

REPORT TO: POLICY AND RESOURCES COMMITTEE - 10TH NOVEMBER, 2003

REPORT ON: PROPOSED AMENDMENTS TO STANDING ORDERS, TENDER PROCEDURES AND DELEGATION OF POWERS TO OFFICERS OF THE COUNCIL

REPORT BY: DEPUTE CHIEF EXECUTIVE (SUPPORT SERVICES)

REPORT NO: 572-2003

1.0 PURPOSE OF REPORT

1.1 To review the Council's Standing Orders, Tender Procedures and Delegation of Powers to Officers of the Council.

2.0 RECOMMENDATIONS

2.1 It is recommended that the revised Standing Orders, Tender Procedures and Delegation of Powers to Officers of the Council appended hereto be approved and adopted with immediate effect and it be remitted to the Depute Chief Executive (Support Services) to make any consequential amendments if necessary.

3.0 FINANCIAL IMPLICATIONS

3.1 None.

4.0 LOCAL AGENDA 21 IMPLICATIONS

4.1 None of the proposals in this report conflict with the Council's key Agenda 21 themes.

5.0 EQUAL OPPORTUNITIES IMPLICATIONS

5.1 None of the proposals in this report conflict with the Council's key Equal Opportunities policies.

6.0 BACKGROUND

6.1 Amendments have been necessary to reflect recent changes to the designations of posts, Committee and Departmental Structures, changes to legislation and minor consequential adjustments.

6.2 Further adjustments which require explanation are detailed below.

6.2.1 Standing Orders Section

Standing Orders which apply to the Council, its Committees and Sub-Committees.

Standing Orders have been streamlined where possible by merging Standing Orders which apply to the Council, its Committees and Sub-Committees. It should be noted that Standing Orders marked thus † in the margin apply with the necessary changes to Committee and Sub-Committees.

Standing Order No 34(5) "the provisions of paragraph 34(4) above shall not apply in the case of the Development Quality Committee".

The Code of Conduct for Councillors reinforces the need to hear all of the facts prior to reaching a decision in cases of proceedings of a judicial or quasi-judicial nature and therefore it is proposed that Standing Order No 34(5) be deleted so that Standing Order No 34(4) can be applied to the Development Quality Committee "... in the case of proceedings of a judicial or quasi-judicial nature ... only those members present during the whole of the proceedings shall be entitled to vote or take part in the deliberations".

6.2.1 **Delegation of Powers to Chief Officers**

Planning and Transportation

Development Quality

In terms of paragraph 2.1 it is delegated to the Director of Planning and Transportation to determine all applications for planning permission, for listed building consent, for conservation area consent and to display advertisements except amongst other things all applications in respect of which more than one valid written objection is received.

In practice all applications with one valid objection are determined by the Committee and therefore it is proposed that the wording be amended accordingly.

7.0 CONSULTATIONS

7.1 All Chief Officers have been consulted in the preparation of this report.

8.0 BACKGROUND PAPERS

8.1 None.

9.0 Name Patricia McIlquham

Depute Chief Executive (Support Services)

Date: 29 October 2003

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of

THE COUNCIL

2003 (NOVEMBER)

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DUNDEE CITY COUNCIL

STANDING ORDERS

PART I

PRELIMINARY

Definitions

1. In these Standing Orders the following words and expressions shall have the meanings hereinafter respectively assigned to them, viz:-

"*the 1973 Act*" means the Local Government (Scotland) Act 1973 as amended or extended by or under any other enactment.

"*Council*" means the Dundee City Council established by the Local Government etc (Scotland) Act 1994.

"*Standing Committees*" are those so specified or referred to in Standing Order No 43 and any others which may be so designated by the Council at any time.

"*functions*" includes powers and duties.

"*delegated*" means remitted with power to exercise on behalf of the remitting body the functions specified in the remit, in the like manner as the remitting body would have exercised such functions, and the expressions "*delegation*" and "*stand delegated*" shall be construed accordingly.

"*referred*" means remitted for consideration and report but without power to exercise any function on behalf of the remitting body, and the expressions "*reference*" and "*stand referred*" shall be construed accordingly.

"*Order of Reference*" means the Order of Reference specifying the functions referred and the functions delegated to the respective Standing Committees annexed to these Standing Orders.

"*defined works*" means works required to be subject to competitive tendering in terms of the relevant legislation.

"*non-defined works*" means works not required to be subject to competitive tendering in terms of the relevant legislation.

Returning Officer for Elections

2. The Chief Executive of the Council or such other Officer as the Council may appoint shall be the Returning Officer for each election of Councillors in accordance with Section 6 of the 1973 Act.

Proper Officer of the Council

3. The Proper Officer of the Council for the purposes of Sections 33A, 34, 40, 231 and Schedule 7 of the 1973 Act shall be the Chief Executive, whom failing for any reason, the Depute Chief Executive (Support Services); the Proper Officer for the purposes of Sections 92, 145, 190, 191, 197, 202 and 204 shall be the Depute Chief Executive (Support Services) who shall also be the Proper Officer for the purposes of Sections 50B, 50C and 50F; the Proper Officer for the purposes of Section 50D (identification of background papers for reports) shall be the Head of the Department in whose name a report is issued, with the first named being so designated in the case of a joint report; the Proper Officer for the administration of the financial affairs of the Council in accordance with Section 95 of the 1973 Act shall be the Depute Chief Executive (Finance) of the Council; and the Proper Officer for any other purposes of the 1973 Act shall be such Officer as the Council may appoint at any time. In the case of the Proper

Officer for the purpose of signing deeds (Requirements of Writing (Scotland) Act 1995) the authorised signatories shall be the Chief Executive, Depute Chief Executive (Support Services), Administration Manager and Legal Manager. The Proper Officer for the purposes of the Ethical Standards in Public Life etc (Scotland) Act 2000 (Register of Interests) Regulations 2003 shall be the Depute Chief Executive (Support Services). The Proper Officer for the purposes of the Freedom of Information (Scotland) Act 2002 shall be the Depute Chief Executive (Support Services).

Use of Seal

4. The Chief Executive, whom failing for any reason, the Depute Chief Executive (Support Services) of the Council may have the common seal of the Council affixed to any deed or other document to which the Council is a party.

Application of Standing Orders to Committees and Sub-Committees

5. Standing Orders in Part II, marked thus † in the margin shall apply with the necessary changes to Committees and Sub-Committees.

Application of Interpretation Act

6. The Interpretation Act 1978, shall apply to the interpretation of these Standing Orders as it applies to the interpretation of an Act of Parliament.

Commencement

7. These Standing Orders shall apply and have effect on and from the day they are adopted by the Policy and Resources Committee with such amendments as may be made by the Policy and Resources Committee from time to time in accordance with Standing Order 72 hereof.

PART II

MEETINGS AND PROCEEDINGS OF THE COUNCIL

Days and Times of the Meetings

8. (1) The ordinary meetings of the Council shall, except as hereinafter provided, be held in accordance with the timetable approved by the Policy and Resources Committee.
- (2) The meeting of the Council to be held in pursuance of Paragraph 1(1) of Schedule 7 to the 1973 Act (First meeting after election day) shall be held on a day following the date of the election and to be selected by the Council *and at that meeting the Council shall as their first business, appoint the Convener*, and thereafter the Depute Convener and the Conveners and Depute Conveners of the Standing Committees so far as appropriate.
- †9. (1) Regular meetings of the Council shall be held in accordance with the timetable approved by the Policy and Resources Committee and all other meetings shall be held on such days and as at such times as may be fixed from time to time by the respective Convener or in his or her absence, the Depute Convener.
- (2) Unless in special circumstances (of which the Convener or, in his or her absence, the Depute Convener, shall be the sole judge) or as required by Standing Order 13, no meetings of the Council shall be held:-
 - (a) On any days designated public holidays in the City of Dundee including any days designated as public holidays for employees of Dundee City Council;

- (b) During any designated Recess period.

Notwithstanding paragraph 10(b) above a Recess Sub-Committee shall be set up to deal with any urgent business which the Chief Executive or Depute Chief Executive (Support Services) determine cannot wait to the next ordinary meeting of the Committee concerned during the Summer Recess.

- (c) No meetings of the Council shall be held on Fridays, Saturdays or Sundays.
 (d) On such other days as the Council may fix.

10. All meetings of the Council shall be held at 7 pm except that in the event of the Convener or, in his or her absence, the Depute Convener, considering special circumstances so require, he or she may fix another hour for any meeting.
- †11. When necessary in the interests of the expeditious transaction of the Council's business, the Chief Executive shall, in liaison with the Convener, be authorised to alter the timetable with regard to any regular meeting of the Council, on a one-off basis.

Precedence of Council Meetings

12. Meetings of the Council in any capacity shall, unless the Convener or, in his or her absence, the Depute Convener, otherwise decides, take precedence over meetings of all Committees.

Special Meetings

13. (1) *The Chief Executive shall call a meeting of the Council at any time on being required to do so by the Convener or, in his or her absence, the Depute Convener, or on receiving a requisition in writing for that purpose signed by at least eight members of the Council specifying the business proposed to be transacted at the meeting, which meeting shall be held within fourteen days of receipt of the requisition.*
- (2) The Chief Executive shall call a special meeting of a Committee on being required to do so by the Convener of such Committee or by the Convener of the Council, or on receiving a requisition in writing for that purpose specifying the business proposed to be considered at the meeting, signed by members of such Committee not less in number than a quorum, and on receipt of such requisition the Chief Executive shall call a special meeting for the consideration of the business specified in the requisition within fourteen days of receipt of the requisition, and it shall not be competent, notwithstanding anything contained in these Standing Orders, to consider any other business at such special meeting.

Calling of Meetings

- †14. (1) Notice of all meetings of the Council shall be given by the Chief Executive and the notice shall specify the business proposed to be transacted at the meeting and the order in which such business is to be brought before the meeting.
- (2) *Not less than three clear days before a meeting of the Council:-*
- (a) *notice of the time and place of the meeting shall be published at the Principal Offices of the Council, and where the meeting is called by members of the Council the notice shall be signed by those members and shall specify the business proposed to be transacted thereat; and*
- (b) *a summons to attend the meeting, specifying the business to be transacted thereat and signed by the Chief Executive shall be left at or sent by post either to the usual place of residence of every member of the Council or (if a member gives notice in writing to the Chief Executive that he desires summonses to be sent to him at some address specified in the notice other than his place of residence) to that other address.*

- (3) *Want of service of a summons on any member of the Council shall not affect the validity of a meeting of the Council.*
- (4) Unless in cases of urgency, members shall receive written notice of all meetings of the Council four clear days before the date of the meeting.

