



## STANDING ORDERS

AND

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STANDING ORDERS

OF

THE COUNCIL

| 27 October ~~14 September~~ 20165

## 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 ~~14<sup>27</sup> October~~ ~~September~~ 2016<sup>5</sup>.

### 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 of Communities, ~~People-Children and Learning~~ or Resources

“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

- (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 Head 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 Head 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 Head 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.

## †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 Head of Legal and Democratic Services no later than 5pm on the working day preceding the meeting at which the matter is to be discussed. The mover shall also deliver such terms to the Head of Legal and Democratic Services before any vote is taken,~~ 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

### 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  
 Social Work and Health

#### 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.

**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 concerned or the Head of Legal and Democratic Services.*

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

The Head of ~~HR, IT and OD Corporate Improvement and Finance~~ 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 Head 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 Director of a particular department. The requirements of this paragraph may be exercised in terms of an agency arrangement with any other local authority or authorities.



## 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.
- (6) To receive reports from the Chief Social Work Officer.
- (7) Strategic oversight of relevant sections of the ~~People-Children and Learning~~ Directorate.
- (8) Strategic oversight of all developments relevant to children and young people.
- (9) To consider recommendations from the Social Work Complaints Review Committee, insofar as they relate to the provision of services for children and young people by the Social Work and Health Service.

### **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 Head 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-Children 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 – PeopleChildren 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 - People-Children and Learning (or officer designated for this purpose);
- (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
- (5) the consideration and determination of cases involving any teacher whose period of sickness allowance has ended and whose circumstances the Strategic Director – People-Children 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.

**(vi) Social Work Complaints Review Committee (to act with powers in terms of statutory provision)**

- (1) To review complaints which have previously been investigated but where disagreement exists regarding the findings or proposed action resulting from the complaint, and where the complainer has formally requested such a review.

- (2) ("Complaints" refer to those representations which come within the terms of section 5B of the Social Work (Scotland) Act 1968 and the subsequent statutory complaints' procedure operated by the &Children and Learning Directorate).

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(3) Membership of this Committee is made up of independent persons drawn from a Social Work Review Panel.

**The Committee shall appoint the following statutory Committee:-**

~~(vi)~~ **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.
- (8) the consideration of applications for registration as a Door Steward where there are objections and the revocation of registration hearings.
- (9) 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.

- (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.

**(5) Services to Communities**

- (1) The functions of the Council relating to Leisure Operations including:-
  - (i) The control and supervision of all staff so far as exclusively employed for the purposes of Leisure 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 Leisure Operations.
  - (iii) The supervision of all depots or other buildings or yards held or to be held for the purposes of Leisure Operations.
- (2) 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.
- (3) The provision, management and maintenance of community centres, sports and leisure centres, swimming pools, outdoor recreations and football pitches, and public halls.
- (4) The management and maintenance of caravan parks owned by the Council so far as the Council has an interest therein.
- (5) Ensuring that an appropriate marketing policy is adopted in respect of items (1), (2) (3) and 4) above.
- (6) Liaison with other agencies and organisations in relation to sports development and sporting, leisure and other recreational facilities.
- (7) 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 or activities, the provision of cultural facilities or activities, the provision of parks, play and recreation grounds, open spaces, roadside seats and the management of beach facilities.
- (8) The provision, management and maintenance of theatres, libraries, museums, art galleries and archive services.
- (9) 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 - Communities.
- (10) The management and administration of the functions of the Council in relation to the ACCESS Offices and ACCESS Line.
- (11) The provision of events and entertainments.
- (12) 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.

**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**

- (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 Manager (Planning) 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) (ie 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.

## **76. Policy and Resources Committee**

### **(1) Policy**

- (1) Strategic oversight of the Chief Executive's Unit and the Resources Directorate.
- (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) Oversight of the internal transformational programme for Angus Council.
- (5) 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.
- (6) The functions of the Council relating to the fixing of local holidays.
- (7) The functions of the Council as local registration authority for the purpose of the Registration of Births, Deaths and Marriages (Scotland) Act 1965.
- (8) 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.
- (9) 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.
- (10) The determination on behalf of the Council of the medium to long term strategic policy and resource framework within which the Council should operate.
- (11) To keep under review the overall allocation and control of the Council's resources.
- (12) 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

(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.



