

**STANDING ORDERS**

**OF**

**THE COUNCIL**

| **10 ~~April~~ May 2019~~8~~**



## STANDING ORDERS

AND

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# ANGUS COUNCIL

## STANDING ORDERS

**NOTE: Standing Orders in italics relate to statutory provisions**

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## PART I - PRELIMINARY

### 1. Application of Interpretation Act

The Interpretation Act 1978 applies to the interpretation of these Standing Orders as it applies to the interpretation of an Act of Parliament. Any Standing Order that is in italics is a statutory requirement and cannot be altered.

### 2. Commencement

These Standing Orders shall apply with effect from ~~1 April 2018~~ 10 May 2019.

### 3. Definitions

In these Standing Orders, the following words and expressions shall have the meanings hereinafter expressly assigned to them, that is to say:-

“Council” means the Angus Council established by the 1994 Act

“the 1973 Act” means the Local Government (Scotland) Act 1973

“the 1989 Act” means the Local Government and Housing Act 1989

“the 1994 Act” means the Local Government etc (Scotland) Act 1994

“Proper Officer” means the person designated as such and for the purpose specified by the Council

“Head of Paid Service” means the person designated as such by the Council under Section 4 of the 1989 Act

“Monitoring Officer” means the person designated as such by the Council under Section 5 of the 1989 Act, or, if that person is unable to act owing to absence or illness, the person nominated by him/her as his/her deputy under sub-section (7) of that section

“Finance Officer” means the person designated by the Council for the purpose of Section 95 of the 1973 Act

~~“Strategic Director” means the Strategic Director People or Place~~

“Standing Committee” means a Committee referred to in Standing Order No 31 or any other Committee which may be so designated by the Council at any time

“Order of Reference” means the Order of Reference specifying the functions referred and the functions delegated to the respective Standing Committees, as appended to these Standing Orders

“Scheme of Delegation” means the Scheme of Delegation specifying the functions delegated to the respective officers, as appended to these Standing Orders

“Statutory Officers” have the meaning shown in Standing Order 45

“Working day” means any day, excluding Saturday and Sunday and any day on which Angus Council’s offices are closed.

“Clear day” means in relation to a notice, summons, or application, a working day falling between the date of the notice, summons or application and the meeting to which the notice, summons or application relates, but excluding the date of the notice, summons or application and the date of the meeting to which the notice, summons or application relates.

**4. Financial Regulations**

- (1) The Council shall make Financial Regulations to provide the framework within which the financial administration is to be conducted and ensure that sound financial control is operated. The provisions in Standing Orders, the Order of Reference of Committees and the Scheme of Delegation to Officers should be applied in accordance with the Council's Financial Regulations.
- (2) The provisions of the Financial Regulations made by the Council in accordance with (1) above, so far as relating to procedures for tendering and contracts, shall be deemed to be part of these Standing Orders for the purposes of Section 81 of the 1973 Act.
- (3) The provisions of the Financial Regulations shall be read in conjunction with these Standing Orders in relation to the procedures for determining the annual revenue and capital budgets.

**5. Application of Standing Orders to Committees and Sub-Committees**

In these Standing Orders, those marked † in the margin shall apply (with the necessary changes) to Committees and Sub-Committees.

## PART II - MEETINGS AND PROCEEDINGS OF THE COUNCIL

### 6. First Meeting of the Council after Elections

- (1) *The first meeting of the Council after the periodic ordinary election of Councillors shall take place on such date (within 21 days of the date of the election) as the Council may have determined prior to the election.*
- (2) Business to be transacted at such meeting shall be:-
  - (i) *the election, from among the members of the Council, of the Convener of the Council, who shall be known as the Provost, and, until such election has been completed, the Returning Officer shall preside;*
  - (ii) the election of a Depute Convener of the Council, who shall be known as the Depute Provost;
  - (iii) the election of a Convener and Vice-Convener of each of the Standing Committees of the Council;
  - (iv) the appointment of the members of Standing Committees;
  - (v) the appointment of members to represent the Council on Joint Boards, Joint Committees of the Council and other local authorities, and outside bodies on which the Council is entitled to be represented; and
  - (vi) *the adoption of a timetable of meetings of the Council.*
- (3) *In the case of an equality of votes, the Provost shall have a second or casting vote, except in any vote relating to the appointment of a member of the Council to any office, Committee or Sub-Committee, or to represent the Council on any other body, where, in the case of equality of votes the matter shall be determined by lot the method of which will be by the cutting of cards.*

### 7. Conveners and Vice-Conveners

- †(1) *At a meeting of the Council, the Provost or, in his/her absence, the Depute Provost shall preside. In the absence of both the Provost and Depute Provost, the Proper Officer shall call on the members of the Council to choose a member to preside.*
- (2) The term of office of the Provost and Depute Provost and of the Conveners and Vice-Conveners of Standing Committees shall be the term of office of the Council or, in the case of a person appointed to fill a casual vacancy, the remainder of that term.
- (3) The holders of the offices mentioned in sub-paragraph (2) above shall cease to hold office immediately on their ceasing to be a Councillor and shall be entitled to resign at any time during their term of office. At the conclusion of their term of office, they shall be eligible for re-election provided that they are re-elected as Councillors.
- (4) On a casual vacancy arising in any of these offices, an election to fill the vacancy shall be held as soon as practicable at a meeting of the Council, the agenda for which shall specify the filling of the vacancy as an item of business, and the election shall be conducted in the manner specified in Standing Order 6(3).

### 8. Meetings of the Council

- †(1) *Meetings of the Council shall be held at the places agreed by the Council or at such other places as the Provost shall determine.*

- (2) The ordinary meetings of the Council shall be held in accordance with the timetable approved by the Council, except that the Provost shall have the power, where in his/her sole discretion special circumstances so require, to alter the date of any meeting.
- (3) Special meetings of the Council for the consideration of the annual budget shall take place in accordance with the timetable fixed from time to time by the Policy and Resources Committee.
- (4) *A special meeting of the Council may be called at any time by the Provost or if required by at least seven members of the Council, and in the latter case shall be held within fourteen days of receipt of the requisition by the ~~Head of Service – Finance and Legal~~ Director of Legal and Democratic Services.-*

In the case of a requisitioned meeting, the notice required to be published in terms of Standing Order 9 shall in addition be signed by the members calling the meeting and shall specify the business proposed to be transacted at the meeting.

#### †9. Calling of Meetings

- (1) *Not less than three clear days before a meeting of the Council:*
  - (i) *notice of the time and place of the meeting shall be published at the principal office of the Council; and*
  - (ii) *a summons to attend the meeting, with an agenda specifying the business to be transacted and signed by the ~~Head of Finance and~~ Director of Legal and Democratic Services, shall be delivered or sent by post to the usual place of residence of every member of the Council or such other place as a member may have specified by notice in writing to the ~~Head of Finance and~~ Director of Legal and Democratic Services.*
- (2) *The validity of any meeting of the Council shall not be affected by the failure of any member to receive notice of a meeting.*

#### 10. Quorum

- (1) *Subject to any statutory provision, seven members shall constitute a quorum at all meetings of the Council.*
- †(2) If, ten minutes after the time specified for the start of a meeting of the Council, a quorum is not present, no business shall be transacted and the meeting shall be adjourned until such date and time as the Provost shall determine.
- †(3) If, during any meeting of the Council, the Provost finds that there are fewer than seven members present, the meeting shall be suspended. At the end of ten minutes, the roll shall be called and if a quorum is not present, the meeting shall be adjourned until such other date and time as the Provost shall determine.

#### 11. Order of Business

- (1) At an ordinary meeting of the Council, the business shown on the agenda shall (unless otherwise agreed by the Council at the meeting) proceed in the following order:-
  - (i) Declarations of Interest;
  - (ii) Reception of deputations;

- (iii) Minutes of the Council and Committees (which, unless reported for information only, shall be read or held as read, considered and disposed of);
  - (iv) Questions of which due notice has been given in terms of Standing Order 24(1), in the order in which they have been received by the ~~Service Leader~~ Director of Legal and Democratic Services;
  - (v) Motions of which due notice has been given in terms of Standing Order 25(1) in the order in which they have been received by the ~~Service Leader~~ Director of Legal and Democratic Services;
  - (vi) General Business, including matters which the Council is required by statute to enact at a meeting of the authority;
  - (vii) Business determined by the Provost to be a matter of urgency by reason of special circumstances.
- †(2) *Except as otherwise prescribed by statute, no item of business shall be considered at a meeting of the Council unless either:-*
- (i) *a copy of the agenda including the item has been open in advance to inspection by members of the public in terms of the 1973 Act; or*
  - (ii) *by reason of special circumstances which shall be recorded in the minutes of the meeting, the Provost is of the opinion that the item should be considered at the meeting as a matter of urgency.*

## †12. Reception of Deputations

- (1) Every application for the reception of a deputation must be in writing, duly signed and delivered or faxed or e-mailed to the ~~Service Leader~~ Director of Legal and Democratic Services no later than 5pm on the working day preceding the meeting at which the deputation wish to be received. The application must state the subject on which the deputation wish to be received and the action (if any) which it is proposed that the Council should take.
- (2) If the application to be received is granted (if necessary after a vote), the deputation shall consist of not more than ten persons.
- (3) No more than two members of any deputation shall be permitted to address the meeting and they may speak in total for no more than ten minutes.
- (4) Any member of the Council may put any relevant question to the deputation, but shall not express any opinion on the subject matter until the deputation has withdrawn. If the subject matter relates to an item of business on the agenda, no debate or discussion on it shall take place until the relevant minute or other item falls to be considered in terms of the order of business.
- (5) No deputation from a party will be considered on an item relating to tenders or staffing conditions of service.

## †13. Applicants, Supporters and Objectors

- (1) Where the Council is acting in a regulatory capacity, applicants, supporters and objectors, along with other persons whose Convention rights (within the meaning of Section 1(2) of the Human Rights Act 1998) are or will be directly affected by the decision of the Council, shall be given an opportunity to address orally any points which they wish the relevant meeting of the Council, Committee or Sub-Committee to take into account in coming to its decision. For the avoidance of doubt, this shall not be an opportunity to table submissions, drawings, plans, show slides/make visual

presentations, unless the Convener of the meeting, in his/her sole discretion, considers it appropriate in exceptional circumstances to permit this.

- (2) Subject to any statutory provisions providing differently, the following procedures shall apply to applicants, supporters, objectors and any other persons with an interest (hereinafter referred to as "relevant parties") who wish to address a meeting to which this Standing Order applies.
- (3) Relevant parties who wish to be heard at a meeting must submit an application (either in writing, by electronic mail, by fax or by telephone) to the ~~Service Leader – Director of~~ Legal and Democratic Services no later than 5.00 pm on the working day preceding the meeting at which they wish to be heard. For the avoidance of doubt, all statutory consultees on a regulatory matter shall be exempt from the need to apply to be heard at meetings.
- (4) Relevant parties (or any spokesperson representing them) shall be allowed an appropriate time in which to present their case. However, the Convener of the meeting may restrict any lengthy speeches by parties, for example where a point is merely being repeated, and, in the interest of business efficiency, give guidance to the speakers as to what he/she considers to be a reasonable time (normally 5 minutes). After each individual relevant party has spoken, a member of the Committee or Sub-Committee (or at a meeting of the Council, a member of the Council) may put any relevant question to that speaker, but shall not express an opinion on the subject matter until the relevant parties have withdrawn to the public benches.
- (5) For the avoidance of doubt, applicants shall have the last word in relation to their application and shall therefore be permitted to speak after all other relevant parties have been heard.

#### 14. Petitions

Where the petition relates to a matter where the Council is acting in a regulatory or quasi judicial capacity this will form part of the planning or licensing process and be dealt with separately to this Standing Order.

Petitions may be lodged in paper form or as an e petition to the appropriate ~~Head of Service~~ Director. Where the petition exceeds 50 signatories, details are to be provided to the ~~Service Leader – Director of~~ Legal and Democratic Services for inclusion in a Schedule to a report presented as required to the Scrutiny and Audit Committee.

Petitions will only be accepted where the name and address has been provided with all signatories requiring to be resident in Angus.

Following consideration of the initial report, the committee may:

- (i) Note receipt of the petition and take no further action;
- (ii) Determine that appropriate action has already been taken or is planned, and no further action is necessary;
- (iii) Request a fuller report from the relevant officer;
- (iv) Undertake a detailed scrutiny review, gather evidence and make recommendations to the relevant committee.

Notwithstanding (i) – (iv) above, the committee may refer the matter to full Council, where in the view of the Scrutiny and Audit Committee, its significance requires a debate.

## †15. Order of Debate

- (1) Any member of the Council wishing to speak at any meeting of the Council shall so indicate by raised hand and, when called upon, shall stand and address the Provost and restrict his/her remarks:-
  - (i) to the matter before the meeting by moving, seconding or supporting a motion or any relative amendment;
  - (ii) to moving or seconding a procedural motion;
  - (iii) to asking a question;
  - (iv) to making a point of clarification; or
  - (v) to raising a point of order.
- (2) No member shall speak in support of a motion or amendment until it has been seconded.
- (3) No member shall speak more than once (except when raising a point of order, making a point of clarification, moving or seconding a procedural motion) in a debate on any one motion and amendment. However, the mover of the substantive motion (or an amendment which has become the substantive motion) in any debate shall have a right of reply but, in so replying, shall not introduce any new matter.
- (4) After the mover of the substantive motion has commenced his/her reply, no member shall speak in the debate except when raising a point of order or moving or seconding a procedural motion.
- (5) Any member wishing to raise a point of order may do so (but only immediately after it has arisen) by rising and stating that he/she is raising a point of order. Any member then speaking shall resume his/her seat and the Provost shall call upon the member raising the point of order to state its substance. No other member shall be entitled to speak to the point of order except with the consent of the Provost. The Provost shall give a ruling on the point of order, either immediately, or after such adjournment as he/she considers necessary. Thereafter, the member who was previously speaking shall resume his/her speech, provided the ruling so permits.
- (6) Any member wishing to ask a question relating to the matter under consideration may do so at any time before the formal debate begins.

## †16. Motions and Amendments

- (1) Other than for any regulatory or quasi-judicial meetings, the mover of any motion or amendment shall, immediately upon being called upon by the Provost to speak, state the exact terms of the motion or amendment before proceeding to speak in support thereof. The mover of any motion or amendment will be required to submit such terms to the ~~Service Leader~~ Director of Legal and Democratic Services no later than 5pm on the working day preceding the meeting at which the matter is to be discussed, except in the case of:-
  - (i) motions or amendments to approve or disapprove without further qualification;
  - (ii) motions or amendments to remit for further consideration; and
  - (iii) motions or amendments the terms of which have been fully set out in a minute of a Committee or Report by an officer.

- (2) Every amendment must be relevant to the motion to which it is moved. The Provost shall decide as to the relevancy and shall have the power, with the consent of the meeting, to conjoin motions or amendments which are not inconsistent with each other.
- (3) All additions to, omissions from, or variations upon a motion shall be considered as amendments to the motion and shall be disposed of accordingly.
- (4) A motion or amendment once moved and seconded shall not be withdrawn without the consent of the mover and seconder thereof.
- (5) Where an amendment to a motion has been moved and seconded, no further amendment may be moved until the result of the vote arising from the first amendment has been announced.
- (6) If an amendment is rejected, a further amendment to the original motion may be moved. If an amendment is carried, it shall take the place of the original motion and any further amendment shall be moved against it. Following consideration of the original amendment, a maximum of two further amendments to a motion will be permitted, subject to the member proposing to move such an amendment giving notice of it prior to the vote being taken.
- (7) A motion for the approval of a minute (or any part thereof) or a report of a Committee shall be considered as an original motion and any proposal involving alteration or rejection of such minute shall be dealt with as an amendment.
- (8) The Provost shall have the prior right to move the approval of the minute (or any part thereof) of any meeting of the Council or any recommendations in a Report by an officer.
- (9) A motion (which has not been the subject of a report or recommendation to the Council) which would involve expenditure not provided for, or reduce income provided for in the Capital or Revenue Budgets shall not be competent unless accompanied by information provided by the ~~Head-Director~~ of Finance ~~and Legal~~ on the costs and funding options, unless the Council in an emergency specifically resolves otherwise (see Guidance Note attached).
- (10) A motion to challenge the accuracy of a minute of a meeting shall not be competent unless intimated in writing to the ~~Service Leader-Director of~~ Legal and Democratic ~~Services~~ at least two working days prior to the meeting at which the minute is being submitted for approval as a correct record, unless the said minute has not been circulated with the papers for the meeting.
- (11)
  - (i) A motion or amendment moved but not seconded, or which has been ruled by the Provost to be incompetent, shall not be put to the meeting nor shall it be recorded in the minute, unless the mover immediately gives notice to the ~~Service Leader-Director Head of~~ Legal and Democratic ~~Services~~ requesting that it be so recorded.
  - (ii) Alternatively, a member may request his/her dissent to be recorded in the minute in respect of a decision with which he/she disagrees.

#### †17. Time allowed for speaking

- (1) A member who is moving any motion or amendment (other than a motion for the adoption of annual reports, accounts or budget) shall not speak for more than five minutes, other members shall not speak for more than three minutes and the mover in exercising a right of reply shall not speak for more than three minutes.

- (2) These time limits may be exceeded with the consent of the majority of the members present and the Provost shall be entitled to gauge such consent in relation to any speech without taking a vote.

#### †18. Closure of Debate

- (1) At any meeting of the Council, it shall be competent after eight or more members (including the movers and seconders of a motion and amendment) have spoken in a debate on any one motion and amendment, for any member who has not spoken in such debate to move "that the question be now put".
- (2) Such motion, if duly seconded, shall, without any discussion or amendment, be put to the vote. If the motion for closure is carried, the debate on the substantive motion shall cease except for the mover's right of reply, and the substantive motion and amendment shall immediately be put to the vote. If the motion for closure is not carried, the debate shall be resumed. Subsequent motions for closure may be made after a further three members have spoken.
- (3) No motion for closure may be made during the course of a speech.
- (4) This Standing Order will not apply to meetings of the Development Standards Committee, Civic Licensing Committee or any other Committee and/or Sub-Committee when acting in a quasi-judicial capacity.

#### †19. Voting

- (1) *Subject to Standing Order 27 and any statutory provisions regarding a minimum number of votes required to decide a matter, every question shall be determined by a majority of votes of the members present and voting.*
- (2) *In the case of an equality of votes, the Provost shall have a second or casting vote, except in any vote relating to the appointment of a member of the Council to any office, Committee or Sub-Committee, or to represent the Council on any other body, where, in the case of equality of votes the matter shall be determined by lot.*
- (3) Every vote shall be taken by roll call beginning with the Provost, except:-
  - (i) where prior to the vote on any particular matter, the members present agree unanimously that it be taken by show of hands;
  - (ii) where prior to the vote on any particular matter, the members present resolve (in the event of a division, by a roll call vote) that it be taken by ballot;
  - (iii) in the case of any matter relating to the appointment of a particular member of staff or relating to disciplinary or grievance proceedings affecting a particular member of staff, when the vote shall be taken by show of hands, or, if so resolved, by ballot.
- (4) Immediately prior to any vote being taken, the ~~Service Leader~~ Director of Legal and Democratic Services shall read out the question on which the vote is to be taken. Thereafter, no one shall interrupt the proceedings until the result of the vote has been announced.

#### †20. Voting in the case of vacancies and appointments

- (1) In the filling of vacancies in the membership of any Committee or Sub-Committee and the making of appointments of members of the Council to any body, where more than one candidate has been nominated and seconded, members shall be entitled to vote for up to as many candidates as there are places to be filled. Candidates shall be

appointed in the order of number of votes received until all vacant places have been filled.

- (2) In the event of two or more candidates tying with the lowest number of votes to fill the last vacant place, a further vote shall be taken between or among those candidates, each member having one vote, and in the event of a further tie, the appointment shall be determined by lot.

#### †21. Adjournment and duration of meetings

- (1) During any meeting of the Council, it shall be competent for a member, at any time, except in the course of a speech by another member, to move that the meeting be adjourned, but no motion for adjournment may be made within thirty minutes of a motion for adjournment having previously been rejected if the Council is still considering the same item of business.
- (2) A motion for adjournment shall have precedence over all other motions and, if moved and seconded, shall be put to the meeting without discussion or amendment.
- (3) If the motion is carried, the meeting shall be adjourned until the time specified in the motion, or such other time as the Council may then fix, being on the same day or any other day within a period of four weeks.
- (4) Where a meeting has been adjourned without a time for its resumption having been fixed, it shall be resumed at such other time as may be fixed by the Provost.
- (5) When an adjourned meeting is resumed, the proceedings shall be commenced at the point at which they were interrupted by the adjournment.
- (6) The Provost may adjourn any meeting of the Council if he/she is of the opinion that the business of the meeting cannot properly be conducted by reason of disorder. Such adjournment shall be signified by the Provost rising and quitting the Chair and shall be for one hour or such shorter period as may be specified by the Provost at that time.
- (7) Every meeting of the Council, or meeting of the final committee of a number of consecutive committee meetings, shall end not later than 3 hours (excluding any period as a result of (6) above) after the time at which the Council, or the first committee meeting of that group, commenced.
- (8) It shall, however, be competent, before the expiry of the time limit, for any member to move that the meeting be continued for such further period as is deemed appropriate.

#### †22. Powers and Duties of Provost

- (1) It shall be the duty of the Provost:-
  - (i) to preserve order and ensure that any member wishing to speak is given due opportunity to do so and a fair hearing;
  - (ii) to call members to speak according to the order in which they caught his/her eye subject to the provision that where an alternate budget is being proposed, then the largest non-administration group will have the right to move or their proposals after the budget has been moved and seconded;
  - (iii) to decide all matters of order, competency and relevancy.
- (2) The decision of the Provost on all matters referred to in this Standing Order shall be final and shall not be open to question or discussion in any meeting of the Council.

- (3) Deference shall at all times be paid to the authority of the Provost. When the Provost commences speaking, any member then standing shall resume his/her seat, no other member shall rise and the Provost shall be heard without interruption.

### †23. Suspension of Members

- (1) If any member of the Council disregards the authority of the Provost, obstructs the meeting or, in the opinion of the Provost otherwise acts in an offensive manner at a meeting, the Provost may move that such member be suspended for the remainder of the meeting. If seconded, such a motion shall be put to the vote immediately without discussion.
- (2) If such a motion is carried, the suspended member shall leave the meeting room immediately. If the member fails to comply, the Provost may order the suspended member to be removed from the meeting by the Council Officer or by any other specified person or persons.
- (3) A member who has been suspended in terms of this Standing Order shall not re-enter the meeting room except with the consent of the meeting.
- (4) In the event of a motion for suspension of a member being defeated, the Provost may, if he/she thinks it appropriate to do so, adjourn the meeting as if a state of disorder had arisen.

### 24. Questions

- (1) At any ordinary meeting of the Council, a member may put a question to the Provost, or to the Convener of any Standing Committee relating to the functions of that Committee, irrespective of whether the subject matter of the question relates to business which would otherwise fall to be discussed at that meeting, provided that notice in writing of the question, duly signed, has been delivered to the ~~Service Leader~~ Director of Legal and Democratic Services, not later than 4 working days before the meeting.
- (2) One supplementary question, limited to clarifying any answer given, may be asked by the original questioner.
- (3) No discussion shall be permitted on any question or answer which does not relate to an item of business otherwise falling to be considered at that meeting.
- (4) Questions of which notice has been given in terms of paragraph (1) above, and the answers thereto, shall be recorded in the minutes of the meeting only if the questioner so requests, but any supplementary questions and the answers thereto shall not be so recorded.

### †25. Notice of Motions

- (1) At any ordinary meeting of the Council, a member may propose a motion which does not directly relate to an item of business under consideration at the meeting, only if prior notice in writing of such motion has been given to the ~~Service Leader~~ Director of Legal and Democratic Services at least 7 clear days before the meeting.
- (2) The terms of motions of which notice has been given in terms of (1) above shall appear as items of business for consideration at the next ordinary meeting of the Council.
- (3) If a member who has given notice of a motion is absent from the meeting when the motion falls to be considered or, if present, fails to move it, any other member shall be entitled to move it, failing which the motion shall fall.

#### †26. Alteration or Revocation of Previous Decision

- (1) Subject to (2) below, a decision shall not be altered or revoked within a period of 6 months from the date of such decision being taken.
- (2) Where the Provost rules that a material change of circumstances has occurred to such extent that it is appropriate for the issue to be reconsidered, a decision may be altered or revoked within 6 months by a subsequent decision arising from:-
  - (i) a recommendation to that effect, by an officer in a formal Report; or
  - (ii) a motion to that effect, of which prior notice has been given in terms of Standing Order 25.
- (3) This Standing Order shall not apply to the ongoing progression or development of an issue on which a decision is required.

#### †27. Suspension of Standing Orders

- (1) It shall be competent for a member at any time during a meeting to move suspension of the whole or any specified part of any of the following Standing Orders:-
 

12	Reception of deputations;
13	Applicants, Supporters and Objectors;
24	Questions;
25	Notices of motion;
26	Alteration or revocation of previous decision
36	Rights of Members to attend meetings, etc.

and such a motion, if duly seconded, shall be put to the vote immediately without amendment or discussion.

- (2) No motion for the suspension of Standing Order 26 (alteration or revocation of previous decision) shall be held to have been carried unless it has received the vote of not less than two thirds of the members present and voting.

