



MALEW PARISH COMMISSIONERS

Clerk: Mr B.J. Powell

Standing Orders

Part 1

- 1. Meetings of the Authority**
- 2. Chairman of the meeting**
- 3. Quorum**
- 4. Order of business**
- 5. Notices of motion**
- 6. Motions and amendments which may be moved without notice**
- 7. Questions**
- 8. Minutes**
- 9. Rules of debate**
- 10. Motions affecting persons employed by the Authority**
- 11. Disorderly conduct**
- 12. Disturbance by members of the public**
- 13. Rescission of preceding resolution**
- 14. Voting**
- 15. Voting on appointments**
- 16. Record of attendance**
- 17. Interest of members in contracts and other matters**
- 18. Interest of officers in contracts and other matters**
- 19. Canvassing of and recommendations by members**
- 20. Relatives of members or officers**
- 21. Filling of new posts and vacancies**
- 22. Sealing of documents**
- 23. Authentication of documents**
- 24. Inspection of documents**
- 25. Orders and inspections**
- 26. Appointment of committees**
- 29. Proceedings of committees to be confidential**
- 30. Constitution of committees**
- 31. Election of chairman of committee**
- 32. Special meetings of committees**
- 33. Sub-committees**
- 34. Quorum of committees and sub-committees**
- 35. Voting in committees and sub-committees**
- 36. Standing Orders to apply to committees and sub-committees**
- 37. Amendment and revocation of Standing Orders**
- 38. Suspension of Standing Orders**
- 39. Standing Orders to be given to members**
- 40. Interpretation of Standing Orders**

Approved 2002

3rd May 2017 (amended Standing Order 1)

1. Meetings of the Authority

- (1) The annual meeting of the Authority shall be held at the Commissioners Offices on the 1st Wednesday in May.
- (2) In addition to the annual meeting of the Authority and any meetings convened by the Chairman, the Clerk or members of the Authority, ordinary meetings for the transaction of general business shall usually be held in each year as follows, unless notice to the contrary is given by the Clerk —

On the 1st Wednesday of the month (unless non working day) at 09.00 hrs. at the Commissioners Offices. No meeting shall last more than three hours and in such case if there is further business to transact, the meeting will be reconvened by the Chairman to another date.

2. Chairman of the meeting

Any power of the Chairman in relation to the conduct of a meeting may be exercised by the person presiding at the meeting.

3. Quorum

If during any meeting of the Authority the Chairman, after counting the number of members present declares that there is not a quorum present the meeting shall stand adjourned and the consideration of any business not transacted shall be adjourned to a time fixed by the Chairman at the time the meeting is adjourned or, if he does not fix a time, to the next ordinary meeting of the Authority.

4. Order of business

- (1) Except as provided by paragraph (2), the order of business at every meeting of the Authority shall be as follows —
 - (a) to choose a person to preside should the Chairman and the 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 last meeting of the Authority;
 - (d) to deal with any business expressly required by statute to be done;
 - (e) Chairman's announcements;
 - (f) disposal of business (if any) remaining from the last meeting;
 - (g) to receive and consider reports, minutes and recommendations of committees;

- (h) to answer questions asked under Standing Order 7;
 - (i) to consider motions in the order in which notice has been received.
 - (j) other business, if any, specified in the summons.
- (2) Business falling under item (a), (b) or (c) of paragraph (1) shall not be displaced, but subject thereto the foregoing order of business may be varied:-
- (a) by the Chairman at his discretion; or
 - (b) by a resolution duly moved and seconded and passed on a motion which shall be moved and put without discussion.

