

# **PEEL TOWN COMMISIONERS**

## **LOCAL GOVERNMENT ACT 1985 S.27**

### **STANDING ORDERS**

Note: In all the following Standing Orders, reference to the male shall be deemed to include the female.

#### **1. MEETINGS OF THE BOARD**

- (a) The Annual Meeting of the Board shall be held at the Town Hall on the first working day in the month of May in each calendar year.
- (b) The Ordinary General Meetings of the Board shall be held on the first and third Tuesday of each month or on such other days as may be decided by Resolution of the Board.
- (c) An extraordinary General Meeting may be called at any time by the Chairman or the Town Clerk.
- (d) An extraordinary General Meeting shall be called by the Chairman on receipt by him of a requisition in writing, specifying the business to be transacted, and signed by four Members of the Commissioners.
- (e) If the Chairman refuses to call an extraordinary General Meeting after being so requisitioned or, without so refusing, the Chairman does not call a Meeting within seven days of receipt of such requisition, any four Members of the Commissioners, on that refusal or on the expiration of those seven days, may forthwith convene a Meeting of the Commissioners.
- (f) Any requisition for an extraordinary General Meeting shall state the business to be transacted at such meeting, the same being specified in the Notice of the meeting and no other business shall be transacted at such meeting.
- (g) A Summons to attend Statutory Meetings of the Commissioners, giving two clear days' notice and specifying the business to be transacted thereat, and signed by the Town Clerk (or in case of his absence by the appointed Deputy) shall be delivered to the usual place of residence of every Member of the Commissioners.
- (h) Provided that want of Service of the Summons on any Member of the Commissioners shall not affect the validity of a Meeting and that the Statutory Notice shall not apply to Special or Extraordinary Meetings.

## **2. QUORUM**

- (a) No business shall be transacted at a General Meeting unless five Members of the Commissioners are present.
- (b) If there is no quorum present at any stage of any meeting, that meeting shall stand adjourned. Business outstanding at the time of any such adjournment shall be transacted at a time to be fixed by the Chairman of that Meeting at the time of adjournment or, if the Chairman does not fix a time, to the next General Meeting of the Board.

## **3. ELECTIONS**

- (a) The election of the Chairman of the Commissioners and the Deputy Chairman (who shall unless otherwise decided by resolution of the Board succeed to the Chair in the year next ensuing) shall take place at the first General Meeting of the Board.
- (b) Appointments to other bodies shall be approved at the first relevant general meeting and shall be for a two year period or such other period as may be applicable.
- (c) Casual vacancies on other bodies on which the Commissioners are represented arising for any reason during the Municipal Year shall be filled at the first General Meeting following the creation of the vacancy.
- (d) When more than the required number of candidates are nominated for any vacancy, an election shall be held by ballot.
- (e) The election of the Chairman of the Commissioners shall be conducted by the Town Clerk who shall occupy the Chair for that purpose alone. All other elections and appointments shall be conducted with the Chairman (or the appointed Deputy Chairman) presiding.
- (f) In the absence of the Chairman at a General Meeting the Deputy Chairman shall preside. In the additional absence of the Deputy Chairman, the other Members present shall appoint a Chairman for that meeting.
- (g) The appointment of a Young Person's Representative shall take place at the first relevant general meeting of the Board.

## **4. RULES OF DEBATE**

- (a) Any Member desiring to speak shall rise in his place and address the Chairman, and every other Member shall remain seated and silent. If two or more Members rise to speak at the same time, the Chairman shall call on one to speak and the other or others shall then sit.

- (b) If the Chairman rises to speak during the progress of a debate, any Members then speaking shall resume his seat, so that the Chairman may be heard without interruption on this, and all other occasions.
- (c) A Member not present at the previous meeting may not raise objections as to the accuracy of the Minutes, nor approve the signing of the Minutes.
- (d) No Member shall speak more than once on the same question, except to a point of order or in explanation or except, as the mover, in reply. No new matter shall be introduced by the mover in reply.
- (e) The mover of a motion shall have a right of reply at the close of the debate and immediately before it is put to the vote.
- (f) Only one amendment may be moved and discussed at a time and no further amendment shall be moved until a vote has been taken on the amendment under discussion. If an amendment be lost, other amendments may be moved on the original motion. If an amendment is 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.
- (g) If an amendment is moved, the mover of the original motion shall 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 and no member shall speak on any subject after the same has been put to the vote.
- (h) In all other matters, discussions will be conducted on the authority of the Chairman.