#### †28. Admission of Public and Press

- (1) *Except where otherwise required by statute, every meeting of the Council shall be open to the public and press.*
- (2) *The Council may, however, by resolution exclude the public and press while considering any matter which falls within the categories of "exempt information" specified in Schedule 7A to the 1973 Act. (appended hereto)*
- (3) *The terms of any such resolution specifying the part of the proceedings to which it relates and the categories of exempt information involved shall be specified in the minutes.*

#### †29. Exclusion from Meeting of Members with other Interests

- (1) Members should be aware of their need to comply with The Councillors' Code of Conduct.
- (2) A member who has made a declaration in terms of Section 112 of the Local Government Finance Act 1992 (by reason of being in arrears with Community Charge or Council Tax) shall be entitled to be present during the discussion of and to speak in relation to any matter to which that section applies but not to propose or second any motion relative thereto or to vote on the matter.

- (3) This Standing Order shall apply to persons other than members of the Council who are members of any Committee or Sub-Committee in the same way as if they were members of the Council.

### **PART III - COMMITTEES AND SUB-COMMITTEES**

#### **30. Appointment of Committees**

- (1) Subject to any statutory provision, the Council shall appoint the Standing Committees referred to in Standing Order 31, and may at any time appoint Committees for any purpose it deems necessary.
- (2) The Council shall delegate or refer to such Committees such matters as it may from time to time think fit. The matters so delegated or referred to Standing Committees shall be those set out in the Order of Reference of those Committees appended hereto.

#### **31. Standing Committees**

The Standing Committees of the Council shall be:-

Children and Learning  
 Civic Licensing  
 Communities  
 Development Standards  
 Policy and Resources  
 Scrutiny and Audit

#### **32. Membership of Standing Committees**

- (1) The Development Standards Committee shall consist of 13 members and the Civic Licensing Committee shall consist of 10 members of the Council.
- (2) The Children and Learning Committee shall consist of 15 members of the Council, and in addition, five persons who are not members of the Council, being:-
- (i) *three persons representative of church interests, appointed in terms of Section 124 of the 1973 Act; and*
  - (ii) two teachers employed in educational establishments under the management of the Council, nominated in such manner as the Council may determine.
- (3) All other Standing Committees of the Council shall consist of 15 members of the Council except for Scrutiny and Audit Committee which shall consist of 13 members with not less than 8 of those appointed being councillors who are not members of the Administration.
- (4) In appointing members to Committees, the Council shall, so far as possible, give effect to the principles regarding political balance set out in the 1989 Act except in the case of the Scrutiny and Audit Committee where the majority of members must not be members of the Administration. The Leader and Depute Leader of the Council are not permitted to be members of the Scrutiny and Audit Committee.
- (5) Members shall be appointed to Committees at the first meeting of the Council after the ordinary election of Councillors. It shall, however, be competent for the Council to vary the membership at any time, provided:
- (i) that the political balance referred to in (4) above is maintained; and

- (ii) that each member of the Council is afforded proper opportunity to serve on Committees.
- (6) Persons who are not members of the Council (but who are appointed to any Committee in terms of these Standing Orders) shall, subject to their right to resign, or to any disqualification, remain members of those Committees from the date of their appointment until the next ordinary election of Councillors.
- (7) Substitutes shall be permitted on all Standing Committees of the Council with the exception of the Development Standards and Civic Licensing Committees, subject to intimation being made to the ~~Service Leader—Director~~ Legal of Legal and Democratic Services not later than the commencement of the meeting. It shall not however be possible for a member to substitute for only part of a meeting. The Leader and Depute Leader of the Council are not permitted to act as substitutes at meetings of the Scrutiny and Audit Committee.

### 33. Appointment of Sub-Committees

- (1) Subject to any statutory provision, and to these Standing Orders, each Standing Committee shall appoint the Standing Sub-Committees specified in its Order of Reference, and may at any time appoint such other Sub-Committees for any purpose as it deems necessary.
- (2) Each Standing Committee (excluding Development Standards and Civic Licensing) shall appoint an Executive Sub-Committee comprising three members of the Committee, with delegated powers to decide any matter (other than a matter affecting Council policy):-
  - (i) which would normally be decided by the Standing Committee but which, by reason of its urgency, requires to be decided upon during the annual recess of the Council or, in the case of acceptance of tenders, outwith the approved timetable of meetings and the delegated powers contained in Section 16.8 and Appendix 1 of Financial Regulations; and
  - (ii) which has been specifically referred by the Committee for consideration, at other times of the year.

The Convener of the Committee, in consultation with the ~~Service Leader—Director~~ of Legal and Democratic Services, shall determine whether a matter is urgent or is policy in terms of this Standing Order.

- (3) The Executive Sub-Committee of the Policy and Resources Committee shall have delegated powers to consider applications for early retirement/voluntary redundancy from those employed under the Chief Officers Scheme.
- (4) Members of the Executive Sub-Committee appointed in terms of (2) above shall be entitled to appoint substitute members (who need not be members of the parent Committee) to attend in their place. The Leader and Depute Leader may not serve as substitutes to attend the Executive Sub-Committee of the Scrutiny and Audit Committee.
- (5) Subject to any statutory requirement, any two or more Standing Committees may appoint a joint Sub-Committee to discharge such functions of mutual interest as the Standing Committees concerned may determine, and each Standing Committee may delegate to such joint Sub-Committees such of its own delegated functions as it may determine.
- (6) Without prejudice to the foregoing sub-paragraph, any Standing Committee(s) may establish such joint advisory and/or consultative groups, without delegated powers,

as it thinks fit. The membership of such groups may include persons who are not members of the Council.

#### 34. Membership of Sub-Committees

- (1) In appointing members to Sub-Committees, a Standing Committee shall, so far as possible, give effect to the principles regarding political balance set out in the 1989 Act save in the case of the Scrutiny and Audit Committee.
- (2) Members shall be appointed to Standing Sub-Committees at the first meeting of the parent Committee after the ordinary election of Councillors. It shall, however, be competent for the Committee to vary the membership at any time thereafter, provided the political balance referred to in (1) above is maintained, so far as possible.
- (3) In appointing any Sub-Committee, a Standing Committee shall appoint members to be Convener and Vice Convener thereof, who shall hold office for such period as the Committee shall specify at the time of appointment (or if no period is fixed, for the life of the Council). The Convener of any Sub-Committee of the Scrutiny and Audit Committee must not be a member of the Administration.

#### 35. Days and Times of Meetings

- (1) The ordinary meetings of the Standing Committees shall be held in accordance with a timetable approved by the Council.
- (2) Special meetings of Standing Committees, and all meetings of Standing Sub-Committees and any other Committee or Sub-Committee, shall be held on such dates and times (including during the recess) as the respective Conveners of those Committees or Sub-Committees shall determine.
- (3) It shall be within the discretion of the Convener of any Committee or Sub-Committee to cancel, advance or postpone an ordinary meeting if, in his/her opinion, there is a good reason for doing so.
- (4) Four or more members of a Standing Committee or two or more members of any other Committee or Sub-Committee, may, by notice in writing, require a special meeting of that Committee or Sub-Committee to be called to consider the business specified in the notice. Such a meeting shall be held within fourteen days of receipt of the notice by the ~~Service Leader~~ Director of Legal and Democratic Services.

#### 36. Right of Members to attend meetings and/or place items on agenda

- (1) Any member of the Council shall be entitled to attend any meeting of any Standing Committee or Standing Sub-Committee (other than those mentioned in Standing Order 40(4)(iii) where the public and press have been excluded) and shall, with the consent of the Committee or Sub-Committee concerned, be entitled to speak for a maximum of three minutes but not to propose or second any motion or to vote.
- (2) A member of the Council, who is not a member of a particular Standing Committee or Standing Sub-Committee and wishes that Committee or Sub-Committee to consider an item of business which is within its remit, shall, at least 7 clear days (or where a meeting is called at shorter notice, as soon as practicable) before an ordinary meeting, give written notice of the item and its general import to the ~~Service Leader~~ Director of Legal and Democratic Services who shall arrange for it to be placed on the agenda of the Committee or Sub-Committee. The member shall be entitled to attend the meeting and speak in relation to the item, but shall not be entitled to propose or second any motion or to vote.

- (3) A member of a Standing Committee or Standing Sub-Committee who wishes to raise any item of business which is within the remit of that Committee or Sub-Committee shall, at least 7 clear days (or where a meeting is called at shorter notice, as soon as practicable) before an appropriate meeting give written notice of the item, its general import and any motion which he/she proposes to move thereon, to the **Service Leader—Director of Legal and Democratic Services** who shall arrange for it to be placed on the agenda of the Committee or Sub-Committee.

### **37. Notices and Order of Business of Meetings**

- (1) Except in cases of urgency, every notice calling a meeting of a Committee or Sub-Committee shall be given in writing at least three clear days before the date of the meeting.
- (2) The agenda issued with the notice calling each meeting of a Committee or Sub-Committee shall specify the business to be transacted and the order in which it will be brought before the meeting. The business shall proceed in that order, unless otherwise resolved by the Committee or Sub-Committee at the meeting.
- (3) Except as mentioned in (4) below, every member of the Council shall be entitled to receive, on request, a copy of every notice calling a meeting of any Committee or Sub-Committee, together with the agenda and any reports.
- (4) The preceding sub-paragraph shall not apply to the agenda and any reports issued in connection with a meeting of the Committee or Sub-Committees listed in Standing Order 40(4), except with the consent of the Committee or Sub-Committee concerned.

### **38. Quorum**

The quorum of Standing Committees and Sub-Committees shall be as follows:-

All Standing Committees	5 members
Executive Sub-Committees	3 Members
All other Committees and Sub-Committees comprising 4 or more members	At least $\frac{1}{4}$ of the whole membership, providing that the quorum shall never be less than 3 members.

### **39. Minutes of Meetings of Committees and Sub-Committees**

- (1) The minutes of each meeting of a Standing Committee shall be submitted as soon as is practicable to an ordinary meeting of the Council for information purposes only. The minutes of each meeting of a Standing Sub-Committee shall be submitted as soon as possible to an ordinary meeting of the parent committee for information purposes only. Minutes of meetings of special Committees and special Sub-Committees may, if the Committee or Sub-Committee so determine, be submitted after the Committee or Sub-Committee has exhausted its remit.
- (2) The minutes of each meeting of a Standing Committee or Sub-Committee shall be submitted to the next meeting of the Committee or Sub-Committee for approval as a correct record and signature by the Convener.

### **40. Delegation to Committees and Sub-Committees**

- (1) The Standing Committees and Sub-Committees of the Council shall have the terms of reference and specific delegated authority specified in the Order of Reference appended hereto.
- (2) Each Standing Committee or Standing Sub-Committee shall have delegated authority to determine any matter within its Order of Reference, with the exception of any specific restrictions contained in Standing Orders or in its Order of Reference.

- (3) Subject to the provisions of Standing Orders 41 and 42, the delegation conferred by the previous sub-paragraph shall not apply where:
- (i) following a division in Committee (or Sub-Committee), two members immediately indicate that they wish the matter to be referred to the Council (or Committee) for decision; or
  - (ii) following a division in Committee and within 3 working days of the date of the Committee (or Sub-Committee) meeting (the day of the meeting being considered as one of those days), 2 members give notice in writing to the ~~Service Leader~~ Director of Legal and Democratic Services that they wish the matter to be referred to the Council (or Committee) for decision,
- and in either case the matter shall be so referred, and such matters, together with those excluded from delegation under the provisions of any other Standing Order, shall be specially identified in the minutes submitted to each meeting of the Council, on the basis that the matter referred requires a decision and was not for noting.
- (4) The provisions of sub-paragraph (3) above shall not apply to:-
- (i) any matter where the Committee or Sub-Committee is required to act quasi-judicially;
  - (ii) any proceedings of any Committee or Sub-Committee specifically established in terms of statute for the purpose of those proceedings;
  - (iii) any proceedings at meetings of the following Sub-Committees:-
    - School Attendance Sub-Committee
    - Education Special Cases Sub-Committee
    - Staffing Sub-Committee
    - Education Records Review Sub-Committee
    - Case Sub-Committee
    - Personnel Appeals Sub-Committee
- (5) Committees and Sub-Committees shall conduct their business within their terms of reference and, in exercising the authority delegated to them, shall do so always in accordance with the following provisions. However, in relation to any matter (i) not specifically referred to in the Order of Reference, or (ii) in Standing Order 41, it shall be competent, for the Committee, whose remit the matter most closely resembles, to consider such matter and to make any appropriate recommendation to the Council. In the interest of efficiency whenever possible business should only be presented to one committee being the committee whose order of reference includes the principal issues to be considered.
- (6) Committees and Sub-Committees shall exercise the authority delegated to them having regard to, and in accordance with, the policy of the Council.
- (7) Committees and Sub-Committees shall conduct any business relating to contracts always in accordance with the Standing Orders, Financial Regulations and administrative procedures adopted by the Council.
- (8) Committees and Sub-Committees shall conduct their business having regard where appropriate to the constituency interests of local members in the matters under consideration.
- (9) The Council may, if it so resolves, deal with any matter falling within the Order of Reference of any Committee or Sub-Committee without the requirement of receiving a report or minute of that Committee or Sub-Committee referring to that matter.

- (10) Subject to any statutory requirement, the Council may at any time vary, add to, restrict or recall any reference or delegation to any Committee or Sub-Committee, and any specific direction by the Council in relation to the remit of a Committee or Sub-Committee shall take precedence over the terms of any provision in the Order of Reference.
- (11) A Committee may, at any time, deal with any matter falling within the Order of Reference of any of its Sub-Committees without the requirement of the submission of a report or minute of that Sub-Committee referring to that matter.
- (12) Subject to any statutory requirement, a Committee may, at any time, vary, add to, restrict or recall any reference or delegation to any of its Sub-Committees and any specific direction by a Committee shall take precedence over the terms of any provision in the Order of Reference.
- (13) A Committee may at any time refer any item of business to a Standing Sub-Committee for consideration and report and may, if the Committee considers it appropriate to do so, delegate to the Sub-Committee such additional powers to dispose of the business as the Committee thinks fit.
- (14) If any matter is of interest to a Committee or Committees other than the one to which the matter is referred or delegated, either or any of the Committees concerned shall be entitled (in the case of a matter referred but not delegated, without the necessity of the prior approval of the Council) to submit a proposal or recommendation relative to the matter to any other Committee or Committees, and any such proposal or recommendation shall appear as an item of business on the agenda of the next convenient meeting of such Committee or Committees. However, no action shall follow on the submission of any such proposal or recommendation without the approval of the Committee within whose remit the matter falls.
- (15) If a matter is of common or joint interest to a number of Committees, and is a delegated matter, no action shall be taken until all Committees have considered the matter.
- (16) In the event of disagreement between Committees in respect of any such proposal or recommendation which falls within the delegated authority of one Committee, the decision of that Committee shall prevail. If the matter is referred but not delegated to any Committee, a report summarising the views of the various Committees shall be prepared by the ~~Service Leader~~ Director of Legal and Democratic Services and shall appear as an item of business on the agenda of the next convenient meeting of the Council.

#### 41. Exclusions from Delegations

There shall be excluded from any delegation:-

- (i) any of the Council's functions in respect of the setting of the Council Tax or resolving to borrow money;
- (ii) the incurring of capital expenditure for which no provision or insufficient provision has been made in the capital budget;
- (iii) the undertaking of borrowing or investment activity which is not in accordance with the annual Treasury Management Strategy Statement and Investment Strategy;
- (iv) the incurring of revenue expenditure for which no provision or insufficient provision has been made in the revenue budget;

- (v) the acquisition (other than by the Policy and Resources Committee ), of any land or buildings or other interests therein required for the purposes of any service controlled by a particular Committee;
- (vi) the dismissal of Directors;
- (vii) the making, alteration or revocation of Byelaws and Management Rules;
- (viii) the making, alteration or revocation of Standing Orders and Financial Regulations;
- (ix) the making and amendment of the Structure Plan and the Local Plan;
- (x) any matter involving determination of differences between Committees;
- (xi) proposals for the promotion of, or opposition to, parliamentary powers;
- (xii) the appointment of elected members to outside bodies.

#### **42. Attendance at Meetings, Conferences or other Functions**

- (1) Each Committee, subject to any statutory provision, shall have power to appoint representatives to attend any meeting or conference relevant to the interests of the Committee.
- (2) The Convener of any Committee may attend meetings convened by or with other local authorities, government departments or other statutory bodies or organs of the European Union at which matters relevant to the interests of that Committee are to be considered. Any such Convener may be accompanied at such meetings by any appropriate officer and may authorise such officer and/or another member of the Committee to attend any such meeting in his/her absence.
- (3) Subject to the constitution of the Convention of Scottish Local Authorities, the members appointed by the Council to the Convention shall be entitled to attend all meetings of the Convention or its Committees, including the Annual General Meeting and Annual Conference. The Convener of any Standing Committee of the Council may attend any meeting of the Convention or one of its Forums or subordinate bodies where he/she reasonably considers such attendance to be in the interest of the Council.
- (4) Where a member of the Council has been appointed to any office by the Convention and such appointment has been notified to and approved by the Council, he/she shall be entitled, without further approval by the Council, to attend all meetings, conferences, etc necessarily arising out of such appointment.
- (5) The Convener of the Policy and Resources Committee or any other member of that Committee nominated by him/her shall be entitled to attend, with the appropriate officers, all meetings of the joint negotiating bodies responsible for the negotiation of conditions of service for the Council's employees.
- (6) The expenses and allowances payable to any member of the Council in attending any meeting or conference in terms of these Standing Orders or as otherwise authorised by the Council shall, subject to any enactment, be in accordance with the scheme prepared by the ~~Head of Service – Legal and~~ Director of Finance and approved by the Policy and Resources Committee in terms of the Council's Financial Regulations.
- (7) The delegated authority conferred by this Standing Order shall apply only to members attending meetings, conferences or other functions held within the European Union where appropriate budget provision has been made.

#### 43. Expenditure on Hospitality Etc

- (1) Any Standing Committee may, within the sum provided for that purpose in the approved Revenue Budget for the department or function in question, incur expenditure:-
  - (i) on the provision of hospitality consisting of the reception and entertainment by way of official courtesy, of distinguished persons and persons representative of or connected with local government or other public services whether within or outside the United Kingdom where the occasion giving rise to such hospitality relates mainly to the function of that Committee;
  - (ii) on the provision of hospitality in connection with any inspection or ceremony affecting any service controlled by that Committee;
  - (iii) on the provision of hospitality to persons who may be interested in the promotion of industrial or commercial developments or other activities which may create employment opportunities in Angus; or
  - (iv) to persons who are assisting or co-operating with the Council or its officers in relation to the functions of the Committee.
- (2) The Convener of any Standing Committee may authorise the provision of hospitality in the circumstances specified above and related to the functions of a service under the control of the Committee (or in the case of the Policy and Resources Committee to the functions of the Council), provided that the expenditure on any one occasion does not exceed £400 and that the expenditure can be met out of the sum provided in the appropriate budget for that purpose.

### PART IV - OFFICERS OF THE COUNCIL

#### 44. Returning Officer for Elections

- (1) The Chief Executive shall be the Returning Officer for each election of councillors in accordance with Section 41 of the Representation of the People Act 1983 and the ~~Service Leader—Director of~~ Legal and Democratic ~~Services~~ shall be the Depute Returning Officer.
- (2) The ~~Service Leader—Director~~ Legal and Democratic ~~Services~~ shall be the Returning Officer for all Community Council elections.

#### 45. Statutory Officers of the Council

- (1) The Chief Executive, the ~~Service Leader—Director of~~ Legal and Democratic ~~Services~~ and the ~~Head—Director~~ of Finance ~~and Legal~~ shall be respectively the Head of the Council's Paid Service, Monitoring Officer and Proper Officer for the administration of the Council's financial affairs, in terms respectively of S4 and S5 of the 1989 Act and S95 of the 1973 Act and be entitled to discharge all the powers and duties conferred upon such officers by the 1989 Act or other statutory provisions.
- (2) The ~~Director~~Head of Children, Families and Justice shall be the Chief Social Work Officer in terms of S3 of the Social Work (Scotland) Act 1968. The designated Depute Chief Social Work Officer shall be the Service Leader – Reducing Reoffending.

#### 46. Proper Officers of the Council

The Proper Officers of the Council shall be as follows (unless otherwise stated, references are to the 1973 Act):-

- (1) the Chief Executive, or the ~~Head of Finance and~~ Director of Legal and Democratic Services, for the purposes of -

S33(A) - declaration of acceptance of office as a councillor

S34 - receipt of resignations of councillors

- (2) the ~~Service Leader~~ Director of Legal and Democratic Services and in his/her absence the Service Leader - Legal and Managers for the purposes of Democratic for the purposes of:-

S43, Schedule 7, para 2 - notice of and summons to attend meetings

S40 - receipt of notices and recording of disclosures

S189 (2) – institute, defend or appear in summary jurisdiction proceedings

S190 - service of legal proceedings, notices etc

S191 - claims in sequestrations and liquidations (excluding those for outstanding local taxes etc)

S193 - authentication of documents

Schedule 2 of the Requirements of Writing (S) Act 1995

S197 - inspection and deposit of documents

S202 and 202B - procedure etc for and register of byelaws

S204 - evidence of byelaws

S231 - application to Sheriff in cases of difficulty

S50B, 50C and 50F - access to information

S223 - property held on trust (unless the Council have otherwise specified the appointment of another officer for any of such purposes)

Schedule 5 of the Representation of the People Act 1983 - lists of meeting rooms

S19 of the Local Government and Housing Act 1989 - members' interests

S112 of the Education (Scotland) Act 1980 - procedure in preparation of reorganisation schemes

The Scottish Local Government Elections Order 2007 Schedule 1  
Scottish Local Government Elections Rules 2002

S82 (2) of the Representation of the People Act 1983 - declaration as to election expenses

S113 of the Civic Government (Scotland) Act 1982 - evidence of management rules

Section 7(1) of the Ethical Standards in Public Life (Scotland) Act 2000 - set up, maintain and make available for public inspection the register of interests

~~(3)(a) the Head of Finance and Legal for the purposes of -~~

~~S43, Schedule 7, para 2 – notice of and summons to attend meetings~~

- (3)(b) the ~~Director~~Head of Finance ~~and Legal~~, or the Service Leader - Finance, for the purposes of-
- S92 - transfer of securities
- S95 - financial administration
- (4) the ~~Head~~Director of HR/Digital Enablement/IT and Business Support for the purpose of S2 of the Local Government and Housing Act 1989 – politically restricted posts
- (5) the ~~Head~~Director of Communities or the Service Leader – Planning and Communities, for the purposes of -
- The Building (Scotland) Act 2003
- (6) the ~~Head~~Director of HR/Digital Enablement/IT and Business Support or the Service Leader - Digital Enablement/IT, for the purposes of -
- S145 and the Ordnance Survey Act 1841 - applications to the Council
- (7) the ~~Head~~Director of Communities or the Service Leader - Housing for the purposes of signing Notices of Proceedings for Recovery of Possession of Houses under Section 47 of the Housing (Scotland) Act 1987
- (8) the ~~Head~~Director of Infrastructure for the purposes of Road Traffic Regulation Act 1984 and the Roads (Scotland) Act 1984
- (9) the ~~Strategic~~ Director ~~or Head of Service~~ in whose name a report is issued for the purposes of S50D - identification of and inspection by members of the public of background papers for reports.

#### 47. Execution of Deeds

All deeds which, in the opinion of the ~~Service Leader~~ ~~Director of~~ Legal and Democratic ~~Services~~ require to be formally executed on behalf of the Council, shall be signed by the proper officer and either:

- (i) sealed with the Common Seal of the Council; or
- (ii) sealed with the Common Seal of the Council and signed by 2 members; or
- (iii) attested by one witness.

#### 48. Reports to Members

- (1) Reports to the Council, Committees and Sub-Committees shall be submitted by the Chief Executive, ~~Strategic Directors~~, by the appropriate ~~Head of Service~~Director, by the Chief Integration Officer, by the Monitoring Officer, the Chief Social Work Officer or the ~~Head~~Director of Finance ~~and Legal~~ in exercising their duties as the Proper Officer, by the Service Leader – ~~Governance and Change~~(Internal Audit), ~~the Chief Executive, Angus Alive~~, or when, in the professional opinion of the Chief Executive, ~~or Strategic Directors or Head of Service~~ a report is required to enable the Council to comply with any enactment or other rule of law or when the exigencies of the service under his/her control so require.

- (2) Reports on the performance of the Police and Fire and Rescue Services will be submitted by the Divisional Commander, Police Scotland or by the Area Manager, Scottish Fire and Rescue Service.
- (3) Any report to be submitted in terms of this Standing Order shall be provided in draft not later than fourteen days prior to the meeting at which it is proposed to be considered, to:-
- (i) the Chief Executive, the HeadDirector of Finance and the Director of Legal and ~~the Service Leader – Legal and~~ Democratic Services
  - (ii) the HeadDirector of HR/Digital Enablement/IT and/ Business Support and the HeadDirector of Infrastructure in cases where the report concerns matters within their professional remit, and any other ~~Strategic Director or Head of Service~~ whose service or budget may be affected by the proposals contained in the report;
- and any observations by those officers on matters within their professional remit shall be incorporated into the report.
- (4) Reports by the Service Leader – Planning and Communities which relate to a Planning Application, including enforcement action and Reports by the ~~Service Leader-Director of~~ Legal and Democratic Services which relate to Licensing Applications or Planning Application reviews are exempt from the consultation process detailed in (3) above.