#### 4. Strategic Director - Communities

The Strategic Director – Communities is authorised:-

- (1) to take overall responsibility for the functions of the Department, to oversee all staff and to act in all departmental matters, with the exception of those functions delegated to the Service Manager (Planning) and the ~~Service Manager Head of (Regulatory and Protective and Prevention Services)~~.
- (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 Head of 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 Head of 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)

##### 4a. Head of Services to Communities

The Head of Services to Communities is authorised:-

- (1) in consultation with the Convener and the Head of Corporate Improvement and Finance, to vary the charge for facilities for promotional activities, public events and performances to allow the service to react to market forces;
- (2) in consultation with the Convener, to introduce marketing and promotional campaigns for Communities activities and facilities to allow the service to react to market forces, etc and, in consultation with the Convener, to approve applications for the sale of alcohol at such events;
- (3) to administer the Council's Management Rules with regard to all leisure and cultural

- (13) 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;
- (14) 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;
- (15) to deliver, with the Strategic Director – Communities and the Strategic Director - [People-Children and Learning](#) and the Head of Legal and Democratic Services, the requirements of the Housing (Scotland) Act 2006 (with the exception of Part 5 thereof);
- (16) 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;
- (17) to appoint consultants, subject to provision having been made within the approved estimates of expenditure and in accordance with the Council's Financial Regulations;
- (18) 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;
- (19) to carry out the functions of the Council in relation to the Construction (Design and Management) Regulations with regard to Housing contracts as appropriate.
- (20) to develop, manage and co-ordinate community planning and applicable budget.
- (21) 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;
- (22) to act as the Proper Officer of the Council for the functions specified in Standing Order 46(5);
- (23) 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;
- (24) to manage Angus Council's response to the new duties specified in the Climate Change (Scotland) Act 2009.
- (25) 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.

#### **4c. Head of Technical and Property Services**

The Head of Technical and Property Services 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;

- (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 Head of Technical and Property Services in consultation with the Head of 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;

- (324) 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;

- (332) 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;

- (343) 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;

- (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.
- (443) to carry out the functions of the Council in relation to the Construction (Design and Management) Regulations with regard to Communities contracts as appropriate;
- (454) 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;

#### **4d. Head of Regulatory and Protective Services)**

The Head of Regulatory and Protective Services is authorised:-

- (1) to appoint consultants, subject to provision having been made within the approved estimates of expenditure and in accordance with the Council's Financial Regulations;
- (2) 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;
- (3) to administer the Council's Management Rules with regard to Parks play and recreation areas, open spaces beaches and Burial grounds;
- (4) 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 recycleate;
  - (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.
- (5) to ensure that the Council maintains an adequate cemetery provision and that systems are in place to maintain accurate records of all burials;
- (6) to make burial arrangements under the Burial Grounds (Scotland) Act 1855;
- (7) to approve the sale of lairs and to approve the issue of free lairs where circumstances dictate;
- (8) 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.
- (9) 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 Head of 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

- (viii) 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;
- (ix) 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;
- (xi) to take action under the Environmental Protection Act 1990, as amended, to deal with remediation of contaminated land;
- (xii) to take action under the Environment Act 1995 with regard to Local Air Quality Management;
- (xiii) to act as the Appropriate Officer in terms of the Bathing Waters (Scotland) Regulations 2008;
- (xiv) to issue penalty notices under The Energy Performance of Buildings (Scotland) Regulations 2008;
- (xv) 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);
- (xvi) to take action to protect the collective interests of consumers including issuing notices and taking actions in court;
- (10) to ensure the Council is able to deliver civil enforcement notices through the empowerment of Community Safety Wardens in accordance with Council Policy;

- (11) to lead the oversight and management of the relationship with Angus Alive;
- (12) to have oversight of fleet management and the council's relationship with Tayside Contracts in this regard;
- (13) to lead the delivery and management of the council's responsibility in relation to the Community Safety Anti-Social Behaviour Strategy.

