

Appendix 2(a)

(This document shows proposed changes to the current Order of Reference to Committees in tracked changes for ease of reference.)

ANGUS COUNCIL

SCHEME OF GOVERNANCE

PART 2 – COMMITTEE TERMS OF REFERENCE

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COMMITTEE TERMS OF REFERENCE

PART 1

A. GENERAL PROVISIONS

1. This document sets out the Council powers delegated to each of the Council's Committees to enable them to make decisions about strategic policy and the matters set before them.
2. The Council derives its authority from the Local Government (Scotland) Act 1973 ("1973 Act") and subsequent legislation. In exercising its functions and in undertaking its responsibilities, it must comply with the law.
3. Under Section 57 of the 1973 Act, the Council is permitted to appoint Committees, or with other Councils, to appoint Joint Committees, to discharge functions which the Council could itself discharge, other than as set out in legislation.
4. A Committee can appoint Sub-Committees to exercise any function delegated to it.
5. Under Section 56(1) of the 1973 Act, the Council is permitted to delegate the discharge of functions to officers. These Committee Terms of Reference should be read in the context of the Scheme of Delegation to Officers. Any delegation made to an officer shall not prevent the Council, relevant Committee or Sub-Committee from exercising the power so delegated.
6. The Council has also delegated some powers to the Angus Integrated Joint Board under the Public Bodies (Joint Working) (Scotland) Act 2014. The current Integration Scheme is available here: - <https://www.angushscp.scot/wp-content/uploads/2022/11/Angus-Revised-Integration-Scheme-2022.pdf>
7. In exercising the functions conferred on them, Committees and Sub-Committees shall comply with the Standing Orders of the Council insofar as applicable and with any resolutions or instructions given by Council.
8. Council can determine any matter which would otherwise fall to be determined by a Committee or Sub-Committee; and a Committee can determine any matter which would otherwise fall to be determined by one of its Sub-Committees.
9. A Committee can at any time refer or make a recommendation on any matter delegated to it to Council, and a Sub-Committee can refer or make a recommendation on any matter delegated to it to Council or to its parent Committee.
10. In accordance with Standing Order 32, each Standing Committee (excluding Development Standards, Civic Licensing and Scrutiny & Audit) will appoint an Executive Sub-Committee made up of three members of the Committee, with delegated powers to decide any matter (other than a matter affecting Council policy): -
 - a. which would normally be decided by the Standing Committee but which, by reason of its urgency, requires to be decided during the annual recess, or,
 - b. which has been specifically delegated to the Executive Sub-Committee by the Standing Committee.
11. Any decision taken by a Committee or Sub-Committee is deemed to be a decision of Council itself.
12. In exercising their functions, the Council, its Committees and Sub-Committees must: -
 - (i) meet their equalities obligations and take full account of their responsibilities to those who have protected characteristics;
 - (ii) meet their obligations in terms of the Fairer Scotland Duty; and
 - (iii) otherwise act in accordance with Angus Council's Scheme of Governance and the law.

13. Non-material amendments to these Committee Terms of Reference can be made by the Director of Legal, Governance & Change, following consultation with the Leader, without the requirement to get approval from Council or the appropriate Committee and will be notified to Members once completed. Non-material amendments are changes that the Director of Legal, Governance & Change consider to be minor and that do not significantly alter the original intention of Council when agreeing these Committee Terms of Reference.

B. EXCLUSIONS FROM DELEGATIONS TO COMMITTEES

There shall be excluded from any delegation to any Committee or Sub-Committee: -

1. Any functions that have been delegated to an officer under the Scheme of Delegation to Officers, albeit this shall not prevent a Committee or Sub-Committee from exercising those functions: -and:

4.2. The following matters which are reserved to Council: -

- (i) Changing the name of the Council in terms of Section 23 of the Local Government (Scotland) Act 1973;
- (ii) The appointment of the Convener and Depute Convener of the Council and early removal from office;
- (iii) The appointment of Committees in terms of Section 57 of the Local Government (Scotland) Act 1973;
- (~~ii~~)(iv) Any of the Council's functions in respect of the setting of the Council Tax in terms of Section 56(6) of the Local Government Scotland Act 1973 or resolving to borrow money;
- (~~ii~~)(v) The incurring of capital expenditure for which no provision or insufficient provision has been made in the capital budget;
- (~~iii~~)(vi) The undertaking of borrowing or investment activity which is not in accordance with the annual Treasury Management Strategy Statement and Investment Strategy;
- (~~iv~~)(vii) The incurring of revenue expenditure for which no provision or insufficient provision has been made in the revenue budget;
- (viii) The acquisition (other than by the Policy and Resources Committee), of any land or buildings or other interests therein required for the purposes of any service controlled by a particular Committee;
- (ix) The promotion and opposition of private legislation in terms of Section 82 of the Local Government (Scotland) Act 1973;
- (x) Review of the Scheme for Community Councils (Special Meeting) in terms of section 22 of the 1994 Act;
- (xi) The consideration of any findings of Hearings of the Standards Commission in terms of section 18(2) the Ethical Standards in Public Life etc. (Scotland) Act 2000 and any findings of any Hearings in term of section 103E of the Local Government (Scotland) Act 1973 (best value hearings)-;
- (xii) The consideration of reports by the Head of Paid Service under Section 4 of the Local Government and Housing Act 1989;
- (~~v~~)(xiii) The consideration of reports by the Monitoring Officer under section 5 of the Local Government and Housing Act 1989;
- (~~vi~~) — the dismissal of Directors;

- ~~(vii)~~ the making, alteration or revocation of Byelaws and Management Rules;
- ~~(viii)~~(xiv) the making, alteration or revocation of Standing Orders and Financial Regulations;
- ~~(ix)~~(xv) the making and amendment of the Council Plan and the Community Plan;
- ~~(x)~~(xvi) any matter involving determination of differences between Committees;
- ~~(xi)~~(xvii) proposals for the promotion of, or opposition to, parliamentary powers;
- ~~(xii)~~(xviii) the appointment of elected members to outside bodies.

A. COUNCIL

All councillors are members of Angus Council and take part in and vote at Council meetings. The Provost, Depute Provost, Committee Conveners and Vice-Conveners are elected at a Council meeting at the start of the term of each Council which is every five years. Council also sets the Council's annual budgets, including council tax and it approves strategic plans and other reserved matters.

1B. CHILDREN AND LEARNING FAMILY, EDUCATION & JUSTICE COMMITTEE

This Committee shall have the power to decide on all policy issues and resource matters (within agreed budgets) relating to the following functions of the Council which have not been reserved to Council or specifically delegated to any other Committee or Sub-Committee: -

- (1) The functions of the Council as eEducation aAuthority and in relation to education and lifelong learning matters, including but not limited to the functions set out in the: -

- a. Education (Scotland) Act 1980;
- b. The Standards in Scotland's Schools etc. Act 2000;
- c. The Children and Young People (Scotland) Act 2014;
- d. Education (Additional Support for Learning) (Scotland) Act 2004;

and any other relevant legislation.

