

# **Braddan Parish Commissioners**



## **Standing Orders**

**for the regulation and observance of procedure and business with respect to meetings of the Board and its Committees with effect from 2<sup>nd</sup> November 2017**

# Index

|   | Page |
|---|------|
| <b>Part 1 General</b>   |      |
| 1. Meetings of the Authority  | 4    |
| 2. Chairman of the meeting  | 4    |
| 3. Agendas  | 5    |
| 4. Order of Business  | 5    |
| 5. Notices of Motion  | 6    |
| 6. Motions and amendments which may be moved without notice                           | 6    |
| 7. Minutes  | 7    |
| 8. Rules of debate  | 7    |
| 9. Motions affecting persons employed by the Authority                                | 7    |
| 10. Voting  | 8    |
| 11. Declaration of Interest   | 8    |
| 12. Custody of seal   | 8    |
| 13. Sealing of documents  | 9    |
| 14. Authentication of documents   | 9    |
| 15. Inspection of documents   | 9    |
| 16. Orders and inspections  | 10   |
| 17. Appointment of committees   | 10   |
| 18. Proceedings of committees to be confidential                                      | 10   |
| 19. Election of Chairman of committee   | 10   |
| 20. Special meetings of committees  | 10   |
| 21. Quorum of committees and sub-committees   | 11   |
| 22. Voting in committees and sub-committees   | 11   |
| 23. Standing orders to apply to committees and sub-committees                         | 11   |
| 24. Amendment and revocation of standing orders                                       | 11   |
| 25. Suspension of standing orders   | 11   |
| 26. Standing Order to be given to members   | 11   |
| 27. Interpretation of standing orders   | 11   |
| <b>Part 2 Delegated Powers</b>  |      |
| 1. Functions delegated  | 12   |
| a) Limits on day to day expenses  |      |
| b) Protection of Assets   |      |
| c) Seeking professional advice  |      |
| d) Settlement   |      |
| e) Clerk as clients representative  |      |
| f) Tendering process  |      |
| g) Payment of third party contracts   |      |
| h) Urgent instruction   |      |
| i) Delegation to Deputy   |      |
| j) Management of staff  |      |
| k) Decisions on rates, refuse and housing policy: Clerk, Finance and Housing Officers |      |
| l) Presentation of reports : legal proceedings  |      |
| m) Preservation of Authorities Rights   |      |
| n) Invoices   |      |
| 2. Functions not delegated  | 14   |

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

|            |                                   |           |
|------------|-----------------------------------|-----------|
|            | <b>Part 1- General</b>            | <b>15</b> |
| <b>G1</b>  | <b>Application</b>                |           |
| <b>G2</b>  | <b>Invitation of Tenders</b>      |           |
| <b>G3</b>  | <b>Exceptions</b>                 |           |
| <b>G4</b>  | <b>Contents of contracts</b>      |           |
| <b>G5</b>  | <b>Delivery of tenders</b>        |           |
| <b>G6</b>  | <b>Opening of tenders</b>         |           |
| <b>G7</b>  | <b>Acceptance of tender</b>       |           |
| <b>G8</b>  | <b>Payments on account</b>        |           |
| <b>G9</b>  | <b>Variations of contract</b>     |           |
|            | <b>Part 2 – Capital schemes</b>   | <b>16</b> |
| <b>CS1</b> | <b>Application</b>                |           |
| <b>CS2</b> | <b>Pre-application procedures</b> |           |
| <b>CS3</b> | <b>Contracts</b>                  |           |
| <b>CS4</b> | <b>Price increases</b>            |           |
| <b>CS5</b> | <b>Provisional sums</b>           |           |
| <b>CS6</b> | <b>Additions and variations</b>   |           |

**These Standing Orders were approved at a meeting of Braddan Parish Commissioners (“the Authority”) held on 2<sup>nd</sup> November 2017 and will be effective from the 2<sup>nd</sup> November 2017**