Quorum

15. *The quorum of the Council shall be determined in accordance with Paragraph 4 of Schedule 7 to the 1973 Act.*

- "4. (1) *Subject to sub-paragraph (2) below, no business shall be transacted at a meeting of a council unless at least one-fourth of the whole number of members of the council are present.*
- (2) *Where there are at the same time vacancies in the case of more than one third of the members of a council, then until the number of members in office is increased to not less than two thirds of the whole number of members of the council, the quorum of the council shall be determined by reference to the number of members of the council remaining instead of by reference to the whole number of members of the council, so however that the quorum shall never be less than one-eighth of the whole number of members of the council or three members, whichever is the greater number."*

Order of Business

- †16. The business of the Council at an ordinary meeting shall (unless otherwise directed by the Convener who may, at his/her discretion, alter the order of business at any stage) proceed in the following order:-
- (a) Reception of deputations.
- (b) Minutes of the Council and Committees (which shall be read, or held as read, and, so far as not reported for information only, considered and disposed of).
- (c) Ordinary business including business on agenda at the request of members.
- (d) Matters of urgency of which no previous notice has been given, provided that consideration of any such matters shall be subject to the provisions of Standing Order 17.

Matter of Urgency

- †17. *Without prejudice to the provisions of Schedule 7 to the 1973 Act no item of business shall be considered at a meeting of the Council unless either:-*
- (a) *a copy of the agenda, including the item, has been open to inspection by the public in terms of Part IIIA of the 1973 Act or*
- (b) *by reason of special circumstances, which shall be specified in the minutes, the Convener of the meeting is of the opinion that the item should be considered at the meeting as a matter of urgency.*
- †18. The Council shall not at any meeting consider the minutes of any Committee which have not been in the hands of the members for at least 24 hours before the meeting unless by reason of special circumstances, which shall be specified in the minutes, the Convener of the meeting is of the opinion that the said minutes should be considered at the meeting as a matter of urgency.

Convener

19. *The Lord Provost, if present, shall preside at meetings of the Council and, in his/her absence, the Depute Lord Provost shall preside at such meetings. If both are absent the Leader of the Administration shall preside, whom failing another member of the Council chosen by the members present shall preside.*

The Lord Provost shall not preside over any meeting called for the purpose of removing him/her from office. The Depute Lord Provost shall preside at such meetings. In his/her absence, the Leader of the Administration shall preside, whom failing another member of the Council chosen by members shall preside.

Removal of Lord Provost

20. A simple majority of Councillors present and voting at any meeting of the Council called for that purpose may remove the Lord Provost from office with immediate effect.

Powers and Duties of Convener

- †21. It shall be the duty of the Convener:-
- (a) To preserve order, and to ensure that every member of the Council shall have a fair hearing;
 - (b) To decide all matters of order, competency and relevancy;
 - (c) To decide between two or more members of the Council rising to speak by calling on the member who has first caught his or her eye; and
 - (d) To ensure that due and sufficient opportunity is given to members of the Council who wish to speak to express their views on the subject under discussion.
- †22. The decision of the Convener on all matters within his or her competency shall be final, and shall not be open to question or discussion.
- †23. Deference shall at all times be paid to the authority of the Convener. When he or she rises to speak he or she shall be heard without interruption, and any member then standing shall resume his or her seat and no member shall rise to speak until the Convener is seated.

Suspension of Members

- †24. If any member of the Council disregards the authority of the Convener, or obstructs the meeting, or conducts himself or herself offensively at the meeting, such member may be suspended for the remainder of the sitting. A motion to suspend a member shall be made and seconded without discussion and forthwith put to the meeting. Any member of the Council so suspended shall forthwith leave the meeting and shall not without the consent of the meeting again enter the meeting, and if any member so suspended refuses to leave the meeting when so required by the Convener he or she may immediately by order of the Convener be removed from the meeting by a Council officer or by any other person authorised by the Convener to remove him/her.

Adjournment

- †25. (1) In the event of disorder arising at any meeting of the Council, the person in the chair may adjourn the meeting to a date he or she may fix or which the Convener of the Council may afterwards fix, and the quitting of the chair by the chairperson shall be the signal that the meeting is adjourned.
- (2) The Council may, at any of their meetings, adjourn the same to such date as they may then fix, failing which as the Convener of the Council or, in his or her absence, the Depute Convener, may thereafter fix.

- (3) A motion for the adjournment of the meeting may be made at any time (not being in the course of a speech) and shall have precedence over all other motions. It shall be moved and seconded without discussion, and shall forthwith be put to the meeting.
- †26. Meetings of the Council shall end not later than 9.30 pm and on that hour being reached any meeting then in session shall stand adjourned until such time as may then be fixed by the Chairperson or as may thereafter be fixed by the Convener, or, in his or her absence, the Depute Convener.
- †27. When an adjourned meeting is resumed, the proceedings shall (subject to the discretion conferred on the Convener under Standing Order 16) be commenced at the point at which they ceased at the adjournment.

Reception of Deputations

- †28. (1) All applications requesting the Council to receive a deputation shall be in writing, duly signed, addressed and, where possible, delivered to the Chief Executive at least five clear working days prior to the date of the meeting at which the subject may be considered. Any later requests for deputations to be received shall be reported to the meeting and shall be dealt with in accordance with the provisions of the remainder of this Standing Order.
- (2) No deputation exceeding ten in number shall be received by the Council or any Committee.
- (3) Not more than two speakers on any deputation shall be heard, and the time allowed to the deputation for speaking shall not exceed seven minutes except at the discretion of the Convener.
- (4) Any member of the Council may put any relevant question to the deputation, but no member shall express an opinion upon, nor shall the Council discuss, the subject on which the deputation has been heard, until the deputation has withdrawn.

Order of Debate

- †29. (1) Any member of the Council desiring to speak at any meeting of the Council shall rise in his place and when called upon shall address the Chair, and direct his/her speech:-
- (a) to the matter before the meeting by proposing, seconding, or supporting a motion or any amendment relative thereto;
- (b) to a point of order; or
- (c) to asking a question.
- (2) A member shall not speak supporting a motion or any amendment until the same shall have been seconded.
- (3) Subject to the right of the mover of a motion to reply, a member shall not speak more than once on the same issue at any meeting of the Council, except on a point of order, or with the permission of the Convener, in explanation or to clear up a misunderstanding in regard to some material part of his/her speech, in which case he/she shall introduce no new matter.
- (4) The mover of an original motion shall have a right of reply, but he/she shall introduce no new matter, and, after he/she has commenced his/her reply, no other member shall speak on the issue except as provided in the immediately preceding paragraph of this Standing Order.

Motions and Amendments

- †30. (1) The import of all motions and amendments shall be stated immediately on their being proposed to the meeting by the mover before being spoken to and such motions and amendments (except motions for the approval or disapproval, simpliciter, of any matter before the Council, purely negative amendments, amendments to remit for further consideration and report, and motions and amendments which are fully set out in a minute of a Committee) shall be reduced to writing, signed by the mover, and delivered to the Chief Executive immediately on being moved.
- (2) All amendments must be relative to the motion and after the first amendment has been voted upon, all subsequent amendments must be substantially different from the first amendment.
- (3) In any case where a motion or an amendment has been duly seconded neither the motion nor the amendment, as the case may be, shall be altered in substance or withdrawn without the consent of a majority of the members present.
- (4) Except as provided at paragraphs (5) and (6) of this Standing Order, whenever an amendment upon an original motion has been moved and seconded, no further amendment shall be moved until the result of the first amendment has been determined. If an amendment be rejected, further amendments to the original motion may be moved. If any amendment be carried, such amendment shall take the place of the original motion and shall become the motion upon which any further amendments may be moved.
- (5) Subject to the provisions of paragraph (6) below, in the case of the Development Quality Committee, when there are more amendments to the motion than one, the first amendment shall be voted on against the second amendment and the amendment which is carried shall be voted on against the third amendment and so on until there remains only one amendment which shall be voted on against the original motion and whichever is carried that shall be the finding of the meeting.
- (6) In dealing with an application for planning consent, as soon as it becomes apparent that there is not unanimity, the Convener of the Development Quality Committee shall ascertain whether there is any competent motion for a deferral and if such a motion is moved and seconded, it shall be voted on against any amendment for the direct negative should such be moved and seconded, before any further motions or amendments are proceeded with as outlined in paragraph (5) above.
- (7) A motion for the approval of a minute of a meeting of a Committee, or of any part of such minute, shall be considered as an original motion and any motion involving alteration or rejection of such minute or any part of such minute shall be dealt with as an amendment.
- (8) The Convener of a Committee shall, if present, have the right to move the approval of the minute of any meeting of that Committee or of any part of such minute.
- (9) Motions and amendments moved but not seconded shall not be put to the meeting, nor shall they be recorded in the minutes unless the movers shall, at such meetings, request that they be so recorded.
- (10) Where any motion or proposal is accepted by a meeting the name of the mover and of the seconder, if any, shall, notwithstanding that there may not be a division, be recorded in the minutes.

Time Allowed for Speaking

- †31. In moving a motion (other than a motion for the adoption of Annual Reports, Accounts or Estimates) or an amendment, a member shall not speak for more than seven minutes, each other speaker shall not speak for more than four minutes, and the mover of the original motion in his/her reply shall not speak for more than four minutes. The foregoing limits of time may be exceeded with the consent of a majority of the members present, and it shall be competent for the Chairperson to determine (without the necessity of taking a division) whether a majority of the members present are agreeable to the foregoing limits of time being exceeded in any speech.

Closure of Debate

- †32. (1) At any meeting of the Council it shall be competent, after not fewer than five members (excluding the mover and seconder of the original motion) shall have spoken on the subject under discussion, for any member of the Council who has not spoken on the subject to move that the question be now put.
- (2) Such motion shall be moved and seconded without discussion and shall forthwith be put to the meeting, and if a majority of the members present vote for the motion, the debate on the matter under discussion shall cease (subject to the right of the mover of the original motion to reply) and thereafter the subject under discussion shall be voted on in the ordinary way. No further amendment shall be competent on that particular item of business unless with the consent of the Convener. If the motion for closure is not carried, the debate shall be resumed.
- (3) Subsequent motions for closure may be made after every three additional members have spoken.
- (4) A motion for closure shall not be made during the course of a speech.

Vacancies and Appointments Voting

- †33. In the filling of vacancies and making of appointments, the following provisions as to voting shall apply:-
- (a) Nominations for vacancies or appointments shall be moved and seconded without discussion and shall forthwith be put to the meeting.
- (b) Except as aftermentioned, members shall be entitled to vote for as many candidates as there are vacancies to be filled.
- (c) If, as a result of voting, there is an absolute majority of those present and voting in favour of the number of candidates equal to the number of vacancies to be filled, such candidate or candidates shall be declared duly appointed.
- (d) If no such absolute majority is obtained, the names of the candidates receiving the lowest number of votes (together with any candidate receiving no votes) shall be struck out, and a further vote shall be taken, provided, however, that-
- (i) if two or more candidates tie as receiving the lowest number of votes, a vote (with each member exercising only one vote) shall be taken between such candidates, and the candidate who receives the lower or lowest number of votes shall be dropped; and
- (ii) after any vote the members may by unanimous agreement exclude from a further vote candidates whom they consider have no prospect of being appointed.

In subsequent votes, the same procedure shall be followed until there is an absolute majority in favour of the number of candidates equal to the number of vacancies to be filled, when such candidate or candidates shall be declared duly appointed.