#### 49. Appointment of Staff

- (1) The appointment of staff shall be based on merit and shall have regard to the Council's Recruitment and Selection Procedures.
- (2) The appointment of the Chief Executive, ~~the Depute Chief Executive and Strategic Directors and Heads of Service~~ shall be undertaken by an Appointments Sub-Committee of the Council, comprising the Leader and Depute Leader of the Council and four other members (one Administration, three Non-Administration).
- (3) The appointment of all other staff (except the appointment of teaching staff in terms of statutory requirements) shall be delegated to the appropriate Directors.
- (4) The list of applications for any appointment shall be treated as confidential and only the name and particulars of successful candidates shall be recorded in the minutes of the relevant meetings.
- (5) For the purpose of appointment of Headteachers, and Depute Headteachers, the Children and Learning Committee shall establish appointment committees in accordance with section 14 of the Scottish Schools (Parental Involvement) Act 2006.
- (6) For the avoidance of doubt, the person presiding at any relevant meeting shall, in the case of an equality of votes, have a second or casting vote in relation to matters falling within this Standing Order.

#### 50. Relatives of Members and Certain Officers not to be employed without approval of Council

- (1) Subject to the provisions of any enactment, a person who is a relative of , or a person in the same household as, a member of the Council (or a member of any Committee or Sub-Committee who is not a member of the Council) or of any officer employed under Chief Officers Scheme of Salaries and Conditions of Service, shall not be appointed to any remunerative post in the service of the Council without the approval of the Committee controlling the service in which the appointment is to be made.

- (2) The Chief Executive shall be advised immediately an application falling within the terms of this Standing Order is received. He/she shall satisfy him/herself that the related member or officer:-
- (i) has not been and will not be in any way involved in the appointment procedure; and
  - (ii) will not be involved in any direct working relationship with the appointee which might give rise to allegations of favouritism or other form of embarrassment within the Council or ServiceDirectorate(s) concerned;

and thereafter a Report shall be submitted to the Committee responsible for approving the appointment incorporating such observations as the Chief Executive may consider appropriate.

#### **51. Property Transactions involving Members, Certain Officers or their Relatives**

- (1) This Standing Order applies where a property transaction, (whether purchase, sale, lease, servitude, excambion or of any other description) is proposed between the Council and a member of the Council (including for this purpose a non-elected member of any Committee or Sub-Committee) or any officer employed under Chief Officers Scheme of Salaries and Conditions of Services , or where to the knowledge of such member or officer such a transaction is proposed between the Council and any relative of his/her or person in the same household as him/her.
- (2) The member or officer shall, when he/she intimates his/her interest in the proposed transaction, or as soon as he/she receives a proposal from the Council or becomes aware of a proposal involving a relative or person in the same household, give notice of the possible transaction to the Chief Executive.
- (3) The Chief Executive shall thereupon submit a report to the Committee or Sub-Committee by whom the transaction is to be considered, containing (i) such observations as he/she considers to be appropriate or necessary regarding the transaction or (ii) the procedure to be applied in formulating or approving its terms, including the exclusion of persons from the process.
- (4) When considering a transaction falling within this Standing Order, the Committee or Sub-Committee concerned shall satisfy themselves, after due consultation with the Chief Executive, that the person giving the notice required by paragraph (1) has not in any way been involved in the negotiations and has not exercised influence or pressure in relation to the negotiations and that there is no way in which the transaction can give rise to allegations of favouritism.
- (5) For the purpose of this Standing Order and Standing Order 50, "relative" shall include a first cousin and any nearer degree of relationship whether by blood or marriage.

#### **52. Restriction on staff engaging in other remunerative employment**

- (1) All staff who are in the employment of the Council shall not engage in any other regular remunerative employment without the consent of the Chief Executive or appropriate Strategie Director, with the exception of reserve forces employment who will only be required to give notice, and in the case of the Chief Executive without the express authority of the Policy and Resources Executive Sub-Committee.
- (2) No member of staff shall engage in any work in competition with any directorate service of the Council.

- (3) All rights of copyright in all works of whatever kind created by an employee of the Council in the course of their employment with the Council shall remain with the Council and shall be dealt with in accordance with the policy of the Council.

**PART V - GENERAL****53. Public Notices, Invitations to tender etc**

*Subject to the provisions of any enactment, all public notices, advertisements and invitations to tender, whether by press advertisement or otherwise, required to be given by or on behalf of the Council or any Committee or department thereof, shall be made by and in the name of the ~~Strategic~~ Director of the ~~department~~service concerned or the ~~Head of Finance and Director of Legal and Democratic Services~~.*

**54. Annual Return of Payments to Members**

The ~~Director~~Head of HR/Digital Enablement/IT and Business Support shall prepare and issue an annual return showing for the previous financial year the salaries, allowances, expenses (including travelling expenses) paid to each member of the Council, in accordance with the legislation governing members' remuneration, allowances and expenses.

**55. Custody of Title Deeds**

The ~~Service Leader—Director of~~ Legal and Democratic ~~Services~~ shall be responsible for the safe custody of the title deeds of all land and property in the ownership of the Council, the minutes and other records of the proceedings of the Council, its Committees and Sub-Committees and all other records belonging to or relating to the Council which are not more appropriately retained by the ~~Strategic—~~Director of a particular ~~directorateservice~~. The requirements of this paragraph may be exercised in terms of an agency arrangement with any other local authority or authorities.

**ORDER OF REFERENCE**

**OF**

**COMMITTEES**

## 1. Children and Learning Committee

- (1) The functions of the Council as education authority, within the terms of the relevant legislation.
- (2) All matters relating to residential and community services for children and young people.
- (3) Fostering and adoption services.
- ~~(4) Youth justice service.~~
- ~~(5) Child protection services.~~
- ~~(46)~~ To receive reports from the Chief Social Work Officer.
- ~~(75)~~ Strategic oversight of relevant sections of the ~~People Directorate~~Council.
- ~~(68)~~ Strategic oversight of all developments relevant to children and young people.

**The Committee shall appoint the following Standing Sub-Committees to act with full delegated powers**

### (i) School Attendance Sub-Committee

- (1) The consideration and determination of cases of school attendance default under Sections 34 to 44 of the Education (Scotland) Act 1980 and submissions in relation to the education of children at home under Section 30 of the Act.

The Sub-Committee comprises one person drawn from the list of Parent Council nominees retained by the ~~Service Leader – Director of Legal and Democratic Services~~ and two elected members of the Children and Learning Committee.

The quorum is two persons, at least one of whom must be the Parent Council representative.

### (ii) Special Cases Sub-Committee

- (1) The consideration and determination of appeals against decisions of the ~~Strategic~~ Director – People Schools and Learning in respect of the early admission of children to primary school education.
- (2) The consideration and determination of requests for provision of transport of pupils to schools by reason of special circumstances.
- (3) The consideration and determination of appeals against decisions relating to the granting of bursaries, allowances and other financial aid to assist persons to take advantage of education facilities.

The Sub-Committee comprises three elected members of the Children and Learning Committee, with two members forming a quorum.

**(iii) Staffing Sub-Committee**

Consideration and determination of any matters relating to the conditions of service for individual teachers, being functions conferred on the authority and not otherwise delegated to the ~~Strategic Director — People~~Director of Schools and Learning; including, but without prejudice to the foregoing generality:-

- (1) the approval of local agreements relating to the devolved conditions of service set out in Circular SNCT/8;
- (2) the hearing of grievances raised by teaching staff in accordance with the grievance procedure for teaching staff as approved by the Children and Learning Committee;
- (3) the hearing of appeals by teachers against any disciplinary action taken by the ~~Strategic Director~~of Schools and Learning ~~—People~~ (or officer designated for this purpose); and
- ~~(4) — the consideration and determination of applications from teachers in educational establishments for premature retirement, or continued employment at the age of 65 years; and~~
- ~~(4)~~ (5) the consideration and determination of cases involving any teacher whose period of sickness allowance has ended and whose circumstances the ~~Strategic Director — People~~of Schools and Learning requires to report to the Children and Learning Committee in accordance with nationally agreed Conditions of Service.

The Sub-Committee comprises three elected members of the Children and Learning Committee, with two members forming a quorum, except when the Sub-Committee considers (1) above, in which case three members will form the quorum with provision for the appointment of substitutes.

**(iv) Education Records Review Sub-Committee**

- (1) The determination of any request for review of any decision made in terms of the Pupils' Educational Records (Scotland) Regulations 2003.

The Sub-Committee comprises three elected members of the Children and Learning Committee, selected on a rota basis, with two members forming a quorum.

**(v) Special Appeal Sub-Committee**

To consider appeals against dismissal in accordance with the provisions of the Angus Joint Negotiating Committee for Teachers Circular AJNCT/11.

**The Committee shall appoint the following statutory Committee:-****Education Appeal Committee** (to act with powers, in terms of statutory provision)

The consideration of appeals by parents against the Council's refusal of requests for places in schools of their choice for their children, or against the decision to exclude their children from school, in accordance with the terms of the Education (Scotland) Act 1980 as amended by the Education (Scotland) Act 1981.

In terms of the statutory provisions, the required quorum for an Appeal Committee is all three members. The legislation stipulates that a person who is a member of the

Children and Learning Committee shall not be the Chair of the Appeal Committee. The Chair of the Appeal Committee will be the person with experience in education.

## 2. Civic Licensing Committee

- (1) The development and approval of policy so far as related to the functions of this Committee.
- (2) The functions of the Council in relation to all licensing matters under the Civic Government (Scotland) Act 1982 and all other Acts covering personal or other licences, certificates and permits (excluding all matters dealt with by the Licensing Board), including (but not restricted to) licences and permits in respect of cinemas and theatres, betting, gaming and lotteries, animal boarding establishments and riding establishments'
- (3) All other matters relating thereto, including fixing of fees, taxi fares and taxi stances.
- (4) The licensing of caravan sites under the Caravan Sites and Control of Development Act 1960, as amended.
- (5) Consideration of applications for permission to hold public processions.
- (6) The functions of the Council under the Safety of Sports Grounds Act 1975.
- ~~(7) The functions of the Council under the Marriage (Scotland) Act 2002 and any associated Regulations, with regard to the approval of premises.~~
- (78) the consideration of applications for registration as a Door Steward where there are objections and the revocation of registration hearings.
- (89) The licensing of Houses in Multiple Occupation under Part 5 of the Housing (Scotland) Act 2006.

NOTE: This Committee shall act with full delegated powers in respect of the granting or refusal of all applications for licences, certificates and permits

- **Public Processions Sub-Committee** (to act with delegated powers)

To deal with notifications of public processions where the Divisional Commander considers the march should be prohibited.

## 3. Communities Committee

~~(1) The supervision and control of the Place Directorate.~~

### (12) Communities

- (1) The functions of the Council in relation to public health.
- (2) The functions of the Council in relation to food etc. hygiene.
- (3) The functions of the Council under the Shops Act 1950, the Offices, Shops and Railway Premises Act 1963, the Employment Act 1989 and the Health and Safety at Work Act 1974 as amended.
- (4) The functions of the Council in relation to cattle markets and slaughterhouses.
- (5) The functions of the Council under the Animal Health Act 1981, the Animal Welfare Act 2006 and the Agriculture (Miscellaneous Provisions) Act 1968.

- (6) The functions of the Council relating to weights and measures, consumer protection, consumer credit and trading standards.
- (7) The functions of the Council under enactments involving the services of the Public Analyst.
- (8) The functions of the Council under Section 10 of the Riotous Assemblies (Scotland) Act 1822 (Compensation for Damage by Riot); to the extent to which the functions under these enactments (as amended by the 1973 Act) are vested in the Council, by virtue of the 1973 Act.
- (9) The functions of the Council in dealing with unfit housing under the Housing (Scotland) Acts and other Housing Legislation and Regulations and Orders made thereunder.
- (10) The functions of the Council associated with licensing caravans in terms of the Caravan Sites and Control of Development Act 1960.
- (11) The determination as to whether or not an application for an Anti Social Behaviour Order under the Crime and Disorder Act 1998 should be made otherwise than where the decision is delegated to the Head of Regulatory and Protective Services.
- (12) The functions of the Council in arranging the burial or cremation of deceased persons under the National Assistance Act 1948.
- (13) The functions of the Council in relation to dog control.
- (14) The functions of the Council in relation to mortuary facilities under the Public Health (Scotland) Act 2008.
- (15) The functions of the Council in relation to co-ordinating implementation of the requirements of The Bathing (Scotland) Regulations 2008.
- (16) The functions of the Council relating to Waste Management Operations including:-
  - (i) The control and supervision of all staff so far as exclusively employed for the purposes of Waste Management Operations.
  - (ii) Subject to the provision of Standing Orders and Financial Regulations relating to contracts, the purchase or disposal where surplus to requirements of all vehicles, plant machinery, goods, materials and supplies required for the purposes of Waste Management Operations.
  - (iii) The supervision of all depots or other buildings or yards held or to be held for the purposes of Waste Management Operations.
- (17) The functions of the Council relating to Fleet and vehicular Maintenance Operations including:-
  - (i) Subject to the provision of Standing Orders and Financial Regulations relating to contracts, the purchase or disposal where surplus to requirements of all vehicles, plant machinery, goods, materials and supplies required for the purposes of Fleet and vehicular Operations.
  - (ii) The supervision of all depots or other buildings or yards held or to be held for the purposes of Fleet and vehicular Operations.
- (18) The functions of the Council in relation to public cleansing including:-
  - (i) The collection and disposal/processing of residual waste and recycling.

- (ii) Cleansing of streets and other areas as required.
- (19) The provision and management of public conveniences.
- (20) The functions of the Council under the Burial Grounds (Scotland) Act 1855 and other legislation so far as relating to the provision and maintenance of burial grounds.
- (21) The functions of the Council relating to Parks Maintenance Operations including:-
  - (i) The control and supervision of all staff so far as exclusively employed for the purposes of Parks Maintenance Operations.
  - (ii) Subject to the provision of Standing Orders and Financial Regulations relating to contracts, the purchase or disposal where surplus to requirements of all vehicles, plant machinery, goods, materials and supplies required for the purposes of Parks Maintenance Operations.
  - (iii) The supervision of all depots or other buildings or yards held or to be held for the purposes of Parks Maintenance Operations.
- (22) The supervision, control, maintenance and administration of parks, play and recreation grounds, open spaces, roadside seats and the management of beaches so far as the Council have an interest therein.
- (23) The functions of the Council relating to Leisure Operations including:-
  - (i) Subject to the provision of Standing Orders and Financial Regulations relating to contracts, the purchase or disposal where surplus to requirements of all vehicles, plant machinery, goods, materials and supplies required for the purposes of Leisure Operations.
  - (ii) The supervision of all depots or other buildings or yards held or to be held for the purposes of Leisure Operations.
- (24) The supervision, control, maintenance and administration of Country parks, nature reserves, nature trails, golf courses and recreational water so far as the Council have an interest therein.
- (25) The provision, management and maintenance of community centres, sports and leisure centres, swimming pools, outdoor recreations and football pitches, and public halls.
- (26) The management and maintenance of caravan parks owned by the Council so far as the Council has an interest therein.
- (27) Subject to any policy laid down by the Council, the consideration of applications for grants or loans towards projects for the provision of recreational, sporting, or social facilities, the provision of cultural facilities, the provision of parks, play and recreation grounds, open spaces, roadside seats and the management of beach facilities.
- (28) The provision, management and maintenance of theatres, libraries, museums, art galleries and archive services.
- (29) The making of an Exclusion Order in terms of Section 117 of the Civic Government (Scotland) Act 1982 in respect of breach of Management Rules in respect of land or premises under the control of the ~~Strategic Director~~ Place Director of Communities.
- (30) The management and administration of the functions of the Council in relation to the ACCESS Offices and ACCESS Line.

- (31) The supervision and management of the contract entered into between the Council and Angus Alive in respect of the services being delivered by Angus Alive, including, Sports and Leisure, Libraries and Access, Countryside Adventure, Museums, Galleries and Archives and Theatre and Venues.
- (32) With the exception of those matters delegated or referred to the Development Standards Committee, the Policy and Resources Committee or the Council, all the functions, powers and duties of the Council as planning authority including:-
- (i) the preparation of statutory development plans and related non-statutory planning policy and guidance;
  - (ii) environmental improvements and public art projects;
  - (iii) public rights of way, the development of path networks and all other aspects of rural planning.
- (33) The functions of the Council under the Countryside (Scotland) Act 1967 and the Land Reform (Scotland) Act 2003 relating to public rights of way and to public access generally.
- (34) The relevant functions of the Council in terms of the Water Environment and Water Services (Scotland) Act 2003 as they relate to the service
- (35) The consideration of proposals for development by the Council which, in the opinion of the Chief Executive after consultation with the Service Leader – Planning and Communities, raise a major planning issue and the provision of advice to the Policy and Resources Committee thereon.
- (36) The functions of the Council relating to ancient monuments, archaeological areas, and designated nature conservation and landscape interest.
- (37) The Council's functions under the following provisions of the Land Reform (Scotland) Act 2003 (insofar as not delegated to the ~~Strategic Director~~ of Communities – Place);
- Section 11 (power to exempt particular land from access rights) exemptions for 6 days or longer.
  - Section 17, 18 and 20 (Core paths plan)
  - Section 22: (compulsory powers to delineate paths in land over which access rights are exercisable)
  - Section 25: (local access forums)
- (38) The provision of a Community Learning and Development Service.
- (39) The provision of a Community Planning Service.
- (40) The functions of the Council as housing authority under the Housing (Scotland) Acts, the Antisocial Behaviour (Scotland) Act 2004 and other housing legislation, Regulations and Orders made thereunder.
- (41) Consideration and approval of the Council's Local Housing Strategy and the Strategic Housing Investment plan.
- (42) The purchase, sale, excambion or lease of property held on the Housing Revenue Account subject to obtaining all necessary consents.

- (43) The supervision and implementation of the Council's obligations in terms of the High Hedges (Scotland) Act 2013.
- (44) The periodic review of rents.
- (45) The functions of the Council under the Allotments (Scotland) Acts.

**(23) Infrastructure Services**

- (1) All the functions of the Council as roads or traffic authority under Public General Acts together with functions relating to both public and private roads and footways in terms of any local enactment in so far as such latter functions are vested in the Council.
- (2) The relevant functions of the Council in terms of the Transport Acts 1985, 2001 and 2005 relating to public transport and related matters.
- (3) The functions transferred to the Council by virtue of Section 153 of the 1973 Act in relation to ferries and by virtue of Section 154 of that Act in relation to harbours, piers, boatslips and jetties, together with any functions in relation to such matters in terms of any local enactments in so far as such latter functions have become vested in the Council, including the control and management of the harbour at Arbroath.
- (4) The functions of the Council under the Reservoirs Act 1975.
- (5) The functions of the Council relating to road safety in terms of inter alia the Road Traffic Act 1988, the Road Traffic Regulation Act 1984, and the Roads (Scotland) Act 1984.
- (6) The functions of the Council in relation to street names and property numbers.
- (7) The functions of the Council under the Flood Risk Management (Scotland) Act 2009 and the Coast Protection Act 1949.
- (8) The making of Traffic Orders under the relevant legislation.
- (9) The relevant functions of the Council in terms of the New Roads and Streetworks Act 1991 and the Transport (Scotland) Act 2005 relating to road works and related matters.
- (10) The relevant functions of the Water Environment and Water Services (Scotland) Act 2003 as they relate to the service.
- (11) The functions of the Council relating to public clocks, statues, monuments and war memorials.
  - (i)
    - (a) the selection of tenderers for contracts for the execution of building works and the provision of related services in terms of Standing Orders/Financial Regulations;
    - (b) the invitation, consideration and acceptance of tenders for the execution of building works and provision of related services; and
    - (c) the supervision of contracts for the erection, extension, renovation, adaptation, improvement and demolition of all buildings held or to be held for the purpose of functions of the Council.

(excluding from (a), (b) and (c) works of engineering construction by the Communities Committee and buildings associated therewith).
  - (ii) subject always to the operational requirements of the user departments, the factoring of land and buildings owned or occupied by the Council including:-

- (a) the maintenance of all buildings occupied by the Council including the selection of contractors or lists of contractors for the execution of works of maintenance.
- (12) Following recommendation by the Northern Roads Collaboration Joint Committee, to consider proposals for participation in Roads Collaboration activities.

**The Committee shall appoint the following Standing Sub-Committees to act with full delegated powers in respect of the specified functions:**

**(1) Land Reform Sub-Committee**

- (1) To consider reports regarding individual enforcement cases under Part 1 of the Land Reform (Scotland) Act 2003.

**(2) Environmental Appeals Sub-Committee**

- (1) To consider any representation made by or on behalf of a person served with a fixed penalty notice served in relation to an offence committed in no smoking premises under the Smoking, Health and Social Care (Scotland) Act 2005.
- (2) To hold a hearing at the request by or on behalf of a person served with a fixed penalty notice served in relation to an offence committed in respect of dog fouling under the Dog Fouling (Scotland) Act 2003.
- (3) To consider any representation made by or on behalf of a person given a penalty charge notice in relation to an offence committed in respect of failing to make available energy performance certificates to prospective buyers or tenants under the Energy Performance of Buildings (Scotland) Regulations 2008, as amended.
- (4) To consider any representation made by or on behalf of a person served with a fixed penalty notice served in relation to an offence committed in respect of sunbeds under the Public Health etc. (Scotland) Act 2008.
- (5) To consider any representation made by or on behalf of a person served with a fixed penalty notice served in relation to an offence committed in respect of the provision of information on sale of a house under the Housing (Scotland) Act 2006.
- (6) To consider any representation made by or on behalf of a person served with a penalty notice served in relation to an offence committed in respect of engaging in estate agency work whilst not being a member of an approved redress scheme under the Estate Agency Act 1979.
- (7) To consider any representation or hold any hearing in respect of any fixed penalty or similar notice that the Council is entitled, or may become entitled, to serve, give or issue by or under any enactment, insofar as they relate to the functions within the remit of the Communities Committee.
- (8) To consider any representation or hold any hearing in respect of any fixed penalty or similar notice served in relation to an offence under the Smoking Prohibition (Children in Motor Vehicles)(Scotland) Act 2016

**4. Development Management Review Committee**

- (1) The consideration and determination of appeals against a decision of the planning authority in relation to a planning application in accordance with the provisions of the

Town & Country Planning (Scheme of Delegation and Local Review Procedure) (Scotland) Regulations 2008 and of the Town & Country Planning (Development Management Procedure) (Scotland) Regulations 2008.

The Development Management Review Committee shall consist of 5 members to be drawn from the membership of the Development Standards Committee. Substitutes for the Development Management Review Committee are to be drawn from the Development Standards Committee.

## **5. Development Standards Committee**

- (1) The consideration and development of policy so far as related to the functions of this Committee.
- (2) The functions, powers and duties of the Council as planning authority under any enactments so far as they relate to development control, including processing of all notifications and applications for permission or consent as provided under the Town and Country Planning (Scotland) Acts and subsidiary legislation including:
  - (i) enforcement action in respect of unauthorised development and Wasteland Notices;
  - (ii) non statutory development control guidance;
  - (iii) applications for financial assistance in respect of listed buildings and other buildings in Conservation Areas; and
  - (iv) Tree Preservation Orders.
- (3) The functions of the Council under the Building (Scotland) Act 2003 and all Regulations made thereunder; including:
  - (i) applications for relaxation of Building Regulations; and
  - (ii) responsibilities in relation to dangerous buildings.

Note re planning applications (including enforcement action)

- (4) All applications requiring determination at member level (i.e. those not delegated to the Service Leader – Planning and Communities shall be considered only by this Committee.
- (5) Applications where a pre-determination hearing is required will be heard by the Council.
- (6) All other applications requiring consideration at member level shall be fully delegated to this Committee.
- (7) As the Council is acting in a regulatory capacity when considering planning applications, enforcement actions etc, the provisions of Standing Order 40(3) (i.e. the power of 2 members to refer a matter to the Council) shall not apply.

## **6. The Northern Roads Collaboration Joint Committee**

- (1) The Northern Roads Collaboration Joint Committee is a Joint Committee established by Aberdeen City Council, Aberdeenshire Council, Angus Council, Argyll and Bute Council, The Highland Council, The Moray Council, The Orkney Islands Council and The Western Isles Council (the “Constituent Authorities”) under sections 56 and 57 of the Local Government (Scotland) Act 1973.

- (2) The Joint Committee undertakes to appoint two named representatives from each Constituent Authority to its membership.
- (3) The creation of the Joint Committee represent the joint commitment of the Constituent Authorities to work collaboratively for the joint discharge of road and road related functions, including ports and harbours (the "Roads Collaboration").
- (4) In particular it shall have the following powers:
  - (1) To identify suitable projects and initiatives for Roads Collaboration and to make recommendations to Constituent Authorities;
  - (2) To make recommendations to Constituent Authorities in respect of resource contribution, funding arrangements and budget setting for projects and initiatives for Roads Collaboration;
  - (3) To manage resources and approve operational expenditure within agreed Joint Committee budgets for Roads Collaboration;
  - (4) To monitor the effectiveness of the Roads Collaboration and to identify potential improvements and efficiencies;
  - (5) To approve an annual performance report and financial statement for the reporting year on Roads Collaboration;
  - (6) To approve and amend Standing Orders for the Joint Committee and any of its Sub-Committees;
  - (7) To appoint the Chair and Vice Chair of the Joint Committee and any of its Sub-Committees.

## 7. Policy and Resources Committee

### (1) Policy

- (1) Strategic oversight of the Chief Executive's Unit.
- (2) Advising the Council on financial matters not referred to any other Committee, the supervision of the whole financial administration of the Council and the consideration and development of policy so far as related to the functions of this Committee.
- (3) All the functions of the Council under the enactments governing electoral registration and the election of councillors.
- ~~(4)~~ Strategic oversight and reporting of functions under statute in relation to risk, insurance, resilience and safety
- ~~(54)~~ Oversight of the internal change programme for Angus Council.
- ~~(65)~~ Supervision of the placing of contracts for miscellaneous goods and services, where in the opinion of the Committee after consultation with any other Committee having an interest in the purchase of such goods, materials or services, bulk purchase or a centralised contract would lead to overall economies to the Council.
- ~~(76)~~ The functions of the Council relating to the fixing of local holidays.
- ~~(87)~~ The functions of the Council as local registration authority for the purpose of the Registration of Births, Deaths and Marriages (Scotland) Act 1965.