- (232) The functions of the Council in aAll-matters relating to children and young people's social work and social care services under the children, families and justice social work services and any other non-Health & Social Care Partnership social work matters, including but not limited to the functions set out in the: -

- a. Adoption (Scotland) Act 1978;
- b. Foster Children (Scotland) Act 1984;
- c. Children (Scotland) Act 1995;
- d. Adoption and Children (Scotland) Act 2007;
- e. Children's Hearings (Scotland) Act 2011;
- f. Children and Young People (Scotland) Act 2014;
- g. Carers (Scotland) Act 2016 so far as it relates to young carers;

and any other relevant legislation. residential and community services for children and young people.

- ~~(34) To exercise the functions of the Council in all matters relating to Ffostering and adoption services.~~

Education and Lifelong Learning

- (3) To consider and thereafter to approve or reject recommendations on proposals for either:

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- a) the temporary closure of schools or other educational establishments where the current or potential roll is very low or has fallen to zero (referred to as “mothballing” in Scottish Government guidance); or
 - b) the permanent closure of schools or other educational establishments.
- (4) To exercise the statutory functions of the Council under the Schools (Consultation) (Scotland) Act 2010, but with the exception of matters properly delegated to council officers.
- (5) To have strategic oversight of the provision of early years childcare to provide the service either internally or externally through commissioning of services in terms of the Children and Young People (Scotland) Act 2014.
- (6) To consider and monitor inspection reports from Education Scotland in relation to educational establishments and Social Care and Social Work Improvement Scotland in relation to Early Learning Childcare (ELC).

Children, Families and Justice Social Work Services

- (7) To receive assurance from the -Angus Child Protection Committee and other protecting people multiagency committees in relation to delivery of national initiatives, quality assurance and effective working.
- (87) To consider and monitor inspection reports from Social Care and Social Work Improvement Scotland- in relation to social work establishments.
- (98) To receive reports from the Chief Social Work Officer and to consider and make recommendations to Council on the Chief Social Work Officer Annual Report.
- (109) Strategic oversight of children, families and justice social work services and any other non-Health & Social Care Partnership social work matters relevant sections of the Council and approval of all policies and strategies relative to its remit.
- ~~(69) Strategic oversight of all developments relevant to children, and young people and their families.~~
- ~~(110) To make recommendations to Council on consider proposals and thereafter to approve or reject proposals for the permanent closure of social work establishments.~~

The Family, Education & Justice 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 ~~thate~~ Act.

The Sub-Committee comprises one person drawn from the list of Parent Council nominees retained by the Director of Legal, Governance & Change ~~and Democratic Services~~ and two elected members of the ~~Children and Learning~~Family, Education & Justice 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 Director of Schools Education and Lifelong 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 Director of Schools Education and Lifelong 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 Family, Education & Justice Children and Learning Committee;

(3) the hearing of appeals by teachers against any disciplinary action taken by the Director of Schools Education and Lifelong Learning (or officer designated for this purpose); and

(4) the consideration and determination of cases involving any teacher whose period of sickness allowance has ended and whose circumstances the Director of Schools Education and Lifelong Learning requires to report to the Children and Learning Family, Education & Justice Committee in accordance with nationally agreed Conditions of Service.

The Sub-Committee comprises three elected members of the Children and Learning Family, Education & Justice 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.~~

(iiiv) Special Appeals Sub-Committee

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

The Family, Education & Justice Committee shall appoint the following statutory Committee: -

Education Appeal Committee (to act with powers, in terms of statutory provision)

~~The consideration of~~ To determine appeals by parents or young persons against the ~~Council's Education Authority's~~ refusal of requests made by parents for places in schools of their choice for their children, or against ~~the decisions~~ to exclude ~~their children~~ or young persons from school, in accordance with the terms of the Education (Scotland) Act 1980 as amended by the Education (Scotland) Act 1981, the Education (Additional Support for Learning) (Scotland) Act 2004 as amended by the Education (Additional Support for Learning) (Scotland) Act 2009 or the Equalities Act 2010.

In terms of the statutory provisions, the required quorum for an Education Appeal Committee is all three members. The legislation stipulates that a person who is a member of the Children and Learning Family, Children & Justice Committee shall not be the Chair of the Education Appeal Committee. The Chair of the Education Appeal Committee will be ~~a~~ the person with professional experience in education.

C2. CIVIC LICENSING COMMITTEE

The following functions of the Council are delegated to the 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, authorisations and registrations (excluding all matters dealt with by the Licensing Board and those specifically delegated to any other Committee), including (but not restricted to) determining applications for the grant, renewal, variation, review, revocation and suspension of licences, certificates and, permits, authorisations and registrations, including initiating processes, such as review, and determining all other matters relating to the delegated functions. including: respect of cinemas and theatres, betting, gaming and lotteries, animal boarding establishments and riding establishments'
- (3) All licensing functions under the Civic Government (Scotland) Act 1982 including but not limited to: -
 - i) determining which categories of discretionary licence shall be invoked;
 - ii) other matters relating thereto, including fixing of fees;
 - iii) fixing of, taxi fares;
 - iv) the appointment, variation and revocation of and taxi stances;
 - v) determining notifications of public processions (hereby further delegated to the sub-committee below);
 - vi) determining permissions for public charitable collections.
- (4) The licensing of caravan sites under the Caravan Sites and Control of Development Act 1960, as amended and the Licensing of Relevant Permanent Sites (Scotland) Regulations 2016.
- ~~(5) Consideration of applications for permission to hold public processions.~~
- (5) Providing oversight of ~~t~~ The functions of the Council under the Safety of Sports Grounds Act 1975.
- ~~(7) the consideration of applications for registration as a Door Steward where there are objections and the revocation of registration hearings.~~
- (6) The licensing of Houses in Multiple Occupation under Part 5 of the Housing (Scotland) Act 2006.
- (7) Consideration of applications with respect to Landlord Registration in terms of part 8 of the Antisocial Behaviour etc (Scotland) Act 2004.

(8) The licensing functions under the Animal Welfare (Licensing of Activities Involving Animals (Scotland) Regulations 2021.

(9) The licensing of Riding Establishments

(10)The licensing of Animal Boarding

(11)The licensing of Dangerous Wild Animals

(12)The licensing of Dealing in Venison

(13)The Licensing of Cinemas

(14)The Licensing of Theatres

(15)Determining applications for small bus permits

(16)The Licensing of Short-term Lets

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

The Civic Licensing Committee shall appoint the following Standing Sub-Committee: -

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

(1) To deal with notifications of public processions where the ~~Divisional Commander~~ Chief Constable of the Police Service of Scotland considers the march should be prohibited.