Method of Voting

- †34. (1) The vote of the Council shall be taken by calling the roll of those present, beginning with the Convener, and the voting shall be recorded in the minutes.
- (2) After the Convener or the Chief Executive has announced the issue on which the vote is to be taken, no member shall interrupt the proceedings in any way whatsoever (except that, in the case where his or her name has not been called, a member may direct attention to the fact and request that his or her name be called) until the result of the division has been intimated.
- (3) A member who is absent from the meeting when his or her name is called in a division shall be entitled to record his or her vote if he or she enters the meeting before the result of the division has been intimated, provided the attention of the Chief Executive is directed to the return of such member before the result of the division has been intimated.
- (4) The provisions of paragraph (3) of this Standing Order shall not apply in the case of proceedings of a judicial or quasi-judicial nature, and in such cases only those members present during the whole of the proceedings shall be entitled to vote or take part in the deliberations.

In the case of proceedings to which this paragraph applies:-

- (a) intimation to that effect shall so far as reasonably practicable be given in the notice calling the meeting; and
- (b) the Convener shall direct the attention of members to the provisions of this paragraph at the commencement of the proceedings.

Casting Vote

- †35. *Subject to the provisions of any enactment and of any Statutory Order or Instrument the person presiding at a meeting of the Council shall in the case of an equality of votes have a second or casting vote except where the matter which is the subject of the vote relates to the appointment of a member of the Council to any particular office or committee, in which case the decision shall be by lot.*

Points of Order

- †36. (1) Any member of the Council may, at any meeting of the Council, speak upon a point of order if he or she does so as soon as it arises, and if he or she states that they rise to a point of order and forthwith states the point of order to which they rise.
- (2) The member who is then addressing the Council shall resume his or her seat, and the member who rises to the point of order shall, when he/she has concluded, also resume his or her seat. No other member shall be entitled to speak to the point of order raised except by permission of the Convener.
- (3) The Convener shall thereupon decide the question, and, thereafter, the member who was addressing the Council at the time the point of order was raised shall be entitled (if the ruling permits him or her so to do) to continue to speak, giving effect to the ruling of the Convener.

Questions

- †37. (1) At any meeting of the Council any member may put a question to the Convener of the meeting relative to any matter under consideration.
- (2) Questions will be allowed only so far as they are deemed relevant and competent by the Convener.

- (3) One supplementary question, if necessary for the elucidation of the answer given, may be asked by (a) the original questioner, and (b) one other member.
- (4) Questions and answers thereto shall not be recorded in the minutes of meetings of the Council.

Inclusion of Business on Council Agenda at the Request of Members

- †38. Subject to the provisions of the 1973 Act any Member of the Council who wishes brought before the Council any matter which can be competently considered thereby, shall submit to the Chief Executive a detailed written statement and notice of the matter not later than five clear working days before the issue of the agenda and papers to Members in order that the proper Officer in terms of sections 50B, 50C and 50F of the 1973 Act may determine whether exempt information as included in Schedule 7A to the said Act is likely to be disclosed. A member whose item is included on an agenda in terms of this Standing Order shall, when that item is rendered, be called upon to speak first.

Alteration or Revocation of Previous Resolution

- †39. (1) Subject to the provisions of paragraph (2) of this Standing Order, no resolution of the Council shall be altered or revoked except by a subsequent resolution made by the Council and arising from a recommendation, involving alteration or revocation, approved by a majority of the members present at a meeting of the Committee concerned, to which recommendation attention is specially directed at the meeting of the Council to which the minute of the Committee is submitted. Provided that no resolution shall be altered or revoked within six months of its adoption.
- (2) Notwithstanding the provisions of the remainder of this Standing Order, it shall be competent for the Policy and Resources Committee to review the Capital and Revenue Estimates and alter or revoke decisions of previous meetings irrespective of whether six months has elapsed since such decisions were made.
- (3) The alteration or revocation of any resolution of the Council shall not affect or prejudice any proceedings, action, or liability competently done or undertaken under any such resolution prior to its alteration or revocation.

Exclusion from Meeting of Members Interested in Contracts, etc

- †40. *The Council may exclude any member from a meeting while any contract proposed contract or other matter in which such member has a pecuniary interest direct or indirect, is under consideration, except where the disability imposed on such member has been removed by the Secretary of State under Section 41 of the Local Government (Scotland) Act 1973.*

Members Declaring Interests at Meetings

- †41. *In terms of the Councillors' Code it is the responsibility of members to make decisions about whether to declare an interest in any item on an agenda and whether to take part in any discussion or voting. This includes all interests whether or not entered in the Register of Interests which might be perceived as influencing an elected member's opinion/vote on any matter.*

Admission of Press and Public

- †42. (1) *Subject to paragraphs (2) and (3) of this Standing Order, every meeting of the Council shall be open to the public and press.*
- (2) *The public and press shall be excluded from any meeting of the Council during consideration of an item of business whenever it is likely, in view of the nature of the business, that, if they were present, information would be disclosed which was confidential in terms of Part IIIA of the 1973 Act that is to say:-*
- (a) *information furnished to the Authority by a Government department upon terms which forbid the disclosure of the information to the public; or*

- (b) *information the disclosure of which to the public is prohibited by or under any enactment or by the order of a Court.*
- (3) The Council may, by resolution, exclude the public and press from any meeting of the Council during consideration of an item of business whenever it is likely, in view of the nature of the business, that, if they were present, information would be disclosed which falls within one or more of the categories of exempt information in terms of Part IIIA of the 1973 Act.
- (4) A resolution under paragraph 3 of this Standing Order shall:-
- (a) identify the proceedings or the part of the proceedings to which it applies; and
- (b) state, in terms of the Act the category or categories of exempt information concerned.

Suspension of Standing Orders

- †43. It shall be competent for a member of the Council at any time to move the suspension of any Standing Order as far as applicable (except those Standing Orders or portions thereof which are printed in italics) which motion shall without any discussion be moved and seconded and be put to the meeting, and the motion shall be held to be carried if supported by a simple majority of those present and voting.

PART III

CONSTITUTION, MEETINGS, AND PROCEEDINGS OF COMMITTEES AND SUB-COMMITTEES

Appointment of Committees and Sub-Committees

44. The Council may, as they shall deem necessary from time to time, and shall, if and when required by any Act of Parliament, appoint Committees and Sub-Committees for the fulfilment of any of the functions of the Council and shall in May of each election year appoint the Standing Committees hereinafter mentioned for the performance of the functions referred or delegated to such Committees and Sub-Committees in pursuance of these Standing Orders or of any Act of Parliament or Statutory Order, Instrument or Scheme.

Standing Committees and Sub-Committees Constitution

45. The Constitution of Standing Committees shall, so far as is practicable, reflect the political balance of the Council's membership. With the exception of the A T Cathro Bequest Committee and the Licensing Committee, Committees will comprise all members of the Council. Membership of the A T Cathro Bequest Committee, Licensing Committee and Best Value Sub-Committee will be as indicated below:

A T Cathro Bequest Committee - 9 members plus the Chief Executive and Depute Chief Executive (Finance)
 Policy and Resources Committee
 Best Value Sub-Committee of Policy and Resources Committee - 6 Members
 Finance Committee
 Education Committee
 Social Work Committee
 Housing Committee
 Economic Development Committee
 Communities Committee
 Planning and Transportation Committee
 Environmental Services and Sustainability Committee
 Development Quality Committee
 Licensing Committee - 14 members
 Leisure and Arts Services Committee
 Dundee Contract Services Committee
 Personnel Committee

Membership of Committees and Sub-Committees

46. (1) With regard to the allocation of places on Committees and Standing Sub-Committees between the recognised political groupings on the Council, they shall be fixed at the Statutory Meeting following the elections and may be amended at any meeting of the Council so long as approved by a simple majority of those present and voting.
- (2) With regard to the allocation of places on Committees and Sub-Committees between the recognised political groupings on the Council, should it be necessary or expedient for any of these groups to change their nominated representatives at any time other than at the statutory meeting of the Council immediately following the election, it shall be competent for such changes to be intimated to the Committee or Sub-Committee concerned and if approved, the change shall have effect from the next meeting of that Committee or Sub-Committee.
- (3) Notwithstanding the provisions of the above it shall be competent for substitutions to be intimated and effected for individual meetings of any Sub-Committees.

Conveners and Depute Conveners of Committees and Sub-Committees

47. (1) The Conveners and Depute Conveners of all Committees except as hereinafter provided, shall be appointed by the Council in May of each election year at the meeting to be held in terms of Standing Order No 8(2) and at such other times as may be necessary.
- (2) The Lord Provost shall be *ex officio* Convener of the Alexander Torrance Cathro Bequest Committee.
- (3) The Leader of the Administration shall be *ex officio* Convener of the Policy and Resources Committee and the Personnel Appointments Sub-Committee.
- (4) Conveners of Sub-Committees shall be the Conveners of the relevant parent Committees except insofar as provided herein.

Reference to Committees and Sub-Committees

48. (1) Subject to the terms of Standing Order 49 and to the provisions of any enactment and of any Statutory Order, Instrument, or Scheme, the functions of the Council shall stand referred to the various Standing Committees and Standing Sub-Committees in accordance with the Order of Reference annexed to these Standing Orders.
- (2) Subject to the terms of any enactment and of any scheme made thereunder, each Committee shall have power to appoint Sub-Committees for such purpose as they are required to by law or are deemed necessary, and any reference to a Committee shall be deemed to include a reference to a Sub-Committee of that Committee.
- (3) Notwithstanding these Standing Orders, the Council may at any time, if they so determine, deal with any matter included in a reference to a Committee, although no report from such Committee is before them.
- (4) Notwithstanding these Standing Orders, the Council may at any time vary, add to, restrict, or recall any reference to any Committee, or by specific remit refer any function to any Committee and the terms of a specific remit shall supersede any general remit contained in the Order of Reference.
- (5) If a Committee report has implications for more than one Committee the item will be submitted to either the Policy and Resources Committee or, in the case of a report containing staffing or departmental structure implications, the Personnel Committee only and the decision of either of these Committees will be binding on all other Committees unless the Chief Executive decides otherwise.

Delegation to Committees and Sub-Committees

49. Subject to the provisions of any enactment and of any Statutory Order, Instrument, or Scheme, the Council may at any time delegate any function to a Committee, or a Sub-Committee, or a Principal Officer of the Council and any matters not so delegated (other than to Principal Officers) shall be indicated by an asterisk in the Order of Reference to these Standing Orders and in the relevant minutes

Agenda and Business of Meetings

50. (1) Every member of the Council shall receive the agenda and papers for all Committees and Sub-Committees subject to the provisions of the 1973 Act.
- (2) The appropriate Principal Officers shall deliver to the Chief Executive, not later than five clear working days before the issue of the agenda and papers to members for a Committee or Sub-Committee, a detailed statement of the business to be brought before such Committee or Sub-Committee in order that the Proper Officer in terms of sections 50B, 50C and 50F of the 1973 Act may determine whether exempt information as defined in Schedule 7A to the said Act is likely to be disclosed.
- (3) Subject to the provisions of the 1973 Act any member of the Council who wishes brought before any Committee, whether or not he or she is a member of such Committee, any matter which can be competently considered thereby, shall submit to the Chief Executive a detailed written statement and notice of the matter not later than five clear working days before the issue of the agenda and papers to members in order that the proper Officer in terms of sections 50B, 50C and 50F of the 1973 Act may judge whether exempt information as included in Schedule 7A to the said Act is likely to be disclosed. A member whose item is included on an agenda in terms of this Standing Order shall, when that item is rendered, be called upon to speak first.