5. Notices of motion

- (1) Notice of every motion, other than a motion which under Standing Order 6 may be moved without notice, shall be given in writing and signed by a member of the Authority and delivered, at least five clear days before the next meeting of the Authority, at the office of the Clerk, by whom it shall be dated, numbered in the order in which it is received and entered in a book which shall be open to the inspection of every member of the Authority.
- (2) The Clerk shall set out in the summons for every 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 a notice intimated in writing, when giving it, that he proposes to move it at some later meeting or has since withdrawn it in writing.
- (3) If a motion thus set out in the summons be not moved either by a member who gave notice of it 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.
- (4) If the subject matter of any motion of which notice has been duly given comes within the province of any committee or committees it shall, upon being moved and seconded, stand referred without discussion to such committee or committees as the Authority may determine, for consideration and report.
- (5) Every motion shall be relevant to some matter in relation to which the Authority has powers or duties or which affects the district; provided that the Chairman may, if he considers it convenient and conducive to the dispatch of business, allow the motion to be dealt with at the meeting at which it is brought forward.

6. Motions and amendments which may be moved without notice

The following motions and amendments may be moved without notice —

- (a) appointment of the chairman of the meeting at which the motion is made;
- (b) motions relating to the accuracy of the minutes;

- (c) that an item of business specified in the summons have precedence.
- (d) remission to a committee;
- (e) appointment of a committee or members thereof, occasioned by an item mentioned in the summons to the meeting;
- (f) adoption of reports and recommendations of committee or officers and any consequent resolutions;
- (g) that leave be given to withdraw a motion;
- (h) extending the time limit for speeches;
- (i) amendments to motions;
- (j) that the meeting proceed to the next business;
- (k) that the question be now put;
- (l) that the debate be now adjourned;
- (m) that the Authority do now adjourn;
- (n) authorising the sealing of documents;
- (o) suspending Standing Orders in accordance with Standing Order 37;
- (p) that the Authority sit in private;
- (q) that a member named under Standing Order 11 be not further heard or do leave the meeting;
- (r) inviting a member to remain under Standing Order 15 (pecuniary interest).
- (s) giving consent of the Authority where such consent is required by these Standing Orders;

7. Questions

- (1) A member of the Authority may ask the chairman of a committee any question upon an item of the report of a committee when that item is under consideration by the Authority.
- (2) A member of the Authority may —
 - (a) if five clear days' notice in writing has been given to the Clerk, ask the Chairman or the chairman of any committee any question on any matter in relation to which the Authority has powers or duties or which affects the district;
 - (b) with the permission of the Chairman put to him or the chairman of any committee any questions relating to urgent business, or which such notice has not been given; but a copy of any such question shall, if possible, be delivered to the Clerk not later than [time] a.m. on the day of the meeting.

- (3) Every question shall be put and answered without discussion, but the person to whom a question has been put may decline to answer.
- (4) An answer may take the form of —
 - (a) a direct oral answer; or
 - (b) where the desired information is contained in a publication of the Authority, a reference to that publication; or
 - (c) where the reply to the question cannot conveniently be given orally, a written answer circulated to members of the Authority.

8. Minutes

- (1) The Chairman shall put the question "that the minutes of the meeting of the Authority held on be approved as a correct record".
- (2) No discussion shall take place upon the minutes, except upon their accuracy, and any question of their accuracy shall be raised by motion. If no such question is raised, or if it is, then as soon as it has been disposed of, the Chairman shall sign the minutes.

9. Rules of debate

- (1) A motion or amendment shall not be discussed unless it has been proposed and seconded, and unless notice has already been given in accordance with Standing Order 5 it shall, if required by the Chairman, be put into writing and handed to the Chairman before it is further discussed or put to the meeting.
- (2) A member when seconding a motion or amendment may, if he then declares his intention to do so, reserve his speech until a later period of the debate.
- (3) A member when speaking shall stand and address the Chairman. If two or more members rise, the Chairman shall call on one to speak and the other or others shall then sit. Whilst a member is speaking the other members shall remain seated, unless rising to a point of order or in personal explanation.
- (4) A member shall direct his speech to the question under discussion or to a personal explanation or to a point of order. No speech shall exceed [period] except by consent of the Authority.
- (5) A member who has spoken on any motion shall not speak again whilst it is the subject of debate, except: —
 - (a) to speak once on an amendment moved by another member;
 - (b) if the motion has been amended since he last spoke, to move a further amendment;
 - (c) if his first speech was on an amendment moved by another member, to speak on the main issue, whether or not the amendment on which he spoke was carried;
 - (d) in exercise of a right of reply given by paragraph (11) or (13) of this Standing Order;

- (e) on a point of order;
- (f) by way of personal explanation.