(2) To oversee and discharge the exercise of all the Council's functions under Part V of the Civic Government (Scotland) Act 1982 (as amended), in relation to Public Processions and to make such decisions in exercise of these powers as are not delegated to officers.

~~(4)~~(3) The power to make an order under Section 63 of the Civic Government (Scotland) Act 1982 prohibiting or imposing conditions on a public procession, after hearing the parties involved.

D3. COMMUNITIES COMMITTEE

The following functions of the Council are delegated to the Communities Committee: -

Vibrant Communities and Sustainable Growth

(1) The functions of the Council in relation to public health including under the Public Health (Scotland) Act 2008 and other applicable legislation.

(2) The functions of the Council in relation to food etc. hygiene.

(3) The functions of the Council under the Shops Act 1950, the Offices, Shops and Railway Premises Act 1963, the Employment Act 1989 and the Health and Safety at Work Act 1974 as amended.

(4) The functions of the Council in relation to cattle markets and slaughterhouses.

(5) The functions of the Council under the Animal Health Act 1981, the Animal Health & Welfare Act 2006 and the Agriculture (Miscellaneous Provisions) Act 1968.

(6) The functions of the Council relating to weights and measures, consumer protection, consumer credit and trading standards.

- (7) The functions of the Council under enactments involving the services of the Public Analyst.
- (8) The functions of the Council under Section 10 of the Riotous Assemblies (Scotland) Act 1822 (Compensation for Damage by Riot); to the extent to which the functions under these enactments (as amended by the 1973 Act) are vested in the Council, by virtue of the 1973 Act.
- (9) The functions of the Council in dealing with unfit housing under the Housing (Scotland) Acts and other Housing Legislation and Regulations and Orders made thereunder.
- ~~(10) The functions of the Council associated with licensing caravans in terms of the Caravan Sites and Control of Development Act 1960.~~
- (104) The determination as to whether or not an application for an Anti-Social Behaviour Order under the ~~Crime and Disorder Antisocial Behaviour etc. (Scotland) Act 2004 Act 1998~~ should be made otherwise than where the decision is delegated to the ~~Head of Regulatory and Protective Services~~ Director of Vibrant Communities and Sustainable Growth .
- (112) The functions of the Council in arranging the burial or cremation of deceased persons under the Burial and Cremation (Scotland) Act 2016~~National Assistance Act 1948~~.
- ~~(13) The functions of the Council in relation to dog control under the Control of Dogs (Scotland) Act 2010.~~
- (124) The functions of the Council in relation to mortuary facilities under the Public Health (Scotland) Act 2008.
- (135) The functions of the Council in relation to co-ordinating implementation of the requirements of The Bathing (Scotland) Regulations 2008 and:- The functions of the Council in relation to private water supplies as per The Water Intended for Human Consumption (Private Supplies) (Scotland) Regulations 2017 and The Private Water Supplies (Grants) (Scotland) Regulations 2006.
- ~~(16) The functions of the Council relating to Waste Management Operations including:-~~
- ~~(i) The control and supervision of all staff so far as exclusively employed for the purposes of Waste Management Operations.~~
- ~~(ii) Subject to the provision of Standing Orders and Financial Regulations relating to contracts, the purchase or disposal where surplus to requirements of all vehicles, plant machinery, goods, materials and supplies required for the purposes of Waste Management Operations.~~
- ~~(iii) The supervision of all depots or other buildings or yards held or to be held for the purposes of Waste Management Operations.~~
- ~~(17) The functions of the Council relating to Fleet and vehicular Maintenance Operations including:-~~
- ~~(i) Subject to the provision of Standing Orders and Financial Regulations relating to contracts, the purchase or disposal where surplus to requirements of all vehicles, plant machinery, goods, materials and supplies required for the purposes of Fleet and vehicular Operations.~~
- ~~(ii) The supervision of all depots or other buildings or yards held or to be held for the purposes of Fleet and vehicular Operations.~~
- ~~(18) The functions of the Council in relation to public cleansing including:-~~
- ~~(i) The collection and disposal/processing of residual waste and recycling.~~

- (ii) ~~Cleansing of streets and other areas as required.~~
- (19) ~~The provision and management of public conveniences.~~
- (20) ~~The functions of the Council under the Burial and Cremation (Scotland) Act 2016 Burial Grounds (Scotland) Act 1855 and other legislation so far as relating to the provision and maintenance of burial grounds.~~
- (21) ~~The functions of the Council relating to Parks Maintenance Operations including:-~~
- (i) ~~The control and supervision of all staff so far as exclusively employed for the purposes of Parks Maintenance Operations.~~
 - (ii) ~~Subject to the provision of Standing Orders and Financial Regulations relating to contracts, the purchase or disposal where surplus to requirements of all vehicles, plant machinery, goods, materials and supplies required for the purposes of Parks Maintenance Operations.~~
 - (iii) ~~The supervision of all depots or other buildings or yards held or to be held for the purposes of Parks Maintenance Operations.~~
- (22) ~~The supervision, control, maintenance and administration of parks, play and recreation grounds, open spaces, roadside seats and the management of beaches so far as the Council have an interest therein.~~
- (23) ~~The functions of the Council relating to Leisure Operations including:-~~
- (i) ~~Subject to the provisions of Standing Orders (including Contract Standing Orders), and Financial Regulations relating to contracts, and the Management Agreement with Angus Alive, the purchase or disposal where surplus to requirements of all vehicles, plant machinery, goods, materials and supplies required for the purposes of Leisure Operations.~~
 - (ii) ~~The supervision of all depots or other buildings or yards held or to be held for the purposes of Leisure Operations.~~
- (214) ~~The supervision, control, maintenance and administration~~Strategic oversight in relation to the operation of Country parks, nature reserves, nature trails, golf courses and recreational water so far as the Council have an interest therein including management of decision-making in relation to any contract entered into between the Council and any third parties for the running of these facilities.
- (215) ~~The provision~~Strategic oversight in relation to the management and maintenance of community centres, sports and leisure centres, swimming pools, outdoor recreations and football pitches, and public halls including decision-making in relation to any contract entered into between the Council and any third parties for the running of these facilities.
- (26) ~~The management and maintenance of caravan parks owned by the Council so far as the Council has an interest therein.~~
- (2716) Subject to any policy laid down by the Council, the consideration of applications for grants or loans towards projects for the provision of recreational, sporting, or social facilities, the provision of cultural facilities, the provision of parks, play and recreation grounds, open spaces, roadside seats and the management of beach facilities.
- (2817) Strategic oversight in relation to the ~~The~~ provision, management and maintenance of theatres, libraries, museums, art galleries and archive services including decision-making in relation to any contract entered into between the Council and any third parties for the running of these facilities.