Attendance of Members of Council at Meetings of Committees and Sub-Committees of which they are not Members

51. (1) Every member of the Council shall be entitled to attend all meetings of all Committees and Sub-Committees thereof although not called to such meetings, and they shall be entitled to intimate to the Convener of such meetings the terms of any questions on matters under consideration which they wish to ask and shall thereafter, with the consent of the majority of the members of the Committee present, be permitted to put such questions and to receive answers subject to the provisions of the paragraph immediately below.
- (2) Where a member who is not a member of a particular Committee or Sub-Committee has an item of business included on an agenda at his or her request, the member concerned shall be entitled to appear before the Committee or Sub-Committee solely to explain or support the matter, but shall not otherwise participate in the proceedings.
- (3) Non-members of a Committee or Sub-Committee may be required to leave any meeting during consideration of matters which, in terms of the 1973 Act are confidential or exempt.

Quorum of Committees and Sub-Committees

52. (1) The quorum of all Standing Committees other than those referred to in paragraphs 2 and 3 hereof shall be eight members.
- (2) The quorum of the Alexander Torrance Cathro Bequest Committee shall be four members.
- (3) The quorum of the Licensing Committee shall be six members.
- (4) Unless otherwise stipulated by an appointing Committee, the quorum of all Sub-Committees shall be three.

Convener of Meetings of Committees and Sub-Committees

53. (1) The Convener of a Committee or Sub-Committee, or, in his/her absence, the Depute Convener, whom failing, the Leader of the Administration shall preside at meetings of Committees or Sub-Committees.
- (2) In the absence of any of the office bearers referred to above the members of the Committee or Sub-Committee present shall elect a Convener of the meeting who shall preside over the meeting for such time as the Convener is absent.
- (3) The foregoing paragraph shall not apply to meetings of the Personnel Appeals Sub-Committee from which the Convener or Depute Convener are absent, in which event, the members of the Sub-Committee present shall elect a Convener of the meeting.

Minutes of Meetings of Committees and Sub-Committees

54. (1) Minutes of meetings of Committees and Sub-Committees shall, except as provided in paragraphs (2) and (3) hereof, be submitted as soon as practicable after such meetings to the Council or to the Parent Committee, as the case may be, and the Council or the Parent Committee shall determine with respect thereto as they think fit except insofar as such minutes relate to matters delegated to such Committees or Sub-Committees, in which case they shall be submitted to the Council or to the Parent Committee for information only.
- (2) Minutes of meetings of Sub-Committees shall normally be submitted to the Council along with the minute of meeting of the Committee by which the Sub-Committee was appointed, provided that in any case of urgency, the said Committee may instruct that the minute of the Sub-Committee shall be submitted direct to the Council.
- (3) Minutes of meetings of Special Committees or of Sub-Committees relative to a particular remit shall be submitted in accordance with the terms of paragraph (1) hereof after the discharge of such remit by the Special Committee or Sub-Committee, but in any case within a period of three months from the date of such remit, provided that such Committees or Sub-Committees may submit an interim report to the Council on any question or ask for directions at any stage of their deliberations.

Annual Accounts of the Council

55. *The Depute Chief Executive (Finance) shall submit to the Council not later than the 30th June of each year an Abstract of Accounts for the previous financial year. The audited copy of the Abstract together with the Audit Report, shall be laid before a meeting of the Council held not later than two months after receipt of the certification.*

Authority to Attend Meetings, Conferences, Events etc

56. (1) Notwithstanding the provisions of the Order of Reference to Committees and subject to the provisions of any enactment and of any statutory order or instrument any Committee may authorise attendance at meetings, conferences or events on matters affecting the interests of the Committee
- (2) The Leader of the Administration and the Conveners of Committees may attend meetings convened by or with other local authorities, government departments or bodies at which matters affecting the interests of the Council or relevant Committees are to be considered and the Leader or any such Conveners may be accompanied at such meetings by the Chief Executive or appropriate Chief Officer, or he or she may authorise the Chief Executive or appropriate Chief Officer to attend such meetings in his or her absence.

In the event of any Convener being unable to attend any such meetings, he or she may, with the approval of the Lord Provost or the Leader of the Administration, nominate another member of the relevant Committee to attend such meetings in his or her stead.

- (3) The Lord Provost, Depute Lord Provost or any Member deputising on their behalf, may attend meetings, functions and events associated with the performance of their civic duties.
- (4) Subject to the provisions of the Constitution of the Convention of Scottish Local Authorities, meetings of the Convention or Committees thereof may be attended by such members nominated or approved by the Council and those officers approved by the Convention, and also by any Conveners of Committees or officers whose attendance may be considered necessary on any particular occasion.
- (5) The Chief Executive or any appropriate Chief Officer may attend, at the expense of the Council, meetings arranged by any appropriate body for the discussion of matters relating to any of the functions of the Council. An Officer other than the Chief Executive or a Chief Officer may incur such expenditure only with the approval of the Chief Executive or appropriate Chief Officer.
- (6) The expenses and allowances payable to members of the Council in attending meetings, conferences or events on the business of the Council shall be as specified in any enactment or statutory instrument relative thereto.
- (7) The provisions of this Standing Order shall apply only to members attending meetings, conferences or other functions held within the United Kingdom.
- (8) The Chief Executive shall, where he or she considers it relevant and expedient in the interests of the Council, be authorised to approve the attendance of Officers of the Council at meetings, conferences or events held both within and outwith the United Kingdom.

**Schemes of Administration for Tender Procedures,
Financial Regulations and Delegated Powers**

57. (1) The Depute Chief Executive (Support Services) shall prepare and submit to the Policy and Resources Committee a Scheme of Administration on Tender Procedures and such Procedures, once approved and adopted by the Committee, shall be observed by all members and officers of the Council. Any revisions or alterations to the said Tender Procedures shall require to be approved by the Policy and Resources Committee.
- (2) The Depute Chief Executive (Finance) shall prepare and submit to the Policy and Resources Committee a Scheme of Administration on Financial Regulations and such Regulations, once approved and adopted by the Committee, shall be observed by all members and officers of the Council. Any revisions or alterations to the said Financial Regulations shall require to be approved by the Policy and Resources Committee.
- (3) The Depute Chief Executive (Support Services) shall prepare and maintain a Scheme of Administration on Delegated Powers recording all powers delegated to officers as required by Section 50 G(2) of the Local Government (Scotland) Act 1973. As and when any powers are so delegated by the Council or any of its Committees, or when any such delegated powers are altered or withdrawn by the Council or any Committee, the Depute Chief Executive (Support Services) will make an appropriate amendment to the Scheme of Administration on Delegated Powers.

PART VI

MISCELLANEOUS

Admission of Honorary Freemen

58. (1) *The Council may, by resolution passed by not less than two thirds of the members voting thereon at a meeting of the Council the notice of which specifies the proposed admission as an item of business, admit to be honorary freemen of the city persons of distinction and any persons who have rendered eminent service to the city.*

- (2) *The Chief Executive shall keep a roll containing the names of persons admitted to be freemen under this section.*

Access of Members to Council Books, Information etc

59. (1) Subject to the provisions of the 1973 Act any Member of the Council shall be entitled to examine but shall not remove, any books, minutes, writings, accounts and other documents relating to the business of the Council, in any office of the Council and to make such copies as he or she may think proper, provided, that where it appears to the Depute Chief Executive (Support Services) that a document discloses exempt information falling within any of paragraphs of schedule 7A of the 1973 Act that Officer may require that the prior consent of the appropriate Committee be obtained.
- (2) Where a member requires information on any subject affecting or arising from the actions of the Council, such requests should be made direct to the Chief Officer of the Division or Department concerned. Where the matter relates to more than one Division or Department, the request should be made direct to the Chief Executive or in his or her absence, the Depute Chief Executive (Support Services). Such requests will be responded to in writing within five working days of the request being received. In the case of requests arising from matters included on agenda, wherever practicable, responses shall be provided prior to Council or Committee meetings taking place.

Annual Return of Councillors Attendances at Meetings

60. An annual return shall be prepared and issued by the Depute Chief Executive (Support Services) showing members' attendances at meetings of the City Council and its Committees.

Reports by Officers

61. (1) Not later than five clear working days before the issue of the agenda to which an Officer intends to submit any report requested by the Council or a Committee or Sub-Committee, the Officer shall forward copies to the Chief Executive, Depute Chief Executive (Support Services) and the Depute Chief Executive (Finance) and any observations by these Officers on policy, legal or financial implications shall accompany the Officer's report.
- (2) Every member of the Council shall receive a copy of reports by Officers issued to members of Standing Committees etc, subject to the provisions of the 1973 Act.

Reports etc to Press

62. Press representatives shall receive copies of:-
- (a) agenda of meetings of the Council and its Committees and Sub-Committees;
 - (b) reports issued with such agenda;
 - (c) minutes of meetings of Sub-Committees to be submitted to Committees; and
 - (d) minutes of meetings of Committees to be submitted to the Council

But subject to the provisions of the Local Government (Scotland) Act 1973 relative to the withholding of minutes and reports and sections of minutes and reports containing exempt information as specified in Schedule 7A of the 1973 Act.

Appointments of Officers and Staff

63. (1) Subject to the terms of any enactment, all appointments to the post of Chief Executive, Depute or Assistant Chief Executive, Director or other Head of Department shall be made by the Council. The filling of such vacancies shall stand delegated to a Personnel Appointments Sub-Committee.
- (2) On the occurrence of any vacancies within the Council for a permanent post other than that of an official specified in paragraph 1 of this Standing Order the appropriate Director, Depute Chief Executive or Assistant Chief Executive shall (a) determine whether the vacancy is to be filled, (b) ensure that finance is available, and (c) request the Assistant Chief Executive (Management) to take appropriate steps for the filling of the vacancy in accordance with the policies of the Council. All appointments shall be made by the Chief Officer concerned in consultation with the Assistant Chief Executive (Management). In the case of second tier management posts, an invitation shall also be extended to the Chief Executive and relevant Convener to participate in the selection process if they so wish.
- (3) If at any time a Department requires a temporary post for a period not exceeding 12 months or requires a temporary post to cover maternity absence then subject to finance being available the Chief Executive will be authorised to approve recruitment. Where the temporary post is expected to last longer than 12 months (other than maternity cover), this will be reported to the Personnel Committee for approval. Where additional finance is required, this will also be reported to the Policy and Resources Committee for approval.

Salaries, Wages and Conditions of Service of Employees

64. (1) Where the Council are represented, either directly or by virtue of their membership of an association of Local Authorities or Joint Councils for the regulation of salaries and wages and conditions of service, the Council shall give effect to the awards of such Joint Councils, reserving always to the Council any right of appeal competent to them against such awards; provided that where there are conflicting decisions by different Joint Councils on any question, the Council may accept such of the decisions as they may deem most appropriate or they may themselves decide the question.
- (2) In the case of employees whose salaries or wages and conditions of service are not regulated in terms of the preceding paragraph of this Standing Order, the Council shall pay salaries and wages and observe conditions of service not less favourable than those commonly recognised by employers' associations and trade unions or associations in the trade or employment in the district where the work is carried out.
- (3) Subject to the provisions of any enactment, Statutory Order or Instrument and to the terms of this Standing Order, the grade of any officer or employee shall not be varied without the approval of the Council.