(6) An amendment shall be relevant to the motion and shall be either —

- (a) to refer a subject of debate to a committee for consideration or reconsideration;
- (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.

(7) 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

(8) If an 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 amendment may be moved.

(9) A member may with the consent of the Authority 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 which he has moved if (in either case) the alteration is one which could be made as an amendment thereto.

(10) 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.

(11) The mover of a motion has a right to 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 of reply 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.

(12) 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 11(2) that a member do leave the meeting;
 - (h) a motion under Standing Order 6(p) or 12 to sit in private.
- (13) A member may move without comment at the conclusion of a speech of another member, "that the Authority proceed to the next business", "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 next business: unless in his opinion the matter before the meeting has been insufficiently discussed, he shall first give the mover of the original motion a right of reply, and then put to the vote the motion to proceed to next business;
 - (b) on a motion that the question be now put: unless in his opinion the matter before the meeting has been insufficiently discussed, he shall first put to the vote the motion that the question be now put, and if it is passed then give the mover of the original motion his right of reply under paragraph (11) of this Standing Order before putting his motion to the vote;
 - (c) on a motion to adjourn the debate or the meeting: if in his opinion the matter before the meeting has not been sufficiently discussed and cannot 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.
- (14) 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 member shall specify the Standing Order or statutory provision and the way in which he considers it has been broken. 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.
- (15) The ruling of the Chairman on a point of order or on the admissibility of a personal explanation shall not be open to discussion.
- (16) Whenever the Chairman rises during a debate a member then standing shall resume his seat and the Authority shall be silent.

10. Motions affecting persons employed by the Authority

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

11. Disorderly conduct

- (1) If at a meeting any member of the Authority, in the opinion of the Chairman notified to the Authority, misconducts himself by persistently disregarding the ruling of the chair, or by behaving irregularly, improperly, or offensively, or by wilfully obstructing the business of the Authority, the Chairman or any other member may move "that the member named be not further heard", and the motion if seconded shall be put and determined without discussion.
- (2) If the member named continues his misconduct after a motion under paragraph (1) has been carried the Chairman shall either —
 - (a) move "that the member named do leave the meeting", in which case the motion shall be put and determined without seconding or discussion; or
 - (b) adjourn the meeting of the Authority for such period as he in his discretion considers expedient.
- (3) In the event of general disturbance which in the opinion of the Chairman renders the due and orderly dispatch of business impossible, the Chairman, in addition to any other power vested in him, may without question adjourn the meeting of the Authority for such period as he in his discretion considers expedient.

12. Disturbance by members of the public

If a member of the public interrupts the proceedings at any meeting the Chairman shall warn him. If he continues the interruption the Chairman shall order his removal from the Authority's chamber. In case of general disturbance in any part of the chamber open to the public the Chairman shall order that part to be cleared.

13. Rescission of preceding resolution

No motion to rescind any resolution passed within the preceding 6 months, and no motion or amendment to the same effect as one which has been rejected within the preceding 6 months, shall be proposed unless the notice thereof given in pursuance of Standing Order 6 bears the names of at least three members of the Authority. When any such motion or amendment has been disposed of by the Authority, it shall not be open to any member to propose a similar motion within a further period of 6 months. Provided that this Standing Order shall not apply to motions moved in pursuance of a recommendation of a committee.

14. Voting

- (1) The mode of voting at meetings of the Authority shall be by show of hands or by electronic means.
- (2) On the requisition of a member of the Authority made before the vote is taken the voting on any question shall be recorded so as to show whether each member present voted for or against that question or abstained from voting.

15. Voting on appointments

Where there are more than 2 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 shall be taken, and so on until a majority of votes is given in favour of one person.

16. Record of attendance

The Clerk 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.