**4ed. Service Manager (Planning)**

The Service Manager (Planning) 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 (eg 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 Standards functions:-
  - (i) to approve planning applications, with the exception of:-
    - (a) applications defined as being National or Major;
    - (b) applications which attract five individual objections (i.e. excluding five letters of objections from an individual, individual household, or organisation);
    - (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;

- ~~11. Food Safety and Food Standards~~
- ~~12. Health & Safety at Work etc.~~
- ~~13. Housing Standards including caravans and migrant worker accommodation~~
- ~~14. Licensing/Registration~~
- ~~15. Pest Control~~
- ~~16. Petroleum and Explosives~~
- ~~17. Public Health~~
- ~~18. Waste Collection, Disposal and Recycling~~
- ~~19. Water Supplies~~
- ~~20. Weights & Measures~~
- ~~21. Working Time~~

- ~~(xx) 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;~~
- ~~(xxi) 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;~~
- ~~(xxii) to act under Parts 3 and 8 of the Public Health (Scotland) Act 2008, powers of entry and other investigatory powers with regard to public health investigations and regulation of sunbeds;~~
- ~~(xxiii) take action under the Environmental Act 1990, as amended, to deal with remediation of contaminated land;~~
- ~~(xxiv) take action under the Environmental Act 1995 with regard to Local Air Quality Management;~~
- ~~(xxv) to act as the Appropriate Officer in terms of the Bathing Waters (Scotland) Regulations 2008;~~
- ~~(xxvi) to issue penalty notices under The Energy Performance of Buildings (Scotland) Regulations 2008;~~
- ~~(10) to ensure the Council is able to deliver civil enforcement notices through the empowerment of Community Safety Wardens in accordance with Council Policy;~~
- ~~(11) the monitoring and enforcing of dog fouling issues;~~
- ~~(12) in conjunction with the Head of Legal and Democratic Services, to appoint and authorise suitably qualified and experienced officers to enforce the provisions of The Working Time Regulations 1998 (as amended).~~

## 5. **Strategic Director – People Children and Learning**

The Strategic Director – People Children and Learning is authorised to take overall responsibility for the functions of the Department, to oversee all staff and to act in all departmental matters excluding paragraph 45(2) (Statutory Officers of the Council).

### 5a **Chief Social Work Officer**

- (1) As the Proper Officer the Chief Social Work Officer is specifically authorised to:-
  - (i) To monitor the discharge of the Council's statutory social work duties



- (6) 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;
- (7) to exercise the powers available to the Council with regard to the provision of education for pupils belonging to areas of other education authorities;
- (8) 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;
- (9) to authorise all teaching establishment changes;
- (10) to implement and monitor the Council's scheme of Staff Development and Review for teaching staff;
- (11) to arrange programmes of in-service training for teachers, for School Chaplains, and for non-teaching staff in association with the [Head of HR, IT & Organisational Development](#)~~Service Manager (Human Resources)~~ ;
- (12) to transfer teachers within the policy established by the Council;
- (13) to authorise the premature retirement of teachers without any actuarial reduction to their pension benefits in accordance with the agreed policy of the Council;
- (14) 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 Technical and Property Services;
- (15) to issue licences in terms of the Children (Performance) Regulations 1968;
- (16) to control the employment of children in terms of the Council's byelaws;
- (17) to approve or refuse applications received from schools for visits and excursions, in accordance with the Council's policies;
- (18) to make arrangements to monitor the attendance of pupils at school, and to implement measures to combat truancy and other unauthorised absence;
- (19) 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;
- (20) 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;
- (21) to administer the Council's scheme for the letting of school premises;
- (22) to administer the Council's scheme of Devolved School Management;
- (23) 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.

