

**ITEM No ...4.....**

**REPORT TO:** RECESS SUB-COMMITTEE – 10TH JULY, 2023

**REPORT ON:** STANDING ORDERS AND SCHEMES OF ADMINISTRATION FOR FINANCIAL REGULATIONS, TENDER PROCEDURES AND DELEGATION OF POWERS TO OFFICERS

**REPORT BY:** CHIEF EXECUTIVE

**REPORT NO:** 206-2023

**1. PURPOSE OF REPORT**

1.1 The purpose of this Report is to seek approval for an amended Order of Reference to Committees and to recommend that it be remitted to the Head of Democratic and Legal Services to review the Council's Standing Orders and Schemes of Administration for Financial Regulations, Tender Procedures and Delegation of Powers to Officers.

**2. RECOMMENDATIONS**

2.1 It is recommended that: -

- (a) the Order of Reference to Committees attached as the Appendix to this Report is approved; and
- (b) it is remitted to the Head of Democratic and Legal Services to review the Council's Standing Orders and Schemes of Administration for Financial Regulations, Tender Procedures and Delegation of Powers to Officers, in consultation with the Council Leadership Team, and to report back with recommendations in due course.

**3. FINANCIAL IMPLICATIONS**

3.1 There are no financial implications arising directly out of this Report.

**4. BACKGROUND**

4.1 Reference is made to Article II of the Minute of Meeting of the Policy and Resources Committee of 26th June, 2023 when the Committee agreed to new Council Committee Structures.

4.2 The Head of Democratic and Legal Services has prepared a revised Order of Reference to Committees in light of the reviewed Committee Structures (See the Appendix attached) for approval. (For ease of reference, it has been noted whether, and if so where, these matters are currently contained within the existing Order of Reference to Committees or if they are not contained in the current Order of Reference to Committees.)

4.3 This would also be an appropriate time for the Standing Orders and Schemes of Administration for Financial Regulations, Tender Procedures and Delegation of Powers to Officers to be reviewed and it is recommended that the Head of Democratic and Legal Services be remitted to carry out this exercise, in consultation with the Council Leadership Team, and to report back with recommendations in due course.

**5. POLICY IMPLICATIONS**

5.1 This report has been subject to the Pre-IIA Screening Tool and does not make any recommendations for change to strategy, policy, procedures, services or funding and so has

not been subject to an Integrated Impact Assessment. An appropriate senior manager has reviewed and agreed with this assessment.

**6. CONSULTATIONS**

6.1 The Council Leadership Team have been consulted in the preparation of this report.

**7. BACKGROUND PAPERS**

7.1 None.

Gregory Colgan,  
Chief Executive

DATE: 30th June, 2023

**I N D E X**

**ORDER OF REFERENCE TO THE  
CITY COUNCIL AND ITS COMMITTEES**

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General	
Children, Families and Communities	
City Governance	
Climate, Environment and Biodiversity	
Fair Work, Economic Growth and Infrastructure	
Licensing Committee	
Neighbourhood Regeneration, Housing and Estate Management	
Planning Committee	
Scrutiny Committee	
City Council	

**ORDER OF REFERENCE  
TO COMMITTEES AND TO SUB-COMMITTEES**

Any reference in this Order to an Act of Parliament or Act of the Scottish Parliament shall be deemed to include a reference to Acts amending or extending the same.

## **GENERAL**

All Committees have powers to deal with the undernoted as far as their interest is concerned and so far as it is not delegated to officers:-

- Supervision and control of the services reporting to the Committee concerned.
- Consideration of Policy, Performance and Strategic issues.
- Consideration of applications and proposals for grants and subscriptions and monitoring of financial and performance information in accordance with the Council's Guidance on Following the Public Pound.
- Any items of business not detailed in the Order of Reference and which fall outwith the extent of powers detailed in the Scheme of Delegation to officers shall stand delegated to the Committee which deals with matters of a similar nature.

## **CHILDREN, FAMILIES AND COMMUNITIES**

### **Education**

- All functions of the Council as Education Authority under the Education (Scotland) Acts or under other legislation shall stand referred to this Committee and except where such delegation is excluded by the provisions of these Standing Orders and Schemes of Administration shall be delegated to it.

### **Social Work**

Policies and Strategies for Children and Families including:

- services for children in need and their families
- child protection services
- services to the Children's Hearing System
- adoption and fostering services
- family support
- residential and secure care
- throughcare and aftercare
- youth justice
- children with disabilities

### **[From current Order of Reference to Children and Families Services Committee]**

- Child Sexual Exploitation

### **[From current Order of Reference to Community Safety and Public Protection Committee]**

- Policy and strategies for community learning and development opportunities for adults and young people.
- Policy and strategies for Community Regeneration, Community Safety and Adult Literacy.
- Policy and strategies for Voluntary and Community Organisations.
- Local Community Plans and strategies for community engagement.
- Schemes for the Establishment of Community Councils/Community Representative Structures.

