

# **CASTLETOWN TOWN COMMISSIONERS**

## ***Standing Orders for the Proceedings of the Board***

Adopted by the Castletown Town Commissioners at a meeting held on 19 January 1987

Amended by the Castletown Town Commissioners at a meeting held on 08 December 2003

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Amended by the Castletown Town Commissioners at a meeting held on 19 March 2007

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## THE CASTLETOWN TOWN COMMISSIONERS

### STANDING ORDERS FOR THE REGULATION OF THE PROCEEDINGS OF THE BOARD

#### Meetings of the Board

1. (1) The annual meeting of the Board shall be held on such day in the month of May as the Chairman and Town Clerk may decide.

(2) In addition to the annual meeting of the Board and any meetings convened by the Chairman, by the Town Clerk or by members of the Board, meetings for the transaction of general business shall be held in each year as follows:

On the first Monday of each month and when necessary on the third Monday (subject to Public Holidays).

(3) The annual and all the other meetings of the Board shall, unless notice to the contrary be given by the Town Clerk, commence at 7.00pm.

(4) No meeting whether on its own or combined with other meetings being public meetings or meetings, with representatives of other Boards or Government or with other persons, shall take more than three hours.

(5) Notice of any Meetings shall be sent by way of summons, three clear days prior to the holding of the meeting by the Town Clerk, to the member of the authority at their usual residential address or to any other address that the member of the authority has given written notice of to the Town Clerk for this purpose.

#### Appointment of Chairman and Vice-Chairman

2. (1) The Vice-Chairman for the previous year shall become Chairman at the Annual Meeting unless he / she declines the position for whatever reason.

(2) If the Board determines that the Vice Chairman will not become the Chairman for any reason, then the outgoing Chairman, or in his absence the Town Clerk shall call the meeting to order and take nominations for an alternative Chairman. If there is equality of votes in favour of two persons the Outgoing Chairman or in his absence the Vice-Chairman shall have the casting vote.

#### Quorum

3. The quorum for meetings of the Local Authority at any Board Meetings or Committee Meetings shall be a majority of the total number of members.

#### Order of Business

4. (1) Except as provided by paragraph (2), the order of business at every meeting of the Board subject to any statutory requirements to the contrary, shall be:

a. To choose a person to preside if the Chairman and Vice-Chairman are absent in which case the Town Clerk shall call the meeting to order and take nominations for a member to Chair the meeting. This shall be decided by simple majority and in the event of equality of votes the Town Clerk shall have a second or casting vote.

b. To approve as a correct record and sign the minutes of the last meeting of the Board and all intermediate meetings (if any) of the Board.

c. Business of same

1. Chairman's Report
2. Correspondence
3. To receive and consider reports, minutes and recommendations of Committees
4. To answer questions asked under Standing Order 7
5. To consider motions in the order in which notice has been received
6. Any other business

(2) Business falling under items (1), (2) or (3), of Paragraph 4 (1)(c) shall not be displaced, but subject thereto the foregoing order of business may be varied:

## **Notices of Motion**

5. (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 four clear days before the next meeting of the Board, to the office of the Town 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 inspection by every member of the Board.

(2) The Town Clerk shall set out in the summons for every meeting of the Board 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/she 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 members who gave notice thereof or by some other member on his/her behalf it shall, unless postponed by consent of the Board 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 Board may determine, for consideration and report.

(5) Ever motion shall be relevant to some matter in relation to which the Board has powers or duties or which affects the district.

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

## **Motions and Amendments which may be moved without notice**

6. (1) Appointment of a Chairman of the meeting at which the motion is made.

(2) Motions relating to the accuracy of the minutes.

(3) That an item of business specified in the summons has precedence.

(4) Reference to a Committee.

(5) Appointment of a Committee or Members thereof, occasioned by an item mentioned in the summons to the meeting.

(6) Adoption of reports and recommendations of Committees or officers and any consequent resolutions.

(7) That leave be given to withdraw a motion.

(8) Extending the time limit for speeches.

(9) Amendment to motions.

(10) That the Board proceed to the next business.

(11) That the question be now put.

(12) That the debate be now adjourned.

(13) That the Board do now adjourn.

(14) Authorising the sealing of documents.

(15) Suspending Standing Orders, in accordance with Standing Order 37.

(16) Motion to sit as a Committee and thus sit in private session.

(17) That a member named under Standing Order 11 be not further heard or do leave the meeting.

(18) Inviting a member to remain under Standing Order 15 (pecuniary interest).