## **PART 1**

### **GENERAL**

#### **1 Meetings of the authority**

- a) The Annual Meeting of the Authority shall be held at Braddan Parish Commissioners Offices on the first Tuesday in May, or any other day as agreed by the Authority.
- b) In addition to the Annual Meeting of the Authority, the Authority shall hold such ordinary meetings as are considered necessary for the efficient conduct of its business; and such meetings will be held on a day agreed by the majority of Members.
- c) The Annual Meeting and other ordinary meetings of the Authority shall be held at a time, during the day or night, agreed by the majority of Members.
- d) Where a Member is unable to attend a meeting of the Authority, he shall inform the Clerk and or the Chairman of the Authority as soon as possible.
- e) All meetings of the Authority shall conclude no later than 10.00pm, unless otherwise agreed by a majority of Members present, after consultation with the staff that are present.
- f) Subject to a resolution to sit in private all meetings of the Authority shall be conducted in public and members of the public shall be permitted to attend to observe proceedings.
- g) A 15 minute period will be allowed at the start of Public Meetings of the Authority for any ratepayers or Commissioners present, to direct to Members any question of relevance to the Authority’s business.
- h) Where a member of the public or Commissioner who is present, requests the opportunity to ask the Authority questions at a public meeting of the Authority, then prior to such member of the public or Commissioner being granted leave, the members present shall decide by way of a majority vote as to if the member of the public or Commissioner should be permitted to ask questions of the Authority.
- i) If a member of the public otherwise interrupts the proceedings at any meeting the Chairman shall warn them to desist. If they continue with the interruption the Chairman may order their removal from the meeting. In the case of a general disturbance in any part of the meeting room the Chairman may order that part to be cleared and/or the meeting suspended or adjourned.

#### **2 Chairman of the meeting**

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

### **3 Agenda**

- a) The Clerk or other officer of the Authority shall, as early as practicable but in any case at least 3 clear days before a meeting of the Authority, forward to each Member of the Authority by post, or electronic means, the Agenda for the meeting.
- b) The Agenda shall be available for public scrutiny by electronic means and in hard copy at the public counter of the Authority.
- c) Subject to sub-paragraph 3(d) business which is not specified on the Agenda shall not be transacted at a meeting of the Authority.
- d) Under “Any Other Business” the Authority may consider, with the consent of a majority of the Members of the Authority present, any matter not specified on the Agenda which:-
  - i. is of a minor or routine nature; or
  - ii. requires an immediate decision in order to comply with a statutory time-limit, or is otherwise of an urgent nature.

### **4 Order of Business**

- a) Except as provided by sub-paragraph 4(b), the order of business at every meeting of the Authority shall be as follows:-
  - i. receive apologies for absence
  - ii. choose a person to preside should the Chairman and the Vice-Chairman be absent;
  - iii. deal with any business required by statute to be done before any other business;
  - iv. receive any Declarations of Interest under Standing Order 11
  - v. confirm that the notice of the meeting and the Agenda had been delivered under Standing Order 3 (a)
  - vi. defer any matters on the Agenda to private session
  - vii. receive questions from members of the public or Commissioners
  - viii. approve as a correct record and sign the minutes of the last meeting of the Authority
  - ix. the Chairman's announcements
  - x. disposal of business (if any) remaining from the last meeting;
  - xi. bring forward any Matters from Section 2 for consideration
  - xii. to receive and consider reports, minutes and recommendations of committees;
  - xiii. other business, if any, specified in the summons.
  - xiv. any other business
- b) Business falling under item (i), (ii) (iii) or (iv) of sub-paragraph 4(a) shall not be displaced, but subject thereto the foregoing order of business may be varied:-
  - i. by the Chairman at his discretion; or
  - ii. with the consent of a majority of the Members of the Authority present.

## **5 Notices of motion**

- a) Notice of every motion, other than a motion which under Standing Order 6 may be moved without notice, shall be given in writing or email, 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 or on a computer file which shall be open to the inspection of every member of the authority
- b) 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 are 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.
- c) 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.
- d) 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.
- e) Every motion shall be relevant to some matter in relation to which the Authority has powers or duties or which affects the Parish:

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 amendment which may be moved without notice**

- (a) The following motions and amendments may be moved without notice:-
  - i. on the accuracy of the minutes
  - ii. remission to a committee;
  - iii. appointment of a committee or members thereof, occasioned by an item mentioned in the summons to the meeting;
  - iv. adoption of reports and recommendations of committee or officers and any consequent resolutions;
  - v. that leave be given to withdraw a motion (before a vote has been taken, but not afterwards);
  - vi. amendments to motions;
  - vii. that the meeting proceed to the next business;
  - viii. that the question be now put;
  - ix. that the debate be now adjourned;
  - x. that the Authority do now adjourn;
  - xi. authorising the sealing of documents;
  - xii. suspending standing orders in accordance with Standing Order 25;

