the probable income and expenditure of the Authority for the ensuing year.
- (6) Amount of rate to be levied in such financial year, in order to meet the contemplated expenditure.
- (7) Control of the collection of all rents due to the Authority and accounting for such.
- (8) Control of the collection of all rates due to the Authority and accounting for such.
- (9) 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.
- (10) Collection of all other income due and receivable by the Authority and accounting for such in liaison with relevant Departments within the Authority.
- (11) Keeping of all necessary books of account and other records and control of the banking arrangements.
- (12) Collection of outstanding debt and recommendations regarding the writing off of such debts.
- (13) All applications for licences, certificates and permissions, except those delegated to any other Special Committee.
- (14) Proposed expenditure not provided for in the estimates for the current financial year.
- (15) 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.
- (16) 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.
- (17) 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.

ONCHAN DISTRICT COMMISSIONERS STANDING ORDERS

- (18) Receipt of the Auditor's Report upon the annual financial statements.
- (19) All necessary insurance policies are in place, that the amounts insured are adequate, and that all insurable risks are included in such insurance cover.
- (20) Consideration of all Bills introduced into the Insular Legislature which may, directly or indirectly, have a financial impact upon the Authority.
- (21) Consideration of the financial impact of byelaws or amendments to existing byelaws.
- (22) Consideration of all matters relating to furnishing, equipment and Information Services in the Commissioners offices.

ONCHAN DISTRICT COMMISSIONERS

STANDING ORDERS

SCHEDULE B

HOUSING

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 Board with regard to the following matters:-

- (1) Maintenance of public sector houses, owned by the Authority, including sheltered housing.
- (2) Management and control of the housing waiting and transfer lists. Ensure proper and accurate records are kept, Authority policy is adhered to and applicants are considered for housing in a strictly impartial and fair manner.
- (3) Letting of public sector housing, sheltered housing, 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.
- (4) Provisions of the Housing Acts.
- (5) All contracts (housing) let by the Authority.
- (6) Housing Bills introduced into the Insular Legislature which may, directly or indirectly, have an impact upon the Authority.
- (7) Impact of the byelaws or amendments to existing byelaws, in relation as pertained to Housing.
- (8) Quarter reporting relating to Housing for the period year to that date.
- (9) Applications relating to housing for licences, certificates and permissions, except those delegated to any other Special Committee.