(19) Giving consent of the Board where the consent of the Board is required by these Standing Orders.

## **Questions**

7. (1) A member of the Board 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 Board.

(2) A member of the Board may;

a. if four clear days notice in writing has been given to the Town Clerk ask the Chairman or the Chairman of any Committee any question on any matter in relation to which the Board has powers or duties or which affects the district.

b. with the permission of the Chairman put to him/her or the Chairman of any Committee any questions relating to the urgent business, of which such notice has not been given; but a copy of any such question shall, if possible, be delivered to the Town Clerk not later than 500pm on the day of the meeting

## 7. [continued]

(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 Board, 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 Board

## Minutes

8. (1) The Chairman shall put the question that the minutes of the meeting of the Board held on a particular day 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.

## Rules of debate for Board Meetings

9. (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.

- a. by the Chairman at his/her discretion; or
- b. by a resolution duly moved and seconded and passed on a motion which shall be moved and put without discussion

(2) A member when seconding a motion or amendment may, if he/she then declares his/her intention to do so, reserve his/her speech until a later period of the debate.

(3) A member when speaking shall address the Chairman. If two or more members speak, the Chairman shall decide to whom the priority of speaking belongs and whilst a member is speaking the other members shall remain silent unless raising a point of order or a personal explanation.

(4) A member shall direct his/her speech to the question under discussion or to a personal explanation or to a point of order. No speech shall exceed five minutes except by consent of the Board.

(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/she last spoke, to move a further amendment
- c. if his/her first speech was on an amendment moved by another member, to speak on the main issue, whether or not the amendment on which he/she spoke was carried
- d. in exercise of a right to 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 Board

(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.

## 9. [continued]

(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 Board signified without discussion:

- a. alter a motion of which he/she has given notice, or
- b. with the further consent of his/her seconder alter a motion which he/she 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/her seconder and of the Board which shall be signified without further 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 to 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/her amendment.

(12) When a motion is under debate no 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 (16) or 12 to exclude the public

(13) A member may move without comment at the conclusion of a speech of another member, "That the Board proceed to the next business", "That the question be now put", "That the debate be now adjourned", or "That the Board 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/her opinion the matter before the meeting has been insufficiently discussed, he/she shall first give the mover of the original motion a right to 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/her opinion the matter before the meeting has been insufficiently discussed, he/she 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/her 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/her opinion the matter before the meeting has not been sufficiently discussed and cannot reasonably be sufficiently discussed on that occasion he/she shall put the adjournment motion to the vote without giving the mover of the original motion his/her right of reply on that occasion.

(14) A member raising a point of order or giving a personal explanation 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/she considers it has been broken. A personal explanation shall be confined to some material part of a former speech by his/her 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 speaking and the Board shall be silent.

### **Motions affecting persons employed by the Board**

10. If any question arises at a meeting of the Board (or of a Committee thereof) as to the appointment,

## 10. [continued]

promotion, dismissal, salary, superannuation or conditions of service, or as to the conduct of any person employed by the Board such question shall not be the subject of discussion until the Board has decided whether or not to sit as a Committee in private session;

### **Disorderly Conduct**

11. (1) If at a meeting any member of the Board, in the opinion of the Chairman notified to the Board, misconducts himself/herself by persistently disregarding the ruling of the Chair, or by behaving irregularly, improperly, or offensively, or by wilfully obstructing the business of the Board, 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/her 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);

OR adjourn the meeting of the Board for such period as he/she in his/her discretion shall consider 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/her may, without questions put adjourn the meeting of the Board for such a period as he/she in his/her discretion shall consider expedient.

### **Disturbance by members of the public**

12. If a member of the public interrupts the proceedings at any meeting the Chairman shall warn him/her. If he/she continues the interruption the Chairman shall order his/her removal from the Boardroom. In case of general disturbance in any part of the Boardroom open to the public the Chairman shall order that part to be cleared.

### **Rescission of preceding resolution**

13. No motion to rescind any resolutions passed within the preceding six months, and no motion or amendment to the same effect as one which has been rejected within the preceding six months shall be proposed unless the notice thereof given in pursuance of Standing Order 5 bears the names of at least four members of the Board. When any such motion or amendment has been disposed of by the Board, it shall not be open to any member to propose a similar motion within a further period of six months.

Provided that this Standing Order shall not apply to motions moved in pursuance of a recommendation of a Committee.