- (2918) 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 ~~Director of~~ Communities Infrastructure and Environment.
- (3019) ~~The management and administration~~Strategic oversight of the functions of the Council in relation to the ACCESS Offices and ACCESS Line.
- (3120) ~~Strategic oversight of 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, including ~~management of decision-making in relation to the contract entered into between the Council and Angus Alive in respect of these services.~~
- (3221) With the exception of those matters considered by Council or delegated or referred to the Development Standards Committee, ~~or the Policy and Resources~~ Committee or the Council, all the functions, powers and duties of the Council as planning authority including:-
- (i) the preparation of statutory development plans and related non-statutory planning policy and guidance;
 - (ii) environmental improvements and public art projects;
 - (iii) ~~public rights of way, the development of path networks and all other aspects of rural planning.~~
- (3322) 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.
- (3423) The relevant functions of the Council in terms of the Water Environment and Water Services (Scotland) Act 2003 as they relate to the service
- (3524) The consideration of proposals for development by the Council which, in the opinion of the Chief Executive after consultation with the Service Leader – Planning and Communities Sustainable Growth, raise a major planning issue and the provision of advice to the Policy and Resources Committee thereon.
- (3625) The functions of the Council relating to ancient monuments, archaeological areas, and designated nature conservation and landscape interest.
- (3726) The Council's functions under the following provisions of the Land Reform (Scotland) Act 2003 (insofar as not delegated to the Director of Vibrant Communities and Sustainable Growth):
- 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)
- (3827) ~~Strategic oversight of the Council's functions in relation to The provision of a~~ Community Learning and Development Service Team to deliver CLD activity and the partnership and facilitation of working with other CLD providers to deliver on the CLD Regulations 2013-
- (28) Strategic oversight of the Council's functions in relation to the UK Resettlement Scheme guidance and Scottish Government New Scots Integration Strategy 2023 and the Immigration and Asylum Act 1999;

~~(29) Strategic oversight of the Council's functions in relation to Part 3 of the Community Empowerment (Scotland) Act 2015. The duty of the council to enable our local communities to be involved in decision-making as per the Community Empowerment Act 2015.~~

~~(39) The provision of a Community Planning Service Team.~~

(430) The functions of the Council including as housing authority under the Housing (Scotland) Acts, ~~the Antisocial Behaviour etc. (Scotland) Act 2004~~ and other housing legislation, Regulations and Orders made thereunder, including but not limited to the Home Energy Conservation Act 1995, and the Homelessness etc. (Scotland) Act 2003.

(431) Consideration and approval of the Council's Local Housing Strategy and the Strategic Housing Investment plan.

(432) The purchase, sale, excambion or lease of property held on the Housing Revenue Account subject to obtaining all necessary consents.

(433) ~~The supervision~~ Consideration and implementation of the Council's obligations in terms of the High Hedges (Scotland) Act 2013.

(434) Strategic oversight of the business planning process including agreeing the housing capital plan, monitoring the revenue spend and The periodic review of rents.

~~(5) To develop measures to support and promote regeneration.~~

~~(4535)~~ The functions of the Council under the Allotments (Scotland) Acts.

~~(36) To develop measures to support and promote regeneration.~~

~~(37) The functions of the Council in respect of economic development including in respect of these functions:-~~

~~(i) the consideration and determination of questions relating to the acquisition and development of land and buildings;~~

~~(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.~~

~~(38) The functions of the Council under the Inner Urban Areas Act 1978 insofar as not otherwise dealt with in these Committee Terms of Reference (including functions relating to urban aid applications).~~

~~(39) Responsibility for international strategy and partnerships.~~

~~(40) Responsibility for the promotional development of a tourism strategy.~~

Environment and Infrastructure and Environment

- (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 strategic oversight in relation to the control and management of the harbour at Arbroath.
- (4) The functions of the Council under the Reservoirs Act 1975 and the Reservoir (Scotland) Act 2011.
- (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.
- ~~(12)~~ (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).~~
- ~~(123)~~ (ii) subject always to the operational requirements of the user departments, the factoring of land and buildings owned or occupied by the Council including 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.~~
- (1342) Following recommendation by the Northern Roads Collaboration Joint Committee, to consider proposals for participation in Roads Collaboration activities.
- (145) The functions of the Council in relation to dog control under the Control of Dogs (Scotland) Act 2010.

~~(156) Strategic oversight of the functions of the Council relating to Waste Management Operations. including:-~~

~~(i) The control and supervision of all staff so far as exclusively employed for the purposes of Waste Management Operations.~~

~~(ii) Subject to the provision of Standing Orders and Financial Regulations relating to contracts, the purchase or disposal where surplus to requirements of all vehicles, plant machinery, goods, materials and supplies required for the purposes of Waste Management Operations.~~

~~(iii) The supervision of all depots or other buildings or yards held or to be held for the purposes of Waste Management Operations.~~

~~(167) Strategic oversight of the functions of the Council relating to Fleet and vehicular Maintenance Operations. including:-~~

~~(i) Subject to the provision of Standing Orders and Financial Regulations relating to contracts, the purchase or disposal where surplus to requirements of all vehicles, plant machinery, goods, materials and supplies required for the purposes of Fleet and vehicular Operations.~~

~~(ii) The supervision of all depots or other buildings or yards held or to be held for the purposes of Fleet and vehicular Operations.~~

~~(178) The functions of the Council in relation to public cleansing including:-~~

~~(i) The collection and disposal/processing of residual waste and recycling.~~

~~(ii) Cleansing of streets and other areas as required.~~

~~(189) Strategic oversight in relation to the provision and management of public conveniences.~~

~~(1920) The functions of the Council under the Burial and Cremation (Scotland) Act 2016 and other legislation so far as relating to the provision and maintenance of burial grounds.~~

~~(204) Strategic oversight of the functions of the Council relating to Parks Maintenance Operations. including:-~~

~~(i) The control and supervision of all staff so far as exclusively employed for the purposes of Parks Maintenance Operations.~~

~~(ii) Subject to the provision of Standing Orders and Financial Regulations relating to contracts, the purchase or disposal where surplus to requirements of all vehicles, plant machinery, goods, materials and supplies required for the purposes of Parks Maintenance Operations.~~

~~(iii) The supervision of all depots or other buildings or yards held or to be held for the purposes of Parks Maintenance Operations.~~

~~(22) The supervision, control, maintenance and administration of parks, play and recreation grounds, open spaces, roadside seats and the management of beaches so far as the Council have an interest therein.~~

~~(213) Strategic oversight in relation to the management and maintenance of caravan parks owned by the Council so far as the Council has an interest therein.~~

The Communities 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

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

(2) Environmental Appeals Sub-Committee

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

E5. DEVELOPMENT STANDARDS COMMITTEE

The following functions of the Council are delegated to the Development Standards Committee: -

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

- (iv) Tree Preservation Orders.
- (3) The functions of the Council under the Building (Scotland) Act 2003 and all Regulations made thereunder, including:
 - (i) applications for relaxation of Building Regulations; and
 - (ii) responsibilities in relation to dangerous buildings.