Restriction on Employees engaging in other Remunerative Employment

65. Any salaried staff or manual or craft workers in the employment of the Council who wish to engage in employment or other professional or business activities outwith normal working hours shall require to apply to the Chief Officer of the Department concerned for permission to do so. Such application will be considered in accordance with guidelines to be approved by the Personnel Committee. In the event of such permission being refused, the employee shall have the right to appeal to the Appeals Sub-Committee of the Personnel Committee.

Officers not to retain Fees or Commissions

66. An officer or other employee in receipt of a regular salary shall not be entitled to retain any fees or commissions collected or received in connection with the duties of his/her office unless with the sanction of the Personnel Committee.

Employees accepting Gratuity, etc

67. Any officer or other employee of the Council who corruptly accepts any gratuity, bonus, discount, bribe, or consideration of any sort in connection with the duties of his/her office or employment shall be liable to summary dismissal.

Public Notices, Invitations, etc

68. Subject to the provisions of any enactment, all public notices, intimations and invitations whether by press advertisement or otherwise required to be given by or on behalf of the Council or any Committee or department thereof shall be made by and in the name of the Chief Executive for the time being or by such other officer or in such other manner as he/she may authorise.

Use of Photographic and Sound Recording Equipment

69. Subject to the provisions of Standing Order 42, the use of photographic and sound recording equipment by the media and members of the public shall be permitted at meetings of the Council and its Committees and Sub-Committees.

The Ethical Standards in Public Life Etc (Scotland) Act 2000

70. All members of the Council shall be guided by the provisions of the Code of Conduct for Councillors, as appended hereto.

Corporate Governance

71. The Council shall operate in accordance with the principles of the CIPFA/SOLACE Framework on Corporate Governance in Local Government.

PART VII

REVISION OF STANDING ORDERS

72. (1) Subject to the terms of any enactment and of any Standing Order, Instrument or Scheme, the foregoing Standing Orders and Order of Reference to Committees may be altered or revoked at any ordinary meeting of the Policy and Resources Committee, if the motion for alteration or revocation is supported by a majority of the Committee present and voting.
- (2) The preceding paragraph of this Standing Order shall not apply to these Standing Orders or portions thereof which incorporate the provisions of Statutes or of Statutory Orders or Instruments which cannot be altered or revoked by the Council. (The Standing Orders (or portions thereof) to which this paragraph applies are printed in italics).

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

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

Unless marked thus * all items stand delegated.

ALEXANDER TORRANCE CATHRO BEQUEST COMMITTEE

The administration of the bequest in favour of the former Dundee Corporation by the late Alexander Torrance Cathro in terms of his Will, dated 6th July 1944, the relative excerpt from which is as follows:-

".....

"I DIRECT THE SAID BANK (The Royal Bank of Scotland) ... TO PAY AND CONVEY "the residue of my said means and estate as soon as may be after my death to "the Lord Provost, Magistrates and Councillors of the City and Royal Burgh "of Dundee in Scotland, hereafter referred to as "The Town Council" ... as a "fund whereof the capital shall be held in name of the Town Council and "their successors for the expenditure of the annual income therefrom as the "Town Council or in the case of delegation the Committee in their absolute "discretion may decide so long as the same be only expended on giving as "many of such children as might not otherwise have an opportunity of "enjoying the same, either (ONE) one or more outings in each year in the "country or at the seaside consisting of a single day on each occasion by "paying for them and such adult helpers as may be necessary to supervise and "costs of transport and refreshment, or (TWO) in such exceptional cases as "in the opinion of the Town Council, or, in the case of delegation, the "Committee, require a longer period in the country or at the seaside which "could not otherwise be possible, in providing the same for such exceptional "cases amongst said children, by paying or contributing towards the costs of "transport of such children and of such adults as are essential for the "supervision of such children to and from the selected destination and of "such refreshments to children and adults as are necessary on the journeys "and the cost of maintenance of such children and adults at the selected "destination.

COMMUNITIES COMMITTEE

1. The Supervision and Control of the Communities Department.
2. To advise the Council on all aspects of the community needs of the various areas in the City.
3. To prepare and submit to the Council for consideration, schemes for the establishment of community councils for the City in terms of Part IV of the Local Government (Scotland) Act 1973, and to advise the Council of any amendments which may require to be made to such schemes.
4. To organise and supervise on behalf of the Council, elections or other voting arrangements for the purpose of establishing the community councils in accordance with the terms of the scheme therefore approved by the Council and the Secretary of State.
5. Consideration of all applications for grants and other forms of assistance to the Community Councils as may be appropriate under Section 55 of the Local Government (Scotland) Act 1973.
6. To encourage and foster the development of community based groups to represent the legitimate interests of the various sections of the community.
7. To aid public consultation between the Council's Departments and the public by facilitating liaison with bona fide community groups.
8. To support the formation and meetings of a Youth Council to provide a forum through which the youth of the city can express their needs in relation to the Council's functions.

9. On behalf of the Council to monitor the effective implementation of the Council's Community Regeneration Strategy.
10. To identify areas within the City in which special measures may be required to deal with multiple deprivation, such areas being hereinafter referred to as "Community Regeneration Priority Areas", and to consider the community regeneration needs of such areas and, in the light of the financial, land and personnel resources available to the Council, the measures which might be adopted by the Council to meet such needs, including:-
 - (i) the formulation of policy objectives and priorities;
 - (ii) the identification of appropriate projects both capital and revenue including projects which might be jointly funded by the Council and other authorities such as the Health Board; and
 - (iii) measures designed to co-ordinate the delivery of existing services by Departments of the Council and by other authorities so as to make best use of resources available.
11. To investigate and consider possible new methods of combating multiple deprivation including methods being pioneered elsewhere.
12. To review and monitor the manner in which services are at present provided by the Council, and other public bodies, in Community Regeneration Priority Areas.
13. To consider representations and proposals, received from any Operating Committees established by the Council in Community Regeneration Priority Areas on all matters relating to the operation and development of the Council's multiple deprivation strategy.
14. To oversee the Council's Social Inclusion Programme both Revenue and Capital in relation to Community needs and to scrutinise, promote, observe and assess, on an ongoing basis, all Urban Aid applications on that basis.
15. Grants and other forms of assistance under the Education (Scotland) Acts and Regulations made thereunder to voluntary organisations (including youth organisations) promoting social, cultural, and/or recreational activities; and relations with such bodies.
16. The acquisition and disposal of land and buildings required for or surplus to any of the functions of the Committee.
17. The provision and supervision of Neighbourhood Centres.
18. In carrying out the functions specified in paragraphs 1 to 14 (i) to consult with (a) any other Committee appearing to have an interest by virtue of its Order of Reference and without prejudice to the generality of the foregoing where any measure might involve action under the Education (Scotland) Acts or the Social Work (Scotland) Acts, with the Education and Social Work Committees of the Council in compliance with the statutory references to these Committees, (b) other public bodies such as Tayside Health Board and (c) bodies and groups informed of local opinion in Social Priority Areas including operating Committees established by the Council, and (ii) to establish, as considered appropriate, working groups of Councillors and Officers or Councillors and other persons to investigate matters related to any of these functions and to bring forward suggestions or proposals for consideration.
19. Approval, monitoring, review of Action Plans.
20. Consideration of applications and proposals for grants and subscriptions.
21. To ensure that all aspects of the Council's work, the rights, welfare and interests of women, ethnic minorities, disabled people, the elderly and the young are given primary consideration.

22. To encourage and promote the development of a range of consultative forums with the community with whom the Council can liaise on the development, implementation and monitoring of its equal opportunities strategies.
23. Subject to the provisions of the relevant legislation, to undertake campaigns on issues affecting those groups referred to at paragraph 22 above.

DUNDEE CONTRACT SERVICES COMMITTEE

1. The functions of the Council relating to Dundee Contract Services including:-
 - (i) general supervision of any Direct Labour or Direct Services Organisation and its activities including the supervision, control and administration of public open spaces and landscaped areas including disposal of applications to hold meetings, picnics and others associated with those facilities.
 - (ii) the duties imposed on the Council by Part III of the Local Government Planning and Land Act 1980 relating to Direct Labour Organisations; and the duties imposed on the Council by Part I of the Local Government Act 1988 in relation to Direct Services Organisations including the functions of the Council so far as relating to the provision and maintenance of public open spaces and landscaped areas including maintenance of war memorials.
 - (iii) the monitoring of the financial position of all DLO's and DSO's (including consideration of annual estimates of revenue and capital expenditure);
 - (iv) subject to the provisions of Standing Orders 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 all DLO's and DSO's;
 - (v) The acquisition and disposal of land and buildings required for or surplus to any of the functions of the Committee;
 - (vi) the supervision of all Depots or other buildings or yards held or to be held for the purposes of all DLO's and DSO's;
 - (vii) the control and supervision of all staff so far as exclusively employed for the purposes of all DLO's and DSO's;
2. Approval, monitoring, review of Action Plans.
3. Consideration of applications and proposals for grants and subscriptions.

DEVELOPMENT QUALITY COMMITTEE

1. All the functions, powers and duties of the Council as Planning Authority under any enactments so far as they relate to development control 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.
2. The functions of the Council under the Building (Scotland) Acts 1959 and 1970 and all regulations made thereunder, and in relation to ruinous or dangerous properties.
3. Approval, monitoring, review of Action Plans.

ECONOMIC DEVELOPMENT COMMITTEE

1. All the powers and functions of the Council relating to the promotion and development of new industry, commerce and employment in the city and the maintenance and expansion of existing industry, commerce and employment including such activities as:-
 - (a) publicising the opportunities available for industry and commerce in the City;
 - (b) the provision, layout and development of industrial sites;
 - (c) liaison with persons and bodies representative of industry and commerce in the City;
 - (d) provision of advice and assistance to industrial and commercial developers, including loans, grants and other forms of financial assistance where such advice and assistance relates to areas within the Council's control;
 - (e) the promotion and encouragement of new ventures in the City in areas within the Council's control with particular reference to industrial and business co-operatives;
 - (f) engaging and participating in trade and investment missions;
 - (g) holding or taking part in seminars, exhibitions and symposia and similar activities; and
 - (h) negotiations with potential developers, investors or employers.
2. The control, management and letting of all commercial and industrial land and premises owned by the Council subject, in the case of land and buildings held on the accounts of other Committees of the Council, to any general directions given by the said Committees.
3. The acquisition of all land and buildings required for economic development purposes.
4. The disposal (whether by sale, feu, excambion or otherwise), appropriation or re-allocation of all land and buildings held by the Council for economic development purposes, or land and buildings held on any other account which have become surplus to the requirements of the relevant Committee and which are required for economic development purposes.
5. The functions of the Council relative to the promotion and development of the City as a tourism and conference centre, including the reporting of operational/financial and control matters arising from The Angus and Dundee City Tourist Board.
6. Liaison with persons and bodies representative of tourism and conference in the City including the Visit Scotland and The Angus and Dundee City Tourist Board.
7. To produce an Economic Development Plan and to monitor the Council's economic policies and activities, and without prejudice to the powers and responsibilities of other Committees, to guide them and where appropriate, the Council, in the consideration and formulation of policies which impinge, affect, influence or which are likely to impinge, affect or influence the objectives of the Economic Development Committee.
8. The approval of applications for the award of grants, loans or guarantees to industrial or commercial undertakings or, where appropriate, to other bodies provided that where such assistance is to be given under the powers contained in Section 171A of the Local Government (Scotland) Act 1973 the Committee shall act within the terms of such guidance as shall be provided by the Finance Committee and the Council.
9. The approval of applications for the award of grants and loans by business co-operatives subject to the following limits:-
 - (1) Grants to new co-operatives of up to £1,000 per new job created subject to a maximum grant of £5,000;

- (2) Grants to existing co-operatives up to £5,000; and
 - (3) Loans of up to £10,000 on terms as to interest rates and repayment periods to be determined.
10. Consideration of proposals for the making of Equity Investment in Companies.
 11. The exercise of the powers of the Council under Section 8 of the Local Government and Planning (Scotland) Act 1982 and any other powers to co-operate with the Secretary of State in respect of the provision of training under the Employment and Training Act 1973 or otherwise. Provided always that the functions referred to in this paragraph shall stand delegated to the appropriate Sub-Committee as hereinafter provided for.
 12. The functions of the Council in relation to aerodromes under the Civil Aviation Act 1982; together with any functions in relation to aerodromes in terms of local enactments insofar as vested in the Council.