### **Voting**

14. The mode of voting at meetings of the Board shall be by show of hands.

Every member present when the question is put shall be required to vote for or against.

### **Voting on appointments**

15. (1) Where there are more than 2 persons nominated for any position to be filled by the board, 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, until such time as only two nominated persons remain.

(2) There shall then be a further vote taken in respect of the two remaining nominated persons, and in the event of a tied vote the 2 candidates nominated shall be asked and given the opportunity to withdraw from the election. If the candidates do not wish to withdraw the incoming Chairman shall have a casting vote (save and except in relation to issues governed by Standing Orders 2 and 15.4 hereof

**15. [continued]**

(3) Whenever a meeting is being conducted, in part or in whole, for the purposes of the appointment of a person to the board, the Chairman of the meeting shall for the time such business is being conducted be defined as the incoming Chairman, except where the appointment falls under section 15(4).

(4) In the event that the appointment for which business is being conducted is that the appointment of the incoming Chairman, the incumbent Chairman shall remain as the Chairman of the meeting for the time of such business.

**Record of attendances**

**16.** The Town Clerk shall record the members present at a meeting of the Board and shall also note in the minutes the time at which any member leaves the meeting other than temporarily.

**17.** The Board may from time to time make and issue protocols regulating the conduct of proceedings. Any protocols approved and appended to the standing orders shall be deemed to be included in the standing orders as if they had been drafted therein. Interest of members in contracts and other matters

**18.** If any member of the Board has any pecuniary interest direct or indirect within the meaning of Sections 11 & 12 of the Local Government Act 1985 (other than an indirect interest) described in sub-Section 14 (4)-(6) thereof in any contract proposed contract or other matter that member shall withdraw from the meeting while the contract proposed contract or other matter is under consideration by the Board unless:

- a. the disability to discuss that matter imposed upon him/her by the section has been removed by the Board under Section 14 (1) thereof or
- b. the contract proposed contract or other matter is under consideration by the Board as part of the report of a committee and is not itself the subject of debate or
- c. the Board invite him/her to remain.

**Interest of officers in contracts**

**19.** The Town Clerk shall report to a meeting of the Board particulars 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.

**Canvassing of and recommendations by members**

**20.** (1) Canvassing of members of the Board or any Committee of the Board directly or indirectly for any appointment under the Board shall disqualify the candidate concerned for that appointment. The purpose of this paragraph of this standing order shall be included in any form of application.

(2) A member of the Board shall not solicit for any person any appointment under the Board but this shall not preclude a member from giving a written testimonial of a candidate's ability experience or character for submission to the Board with an application for appointment.

**Relatives of members or officers**

**21.** (1) A candidate for any appointment under the Board who knows that he/she is related to any member or officer of the Board shall when making the application disclose that relationship to the Town 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 or officer of the Board shall disclose to the Town Clerk any relationship known to him/her to exist between himself/herself and any person whom he/she knows is a candidate for an appointment under the Board. The Town Clerk shall report to the Board or to the appropriate Committee any such disclosure made to him/her.

(2) The purport of this standard order shall be included in any form of application.

(3) For the purposes of this standing order 'officer' means any officer so designated by the Board and person 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.

### **Filling new posts and vacancies**

**22.** (1) No new office shall be created nor any person be employed in addition to the Board's establishment except with the agreement of the Board.

(2) Where the creation of a new post is proposed or where a vacancy occurs in the following posts: office or outside staff the Board shall obtain the views of any Committee primarily concerned and decide in the case of an office which the Board is not required to fill by statute whether the office is necessary and 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 posts of the Board (not being posts at a weekly wage) unless they are to be filled by promotion or transfer shall be publicly advertised except where the Board otherwise determine.

Provided that where within six months of the filing of a vacancy which has been publicly advertised a similar vacancy occurs in an office in the appointment of the Board the Board 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.

### **Custody of Seal**

**23.** The Common Seal of the Board shall be kept in a safe place in the custody of the Town Clerk and shall be secured by a lock the keys of which shall be kept respectively by the Chairman and the Town Clerk.

### **Sealing of Documents**

**24.** (1) The Common Seal of the Board shall not be affixed to any document unless the sealing has been authorised by a resolution of the Board or of a committee to which the Board have delegated their powers in this behalf but a resolution of the Board (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 this shall be sufficient authority for sealing any document necessary to give effect to the resolution.

(2) The seal shall be attested by the following persons present at the sealing viz, the Chairman or Vice- Chairman of the Board or other member of the Board and the Town Clerk or Deputy Clerk of the Board.