17. Interest of members in contracts and other matters

If any member of the Authority has, for the purposes of section 11 of the Local Government Act 1985, a pecuniary interest in any contract, proposed contract or other matter, that member shall withdraw from the meeting while the matter is under consideration by the Authority unless —

- (a) his disability to discuss that matter has been removed by the Department of Infrastructure under section 14(1) of that Act; or
- (b) the contract, proposed contract, or other matter is under consideration by the Authority as part of the report of a committee and is not itself the subject of debate; or
- (c) the Authority invite him to remain.

18. Interest of officers in contracts and other matters

The 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 in any contract or other matter under consideration by the Authority.

19. Canvassing of and recommendations by members

- (1) Canvassing of members of the Authority or any 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 and] in any form of application.
- (2) A member of the Authority shall not solicit for any person any appointment under the Authority, but this shall not 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.

20. Relatives of members or officers

- (1) A candidate for any appointment under the Authority who knows that he is related to any member or senior officer of the Authority shall when making application disclose that relationship to the 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 senior officer of the Authority shall disclose to the 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 Clerk shall report to the Authority any such disclosure made to him.
- (2) The purport of this Standing Order shall be included [in every advertisement inviting applications for appointments or] in any form of application.
- (3) For the purpose of this Standing Order "senior officer" means any officer so designated by the Authority, and persons shall be treated as related if they are husband and wife or if either of them or the spouse of either of them is the son, daughter, grandson, granddaughter, brother, sister, nephew or niece of the other or of the spouse of the other.

21. Filling of new posts and vacancies

- (1) No new office shall be created, nor any person be employed in addition to an Authority's establishment, except with the agreement of the Authority.
- (2) Where the creation of a new post is proposed or where a vacancy occurs in any Authority shall obtain the views of any committee primarily concerned and decide:—
 - (a) in the case of an office which the Authority is not required by statute to fill, whether the office is necessary and
 - (b) in any case, what shall be the terms and conditions of the office and no steps shall be taken to fill the post until these decisions have been taken.
- (3) All vacancies to be filled in established post of the Authority (not being posts at a weekly wage), unless they are to be filled by promotion or transfer, shall be publicly advertised except where the Authority otherwise determines. Provided that where, within 6 months of the filling of a vacancy which has been publicly advertised, a similar vacancy occurs in an office in the appointment of the Authority, the Authority may appoint one of the former applicants.
- (4) A vacancy required to be advertised shall be advertised in one or more newspapers or journals circulating primarily among persons who may be expected to possess the necessary qualifications for the office.

22. Sealing of documents

- (1) The common seal of the Authority shall not be affixed to any document unless the sealing has been authorised by a resolution of the Authority or of a committee to which the Authority have delegated their powers in this behalf; providing that a resolution of the Authority (or of a committee where that committee has the power) authorising the acceptance of any tender, the purchase, sale, letting, or taking of any property, the issue of any stock, the presentation of any petition, memorial, or address, the making of any rate or contract, or the doing of any other thing, shall be a sufficient Authority for sealing any document necessary to give effect to the resolution.
- (2) The seal shall be attested by the following persons present at the sealing —
 - (a) the Chairman vice-chairman or another member of the Authority, and
 - (b) the Clerk or deputy Clerk.

23. Authentication of documents

Where any document will be a necessary step in legal proceedings on behalf of the Authority it shall be signed by the Clerk unless otherwise required or permitted by any enactment, or the Authority authorises some other person for the purpose.

24. Inspection of documents

- (1) A member of the Authority may, for the purposes of his duty as such member but not otherwise, on application to the Clerk of the Authority inspect any document which has been considered by a committee or by the Authority, and if copies are available shall on request be supplied for the like purposes with a copy of such a document. Provided that a member shall not knowingly inspect and shall not call for a copy of any document relating to a matter in which he is professionally interested or in which he has directly or indirectly any pecuniary interest within the meaning of sections 11 and 12 of the Local Government Act 1985, and that this Standing Order shall not preclude the Clerk or the advocate to the Authority from declining to allow inspection of any document which is or in the event of legal proceedings would be protected by privilege arising from the relationship of advocate and client.
- (2) All reports made or minutes kept by any committee shall, as soon as the Committee has concluded action on the matter to which such reports or minutes relate, be open for the inspection of any member of the Authority.