## **5. NOTICE OF MOTION**

- (a) Notice of every Motion relating to new business, not already before the Commissioners, stating the precise object proposed shall whenever circumstances permit, be given to the Town Clerk in writing, at least seven clear days before the Statutory Meeting of the Commissioners, and the Town Clerk shall insert the subject for which every Notice of Motion has been given in the Summons for each Statutory Meeting.
- (b) No Motion shall be debated until it has been seconded. The Secunder of a Motion, or amendment, may reserve his remarks for a later part of the debate, provided he confines himself merely to seconding the Motion or amendment.

## **6. CHANGE OF POLICY**

- (a) No established policy of the Commissioners, or previous resolution, shall be rescinded, or varied, except upon Motion of which notice shall have been given as provided for under Standing Order No. 5 (a). Such notice shall specify the object in view and the resolution or policy to be rescinded or varied.

- (b) No Motion made under this standing Order shall be declared carried unless there are at least six votes in favour.

## **7. VOTING**

- (a) Subject to the provision of Standing Order 6 (b) or any enactment, all questions coming or arising before the Commissioners shall be decided by a simple majority of those Members present.
- (b) Only those Members present when the question is put from the Chair shall be entitled to vote, but every Member then present shall be required to cast his vote. Abstention will be regarded as a vote against.
- (c) In the case of an equality of votes, the Chairman of any meeting of the Commissioners shall have a second, or casting vote which he must exercise.
- (d) Except as provided for in Standing Order 3 (c), the method of voting shall be by show of hands.

## **8. NEW BUSINESS TO STAND OVER**

- (a) Any matter not arising out of the business of the day, or raised for discussion without previous notice as required by Standing Order No. 5(a) shall, on objection taken by any Member, stand over until the next meeting of the Commissioners.

## **9. FORMAL MOTIONS**

The following Motions shall be put without further debate, a simple majority to decide.

- (a) That the Standing Orders be suspended.
- (b) That the Question be now put.
- (c) That the meeting proceed to next business.
- (d) That the meeting be adjourned.
- (e) That the debate be adjourned.

## **10. AMENDMENTS TO MOTIONS**

- (a) An Amendment shall be relevant to the Motion and shall be either:
  - (i) to refer a subject of debate to a Committee for consideration or reconsideration.
  - (ii) to leave out words.

(iii) to leave out words and insert or add others.

(iv) to insert or add words.

Such omission, insertion or addition of words shall not have the effect of negating the Motion before the Commissioners.

(b) Members who have spoken on the original Motion may speak on an amendment, but no second amendment shall be taken into consideration until after the disposal of the first amendment. An amendment which is carried shall be regarded as the substantive Motion and the original Motion shall thus be considered as negated. A further amendment may then be moved on the amended Motion.

(c) A member may with the consent of the Commissioners

(i) alter a Motion of which he has given Notice or

(ii) with the consent of his Seconder alter a Motion which he has moved if

(iii) In either case of (i) or (ii) above the alteration is one which could be made as an amendment thereto.

(d) A Motion or amendment may be withdrawn by the Mover with the consent of the Seconder and of the Commissioners, which shall be signified without discussion. No Members shall speak on the Motion or amendment after the Mover has asked for its withdrawal, unless such permission shall have been refused.

## **11. POINTS OF ORDER AND EXPLANATIONS**

(a) A Member may rise to a Point of Order 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 considered it to have been broken. On a Member rising to a Point of Order, the Member speaking must thereupon resume his seat until the Question of Order has been decided by the Chairman.

(b) Any Member desiring to make a personal explanation on any matter referred to by any other Member when speaking, may do so with his consent, but if the Member declines, the explanation must be offered at the conclusion of the speech.

(c) The ruling of the Chairman on a point of Order or on the admissibility of a personal explanation shall not be open to discussion.

## **12. CLASSIFICATION OF BUSINESS**

(a) It shall be in order for the Town Clerk in consultation with the Chairman to prepare the Agendas for the Public and confidential proceedings for each Meeting of the Commissioners.

- (b) All matters considered to be confidential will be marked for discussion “In Committee”. All such matters will be discussed privately unless not less than six Members support the transfer of any such matter into the Public business.
- (c) A Member may, at any time, move that any particular business, being discussed during the public proceedings, be taken “In Committee”, and such Motion being seconded shall immediately be put by the Chairman and no speech shall be made on the subject. When the Motion is carried by a simple majority of Members present, such business shall be postponed forthwith until the conclusion of the public proceedings.