- (98) To consider, in the light of the financial, property and personnel resources available to the Council, the broad social and economic needs of the area of the Council and the strategic policy objectives and priorities to be adopted to meet these needs; and thereafter to recommend to the Council such programmes and other measures as may be necessary to achieve these policy objectives and priorities either in whole or in part, over such timescale as the Committee may consider appropriate.
- (109) Without prejudice to the duties and responsibilities of the other Committees, to receive periodic reports with a view to ensuring that all the Committees and Directorates of the Council are implementing the Council's agreed strategic policies and programmes, and to advise the Council whether additional resources should be made available for any such policies and programmes.
- (119) The determination on behalf of the Council of the medium to long term strategic policy and resource framework within which the Council should operate.
- (124) To keep under review the overall allocation and control of the Council's resources.
- (132) To ensure that the organisation, administrative and management procedures of the Council are such as to make the most efficient contribution to the achievement of the Council's objectives; to keep these procedures under review in the light of changing circumstances and in the context of best value and to make recommendations as necessary for improvements in them through changes in either the Committee or departmental structure, in the distribution of functions and responsibilities or otherwise.
- (143) Without prejudice to the duties and responsibilities of the other Standing Committees, to review the effectiveness of all the Council's work and the standards and level of service provided; and, subject to compliance with the statutory obligations of the Council, to make such recommendations as may be considered necessary concerning the expansion, modification or abandonment of existing services and the provision of new services.
- (154) The functions of the Council as it relates to its arrangements for securing best value.
- (165) The functions of the Council as it relates to its arrangements for community planning.
- (176) The duties placed on the Council by Section 5(1) of the Ethical Standards in Public Life etc (Scotland) Act 2000.
- (187) The functions of the Council relating to research and the collection of information concerning the area of the Council exercisable under Section 87 of the 1973 Act and the provision of information and other activities authorised under Section 88 of that Act.
- (198) To consider and report on all matters which affect or which are likely to affect the interests of the area of the Council (including Parliamentary Bills, draft Statutory Instruments and Orders, etc) and which do not relate exclusively to the functions of any other Standing Committee.
- (2049) The co-ordination of all press, publicity and promotional work undertaken by the Council.
- (219) The formulation and monitoring of the Council's Environmental Strategy and Local Agenda 21 Strategy.
- (224) The co-ordination and promotion of corporate European matters, including European funding programmes and partnerships.

- (232) The functions of the Council relating to civil protection and resilience under the Civil Contingencies Act 2004, Contingency Planning (Scotland) Regulations 2005 and other relevant legislation and regulations including emergency planning, business continuity and safe events, and also including the work of local and regional partners.
- (243) The recommendation to the Council of the promotion of, or initiation of opposition to, any private legislation in Parliament in accordance with the procedure provided by Section 82 of the 1973 Act.
- (254) Consideration of any recommendations to the Council for the variation or revocation of any of these Standing Orders, having regard to the exclusions from delegation as referred to in Standing Order 41 (vii).
- (265) The making and variation of Codes of Conduct for members and officers of the Council (including any registration of interests prescribed by such Codes).
- (276) Responding to major consultations and government initiatives that impact on the Council as a whole.
- (287) Consideration of the annual timetables of meetings of the Council and its Standing Committees and Standing Sub-Committees.
- (298) All matters relating to the twinning or linking with Regions, Towns, Municipalities or other Local Government Areas or entities outwith the United Kingdom, including:-
- (i) consideration of the scope or range of activities to be undertaken in pursuit of twinning or linking arrangements;
  - (ii) consideration of proposals for entering into twinning or linking arrangements;
  - (iii) the taking of action within the terms of any policy or arrangements approved by the Council in terms of sub-paragraphs (i) and (ii) above including:-
    - (a) arrangements of visits by representatives of the Council to twinned or linked local authorities or to local authorities with whom twinning or linking arrangements are being discussed and vice versa (including the provision of suitable hospitality); and
    - (b) liaison with any twinning association or other associations or bodies in Angus whose purposes or activities are conducive to the promotion or maintenance of an established twinning or linking relationship.
    - (c) The making of grants to associations, individuals or groups for purposes connected with the promotion or maintenance of twinning or linking arrangements.
- (3029) Without prejudice to the duties and responsibilities of any other Standing Committees, to consider matters within the order of reference of any Committee on which a decision was required for reasons of urgency or expediency.
- (319) All functions of the Council which are not referred or delegated to any other Committee.
- (324) To prepare and submit to the Council for consideration, schemes for the establishment of Community Councils under Part IV of the Local Government (Scotland) Act 1973, and to organise and supervise elections for Community Councils, and consider all applications for grants and other forms of assistance thereto.

**(2) Resources**

**(i) Finance**

- (1) Subject to Standing Orders/Financial Regulations the functions of the Council (i) as rating authority under Part VII of the 1973 Act; (ii) under the Abolition of Domestic Rates Etc (Scotland) Act 1987 and the Local Government Finance Act 1992, and (iii) under other related enactments, regulations or subordinate legislation including the functions of the Council relating to housing benefit and rebates from Council Tax and the disposal under any enactment of all other claims or applications for relief from or repayment of non-domestic rates.
- (2) The determination of the most appropriate method of raising any money which the Council are authorised under a statutory borrowing power to borrow.
- (3) The consideration of the report to be made by the **HeadDirector** of Finance **and Legal** on the borrowing and lending operations of the Council's Consolidated Loans Fund as provided for in Financial Regulations and all other matters relating to the supervision and control of that Fund.
- (4) The consideration and determination of all applications for loans, grants, donations and subscriptions in respect of services which are not linked to or associated with functions referred or delegated to any other Committee or Sub-Committee.
- (5) The determination of all matters relating to the insurance of the Council and its members and employees against any appropriate risks including ensuring that persons acting within the scope of their official functions and genuinely attempting to promote the interests of the Council are properly indemnified against civil and criminal liability.
- (6) The consideration of any recommendations to the Council for the variation or revocation of any major aspect of the Financial Regulations of the Council, having regard to the exclusions from delegation as referred to in Standing Order 40 (vii)
- (7) The consideration on behalf of the Council of matters arising out of the Money Laundering Regulations 2007.
- (8) All matters arising under Sections 46-50 of the Local Government (Scotland) Act 1973; the Local Authorities Etc (Allowances) (Scotland) Regulations 1995 (as amended); the Local Government (Scotland) Act 2004 (Allowances and Expenses) Regulations 2007 relating to allowances and expenses of members (but excluding always matters relating to the reception and entertainment by way of official courtesy of distinguished visitors and others under Section 48(1)(b)).
- (9) The functions of the Council relating to staff Pension Funds.
- (10) The functions of this Committee in relation to the Annual Revenue and Capital Budget in accordance with Financial Regulations.
- (11) The implementation and monitoring of the Council's treasury management policies and practices subject to the provisions within Financial Regulation 15.4 for the reporting of certain items to full Council.
- (12) The functions of this Committee in relation to the administration of Council Tax, Housing Benefit and Council Tax Reductions and Non-domestic Rates, Scottish Welfare Fund and Discretionary Housing Payments.
- (13) The functions of this Committee in relation to debt management and collection of sundry debts, Council Taxes, non-domestic rates and housing benefit overpayments, including the approval of debt write-offs for such items.

- (14) The functions of the Council as a valuation authority so far as not delegated to the appropriate Joint Board or referred to any other Committee.
- (15) The acceptance, administration and disbursement of charitable and common good funds.
- (16) In accordance with Standing Orders/Financial Regulations, to consider and determine any proposal remitted by any Committee for expenditure for which no provision or insufficient provision has been made in the Annual Estimates.
- (17) Oversight of the Council's corporate procurement arrangements and associated policies and procedures.
- (18) The making of all arrangements for hospitality, receptions, entertainments, etc.

**(ii) Property and Information Technology**

- (1) The determination of all matters relating to information technology and telecommunication services.
- (2) The following functions in respect of the Council's property, excluding property held under the Housing Acts:-
  - (i) the overall allocation and control of the Council's land and building resources;
  - (ii) the consideration of all proposals which would involve (i) the acquisition of land or buildings, or (ii) the erection, extension, renovation, adaptation, improvement and demolition of buildings (excluding from (ii) works of engineering construction for the Communities Committee and buildings associated therewith); provided that in the event of any disparity in the advice given to any other Committee of the Council regarding such acquisition or provision the matter shall be referred to the Council for determination;
  - (iii) the acquisition whether by way of purchase, feu, lease or otherwise, of all land and buildings identified by the Council as required for any of its functions, subject to the reservation to the Council of any decision to acquire by compulsory purchase;
  - (iv) the preparation and maintenance of a Central Land and Property Register;
  - (v) the consideration and determination of all proposals including proposals initiated by other Standing Committees to lease land (including all buildings thereon and rights therein) owned by the Council including the determination of rents and other terms and conditions of lease;
  - (vi)
    - (a) the determination of the future use or appropriation by the Council of any lands or buildings owned by or leased to the Council, the former use of which has been discontinued in whole or in part;
    - (b) the disposal (whether by way of sale, feu or lease or otherwise) on such terms and conditions as the Committee may determine of any land or buildings which the Committee deem to be no longer required for any of the purposes of the Council;
    - (c) the execution of such works of repair, improvement or adaptation or, where the powers of the Council permit, the acquisition or excambion of such interest in land or buildings as the Committee may deem necessary or desirable to facilitate the disposal of any lands or buildings in terms of sub-paragraph (b) hereof;

provided in the case of (a), (b) or (c) that if any other Committee of the Council has requested that any lands or buildings be allocated to or used by that Committee for the purposes of any of that Committee's functions and this Committee proposes to refuse or defer that request, the matter shall be referred to the Council for determination.

- (3) Any question regarding the future use of any land or buildings owned by or leased to the Council.
- (4) The duties placed on the Council by the Carbon Reduction Commitment Energy Efficiency Scheme Order 2010 and the Climate Change (Scotland) Act 2009.
- (5) The functions of the Council relating to Community Asset Transfer under Part 5 of the Community Empowerment (Scotland) Act 2015.

**(iii) Human Resources**

- (1) Except as specifically provided in the Order of Reference of this or any other Standing Committee, all matters relating to the recruitment, rates of pay, conditions of service and all other personnel matters affecting the interests of more than one department and, in particular, all questions relating to:-
  - (i) staff development and training;
  - (ii) recruitment policy;
  - (iii) the formulation, variation and supervision of the operation of grievance and disciplinary procedures;
  - (iv) the functions of the Council in respect of the hearing, consideration and determination of appeals by employees in terms of any nationally agreed schemes and of appeals falling to be determined by a Committee of the Council in terms of the Grievance and Disciplinary Procedures adopted by the Council;
  - (v) the health, safety and welfare of all employees;
  - (vi) the salaries/wages and conditions of service of all Council employees except where delegated; and
  - (vii) staff relations, including the appointment of the Council's representatives to Local Joint Councils.
- (2) Oversight of the Council's functions in relation to Equalities legislation including the development and monitoring of policy promoting equal opportunities.
- (3) The establishment, deletion and grading of posts on JNC Conditions of Service.

**(iv) Development and Enterprise**

- (1) The functions of the Council in respect of economic development and industrial promotion in terms of the Local Government (Scotland) Act 1973 as amended by the Local Government and Planning (Scotland) Act 1982 and the Local Government etc (Scotland) Act 1994, including, in respect of these functions:-
  - (i) the consideration and determination of questions relating to the acquisition and development of land and buildings;

- (ii) the selection of tenderers for contracts for consultancy required in connection with the above functions;
  - (iii) the approval of applications for the award of grants, loans or guarantees or equity arrangements to industrial or commercial undertakings or, where appropriate, to other bodies;
  - (iv) the approval of the award of grants and loans to co-operatives;
  - (v) the provision of contributions towards expenses incurred in the promotion of tourism in accordance with Section 90 of the Local Government (Scotland) Act 1973 as amended; and
  - (vi) arrangements for trade development activities in the United Kingdom and abroad.
- (2) The functions of the Council under the Inner Urban Areas Act 1978 insofar as not otherwise dealt with in the Order of Reference (including functions relating to urban aid applications).
  - (3) Responsibility for international strategy and partnerships.
  - (4) To develop measures to support and promote regeneration.
  - (5) Responsibility for the promotional development of a tourism strategy.
  - (6) The consideration of grant aid applications under the Angus Council Community Grant Scheme.
  - (7) The preparation of statutory development plans.

**(v) Social Work and Health**

- (1) The functions of the Council relating to:-
  - Public health
  - Public protection
  - Mental Health and Wellbeing
  - Health improvement
- (2) To receive reports from the Chief Social Work Officer and the Chief Officer for Integration.
- (3) To ensure that Angus Council's responsibilities are addressed appropriately by the Integrated Health and Social Care Partnership.

**The Committee shall appoint the following Standing Sub-Committees:-**

**(1) Personnel Appeals Sub-Committee**

To consider and determine appeals raised by employees in respect of appeals against dismissal.

**(2) Sounding Board Sub-Committee**

To act as a sounding board for the purpose of providing formal expressions of opinion to COSLA on matters such as the annual pay award.

**8. Scrutiny and Audit Committee**

- ~~(1) — To review all aspects of corporate governance, risk management and internal control, ensuring systematic appraisal of the council's control environment and framework to provide reasonable assurance of effective and efficient operations.~~
- ~~(2) — To promote and maintain high standards of conduct by councillors, co-opted members and employees, and advise on the adoption or revision of the code of conduct.~~
- ~~(3) — To consider matters concerning the establishment, maintenance and public availability of the Register of Interests of Councillors and Employees.~~
- ~~(4) — To consider reports on the adequacy and effectiveness of the Council's counter fraud and corruption arrangements.~~
- ~~(5) — To assess the scope and effectiveness of the systems established by management to identify, assess, manage and monitor risk to the achievement of objectives.~~
- ~~(6) — To approve the Internal Audit Charter.~~
- ~~(7) — To consider and approve the risk based internal audit plan.~~
- ~~(8) — To consider reports from the Audit Manager on the internal audit activity's performance relative to its plan; the outcomes of internal audit reports; action plans and management response to recommendations.~~
- ~~(9) — To make appropriate enquiries of management and the Audit Manager to determine whether there are inappropriate scope or resource limitations.~~
- ~~(10) — To receive the Audit Manager's annual report and opinion.~~
- ~~(11) — To advise the Council in matters relating to the programme of internal audit work and findings and recommendations from Audit Reports.~~
- ~~(12) — To consider reports and plans presented by the External Auditor including the Annual Report to Members and the Controller of Audit".~~
- ~~(13) — to fulfil the duties of the Council for scrutiny and approval of the Council's Annual Accounts as required by the Local Authority Accounts (Scotland) Regulations 2014 as follows:-~~
  - ~~a) — to consider the unaudited Annual Accounts as submitted to the auditor no later than 31st August immediately following the financial year to which the Annual Accounts relate; and~~
  - ~~b) — to consider the audited Annual Accounts and aim to approve those accounts for signature no later than 30th September immediately following the financial year to which the accounts relate.~~
- ~~(14) — To scrutinise both treasury management strategy and performance prior to these matters being considered by the Council, subject to adherence to statutory timescales.~~
- ~~(15) — To consider reports by external agencies insofar as they contribute to the overall assessment of governance, risk and internal control.~~
- ~~(16) — To review the performance and effectiveness of the standard and level of service provided by council services.~~
- ~~(17) — To review and oversee the operation of the council's complaints procedure.~~

~~(18) To consider any report by the Scottish Public Services Ombudsman in respect of any finding of maladministration against the council.~~

~~(19) To consider the Chief Executive's Annual Report on Corporate Governance and the Annual Governance Statement.~~

~~(20) To commission an annual programme of reviews of service performance and/or the implications of policy decisions subject to the latter not being undertaken until at least six months after implementation.~~

~~(21) In relation to Police and Fire and Rescue Services, to consider and carry out the following actions:-~~

~~(i) approval of the Local Policing and Fire & Rescue Plans;~~

~~(ii) monitoring and providing feedback on Local Policing and Fire & Rescue;~~

~~(iii) scrutiny of local performance;~~

~~(iv) making recommendations for improvements to Local Policing and Fire & Rescue; and~~

~~(v) consideration of reports of Local Policing and Fire & Rescue matters~~

~~(22) To consider the progress of the Integration Joint Board in the delivery of the Strategic Plan biannually~~

~~(23) Without prejudice to the duties and responsibilities of the Communities Committee, to have oversight of the contract for the delivery of services by Angus Alive~~

#### Introduction

★ The Scrutiny and Audit Committee is a key component of the Council's corporate governance framework. It provides an independent and high-level focus on the audit, assurance and reporting arrangements that underpin good governance and financial standards.

★ The purpose of the Scrutiny and Audit Committee is to provide independent assurance to the full Council of the adequacy of the risk management framework and the internal control environment. The Committee provides independent review of Angus Council's governance, risk management and control frameworks and oversees the financial reporting and annual governance processes. It oversees internal audit and external audit, helping to ensure efficient and effective assurance arrangements are in place.

#### Governance, Risk and Control

(1) To review all aspects of the Council's corporate governance arrangements against the CIPFA Delivering Good Governance Framework and to consider the Council's local code of corporate governance.

(2) To review the Annual Governance Statement prior to approval and consider whether it properly reflects the risk environment and supporting assurances, taking into account internal

audit's opinion on the overall adequacy and effectiveness of the Council's framework of governance, risk management and control.

- (3)★ To consider the council's framework of assurance and ensure that it adequately addresses the risks and priorities of the council.
- (4) To assess the scope and effectiveness of the systems established by management to identify, assess, manage and monitor risk to the achievement of objectives.
- (5) To consider reports by external agencies insofar as they contribute to the overall assessment of governance, risk and internal control.
- (6) To review the performance and effectiveness of the standard and level of service provided by council services.
- (7) To review the governance and assurance arrangements for significant partnerships or collaborations including IJB, ANGUSalive, Tayside Contracts.
- (8) In relation to Police and Fire and Rescue Services, to consider and carry out the following actions:
  - (i) approval of the Local Policing and Fire & Rescue Plans;
  - (ii) monitoring and providing feedback on Local Policing and Fire & Rescue;
  - (iii) scrutiny of local performance;
  - (iv) making recommendations for improvements to Local Policing and Fire & Rescue; and
  - (v) consideration of reports on Local Policing and Fire & Rescue matters
- (9) To promote and maintain high standards of conduct by councillors, co-opted members and employees, and advise on the adoption or revision of codes of conduct.
- (10) To consider matters concerning the establishment, maintenance and public availability of the Register of Interests of Councillors.
- (11) To consider any report by the Scottish Public Services Ombudsman in respect of any finding of maladministration against the council.

Internal Audit, Counter-Fraud and External Audit

- (12) To approve the Internal Audit Charter.
- (13) To consider and approve the risk-based internal audit plan and to approve significant interim changes to the plan and resource requirements.

- (14) To make appropriate enquiries of management and the Service Leader-Internal Audit to determine whether there are inappropriate scope or resource limitations.
- (15) To consider reports from the Service Leader-Internal Audit on the internal audit activity's performance during the year. These will include: updates on internal audit work; reports on any Internal Audit Improvement Plan; reports on non-compliance with Public Sector Internal Audit Standards.
- (16) To consider the Service Leader-Internal Audit's annual report and opinion.
- (17) To review the assessment of fraud risks and potential harm to the Council from fraud and corruption.
- (18) To monitor the counter-fraud strategy, actions and resources.
- (19) To consider reports and plans presented by the External Auditor including the Annual Report to Members and the Controller of Audit.
- (20)★ To identify any special investigations required in relation to matters of particular concern relating to internal controls, risk management or corporate governance.
- (21)★ To advise and recommend on the effectiveness of relationships between external and internal audit and other inspection agencies or relevant bodies.

#### Financial Reporting and Treasury Management

- (22) To fulfil the duties of the Council for scrutiny and approval of the Council's Annual Accounts as required by the Local Authority Accounts (Scotland) Regulations 2014 as follows:-
- a) to consider the unaudited Annual Accounts as submitted to the auditor no later than 31st August immediately following the financial year to which the Annual Accounts relate; and
- b) to consider the audited Annual Accounts and aim to approve those accounts for signature no later than 30th September immediately following the financial year to which the accounts relate.
- (23) To scrutinise treasury management strategy and performance prior to these matters being considered by the Council, subject to adherence to statutory timescales.

#### Complaints

- (24) To review and oversee the operation of the council's complaints procedure.

#### Accountability Arrangements

- (25)★ To provide an annual report to full council on the work of the committee, to include: the committee's performance in relation to its remit; and the effectiveness of the committee in meeting its purpose.

(26) To advise the Council in matters relating to the programme of internal audit work and findings and recommendations from Audit Reports.

Scrutiny Panels

(27) To commission an annual programme of reviews of service performance and/or the implications of policy decisions subject to the latter not being undertaken until at least six months after implementation.

**9. Community Asset Transfer Decision Review Committee**

- (i) The determination of any request for review of any decision made by the Policy & Resources Committee on a Community Asset Transfer application in terms of the Community Empowerment (Scotland) Act 2015 and in particular the Asset Transfer Request (Review Procedure) (Scotland) Regulations 2016.
- (ii) The Committee comprises five elected members of the Council not drawn from the Policy & Resources Committee.

**SCHEME OF DELEGATION**

**TO**

**OFFICERS**

## SCHEME OF DELEGATION TO OFFICERS

This Scheme of Delegation to Officers is made under Section 50G(2) of the Local Government (Scotland) Act 1973.

### 1. General Provisions

- (1) In exercising the authority hereby delegated to them, officers must act in accordance with the policy of the Council, its Committees and Sub-Committees.
- (2) In exercising the authority hereby delegated to them, officers must act in accordance with the terms of Standing Orders and Financial Regulations.
- (3) Officers specified in this Scheme of Delegation may make arrangements, which must be in writing, for other specified officers to exercise any of the powers delegated to them in terms of this Scheme, unless prohibited from doing so by law.

### 2. General Delegation ~~to Strategic Directors~~

The Chief Executive, Depute Chief Executive ~~and all and the two Strategic~~ Directors are authorised:-

- (1) to appoint to their servicedirectorates all staff at and below the level of service leader, so long as such appointments are based on merit and have regard to the Council's recruitment and selection procedures and are within the approved establishment and approved estimates of expenditure of the servicedepartment;
- (2) to attend and to approve the attendance of staff at conferences, courses or other functions/events within the European Union provided allowance is in the revenue budget, and in accordance with approved Council policy;
- (3) to attend and to approve the attendance of staff at meetings of appropriate local authority professional associations;
- (4) to dismiss a member of staff in accordance with the relevant Council policy or procedure;
- (5) to approve overtime payments to members of staff in accordance with Council policy, provided such payments can be contained within the revenue budget of the servicedepartment;
- (6) to approve the payment of removal/relocation expenses, in accordance with the relevant Council policy, provided appropriate allowance is made in the approved estimates of expenditure;
- ~~(7) to designate members of staff as car users, in accordance with the relevant Council policy;~~
- ~~(8) to approve the payment of telephone allowances to appropriate members of staff, in accordance with the relevant Council policy;~~
- (79) to incur expenditure not exceeding £400 (and in the case of the Chief Executive, not exceeding £1,000) on any one occasion on the provision of appropriate hospitality to members and officers of HM Government, other local authorities or public bodies visiting Angus, or to consultants, official delegations, or prospective investors at the discretion of the Directorthe Head of Service, or others who are assisting or co-operating with officers of the Council in carrying out any of the Council's functions, provided appropriate allowance is made in the approved estimates of expenditure;

- (480) to transfer amounts between budget heads under the direct control of the relevant servicedepartment in accordance with the provisions of Financial Regulations;
- (944) to approve grants to organisations up to £1,000 in value subject to annual report to Committee and sufficient budget provision;
- (1042) to be responsible for compliance with corporate business planning and management arrangements;
- (113) to make arrangements for tenders and to award contracts in accordance with the Council's Financial Regulations, up to the maximum values stated in Appendix 1 thereof;
- (124) where appropriate, to object to an application for, or to make a complaint regarding, any licence in terms of the Licensing (Scotland) Act 1976 (as amended), the Civic Government (Scotland) Act 1982 and any other Licences issued under miscellaneous legislation where the local authority is a competent objector;
- (135) to determine for their servicedepartment the information to be disclosed, including the application of any exemptions, in relation to requests for information in terms of the Freedom of Information (Scotland) Act 2002;
- (146) to declare surplus to their services'department's requirements any land and/or property no longer required for their department's operational purposes (excluding property held under the Housing Acts), such declaration to be by way of written notification to the Director of Head-of-Infrastructure and by submission of biannual reports to the relevant Service Committee summarising land and/or property declared as surplus under delegated authority;
- (157) to carry out the functions of the Council in relation to Health and Safety Regulations for those services delivered by their servicedepartment;
- (168) to negotiate settlements of claims arising from their services'departments' contractual workloads in consultation with the Director of Service Leader-Legal and Democratic Services;
- (179) to purchase supplies and equipment subject to provision having been made within the approved estimates of expenditure in accordance with the Council's Financial Regulations.

