

ORDER OF REFERENCE

OF

COMMITTEES

(25) The functions of the Council under the Allotments (Scotland) Acts.

(3) Planning and Place Services

- (1) With the exception of those matters delegated or referred to the Development Standards Committee, the [Policy and Resources Development and Enterprise 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.
- (2) 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.
- (3) The relevant functions of the Council in terms of the Water Environment and Water Services (Scotland) Act 2003 as they relate to the service
- (4) The consideration of proposals for development by the Council which, in the opinion of the Chief Executive after consultation with the Service Manager (Planning), raise a major planning issue and the provision of advice to the Policy and Resources Committee thereon.
- (5) The functions of the Council relating to ancient monuments, archaeological areas, and designated nature conservation and landscape interest.
- (6) The Council's functions under the following provisions of the Land Reform (Scotland) Act 2003 (insofar as not delegated to the Strategic Director - Communities);
- 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)
- (7) The provision of a Community Learning and Development Service.
- (8) The provision of a Community Planning Service.
- (9) 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.
- (10) Consideration and approval of the Council's Local Housing Strategy and the Strategic Housing Investment plan.
- (11) The purchase, sale, excambion or lease of property held on the Housing Revenue Account subject to obtaining all necessary consents.
- (12) The supervision and implementation of the Council's obligations in terms of the High Hedges (Scotland) Act 2013.

- (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.

~~4. Development and Enterprise Committee~~

- ~~(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.~~

- (4) The duties placed on the Council by the Carbon Reduction Commitment Energy Efficiency Scheme Order 2010 and the Climate Change (Scotland) Act 2009.

(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
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- (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.

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 the following matters:-

- (i) appeals against dismissal; and
- (ii) appeals raised under the terms of the grievance procedure.

~~(2) Police and Fire & Rescue Sub-Committee~~

~~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.~~

(23) 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.

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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 ~~and the annual Internal Standard on Auditing (ISA) 260 Report to "Those Charged with Governance"~~.
- (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.
- ~~(13) To scrutinise the Council's unaudited and audited annual accounts, subject to adherence to statutory timescales.~~
- (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.

Comment [M1]: In accordance with Report No 39/15 and the Local Authority Accounts(Scotland) Regs 2014

- (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

9. Social Work and Health Committee

- (1) Responsibility for social work matters in respect of all adult services including the strategic oversight of relevant sections of the People Directorate.
- (2) The functions of the Council relating to:-
- Public health
 - Public protection
 - Mental Health and Wellbeing
 - Health improvement
 - Community Care services for adults
- (3) To receive reports from the Chief Social Work Officer and the Chief Officer for Integration.
- (4) To ensure that Angus Council's responsibilities are addressed appropriately by the integrated Health and Social Care Partnership.
- (5) To consider recommendations from the Social Work Complaints Review Committee, insofar as they relate to services to adults.

The following Standing (Joint) Sub-Committee (to act with full delegated powers) shall be appointed from the membership of the Social Work and Health Committee and the Children and Learning Committee:-

(1) Case Sub-Committee

- (1) Matters relating to individuals, who have a long term illness or disability, persons and other individuals in need, as required; the supervision and care of individuals on probation or released from prison or other forms of detention; individual children, including children looked after by the local authority as determined by the Social Work and Health Committee.