### **Authentication of documents**

**25.** Where any document will be a necessary step in legal proceedings on behalf of the Board it shall be signed by the Town Clerk unless any enactment otherwise requires or authorises or the Board give the necessary authority to some other person for the purpose of such proceedings.

### **Inspection of documents**

**26.** (1) A member of the Board may for purposes of his/her duty as such member but not otherwise on application to the Town Clerk of the authority inspect any document which has been considered by a committee or by the Board and if copies are available shall on request be supplied for the like purpose 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/she is professionally interested or in which he/she has directly or indirectly any pecuniary interest within the meaning of Sections 11 & 12 of the Local Government Act 1985 and that this standing order shall not preclude the Town Clerk or the Advocate of the Board 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) Any 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 Board.

**Inspection of lands premises etc**

27. Unless specifically authorised to do so by the Board or a committee a member of the Board shall not issue any order respecting any works which are being carried out by or on behalf of the Board or claim by virtue of his/her membership of the Board any right to inspect or to enter upon any lands or premises which the Board have the power or duty to inspect or enter.

**Appointment of Committees**

28. The Board 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 Board but subject to any statutory provision in that behalf;

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

**Proceedings of Committees to be confidential**

29. All agendas reports and other documents and all proceedings of committees and subcommittees shall be treated as confidential unless and until they become public in the ordinary course of the Board’s business.

**Constitution of Committees**

30. (1) The following committees shall be the Standing Committees of the Board and shall consist of the number of members (exclusive of the Chairman) specified opposite each committee:

- a. Housing & Maintenance ..... 4
- b. Works Properties & Parks ..... 4
- c. Library ..... 4

(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 Board.

**Election of Chairman of Committee**

31. Every committee shall at the earliest opportunity after appointment 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 by the members present.

**Meetings and Special meetings of Committees**

32. The Chairman of a particular Committee the Chairman of the Board or the Town Clerk may call a meeting of the Committee or a special meeting of the Committee at any time. A special meeting shall also be called on the requisition of at least three members of the Committee delivered in writing to the Town Clerk. 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.

**Sub-Committees**

- 33. (1) Every Committee appointed by the Board may appoint sub-committees for purposes to be specified by the Committee
- (2) The Chairman of the Board shall be an ex-officio member of every sub Committee appointed by that Committee unless he/she signifies to the committee that he/she does not wish to serve.

**Quorum of Committees and Sub committees**

- 34. (1) Except where authorised by a statute or ordered by the Board business shall not be transacted at a meeting of any committee unless at least one half 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 half of the whole number of the

**34.** [continued]

sub-committee is present.

Provided that in no case shall the quorum of a sub-committee be less than two members.

### **Voting in Committees and sub-committees**

**35.** Voting at a meeting of a Committee or sub-committee shall be by show of hands but the Chairman of the Board shall not be entitled to vote.

### **Deputations**

**36.** In the event of any deputation desiring to give expression to their views upon any question under the control of the Commissioners such deputation shall give notice in writing of their desire to the Town Clerk at least three clear days prior to an Ordinary Meeting of the Board and at such meeting of the Board an ad-hoc committee shall be appointed to receive the deputation at a time date and place convenient to the ad-hoc committee. The ad-hoc committee shall consist of three members and shall have the right to determine the number of persons who are to be received at the deputation. So soon as may be practicable after receiving and hearing the deputation the ad-hoc committee shall submit a written report to the Board of Commissioners.

### **Standing Orders to apply to Committees and sub-committees**

**37.** The standing orders of the Board headed "Rules of debate" (except the part which relates to speaking more than once) and the standing order headed "Interest of members in contacts and other matters" shall with any necessary modification apply to Committee and sub-committee meetings.

### **Variations and revocation of standing orders**

**38.** 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 Board.

### **Suspension of standing orders**

**39.** (1) Subject to paragraph (2) of this standing order and with the consent of a two-thirds majority of the members present 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 No 6) unless there shall be present at least two-thirds of the whole number of the members of the Board.

### **Standing Orders to be given to members**

**40.** A copy of these standing orders shall be given to each member of the Board 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 Board.

### **Interpretation of standing orders**

**41.** The ruling of the Chairman as to the construction or application of any of these standing orders or as any proceedings of the Board shall not be challenged at any meeting of the Board.