### 3. Chief Executive

The Chief Executive is authorised-

- (1) to act as the Head of the Council's Paid Service in terms of Section 4 of the Local Government and Housing Act 1989;
- (2) to act as Returning Officer for Parliamentary and Local Government elections;
- (3) in consultation with appropriate local members, as Parliamentary Returning Officer, to make minor changes to the polling scheme in the run up to any statutory election in order to ensure the smooth conduct of the poll;
- (4) to act as the Proper Officer of the Council for the functions specified in Standing Order 46(1);
- (5) in an emergency, to initiate action under any statutory procedure related to a function of the Council, subject to a report being made to the appropriate Committee at the first opportunity on any item for which Committee approval would normally be necessary;

(6) to discharge the functions to comply with the Health & Safety at Work Act 1974 and Management of Health and Safety at Work Regulations 1999

(76) to appoint consultants to provide specialist input and expertise on specific projects in approved spending programmes, within the approved estimates of expenditure and in accordance with the Financial Regulations;

(87) to authorise officers of the Council to act as authorising officers and other named functions in terms of the Regulation of Investigatory Powers (Scotland) Act 2000;

(98) in conjunction with the ~~Director of Service Leader~~ – Legal and Democratic Services, to comply with requests for a review of the Council's actions and decisions in relation to requests for information in terms of the Freedom of Information (Scotland) Act 2002 and take decisions for that purpose;

(109) in consultation with appropriate elected members, to agree for the interest of the Council all matters arising at the Community Planning Partnership or any of its constituent groups which are not the subject of a specific decision of the Council.

#### 4. The Depute Chief Executive is responsible for:

(1) All aspects of operations, ensuring alignment and efficient delivery of services to achieve best value and the outcomes identified by the Council and the Community Planning Partnership.

(2) Ensuring services operate in compliance with relevant legislation, statutory duties and Council policies (eg: Procurement, Best Value, Health & Safety; Risk).

(3) Creating a positive, performance led, innovative climate and culture in services to secure a step change in broadening options for delivery.

(4) Engaging colleagues and partners across boundaries to grow collective capability towards enhanced transparency, insight and decision making.

(5) In the absence of the Chief Executive, to have all the delegated authority of the Chief Executive.

#### **53a ~~Head~~The Director of Strategic Policy, Transformation and Public Sector Reform**

The key functions of this position are to support the Chief Executive, the Depute Chief Executive and the Corporate Leadership Team to enable the Council to discharge its statutory obligations. These include leading: strategic planning; economic development; corporate communications; organisational development; change, performance and improvement; strategic commissioning; governance; risk, resilience and safety; and internal audit services, in accordance with the job outline for this position and associated job outlines covering the entire service.

The

~~Director~~ Head of Strategic Policy, Transformation and Public Sector Reform is authorised:-

(1) ~~to deploy project management resources to support transformational change, key priorities and work streams~~

~~(2) In consultation with the Chief Executive and the Extended Management Team ChangeBoard assess any proposals and approve any funding from the Change Resource Fund~~

~~(3) to lead the oversight and management of the relationship with Angus Alive, including to administer the Council's Management Rules with regard to all leisure and cultural activities and facilities.~~

#### **53(a) Service Leader (Strategic Policy and Economy)**

The Service Leader (Strategic Policy and Economy) is authorised:-

- (i) to approve, leases and disposals of sites of up to 1 hectare and premises of 500 m<sup>2</sup>, in consultation with the Head of Infrastructure;
- (ii) to approve leases and disposals outwith the limits set out in sub-paragraph (i) above in cases of urgency in consultation with the Convener of the Policy and Resources Committee and the DirectorHead of Infrastructure;
- ~~(ii) to approve disposals outwith the limits set out in sub-paragraph (i) above in cases of urgency in consultation with the Convener of the Policy and Resources Committee and the Head of Infrastructure;~~
- (iii) to approve travel, subsistence, accommodation and other expenditure incurred by officers of the Departmentservice in relation to exhibitions and promotional events within the United Kingdom, in accordance with Council policy and subject to appropriate provision having been made in the approved estimates of expenditure;
- (iv) in consultation with the HeadDirector of Infrastructure, to authorise all expenditure on the maintenance of properties held on the Economic Development account within the approved budget;
- (v) to appoint marketing and economic development consultants and specialist suppliers, subject to provision having been made within the approved estimates of expenditure and in accordance with the Council's Financial Regulations;
- (vi) to select consultants for inclusion in tender lists for marketing and economic development services in accordance with Financial Regulations;
- (vii) to incur expenditure not exceeding £1,000 on any one occasion on the provision of hospitality for major inward investment delegations or foreign trade delegations provided allowance is made in the revenue budget;
- (viii) in consultation with the Convener of Policy and Resources (or in his absence the Vice Convener) to approve all loans to Angus businesses through the National Loan Fund;
- (ix) in consultation with the Convener of Policy and Resources, (or in his absence the Vice-Convener) to approve or reject Business Support grant applications of over £1,000 and up to £5,000.

#### ~~4. Strategic Director – Place~~

~~The Strategic Director – Place is authorised:-~~

- (1) ~~to take overall responsibility for the functions of the Directorate, to oversee all staff and to act in all departmental matters, with the exception of those functions delegated to the Service Leader – Planning and Communities and the Head of Communities~~

~~(2) to exercise all responsibilities on behalf of Angus Council for the functions specified in the Climate Change (Scotland) Act 2009.~~

~~(3) in consultation with the Service Leader – Legal and Democratic to make application to the Court for an Anti-Social Behaviour Order under the Crime and Disorder Act 1998, where all consultees support the making of such an application and where the application is in accordance with Council policy and the Anti-Social Behaviour (Scotland) Act 2004 and associated legislation and guidance.~~

~~(4) to apply for a Parenting Order in line with Part 9 of the Anti-Social Behaviour (Scotland) Act 2004.~~

~~(5) to carry out the Council's functions under the following provisions of the Land Reform (Scotland) Act 2003, namely:~~

~~Section 11 (power to exempt particular land from access rights) exemption for less than 6 days.~~

~~Section 13(duty of local authority to uphold access rights) including to institute or defend legal proceedings in consultation with the Service Leader – Legal and Democratic (without prejudice to the terms of Article 4(3) of the scheme of delegation), and subject, in the case of legal proceedings, to a report being made to the Land Reform Sub-Committee.~~

~~Section 14 (prohibition signs, obstructions, dangerous impediments etc.)~~

~~Section 15 (measure for safety, protection, guidance and assistance)~~

~~Section 19 (power to maintain core paths etc)~~

~~Section 21 (delineation by agreement of paths in land over which access rights are exercisable)~~

~~Section 23 (Ploughing etc.)~~

~~Section 26 (power of entry)~~

~~(6) to administer the Council's Management Rules with regard to all leisure and cultural activities and facilities;~~

~~(7) to advise the Acquisitions Sub-Group and administer and support the Museums Fund;~~

#### **64a. Head Director of Communities**

The Head Director of Communities is authorised-

~~(1) to take overall responsibility for the functions of the service Directorate, to oversee all staff and to act in all departmental matters, with the exception of those functions delegated to the Service Leader – Planning and Communities, and the Head of Communities~~

~~(2) to exercise all responsibilities on behalf of Angus Council for the functions specified in the Climate Change (Scotland) Act 2009.~~

~~(3) in consultation with the Service Leader – Director of Legal and Legal and Democratic Services to make application to the Court for an Anti-Social Behaviour Order under the Crime and Disorder Act 1998, where all consultees support the making of such an~~

application and where the application is in accordance with Council policy and the Anti-Social Behaviour (Scotland) Act 2004 and associated legislation and guidance.

- (4) to apply for a Parenting Order in line with Part 9 of the Anti-Social Behaviour (Scotland) Act 2004.
- (5) to carry out the Council's functions under the following provisions of the Land Reform (Scotland) Act 2003, namely:
- Section 11 (power to exempt particular land from access rights) exemption for less than 6 days.
  - Section 13(duty of local authority to uphold access rights) including to institute or defend legal proceedings in consultation with the ~~Director of Service Leader – Legal and Democratic Services~~(without prejudice to the terms of Article 4(3) of the scheme of delegation), and subject, in the case of legal proceedings, to a report being made to the Land Reform Sub-Committee.
  - Section 14 (prohibition signs, obstructions, dangerous impediments etc.)
  - Section 15 (measure for safety, protection, guidance and assistance)
  - Section 19 (power to maintain core paths etc)
  - Section 21 (delineation by agreement of paths in land over which access rights are exercisable)
  - Section 23 (Ploughing etc.)
  - Section 26 (power of entry)
- (64) to allocate council houses, lock-up garages and garage sites in accordance with current legislation and Council policy;
- (72) to maintain Waiting and Transfer Lists including any Common Housing Register;
- (83) to carry out routine maintenance of Housing Revenue Account properties, instructing work on dwelling-houses, garages and other relevant Housing Revenue Account assets in accordance with Financial Regulations and the approved estimates of expenditure;
- (94) in consultation with the ~~Head~~Director of Finance and ~~the Director of Legal and Democratic Services and the Service Leader – Legal and Democratic~~, to award ex-gratia payments, as compensation in particular circumstances, up to an approved limit;
- (105) to collect rents and other monies due to the Council;
- (611) to carry out assessment of housing need and to enable accommodation/housing to be provided to meet that need;
- (712) to operate the Homeless Persons legislation via agreed policy and current guidance;
- (138) to devise, develop and monitor Capital programmes to ensure the Council's HRA stock is kept in a satisfactory condition including meeting and maintaining the Scottish Housing Quality Standard;
- (149) to lead the implementation of the Home Energy Conservation Act 1995;

- (159) to take appropriate and proportionate action, including all necessary legal actions including serving notices of proceedings for recovery of possession of houses under Section 14 of the Housing (Scotland) Act 2001 and to take further appropriate actions as agreed by Council Policy following due legal process and to report actions to Council informing of progress and compliance with Council Policy;
- (164) to operate a Private Sector Landlords Registration Scheme under the Anti-Social Behaviour etc (Scotland) Act 2004;
- (172) to exercise the housing authority's powers to authorise entry in accordance with Section 37 of and Schedule 10, paragraph 1(3) to the Housing (Scotland) Act 1987, along with Schedule 4, paragraph 4 to the Housing (Scotland) Act 2001;
- (183) to develop and deliver strategies for Tenant and wider Community engagement within the Community Planning Framework ensuring customers are consulted on relevant policy development and securing customer views to improve housing and related services;
- (194) to prepare the Local Housing Strategy in accordance with the Housing (Scotland) Act 2001, and associated guidance, including the preparation and implementation of the Council's Strategic Housing Investment Plan;
- (2045) to deliver, ~~with the Strategic Director – People, the Strategic Director – Place and the Service Leader – Legal and Democratic,~~ the requirements of the Housing (Scotland) Act 2006 (with the exception of Part 5 thereof);
- (2146) to instruct immediate repairs to all housing assets which have become damaged in order to mitigate any loss, damage or injury to property or persons and instruct minor works of repair, construction or alteration nature, of property assets of Housing subject to provision having been made within the approved estimates of expenditure and in accordance with the Council's Financial Regulations;
- (2247) to appoint consultants, subject to provision having been made within the approved estimates of expenditure and in accordance with the Council's Financial Regulations;
- (2348) to select consultants for inclusion in tender lists for Housing from approved standing lists or from those responding to a public advertisement in accordance with the Council's Financial Regulations;
- (2449) to carry out the functions of the Council in relation to the Construction (Design and Management) Regulations with regard to Housing contracts as appropriate.
- (259) to develop, manage and co-ordinate community planning and applicable budget.
- (264) to assess grant applications received under the Rural Shops Grant Scheme and Community Post Office Conversion Scheme including the award of financial assistance in appropriate cases, subject to appropriate provision having been made in the approved estimates of expenditure;
- (272) to act as the Proper Officer of the Council for the functions specified in Standing Order 46(5);
- (283) to appoint consultants to provide specialist input and expertise on specific projects in approved spending programmes, within the approved estimates for expenditure and in accordance with the Council's Financial Regulations;
- (294) to manage Angus Council's response to the new duties specified in the Climate Change (Scotland) Act 2009.

- (3025) in relation to the Open Market Acquisition Scheme, to approve the purchase of properties which meet the Council's criteria and can be accommodated within existing resources.
- (3126) to appoint consultants, subject to provision having been made within the approved estimates of expenditure and in accordance with the Council's Financial Regulations;
- (327) to select consultants for inclusion in tender lists from approved standing lists or from those responding to a public advertisement in accordance with the Council's Financial Regulations;
- (3328) to administer the Council's Management Rules with regard to parks, play and recreation areas, open spaces, beaches, and burial grounds;
- (3429) to carry out the Council's functions in waste management including:-
- (i) all responsibilities for waste collection and disposal including recycling and the disposal of recyclate;
  - (ii) all policy, strategy delivery and enforcement related to street cleaning and fly tipping under the Environmental Protection Act 1990; and
  - (iii) all responsibilities relating to public toilets;
  - (iv) the discharge of the functions of the Council as litter authority under the Environmental Protection Act 1990.
- (359) to ensure that the Council maintains an adequate cemetery provision and that systems are in place to maintain accurate records of all burials;
- (364) to make burial arrangements under the Burial Grounds (Scotland) Act 1855;
- (372) to approve the sale of lairs and to approve the issue of free lairs where circumstances dictate;
- (383) to exercise the local authority's powers under Section (3) of the Local Government (Footpaths and Open Spaces) (Scotland) Act 1970 where the open space area has been provided to the standards required by the Council and adoption of its maintenance causes no detriment to the Council's budgets.
- (394) In respect of the Council's Environmental & Consumer Protection Functions:-
- (i) to issue licences in terms of the Explosives Regulations 2014;
  - (ii) to act on any Emergency Order made under Part 1 of the Food and Environmental Protection Act 1985;
  - (iii) to issue petrol storage permissions under the Petroleum (Consolidation) Regulations 2014;
  - (iv) to issue suspension and other official notices under Section 14 of the Consumer Protection Act 1987, and under the General Product Safety Regulations 2005 (made under section 2(2) of the European Communities Act 1972) for goods which are suspected to be unsafe;
  - (v) to ensure redundant petrol tanks are made safe under Section 94(2) of the Civic Government (Scotland) Act 1982; with additional powers to authorise work to be carried out on behalf of the Council, with cost recovery from occupier or owner of property;

- (vii) to ascertain and deal with 'statutory nuisance' under the Environmental Protection Act 1990 (as amended) and as necessary to serve notice of abatement in terms of the Act;
- (vii) to discharge the function of the Council in relation to stray dogs under the Environmental Protection Act 1990;
- (viii) to arrange for the burial or cremation of deceased persons where no one is available to make such arrangements, under the National Assistance Act 1948;
- (ix) to issue approvals for Food Premises requiring approval under EU Directive 853/2004;
- (x) to serve notice under the Water (Scotland) Act 1980, to secure necessary improvements to unsatisfactory drinking water supply;
- (xi) to serve notice requiring occupiers to comply with requirements to clean common property (stairs etc) and to paint or decorate common stairs or passageways under the Civic Government (Scotland) Act 1982, Section 92(4) and (6);
- (xii) to serve notice to require treatment for rats and mice under the Prevention of Damage by Pests Act 1949, Section 4;
- (xiii) under Section 40 of the Food Safety Act 1990, to be the responsible person for the requirements of the Act in terms of the Food Law Code of Practice, Scotland and be authorised to approve the annual Feed, Food and Safety Service Plan;
- (xiv) under the Health and Safety at Work etc Act 1974, to be the responsible person for ensuring the Council's observance of the requirements as an enforcement authority;
- (xv) under Sections 19 and 53 of the Animal Welfare Act 2006, powers of entry to ascertain if offences are being committed related to welfare of domesticated animals;
- (xvi) to issue licences to firework suppliers in terms of the Fireworks Act 2003 and Fireworks Regulations 2004;
- (xvii) without prejudice to the foregoing specific matters, to appoint and designate individual officers, jointly with the ~~Director of Service Leader~~ — Legal and Democratic ~~Services~~ to be authorised to carry out the statutory and other functions, which from time to time are delegated to the Communities Committee, in respect of legislation relating to:-
  1. Agriculture Produce & Materials
  2. Animal Health & Welfare;
  3. Animal Feeding stuffs
  4. Anti-Social Behaviour
  5. Consumer Fraud
  6. Consumer Protection & Safety
  7. Contaminated Land
  8. Dog Control including Stray Dogs and Dog Fouling
  9. Public Health
  10. Fair Trading
  11. Food Safety and Food Standards
  12. Health & Safety at Work etc.
  13. Housing Standards

14. Licensing/Registration
15. Pest Control
16. Petroleum and Explosives
17. Pollution Control
18. Waste Collection, Disposal and Recycling
19. Water Supplies
20. Weights & Measures
21. Working Time
22. Caravan Sites and Migrant Worker Accommodation
23. Intellectual Property
24. Tobacco Control

- (xviii) to appoint a suitably qualified officer as the Council's Chief Inspector of Weights & Measures, to carry out the functions of the Council as the local Weights and Measures authority and to carry out such other functions delegated to the Communities Committee, as are appropriate;
- (xix) to undertake the transfer of enforcement responsibilities between enforcement authorities at a local level in terms of the Health and Safety (Enforcing Authority) Regulations 1998;
- (xx) to act under Parts 3, 7 and 8 of the Public Health (Scotland) Act 2008, powers of entry and other investigatory powers with regard to public health investigations, inspections of ships and regulation of sunbeds;
- (xxi) to take action under the Environmental Protection Act 1990, as amended, to deal with remediation of contaminated land;
- (xxii) to take action under the Environment Act 1995 with regard to Local Air Quality Management;
- (xxiii) to act as the Appropriate Officer in terms of the Bathing Waters (Scotland) Regulations 2008;
- (xxiv) to issue penalty notices under The Energy Performance of Buildings (Scotland) Regulations 2008;
- (xxv) to appoint a suitably qualified officer to act as the lead officer for Food Hygiene, Safety and Standards as required by the Food Law Code of Practice (Scotland);
- (xxvi) to take action to protect the collective interests of consumers including issuing notices and taking actions in court.

~~(4035)~~ to ensure the Council is able to deliver civil enforcement notices through the empowerment of Community Safety Wardens in accordance with Council Policy;

~~(4136)~~ to have oversight of fleet management and the council's relationship with Tayside Contracts in this regard;

~~(4237)~~ to lead the delivery and management of the council's responsibility in relation to the Community Safety Anti-Social Behaviour Strategy.

~~(38) to take overall responsibility for the functions of the Directorate, to oversee all staff and to act in all departmental matters, with the exception of those functions delegated to the Service Leader – Planning and Communities and the Head of Communities~~

~~(2) to exercise all responsibilities on behalf of Angus Council for the functions specified in the Climate Change (Scotland) Act 2009.~~

~~(3) in consultation with the Service Leader – Legal and Democratic to make application to the Court for an Anti-Social Behaviour Order under the Crime and Disorder Act 1998, where all consultees support the making of such an application and where the application is in accordance with Council policy and the Anti-Social Behaviour (Scotland) Act 2004 and associated legislation and guidance.~~

~~(4) to apply for a Parenting Order in line with Part 9 of the Anti-Social Behaviour (Scotland) Act 2004.~~

~~(5) to carry out the Council's functions under the following provisions of the Land Reform (Scotland) Act 2003, namely:~~

~~Section 11 (power to exempt particular land from access rights) exemption for less than 6 days.~~

~~Section 13(duty of local authority to uphold access rights) including to institute or defend legal proceedings in consultation with the Service Leader – Legal and Democratic (without prejudice to the terms of Article 4(3) of the scheme of delegation), and subject, in the case of legal proceedings, to a report being made to the Land Reform Sub-Committee.~~

~~Section 14 (prohibition signs, obstructions, dangerous impediments etc.)~~

~~Section 15 (measure for safety, protection, guidance and assistance)~~

~~Section 19 (power to maintain core paths etc)~~

~~Section 21 (delineation by agreement of paths in land over which access rights are exercisable)~~

~~Section 23 (Ploughing etc.)~~

~~Section 26 (power of entry)~~

#### **754b. DirectorHead of Infrastructure**

The **DirectorHead** of Infrastructure is authorised-

- (1) to instruct immediate repairs to property which has become damaged, in order to mitigate any loss, damage or injury to property or persons;
- (2) to instruct minor works of a repair, maintenance, construction or alteration nature subject to provision having been made within the approved estimates of expenditure and in accordance with Financial Regulations;
- (3) to select contractors for inclusion in tender lists for contracts for construction and related works from Constructionline or from those responding to a public advertisement in accordance with the Council's Financial Regulations;
- (4) to approve the purchase and disposal of property related supplies, subject to provision having been made within the approved estimates of expenditure and in accordance with the Council's Financial Regulations;
- (5) to award the placing of property related servicing contracts in accordance with the Council's Financial Regulations;
- (6) to approve the acquisition or leasing in of land and property by tender, negotiation, appropriation or excambion subject to there being appropriate provision in the approved estimates of expenditure, including all transactions relating to Common

Good properties as delegated in Appendix 1 of, and in accordance with the Council's Financial Regulations;

- (7) to approve the disposal of land and property declared surplus to the requirements of the Council, by tender, or termination of leasing, appropriation, negotiation, auction (when deemed appropriate and generally for the disposal of properties of a relatively low value (<£10,000) which have been exposed to the market for a reasonable period of time without selling) or excambion including all transactions relating to Common Good properties as delegated in Appendix 1 of, and in accordance with, the Council's Financial Regulations;
- (8) to appoint construction and property consultants and through collaborative arrangements, commission support from neighbouring local authorities, subject to provision having been made within the approved estimates of expenditure, where appropriate with the agreement of customers and in accordance with the Council's Financial Regulations;
- (9) to select consultants for inclusion in tender lists for construction and property services from Constructionline or from those responding to a public advertisement in accordance with the Council's Financial Regulations;
- (10) to carry out the construction and property related functions of the Council in relation to Health and Safety Regulations including the issue of property related health and safety legislation and best practice guidance to other [servicesdepartments](#), including sustainability, energy management and water management standards;
- (11) to carry out the functions of the Council in relation to the management of asbestos containing materials in non-housing Council properties in accordance with the Control of Asbestos Regulations 2006 and subsequent legislation and regulations;
- (12) to approve the leasing out of land and property by tender, negotiation or excambion, the granting of wayleaves, servitude rights of access, undertaking rent reviews, lease renewals and the management of dilapidations schedules including all transactions relating to Common Good properties as delegated in Appendix 1 of, and in accordance with, the Council's Financial Regulations;
- (13) to respond, on behalf of the Council, to Neighbour Notifications received by the Council under the Planning Acts;
- (14) to carry out the maintenance and associated operating issues in respect of Open Space CCTV;
- (15) to carry out the Primary Contact functions of the Council in accordance with the Carbon Reduction Commitment Energy Efficiency Scheme Order 2010 and to appoint Secondary Contact and Account Representatives as appropriate;
- (16) to manage Angus Council's response to the new duties specified in the Carbon Reduction Commitment Energy Efficiency Scheme Order 2010;
- (17) to make payment of the annual charge for Carbon Allowances under the CRC Energy Efficiency Scheme Order 2010 scheme, and associated supplementary charges without limit, subject to adequate funding provisions having been established;
- (18) to make payment of the single advance annual payment for Corporate water services charges, without limit, subject to adequate funding provisions having been established;
- (19) to manage rental payment, rental income and initiate debt recovery for all properties leased by Angus Council;

- (20) to exercise Corporate property oversight responsibilities regarding all property related matters but particularly the disposal of land and property as detailed in the specific guidance encompassed within Standing Orders.
- (21) to instruct immediate repairs to road related infrastructure which has become damaged in order to mitigate any loss, damage or injury to property or persons;
- (22) to instruct minor engineering and related works in accordance with the Council's Financial Regulations;
- (23) to instruct works of repair and maintenance, subject to provision having been made therefore within the approved estimates of expenditure of the Council, in accordance with the Council's Financial Regulations;
- (24) to act as Engineer (or equivalent named role) in respect of works contracts awarded by the Council through the [Service Division](#);
- (25) to select contractors for inclusion in tender lists for contracts for engineering and related works from approved lists or from those responding to a public advertisement in accordance with the Council's Financial Regulations;
- (26) to carry out the functions of the Council under the Flood Risk Management (Scotland) Act 2009 and such preceding Acts until fully repealed including the preparation of maps of bodies of water, the assessment of relevant bodies of water and clearance and repair works to manage flood risk and to propose flood protection schemes in accordance with the requirements of Section 60 and Schedule 2 of the Flood Risk Management (Scotland) Act 2009
- (27) to carry out the functions of the Council under the Reservoirs Act 1975 in respect of-
  - (i) the keeping of the register of reservoirs
  - (ii) commissioning inspections and reports from Reservoir Panel Engineers;
  - (iii) ensuring the carrying out of repairs by reservoir undertakers;
- (28) to carry out the functions of the Council under the Roads (Scotland) Act 1984 in respect of-
  - (i) maintaining the list of public roads under Section 1 (including additions or deletions);
  - (ii) granting consents under Section 21 where there are no objections and any conditions have been agreed with the applicant, and under Part IV, V and VIII (except for permitting trading on A class roads under section 97);
  - (iii) serving notices under Parts II, IV, V and VIII;
  - (iv) taking action under section 15 and Parts IV, V, VII and XIII;
  - (v) recovering costs under Parts IV, V, VIII and XIII;
  - (vi) the consideration of comments received during the Promotion of Stopping Up and Side Roads Orders, Redetermination Orders and Stopping Up of Private Access Orders and arranging for the Order to be made and confirmed in the following circumstances:-
    - (a) where no objections are received; or
    - (b) where any objections received are subsequently withdrawn.

- (vii) in any other circumstances the proposed Order shall be remitted to the Scottish Ministers.