25. Orders and inspections

Unless specifically authorised to do so by the Authority or a committee, a member of the Authority shall not —

- (a) issue any order respecting any works which are being carried out by or on behalf of the Authority or
- (b) 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.

26. Appointment of committees

The Authority shall at the annual meeting appoint such committees as they are required to appoint by or under any statute, and may at any time appoint such other committees as are necessary to carry out the work of the Authority but, subject to any statutory provision in that behalf —

- (a) shall not appoint any member of a committee so as to hold office later than the next annual meeting of the Authority;
- (b) may at any time dissolve a committee or alter its membership.

29. Proceedings of committees to be confidential

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

30. Constitution of committees

- (1) The following Committees/Boards shall be the standing committees of the Authority and shall consist of the number of members (exclusive of the Chairman) specified opposite each committee:-

Civic Amenity Site Board	1
Southern Swimming Pool Board	1
Municipal Association	1
Malew & Castletown Elderly Persons (Sandfield) Board	3
Southern Traffic Management	1
Ballasalla Community Partnership	1

- (2) Except where otherwise provided by statute or a scheme made under statutory Authority, the Chairman shall be ex-officio a member of every standing committee appointed by the Authority.

31. Election of chairman of committee

Every committee shall, at its first meeting, before proceeding to any other business, elect a chairman for the year, and may at any time elect a vice-chairman. In the absence from a meeting of the chairman (and vice-chairman if elected) a chairman for that meeting may be appointed.

32. Special meetings of committees

The Chairman of the Authority may call a special meeting of the committee at any time. A special meeting shall also be called on the requisition of a quarter of the whole number of the committee, delivered in writing to the Clerk, but in no case shall less than three members requisition a special meeting. The summons to the special meeting shall set out the business to be considered thereat, and no business other than that set out in the summons shall be considered at that meeting.

33. Sub-committees

- (1) Every committee appointed by the Authority may appoint sub-committees for purposes to be specified by the committee.
- (2) The chairman and the vice-chairman, if any, of the committee shall be ex-officio members of every sub-committee appointed by that committee, unless he signifies to the committee that he does not wish to serve.

34. Quorum of committees and sub-committees

- (1) Except where authorised by a statute or ordered by the Authority, business shall not be transacted at a meeting of any committee unless at least one quarter of the whole number of the committee is present. Provided that in no case shall the quorum of a committee be less than three members.
- (2) Except as aforesaid or otherwise ordered by the committee which has appointed it, business shall not be transacted at a sub-committee unless at least one quarter of the whole number of the sub-committee is present.

35. Voting in committees and sub-committees

Voting at a meeting of a committee or sub-committee shall be by show of hands.

36. Standing Orders to apply to committees and sub-committees

Standing Order 9 (except so far as it relates to standing and to speaking more than once) and Standing Order 17 apply, with any necessary modification, to meetings of committees and sub-committees.

37. Amendment and revocation of Standing Orders

Any motion to amend or revoke these Standing Orders shall, when proposed and seconded, stand adjourned without discussion to the next ordinary meeting of the Authority.

38. Suspension of Standing Orders

- (1) Subject to paragraph (2), any of the preceding Standing Orders may be suspended so far as regards any business at the meeting where its suspension is moved.
- (2) A motion to suspend Standing Orders shall not be moved without notice (i.e. under Standing Order 6) unless there shall be present at least three members of the Authority.
- (3) Any suspension or contravention of Standing Orders should be recorded in the minutes.