### **[From current Order of Reference to Neighbourhood Services Committee]**

## **CITY GOVERNANCE**

- Development, implementation and monitoring of corporate policies and plans, including the Council's role in Community Planning and Business Continuity Planning.
- Strategies on deprivation and social inclusion.
- Systems to monitor performance and ensure best value.
- Organisation, administration and management procedures of the Council.
- Setting the Council Tax.
- Council Tax, Community Charge and Non-Domestic Rates.
- Housing and Council Tax Benefits.
- Rent Setting
- Consideration of the annual and three year Revenue and Capital Budgets, common good budget, monitoring of revenue and capital expenditure and reviews of revenue and capital expenditure during the financial year.
- Consideration of audited accounts.
- Consideration of any item referred to it in terms of the Financial Regulations.
- Financial services including Payroll, Purchase Ledger and Sales Ledger, Procurement (including approval of the Annual Procurement Strategy), Internal Audit, Insurance and Risk Management.
- Treasury Management including compliance with the CIPFA Code of Practice on Treasury Management in the Public Services.
- Superannuation funds and any other fund of a similar nature set up by the Council in pursuance of statutory powers including the review of investments, and the investment of new funds at the disposal of the Council.
- Insurance fund.
- Scheme of Salaries, Pensions and Expenses for members.
- Development and provision of information technology services.
- Policy and strategies for press and public relations, design services, printing and stationery.
- Human Resources functions for all employees (excluding teachers) including recruitment, training and development; conditions of service, maintenance of effective industrial relations; organisational development including the design of jobs and processes; equal opportunities in employment and provision of health and safety guidance.
- Consideration of proposals for the amendment or revocation of any of the Standing Orders or Schemes of Administration.
- Any matters not specifically referred to or delegated to any other Committee or not routinely dealt with at meetings of the full Council.
- Leisure, Culture, Libraries, Sport and Physical Activity and Outdoor Learning Strategies and Development.

- To receive the annual report of the Chief Social Work Officer.
- Policies and Strategies on Welfare Rights.
- Scrutiny of Integrated Health and Social Care.
- Delivering services commissioned by Dundee Health and Social Care Integration Joint Board.
- Community Asset Transfer.

### [From current Order of Reference to Policy and Resources Committee]

- Receive annual report relating to the Council's statutory and regulatory duties for public protection including Child Protection, Adult Protection, Violence Against Women, Alcohol and Drugs Partnership and Multi Agency Public Protection.
- Provide assurance on the Council's duty to deliver an effective adult justice service determined by statutory inspections
- Consider and approve proposals to improve/transform services.
- Consider the Corporate Risk Register.
- Consideration of Tender Reports insofar as it is not delegated to Officers in terms of the Tender Procedures and does not fall within the terms of reference of the Fair Work, Economic Growth and Infrastructure Committee or the Neighbourhood Regeneration and Estate Management Committee.

### [Not in current Order of Reference]

- Policy and strategies for Criminal Justice, Community Justice, Community Safety and Public Protection.
- To monitor the development and delivery of the Dundee Community Safety Partnership Strategy and Action Plan.
- Oversight of the Council's use of the Regulation of Investigatory Powers (Scotland) Act 2000 and Regulation of Investigatory Powers Act 2000.

### [From current Order of Reference to Community Safety and Public Protection Committee]

## **CLIMATE, ENVIRONMENT AND BIODIVERSITY**

- Policies and strategies on refuse collection and waste disposal and waste regulation; street cleaning; removal of abandoned vehicles; recycling; public conveniences.
- Strategies on waste and sustainability.
- Policies and strategies for the management and maintenance of parks, children's play areas, playing fields, landscaped areas, cemeteries and all other areas of open space, including the development of asset management strategies for these areas.
- Environmental Strategies including Open Space and Allotment strategies.
- Functions under Part I of the Land Reform (Scotland) Act 2003 and Nature Conservation.
- Policies and strategies for Bereavement Services.
- Policies and strategies for community facilities in parks and outdoor events.

### [From current Order of Reference to Neighbourhood Services Committee]

- Policies and strategies relating to the public health of the City, including control of epidemic, endemic and infectious diseases; delivery of official controls for food safety and food standards; health and safety in relation to local authority regulated premises; protection of the community by abatement of pollution, in all its forms, including atmospheric pollution, contaminated land; poor sanitation and waste storage; inadequate ventilation; noise control; smoking prohibition; alcoholic licensing; animal and pest control; port health; aspects of anti-social behaviour; local air quality management and any other aspects of environmental health as it relates to the Council.
- Policies and strategies in relation to trading standards and consumer protection including weights and measures; product safety; consumer credit; age-restricted sales; tobacco control; agriculture and animal health; storage of petrol; storage of pyrotechnics and any other aspects of trading standards as it related to the Council.