EDUCATION COMMITTEE

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 shall be delegated to it.

For the avoidance of doubt, the functions of the Council as Education Authority relating to the dismissal of teachers are hereby delegated to this Committee

ENVIRONMENTAL SERVICES AND SUSTAINABILITY COMMITTEE

1. The supervision and control of the Environmental Health and Trading Standards Department and the Waste Management Department.
2. The functions of the Council relating to the removal and disposal of refuse and abandoned vehicles, cleansing of streets and other areas as required, and provision and management of public conveniences and such other functions in regard to maintenance of vehicles as may be instructed by the Council.
3. All the functions, powers and duties of the Council as a Waste Disposal authority under any enactment.
4. The acquisition and disposal of land and buildings required for or surplus to any of the functions of the Committee.
5. The provision of the following Health Services:-
 - (a) The general sanitation of the City;
 - (b) Control of epidemic, endemic and infectious diseases;
 - (c) Inspection and supervision of food supplies;
 - (d) Port Health Services;
 - (e) Noise Abatement and Clean Air;
 - (f) Health and Safety at Work Etc Act 1974;
 - (g) Promotion of the safety, health and well-being of the community and prevention of the spread of disease by elimination of pollution in all its forms, including atmospheric pollution, bad sanitation, inadequate ventilation, overcrowding and other similar environmental hazards;
 - (h) Any other services which may be required by any enactment or which the Council may from time to time specify.

6. All the functions of the Council relating to environmental health and hygiene insofar as the same do not stand referred to any other Committee.
7. The functions of the Council relating to the lighting of common stairs etc
8. All the functions, powers and duties of the Council as a Waste Regulation Authority under any enactment.
9. The functions of the Council, including the consideration and approval of the terms of safety certificates under the Safety of Sports Grounds Act 1975 and the Fire Safety and Safety of Places of Sport Act 1987.
10. The functions of the Council relating to weights and measures, consumer protection, consumer credit and trading standards including, without prejudice to the foregoing generality, the following:-
 - (a) The functions of the Council as local Weights and Measures Authority for the purposes of the Weights and Measures Act 1985, all other enactments and directives of the European Union for which such Authority is the appropriate Authority; declaring, however, that matters relating to the provision of a consumer advice service in terms of Section 69(5) of the 1985 Act are only referred to the Committee.
 - (b) The functions of the Council under the Petroleum (Regulation) Acts, 1928 and 1936; Section 67 (Enforcement of Standards for Fertilisers and Feeding Stuffs) of the Agriculture Act 1970; The Poisons Act 1972; Section 17 (Specification and Design of Motor Cyclists' Helmets) of the Road Traffic Act 1988; Sections 94 and 99 (Disused Petrol Containers) of the Civic Government (Scotland) Act 1982; Agricultural Produce (Grading and Marking) Acts 1928-31; Section 18-26 of the Health and Safety at Work etc Act 1974; Sections 90, 108, 109, 117 (Medicated Animal Feeding Stuffs) of the Medicines Act 1968 and the Children and Young Persons (Protection from Tobacco) Act 1991.
 - (c) Any functions the Council is entitled to exercise under the Trading Stamps Act 1968, the Farm and Garden Chemicals Act 1968 and the Unsolicited Goods and Services Act 1971.
11. The functions of the Council under enactments involving the services of Scientific Services .
12. The functions of the Council as local authority under Section 10 of the Riotous Assemblies (Scotland) Act 1822 (Compensation for Damage by Riot); Section 10 of the Protection of Birds Act 1967 (Publicising of Effect of Protection of Birds Acts); and the Vehicles and Driving Licences Act 1969; to the extent to which the functions under these enactments (as amended by the 1973 Act) are vested in the Council.
13. The formulation and supervision of the Council's Environmental Strategies.
14. Approval, monitoring, review of Action Plans.
15. Consideration of applications and proposals for grants and subscriptions.
16. Consideration of Agenda 21 matters and sustainability issues.

FINANCE COMMITTEE

1. The supervision and control of the Finance Department
2. The supervision of the recovery of moneys due to the Council.
3. The management and control of the whole investments and funds forming part of the Common Good;

4. In general advising the Council on financial matters, and the supervision of the whole financial arrangements of the Council.
5. The fixing of the Non-Domestic Rate and the Council Tax.
6. 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 and regulations, including the functions of the Council relating to housing benefit and rebates from Council Tax including the appointment of the Review Board required by the Council Tax Benefit (General) Regulations 1992 and the disposal under any enactment of all other claims or applications for relief from or repayment of non-domestic rates.
7. The determination of the most appropriate method of raising any money which the Council are authorised under a statutory borrowing power to borrow.
8. The supervision and control of the Superannuation Funds (including the Property Fund) and any other fund of a similar nature set up by the Council in pursuance of statutory powers including (i) the review of investments, and (ii) the investment of new funds at the disposal of the Council.
9. The consideration of the report to be made by the Depute Chief Executive (Finance) on the borrowing and lending operations of the Council's Consolidated Loans Fund as provided for in Standing Orders and all other matters relating to the supervision and control of that Fund.
10. 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.
11. 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.
12. The acceptance and subsequent administration of all gifts, and legacies (whether of money or of heritable or moveable property) made to the Council for the benefit of the inhabitants of the City or any part thereof except insofar as the Council may decide that the administration of any particular gift or legacy should be referred to another Committee.
13. The consideration and reporting on proposals for the incurring, under the powers contained in Section 83 of the 1973 Act of expenditure which the Committee deem to be in the interests of the City or any part of it or all or some of its inhabitants and all expenditure on contributions to any of the functions specified in that Section, being expenditure in both cases for a purpose for which the Council are not authorised or required to make any payment by virtue of any other enactment.
14. The consideration on behalf of the City Council of matters arising out of the Abolition of Domestic Rates Etc (Scotland) Act 1987 and the Local Government Finance Act 1992 and any subordinate legislation which may be made thereunder so far as such matters are not referred or delegated to another Committee by these Standing Orders.
15. Approval, monitoring, review of Action Plans.
16. All matters arising under Sections 45-50 of the Local Government (Scotland) Act 1973 and the Local Authorities Etc (Allowances) (Scotland) Regulations 1991 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)).
17. Consideration of regular monitoring reports in respect of the Council's capital and revenue expenditure throughout each financial year.

18. To receive the audited and unaudited accounts for the Council, the DLO and DSOs.
19. To monitor all audit work associated with the Council both external and internal and to promote awareness of audit issues including anti-fraud.

HOUSING COMMITTEE

1. Supervision and control of Housing Department.
2. The provision of new houses in terms of the Housing (Scotland) Acts.
3. The modernisation and improvement of houses provided under the Housing (Scotland) Acts.
4. The fixing or variation of rents for all houses managed by the Council in terms of the Housing (Scotland) Acts.
5. The basis and method of allocation of houses managed by the Council in terms of the Housing (Scotland) Acts.
6. The sale of houses provided under The Housing (Scotland) Acts.
7. All the functions of the Council in terms of The Housing (Scotland) Acts and any Regulations or Order made thereunder except as otherwise provided in paragraphs 2-7 above.
8. Approval, monitoring, review of Action Plans.
9. Consideration of applications and proposals for grants and subscriptions.

LEISURE AND ARTS SERVICES COMMITTEE

1. The supervision and control of the Leisure and Arts Department.
2. The supervision, control and administration of Art Galleries and Museums, recreation grounds, tennis courts, the Wildlife Centre, bowling greens and golf courses and boating and yachting ponds, including the booking and promotion of all sports, leisure and recreational facilities and disposal of applications to hold meetings, picnics and other excursions associated with these facilities.
3. The supervision, control and administration of Baths, Bathing Pools and other public bathing facilities and associated leisure centres.
4. So far as appropriate, the administration, supervision, control and maintenance of, among other things:-
 - i) The Old Steeple
 - ii) The Steps Theatre
 - iii) Camperdown House
 - iv) City Arts Centre
 - v) Mills Observatory
 - vi) The Caird Hall
 - vii) The Dudhope Arts Centre.
5. The functions of the Council so far as relating to the provision and maintenance of public parks and open spaces and other places of public resort or recreation, including:-
 - (a) The maintenance and curtilage of the City Churches.
 - (b) The supervision, maintenance and control of Broughty Ferry Harbour.
6. The functions of the Council under the Allotments (Scotland) Acts 1892 to 1950 and any legislation amending or extending the same.

7. The management, control and administration of Camperdown and Belmont Estates (except Camperdown House).
8. The functions of the Council under the Burial Grounds (Scotland) Acts, other Public General Acts or Local Acts, so far as relating to the provision and maintenance of burial grounds including the granting and transfer of rights of burial.
9. The acquisition and disposal of land and buildings required for or surplus to any of the functions of the Committee.
10. The functions of the Council under the Countryside (Scotland) Act 1967.
11. Approval, monitoring, review of Action Plans.
12. Consideration of applications and proposals for grants and subscriptions.

LICENSING COMMITTEE

To exercise the Council's functions in connection with all licensing matters under Public General Statutes and Local Acts having effect within the area of the City or any part thereof including, without prejudice to the foregoing generality, the following:-

1. Performing Animals (Regulations) Act 1925;
2. Methylated Spirits (Sale by Retail) (Scotland) Act 1937;
3. Pet Animals Act 1951;
4. Hypnotism Act 1952;
5. Animal Boarding Establishments Act 1963;
6. Betting, Gaming and Lotteries Act 1963, Section 4 and Second Schedule relative to the registration of persons carrying on any pool betting business; Section 6 and Third Schedule relative to the licensing of tracks for betting;
7. Riding Establishments Act 1964 and 1970;
8. Game Licences under Section 44(1) of the Local Government (Scotland) Act 1966;
9. Gaming Act 1968 (Section 34 and Ninth Schedule relative to grant of permits for machines for amusement purposes);
10. Theatres Act 1968;
11. Lotteries and Amusements Act 1976, Section 5 and Schedule I relative to the promotion of societies, lotteries, Section 16 and the Third Schedule relative to the grant of permits for the provision of amusements with prizes at certain commercial entertainments;
12. Dangerous Wild Animals Act 1976;
13. The functions of the Council under Section 105 of the Licensing (Scotland) Act 1976 (Objections to the grant of a Certificate of Registration for a Club);
14. Slaughter of Animals (Scotland) Act 1980;
15. Zoo Licensing Act 1981;
16. The discharge of the functions of the Council in terms of the Civic Government (Scotland) Act 1982, so far as appropriate.