Note re planning applications (including enforcement action): -

- (4) All applications requiring determination at member level (i.e. those not delegated to the Service Leader – Planning and ~~Communities~~ Sustainable Growth as Chief Planning Officer or those where the Service Leader (Planning and Sustainable Growth) has determined not to exercise their delegation 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.~~
- ~~(765)~~ As the Council is acting in a regulatory capacity when considering planning applications, enforcement actions etc, the provisions of Standing Order ~~40(3)~~36(2) (i.e. the power of 2 members to refer a matter to the Council) shall not apply.

4F. DEVELOPMENT MANAGEMENT REVIEW COMMITTEE

The following functions of the Council are delegated to the Development Management Review Committee:-

- (1) The consideration and determination of appeals against a decision of the planning authority in relation to a planning application in accordance with the provisions of the Town & Country Planning (Scheme of Delegation and Local Review Procedure) (Scotland) Regulations ~~2008-2013~~ and of the Town & Country Planning (Development Management Procedure) (Scotland) Regulations ~~2008~~2013.
- ~~(2) As the Council is acting in a regulatory capacity when considering planning applications, enforcement actions etc, the provisions of Standing Order 36(2) (i.e. the power of 2 members to refer a matter to the Council) shall not apply.~~
- ~~(3)~~ The Development Management Review Committee shall consist of ~~56~~ members to be drawn from the membership of the Development Standards Committee. Substitutes for the Development Management Review Committee are to be drawn from the Development Standards Committee.

G6. 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, Comhairle nan Eilean Siar, The Highland Council, The Moray Council, and 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 represents 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.
- (8) To make arrangements for the provision of business support services to the Joint Committee and any of its Sub-Committees.

7H. POLICY AND RESOURCES COMMITTEE

The following functions of the Council are delegated to the Policy & Resources Committee: -

Policy

- ~~(1) Strategic oversight of the Chief Executive's Unit.~~
- (21) 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.
- (32) All the functions of the Council under the enactments governing electoral registration and the election of councillors.
- (43) Strategic oversight and reporting of functions under statute in relation to risk, insurance, resilience and safety.
- (54) Oversight of the internal eChange programme for Angus Council.
- (65) Supervision of the placing of contracts for miscellaneous goods and services, where in the opinion of the Committee after consultation with any other Committee having an interest in the purchase of such goods, materials or services, bulk purchase or a centralised contract would lead to overall economies to the Council. To Approve the proposed procurement route and strategy around the placing of contracts with an aggregate value for which Procurement Standing Orders and Financial Regulations dictate Committee approval is required.
- (76) The functions of the Council relating to the fixing of local holidays.
- (87) The functions of the Council as local registration authority for the purpose of the Registration of Births, Deaths and Marriages (Scotland) Act 1965.
- (98) To consider, in the light of the financial, property and personnel resources available to the Council, the broad social and economic needs of the area of the Council and the strategic policy objectives and priorities to be adopted to meet these needs; and thereafter to

recommend to the Council such programmes and other measures as may be necessary to achieve these policy objectives and priorities either in whole or in part, over such timescale as the Committee may consider appropriate.

- (109) Without prejudice to the duties and responsibilities of the other Committees, to receive periodic reports with a view to ensuring that all the Committees and ~~s~~Services 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.
- (104) The determination on behalf of the Council of the medium to long term strategic policy and resource framework within which the Council should operate.
- (112) To keep under review the overall allocation and control of the Council's resources.
- (123) To ensure that the organisation, administrative and management procedures of the Council are such as to make the most efficient contribution to the achievement of the Council's objectives; to keep these procedures under review in the light of changing circumstances and in the context of best value and to make recommendations as necessary for improvements in them through changes in either the Committee or departmental structure, in the distribution of functions and responsibilities or otherwise.
- (134) Without prejudice to the duties and responsibilities of the other Standing Committees, to review the effectiveness of all the Council's work and the standards and level of service provided; and, subject to compliance with the statutory obligations of the Council, to make such recommendations as may be considered necessary concerning the expansion, modification or abandonment of existing services and the provision of new services.
- (145) The functions of the Council as it relates to its arrangements for securing best value.
- (156) The functions of the Council as it relates to its arrangements for community planning.
- (167) The duties placed on the Council by Section 5(1) of the Ethical Standards in Public Life etc (Scotland) Act 2000.
- (178) The functions of the Council relating to research and the collection of information concerning the area of the Council exercisable under Section 87 of the 1973 Act and the provision of information and other activities authorised under Section 88 of that Act.
- (189) To consider and report on all matters which affect, or which are likely to affect, the interests of the area of the Council (including Parliamentary Bills, draft Statutory Instruments and Orders, etc) and which do not relate exclusively to the functions of any other Standing Committee.
- ~~(2019) The co-ordination of~~ To have an overview of the Council's all press, publicity and promotional work- through implementation of a Communications Strategy undertaken by the Council.
- ~~(21) The formulation and monitoring of the Council's Environmental Strategy and Local Agenda 21 Strategy.~~
- ~~(22) The co-ordination and promotion of corporate European matters, including European funding programmes and partnerships.~~
- (203) The functions of the Council relating to civil protection and resilience under the Civil Contingencies Act 2004, Contingency Planning (Scotland) Regulations 2005 and other relevant legislation and regulations including emergency planning, business continuity and safe events, and also including the work of local and regional partners.

~~(24) — The recommendation to the Council of the promotion of, or initiation of opposition to, any private legislation in Parliament in accordance with the procedure provided by Section 82 of the 1973 Act.~~

(215) Consideration of any recommendations to the Council for the variation or revocation of any of these Standing Orders, having regard to the ~~e~~Exclusions from ~~d~~Delegation ~~as referred to inset out in Standing Order 41 (vii).~~ Part 1B of these Committee Terms of Reference.

(226) The making and variation of Codes of Conduct for members and officers of the Council (including any registration of interests prescribed by such Codes).

(237) Where not delegated to an officer, ~~R~~esponding to major consultations and government initiatives that impact on the Council as a whole.

(248) Consideration of the annual timetables of meetings of the Council and its Standing Committees and Standing Sub-Committees.