### [From current Order of Reference to Community Safety and Public Protection Committee]

- Biodiversity strategies and activities.
- Land contamination strategy.
- Climate Change Activity
- Reports related to the activities of the Dundee Climate Leadership Group
- Low Emission Zone
- Monitor the Council's compliance with its environmental targets, including its carbon budget, and statutory obligations, and any charters or memorandums of understanding which it enters, in relation to matters such as net zero, climate change, environmental sustainability, food growing and biodiversity.
- Approve the annual Climate Change Report for submission to the Scottish Government.



- Approve the Council's Climate Change Plan and monitor its delivery.
- Approve the Council's Biodiversity Duty Report.
- Monitor key performance indicators in relation to, and progress towards, the Council's decarbonisation pathway, climate adaption and the 2045 target for zero carbon.

[Not in current Order of Reference]

## **FAIR WORK, ECONOMIC GROWTH AND INFRASTRUCTURE**

- Development plans and policies on land use, urban design and regeneration, conservation, tree protection, environmental improvements, public art projects, public rights of way, names of streets and safety at sports grounds.
- Transportation issues including walking, cycling, public transport infrastructure, schemes and contracts for concessionary bus and taxi fares, school transport, parking, traffic management and traffic calming.
- Policies and programmes for the maintenance of roads, bridges, footpaths and street lighting including construction of new and extensions of existing public roads.
- Proposals for the making of Traffic Regulation Orders, Stopping-Up Orders, Side Road Orders and Stopping-Up of Private Accesses Orders under the Road Traffic Regulation Act 1984, the Roads (Scotland) Act 1984 and the Town and Country Planning (Scotland) Act 1997, and to undertake all necessary consultations and consider objections and, where appropriate, to arrange hearings in accordance with the Local Roads Authorities' Traffic Orders (Procedure) (Scotland) Regulations 1987.
- Consider all matters relating to speed reduction measures and pedestrian safety issues adjacent to carriageways.
- Land reclamation and the Foreshore, Broughty Ferry Beach and Harbour.
- Stimulation of economic activity through inward investment, business development, trade promotion, tourism, training and employment assistance, development of industrial and commercial land and property, and marketing and promotional activity.
- Estates management for non-housing Council properties, including consideration of maintenance programmes and improvements, valuations, sales, leases and wayleaves.
- Co-ordination of all external funding sources including Scottish Government and UK Government Funding relating to the Terms of Reference of this Committee.
- City Centre and District Centre Management.
- Acquisition or disposal of land and buildings (excluding Council house sales under the Right to Buy legislation and Community Asset Transfer) required for or surplus to requirements held on any account.
- Consideration of tender reports involving all property insofar as it is not delegated to officers in terms of the Tender Procedures (excluding Housing Revenue Account properties).
- Corporate fleet management policies and strategies.

### **[From current Order of Reference to City Development]**

- Strategies to support development of the City and Regional Economy.

### **[Not in current Order of Reference]**

## **LICENSING COMMITTEE**

- To exercise the Council's functions in respect of all licensing and permissions required under Public General Statutes and Local Acts having effect within the area of the City or any part thereof unless the licensing issue/permission has been specifically delegated to another Committee.
- Approve licence fees and charges required by statute as far as the Committee's interest is concerned.

[From current Order of Reference to Licensing Committee]

## **NEIGHBOURHOOD REGENERATION, HOUSING AND ESTATE MANAGEMENT**

- Local Housing Strategy and Strategic Housing Investment Plan.
- Policies and Strategies on Housing Services.
- Working with other organisations in the public and private sectors to ensure quality and choice of housing throughout the City.

### [From current Order of Reference to Neighbourhood Services Committee]

- Provision of sheltered housing services, caretaking services, estate management services, permissions and tenancy management.
- Planned and reactive maintenance services for Council Housing including energy efficiency works, factoring services for owners of ex-Council houses and regeneration strategies.
- Policies and strategies on refugee resettlement.
- Policies and strategies on Dundee Construction Services.
- Consideration of Tender Reports insofar as it is not delegated to Officers in terms of the Tender Procedures for Housing Revenue Account Properties.

### [Not in current Order of Reference]

- Grants from the Community Safety Fund to promote community safety, support community safety initiatives and diversionary youth work.
- Policies and Strategies in relation to the private housing sector including the provision of grants and other support services.