- xiii. that the Authority sit in private;
- xiv. that a Member be not further heard or do leave the meeting;
- xv. inviting a Member to remain under Standing Order 11 (pecuniary interest).
- xvi. giving consent of the Authority where such consent is required by these standing orders;
- xvii. for appointing or deferring any business for consideration at a future meeting
- xviii. for hearing any application or evidence
- xix. for appointing a Chairman
- xx. that the Chairman do leave the chair
- xxi. that a member be now heard

## **7 Minutes**

- a) The Clerk or other Officer on the absence of the Clerk of the Authority shall prepare draft minutes of the proceedings of the Authority.
- b) Any Member of the Authority may require that the minutes contain a record of the manner in which his vote was cast on any matter.
- c) In accordance with Standing Order 4 (a)(viii) the Chairman shall put the question "*that the minutes of the meeting of the Authority held on (date) be approved as a correct record*".
- d) No discussion shall take place upon the minutes, except upon their accuracy. 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 as a written record of the meeting.
- e) The minutes will be available for the public scrutiny by electronic and in proper copy at the public counter of the Authority within 5 working days of their being approved as a correct record of the meeting.

## **8 Rules of debate**

- a) The Chairman will introduce the Agenda item for discussion and, if appropriate, request the Clerk to give a briefing to Members. Members may then discuss the item to its conclusion; subject to any motion moved in accordance with Standing Order 6.
- b) The ruling of the Chairman on the debate shall not be open to discussion.
- c) Whenever the Chairman speaks during a debate then Members shall be silent.

## **9 Motions affecting persons employed by the Authority**

- a) If any question arises at a meeting of the Authority as to the appointment, promotion, dismissal, salary, superannuation or conditions of service, or as to the conduct of any person employed by the authority, such question shall not be considered by the Authority until it has been determined whether to discuss the question in Private.

## **10 Voting**

- a) The mode of voting at meetings of the Authority shall be verbal and if requested by the Chairman by a show of hands.

## **11 Declaration of Interest**

- a) Where a Member of the Authority has an interest in any matter before the Authority :
  - i. he shall, before any proceedings of the Authority relating to that matter, declare that interest, either in writing to the Clerk of the Authority or orally to the Authority; and
  - ii. if he is present, he shall leave the room during those proceedings unless: his remaining would be in accordance with Section 14 of the LGA 1985 or he is invited to remain, by the majority of members present, on the grounds that a reasonable person would consider the interest is so insignificant or inconsequential that his remaining would have no improper influence on the decision.
  
- b) Where an officer of the Authority has an interest in a matter before the Authority:
  - i. he shall not advise the Authority on, or take part in, any proceedings of the Authority relating to that matter;
  - ii. he shall, before any proceedings of the Authority relating to that matter, declare that interest, either in writing to the Clerk of the Authority (in the case of the Clerk, to the Chairman of the Authority) or orally to the Authority at the meeting at which the matter is to be discussed; and
  - iii. if he is present, he shall leave the room during those proceedings unless he is invited to remain, by the majority of members present, on the grounds that a reasonable person would consider the interest is so insignificant or inconsequential that his remaining would have no improper influence on the decision.
  
- c) Where a person declares an interest in a matter or leaves the room during the consideration of a matter as required by this standing order, the fact shall be recorded in the minutes.
  
- d) For the purposes of this Standing Order, a person shall be treated as having an interest in a matter before the Authority
  - i. If he would, for the purposes of section 11 & 12 of the Local Government Act 1985, be treated as having a pecuniary interest, direct or indirect, in the matter.
  - ii. If he would, for the purposes of sections 9 & 11 of the Members' Code of Conduct, be treated as having a personal or prejudicial interest, in the matter.

## **12 Custody of seal**

- a) The common seal of the Authority shall be kept in the Commissioners' office.

### **13 Sealing of documents**

- a) 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 by the Clerk or other Officer of the Authority to which the Authority have delegated their powers in this behalf:
  - i. Provides that a resolution of the Authority 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.
- b) The seal shall be attested by the following persons present at the sealing:-
  - i. the Chairman or Vice-Chairman or another member of the Authority, and  
or
  - ii. the Clerk or Deputy Clerk or Housing Officer.
- c) A register shall be kept of all documents to which the seal has been affixed

### **14 Authentication of documents**

- a) 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.