- (8) to prepare the Directorate's annual performance report;
- (9) to establish performance management arrangements for the Directorate;
- (10) to lead health and safety arrangements;
- (11) to manage Directorate information systems, ensuring compliance with Data Protection and other relevant legislation;
- (12) to establish systems for managing complaints relating to the functions of the Directorate;
- (13) to prepare and maintain an asset management plan for the Directorate;
- (14) to maintain appropriate commissioning arrangements with external service providers;
- (15) to establish contingency and emergency planning arrangements;
- (16) 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.

## **6. The Chief Integration Officer**

The Chief Integration Officer is authorised:-

- (1) to promote and develop the integration of health and social care services.
- (2) 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;
- (3) to make assessment of need in terms of Section 55 of the NHS and Community Care Act 1990;
- (4) 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;
- (5) 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;
- (6) 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;
- (7) 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;
- (8) 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;
- (9) to provide home help and laundry facilities in terms of Section 14 of the Social Work (Scotland) Act 1968;
- (10) 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;

- (11) 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 department if that social care is personal care as defined in Section 2(28) of the Regulation of Care (Scotland) Act 2001;
- (12) 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.
- (13) 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;
- (14) 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;
- (15) 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;
- (16) 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;
- (17) to assess the ability to provide care in terms of Section 12AA of the Social Work Scotland Act 1968;
- (18) to provide information to a carer in terms of Section 12AB of the Social Work Scotland Act 1968;

- (19) 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;
- (20) 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;
- (21) 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;
- (22) 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;
- (23) 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;
- (24) 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;
- (25) 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;
- (26) 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;
- (27) 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.
- (28) to carry out the functions of local authorities in terms of Section 10 of the Adults with Incapacity (Scotland) Act 2000;
- (29) 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;
- (30) 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;
- (31) 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;
- (32) to apply to the Sheriff for an intervention order in terms of Section 53(1), (3) of the Adults with Incapacity (Scotland) Act 2000;
- (33) to keep records in terms of Section 54 of the Adults with Incapacity (Scotland) Act 2000;
- (34) 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;
- (35) 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;
- (36) 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;
- (37) 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;
- (38) to apply to the Sheriff for renewal of guardianship orders in terms of Section 60 of the Adults with Incapacity (Scotland) Act 2000;
- (39) 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;
- (40) 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;
- (41) 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;
- (42) to apply to the Sheriff for variation of guardianship orders in terms of Section 74 of the Adults with Incapacity (Scotland) Act 2000;
- (43) 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 as per Section 56 of the Local Government (Scotland) Act 1973 as amended;
- (44) 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;
- (45) 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;
- (46) 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;
- (47) 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;
- (48) 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;
- (49) 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;

- (50) 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;
- (51) 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;
- (52) 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;
- (53) 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;
- (54) 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;
- (55) 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;
- (56) 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;
- (57) to establish an Adult Protection Committee in terms of Section 42 of the Adult Support and Protection (Scotland) Act 2007;
- (58) 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;
- (59) 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;
- (60) 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;
- (61) to assess need and make direct payments in terms of Section 12A of the Social Work (Scotland) Act 1968;
- (62) to recover contributions that have not been paid in terms of Section 82 of the Social Work (Scotland) Act 1968;
- (63) 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;
- (64) 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;

**76. Strategic Director - Resources**

- (1) The Strategic Director - Resources is authorised to take overall responsibility for the functions of the Department, to oversee all staff and to act in all departmental matters excluding paragraphs [67a\(1\)](#), [67b\(1\)](#), [67c\(1\)](#) and [67d\(7\)](#) below.

**76a. Head of Corporate Improvement and Finance**

The Head of Corporate Improvement and Finance is authorised-

- (1) to act as the Proper Officer of the Council for the functions specified in Standing Order 46(3);
- (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 Head 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 and the Head 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 of HR, IT and OD](#);
- (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