ONCHAN DISTRICT COMMISSIONERS

STANDING ORDERS

SCHEDULE C

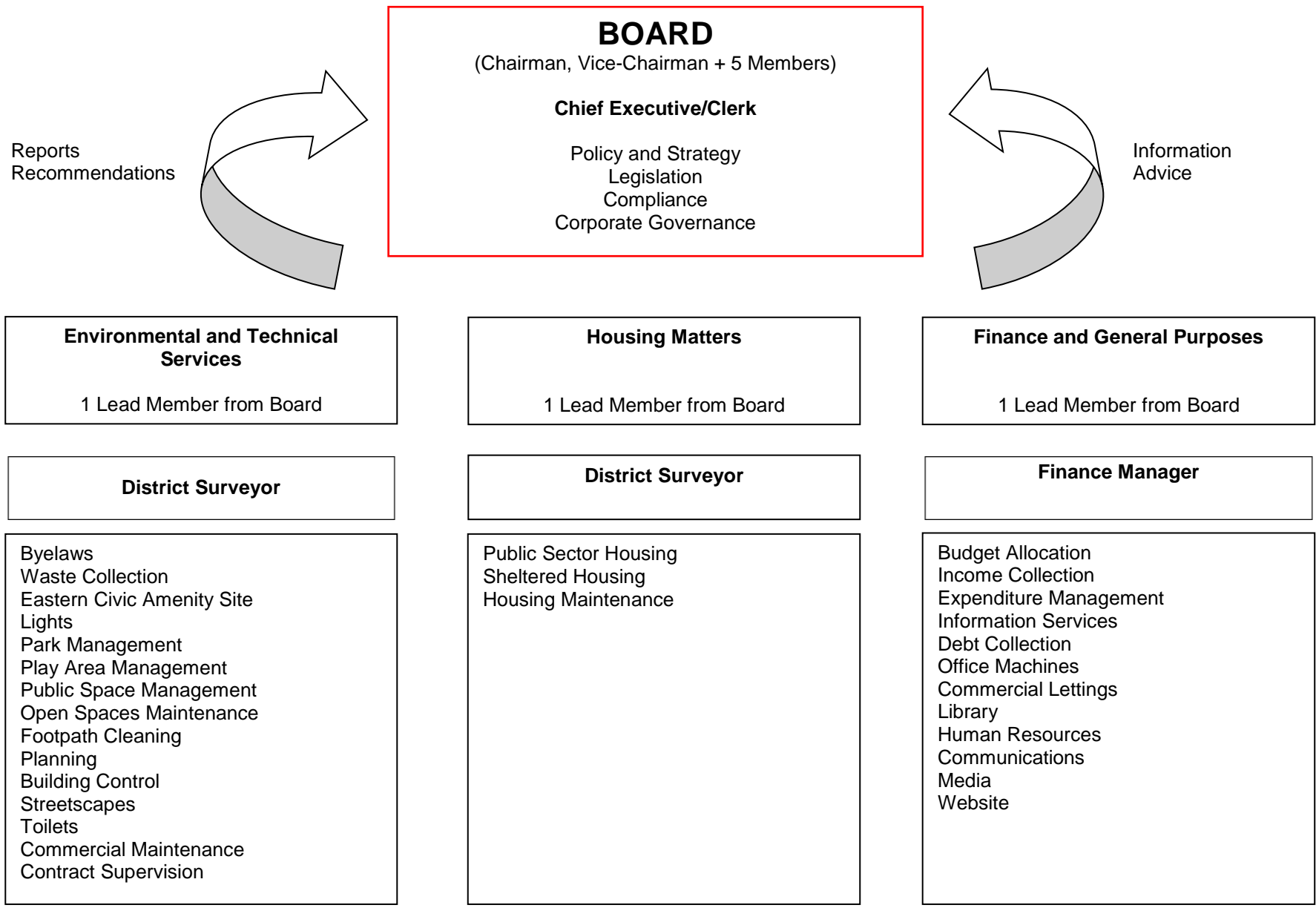
ENVIRONMENTAL AND TECHNICAL SERVICES

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 Board with regard to the following matters:-

- (1) 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) 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) Upkeep and operation of The Hub and the development of the Recreation Ground.
- (4) Maintenance of all the shops, garages and workshops owned by the Authority, Hawthorn Villa, Pennington Hall and Onchan Library, and any other buildings owned by the Authority.
- (5) Entertainment and any catering or other facility that the Authority may think fit.
- (6) Provision and supervision of public conveniences.
- (7) Carrying out all works as ordered by the Authority.
- (8) Provision and supervision of adequate street lighting and decorative lighting.
- (9) Sites within the District and the surrounding and adjacent areas thereto are kept tidy and free from rubble and other materials.
- (10) Removal of household and trade refuse and the disposal of such refuse, including the Eastern Civic Amenity Site.
- (11) Footpath cleaning.
- (12) Removal of all nuisances.
- (13) 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.
- (14) The supervision and financial provision for adequate maintenance of all public seats, shelters and public clocks.
- (15) Consideration of planning applications, and works in relation to the building regulations.
- (16) On all matters relating to development in the District.
- (17) On all matters relating to conservation within the District.
- (18) On all applications for the registration of flats under the provisions of the Housing [Flats] Regulations.
- (19) Bills (excluding Housing) introduced into the Insular Legislature which may, directly or indirectly, have an impact upon the Authority.
- (20) Impact of Byelaws or amendments to existing Byelaws.

ONCHAN DISTRICT COMMISSIONERS STANDING ORDERS

- (21) On all matters relating to the Byelaws.
- (22) Applications relating to Environmental, and Technical Services, for licences, certificates and permissions, except those delegated to any other Special Committee.