- (29) to carry out the functions of the Council under the Road Traffic Regulation Act 1984 in respect of:-
- (i) the consideration of comments received during the promotion of Traffic Regulation and Parking Places Orders, and arranging for the order to be made in the following circumstances.
    - (a) where no objections are received; or
    - (b) where any objections received are subsequently withdrawn; and
    - (c) where the ~~Director/Head~~ of Infrastructure in consultation with the ~~Director of Legal Service Leader — Legal~~ and Democratic ~~Services~~ and the Area Commander, Police Scotland considers any change to the proposed terms of the order arising in consequence of observations raised to be non-controversial.

In any other circumstances the proposed order shall be referred back to the relevant Standing Committee of the Council.

- (30) to impose any temporary restriction on traffic on roads by means of temporary traffic order in terms of the Road Traffic Regulation Act 1984 and/or the Roads (Scotland) Act 1984;
- (31) to carry out the functions of the Council under the Road Traffic Act 1988;
- (32) to carry out the functions of the Council under sections 112, 115, 117, 118, 120, 122, 123, 124, 131 and 134 of the New Roads and Streetworks Act 1991;
- (33) to manage the day to day operations, and developments of Arbroath Harbour under Section 154 of the Local Government (Scotland) Act 1973 and any local enactments;
- (34) in consultation with the Convener and local elected member(s), to carry out the functions of the Council under Section 97 of the Civic Government (Scotland) Act 1982 to name any street or road, to alter an existing name and give each of the premises in it such distinguishing number as thought fit, subject to the proposed name not being contentious;
- (35) to make agreements with the Scottish Water Authority under Section 7 of the Sewerage (Scotland) Act 1968, as amended, regarding the provision, management, maintenance or use of surface water drains;
- (36) to carry out all the functions of Angus Council (including those of the Angus Council Representative) under the A92 (Dundee to Arbroath) Upgrading: Design, Build, Finance and Operate Contract in consultation with the ~~Director of Head of~~ Finance ~~and and the~~ ~~Director of~~ Legal and ~~the Service Leader — Legal and~~ Democratic ~~Services~~ as appropriate;
- (37) to make objections to the issue of operators' licences on behalf of the Council as local authority in terms of Section 12 of the Goods Vehicles (Licensing of Operators) Act 1995;
- (38) to carry out the functions of the Council under the Coast Protection Act 1949 in respect of:-
  - (i) dealing with the administration arrangements for coast protection works by private individuals and other bodies under Sections 16 and 17;

- (ii) entering into land for inspection purposes under Section 25; and
  - (iii) establishing land ownership under Section 26;
- (39) to respond to consultation from the Planning Authority on behalf of the Roads Authority.
- (40) to make arrangements for tenders and to award contracts for supported bus services under the Transport Acts 1985 and 2001, including:-
- (i) renewal, variation or termination of existing local bus service contracts subject to provision having been made within the approved estimates of expenditure of the Council;
  - (ii) provision of replacement contracts, in response to the deregistration of commercial bus services, on an interim basis and subject to a Council decision on longer term action;
  - (iii) provision of contracted emergency transport through the operation of additional vehicles in order to maintain public transport services for the public during road closures, except those closures undertaken by statutory undertakers in which case operators should seek costs directly from the statutory undertaker.
- (41) to make arrangements for the provision of transport for authorised scholars under the Education (Scotland) Act 1980, including:-
- (i) amendments to existing local bus services and tendering for school conveyance contracts;
  - (ii) purchase of season tickets for scholars using local bus services.
- (42) to operate Travel Concession Schemes approved by the Council, including:-
- (i) assessing eligibility of clients to participate in the schemes;
  - (ii) serving participation notices on bus operators.
- (43) to provide public transport services information, publicity and minor infrastructure, including:-
- (i) provision of bus stops, shelters, real time information and information panels;
  - (ii) entering into service agreements with Further Education establishments to organise and administer transport for authorised students.
- (44) to carry out the functions of the Council in relation to the Construction (Design and Management) Regulations with regard to Communities contracts as appropriate;
- (45) as "Undertaker" to carry out statutory inspections and maintenance procedures at Monikie Island, North Denfind and Crombie Reservoirs as determined under the Reservoirs Act 1975;
- (46) to determine the suitability of drivers or escorts who wish to be employed by the Council or persons contracted by the Council to undertake the conveyance of pupils to and from school.

The Service Leader - Planning and Communities is authorised-

- (1) In respect of the Council's Building Standards functions:-
- (i) to approve Building Warrants in compliance with Building Regulations;
  - (ii) to grant Building Warrant Relaxations where acceptable to other appropriate consultees (e.g. the Fire Authority);
  - (iii) to issue initial Dangerous Building Notices;
  - (iv) to determine necessity to apply for retrospective Building Warrant in the case of minor unauthorised works;
  - (v) to act as deemed appropriate where there is an immediate danger to the public in respect of building/building work;
  - (vi) to determine eligibility for award and to issue improvement/repair/conversion grants when uncontentious and in compliance with Council policies;
  - (vii) to issue letters of comfort in respect of building works for which there is no building warrant;
  - (viii) to issue notices under Section 28 of the Building (Scotland) Act 2003;
  - (ix) to enforce Regulation 9 of the Energy Performance of Buildings (Scotland) Regulations 2008;
  - (x) to issue notices under Section 25(3) of the Building (Scotland) Act 2003 requiring the display of Energy Performance Certificates in buildings highlighted in the Directions issued by Scottish Ministers.
- (2) In respect of the Council's Development Planning and Management functions:-
- (i) to determine planning applications, and applications for consent, agreement or approval required by a condition imposed on a grant of planning permission~~exercise the Council's functions under the planning acts~~ with the exception ~~of determining~~:-
    - (a) applications defined as being National or Major;
    - (b) applications which attract five or more planning objections which are recommended for approval (more than one objection from the same individual, household or organisation will count as one objection for the purposes of the scheme of delegation)~~individual objections (i.e. excluding five letters of objections from an individual, individual household, or organisation) which are recommended for approval;~~
    - (c) applications which are significant departures from the Development Plan which are recommended for approval;
    - (d) applications which attract objections from statutory consultees, including Community Councils which are recommended for approval;
    - (e) applications recommended for approval which are submitted by any Angus Council ~~directorate~~ or Service, or where Angus Council owns the land, subject to application or where Angus Council has a financial interest in the land and the application has attracted objection;

- (f) applications which are submitted by elected members of Angus Council, or by senior members of staff employed in the Planning Service;
- (ii) to determine an application for certificate of lawful use or development;
- (iii) to determine the validity of a “representation” to a planning application (this would mean that where the Service Leader – Planning and Communities determined that an objection or representation did not constitute valid planning or human rights grounds, was immaterial, or the point of objection was addressed by changes or conditions, the application would not be referred to Committee);
- (iv) to determine the necessity or otherwise for an environmental impact assessment (including requests for a screening opinion) to accompany a planning application;
- (v) to respond to consultation on planning applications from other authorities and to respond to any other statutory and non statutory consultations;
- (vi) to issue provisional Tree Preservation Orders;
- (vii) to grant agreement to works on trees affected by Tree Preservation Orders;
- (viii) to determine, in accordance with the provisions of the Town and Country Planning (General Permitted Development) (Scotland) Order 1992, whether the prior approval of the planning authority will be required in respect of a development referred to in the Order therein; and to thereafter determine such applications where prior approval is required;
- (ix) to enter into, modify or discharge Legal Agreements and Planning Obligations
- (x) to determine non-material amendments to planning consents/conditions;
- (xi) to pursue enforcement action in appropriate cases;
- (xii) to serve a notice requiring the proper maintenance of land;
- (xiii) to serve Stop Notices or Temporary Stop Notices;
- (xiv) to serve a Fixed Penalty Notice when an Enforcement Notice or Breach of Condition has not been complied with;
- (xv) to “spot” list a potential listed building prior to reporting to Committee for confirmation;
- (xvi) to serve Urgent Works Notices in respect of listed buildings prior to reporting to Committee for confirmation;
- (xvii) to issue Planning Contravention Notices under Section 272 of the Town and Country Planning (Scotland) Act 1997;
- (xviii) to exercise the planning authority's powers to authorise entry in accordance with relevant statutory powers;
- (xix) to determine eligibility for award of listed building/conservation grants and Conservation Area grants and grant awards.

- (3) To undertake the enforcement of the High Hedges (Scotland) Act 2013.

**84d5 Head-Director of Finance and Legal**

The ~~Director~~Head of Finance ~~and Legal~~ is authorised-

- (1) to act as the Proper Officer of the Council for the functions specified in Standing Order 46 (1), ~~(3)(a)~~ and (3)(b);
- (2) to act as the Proper Officer of the Council for the functions specified by Financial Regulations and to manage the day to day functions of the financial administration of the Council;
- (3) to discharge the obligations outlined in the Council's Financial Regulations including the powers delegated to him/her in terms of the Regulations and to approve and implement minor amendments to the Regulations;
- (4) in consultation with the ~~Service Leader~~—Director of Legal and Democratic Services, to determine ex gratia payments in respect of claims against the Council of up to £5,000, provided appropriate allowance is made in the approved estimates of expenditure;
- (5) in consultation with the appropriate ~~Head of Service~~Director and the ~~Service Leader~~—Director of Legal and Democratic Services, to determine ex-gratia payments in respect of claims against the Council, provided appropriate allowance is made in the approved estimates of the Council;
- (6) to administer the Council Tax Reduction and Housing Benefit Schemes and the Scottish Welfare Fund and Discretionary Housing Payments Scheme;
- (7) to instigate all collection recovery procedures with regard to the collection of local taxes, rent arrears and sundry debts owing to the Council;
- (8) to grant remission of non-domestic rates in accordance with approved Council policy;
- (9) to write off all debts owed to the Council providing all avenues to make recovery have been exhausted and that sufficient provision exists within the Council's accounts to meet such bad debt;
- (10) to make appropriate technical amendments to the Scheme of Members' Allowances in liaison with the ~~Head~~Director of HR/Digital Engagement/IT and Business Support;
- (11) to undertake all treasury management activities in accordance with the Council's agreed treasury strategy and treasury management practices (TMPs);
- (12) to exercise all functions on behalf of Angus Council relating to the operation of the Tayside Procurement Consortium (TPC), including the award of contracts, provided the same is within approved budget expenditure and is in accordance with the Procurement Strategy and any other TPC policy approved for that purpose by the Council;
- (13) to be the Council's nominated Proceeds of Crime Reporting Officer in accordance with the requirements of the Money Laundering Regulations 2007;
- (14) to undertake the assessment of applications for free school meals and clothing grants in accordance with the Council's policies;

- (15) to carry out the administration, assessment and award of Educational Maintenance Allowances and further education bursaries, in so far as the Council has the power to award such bursaries, subject to appropriate provision having been made in the approved estimates of expenditure.
- (16) in liaison with the Angus Welfare Reform Group the operation of the Council's Welfare Reform Fund, with expenditure agreed under delegated powers to be reported at least annually to elected members.

**964e. Director of Service Leader—Legal and Democratic Services**

The ~~Service Leader~~—Director of Legal and Democratic Services is authorised-

- (1) to act as the Proper Officer of the Council for the functions specified in Standing Order 46 (1) and 46 (2);
- (2) to act as the Returning Officer for Community Council elections;
- (3) to institute, defend or appear in any legal proceedings or any inquiry held by or on behalf of any minister or public body under any enactment (including, for the avoidance of doubt, proceedings before any statutory tribunal, board or authority); in an emergency (and with the approval of the Chief Executive) to settle legal actions of all descriptions; and to appoint or consult with Counsel where it is considered expedient to do so for the promotion or protection of the Council's interests provided appropriate allowance is made in the approved estimates of expenditure;
- (4) to execute (including, when required, the application of the Seal of the Council), publish or serve on any person or body any notice, direction, order, licence, summons, writ or other document which the Council is required or authorised to execute, publish or serve under the 1973 Act or any other Act or any regulation or order made thereunder, other than where the execution, publication or service of any document has been delegated by the Council to another Director;
- (5) to sign binding missives on behalf of the Council relating to the purchase or sale of heritable property, and to execute any notice, order, declaration or other document which may be required relative to any compulsory purchase which has been authorised by the Council;
- (6) to issue permits under Section 19 of the Transport Act 1985;
- (7) to issue prohibition notices in terms of Section 10 of the Safety of Sports Grounds Act 1975;
- (8) to act as Private Prosecutor (Truancy) in terms of Section 56(1) of the Local Government (Scotland) Act 1973 and also in terms of Section 43(2) of the Education (Scotland) Act 1980;
- (9) to administer and make appointments to the panels of persons established under the Panels of Persons to Safeguard the interests of Children (Scotland) Regulations 2001;
- (10) in conjunction with the ~~Head~~Director of Infrastructure and after consultation with the Divisional Commander, Police Scotland, to approve non-controversial processions

and to make orders imposing conditions on the holding of such processions under the Civic Government (Scotland) Act 1982;

- (11) when requested by the HeadDirector of Infrastructure, to impose any permanent restriction on traffic on roads by means of traffic regulation or speed limit order in terms of the Road Traffic Regulation Act 1984.;
- (12) in consultation with the HeadDirector of Finance ~~and Legal~~, to determine ex gratia payments in respect of claims against the Council of up to £5,000, provided appropriate allowance is made in the approved estimates of expenditure;
- (13) in connection with activities which require to be licensed in terms of the Civic Government (Scotland) Act 1982:
  - (i) to grant or renew licences required subject to standard, mandatory or agreed conditions and subject to no objections or representations being received (and not withdrawn),
  - (ii) to refuse to grant or renew any applications made where the applicant has not provided required documentation (including satisfactory medical evidence as to their fitness to undertake the activity which requires the licence),
  - (iii) to determine whether good cause had been shown to deem an application for renewal of a licence under the Civic Government Scotland (Act) 1982 made up to 28 days after the expiry of the licence to be an application made before the expiry; and
  - (iv) in consultation of the Convener and Vice Convener of the Civic Licensing Committee, to order the immediate suspension of a licence in terms of Paragraph 12 of Schedule 1 to the Civic Government (Scotland) Act 1982
- (14) to confirm that no order will be made following upon notifications made under Section 63 of the Civic Government (Scotland) Act 1982 where no objections have been received from Police Scotland;
- (15) to grant and renew licences for activities which require to be licensed, registered or for which the Council's consent is required, subject to standard, mandatory or agreed conditions and subject to no objections or representations being received (and not withdrawn) arising from:-
  - (i) the Theatres Act 1968,
  - (ii) the Cinemas Act 1985
  - (iii) the Performing Animals Regulation Act 1925
  - (iv) the Pet Animals Act 1951
  - (v) the Animal Boarding Establishments Act 1963
  - (vi) the Riding Establishments Act 1964
  - (vii) the Breeding of Dogs Act 1973
  - (viii) the Dangerous Wild Animals Act 1976
  - (ix) the Zoo Licensing Act 1981
  - (x) the Breeding of Dogs Act 1991
  - (xi) the Licensing of Animal Dealers Regulations 2009
  - (xii) the Deer (Scotland) Act 1996
- (16) to permit public charitable collections in terms of Section 119 of the Civic Government (Scotland) Act 1982 subject to standard, mandatory or agreed conditions and subject to no objections or representations being received (and not withdrawn).
- (17) to grant applications where observations are received from Police Scotland containing details of only single minor road traffic offences, single fixed penalties, or minor road traffic offences all of which are more than 4 years old;

- (18) to grant permission to voluntary organisations for the use of the Piazza, Montrose;
- (19) in conjunction with the Chief Executive, to comply with requests for a review of the Council's actions and decisions in relation to requests for information in terms of the Freedom of Information (Scotland) Act 2002 and take decisions for that purpose;
- (20) to act as Data Protection Officer and Freedom of Information Officer for the purpose of ensuring that the Council's obligations in terms of the Data Protection Act 1998 and the Freedom of Information (Scotland) Act 2002 respectively are complied with;
- (21) in conjunction with the ~~Head~~Director of Communities, to appoint and authorise suitably qualified and experienced officers to enforce the provisions of The Working Time Regulations 1998 (as amended);
- (22) to accept and sign tenders on behalf of the Council which are above the delegated limits set out in Appendix 1 of Financial Regulations.
- (23) to appoint lay representatives in proceedings relating to heritable property in terms of the Lay Representation in Proceedings relating to Residential Property (Scotland) Order 2010.
- (24) the setting of local traders' holidays.
- (25) to grant and renew licences for Houses in Multiple Occupation in terms of Part 5 of the Housing (Scotland) Act 2006 subject to no objections whatsoever.
- (26) to act as the Chief Information Governance Officer of the Council.
- (27) to approve and implement minor revisions to Standing Orders and related documents
- ~~(28) in consultation with the Director of Children, Families and Justice Services to establish and thereafter administer a panel of Curators Ad Litem and Reporting Officers as laid down in the Curators Ad Litem and Reporting Officers (Panels) (Scotland) Regulations 2001 and to consult with the Sheriff Principal and other relevant parties as required;~~

## ~~5. Strategic Director – People~~

~~The Strategic Director – People is authorised to take overall responsibility for the functions of the Directorate, to oversee all staff and to act in all departmental matters excluding paragraph 45(2) (Statutory Officers of the Council) and the functions as detailed in para 5(d)(i) and 5(e)(7) below.~~

### **105a Chief Social Work Officer**

- (1) As a Statutory Officer the Chief Social Work Officer is specifically authorised:-
  - (i) To monitor the discharge of the Council's statutory social work duties;
  - (ii) To ensure the provision of effective professional and objective advice to Elected Members and officers of the Council in the Council's provision of social work services;
  - (iii) To ensure the effective governance of the balance of need, risk and civil liberties in the provision of social work services in accordance with professional practice and report to the Chief Executive any failure in the Council's corporate policy or governance arrangements in respect of such;

- (iv) To provide advice on aspects of workforce planning including monitoring and assessment of social work students, securing of professional qualifications and continuous learning and development for staff, and supporting and advising managers in all aspects of staff supervision;
  - (v) To ensure the existence of systems to promote, communicate, support and review values and standards of professional practice including promoting good practice and identify and addressing poor practice in the provision of social work services;
  - (vi) To ensure that significant case reviews are undertaken of all critical incidents either resulting in, or which may have resulted in, serious harm or death;
  - (vii) To provide an annual report to the Council on all of the statutory, governance and leadership functions of the role of the Chief Social Work Officer;
  - (viii) To take final decisions binding on the Council in relation to a range of social work services where provided by statute;
  - (ix) to be appointed as welfare guardian for any adult within the local authority area and to discharge the functions as welfare guardian in terms of Section 59 of the Adults with Incapacity (Scotland) Act 2000 and to nominate a person to be exercised on his behalf in terms of Section 86 of the Adults with Incapacity (Scotland) Act 2000;
  - (x) to fulfil the transferred responsibilities and rights in respect of a child for whom permanence order has been made while that order remains in force in terms of Section 80 of the Adoption and Children (Scotland) Act 2007;
  - (xii) to authorise the placement of children in secure accommodation under the Children's Hearings (Scotland) Act 2011; and
  - (xiii) To authorise in an emergency the movement of children who are required to reside at a specific place under Children's Hearings (Scotland) Act 2011.
- (2) The Chief Social Work Officer is also authorised to serve any notice and take any action on behalf of the Council, in relation to the Council's functions in regard to –
- (i) the Social Work (Scotland) Act 1968;
  - (ii) the Social Work (Scotland) Act 1968 as read with sections 1 and 2(1) of the Chronically Sick and Disabled Persons Act 1970 and the Disabled Persons (Services, Consultation and Representation) Act 1986;
  - (iii) Part IV of the Children and Young Persons (Scotland) Act 1937;
  - (iv) Section 22(2) to (5A), (7) and (8), section 26(2) to (4) and sections 43, 45, 47 and 48 of the National Assistance Act 1948;
  - (v) the Disabled Persons (Employment) Act 1958;
  - (vi) sections 10 to 12 of the Matrimonial Proceedings (Children) Act 1958;
  - (vii) sections 11 and 12 of the Guardianship Act 1973; and section 51 of the Criminal Procedure (Scotland) Act 1995;
  - (viii) the Children Act 1975;
  - (ix) the Adoption Act 1976;

- (x) sections 21 to 23 of the Health and Social Services and Social Security Adjudications Act 1983;
- (xi) the Mental Health (Care and Treatment) (Scotland) Act 2003;
- (xii) the Foster Children (Scotland) Act 1984;
- (xiii) sections 38(b) and 235 of the Housing (Scotland) Act 1987;
- (xiv) the Access to Personal Files Act 1987;
- (xv) Part II of the Children (Scotland) Act 1995;
- (xvi) the Adoption and Children (Scotland) Act 2007 (asp 4);
- (xvii) the Social Care (Self-directed Support) (Scotland) Act 2013 (asp 1);
- (xviii) Parts 5, 6, 9 to 11, 13 to 16, and 18 of the Children's Hearings (Scotland) Act 2011;
- (xix) Part 6 (in so far as it applies to looked after children) of the Children and Young People (Scotland) Act 2014.

**105b. HeadDirector of Children, Families and Justice**

The HeadDirector of Children, Families and Justice is authorised:-

- (1) to provide a report to the Court, on request, where the Court is considering any question relating to the care and upbringing of a child in terms of Section 11(1) of the Matrimonial Proceedings (Children) Act 1958;
- (2) to have the power to cause an inquiry to be held into the Council's functions under the Children (Scotland) Act 1995 in so far as those functions relate to children in terms of Section 6B of the Social Work (Scotland) Act 1968;
- (3) to pay expenses of parents, relatives or other connected persons in respect of visiting a person in care or attending the funeral of a person or child in terms of Section 29 of the Social Work (Scotland) Act 1968;
- (4) to ensure that persons in establishments in the Council's area and any children in establishments outside the Council area who are looked after by the Council are visited from time to time in the interests of their well-being in terms of Section 68 of the Social Work (Scotland) Act 1968;
- (5) to recover contributions in respect of children who are looked after by the authority in terms of Section 78A of the Social Work (Scotland) Act 1968;
- (6) to pay allowances in respect of the maintenance of children in terms of Section 50 of the Children Act 1975;
- (7) to provide an adoption service to children who may be adopted, persons who have been adopted and others affected by adoption as defined in Section 1 of the Adoption and Children (Scotland) Act 2007;
- (8) in coming to a decision relating to the adoption of a child, to regard the need to safeguard and promote the welfare of the child throughout the child's life as the paramount consideration in terms of Section 14 of the Adoption and Children (Scotland) Act 2007;

- (9) to consider whether adoption is likely best to meet the needs of the child or whether there is some better, practicable alternative for the child in terms of Section 14(6) of the Adoption and Children (Scotland) Act 2007;
- (10) to investigate the circumstances and submit a report to the Court in respect of a child for whom an adoption order is being sought in terms of Section 17 of the Adoption and Children (Scotland) Act 2007;
- (11) to pay adoption allowances in terms of Section 71 of the Adoption and Children (Scotland) Act 2007 and the Adoption Support Services and Allowances (Scotland) Regulations 2009;
- (12) to make an assessment of the needs of a person for adoption support services and decide on the provision of such services in terms of Section 9 of the Adoption and Children (Scotland) Act 2007;
- ~~(13) in consultation with the Service Leader – Legal and Democratic Services to establish and thereafter administer a panel of Curators Ad Litem and Reporting Officers as laid down in the Curators Ad Litem and Reporting Officers (Panels) (Scotland) Regulations 2001 and to consult with the Sheriff Principal and other relevant parties as required;~~
- (134) to respond to requests from the education authority for assessment of young person's needs;
- (154) to safeguard and promote the welfare of children looked after by the Council in terms of Section 17 of the Children (Scotland) Act 1995;
- (156) to prepare and publish a plan for the provision of relevant services for, or in respect of, children in the Council's area in terms of Section 19 of the Children (Scotland) Act 1995;
- (167) to prepare and publish information about relevant services for children in the Council's area in terms of Section 20 of the Children (Scotland) Act 1995;
- (178) to request help in the exercise of any functions that the Council has under Part II of the Children (Scotland) Act 1995 from a specified person in terms of Section 21 of the Children (Scotland) Act 1995;
- (189) to provide services to safeguard and promote the welfare of children who are in need and to promote the upbringing of such children by their families in terms of Section 22 of the Children (Scotland) Act 1995;
- (1920) to ensure that services provided under Section 22 of the Children (Scotland) Act 1995 to a child with or affected by a disability are designed to minimise the effect of his/her disability, or to minimise the effect of the disability of a family member on the child and to provide the opportunity for the child to lead as normal a life as possible in terms of Section 23(1) of the Children (Scotland) Act 1995;
- (204) to carry out an assessment (if asked to do so by the child's parent or guardian) of the child with or affected by disability or any other person in his/her family in order to ascertain the child's needs as in so far as they are attributable to his/her disability or that of another person in terms of Section 23(3) of the Children (Scotland) Act 1995;
- (221) to assess a carer's ability to provide, or to continue to provide, care for a disabled child when asked to do so by the carer in terms of Section 24 of the Children (Scotland) Act 1995;
- (223) to provide accommodation for children in terms of Section 25 of the Children (Scotland) Act 1995;