(259) All matters relating to the twinning or linking with Regions, Towns, Municipalities or other Local Government Areas or entities outwith the United Kingdom, including:-

(i) consideration of the scope or range of activities to be undertaken in pursuit of twinning or linking arrangements;

(ii) consideration of proposals for entering into twinning or linking arrangements;

(iii) the taking of action within the terms of any policy or arrangements approved by the Council in terms of sub-paragraphs (i) and (ii) above including:-

(a) arrangements of visits by representatives of the Council to twinned or linked local authorities or to local authorities with whom twinning or linking arrangements are being discussed and vice versa (including the provision of suitable hospitality); and

(b) liaison with any twinning association or other associations or bodies in Angus whose purposes or activities are conducive to the promotion or maintenance of an established twinning or linking relationship.

~~(c) — The making of grants to associations, individuals or groups for purposes connected with the promotion or maintenance of twinning or linking arrangements.~~

~~(3026)~~ Without prejudice to the duties and responsibilities of any other Standing Committees, to consider matters within the order of reference of any Committee on which a decision was required for reasons of urgency or expediency.

~~(3427)~~ All functions of the Council which are not referred or delegated to any other Committee.

~~(3228)~~ To prepare and submit to the Council for consideration, schemes for the establishment of Community Councils under Part IV of the Local Government (Scotland) Act 1973, and to organise and supervise elections for Community Councils, and consider all applications for grants and other forms of assistance thereto.

Resources

(i) Finance

(1) Subject to Standing Orders/Financial Regulations the functions of the Council (i) as rating authority under Part VII of the 1973 Act; (ii) under ~~the Abolition of Domestic Rates Etc (Scotland) Act 1987 and~~ the Local Government Finance Act 1992, and (iii) under other related enactments, regulations or subordinate legislation including the functions of the Council relating to housing benefit and rebates from Council Tax and the disposal under

any enactment of all other claims or applications for relief from or repayment of non-domestic rates.

- (2) The determination of the most appropriate method of raising any money which the Council ~~are~~ is authorised under a statutory borrowing power to borrow.
- (3) The consideration of the report ~~to be made~~ by the Director of Finance on the borrowing and lending operations of the Council's Consolidated Loans Fund as provided for in Financial Regulations and all other matters relating to the supervision and control of that Fund.
- (4) The consideration and determination of all applications for loans, grants, donations and subscriptions in respect of services which are not linked to or associated with functions referred or delegated to any other Committee or Sub-Committee.
- (5) The determination of all matters relating to the insurance of the Council and its members and employees against any appropriate risks including ensuring that persons acting within the scope of their official functions and genuinely attempting to promote the interests of the Council are properly indemnified against civil and criminal liability.
- (6) The consideration of any recommendations to the Council for the variation or revocation of any major aspect of the Financial Regulations of the Council, having regard to the exclusions from delegation ~~as referred to in Standing Order 40 (vii)~~ set out in Part 1B of these Committee Terms of Reference.
- (7) The consideration on behalf of the Council of matters arising out of the Money Laundering Regulations ~~2007~~ 2017.
- (8) All matters arising under Sections 46-50 of the Local Government (Scotland) Act 1973; the Local Authorities Etc (Allowances) (Scotland) Regulations 1995 (as amended); the Local Govern~~ance~~ ment (Scotland) Act 2004 (Allowances and Expenses) (Scotland) Regulations 2007 relating to allowances and expenses of members (but excluding always matters relating to the reception and entertainment by way of official courtesy of distinguished visitors and others under Section 48(1)(b)).
- (9) The functions of the Council relating to staff Pension Funds.
- (10) The functions of this Committee in relation to the Annual Revenue and Capital Budget in accordance with Financial Regulations.
- (11) The implementation and monitoring of the Council's treasury management policies and practices subject to the provisions within Financial Regulation 15.4 for the reporting of certain items to ~~full~~ Council.
- (12) The functions of this Committee in relation to the administration of Council Tax, Housing Benefit and Council Tax Reductions and Non-domestic Rates, Scottish Welfare Fund and Discretionary Housing Payments.
- (13) The functions of this Committee in relation to debt management and collection of sundry debts, Council Taxes, non-domestic rates and housing benefit overpayments, including the approval of debt write-offs for such items.
- (14) The functions of the Council as a valuation authority so far as not delegated to the appropriate Joint Board or referred to any other Committee.
- (15) The acceptance, administration and disbursement of charitable and common good funds.
- (16) In accordance with Standing Orders/Financial Regulations, to consider and determine any proposal remitted by any Committee for expenditure for which no provision or insufficient provision has been made in the Annual Estimates.

(17) Oversight of the Council's corporate procurement arrangements and associated policies and procedures.

(18) The making of all arrangements for hospitality, receptions, entertainments, etc.

(ii) Property and Digital Information Technologies

(1) The determination of all matters not otherwise delegated to officers relating to digital & information technology and telecommunication services.

(2) The following functions in respect of the Council's property, excluding property held under the Housing Acts, provided that where this relates to Common Good buildings or land, the local Members for that area are consulted and their views taken into consideration by Committee:-

- (i) the overall allocation and control of the Council's land and building resources;
- (ii) the consideration of all proposals which would involve (i) the acquisition of land or buildings, or (ii) the erection, extension, renovation, adaptation, improvement and demolition of buildings (excluding from (ii) works of engineering construction for the Communities Committee and buildings associated therewith); provided that in the event of any disparity in the advice given to any other Committee of the Council regarding such acquisition or provision the matter shall be referred to the Council for determination;
- (iii) the acquisition whether by way of purchase, feu, lease or otherwise, of all land and buildings identified by the Council as required for any of its functions, subject to the reservation to the Council of any decision to acquire by compulsory purchase;
- (iv) ~~the preparation and maintenance~~oversight of a Central Land and Property Register;
- (v) the consideration and determination of all proposals including proposals initiated by other Standing Committees to lease land (including all buildings thereon and rights therein) owned by the Council including the determination of rents and other terms and conditions of lease;
- (vi)
 - (a) the determination of the future use or appropriation by the Council of any lands or buildings owned by or leased to the Council, the former use of which has been discontinued in whole or in part;
 - (b) the disposal (whether by way of sale, feu or lease or otherwise) on such terms and conditions as the Committee may determine of any land or buildings which the Committee deem to be no longer required for any of the purposes of the Council;
 - (c) the execution of such works of repair, improvement or adaptation or, where the powers of the Council permit, the acquisition or excambion of such interest in land or buildings as the Committee may deem necessary or desirable to facilitate the disposal of any lands or buildings in terms of sub-paragraph (b) hereof;
 - (d) the consideration of any unsolicited offer to purchase or lease land or buildings owned by the Council (excluding land or buildings on the HRA or economic development account) which are not currently being marketed for sale/lease;
 - (e) the consideration of any notice received from a third party to purchase land or buildings under a pre-emption right in favour of the Council;

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

- (3) Any question regarding the future use of any land or buildings owned by or leased to the Council, provided that where this relates to Common Good buildings or land, the local Members for that area are consulted and their views taken into consideration by Committee.
- (4) The duties placed on the Council by the ~~Carbon Reduction Commitment Energy Efficiency Scheme Order 2010 and the~~ Climate Change (Scotland) Act 2009 and all secondary legislation made thereunder.
- (5) The functions of the Council relating to Community Asset Transfer under Part 5 of the Community Empowerment (Scotland) Act 2015.