### **13. CONFIDENTIALITY**

- (a) All matters dealt with “In Committee” shall be treated as strictly confidential and, unless the Members shall otherwise determine, no information whatever in relation thereto, shall be disclosed to any person outside the Board.
- (b) Any question arising at a meeting of the Board, as to the appointment, promotion, dismissal, salary, superannuation, conditions of service, or conduct of any person employed by the Board, shall not be the subject of a public minute or report to be discussed in public unless and/or until the Board has otherwise determined.

### **14. INTEREST OF MEMBERS ON CONTRACTS AND OTHER MATTERS**

If any Member of the Commissioners has any pecuniary interest, directly or indirectly within the meaning of Sections 11 and 12 of The Local Government Act 1985 (other than an indirect interest described in sub-section 14(4) – (6) thereof) in any contract, proposed contract, or other matter he shall disclose the fact and withdraw from the meeting.

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

The Town Clerk shall report to a meeting of the Commissioners of any notice given by an officer of the Board under section 23 of The Local Government Act, 1985, of a pecuniary interest in a contract.

### **16. STANDING ORDERS**

Subject to paragraph (b) of this Standing Order

- (a) any of these Standing Orders may be suspended so far as regards any business at the meeting where its suspension is moved.
- (b) A motion to suspend Standing Orders shall not be moved without notice unless at least six Members shall be present and the support of at least six Members shall be necessary for such a Motion to succeed.
- (c) The ruling of the Chairman as to the construction or application of any of these Standing Orders, or as to any proceedings of the Commissioners, shall not be challenged at any meeting of the Commissioners.

## **17. 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 General Meeting of the Commissioners.

No new or revised Standing Order or any revocation of a Standing Order shall be valid or binding until confirmed by the Commissioners at the General Meeting next ensuing after the meeting at which it was approved.

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

A copy of the Standing Orders, and of such statutory provisions as regulate the proceedings and business of the Commissioners, shall be given to each Member of the Commissioners by the Town Clerk, upon delivery to him of the Member's Declaration of Acceptance of Office, on the Member being first elected to the Commissioners.

## **19. COMMON SEAL**

The Seal of the Commissioners shall only be affixed to any document on the authority of the Commissioners and in the presence of the Chairman or Town Clerk.

- (a) "in any case where the signature of the Town Clerk is normally necessary to give effect to any document it shall be permissible in the absence of the Town Clerk for the signature of the designated deputy to be similarly appended."

## **20. REGULATION OF GENERAL MEETINGS**

- (a) Accounts for sums over £1000 may be paid immediately on the understanding that such accounts will be certified for payment by two signatories either the Town Clerk or Chairman or the Finance Officer or the Technical Officer. The Town Clerk or Chairman must be one of the two signatories for such accounts.

Accounts for smaller amounts under £1000 may be paid immediately on the understanding that such accounts will be certified for payment by two signatories – either the Town Clerk, Finance Officer or Technical Officer with the Chairman for the time being regarded as an additional signatory.

All accounts, whether paid on presentation or not, will be submitted to the Board each month for information and approval of action taken. Large accounts will continue to receive the approval of the Lead Member prior to payment.

- (b) It was agreed cheques should be signed by one of the three designated officers i.e. Town Clerk, Finance Officer and Technical Officer with the Chairmen of the Commissioners for the time being to be regarded as an additional reserve signatory.
- (c) It shall be the duty of each Lead Member to submit to the Lead Member of Finance before the end of December in each year, details of any extraordinary payments likely to be incurred during the following financial year.
- (d) Any instructions to be given to the Town Clerk, Assistant Clerk, Technical Officer or other employee of the Commissioners, outside of General Meetings shall be conveyed to subordinate staff only through the appropriate senior officer.
- (e) Only the Board shall have the authority to engage staff including seasonal staff and each Lead Member shall have authority to purchase materials and equipment and generally direct the expenditure appropriate to his area, provided such expenditure has been included in the approved budget for that financial year.
- (f) The Electronic Transfer of Funds

Payments to be authorised by two bank signatories by signing the schedule of payments (currently the BACSTEL report) from the banking system.

Direct debit submissions for the collection of funds authorised by two signatories signing the schedule of Direct debits (currently the BACSTEL report) from the banking system.

The Electronic banking submission log should also be initialled by the signatories confirming the transaction details.