39. Standing Orders to be given to members

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

40. Interpretation of Standing Orders

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

Part 2

Delegated Powers

1). Functions Delegated to the Clerk

a) Day to day expenditure limits

That the Clerk is granted delegated powers for the day to day operation of the Authority, which specifically includes for the Clerk to incur expenditure for which estimate provision has been included within the approved estimates (subject to a limit of £1,000 and not exceeding the estimate provision), and for clarification, this delegated power extends to the authorisation of day to day maintenance repairs required to be carried out to the Authorities Housing stock.

b) Protection of Assets

That the Clerk is granted delegated powers as it relates to any act of God, storm, fire or other natural phenomena, which would require expenditure to be incurred, in particular as it relates to the protection of the Commissioners' assets, and also in relation to any matter which may be required for the health and safety of the employees of the Authority, and also the public. When practicable the Clerk will first consult with at least 3 members of the Authority (one of whom should be the Chairman), and gain concurrence, if expenditure is likely to exceed £1,000.

c) Seeking professional advice

That the Clerk is granted delegated powers to seek legal or professional advice on any matter that may affect the Authority, as it relates to the obtaining of professional advice. The Clerk will consult at least 3 members of the Authority (one of whom should be the Chairman), and obtaining concurrence where possible, prior to incurring any expenditure.

d) Settlement

That the Clerk is granted delegated powers where legal action has been commenced by the Authority and, if the Clerk or the Advocates acting on behalf of the Authority is of the opinion there are grounds to settle matters by way of negotiation, then the Clerk has the delegated powers to so do, and where the Commissioners have retained an Advocate, and the Advocate is bringing such proceedings, that the Clerk has the delegated power, after taking the Advocate's advice, to negotiate and bring the matter to settlement, especially where there is a potential that, by proceeding with Litigation, additional financial costs would be incurred by the Authority. When practicable the Clerk will first consult at least 3 members of the Authority (one of whom should be the Chairman), and gain concurrence for the proposed action/decision.

e) Clients representative

That such delegated power as is referred to in c) above, does not apply to any Contract for which the Commissioners have entered into, for which the Clerk carries out his duties as the client's representative.

f) Tendering Process

That the Clerk is granted delegated powers to accept a tender when competitive tendering procedure has been applied, the tender is for a matter that falls within the scope of the Clerk's delegated powers, and where the lowest tender is below £5,000.00.

g) Payment of Third party contracts

That the Clerk is given delegated powers as it relates to the making of any payments for which the Commissioners have already entered into Contract with third parties, and for which such payment forms part of such Contract.

h) Urgent instruction.

In the event that an urgent instruction is required to be issued, on a matter on which the Authority has not previously determined, and does not relate to the day to day management of the Authority, then the Clerk has delegated powers to issue such instruction, only after consultation with at least three members, who are to be in agreement with the issuing of such instruction, then the Clerk has the delegated power to issue such instruction, but that the Clerk should then prepare a Report and submit it to the next meeting of the Authority.

i) Delegation to Deputy Clerk.

In the Clerk's absence, for whatever reason, the delegated powers, as defined, are automatically delegated to the Deputy Clerk or in the Deputy Clerk's absence such person as is appointed Acting Clerk (if any) by the Chairman.

j) Decisions on rates, refuse and Housing Policy

That the Clerk, Finance and Housing Officers are granted delegated powers in respect of decisions taken in accordance with the Authority's approved, and published, Rates, Refuse and Housing Policy Documents.

l) Preservation of Authority's rights

That the above delegated powers are granted to the Clerk and Officers, but that the Authority reserves its right, at all times, to carry out any of the above delegated powers.

m) Invoices

That all invoices approved by the Clerk for payment shall be signed off by the Clerk and submitted to the next meeting of the Authority for review by members. In respect of paragraphs b, c, d and h, wherever practicable written confirmation will be issued (by email) as-soon-as-possible after any consultation.

2) Functions Not Delegated to the Clerk

- a) The determining of Planning Applications
- b) The submitting and setting of a rate
- c) The amendment of any terms and conditions of the Contracts of Employment provided to all employees.
- e) The commencement of any litigation against a third party or the commencement of a prosecution for a breach of statute, which has been provided to the Authority, bar where it relates to Fixed Penalty Notices.
- f) The termination of employment of any employee.
- g) The termination of any Contract for which the Authority have entered into.
- h) An application for any borrowing approval, for which the Authority has not previously approved.
- i) That the Clerk shall not enter into any Contract which would be binding on the Authority, without the Authority's prior approval, other than that referred to in paragraph a and b.
- j) To overturn, vary or change a decision of the Authority
- k) To delegate the delegated powers granted to the Clerk by the Authority to another person

STANDING ORDERS ON THE MAKING OF CONTRACTS

The procedures relating to contracts do not relate to statutory functions discharged under Section 17 of the Local Government Act 1985.