17. Cinemas Act 1985.
18. The Marriage (Approval of Places) (Scotland) Regulations 2002.
19. Consideration of applications for permission to hold street processions.

PERSONNEL COMMITTEE

1. The supervision and control of the Personnel Department.
2. Except as specifically provided in the Order of Reference of this or any other Standing Committee all policy matters relating to the following in respect of all employee groups:-
 - (i) employee numbers and grades;
 - (ii) policy and advice relating to recruitment;
 - (iii) conditions of service;
 - (iv) policy and advice relating to employee development and training;
 - (v) employee health, safety and welfare advice;
 - (vi) industrial relations;
 - (vii) organisational structure and development;
 - (viii) equal opportunities in employment;
 - (ix) Employment Disability Unit.
3. With the exception of sub-paragraphs 2(vii) and 2(viii) above, none of the foregoing provisions shall apply to persons employed as teachers in educational establishments (including instrumental music instructors in schools, advisers and educational psychologists).
4. To ensure that in all aspects of the Council's work no employee receives less favourable treatment because of race, colour, ethnic or natural origins, gender, disability, age, sexual identity, ethical or religious beliefs, trade union activity, basic skills, long term unemployment, being HIV positive, or because they have AIDS.
5. Approval, monitoring, review of Action Plans.

PLANNING AND TRANSPORTATION COMMITTEE

1. The supervision and control of the Planning and Transportation Department.
2. With the exception of those matters delegated to the Policy and Resources Committee and the Development Quality Committee, all the functions, powers and duties of the Council as Planning Authority in relation to, inter alia:-
 - (a) the preparation of statutory development plans and non-statutory planning policy and guidance;
 - (b) Conservation matters, including conservation of land and buildings in designated areas; listed buildings; and nature conservation;
 - (c) Environmental improvements and public art projects;
 - (d) Tree Preservation Orders, public rights of way and all other aspects of rural planning.
3. The submission of representations or objections to any proposals by other local authorities, public bodies and transport undertakers where the Committee considers this necessary in the interests of the District.
4. Land reclamation and control of the foreshore.
5. Naming of streets.

6. All the functions of the Council as Roads Authority under Public General Acts together with functions relating to both public and private streets and footways in terms of any local enactment insofar as such latter functions are vested in the Council and, in particular:-
 - (i) the preparation and revision from time to time of all lists of highways, bridges, roads and footways requiring to be kept by the Council in terms of any enactment and all formal resolutions pertaining thereto;
 - (ii) the maintenance of lists of persons to be invited to tender for contracts for the execution of works of engineering construction required for the purpose of functions of this Committee and the provision of related services;
 - (iii) the selection of tenderers, the invitation, consideration and acceptance of tenders for the execution of works of engineering construction required for the purpose of functions of this Committee and provision of related services;
 - (iv) the supervision of contracts for the erection, extension, renovation, adaptation, improvement and demolition works of engineering construction held or to be held for the purpose of functions of this Committee;
 - (v) consideration and determination of applications for consent for the construction of new roads and extensions of existing roads in terms of Section 21 of the Roads (Scotland) Act 1984;
 - (vi) to consider the need for all proposals for the making of Traffic Regulations Orders, Stopping-Up Orders, Side Road Orders and Stopping-Up of Private Accesses Orders under the Road Traffic Regulation Act 1984, Roads (Scotland) Act 1984 and Town and Country Planning (Scotland) Act 1997, and to undertake all necessary consultations.
 - (vii) to consider objections to proposed Traffic Regulation Orders and where appropriate to arrange hearings in accordance with the Local Roads Authorities' Traffic Orders (Procedure) (Scotland) Regulations 1987;
 - (viii) to consider all matters relating to the proposed location and installation of traffic calming measures and the relative statutory procedures;
 - (ix) to consider all matters relating to speed reduction measures and pedestrian safety issues adjacent to carriageways.
7. All functions relating to Transport under the enactments specified in Schedule 18 to the 1973 Act as amended and all such functions under local enactments which became vested in the Council.
8. All the functions of the Council in terms of the Transport Act 1985 and Transport (Scotland) Act 2001 including:-
 - (i) the acceptance of Tenders for service subsidies; and
 - (ii) all matters relating to the registration of local services and applications for imposition of traffic regulation conditions by the Traffic Commissioner.
9. The provision of advice to the Policy and Resources Committee.
10. The submission of and advice in relation to the formulation of the Council's Local Transport Strategy.
11. Community Regeneration Strategy including the Urban Aid Grant Strategy.
12. To oversee the Council's Social Inclusion Programme, both revenue and capital in relation to projects affecting the physical environment of the City.

13. The functions of the Council under the Plant Health Act 1967 and any Order or Regulations made thereunder.
14. Approval, monitoring, review of Action Plans.
15. Consideration of applications and proposals for grants and subscriptions.
16. The functions of the Council under the Safety of Sports Grounds Act 1975, the Safety of Places of Sport Act 1987 and any Orders or Regulations made thereunder.

POLICY AND RESOURCES COMMITTEE

1. To consider, in the light of the financial, property and personnel resources available to the Council, the broad social and economic needs of the City and the 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 time scale as the Committee may consider appropriate.
2. 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 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.
3. The supervision and control of the Chief Executive's Department and the Support Services Department and the approval, monitoring and review of their Actions Plans.
4. The co-ordination of the development and provision of all computing and information processing services for the Council.
5. The co-ordination of all press, publicity and promotional and design activities undertaken by the Council.
6. Development of the Council's Performance Review Strategy, co-ordinating its implementation and reviewing the need for change in that strategy.
7. The stimulation, co-ordination and monitoring of the development of performance indicators for Council services, both for internal use and external publication.
8. To stimulate, co-ordinate and monitor market research into public perceptions of the Council's performance for the purpose of establishing whether the methods of providing services, or the services themselves, are meeting the needs of the public.
9. To be responsible for monitoring and considering value for money studies on a corporate basis across the Council's activities to ensure that services are provided in a cost effective and efficient manner.
10. To be responsible for the development, implementation and review of the Council's Corporate Plan.
11. Consideration and approval of the Capital and Revenue Budget Guidelines.
12. Consideration of the Annual Capital Estimates.
- * 13. Consideration of the Annual Revenue Estimates.
14. Consideration of proposals for the review of the Capital and Revenue Estimates during the year.

15. Consideration of the annual Estimates of the Common Good.
16. To be responsible for the consideration of proposals for the amendment or revocation of any of the Standing Orders or Schemes of Administration.
17. To consider any matters not specifically referred to or delegated to any other Committee or not routinely dealt with at meetings of the Full Council.
18. To consider all matters associated with Best Value.

Best Value Sub-Committee of Policy and Resources Committee

To consider all matters associated with Best Value making recommendations to the Policy and Resources Committee as and when appropriate.

SOCIAL WORK COMMITTEE

1. The supervision and control of the Social Work Department.
2. The acquisition and disposal of land and buildings required for or surplus to any of the functions of the Committee.
3. The functions of the Council under all enactments relating to Social Work including:-
 - (i) The Social Work (Scotland) Act 1968
 - (ii) The National Assistance Act 1948 except for Section 50 (burial or cremation of the dead).
 - (iii) The National Assistance (Amendment) Act 1951.
 - (iv) The Disabled Persons (Employment) Acts 1944 and 1958.
 - (v) Section 111 of the Matrimonial Proceedings (Children) Act 1958.
 - (vi) The Chronically Sick and Disabled Persons Act 1970.
 - (vii) The Children Act 1975.
 - (viii) The Adoption (Scotland) Act 1978.
 - (ix) Sections 21 to 23 of the Health and Social Services and Social Security Adjudications Act.
 - (x) The Foster Children (Scotland) Act 1984.
 - (xi) The Mental Health (Scotland) Act 1984.
 - (xii) The Disabled Persons (Services, Consultation and Representation) Act 1986.
 - (xiii) The Children Act 1989 including: The determination of objections to decisions proposed under that Part.
 - (xiv) The Children (Scotland) Act 1995 except for Section 39 and Schedule 1 (functions in relation to the Children's Panel) and Section 101 (functions in relation to Panels of Curators ad Lidem, Reporting Officers and Safeguarders).
 - (xv) The Criminal Procedure (Scotland) Act 1995.

- (xvi) The Adults and Incapacity (Scotland) Act 2000.
- (xvii) The Regulation of Care (Scotland) Act 2001.
- (xviii) The Community Care and Health (Scotland) Act 2002.

- 3. Approval, monitoring and review of Action Plans.
- 4. Consideration of applications and proposals for grants and subscriptions.

ORDER OF REFERENCE FOR ROUTINE MEETINGS OF THE CITY COUNCIL

- 1. 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.
- 2. 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.
- 3. The consideration of any requests for permission to use the Council's Coat of Arms.
- 4. Proposals for the admission of any persons as honorary freemen of the City.
- 5. To fix public holidays for the city.
- 6. To be responsible for the maintenance and development of the Council's twinning links.
- 7. The consideration of any requests for hospitality which fall outwith the extent of the powers delegated to the Depute Chief Executive (Support Services) as detailed in the Scheme of Administration - Delegation of Powers.
- 8. Appointment of representatives to external bodies.
- 9. The making of Compulsory Purchase Orders.
- 10. The provision of or initiating of, opposition to, private legislation

LOCAL GOVERNMENT (SCOTLAND) ACT 1973

Section 43

SCHEDULE 7

(As amended by Section 38 of the Local Government (Scotland) Act 1975 and Para. 26 of Schedule 3 to the Local Government and Planning (Scotland) Act 1982)

Meetings and Proceedings of Local Authorities

1. (1) A Council shall hold in every year such meetings as they think necessary and in an election year shall hold a meeting within 21 days from the date of the election.
- (2) Meetings shall be held at such hours and on such days as the council at their first meeting decide or by standing order determine.
- (3) Meetings shall be held at such place, either within or without their area, as the council may direct.
- (4) A special meeting may be called at any time by the chairman of the council or on the requisition of at least one-fourth of the whole number of members of the council, which meeting shall be held within 14 days of receipt of the requisition by the proper officer of the council.
2. (1) Three clear days at least before a meeting of a council:-
 - (a) notice of the time and place of the intended meeting shall be published at the council's offices and, where the meeting is called by members of the council, the notice shall be signed by those members and shall specify the business proposed to be transacted thereat; and
 - (b) a summons to attend the meeting, specifying the business to be transacted thereat and signed by the proper officer of the council, shall, subject to sub-paragraph (2) below, be left at or sent by post to the usual place of residence of every member of the council.
- (2) If a member of a council gives notice in writing to the proper officer of the council that he desires summonses to attend meetings of the council to be sent to him at some address specified in the notice other than his place of residence, any summons addressed to him and left at or sent by post to that address shall be deemed sufficient service of the summons.
- (3) Want of service of a summons on any member of a council shall not affect the validity of a meeting of the council.
- (4) Except in the case of business required by or under this or any other Act to be transacted at a meeting of a council and any other business brought before that meeting as a matter of urgency in accordance with the council's standing orders, no business shall be transacted at a meeting of the council other than that specified in the summons relating thereto.
3. (1) At a meeting of a council the chairman, if present, shall preside.
- (2) If the chairman is absent from a meeting of the council, the vice-chairman shall preside.
- (3) If the chairman and vice-chairman are absent from a meeting of the council, another member of the council chosen by the members present shall preside.
4. (1) Subject to sub-paragraph (2) below, no business shall be transacted at a meeting of a council unless at least one-fourth of the whole number of members of the council are

present.