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 :-

1. Tenders and Contracts

Standing Orders 1 to 42 inclusive shall apply to all contracts entered in to by or on behalf of the Authority and every contract entered into shall comply with such Standing Orders except that:

- a) Subject to Standing Orders 23, 26 and 27 these Standing Orders shall not apply to contracts with a consultant or other professional person where the personal skill of the person is of primary importance;
- b) These Standing Orders shall not apply to the purchase, sale or lease of land or property provided that in any such case the Board of Onchan District Commissioners decides upon the method of negotiation most likely to be most financially beneficial to the Authority;
- c) Standing Orders 1 to 38 inclusive shall not apply in any case where the disposal of surplus materials, equipment property or vehicles by public auction has been approved by the Board of Onchan District Commissioners under Standing Order 39 (Disposal of Surplus Property, Materials, etc.).

PART 1 - GENERAL

2. Invitation to Tender or Quote

- a) Subject to the provisions of Standing Order 4, 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.
- b) Invitations to Tender or quote except where otherwise provided by these Standing Orders, no contract shall be entered into unless tenders or quotations as appropriate in accordance with Standing Orders No 4 and 21(d) have first been obtained.

3. Purchase, Sale or Lease of Land

- a) Contracts for the purchase or sale or lease of land may be concluded by or on behalf of the Authority by way of negotiation, sealed bids or tenders or any combination of these.
- b) The method of sale or purchase shall be determined by the Board which shall consider the method most likely to produce a sale or purchase price which will be the best price reasonably obtainable by the Board.

ONCHAN DISTRICT COMMISSIONERS

STANDING ORDERS

4. Methods of inviting tenders and quotations

Tenders or quotations for contracts shall be obtained by one of the methods indicated as follows:

4.1 **Estimated cost in excess of £100,000 for schemes funded by capital, and £56,000 for revenue funded schemes, supplies and services:**

- a) By a minimum of ten days' notice on the Manx Accredited Construction (MACCS).
- b) This Standing Order shall not preclude it being advertised in addition in an off-Island newspaper or trade journal if deemed necessary by the appropriate Chief Executive/Clerk.
- c) Such advertisement shall be by minimum ten days' notice in such newspaper and trade journals as the appropriate Chief Officer may consider necessary.
- d) The use of any trade journal's electronic procurement methods to be preferred to a printed notice.

4.2 **Estimated cost between £21,000 and £100,000 for schemes funded by capital, and between £21,000 and £56,000 for revenue funded schemes, supplies and services:**

- a) By the appropriate Department Head inviting tenders electronically from all appropriate persons included in the Authority's list¹ of approved Contractors or from the persons included in a list of applicants invited in relation to any particular contract.
- b) The invitation to apply for inclusion in any such list shall be advertised in accordance with Standing Order 10.

4.3 **Estimated cost between £5,000 and £21,000:**

- a) By the appropriate Department Head electronically inviting written quotations from suitable contractors.
- b) The Department Head shall endeavour to obtain at least three valid competitive prices for comparative purposes.
- c) A contract for emergency works or a contract estimated to cost less than £5,000 may be sought or negotiated directly with a registered contractor, except that the circumstances of any emergency contract exceeding £5,000 in cost shall be reported to the Authority or the Board In Committee at the next ordinary or extraordinary meeting.

When considering whether any of the value thresholds apply, it should be the value of the whole scheme that matters regardless of the fact that it may be broken down to a number of individual elements. Where a number of elements of work can be awarded collectively, the estimated cost of the total should be considered, not the estimated cost per unit.

A 'scheme' is a systematic arrangement, where there is strong linkage between the elements of work and they can be quoted for collectively because the details of what is required can be specified in advance, although in exceptional circumstances the appropriate Department Head's discretion should apply.

¹ From a list approved by the Department of Infrastructure and the Onchan District Commissioners

ONCHAN DISTRICT COMMISSIONERS

STANDING ORDERS

5. Reservation of Rights

Every set of tender or quotation documents shall reserve the right of the Authority not to accept any tender or quotation or to accept a tender or quotation other than the lowest or highest as the case may be.

6. Sub-Contracts

Tenders or quotations for sub-contracts to be performed by nominated subcontractors shall be invited and dealt with as if they were main contracts.

7. Undertaking by Sub-Contractor

A tender or quotation for sub-contract shall include an undertaking of willingness, if selected, to enter into a Contract with the main Contractor on terms which indemnify the main Contractor against his own obligations under the main contract in relation to the matters included in the sub-contract.