For the purposes of these Standing Orders “registered contractor” means a building contractor registered with the IOM Employers Federation on the Manx Accredited Construction Contractors List.

Part 1 – General

G1 Application

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

G2 Invitation of Tenders

a) Subject to the provisions of paragraph (b) and (c) below, and Standing Order G3, before seeking to make any general contract the Authority shall cause appropriate public notice to be placed in a newspaper circulating in the Island and in an appropriate trade journal (if any) giving not less than 14 days notice of the intended contract and inviting tenders therefore by a fixed date and time.

Subject to the provisions of paragraph (b) and (c) below, and Standing Order G3, before seeking to make any contract for building works the Authority shall follow the policy of the Isle of Man Treasury dated 6th January 2012 which requires adverts to be only placed with the Isle of Man Employers Federation.

b) In the case of a contract for capital works the notice given under paragraph (a) above, may invite any contractor interested in tendering for the work to submit his name to the authority and the authority may then proceed to request tenders from contractors selected from the list of those responding to the notice.

c) The Authority may, by resolution, exempt any contract from the provisions of paragraph (a) where the Authority is satisfied that the exemption is justified by special circumstances.

G3 Exceptions

Notwithstanding the provisions of Standing Order G2 (a) –

(a) tenders for a contract for the execution of works or the supply of goods estimated to cost between £1000 and £5000 may be sought from not fewer than three registered contractors without public notice inviting tenders.

(b) A contract for emergency works or a contract estimated to cost less than £5000 may be sought or negotiated directly with a registered contractor, except that the circumstances of any emergency contract exceeding £5000 in cost shall be reported to the Authority.

G4 Contents of contracts

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

G5 Delivery of tenders

a) Tenders shall be required to be forwarded to the Clerk (or other Officer of the Authority referred to in the tender document) in plain envelopes marked TENDER. Any tender received after the date and time fixed for receipt shall not be considered. No tender may be submitted by email.

- G6 Opening of tenders**
a) Tenders shall be opened as soon as possible after the fixed date and time by the Clerk or the Chairman or Vice-Chairman of the Authority.
- G7 Acceptance of tender**
a) Where the Authority decides to accept a tender other than the lowest, the reasons for such action shall be specified in the minutes of the meeting at which the Authority makes that decision.
- G8 Payments on account**
a) Payments on account to contractors shall be made on a certificate issued by an authorised officer of the Authority or a member of a duly appointed Design Team which shall show the total amount of the contract, the value of the work executed to date, retention money, amount paid to date, and the amounts now certified.
- G9 Variations 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 or a member of a duly appointed Design Team. 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.

Part 2 – Capital schemes

Capital based housing schemes are to be referred to the Department of Infrastructure Housing Division and ratebourne schemes to the Department of Infrastructure Local Government Unit.

- CS1 Application**
a) In addition to the foregoing provisions this Part shall have effect in regard to any contract for the execution of works which will form the subject of an application to the Department of Infrastructure for consent to borrowing.
- CS2 Pre-application procedures**
a) Department of Infrastructure recommended pre-application procedures must be observed unless otherwise agreed in writing with the Department.
- CS3 Contracts**
a) An appropriate standard form building or engineering contract must be used and every clause completed or deleted as applicable.
- CS4 Price increases**
a) 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.
- CS5 Provisional sums**
a) Provisional sums should be kept to a minimum and wherever reasonably possible, all items should be written in to the specification.
- CS6 Additions and variations**
a) Any significant additions and variations to the contract must be approved by the Clerk and written instructions given to the Authority's supervising professional for the project.