### [From current Order of Reference to Community Safety and Public Protection Committee]

## **PLANNING COMMITTEE**

- All functions, powers and duties of the Council as Planning Authority under any enactments so far as they relate to development management which term is deemed to include processing of all notifications and applications for permission or consent as provided under the Town and Country Planning (Scotland) Acts and subsidiary legislation including:-
- Making a decision to hold a pre-determination hearing and the holding of that pre-determination hearing in terms of Section 38A(1) of the Town and Country Planning (Scotland) Act 1997 and Regulation 27 of the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013, and thereafter determining the application.
- Making a decision under Section 43A(6) of the Town and Country Planning (Scotland) Act 1997 to determine an application which would otherwise fall to be determined under the mandatory Scheme of Delegation under Section 43A of that Act but excluding reviews in terms of Section 43A of the Town and Country Planning (Scotland) Act 1997 which will be considered by the Planning Local Review body.
- The consideration of proposals to vary conditions or agreements attached to or relating to consents under the Town and Country Planning (Scotland) Acts and subsidiary legislation.
- All functions of the Council under the Building (Scotland) Act 2003 and all regulations made thereunder, and in relation to defective or dangerous buildings.

[From current Order of Reference to Planning Committee]

## SCRUTINY COMMITTEE

- To scrutinise, review and examine reports and action plans relating to service delivery and Council policy referred to the Committee from the City Council, its Committees and Sub-Committees (excluding reports referred to a Best Value Working Group) and report back where necessary.
- To examine and review external inspection reports from HMIE on individual schools or from the Care Inspectorate on individual establishments which would benefit from scrutiny and report back to the relevant service committee as appropriate. Where external inspection reports are good or better and would not benefit from in-depth scrutiny scores will be reported together with any best practice to improve performance at other schools and establishments.
- To examine the Scottish Public Services Ombudsman (SPSO) annual report and report back to the relevant Committee as appropriate and the SPSO annual report and report back to the relevant Committee as appropriate.
- To review and monitor the Council's complaints system and report back to the relevant Committee as appropriate.
- To review annually the Council's corporate governance arrangements and report back to the City Governance Committee as appropriate.
- To consider any reports by the Standards Commission for Scotland relevant to members of the Council submitted by the Monitoring Officer and thereafter report back to the City Council or relevant Committee as appropriate.
- To consider matters concerning the maintenance and public availability of a Register of Interests for Members and Executive Directors, including any information which might require to be redacted.
- To remit to Scrutiny Panels to review no more than two specific areas at a time identified by the Scrutiny Committee and to report back.
- To monitor the Public Performance Report considered by the City Governance Committee.
- To consider and monitor the strategy, plan and performance of the Council's risk management arrangements and seek assurances that action is being taken on risk related issues.
- To consider and monitor the strategy, plan and performance of the Council's Internal Audit Service.
- To consider the strategy and plans of the Council's External Auditor.
- To consider internal and external audit reports and seek assurance that appropriate action has been taken.
- To monitor the implementation of internal and external audit recommendations agreed with management.
- To receive the annual report of the Senior Manager Internal Auditor.
- To consider and monitor the effectiveness of the Council's anti-fraud and anti-corruption arrangements and receive reports on an exception basis.
- To review performance reports and progress in implementing the Council Plan, Service Plans and the Local Outcome Improvement Plan.

- To consider Public Service Improvement Framework Self-Assessment reviews.
- To consider any item submitted by any member such item having first being submitted to and agreed by the Chief Executive in consultation with the Convener.
- Consideration of unaudited and audited accounts.

#### [From current Order of Reference to Scrutiny Committee]

- Consideration of the Local Policing Plan and scrutiny of Police performance reports.
- Consideration of the Local Fire and Rescue Plan and Scrutiny of Fire and Rescue Service performance reports.

#### [From current Order of Reference to Community Safety and Public Protection Committee]

## **CITY COUNCIL**

- Consideration and disposal of the minutes of meetings of the Council's Committees or Sub-Committees so far as necessary in terms of the Council's Standing Orders.
- All the functions of the Council under any enactments governing the election of the Council including consideration of any proposals for changes to electoral boundaries.
- The consideration of any requests for permission to use the Council's Coat of Arms.
- Proposals to award of any persons the Freedom of the City.
- To be responsible for the maintenance and development of the Council's twinning links.
- The consideration of any requests for hospitality which fall outwith the extent of the powers delegated to the Head of Democratic and Legal Services as detailed in the Scheme of Administration - Delegation of Powers.
- Appointment of representatives to external bodies.
- The making of Compulsory Purchase Orders.
- The promotion of or initiating of opposition to private legislation.
- The determination of applications in terms of Section 38A(1) of the Town and Country Planning (Scotland) Act 1997 and Regulation 27 of the Town and Country Planning (Development Management Procedures) (Scotland) Regulations 2008 subject to the pre-determination hearing being heard by the Planning Committee.
- Consideration of any reports by the Standards Commission for Scotland including decisions of the Standards Commission for Scotland in terms of Section 18 of the Ethical Standards in Public Life (Scotland) Act 2000 ("the Act") and Rule 10.9 of the Standard Commission's Hearing Rules.

**[From current Order of Reference to City Council]**