8. Nomination of Sub-Contractor

The Chief Executive/Clerk shall be authorised to nominate to the main Contractor the sub-Contractor whose tender or quotation is accepted.

9. List of Approved Contractors

The Authority shall maintain a list of approved Contractors for particular categories of work which shall:

- (a) contain the names of all persons who wish to be included in it and after having been satisfactorily investigated are approved by the appropriate Department Head and the Finance Manager;
- (b) indicate whether a person whose name is included in it is approved for contracts for all, or only some, of the specified values, amounts or categories; and
- (c) be amended as required from time to time.

10. Advertisement for Select Lists

Where because of the nature and significance of any contract it is deemed necessary to formulate a specific Select List of Contractors for that contract, the invitation to apply for inclusion on such list shall be advertised to Contractors through MACCS.

This Standing Order shall not preclude it being advertised locally, off-Island newspaper or trade journal if deemed necessary by the appropriate Department Head.

Such advertisement shall be by minimum of ten days' notice in such newspaper and trade journals as the appropriate Department Head may consider necessary.

The use of any trade journal's electronic procurement methods to be preferred to a printed notice.

The provisions of Standing Orders 11 to 13 inclusive shall apply to such applications as they do to tenders.

ONCHAN DISTRICT COMMISSIONERS

STANDING ORDERS

11. Submission of Tenders

- a) Every invitation to tender in accordance with Standing Order 4 shall specify the closing date and time for submission, and tenders received after that time will not be considered.
- b) Tenders shall be required to be forwarded to the Chief Executive/Clerk to the Authority in marked **TENDER, and if submitted by post shall be placed in a plain envelope marked TENDER.**
- c) Submission of tenders must be in electronic form in manner prescribed in the tender documentation and they will be stored securely in an electronic vault until the time appointed to open them when the procedure in Standing Order 14 will apply.
- d) In case any contractor is unable for any reason to submit his tender electronically it will be acceptable for it to be submitted in paper form in which case it must be in a plain envelope encribed with the details of the project or services concerned. Paper copies will be stored securely until the appointed time for opening them when they will be taken into account in common with any electronic tenders received.
- e) Where the estimated cost is less than £21,000 quotations shall be sought electronically.

12. Closing Date and Time for Receipt of Tenders

For the purpose of Standing Orders 10 and 11, the closing time for the receipt of tenders and applications to be included on a Select list shall be 5.00 p.m. provided that the Chief Executive/Clerk shall have authority to extend a determined closing day for good and sufficient cause and upon being satisfied that all known tenderers have been notified of the extension.

This Standing Order shall not apply to the submission of quotations.

13. Late tenders

Any tender received after the date and time fixed for receipt shall be invalid and shall not be opened at the same time as valid tenders. It will be opened by the Chief Executive/Clerk or other Department Head after the acceptance of a valid tender, in order only to inform the contractor submitting the tender late that it had been treated as invalid for that reason.

14. Opening Tenders

Tenders in respect of contracts estimated to exceed £21,000 in amount or value shall be opened (in the case of paper documents) or accessed (in the case of electronic submissions) all at the same time by the Chief Executive/Clerk or a nominee in the presence of the Chairman or Vice-Chairman of the Authority, or an appropriate Lead Member of the Authority, or in the absence of both Chair and Vice-Chair by another member of the Board. Tenders or quotations in respect of lesser amounts may be opened by the Department Head inviting them or an Assistant of that department.

15. Record of Tenders

The appropriate Department Head shall maintain a record of all tenders and quotations received and opened and furnish a copy to the Chief Executive/Clerk and Finance Manager where appropriate.

ONCHAN DISTRICT COMMISSIONERS

STANDING ORDERS

16. Amendment of Tender before Acceptance

- a) A tenderer shall not be allowed to alter a tender after the date fixed for its receipt unless schedules of rates or bills of quantities form a substantial part of the tender when significant errors in arithmetic and obvious errors in pricing discovered before acceptance shall be corrected and the tenderer shall be given the opportunity of confirming the offer or of amending it to take account of such errors as are genuine before any tender for the contract is accepted.
- b) This Standing Order shall not apply to works of civil engineering construction carried out under current conditions of contract issued by the Institute of Civil Engineers or contracts entered into under the Joint Contracts Tribunal Standard form of building contract Local Authority Edition for building works.