- (234) to provide accommodation for children looked after by the Council in terms of Section 26 of the Children (Scotland) Act 1995;
- (245) to provide day care for children in need within the Council's area who are aged 5 or under and who have not yet started school in terms of Section 27(1) of the Children (Scotland) Act 1995;
- (256) to provide appropriate care for school children in need within the Council's area outside school hours or during school holidays in terms of Section 27(3) of the Children (Scotland) Act 1995;
- (267) to provide advice, guidance and assistance for children under 19 years of age but over school age who were previously in the care of a Council or voluntary organisation in terms of Section 29 of the Children (Scotland) Act 1995;
- (278) to provide financial help towards maintaining, educating or training people over school age in terms of Section 30 of the Children (Scotland) Act 1995;
- (289) to review cases of children looked after by the Council in terms of Section 31 of the Children (Scotland) Act 1995;
- (2930) to remove children from residential establishments in terms of Section 32 of the Children (Scotland) Act 1995;
- (304) upon receipt of notification in terms of Section 36(1) of the Children (Scotland) Act 1995 to determine whether the child's welfare is adequately safeguarded and whether to exercise any functions under the Act in terms of Section 36(2);
- (312) to have the power to provide short-term refuge to children who appear to be at risk of harm and who themselves request to be provided with such refuge in terms of Section 38 of the Children (Scotland) Act 1995;
- (323) to make enquires and provide information to the Reporter to the Children's Panel where children may require compulsory measures of supervision in terms of Section 53 and 56(1) of the Children (Scotland) Act 1995;
- (334) to have the power to apply to a Sheriff for a child assessment order in terms of Section 55 of the Children (Scotland) Act 1995;
- (345) to provide reports on children and their social background for a Children's Hearing in terms of Section 56(2) and/or (7) of the Children (Scotland) Act 1995;
- (356) to have the power to apply for a child protection order in terms of Section 57 of the Children (Scotland) Act 1995;
- (376) to provide and maintain such residential and other establishments as are required for the Council's functions in terms of Section 59 of the Social Work (Scotland) Act 1968 or under Part II of the Children (Scotland) Act 1995, or arrange for the provision of such establishments;
- (378) to have the power to apply to a Justice of the Peace for an emergency child protection authorisation in terms of Section 61 of the Children (Scotland) Act 1995;
- (389) to put into effect a supervision requirement made by a Children's Hearing in terms of Section 71(1) of the Children (Scotland) Act 1995 and to recommend a review of such a supervision requirement or ask for an advice hearing to be held in terms of Section 73(4) of the Children (Scotland) Act 1995;

- (3940) to have the power, in any case of urgent necessity, to direct that a child who is obliged to reside in a specified place be transferred to another place in his/her interests or in the interests of other children in terms of Section 72(1) of the Children (Scotland) Act 1995;
- (404) to have the power to apply to a Sheriff for an exclusion order in terms of Section 76 of the Children (Scotland) Act 1995;
- (412) to have the power to apply for the attachment of a power of arrest at any time while an exclusion order has effect in terms of Section 78(2) of the Children (Scotland) Act 1995;
- (423) to have the power to apply to a Sheriff for a parental responsibilities order transferring the appropriate parental rights and responsibilities relating to a child to the Council in terms of Section 86 of the Children (Scotland) Act 1995;
- (434) to fulfil the transferred responsibilities in respect of a child for whom a parental responsibilities order has been made while that order remains in force in terms of Section 87 of the Children (Scotland) Act 1995;
- (445) to allow reasonable contact with relevant persons for a child in respect of whom a parental responsibilities order has been made in terms of Section 88 of the Children (Scotland) Act 1995;
- (456) to approve or de-register foster carers and to pay fostering allowances to approved foster carers under the Fostering of Children (Scotland) Regulations 1996;
- (467) to approve prospective adopters under the Adoption Agencies (Scotland) Regulations 1996;
- (478) to ensure that there is an assessment of need in relation to any person to whom they have a duty under Section 29 of the Children (Scotland) Act 1995 (aftercare for persons who have been looked after by local authorities) and as amended by Section 73 of the Regulation of Care (Scotland) Act 2001;
- (489) to operate a procedure as approved by the Council for considering representations (including complaints) made by any relevant person under Section 29 of the Children (Scotland) Act 1995 with a regard to the discharge of function under Section 73 of the Regulation of Care (Scotland) Act 2001;
- (4950) to grant leave of absence with salary to enable staff to undertake approved courses, subject to appropriate provision having been made in the approved estimates of expenditure;
- (504) to supervise and care for persons put on probation, released from prison, or subject to a community service order, and to provide the necessary social background reports and other reports to the court as required in terms of Section 27 of the Social Work (Scotland) Act 1968;
- (512) to provide supervision for the purpose of assisting and advising an offender in regard to payment of a fine in terms of Section 217 of the Criminal Procedure (Scotland) Act 1995;
- (523) to supervise people placed on Supervised Attendance Order for default of a fine in terms of Section 235, 236 or 237 of the Criminal (Procedure) Scotland Act 1995;
- (534) to ensure that persons who have been convicted of sexual offences are assessed and supervised under the terms and guidance of the Sex Offenders Act 1997;

- (545) to assist in the diversion of persons suffering from mental disorder who may be at risk to themselves from a custodial remand, either to hospital or to appropriate bail accommodation in accordance with the Criminal Procedure (Scotland) Act 1995 - Section 2000;
- (556) to operate a bail information and supervision scheme in accordance with the Bail (Scotland) Act 1995;
- (567) to supervise as required offenders made subject to an Order for Lifelong Restriction (OLR) in accordance with the Criminal Justice (Scotland) Act 2003;
- (578) to work closely with the Community Justice Authorities and the Scottish Prison Service to manage offenders pre, during and post sentence (Integrated Case Management) in accordance with the Management of Offenders etc (Scotland ) Act 2005;
- (589) to work with the Community Justice Authority to provide appropriate planned and co-ordinated delivery of community offender services in accordance with Section 3 of the Management of Offenders etc (Scotland) Act 2005;
- (5960) to act with the Scottish Prison Service and Police to jointly establish arrangements for assessing, managing and reviewing the risk from sex and violent offenders in accordance with Section 10 and 11 of the Management of Offenders etc (Scotland) Act 2005;
- (604) to establish an Adult Protection Committee in terms of Section 42 of the Adult Support and Protection (Scotland) Act 2007;
- (621) to appoint a convenor who is not an officer of the Council to the Adult Protection Committee and any other representative or member with the necessary skills and knowledge in terms of Section 43 of the Adult Support and Protection (Scotland) Act.

**1165c. HeadDirector of Schools and Learning**

The HeadDirector of Schools and Learning is authorised:-

- (1) to ensure that the education provided in schools managed by Angus Council is directed to the development to their fullest potential of the personality, talents and mental and physical abilities of each child or young person enrolled in these schools, and to have due regard, so far as is reasonably practicable, to the views (if there is a wish to express them) of the child or young person in decisions which significantly affect that child or young person, taking account of the child or young person's age and maturity;
- (2) to take an overview of the work of all schools managed by the Council with a view to securing improvement in the quality of school education and to raising standards of education;
- (3) to make arrangements for pupils to be enrolled in the school within whose delineated area they normally reside;
- (4) to make available information to parents to enable them to enrol their children in the delineated area school or to make a placing request for another school;
- (5) to make arrangements for 3 and 4 year olds and eligible two year olds to attend early learning and childcare provision;

- (6) to make available information to parents to enable them to enrol their children in early learning and childcare provision;
- (75) to grant all placing requests whenever possible and to explain the right of appeal to any parents whose placing requests are refused;
- (68) to authorise school transport arrangements for all children who are entitled to such transport statutorily, or as a result of Council policy and to award contracts for such transport in accordance with Financial Regulations;
- (97) to exercise the powers available to the Council with regard to the provision of education for pupils belonging to areas of other education authorities;
- (108) to grant leave of absence with salary to enable teaching staff to undertake approved courses, subject to appropriate provision having been made in the approved estimates of expenditure;
- ~~11(9)~~ to authorise all teaching establishment changes;
- (120) to implement and monitor the Council's scheme of Staff Development and Review for teaching staff;
- (13) to implement and monitor the Council's scheme of annual appraisal for school support staff;
- (144) to arrange programmes of in-service training for teachers, for School Chaplains, and for non-teaching staff in association with the Head of HR, Digital Enablement and Business Support ;
- (152) to transfer teachers within the policy established by the Council;
- (163) to authorise the premature retirement of teachers without any actuarial reduction to their pension benefits in accordance with the agreed policy of the Council;
- (174) to maintain the equipment, material resources and physical fabric of all schools and educational establishments, in accordance with the Council's agreed policies and procedures, and in association with the Head of Infrastructure;
- (18) to oversee arrangements for changes to the learning estate;
- (195) to issue licences in terms of the Children (Performance) Regulations 1968;
- ~~(2046)~~ to control the employment of children in terms of the Council's byelaws;
- ~~(2147)~~ to approve or refuse applications received from schools for visits and excursions, in accordance with the Council's policies;
- ~~(2248)~~ to make arrangements to monitor the attendance of pupils at school, and to implement measures to combat truancy and other unauthorised absence;
- (23) to make arrangements to monitor exclusion of pupils from schools;
- ~~(4924)~~ to approve amendments to Attendance Orders in accordance with Section (39) of the Education (Scotland) Act 1980 where the parents have made no representations against;
- (259) to oversee the arrangements made by head teachers for allocating pupils to classes, for the delivery of an effective curriculum, and for all matters relating to the safety and well-being of pupils;

- (246) to administer the Council's scheme for the letting of school premises;
- (272) to administer the Council's scheme of Devolved School Management;
- (283) to respond on behalf of the Council, to any formal and informal consultation exercises organised by the Scottish Government's Education and Lifelong Learning Department or any other national body;
- (24) ~~to determine the suitability of drivers or escorts who wish to be employed by the Council or persons contracted by the Council to undertake the conveyance of pupils to and from school.~~
- (295) to make provision for the education of children with Additional Support Needs;
- (3026) to be responsible for the provision of a Psychology Service.
- (31) to arrange representation at additional support needs tribunals;
- (32) to oversee the arrangements for school food.

**1275d. Head Director of Human Resources, Digital Enablement/IT and Business Support**

The Head Director of Human Resources, Digital Enablement/IT and Business Support is authorised:-

- (1) to represent the Council in respect of specific dismissal, disputes, grading and grievance matters at external bodies/tribunals and, with the approval of the Chief Executive, to settle claims against the Council in respect of employment tribunal proceedings;
- (2) to maintain the list of politically restricted posts under Section 2 of the Local Government and Housing Act 1989;
- (3) to process and, in consultation with the Head Director of Finance ~~and Legal~~ and ~~appropriate Strategic Director~~ Depute Chief Executive, approve applications for early retirements and voluntary redundancies for individual members of staff, in line with approved Council policy;
- (4) in consultation with the Head Director of Finance ~~and Legal~~, to approve the payment of honoraria to individual members of staff, on the recommendation of the appropriate ~~Strategic~~ Director and in accordance with the relevant Council policy;
- (5) to determine regrading applications provided there are no additional financial implications to the service revenue budget;
- (6) in consultation with the Head Director of Finance ~~and Legal~~, to establish a new post, or regrade an existing post to, an SJC grade in excess of LG13;
- (7) to make all establishment changes other than those referred to in (6) above, those in regard to teaching posts and the establishment, deletion and grading of posts on JNC conditions of service;
- (8) to ensure that employment practices and procedures within the Council comply with the Data Protection Act 1998.

**1275e. Service Leader – Digital Enablement and IT**

The Service Leader – Digital Enablement and IT is authorised:-

- (1) to determine the specification of the type and nature of information technology and telecommunications services, systems, equipment and software to be utilised by the Council;
- (2) to select contractors for inclusion on tender lists for contracts for information technology and telecommunications from Government Procurement Service, Scottish Procurement, Public Contracts Scotland and Scotland Excel or from those responding to a public advertisement in accordance with the Council's Financial Regulations;
- (3) to approve the purchase and disposal of information technology and telecommunications related supplies, subject to provision having been made within the approved estimates of expenditure and in accordance with the Council's Financial Regulations;
- (4) to award the placing of information technology and telecommunications related servicing contracts in accordance with the Council's Financial Regulations;
- (5) to appoint information technology and telecommunications consultants, subject to provision having been made within the approved estimates of expenditure and in accordance with the Council's Financial Regulations;
- (6) to select consultants for inclusion in tender lists for information technology and telecommunications from Government Procurement Service, Scottish Procurement, Public Contracts Scotland and Scotland Excel or from those responding to a public advertisement in accordance with the Council's Financial Regulations;
- (7) to act as the Proper Officer of the Council for the functions specified in Standing Order 46(6).

#### **1376. The Chief Integration Officer**

The Chief Integration Officer is authorised:-

- (1) to take overall responsibility for the functions that the Council has been directed to perform by the Angus Integration Joint Board in terms of the Public Bodies (Joint Working) Act 2014; and to oversee all staff and to act in all matters relating thereto;
- (2) to exercise responsibilities on behalf of Angus Council for the functions specified in The Public Bodies (Joint Working) (Scotland) Act 2014;.
- (3) to promote and develop the integration of health and social care services;
- (4) to require reviews of the Integration Scheme solely for the purposes of amending the Integration Scheme to incorporate statutory amendments to the functions that require to be delegated by NHS Tayside or the Council to the Angus Integration Joint Board;
- (5) to prepare a plan for the provision of community care services in the Council's area in terms of Section 5A of the Social Work (Scotland) Act 1968;
- (6) to make assessment of need in terms of Section 55 of the NHS and Community Care Act 1990;
- (7) to make appropriate arrangements for the provision of suitable residential accommodation with nursing provision of care and after care in terms of Section 56 of the Community Care Act 1990;

- (8) to notify carers of their entitlement to an assessment of their ability to care in terms of Section 9 of the Community Care and Health (Scotland) Act 2002;
- (9) to notify carers of children with disabilities that they may be entitled to an assessment in terms of Section 11 of the Community Care and Health (Scotland) Act 2002;
- (10) to make payments towards expenditure by NHS bodies on delegated functions in terms of Section 14 of the Community Care and Health (Scotland) Act 2002;
- (11) to make arrangements with voluntary or other organisations or persons for residential accommodation where nursing is provided for people who appear to need such accommodation in terms of Section 13A of the Social Work (Scotland) Act 1968;
- (12) to provide home help and laundry facilities in terms of Section 14 of the Social Work (Scotland) Act 1968;
- (13) to arrange for the burial or cremation of any person who was in the care of, or receiving help from, the Council immediately before their death and to recover expenses not reimbursed, in terms of Section 28 of the Social Work (Scotland) Act 1968;
- (14) in terms of Section 1 of the Community Care and Health (Scotland) Act 2002, not to charge for social care provided by or secured by the [directorateservice](#) if that social care is personal care as defined in Section 2(28) of the Regulation of Care (Scotland) Act 2001;
- (15) to provide services to chronically sick and disabled persons in terms of Section 2(1) of the Chronically Sick and Disabled Persons Act 1970:-
  - (a) the provision of practical assistance for that person in his home;
  - (b) the provision for that person of, or assistance to that person in obtaining, wireless, television, library or similar recreational facilities;
  - (c) the provision for that person of lectures, games, outings or other recreational facilities outside his home or assistance to that person in taking advantage of available educational facilities;
  - (d) the provision for that person of facilities for, or assistance in, travelling to and from his home for the purpose of participating in any services provided under arrangements made by the authority (under Section 12 of the 1968 Act or Section 23 of the 1995 Act), or, with the approval of the authority, in any services provided otherwise than as aforesaid which are similar to services which could be provided under such arrangements;
  - (e) the provision of assistance for that person in arranging for the carrying out of any works of adaptation in his home or the provision of any additional facilities designed to secure his greater safety, comfort or convenience;
  - (f) facilitating the taking of holidays by that person, whether at holiday homes or otherwise and whether provided under arrangements made by the authority or otherwise;
  - (g) the provision of meals for that person whether in their home or elsewhere;
  - (h) the provision for that person of, or assistance to that person, in obtaining, a telephone and any special equipment necessary to enable him to use a telephone.

- (16) to assess needs when requested to do so by a disabled person or their carer in terms of Section 4 of the Disabled Persons (Services, Consultation and Representation) Act 1986;
- (17) to make an assessment of need having regard to the results of that assessment, shall then decide whether the needs of that person call for the provision of any such services in terms of Section 12A(1)(a) of the Social Work (Scotland) Act 1968;
- (18) to proceed to make a decision as to the service a disabled person requires as detailed in Section 4 Disabled Persons/Services Consultation and Representation Act 1986, based on the assessment of the person's needs;
- (19) to take into consideration the views of the person and the carer on the provision of services in terms of Section 12A(b) of the Social Work Scotland Act 1968;
- (20) to assess the ability to provide care in terms of Section 12AA of the Social Work Scotland Act 1968;
- (21) to provide information to a carer in terms of Section 12AB of the Social Work Scotland Act 1968;
- (22) to assess the ability of a disabled person's carer to provide care in terms of Section 8(1) of the Disabled Persons (Services, Consultation and Representation) Act 1986;
- (23) to provide information on Social Work and Health services for disabled people and any relevant services of other authorities or organisations in terms of Section 9 of the Disabled Persons (Services, Consultation and Representation) Act 1986;
- (24) to assess the need for the provision of social work services to any young person reaching school leaving age who is regarded as disabled in terms of Section 13 of the Disabled Persons (Services, Consultation and Representation) Act 1986;
- (25) to provide services to persons lacking capacity and make the necessary arrangements for them to take advantage of such services in accordance with the Adult Support and Protection (Scotland) Act 2007;
- (26) to provide services for persons who are not in hospital and who have or have had mental disorder, provide care and support or secure the provision of such care and support in terms of Section 25(1)(a)(i) and 25(1)(a)(ii) of the Mental Health (Care and Treatment) (Scotland) Act 2003 including residential accommodation in terms of Section 25(3)(a)(i) of the Mental Health (Care and Treatment) (Scotland) Act 2003 and personal care and support in terms of Section 25(a)(ii) of the Mental Health (Care and Treatment) (Scotland) Act 2003;
- (27) to provide, or arrange for the provision of, services to promote well-being and social development for any persons, who are or have been suffering from mental disorder, in terms of Section 26(1)(a) and 26(1)(b) of the Mental Health (Care and Treatment) (Scotland) Act 2003 and to provide assistance or such facilities as are necessary for the provision of transport to enable persons to access services provided in terms of Section 25 and Section 26 of the Mental Health (Care and Treatment) (Scotland) Act 2003 for any persons who are or have been suffering from mental disorder in terms of Section 27 of the Mental Health (Care and Treatment) (Scotland) Act 2003;
- (28) to appoint, and where necessary, terminate the appointment of Mental Health Officers in terms of Section 32 of the Mental Health (Care and Treatment) (Scotland) Act 2003;
- (29) to provide or secure the provision of suitable training and occupation for persons with a learning disability who are over school age (within the meaning of the Education (Scotland) Act 1980) in terms of Section 11 of the Mental Health (Scotland) Act 1984;

- (30) to arrange a social circumstance report in the prescribed form from the person who is to be the patient's designated Mental Health Officer following the occurrence of a relevant event in terms of Section 232 of the Mental Health (Care and Treatment) (Scotland) Act 2003;
- (i) to ensure a Mental Health Officer is designated as the mental health officer having responsibility for the patient's case as soon as is reasonably practicable after a relevant event (in terms of Section 232 of the Mental Health (Care and Treatment) (Scotland) Act 2003) occurs where the patient was resident in the Angus area prior to admission or was not resident in Scotland prior to admission, but has been admitted to a psychiatric unit within the Angus area in terms of Section 229 of the Mental Health (Care and Treatment) (Scotland) Act 2003;
  - (ii) to authorise appropriately qualified staff to undertake inquiries in relation to persons who appear to have mental disorder and who may be at risk in terms of Section 33 of the Mental Health (Care and Treatment) (Scotland) Act 2003;
  - (iii) to authorise Mental Health Officers to provide information for the purpose of the issue of a warrant to enter premises and seek medical assessment of persons who appear to have mental disorder and be at risk in terms of Sections 33 to 35 of the Mental Health (Care and Treatment) (Scotland) Act 2003 and to remove persons to a place of safety in terms of Section 293 of the Mental Health (Care and Treatment) (Scotland) Act 2003;
  - (iv) to arrange, in collaboration with the Health Board, for the provision of independent advocacy for every person with a mental disorder and to take appropriate steps to ensure that those persons have the opportunity to make use of those services in terms of Section 259(1) of the Mental Health (Care and Treatment) (Scotland) Act 2003;
  - (v) to consent or otherwise to the detention in hospital in terms of Section 36 or Section 44 of the Mental Health Care and Treatment (Scotland) Act 2003 in relation to a person with mental disorder who meets the grounds as set out in these parts of the Act;
  - (vi) to make an application for a Compulsory Treatment Order (Section 63) in terms of Section 57(2-5) within 14 days Section 57(7) and prepare report and care plan as prescribed by Section 61 and Section 62;
  - (vii) to identify named persons in terms of Section 59;
  - (viii) interview patient, named person and relevant others in relation to Section 86 renewal, Section 91 extension and variation and Section 95 application to vary and provide evidence to RMO and tribunal as appropriate;
  - (ix) to consent or otherwise to the detention in hospital; of a person already subject to a community based Care and Treatment Order in terms of Section 114; and
  - (x) to be involved in decisions around suspension of detention in terms of Section 41, Section 53 and Sections 127/128.
- (31) to carry out the functions of local authorities in terms of Section 10 of the Adults with Incapacity (Scotland) Act 2000;
- (32) to take such steps upon any investigation in terms of Section 10 of the Adults with Incapacity (Scotland) Act 2000 as seem necessary to safeguard the property, financial affairs or personal welfare of the adult and to co-operate with—the public

guardian, mental welfare commission and other local authorities for this purpose in terms of Section 12 of the Adults with Incapacity (Scotland) Act 2000;

- (33) to supervise welfare attorneys in terms of a court order made under Section 20(2)(c) and to apply for an order under Section 20(1) of the Adults with Incapacity (Scotland) Act 2000;
- (34) to appeal to the Sheriff or the Court of Session in terms of Section 52 of the Adults with Incapacity (Scotland) Act 2000 where necessary;
- (35) to apply to the Sheriff for an intervention order in terms of Section 53(1), (3) of the Adults with Incapacity (Scotland) Act 2000;
- (36) to keep records in terms of Section 54 of the Adults with Incapacity (Scotland) Act 2000;
- (37) to notify the public guardian of any change of address in terms of Section 55(a), (b) of the Adults with Incapacity (Scotland) Act 2000;
- (38) to carry out all necessary notifications in terms of Section 76 of the Adults with Incapacity (Scotland) Act 2000 and to transfer and accept Guardianship Orders to and from other local authorities in terms of Section 76(1) of the Adults with Incapacity (Scotland) Act 2000;
- (39) to apply for registration of financial intervention orders to the General Register of Sasines or the Land Register of Scotland in terms of Section 56 of the Adults with Incapacity (Scotland) Act 2000;
- (40) to apply for guardianship orders in terms of Section 57 of the Adults with Incapacity (Scotland) Act 2000, including interim orders and deal with any financial implications arising therefrom all in terms of Section 57 of the Adults with Incapacity (Scotland) Act 2000;
- (41) to apply to the Sheriff for renewal of guardianship orders in terms of Section 60 of the Adults with Incapacity (Scotland) Act 2000;
- (42) to instruct such persons as appropriate to discharge the powers under financial intervention orders applied for under Section 53 of the Adults with Incapacity (Scotland) Act 2000 as necessary;
- (43) to apply to the Sheriff in terms of Section 70 of the Adults with Incapacity (Scotland) Act 2000 in cases of non compliance of third parties with orders granted on behalf of the local authority;
- (44) to apply to the Sheriff for the replacement or removal of a guardian or the recall of a guardianship order in terms of Section 71 of the Adults with Incapacity (Scotland) Act 2000;
- (45) to apply to the Sheriff for variation of guardianship orders in terms of Section 74 of the Adults with Incapacity (Scotland) Act 2000;
- (46) to delegate any of the powers granted under guardianship and intervention orders and any functions under the Adults with Incapacity (Scotland) Act 2000 to the appropriate person in the management structure of the ~~People directorate~~ Angus Health and Social Care Partnership as per Section 56 of the Local Government (Scotland) Act 1973 as amended;
- (47) to make inquiries into the circumstances of adults who may be at risk of harm in terms of section 4 of the Adult Support and Protection (Scotland) Act 2007;

- (48) to request co-operation in the exercise of any functions that the Council has under Part 1 of the Adult Support and Protection (Scotland) Act 2007 from a specified public body or officer of a public body in terms of Section 5 of the Adult Support and Protection (Scotland) Act 2007;
- (49) to co-operate with specified public bodies to assist other councils exercising functions under Part 1 of the Adult Support and Protection (Scotland) Act 2007 in terms of Section 5 of the Adult Support and Protection (Scotland) Act 2007;
- (50) to delegate any of the powers and duties granted under Part 1 of the Adult Support and Protection (Scotland) Act 2007 to an appropriately qualified and experienced council officer appointed by Social Work and Health as per Section 64 of the Local Government (Scotland) Act 1973 as amended;
- (51) to have the power to enter a place to assist in conducting inquiries into the necessity of protecting an adult at risk of harm in terms of Section 7 of the Adult Support and Protection (Scotland) Act 2007;
- (52) to have the power to require any person holding health, financial or other records pertaining to an adult who is believed to be at risk of harm to produce the records for examination or give copies of the records to a council officer undertaking a function under Part 1 of the Adult Support and Protection and Protection (Scotland) Act 2007;
- (53) to have the power to apply to a Sheriff for a warrant for entry in order to fulfil functions under Sections 7 and 16 of the Adult Support and Protection (Scotland) Act 2007 in terms of Section 37 of the Adult Support and Protection (Scotland) Act 2007;
- (54) to have the power to apply to a Sheriff for an assessment order in terms of Section 11 of the Adult Support and Protection (Scotland) Act 2007;
- (55) to have the power to apply to a Sheriff for a removal order in terms of Section 14 of the Adult Support and Protection (Scotland) Act 2007;
- (56) to have the power to apply to a Sheriff for a banning order in terms of Section 19 or temporary banning order in terms of Section 21 of the Adult Support and Protection (Scotland) Act 2007;
- (57) to have the power to apply for the attachment of a power of arrest at any time while a banning order or temporary banning order has effect in terms of Section 25 of the Adult Support and Protection (Scotland) Act 2007;
- (58) to have the power in urgent cases to apply to a Justice of the Peace for a warrant for entry or removal order in terms of Section 40 of the Adult Support and Protection (Scotland) Act 2007;
- (59) to take such steps upon any removal under Section 14 of the Adult Support and Protection (Scotland) Act 2007 as seem necessary to safeguard the property of the adult at risk in terms of Section 18 of the Adult Support and Protection (Scotland) Act 2007;
- (60) to operate a procedure as approved by the Council for the receipt and investigation of complaints in terms of Section 5B of the Social Work (Scotland) Act 1968;
- (61) to promote social welfare including giving help in kind or in cash in terms of Sections 12 and 13 of the Social Work (Scotland) Act 1968;
- (62) to assess need and make direct payments in terms of Section 12A of the Social Work (Scotland) Act 1968;