## **STANDING ORDERS ON THE MAKING OF CONTRACT**

### **PART I - GENERAL**

#### **Application**

1. These standing orders shall apply to the making of contracts by the Board or on its behalf for the supply of goods or materials or for the execution of works required to be made by Section 27(3) of the Local Government Act 1985 (the Act")

#### **Invitation of tenders**

2. (1) Subject to the provisions of paragraph (2) and (3) and standing order 3 before seeking to make any contract the Board shall cause appropriate public notices to be placed in a newspaper circulating in the Island and/or a trade journal giving not less than fourteen days notice of the intended contract and inviting tenders therefore by a fixed date and time (Section 27(3)(a) of the Act

(2) In the case of a contract for capital works (see standing order 10) the public notice given under paragraph (1) may invite any contractor interested in tendering for the work to submit his name to the Board and the Board may then proceed to request tenders from contractors selected from the list of those responding to the notice.

(3) The Board may by resolution exempt any contract from the provisions of paragraph (1) where the Board is satisfied that the exemption is justified by special circumstances (Section 27(3)(c) of the Act)

3. Notwithstanding the provisions of standing order 2(1):

a. Tenders for a contract for the execution of works estimated to cost between £1,000.00 and £3,000.00 may be sought from not fewer than three (Registered) contractors without public notice inviting tenders (Section 27(3)(b) of the Act)

b. A contract for emergency works or a contract estimated to cost less than £1,000.00 may be sought or negotiated directly with a (Registered\*) contractor except that the circumstances of any emergency contract exceeding £1,000.00 in cost shall be reported to the Board (Section 27(3)(b) of the Act)

#### **Contracts**

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

#### **Tenders**

5. Tenders shall be required to be forwarded to the Town Clerk in plain envelopes marked "TENDER". Any tender received after the date and time fixed for receipt shall not be considered.

6. Tenders shall be opened after the fixed date and time by the Town Clerk in the presence of the Chairman or Vice-Chairman of the Board.

7. Where the authority decides to accept a tender other than the lowest, the reasons for such action must be specified in the Minutes of the meeting at which the Board makes that decision.

#### **Payments on Account**

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

#### **Variations of Contract**

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

## **PART II - CAPITAL SCHEMES**

### **Application**

10. 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 & the Environment.

### **Pre-petition procedures**

11. The Department of Local Government & the Environment's recommended pre-petition procedures must be observed.

### **Contracts**

12. An appropriate standard form of building or engineering contract must be used and every clause completed or deleted as applicable.

13. Where the contract provides for increase 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.

14. Provisional sums should be kept to a minimum and wherever reasonably possible, all items should be written into the specification.

### **Additions and Variations**

15. Any significant additions and variations to the contract must be approved and minutes by the Board and written instructions given to the Board's Architect / Supervising Professional for the project.

## **PART III — SUPPLEMENTAL**

### **Variation and revocation of standing orders**

16. 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 Board. Standing Orders to be given to Members

17. A copy of these standing orders shall be given to each Member of the Board by the Town Clerk upon delivery to him/her of the member's declaration of acceptance of office on the member's being first elected to the Board.

## Protocol for the relationship between Commissioners & Staff

### 1. How Members and Staff should relate to each other

Members and Staff should:

respect each others point of view not personalise issues  
strive to welcome new Members or Staff and help them to understand the Commissioners their work and procedures  
ensure that the guidelines on behaviour at meetings and in the workplace are adhered to  
ensure meetings are friendly efficient and encourage a team approach

It is the responsibility of all Members and Staff to:

ensure that an atmosphere is encouraged where fellow Members and Staff feel they are valued encourage and assist each other to work to the best of their abilities  
not comment on Staff performance outside of the agreed procedures not challenge Members or Staff about concerns outside of the agreed procedures raise questions and concerns about work in a sensitive manner  
be aware of Staff commitments and workload be aware of and sensitive to Staff welfare and development

### 2. Guidelines on behaviour at meetings and in the workplace

Members and Staff should adhere to Standing Orders where applicable.

Concerns about Staff performance should be dealt with under procedures and not discussed outside of these.

Concerns about the working of the Commissioners should not be widely discussed outside of the Commissioners.

It is not acceptable behaviour for Members or Staff to:

raise your voice or shout at another person  
act in an aggressive or offensive manner verbally or physically threaten or attack an individual  
cause disruption in meetings  
bring the Commissioners into disrepute walk out of meetings in the middle of a discussion

It is the responsibility of everyone to assist in creating an atmosphere of confidence and trust both within formal meetings and within the workplace.