17. Acceptance of Tenders

In respect of tenders exceeding £21,000 the Board shall have the power to authorise the acceptance of the lowest of three valid tenders provided that there is appropriate budgetary provision in the estimates which has not been reserved for further consideration.

18. Tenders Exceeding Estimates

Any tender which exceeds the appropriate budgetary provision shall only be accepted with the approval of the Board as detailed in Standing Order 17.

19. Tenders other than Lowest or Highest

If it is proposed to accept a tender other than the lowest (or when payment is to be received by the Authority, the highest) the reasons for such action shall be specified in the minutes of the meeting at which the Authority makes that decision.

20. Withdrawal of tender or failure to sign or execute a contract

In the event of any person or company, without proper reason, withdrawing a tender or quotation or refusing to sign or execute a contract after a tender or quotation has been accepted by the Authority, no tender or quotation submitted by that person or company within three years for any other contract shall be entertained.

ONCHAN DISTRICT COMMISSIONERS

STANDING ORDERS

21. Exemptions from tendering requirements

Nothing in these Standing Orders shall require tenders to be invited where:

- (a) In case of contracts for the supply of goods or materials:
 - (i) the goods or materials are proprietary articles supplied only by one person or company, and are sold only at a fixed price and no reasonably satisfactory alternative is available; or
 - (ii) the prices of the goods or materials are wholly controlled by trade organisations or government order and no reasonably satisfactory alternative is available; or
 - (iii) for other reasons, there would be no genuine competition; or
- (b) the contract constitutes an extension of an existing contract, provided such extension does not exceed £42,000 in amount or value and is approved by the Board; or
- (c) the subject matter of the contract is considered by the appropriate Department Head as being required so urgently as not to permit the invitation of tenders; or
- (d) the estimated expenditure or value of the contract is less than £5,000, or between £5,000 and £21,000 in which latter case quotations will be sought rather than tenders; or
- (e) the contract is for the purchase or production of a work of art or museum specimen; or
- (f) the contract is for works for which specialist skills or equipment are required and it is proposed to negotiate a contract, provided that the consent of the Board to such action is obtained.

22. Form of Contracts

- (a) Contracts shall be in writing and in a form approved by the Chief Executive/Clerk and if in excess of £70,000 in value or amount shall be under Seal.
- (b) All written contracts entered into on behalf of the Authority shall contain specific reference to the application to that contract of the laws of the Isle of Man and a submission to the jurisdiction of the Isle of Man Courts. Provided that in any case where the value of the contract is less than £21,000 the Chief Executive/Clerk may waive this requirement.-

23. Contents of Contracts

Contracts shall clearly specify:

- (a) the goods, material or services to be supplied and/or the work to be done;
- (b) the price to be paid with a statement of discounts or other deductions;
- (c) the time or times within which the contract is to be performed; and
- (d) Unless the Chief Executive/Clerk directs otherwise, where contracts exceed £21,000 an amount shall be included in the form of contract for ascertained and liquidated damages to be paid by the contractor if the contract is not completed at the specified date.

ONCHAN DISTRICT COMMISSIONERS

STANDING ORDERS

24. Variation of Contract

- (a) 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.
- (b) 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.
- (c) Minutes of progress and/or site meetings must be formally recorded and presented to the Authority by the Architect / Supervising Officer.

25. Contracts

- (a) An appropriate standard form building or engineering contract must be used and every clause completed or deleted as applicable.
- (b) 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.
- (c) Provisional sums should be kept to a minimum and wherever reasonably possible, all items should be written into the specification.

26. Consultants

No Consultants shall be engaged by a Department Head without the approval of the Board unless:

- (a) the estimated amount of fees does not exceed £21,000; and
- (b) there is appropriate budgetary provision therefore not reserved for further consideration.

27. Conditions of Engagement

It shall be a condition of the engagement of the services of any person (not being an Officer of the Authority) who is to be responsible through the appropriate Department Head for the supervision of a contract, that in relation to that contract he shall:

- (a) comply with these Standing Orders and any financial requirements of the Authority and upon request attend any Board meeting as though he were a Department Head;
- (b) at any time during the carrying out of the contract produce to the appropriate Department Head, on request, all the records maintained by him; and
- (c) on completion of the contract transmit all such records to the appropriate Department Head.