(iii) Human Resources

- (1) Except as specifically provided in the ~~Order-Terms~~ 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~~Economic Development

- ~~(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) — where not already delegated to officers, 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.~~

(iv) Integrated Health & Social Care Partnership ~~Social Work and Health~~

- (1) The functions of the Council relating to Integrated Health & Social Care Partnership social work matters, including :-
 - 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.~~
- (23) To ensure that Angus Council's duties and responsibilities are addressed appropriately by the Integrated Health and Social Care Partnership.

The Policy & Resources Committee shall appoint the following Standing Sub-Committees:-

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

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

~~(2) — Sounding Board Sub-Committee~~

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

(2) Appointments Sub-Committee

To make decisions on the appointment of the Chief Executive, the Depute Chief Executive and Directors and shall comprise the Leader and Depute Leader of the Council and four other Members (one Administration, three Non-Administration).

(3) Grants Sub-Committee

To determine whether or not the Council shall: -

(a) submit applications for non-core external funding of £500,000 or more; and

(b) accept offers of non-core external funding of £50,000 or more,

in respect of services which are not linked to or associated with functions referred or delegated to any other Committee or Sub-Committee.

8. SCRUTINY AND AUDIT COMMITTEE

Introduction

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

~~The purpose of the Scrutiny and Audit Committee is to provide independent assurance to the full Council of the adequacy of the risk management framework and the internal control environment. The Committee provides independent review of Angus Council's governance, risk management and control frameworks and oversees the financial reporting and annual governance processes. It oversees internal audit and external audit, helping to ensure efficient and effective assurance arrangements are in place. The Scrutiny and Audit Committee's purpose is to provide an independent and high-level focus on the adequacy of governance, risk and control arrangements. Its role in ensuring there is sufficient assurance over governance, risk and control gives greater confidence to all those charged with governance [or insert appropriate governing body] that those arrangements are effective.~~

~~The Scrutiny and Audit Committee has oversight of both internal and external audit, together with the financial and governance reports, helping to ensure there are adequate arrangements in place for both internal challenge and public accountability.~~

Governance, Risk and Control

(1) To review the council's corporate governance arrangements against the good governance framework, including the ethical framework, and consider the local code of governance.

(2) To monitor the effective development and operation of risk management in the council.

(3) To monitor progress in addressing risk-related issues reported to the committee.

(4) To consider reports on the effectiveness of internal controls and monitor the implementation of agreed actions.

(5) To consider reports on the effectiveness of financial management arrangements, including compliance with CIPFA's Financial Management Code.

(6) To consider the council's arrangements to secure value for money and review assurances and assessments on the effectiveness of these arrangements.

(7) To review the assessment of fraud risks and potential harm to the council from fraud and corruption.

(8) To monitor the counter fraud strategy, actions and resources.

(9) To review the governance and assurance arrangements for significant partnerships or collaborations including the IJB, ANGUSalive, and Tayside Contracts.

Financial and Governance Reporting

Governance Reporting

(10) To review the AGS prior to approval and consider whether it properly reflects the risk environment and supporting assurances, including the head of internal audit's annual opinion.

(11) To consider whether the annual evaluation for the AGS fairly concludes that governance arrangements are fit for purpose, supporting the achievement of the authority's objectives.

Financial reporting

(12) To monitor the arrangements and preparations for financial reporting to ensure that statutory requirements and professional standards can be met.

(13) To review the annual statement of accounts. Specifically, to consider whether appropriate accounting policies have been followed and whether there are concerns arising from the financial statements or from the audit that need to be brought to the attention of the council.

(14) To consider the external auditor's report to those charged with governance on issues arising from the audit of the accounts.

Arrangements for Audit and Assurance

(15) To consider the council's framework of assurance and ensure that it adequately addresses the risks and priorities of the council.

External audit

(16) To support the independence of external audit through consideration of the external auditor's annual assessment of its independence and review of any issues raised by PSAA or the authority's auditor panel as appropriate.

(17) To consider the external auditor's annual letter, relevant reports and the report to those charged with governance.

(18) To consider specific reports as agreed with the external auditor.

(19) To comment on the scope and depth of external audit work and to ensure it gives value for money.

(20) To consider additional commissions of work from external audit.

(21) To advise and recommend on the effectiveness of relationships between external and internal audit and other inspection agencies or relevant bodies.

(22) To provide free and unfettered access to the audit committee chair for the auditors, including the opportunity for a private meeting with the committee.

Internal audit

(23) To approve the internal audit charter.

(24) To review proposals made in relation to the appointment of external providers of internal audit services and to make recommendations.

(25) To approve the risk-based internal audit plan, including internal audit's resource requirements, the approach to using other sources of assurance and any work required to place reliance upon those other sources.

(26) To approve significant interim changes to the risk-based internal audit plan and resource requirements.

(27) To make appropriate enquiries of both management and the head of internal audit to determine if there are any inappropriate scope or resource limitations.

(28) To consider any impairments to the independence or objectivity of the head of internal audit arising from additional roles or responsibilities outside of internal auditing and to approve and periodically review safeguards to limit such impairments.

(29) To consider reports from the head of internal audit on internal audit's performance during the year, including the performance of external providers of internal audit services. These will include:

- updates on the work of internal audit, including key findings, issues of concern and action in hand as a result of internal audit work
- regular reports on the results of the QAIP
- reports on instances where the internal audit function does not conform to the PSIAS and LGAN, considering whether the non-conformance is significant enough that it must be included in the AGS.

(30) To consider the head of internal audit's annual report, including:

- the statement of the level of conformance with the PSIAS and LGAN and the results of the QAIP that support the statement (these will indicate the reliability of the conclusions of internal audit)
- the opinion on the overall adequacy and effectiveness of the council's framework of governance, risk management and control, together with the summary of the work supporting the opinion (these will assist the committee in reviewing the AGS).

(31) To consider summaries of specific internal audit reports as requested.

(32) To receive reports outlining the action taken where the head of internal audit has concluded that management has accepted a level of risk that may be unacceptable to the authority or there are concerns about progress with the implementation of agreed actions.

(33) To contribute to the QAIP and in particular to the external quality assessment of internal audit that takes place at least once every five years.

(34) To consider a report on the effectiveness of internal audit to support the AGS where required to do so by the accounts and audit regulations (see Appendix A).

(35) To provide free and unfettered access to the audit committee chair for the head of internal audit, including the opportunity for a private meeting with the committee.