## **21. MINUTES**

- (a) Minutes of the proceedings at every meeting of the Commissioners, thereof, shall be fairly recorded by the Town Clerk or his designated deputy. Minutes shall record the Members present and shall also record the stage at which any Member joins or leaves the meeting other than temporarily.
- (b) A copy of the Minutes of the proceedings of all ordinary meetings shall be sent to each Member at least eight days prior to the next ordinary meeting.

The Minutes of an extraordinary meeting or such other special general meeting of the Board shall be sent to each Member with the notice convening the next ordinary meeting.

- (c) At each ordinary meeting, the Chairman shall put the question that the Minutes be signed as a correct record. No motion or discussion shall take place upon the Minutes, except upon their accuracy.



## **22. INTERVENTION OF TOWN CLERK IN DEBATE**

Notwithstanding anything contained in these Standing Orders, it shall be competent for the Town Clerk with the consent of the Chairman to make any statement in relation to any matter or thing connected with the subject under consideration and it shall be competent for any members speaking during the progress of a debate to address any question through the Chairman to the Town Clerk or other officer in attendance in relation to any matter or thing in connection with the subject under consideration.

## **23. DISORDERLY CONDUCT**

- (a) If at a meeting any member of the Board who, in the opinion of the Chairman, misconduct himself by persistently disregarding the ruling of the Chair, or by behaving improperly, irregularly or offensively, or by wilfully obstructing the business of the Board, the Chairman or any other members may move "That the Member named be not further heard" and the motion if seconded shall be put and determined without discussion.
- (b) If the member named continues his misconduct 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 or 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 Board for such period as he in his discretion shall consider expedient.

- (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.
- (e) 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 powers vested in him may, without question put, adjourn the meeting for 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.

## **24. DUTIES OF LEAD MEMBERS**

- (a) The Board shall nominate and appoint Lead Members as follows:- Finance and General Purposes, Works, Housing, Recreation and Entertainments.

- (b) The Board may at any time delegate to a Special Committee any matter not coming within the province of a Lead Member.

(c) FINANCE AND GENERAL PURPOSES

To hold responsibility and consider or deal with, as directed by Standing Orders, all matters connected with the Preparation of the Budget, Interest and Investments, rents, rates, salaries, wages, licences, the Income and Expenditure of the Board, acquisition, disposal and leasing of property and assets, matters relating to establishment and such matters as may not properly fall within the purview of any other Lead Member.

(d) WORKS

To hold responsibility and consider or deal with, as directed by Standing Orders, all matters connected with the Sewerage and Sewerage disposal, car parks, the control of stores, all machinery and implements, the collection and disposal of household refuse, the lighting of streets, control of public conveniences, shelters, to administer relevant legislation relating to properties which are in disrepair or unfit for human habitation and to carry out all works and consider all matters ordered by the Board.

(e) HOUSING

To hold responsibility and consider or deal with, as directed by Standing Orders, all matters connected with the housing stock and estates owned by the Commissioners, in so far as those matters are not prescribed by statute or delegated legislation as the responsibility of Government. Allocation and supervision of tenancies, collection of rent and rates of Commissioners' houses, care and maintenance of the same, consideration of plans submitted under planning and building byelaw regulations, administration of the regulations relating to flats, and all matters as may be ordered by the Board

(f) RECREATION AND ENTERTAINMENTS

To hold responsibility and consider or deal with, as directed by Standing Orders, all matters connected with recreational facilities and amenity areas, camping park, childrens play areas and all buildings, fittings and amenities contained therein including the Ward Library. The administration, control and direction of the Leece Museum shall be overseen by the Leece Museum Trustees of which the Recreation and Entertainments Lead Member shall be a member. Also advertising and promotional matters, including publication of literature, sporting and leisure events, tourism and all matters as may be ordered by the Board.

## **25. STANDING ORDERS ON THE MAKING OF CONTRACTS**

In exercise of powers conferred on the Peel Town Commissioners by Section 27(3) of the Local Government Act, 1985, and of all other powers enabling them in that behalf, the following Standing Orders are hereby made-

### **PART 1 – GENERAL**

#### **APPLICATION**

- (a) These Standing Orders shall apply to the making of contracts by the Commissioners, or on their behalf, for the supply of goods or materials or for the execution of works.