- (13) when requested by the Head of Technical and Property Services, to impose any ~~temporary-permanent~~ restriction on traffic on roads by means of ~~traffic regulation or speed limit order public notice and/or traffic regulation order~~ in terms of the Road Traffic Regulation Act 1984 ~~and the Roads (Scotland) Act 1984~~;
- (14) in consultation with the Head of Corporate Improvement and Finance, 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;
- (15) in connection with the Council's licensing functions under the Civic Government (Scotland) Act 1982:
- (i) to grant taxi drivers and private hire car drivers licences, and taxi and private hire car operators licences, on advice from the Divisional Commander, Police Scotland that there are no current convictions and no objections whatsoever;
  - (ii) to renew taxi drivers and private hire car drivers licences, and taxi and private hire car operators licences, if there are no new convictions since the Civic Licensing Committee's last consideration of the matter (whether in connection with a grant, renewal or default report);
  - (iii) to grant licences for second-hand dealers, window cleaners and street traders, on advice from the Divisional Commander, Police Scotland that there are no current convictions, and no objections whatsoever;
  - (iv) to renew licences for second hand dealers, window cleaners, street traders, market operators and late hours caterers, if there are no new convictions or adverse information received since the Civic Licensing Committee's last consideration of the matter and the licence sought is the same as the licence previously granted;
  - (v) to grant and renew boat hirers, public entertainment and indoor sports entertainment licences, subject to no objections whatsoever;
  - (vi) to grant and renew permits for amusements with prizes machines in premises other than hotel and public houses, where they are outwith the class of premises specified in the Council's resolution and there are no objections or adverse comments received;
  - (vii) to grant and renew permits to install all-cash amusements with prizes machines in amusement arcades where there are no objections or adverse comments received;
  - (viii) to refuse to either grant or renew any applications made under the Civic Government (Scotland) Act 1982 which have not provided the required supporting documentation, including the relevant fee;
  - (ix) to grant new applications for late hours catering licences which fall within the Council's policy and where no objections or observations are received;
  - (x) 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.
- (16) 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;

- (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 and renew licences for pet animals, dangerous wild animals, venison dealers, riding establishments, animal boarding establishments, breeding of dogs, and film exhibitions subject to no objections or adverse comments being received from the Divisional Commander, Police Scotland, the Area Manager, Scottish Fire and Rescue Service, or Head of ~~Regulatory and Protective Services to Communities~~;
- (19) to grant period and temporary approvals for places of Civil Marriages and/or Civil Partnerships where no objections, adverse comments or representations are received;
- (20) to renew period approvals for places of Civil Marriages and/or Civil Partnerships where no objections, adverse comments or representations are received and the place applied for is the same as previously granted;
- (21) to approve applications for the registration of society lotteries in accordance with the Lotteries and Amusements Act 1976 where there are no current convictions and no objections whatsoever;
- (22) to grant permission to voluntary organisations for the use of the Piazza, Montrose;
- (23) 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;
- (24) 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;
- (25) in conjunction with the ~~Service Manager (Head of Regulatory, and Protective and Prevention Services)~~ , to appoint and authorise suitably qualified and experienced officers to enforce the provisions of The Working Time Regulations 1998 (as amended);
- (26) to accept and sign tenders on behalf of the Council which are above the delegated limits set out in Appendix 1 of Financial Regulations.
- (27) 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.
- (28) the setting of local traders holidays.
- (29) 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.
- (30) to act as the Chief Information Governance Officer of the Council.
- (31) to approve and implement minor revisions to Standing Orders and related documents.

**76c. Head of Service (HR, IT & OD)**

The Head of Service (HR, IT & OD) 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

#### 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 of Corporate Improvement and Finance 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 Head of Legal and Democratic Services for such motions.

In practical terms elected members may wish to advise the Head of Corporate Improvement and Finance at the same time as they notify the Head of 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 of Corporate Improvement and Finance 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 of Corporate Improvement and Finance 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 should seek to provide~~ the Head of Corporate Improvement and Finance ~~by 5.00pm on the day preceding the meeting with as much notice as possible of their intentions. As a minimum elected members should provide 2 clear days notice of their intentions~~ 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 Head of Corporate Improvement and Finance 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 Head of Corporate Improvement and Finance (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 should seek to provide the Head of Corporate Improvement and Finance with as much notice as possible of their intentions so 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 Head of Corporate Improvement and Finance 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 Head of Corporate Improvement and Finance 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 Head of Corporate Improvement and Finance (or representative) an