- (63) to recover contributions that have not been paid in terms of Section 82 of the Social Work (Scotland) Act 1968;
- (64) to recover any charges for services provided in terms of the Social Work (Scotland) Act 1968, Part II of the Children (Scotland) Act 1995 and the Mental Health (Scotland) Act 1984, the Adults with Incapacity (Scotland) Act 2000 all in terms of Section 87 of the Social Work (Scotland) Act 1968;
- (65) to grant leave of absence with salary to enable staff to undertake approved courses, subject to appropriate provision having been made in the approved estimates of expenditure;

66] to approve revised standard rates and additional service charges for care homes under the National Care Homes Contract (NCHC) recommended for annual uplift (or decrease) on a Scottish national basis by negotiation between COSLA and Scottish Care (or relevant successor bodies)

**CATEGORIES  
OF  
EXEMPT INFORMATION**

**CATEGORIES OF EXEMPT INFORMATION IN TERMS OF SCHEDULE 7A TO THE LOCAL GOVERNMENT (SCOTLAND) ACT 1973**

(Subject to the Qualifications and Interpretations set out in the Schedule)

1. Information relating to a particular employee, former employee or applicant to become an employee of, or a particular office holder, former office holder or applicant to become an office holder under the authority.
2. Information relating to any particular occupier or former occupier of, or applicant for, accommodation provided by or at the expense of the authority.
3. Information relating to any particular applicant for, or recipient or former recipient of, any service provided by the authority.
4. Information relating to any particular applicant for, or recipient or former recipient of, any financial assistance provided by the authority.
5. Information relating to the adoption, care, fostering or education of any particular child or relating to the supervision or residence of any particular child in accordance with a supervision requirement made in respect of that child under the Social Work (Scotland) Act 1968.
6. Information relating to the financial or business affairs of any particular person (other than the authority).
7. Information relating to anything done or to be done in respect of any particular person for the purposes of any of the matters referred to in Section 27(1) of the Social Work (Scotland) Act 1968 (providing reports on and supervision of certain persons).
8. The amount of any expenditure proposed to be incurred by the authority under any particular contract for the acquisition of property or the supply of goods or services.
9. Any terms proposed or to be proposed by or to the authority in the course of negotiations for a contract for the acquisition or disposal of property or the supply of goods or services.
10. The identity of the authority (as well as of any other person, by virtue of paragraph 6 above) as the person offering any particular tender for a contract for the supply of goods or services.
11. Information relating to any consultations or negotiations, or contemplated consultations or negotiations, in connection with any labour relations matter arising between the authority or a Minister of the Crown and employees of, or office holders under, the authority.
12. Any instructions to counsel and any opinion of counsel (whether or not in connection with any proceedings) and any advice received, information obtained or action to be taken in connection with:-
  - (a) any legal proceedings by or against the authority; or
  - (b) the determination of any matter affecting the authority.
 (whether in either case, proceedings have been commenced or are in contemplation).
13. Information which, if disclosed to the public, would reveal that the authority proposes:-
  - (a) to give under any enactment a notice under or by virtue of which requirements are imposed on a person; or
  - (b) to make an order or direction under any enactment.

14. Any action taken or to be taken in connection with the prevention, investigation or prosecution of crime.
15. The identity of a protected informant.

## PROCEDURAL MOTIONS, ASKING A QUESTION, MAKING A POINT OF CLARIFICATION AND RAISING A POINT OF ORDER

### 1. Procedural Motions

Motions broadly come in two types: original and procedural. The first is one “propounding a substantial issue for consideration and action”; a **procedural motion**, as the name suggests, is one affecting matters of procedure.

Within our current Standing Orders procedural motions are either Closure of Debate (SO 18) i.e.: “the question be now put” or Adjournment and Duration of Meetings (SO 21). This type of motion must be voted on immediately, without amendment. Normally the vote would be undertaken on the basis of asking members to vote “for” or “against” the motion.

### 2. Asking a Question (before formal debate begins)

This is not a procedural device. It need not have priority in the process of the meeting. It must be relevant to the matter that is being considered and should not form part of either a statement or argument. A question should seek to elucidate some piece of information which up until that point in the meeting has not been disclosed. Questions must be made prior to formal debate beginning. Questions which are of a detailed or technical nature should be directed to the relevant Director before the meeting.

**\*NOTE:** This is different from a written question which is dealt with under the terms of Standing Order 24.

### 3. Making a Point of Clarification

This would normally occur after the formal debate has begun. Making a point of clarification is simply a member clarifying something that has already been stated as part of the debate. It could also conceivably be clarification on a matter within an officer’s report which has been referred to in the debate. It should not be used by the member as an opportunity to make any speech or to make any comment on any aspect of the debate.

A point of clarification is not a means of stopping the debate, i.e: a member who is seeking to make a point of clarification does not have precedence over another member who is currently speaking.

### 4. Raising a Point of Order

This stops the debate, even if a member is currently speaking. A point of order is an objection directed to the Convener for a decision which is claiming some irregularity in the constitution or conduct of the meeting. The more usual irregularities can include any non-compliance with Standing Orders; that a quorum is not present; that the motion or amendment is not within the scope of the meeting’s remit.

The Convener is to give a ruling on the point of order.

It is not concerned with the arguments or the principles or the political views put forward in the debate. A difference of opinion is not a point of order. Again a member making a point of order should not abuse this by making a speech.

## GUIDANCE NOTE ON THE APPLICATION OF STANDING ORDER 16(9)

### 1. Context

At the revision of the Angus Council Standing Orders in November 2008 (Report 1077/08 refers) a new requirement was introduced regarding the competence of motions which had financial implications. This was with a view to incorporate wording that was already included in Financial Regulations (FR's 2.12 and 5.11 refer). The requirement is captured in Standing Order 16(9) which reads as follows:-

*“A motion (which has not been the subject of a report or recommendation to the Council) which would involve expenditure not provided for, or reduce income provided for in the Capital or Revenue Budgets shall not be competent unless accompanied by information provided by the ~~HeadDirector~~ of Finance ~~and Legal~~ on the costs and funding options, unless the Council in an emergency specifically resolves otherwise.”*

### 2. Arrangements for Committee Reports

At present Standing Order 48(3)(ii) requires the ~~HeadDirector~~ of Finance ~~and Legal~~ to be consulted on all Committee reports prior to their release to elected members. The only exceptions to this relate to certain reports on planning enforcement and licensing matters. Standing Order 48(3)(ii) is an essential governance requirement because it ensures that the financial implications (and any other matters within the ~~HeadDirector~~ of Finance's ~~and Legal's~~ professional remit) are given due consideration prior to the report being finalised.

Essentially Standing Order 48(3)(ii) seeks to ensure that within Committee reports elected members:-

- have the relevant financial information and issues available to them; and
- know, in broad terms, what the expected financial implications of the Report's recommendations are before they decide on whether to accept those recommendations or not.

Clarity of the financial implications in Committee reports is also necessary for keeping the public and other interested parties informed of the consequences of decisions in terms of Corporate Governance.

### 3. Purpose of Standing Order 16(9)

Although the appropriate steps are taken for Committee reports to ensure the financial consequences of decisions are known the 2008 review of Standing Orders highlighted that no such provision existed for motions or amendments not covered by a Committee report.

In theory therefore a motion or amendment could be put forward and subsequently agreed by elected members without the financial consequences of such a decision being known or fully appreciated. Although low risk the potential for such a scenario (where the financial implications are material) is an important omission in the Council's governance arrangements and accordingly Standing Order 16(9) introduced a requirement for members moving a motion or amendment to make available information on the costs and funding options involved. Ultimately Standing Order 16(9) seeks to ensure that elected members have available the same information on the financial consequences of decisions on motions or amendments as they would have if these motions or amendments were covered in a Committee report.

#### 4. Application of Standing Order 16(9)

It is important to stress that Standing Order 16(9) is not intended to stifle discussion or debate among elected members nor is it intended to inhibit the bringing forward of motions or amendments. In applying Standing Order 16(9) elected members are therefore asked to bear in mind that the spirit and intention of the Order is as outlined in Section 3 above.

Although the intention of Standing Order 16(9) is clear it is recognised that further guidance on its application would be helpful. The following guidance is given on the application of Standing Order 16(9) under 5 categories and should be read in conjunction with Section 9 on Materiality Levels:-

**Category 1 – Motions (which do not directly relate to an item of business under consideration at a Council/Committee meeting)**

In general terms elected members wishing to put forward such motions should seek to provide the ~~Head~~Director of Finance ~~and Legal~~ with as much notice as possible of their intentions so that sufficient time is available to provide any financial information that may be required.

As a minimum elected members must provide 7 clear days notice of their intentions to allow sufficient time for the costs (if any) and funding options (if required) to be identified. This timescale is in line with Standing Order 25 (1) which requires 7 clear days notice in writing to be given to the ~~Service Leader~~—Director of Legal and Democratic ~~Services~~ for such motions.

In practical terms elected members may wish to advise the ~~Director~~Head of Finance ~~and Legal~~ at the same time as they notify the ~~Director of Service Leader~~—Legal and Democratic ~~Services~~ of any Category 1 motions.

**Category 2 – Motions (which do relate to an item of business under consideration at a Council/Committee meeting)**

In normal course the motion relating to an item of business under consideration at a Council/Committee meeting will be to approve the recommendations of the report being considered. Occasionally however a motion may be put forward which:-

- (a) varies the report recommendations; or
- (b) proposes a particular way forward on a report where members are asked to choose from different options.

Where the proposed motion falls into either a) or b) above it will be necessary for the mover of that motion to confirm with the author(s) of the report and the ~~Head~~Director of Finance ~~and Legal~~ that the financial implications outlined in the report remain appropriate and relevant to the proposed motion. In the event that the proposed motion would involve financial implications beyond or materially at variance with those outlined in the report the mover of the motion should (through the report author(s)) seek from the ~~Head~~Director of Finance ~~and Legal~~ such further information on the financial implications as that officer believes is necessary to allow the Council/Committee to make an informed decision.

In general terms elected members wishing to put forward such motions are required to have submitted the terms of said motion to the ~~Head~~Director of Finance ~~and Legal~~ by 5.00pm on the day preceding the meeting to allow sufficient time for the costs (if any) and funding options (if required) to be identified.

In general terms, however, members should seek comfort in a report containing options, even where one option is recommended. This is because each option will be capable of being implemented if members or a group of members wish politically to pursue an option other than the recommended one.

### **Category 3 – Motions Relating to Emergency Business**

Standing Order 11(2)(ii) allows by reason of special circumstance, and subject to the agreement of the Provost / Committee Convener, an item of business to be considered as a matter of urgency. Such matters are however extremely rare.

An item of emergency business could give rise to a motion which has financial consequences for the Council but it may not be practical, given the emergency nature of the item being considered, for these financial consequences to have been fully explored.

Although Standing Order 16(9) allows for the requirements of that Order to be set aside if the Council/Committee in an emergency specifically agrees to this every effort should still be made to try to determine the financial consequences for the Council of any action it intends to take.

For this category of motion elected members should advise the HeadDirector of Finance ~~and Legal~~ of their intentions as soon as practicable in order to provide as much time as may be available for the financial consequences to be explored. The HeadDirector of Finance ~~and Legal~~ (or representative) can then advise members at the meeting as best he can of the financial implications arising. In such circumstances it would need to be accepted that the financial information available may not be as robust as would normally be the case.

In the event that it is not possible to give any kind of view on the financial implications arising due to lack of time or complexity members may wish to consider the merits of delegating a final decision to appropriate members and officers.

### **Category 4 – Amendments (known in advance)**

Although Standing Order 16(9) refers to “motions” it also applies to amendments for the reasons given in Section 3 of this Guidance Note.

Given that Category 4 amendments will be identified only once the papers for a Council/Committee meeting have been released and then considered by the various political groups there is likely to be limited time available for investigating the financial implications of any amendments arising.

Nevertheless elected members wishing to put forward such amendments will be required to submit the terms of said amendment to the HeadDirector of Finance ~~and Legal~~ by 5.00pm on the day preceding the meeting so that sufficient time is available to provide any financial information that may be required.

Elected members should also discuss with the HeadDirector of Finance ~~and Legal~~ potential amendments that they believe could arise from debate at the meeting in order to limit the risk of such potential amendments being ruled incompetent at the meeting on the grounds of there being insufficient financial information available.

### **Category 5 – Amendments (arising from debate at the meeting)**

These are the most difficult type of amendments to deal with under Standing Order 15(9) because by their nature they cannot be predicted and therefore discussed with relevant officers in advance.

If an elected member wishes to put forward such an amendment and that amendment has consequences in terms of Standing Order 16(9) which exceed or are likely to exceed the de-minimis level set out in Section 9 of this Guidance Note then they should indicate their desire to do so and ask the HeadDirector of Finance ~~and Legal~~ or his representative for a view on the costs and funding options arising. The Convener of the meeting should propose a short adjournment to allow the HeadDirector of Finance ~~and Legal~~ (or representative) an opportunity to briefly discuss the matter with the relevant ~~Strategic Director / Head of Service~~ so that appropriate advice can be given.

A Category 5 amendment could result in one of the following scenarios arising:-

- The officers in attendance at the meeting being able to confirm that either there are no financial implications arising from the proposed amendment or that any financial implications are below the de-minimis level. On this basis the amendment would be competent to proceed under Standing Order 16(9).
- The officers in attendance at the meeting being unable to confirm the financial implications arising from the proposed amendment due to lack of detail or lack of available knowledge/information. In this instance the Convener would be entitled to rule that the amendment was not competent under Standing Order 16(9) and the member proposing the amendment would require to consider what other options were available, e.g. to propose deferment of the item or refer the matter to the Council (if applicable).
- The officers in attendance at the meeting being able to confirm that the financial implications arising from the proposed amendment exceed the de-minimis level and those officers also being able to identify the costs and funding options (in broad terms) of pursuing the amendment. In this case the amendment would be competent to proceed under Standing Order 16(9).

## 5. Financial Competence

In the event that an issue is raised at a Council/Committee meeting regarding the financial competence of a motion or amendment where Standing Order 16(9) applies the matter should be referred to the ~~HeadDirector~~ of Finance ~~and Legal~~ (or representative) and the ~~Service Leader~~ ~~Director of~~ Legal and Democratic ~~Services~~ (or representative) attending the meeting for their collective view. In reaching a view it is probable that those officers will require to briefly liaise with the ~~Strategic~~ Director ~~/ Head of Service~~ for the ~~directorateservice~~ concerned, in which case the Convener should allow a short adjournment.

## 6. Procedural Motions

Procedural motions by their nature do not have financial implications and accordingly are not relevant to the application of Standing Order 16(9).

## 7. Timescales for the ~~HeadDirector~~ of Finance ~~and Legal~~ to Respond

In circumstances where Standing Order 16(9) applies the ~~HeadDirector~~ of Finance ~~and Legal~~ will seek to provide the elected member with the required financial information as soon as practicable or within a mutually agreed timeframe. Wherever possible such information will be provided no later than the day before the Council/Committee meeting is due to take place. Unless in the case of emergency business the ~~HeadDirector~~ of Finance ~~and Legal~~ will not release his advice under Standing Order 16(9) until he is satisfied as to its accuracy and reliability.

## 8. Difficulties in Providing Financial Information within Timescales Required

In the event that providing the financial information required for a motion or amendment under Standing Order 16(9) would result in a substantial call on resources or could not be completed prior to the Council/Committee meeting then the ~~HeadDirector~~ of Finance ~~and Legal~~ will advise the elected member involved, the Chief Executive and the ~~Service Leader~~ ~~Director of~~ Legal and Democratic ~~Services~~ so that a decision on how to proceed can be reached.

## 9. De-Minimis Level (Materiality)

The concept of materiality is critical to the successful operation of Standing Order 16(9). The Standing Order is intended as a safeguard which ensures sufficient financial information is available to inform decisions but if applied rigidly it could stifle democratic debate and members' ability to put forward motions and amendments, particularly those arising from discussion at a Council/Committee meeting.

With this in mind it is recommended that a de-minimis level of £1,000 should be used when applying Standing Order 16(9) and in Revenue Budget terms this should apply to real costs to the Council rather than the opportunity costs associated with officer time which is a cost which will be borne regardless. For Capital Budget items officer time may require to be taken into account as a true cost if that time is chargeable to the capital project involved (e.g. architects time, engineers time, etc.) A de-minimis level of £1,000 is considered to be reasonable and in part is suggested because the Council sets its budget allocations to departments to the nearest thousand pounds in any case.

There may however be practical difficulties in applying such a de-minimis and accordingly the following scenarios are given as an example to assist members in deciding when they should approach the [HeadDirector](#) of Finance ~~and Legal~~ for assistance and advice under Standing Order 16(9).

#### Scenario 1 – No cost involved

This scenario could arise if, for example, a member requests that a further report be brought forward on an area relevant to the item of business being considered but which would not prevent that item of business being progressed. In these circumstances there is likely to be no cost involved, other than officer time in preparing a further report and accordingly no need to contact the [HeadDirector](#) of ~~Finance and Legal~~ for advice.

In theory a proposal to defer an item of business could also be seen to have no cost implications but care would be needed on such items because deferral could have consequences for e.g. acceptance of contracts, the impact of inflation, etc.

#### Scenario 2 - Cost / Loss of Income is known but means of funding cost/loss of income is not

This scenario could arise if, for example, a member argues against a proposed increase in fees and charges. The cost, or in this case, loss of income would be known and the means of funding the loss of income would only need to be identified (through contact with the [HeadDirector](#) of Finance ~~and Legal~~ if the sum involved was more than £1,000.

#### Scenario 3 - Cost is not known precisely but is obviously less than £1,000

This scenario could arise if, for example, a member proposes that the Council should provide hospitality to 20 visiting dignitaries via a buffet style lunch. In these circumstances it would be obvious that the cost would be unlikely to amount to more than £200 or so and thus there would be no need to identify the specific means of funding this cost through consultation with the [HeadDirector](#) of ~~Finance and Legal~~.

#### Scenario 4 – Cost is not known / is difficult to gauge

This scenario could arise if, for example, a member argues that a small area of unadopted road be adopted by the Council. In this example the costs may seem relatively small but there would be merit in this being confirmed and if above the de-minimis level funding options identified.

In general it will be for elected members to decide when to seek advice under Standing Order 16(9). Members may however feel more comfortable with always checking the position with the [HeadDirector](#) of Finance ~~and Legal~~ or [Strategierelevant](#) Director when it is practical to do so.

## 10. Finance Service Contacts

In normal course elected members requiring assistance or advice in relation to a Standing Order 16(9) matter should contact the [HeadDirector](#) of Finance ~~and Legal~~ directly or in his absence the Service Leader (Financial Services). Advice may however also be sought from the Finance Service attendee for a particular Committee.

## 11. Confidentiality

All matters referred to the HeadDirector of Finance ~~and Legal~~ or his staff under Standing Order 16(9) will be dealt with on a strictly confidential basis and any other Council officers whose assistance is needed in identifying the financial information will be required to adhere to these same principles.

All member requests for information and any advice given under Standing Order 16(9) will be shared with the relevant Strategie Director on a confidential basis so that they can provide any input that may be required. Requests for information will also be brought to the attention of the ~~Service Leader~~ Director of Legal and Democratic Services on a confidential basis to ensure no procedural issues arise when the matter is raised formally at a Council/Committee meeting.

## 12. Consultation

This guidance has been agreed following consultation with the Chief Executive, the Depute Chief Executive ~~Strategie Directors~~, the HeadDirector of Finance ~~and Legal~~ and the ~~Service Leader~~ Director of Legal and Democratic Services .

## 13. Conclusion

This guidance is intended to assist members and officers in the application of Standing Order 16(9) and has sought to cover the type of scenarios which might arise. Ultimately application of the Standing Order will rely on a common sense approach which is in line with the purpose of the Standing Order set out in Section 3 of this Guidance Note. This guidance is not intended to cut across existing protocols, codes, etc. and is subservient to the Standing Orders themselves.

## GUIDANCE ON PROCEDURAL MATTERS RELATING TO THE DISPOSAL OF LAND AND PROPERTY

Land and property are corporate assets and, subject to a few specific exceptions such as those held on the HRA and the Common Good accounts, the proceeds from disposals go to the corporate general fund. Although ~~directorates/~~services are deemed to hold and deploy property assets, this is simply an internal management and accounting arrangement and should not be considered as conferring some form of departmental ownership.

In order to acknowledge this corporate policy interpretation and provide the clarity, consistency and traceability of the disposals process the following procedures should be adhered to:-

1. The ~~HeadDirector~~ of Infrastructure be added as a routine consultee to all committee reports with identified property implications. The ~~HeadDirector~~ of Infrastructure has overall responsibility for the maintenance and management of the corporate property estate and accordingly must be consulted whenever there are any such implications.
2. ~~The Strategic~~ Directors are authorised to declare surplus to their ~~directorates~~services' requirements any land and/or property no longer required for their ~~directorates~~services' operational purposes (excluding property held under the Housing Acts), such declaration is by way of written notification to the ~~HeadDirector~~ of Infrastructure and by submission of bi-annual reports to their own Service Committee - summarising land and/or property declared as surplus under delegated authority. This simplifies the disposals procedure by removing the requirement to obtain service committee approval.
3. Land/property held by one ~~directorates~~service but occupied by another outside party cannot be declared surplus before arrangements have been made to terminate the tenancy/alternative management arrangements are in place. This is to ensure property holding ~~directorates~~services do not apply actions at the expense of other services or which ignore wider socio-economic implications.
4. A record of all applications to purchase land/property held under the Housing Acts will be maintained by the Communities Service ~~of the Place~~ directorate, for that held on the Economic Development Service account by the Economic Development Service of the ~~Chief Executive's Unit~~Director of Strategic Policy, Transformation and Public Sector Reform Service, and for all others by the Infrastructure Service ~~of the Place~~ directorate. This helps provide clarification in the disposal process by identifying which directorate deals with particular disposals.
5. All external applications to purchase Council-owned land/property received will be referred as applicable to the Communities Service, the Economic Development Service, or the Infrastructure Service, dependent on the account the land/property is held on. There are therefore only three permissible routes/destinations for all applications to purchase land/property, thus providing simplification and clarification while increasing traceability.
6. Where an external application is received to purchase Council-owned land/property which is of significant importance to the Council either strategically or operationally, this will be reported to the Chief Executive and the ~~Strategic~~ Director ~~of Communities~~Place. This is to ensure that significantly important matters are considered at the appropriate level.
7. Proposals to dispose of land/property held under the Housing Acts, are ~~to be~~ reported ~~by the Place~~ directorate to the Communities Committee. The Communities Service has an established and identifiable process which provides the necessary consistency, clarity and traceability, and the ~~HeadDirector~~ of Infrastructure has overall responsibility for the maintenance and management of the corporate property estate and accordingly must be consulted whenever there are any such proposals.

8. Proposals to dispose of land/property held on the Economic Development Account to be reported by the Chief Executive for approval to the Policy and Resources Committee. The delegated authority of the Service Leader – Strategic Policy and Economy will continue to be exercised but also reported to the Policy and Resources Committee, the same as any exercise of the ~~Head~~Director of Infrastructures' delegated authority.
9. Procedures for disposal of land/property held on the Economic Development Account. Almost by definition, all land/property held on the Economic Development Account could be considered as being on the market and available for disposal. There is therefore no need for further advertising/marketing in the event of an application to purchase being received. After the application has been recorded, the Chief Executive is to consider the appropriateness of any disposal and if deemed acceptable the request is to be referred to the Infrastructure Service to provisionally agree a selling price. If agreement cannot be reached then currently the matter ends, but if agreement can be reached then a report is to be made to the Policy and Resources Committee. Thus with the recommendation being made by one directorate, the disposal price provisionally agreed independently, and the final decision made by committee, the disposal can be tracked and shown to be open and above board.
10. Procedures for disposal of land/property held on all other accounts including Common Goods. The procedures for the disposal of land/property previously declared surplus to Council requirements but held on all other accounts shall be managed by the Infrastructure Service and reported for approval/noting to the Policy and Resources Committee only. The Infrastructure Service shall utilise its approved Disposal Procedure Checklist to ensure consistency and traceability.
11. The ~~Strategic~~ Director of Communities–~~Place~~ shall report to the Communities Committee all cases where it is proposed that there shall be:
  - appropriation by the ~~Place directorate~~Communities service for development of affordable housing in accordance with the Council policy;
  - disposal to a local Housing Association for the development of affordable housing; and
  - disposal by negotiation at less than best value in accordance with the Disposal of Land by Local Authorities (Scotland) Regulations 2010.
12. The ~~Strategic~~ Director of Finance–~~Place~~ shall report to the Policy and Resources Committee cases where it is proposed that there will be Community Asset Transfer in accordance with the Council policy.