#### **INVITATION OF TENDERS**

- (b) (i) Subject to the provisions of paragraph (ii) and (iii) and Standing Order 25(c) below, before seeking to make any contract the Commissioners shall cause appropriate public notice to be placed in a newspaper circulating in the Island and/or a trade journal giving not less than 14 days notice of the intended contract and inviting tenders therefor by a fixed date and time.

(ii) In the case of a contract for capital works (see Standing Order 251-r) the public notice given under paragraph (i) may invite any contractor interested in tendering for the work to submit his name to the Commissioners – or their professional advisers – and the Commissioners may then proceed to request tenders from contractors selected from the list of those responding to the notice.

(iii) The Commissioners may, by resolution, exempt any contract from the provisions of paragraph (i) where the Commissioners are satisfied that the exemption is justified by special circumstances.

- (c) Notwithstanding the provision of Standing Order 25 (b) (i) above.

(i) Tenders for a contract for the execution of works estimated to cost between £3,000 and £5,000 (or such other sums as may be decided by resolution of the Commissioners from time to time) may be sought from not fewer than three \*Registered Contractors without public notice inviting tenders unless there are extenuating circumstances in which case two tenders will be acceptable.

(ii) A contract for emergency works or a contract estimated to cost less than £3,000 (or such other sum as may be decided by resolution of the Commissioners from time to time) may be sought or negotiated directly with a Registered Contractor, except that the circumstances of any emergency contract exceeding £3,000 in cost (or such other sum as aforesaid) shall be reported to the Commissioners.

\* Government approved contractors list.

## **TENDERS**

- (d) Tenders shall be required to be forwarded to the Town Clerk in plain envelopes marked TENDER
- (e) Tenders shall be opened after the fixed date and time for receipt, at a time set by the Town Clerk in the presence of the Chairman or Deputy Chairman of the Commissioners or Lead Members.
- (f) Where the Commissioners decide to accept a tender other than the lowest, the reasons shall be specified in the private minutes of the meeting at which the Commissioners take that decision.
- (g) Where the Commissioners decided to reject a tender, the reason for such rejection shall be specified in the private minutes of the meeting at which the Commissioners take that decision.

## **CONTRACTS**

- (h) All written contracts must provide for damages in default by the contractor and for possible cancellation in the case of bribery.
- (i) All written contracts must in all respects be construed and operate as Isle of Man contracts and shall be interpreted in accordance with the Isle of Man law.
- (j) Payments on account shall be made on a certificate issued by an authorised professional adviser or officer of the Commissioners, such certificate to show the total amount of the contract, the value of the work executed to date, the value of materials delivered to the site, retention money, amounts paid to date, and the amounts now certified.
- (k) Every significant variation on a contract for the execution of works shall be authorised in writing by an authorised professional adviser or officer of the Commissioners. Variations which will result in the amount of the accepted tender being exceeded shall, as soon as possible, be reported to the Commissioners and, except where unavoidable in the Commissioners' interest, no expenditure shall be incurred in respect of such variations without the approval of the Commissioners.

## **PART 11 – CAPITAL SCHEMES**

- (l) In addition to the foregoing provisions this part shall have effect in regard to any contract for the execution of works which will form the subject of a borrowing petition to the Department of Local Government and the Environment or to Tynwald.

## **PRE-PETITION PROCEDURES**

- (m) The pre-petition procedures recommended by the Department of Local Government and the Environment shall be observed.

## **CONTRACTS**

- (n) an appropriate standard form of building or civil engineering contract shall be used and every clause completed or deleted as applicable.
- (o) Where the contract provides for increases in the cost of labour and materials, a schedule of the price of labour, materials and goods must be completed. The

contract must state that if this schedule is not completed fluctuations will not be allowed.

- (p) Provisional sums must be kept to a minimum and wherever reasonably possible, all items should be written into the specification.

**ADDITIONS AND VARIATIONS**

- (q) Any significant additions and variations to the contract must be approved and minuted by the Commissioners and written instructions given to the Commissioners supervising professional for the project.
- (r) Minutes of progress and/or site meetings shall be formally recorded and presented to the Commissioners by the Architect or other supervising professional.

**PECUNIARY INTEREST**

- (s) Any Member of the Commissioners having a pecuniary interest in any contract, proposed contract or other matter (as defined in Section 12 of the Local Government Act, 1985) shall be excluded from any meeting of the Commissioners whilst such matters are under consideration.

Given under the Seal of the Peel Town Commissioners at a meeting held on

Chairman                      T M Birkett

Town Clerk    P Leadley

Date: ...2 December 2008