ONCHAN DISTRICT COMMISSIONERS

STANDING ORDERS

28. Security for Performance

- (a) Except if the contract is funded in whole or in part by Government contribution, where the contract sum exceeds £1,000,000 in value, the Authority shall require security for performance of the contract and execution of the works, and the conditions of tender shall specify the nature and amount of such security, to be not less than 10% of the contract sum; but
- (b) Where the works covered by the contract are subject to Government contribution, the limit prescribed in the Government's Capital Procedure Notes will take precedence over this Standing Order and apply to security for performance of the contract.

29. British and European Standards

Where an appropriate Standard Specification or Standard Code of Practice issued by the British Standards Institution (BSI) or the International Standards Organisation (ISO) is current one calendar month before the date of tender, the contract shall require all goods and materials used or supplied and/or all workmanship to be at least in accordance with that standard.

30. Indemnities and Insurances

A contractor shall be required to indemnify the Authority against:

- (a) any claim which may be made in respect of Employer's liability against the Authority or the Contractor by any workman employed by the Contractor or any Sub-Contractor in the execution of works; and
- (b) any claim for bodily injury to or damage to property of third parties;

and the Contractor shall produce, before any work commences, evidence that he is satisfactorily insured against any such claim.

31. Prevention of Fraud

Every contract shall contain a clause entitling the Authority to determine the contract and to recover from the Contractor the amount of any loss or expense resulting from such determination if the Contractor shall have committed any offence under the Local Government Acts or other Acts of Tynwald.

32. Determination of Contract

Every contract shall provide that, in the event of any breach by the contractor, or by any person to whom the contract or any part thereof may have been assigned or underlet, of any of the conditions and provisions of these Standing Orders, the Authority may absolutely determine the contract; and that furthermore, the Authority may proceed to complete the works or obtain or dispose of the materials elsewhere as the case may be, either by contract or otherwise.

33. Recovery of Sums incurred by the Authority

Any sums which may be incurred or sustained by the Authority by reason of the determination of the contract as aforesaid, shall be borne by the Contractor and at the discretion of the Authority may be deducted from any monies due or to become due to him under the contract or recovered by action.

ONCHAN DISTRICT COMMISSIONERS

STANDING ORDERS

34. Debarring Contractors

In the event of a contract being determined under Standing Orders 17 no tender or quotation submitted by that person or company within five years for any other contract shall be entertained.

35. Assignment and Sub-Letting

Each contract shall provide that a Contractor shall not assign a contract or any part thereof without the previous consent of the Authority or sub-let the same or part thereof without the written consent of the appropriate Department Head which shall not unreasonably be withheld.

36. Procedure Notes

The invitation, receipt and opening of tenders and quotations shall be subject, in addition to these Standing Orders, to such supporting Procedure Notes as the Chief Executive/Clerk may draw up or amend from time to time.

37. Payment on Account

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.

38. Capital Procedures

Wherever practicable, and essentially where any contract is funded as a capital scheme, the current Guidance Notes for Capital Procedures of the Isle of Man Government Treasury shall be followed. Where in any case such guidance conflicts with these Standing Orders, and unless the Chief Executive/Clerk decides otherwise, the Standing Orders shall take precedence.

39. Disposal of Surplus Property, Materials, etc

Where a Department Head recommends the disposal of any materials, equipment, property or vehicle valued up to £7,000, the Board may for reasons of speed and convenience, authorise such disposal to take place by public auction as an alternative to tendering. In such case Standing Orders 2 to 38 inclusive shall not apply but:

- (1) The Chief Officer shall appoint an appropriate local auctioneer to carry out the disposal;
- (2) All materials, goods or equipment to be disposed of will be catalogued;
- (3) After the sale, the Chief Executive/Clerk will submit to the Board a detailed report on the items sold and the return achieved, and the auctioneer's charges.

40. Suspension of Standing Orders

- (1) Subject to paragraph 1 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.

ONCHAN DISTRICT COMMISSIONERS STANDING ORDERS

41. 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.

42. Standing Orders to be Given to Members

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.