Accountability arrangements

(36) To report to those charged with governance on the committee's findings, conclusions and recommendations concerning the adequacy and effectiveness of their governance, risk management and internal control frameworks, financial reporting arrangements and internal and external audit functions.

(37) To report to full council on a regular basis on the committee's performance in relation to the terms of reference and the effectiveness of the committee in meeting its purpose.

(38) To publish an annual report on the work of the committee.

Petitions

~~(39) To consider petitions with more than 50 signatories lodged with the Director of Legal, Governance & Change in accordance with Standing Order 13 and to either: -~~

- ~~(i) Note receipt of the Petition and take no further action;~~
- ~~(ii) Agree that appropriate action has already been taken or is planned, and no further action is necessary;~~
- ~~(iii) Ask for a fuller report from the relevant officer;~~
- ~~(iv) Carry out a detailed scrutiny review, which will involve gathering evidence and making recommendations to the relevant committee; or~~
- ~~(v) refer the matter to another Committee or to Council, where in the view of Scrutiny & Audit Committee, it is significant enough to merit this.~~

~~(1) Governance, Risk and Control~~

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

~~(2) To review the Annual Governance Statement prior to approval and consider whether it properly reflects the risk environment and supporting assurances, taking into account internal audit's opinion on the overall adequacy and effectiveness of the Council's framework of governance, risk management and control.~~

~~(3) To consider the council's framework of assurance and ensure that it adequately addresses the risks and priorities of the council.~~

~~(4) To assess the scope and effectiveness of the systems established by management to identify, assess, manage and monitor risk to the achievement of objectives.~~

~~(5) To consider reports by external agencies insofar as they contribute to the overall assessment of governance, risk and internal control.~~

~~Scrutiny~~

~~(2)(40) (6) To review the performance and effectiveness of the standard and level of service provided by council services.~~

~~(3)~~

~~(4) (7) To review the governance and assurance arrangements for significant partnerships or collaborations including IJB, ANGUSalive, Tayside Contracts.~~

~~(5)~~

~~(6)(41) (8) In relation to Police and Fire and Rescue Services, to consider and carry out the following actions:~~

- ~~(i) approval of the Local Policing and Fire & Rescue Plans;~~
- ~~(ii) monitoring and providing feedback on Local Policing and Fire & Rescue;~~
- ~~(iii) scrutiny of local performance;~~
- ~~(iv) making recommendations for improvements to Local Policing and Fire & Rescue; and~~
- ~~(v) consideration of reports on Local Policing and Fire & Rescue matters~~

~~(7)(42) (9) To promote and maintain high standards of conduct by councillors, co-opted members and employees, and advise on the adoption or revision of codes of conduct.~~

~~(8)(43) (10) To consider matters concerning the establishment, maintenance and public availability of the Register of Interests of Councillors.~~

~~(44)(11) To consider any report by the Scottish Public Services Ombudsman in respect of any finding of maladministration against the council.~~

Internal Audit, Counter-Fraud and External Audit

- ~~(12) To approve the Internal Audit Charter.~~
- ~~(13) To consider and approve the risk-based internal audit plan and to approve significant interim changes to the plan and resource requirements.~~
- ~~(14) To make appropriate enquiries of management and the Service Leader-Internal Audit to determine whether there are inappropriate scope or resource limitations.~~
 - ~~• (15) To consider reports from the Service Leader-Internal Audit on the internal audit activity's performance during the year. These will include: updates on internal audit work; reports on any Internal Audit Improvement Plan; reports on non-compliance with Public Sector Internal Audit Standards.~~
 - ~~• (16) To consider the Service Leader-Internal Audit's annual report and opinion.~~
- ~~(17) To review the assessment of fraud risks and potential harm to the Council from fraud and corruption.~~
- ~~(18) To monitor the counter-fraud strategy, actions and resources.~~
- ~~(19) To consider reports and plans presented by the External Auditor including the Annual Report to Members and the Controller of Audit.~~
- ~~(20) To identify any special investigations required in relation to matters of particular concern relating to internal controls, risk management or corporate governance.~~
- ~~(21) To advise and recommend on the effectiveness of relationships between external and internal audit and other inspection agencies or relevant bodies.~~

Financial Reporting and Treasury Management

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

Complaints

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

Accountability Arrangements

- ~~(25) To provide an annual report to full cCouncil on the work of the committee, to include: the committee's performance in relation to its remit; and the effectiveness of the committee in meeting its purpose.~~
- ~~(26) To advise the Council in matters relating to the programme of internal audit work and findings and recommendations from Audit Reports.~~

Scrutiny Panels

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

J9. COMMUNITY ASSET TRANSFER DECISION REVIEW COMMITTEE

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

K. TAY CITIES DEAL JOINT COMMITTEE

A Joint Committee established by Angus Council, Dundee City Council, Fife Council, and Perth & Kinross Council ("the Constituent Authorities") under Sections 56 and 57 of the 1973 Act.

The functions of the Joint Committee shall be as defined and agreed by the Constituent Authorities but shall include: -

- i. Implementation of the Tay Cities Deal, in particular:-
 - a. The approval and oversight of investments to be funded through the Tay Cities Deal;
 - b. The approval and reporting of business cases in respect of those investments;
 - c. Making recommendations to the Scottish and UK Governments of modified or substitute projects under the Tay Cities Deal as appropriate.
 - d. The monitoring, evaluation and reporting of progress in respect of projects being delivered;
 - e. Signing off on satisfactory completion of each project delivered under the Tay Cities Deal;
 - f. Acting as a strategic point of contact with the Scottish and UK Governments and to provide quarterly progress reports to them in relation to the Tay Cities Deal;
- ii. Acting as a regional partnership for the Tay Cities Region;
- iii. Regional economic development for the Tay Cities Region;
- iv. Regional land use and strategic planning for the Tay Cities Region;
- v. Regional infrastructure planning for the Tay Cities Region;
- vi. Support for regional transport planning for the Tay Cities Region;
- vii. Monitoring, evaluation and reporting in respect of regional economic performance;
- viii. Approving governance arrangements for the Joint Committee, the Management Group, sub-committees and procedural standing orders;
- ix. Establishing sub-committees and agreeing to the delegation of responsibilities of the Joint Committee to those bodies and to officers;
- x. Approval of the roles and remits of any sub-committees to whom areas of authority may be delegated by Constituent Authorities

The Joint Committee shall adopt standing orders relating to proceedings at their meetings and the meetings of any sub-committees.

L. TAYSIDE CONTRACTS JOINT COMMITTEE

A Joint Committee established by Angus Council, Dundee City Council, and Perth & Kinross Council ("the Constituent Councils") under Sections 56 and 57 of the 1973 Act.

The Tayside Contracts Joint Committee shall have the power to undertake any function which any of the Constituent Councils might lawfully undertake, provided always that this is done in accordance with the Minute of Agreement between the Constituent Councils.