### **15 Inspection of documents**

- a) 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 in the possession of 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.

- b) 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 inspection by any Member of the Authority.
- c) On the completion of business at a public meeting of the Authority all confidential information and documents considered by the Authority shall remain private unless

otherwise authorised by the majority of those present. This standing order does not take precedence over any other statutory provision in respect of personal data.

## **16 Orders and inspections**

- a) Unless specifically authorised to do so by the Authority or a committee, a Member of the Authority shall not: -
  - i. issue any order respecting any works which are being carried out by or on behalf of the Authority or
  - ii. claim by virtue of his membership of the Authority any right to inspect or to enter upon any lands or premises which the Authority has the power or duty to inspect or enter.

## **17 Appointment of committees**

- a) 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:-
  - i. shall not appoint any member of a committee so as to hold office later than the next Annual Meeting of the Authority;
  - ii. may at any time dissolve a committee or alter its membership.

## **18 Proceedings of committees to be confidential**

- a) All agenda, reports, and other documents and all proceedings of committees and sub-committees shall be deemed to be confidential and all such documents shall remain confidential to members until the Authority so decides at a meeting of the Authority and such documents shall be recorded in the minutes of a meeting of the Authority as being public documents.

## **19 Election of Chairman of committee**

- a) Every committee shall, at its first meeting, before proceeding to any other business, elect a Chairman for the year, and elect a Vice-Chairman. In the absence from a meeting of the Chairman and Vice-Chairman a Chairman for that meeting shall be elected by those members of the Authority present.

## **20 Special meetings of committees**

- a) The Chairman of a committee (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.

## **21 Quorum of committees and sub-committees**

- a) 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 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.

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

- a) Voting at a meeting of a committee or sub-committee shall be done verbally and if requested by the Chairman by a show of hands.

## **23 Standing orders to apply to committees and sub-committees**

- a) Standing Order 8 and Standing Order 11 apply, with any necessary modification, to meetings of committees and sub-committees.

## **24 Amendment and revocation of standing orders**

- a) 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.

## **25 Suspension of standing orders**

- a) Subject to sub-paragraph 25(b), any of the preceding Standing Orders may be suspended so far as regards any business at the meeting where its suspension is moved and approved by a majority of the members present.
- b) 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.

## **26 Standing order to be given to members**

- a) 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's being first elected to the Authority.

## **27 Interpretation of standing orders**

- a) 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, including the authorisation of attendance allowances, the policy of which is contained in the Members Code of Conduct. This power specifically includes for the Clerk to incur expenditure for which estimate provision has been included within the approved estimates (subject to a limit of £3000 and not exceeding the estimate provision), and for clarification, this delegated power extends to the authorization of day to day operation of the business including 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 preferably be the Chairman), and gain concurrence, if expenditure is likely to exceed £3000.

##### 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. The Clerk will consult at least 3 members of the Authority (one of whom should preferably 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. 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 preferably 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, after consultation with at least three members. 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) Management of staff

That the Clerk shall be given the delegated responsibility to manage all members of staff, which could include members of staff being redeployed on a temporary basis. The Clerk will provide, on demand by the Authority, a report on the management of the Authority.

k) 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.
- d) 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.
- e) The termination of employment of any employee.
- f) The termination of any Contract for which the Authority have entered into.
- g) An application for any borrowing approval, for which the Authority has not previously approved.
- h) 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 Part 2 Paragraph: 1 a) and 1 b).
- i) To overturn, vary or change a decision of the Authority
- j) 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 who is, or could be, 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 exceeding the value of £10000, the Authority shall cause appropriate public notice to be placed in any media circulating in the Island giving not less than 14 days notice of the intended contract and inviting tenders therefore by a fixed date and time.
- 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 £10000 shall 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**

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**

Tenders over the value of £10000 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. A tender under the value of £10000 may be submitted by email but must be submitted no later than the date and time stipulated.

**G6 Opening of tenders**

All tenders shall be opened as soon as possible after the fixed date and time. Tenders that are expected to be below the value of £10000 shall be opened by the Clerk and another officer. Tenders that are expected to be above the value of £10000 shall be opened by the Chairman or Vice-Chairman of the Authority and the Clerk or Deputy Clerk.

**G7 Acceptance of tender**

All tenders over the value of £5000 shall receive the approval of the Board for acceptance. 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**

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**

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.**

**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**

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.