- (2) Where there are at the same time vacancies in the case of more than one third of the members of the council, then until the number of members in office is increased to not less than two thirds of the whole number of members of the council, the quorum of the council shall be determined by reference to the number of members of the council remaining instead of by reference to the whole number of members of the council, so however that the quorum shall never be less than one-eighth of the whole number of members of the council or three members, whichever is the greater number.
5. (1) Subject to this or any other Act and to any provisions of standing orders relating to the suspension of such orders, all questions coming or arising before a council shall be decided by a majority of the members of the council present and voting thereon at a meeting of the council.
- (2) In the case of an equality of votes the person presiding at the meeting shall have a second or casting vote except where the matter which is the subject of the vote relates to the appointment of a member of the council to any particular office or committee, in which case the decision shall be by lot.
6. The names of the members present at a meeting of a council shall be recorded.
7. (1) Minutes of the proceedings of a meeting of a council shall be drawn up and shall be signed at the same or next following meeting of the council by the person presiding thereat, and any minute purporting to be so signed shall be received in evidence without further proof.
(2) Until the contrary is proved, a meeting of a council a minute of whose proceedings has been made and signed in accordance with this paragraph shall be deemed to have been duly convened and held, and all the members present at the meeting shall be deemed to have been duly qualified.
8. Subject to the provisions of this Act a council may make standing orders for the regulation of their proceedings and business and may vary or revoke any such orders.
9. The proceedings of a council shall not be invalidated by any vacancy among their number or by any defect in the election or qualifications of any member thereof.
10. (1) Paragraphs 5 to 9 above (except paragraph 7(2)) shall apply in relation to:-
 - (a) a committee (including a joint committee) of a council and that committee's members; or
 - (b) a sub-committee of any such committee of a council and that sub-committee's members, as those paragraphs apply in relation to a council and that council's members.
 (2) Until the contrary is proved, where a minute of any meeting of any such committee or sub-committee has been made and signed in accordance with paragraph 7 above as applied by this paragraph, the committee or sub-committee shall be deemed to have been duly constituted and to have had power to deal with the matters referred to in the minute, the meeting shall be deemed to have been duly convened and held and the members recorded under paragraph 6 above as having been present at the meeting shall be deemed to have been duly qualified.

APPENDIX

THE ETHICAL STANDARDS IN PUBLIC LIFE ETC (SCOTLAND) ACT 2000

CODE OF CONDUCT FOR COUNCILLORS

CODE OF CONDUCT FOR COUNCILLORS

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SECTION 1: INTRODUCTION TO THE CODE OF CONDUCT

- 1.1 The Scottish public has a high expectation of councillors and the way in which they should conduct themselves in undertaking their duties in the Council. You must meet those expectations by ensuring that your conduct is above reproach.
- 1.2 The Ethical Standards in Public Life etc (Scotland) Act 2000 provides for the introduction of new codes of conduct for local authority councillors and members of relevant public bodies; imposes on Councils and relevant public bodies a duty to help their members to comply with the relevant code; and establishes a Standards Commission for Scotland to oversee the new framework and deal with alleged breaches of the codes. The Act requires the issue of a Code of Conduct for councillors - this Code - which was prepared by CoSLA at the invitation of Scottish Ministers and has been approved by the Scottish Parliament.
- 1.3 This Code applies to every member of a local authority in Scotland. As a councillor, it is your responsibility to make sure that you are familiar with, and that your actions comply with, its provisions.
- 1.4 This Code reflects the legal framework of Scottish Councils at the date of the Code's publication. Councillors and employees should interpret it in the context of their individual council's decision making structure.

Guidance on the Code of Conduct

- 1.5 Councillors hold public office under the law and must observe the rules of conduct stemming from the law, this Code and any guidance from the Standards Commission and the rules, standing orders and regulations of the Council. It is your personal responsibility to comply with these and review regularly, and at least annually, your personal circumstances with this in mind, particularly when your circumstances change. You must not, at any time, advocate or encourage any action contrary to the Code of Conduct.
- 1.6 The sections of the Code which follow have been developed in line with the key principles listed in Section 2 and provide additional information on how the principles should be interpreted and applied in practice. No written information can provide for all circumstances and if you are uncertain about how the rules apply, you should seek advice from senior Council employees. You may also choose to consult your own legal advisers, and on detailed financial and commercial matters, to seek advice from other relevant professionals.

Enforcement

- 1.7 Part 2 of the Ethical Standards in Public Life etc (Scotland) Act sets out the provisions for dealing with alleged breaches of the Code and for the sanctions that will be applied if the Standards Commission for Scotland finds that there has been a breach of the Code. In respect of councillors, those sanctions are set out in Annex A.

SECTION 2: KEY PRINCIPLES OF THE CODE OF CONDUCT

2.1 The general principles upon which this Code of Conduct is based are:

Duty

You have a duty to uphold the law and act in accordance with the law and the public trust placed in you. You have a duty to act in the interests of the Council as a whole and all the communities served by it and a duty to be accessible to all the people of the area for which you have been elected to serve, and to represent their interests conscientiously.

Selflessness

You have a duty to take decisions solely in terms of the public interest. You must not act in order to gain financial or other material benefit for yourself, family or friends.

Integrity

You must not place yourself under any financial or other obligation to any individual or organisation that might reasonably be thought to influence you in the performance of your duties.

Objectivity

You must make decisions solely on merit when carrying out public business including making appointments, awarding contracts or recommending individuals for rewards and benefits.

Accountability and Stewardship

You are accountable for your decisions and actions to the public. You have a duty to consider issues on their merits, taking account of the views of others, and you must ensure that the Council uses its resources prudently and in accordance with the law.

Openness

You have a duty to be as open as possible about your decisions and actions, giving reasons for your decisions and restricting information only when the wider public interest clearly demands.

Honesty

You have a duty to act honestly. You must declare any private interests relating to your public duties and take steps to resolve any conflicts arising in a way that protects the public interest.

Leadership

You have a duty to promote and support these principles by leadership and example, and to maintain and strengthen the public's trust and confidence in the integrity of the Council and its councillors in conducting public business.

Respect

You must respect all other councillors and all Council employees and the role they play, treating them with courtesy at all times.

2.2 You should apply the principles of this Code to your informal dealings with the Council's employees, party political groups and others no less scrupulously than at formal meetings of the Council and its committees and sub-committees.

SECTION 3: GENERAL CONDUCT

- 3.1 The principles of good conduct in this section must be observed in all situations where you act as a councillor, including representing the Council on official business.

Relationship with Council Employees (including those employed by contractors providing services to the Council)

- 3.2 You must respect all Council employees and the role they play, and treat them with courtesy at all times. It is expected that employees will show the same consideration in return.
- 3.3 Whilst both you and Council employees are servants of the public, you have separate responsibilities: you are responsible to the electorate but the employee is responsible to the Council as his or her employer. You must also respect the different roles that you and an employee play. Your role is to determine policy and to participate in decisions on matters placed before you, not to engage in direct operational management of the Council's services; that is the responsibility of the Council's employees. It is also the responsibility of the Chief Executive and senior employees to help ensure that the policies of the Council are implemented.
- 3.4 You must follow the Protocol for Relations between Councillors and Employees attached at Annex C. A breach of the Protocol will be considered as a breach of this Code.

Allowances

- 3.5 You must comply with the rules for the payment to councillors of remuneration, allowances and expenses.

Gifts and Hospitality

- 3.6 You must never ask for gifts or hospitality.
- 3.7 You are personally responsible for all decisions connected with the acceptance of gifts or hospitality offered to you and for avoiding the risk of damage to public confidence in your Council and in local government. As a general guide, it is usually appropriate to refuse offers except:
- (a) isolated gifts of a trivial character or inexpensive seasonal gifts such as a calendar or diary or other simple items of office equipment of modest value;
 - (b) normal hospitality associated with your duties and which would reasonably be regarded as appropriate; or
 - (c) civic gifts received on behalf of the Council.
- 3.8 You must not accept any offer by way of gift or hospitality which could give rise to a reasonable suspicion of influence on your part to show favour or disadvantage to any individual or organisation. You should also consider whether there may be any reasonable perception that any gift received by your spouse or cohabitee or by any company in which you have a controlling interest, or by a partnership of which you are a partner, can or would influence your judgement. The term "gift" includes benefits such as relief from indebtedness, loan concessions, or provision of services at a cost below that generally charged to members of the public.
- 3.9 You must not accept any offer of a gift or hospitality from any individual or organisation who is an applicant awaiting a decision from the Council or who is seeking to do business or to continue to do business with the Council. If you are making a visit to inspect equipment, vehicles, land or property, then as a general rule you should ensure that the Council pays for the cost of these visits.

- 3.10 You must only accept offers to attend social or sporting events where these are clearly part of the life of the community or where the Council would be expected to be represented.
- 3.11 You must not accept repeated hospitality from the same source.
- 3.12 If it is the practice of the Council to seek sponsorship for some of its activities or events, you must ensure that your involvement with the sponsors is limited to the event in question and does not damage public confidence in the relationship between the Council and the sponsors.
- 3.13 You must record with the appropriate officer the details of any gifts or hospitality received. This record will be available for public inspection.

Conduct in the Chamber or in Committee

- 3.14 You must respect the chair, your colleagues, Council employees and any members of the public present within the Chamber during Council or Committee meetings or other formal proceedings of the Council. You must comply with rulings from the chair in the conduct of the business of the Council.

Confidentiality Requirements

- 3.15 Council proceedings and printed material are generally open to the public. This should be the basis on which you normally work but there may be times when you will be required to treat discussions, documents or other information relating to the Council in a confidential manner, in which case you must observe such requirements for confidentiality.
- 3.16 You will often receive information of a private nature which is not yet public or which perhaps would not be intended to be public. There are provisions in legislation on the categories of confidential and exempt information and you must always respect and comply with the requirement to keep such information private. Legislation gives you certain rights to obtain information not otherwise available to the public and you are entitled to exercise these rights where the information is necessary to carry out Council duties. Such information is, however, for your individual use as a councillor and must not be disclosed or in anyway used for personal or party political advantage or in such a way as to discredit the Council. This will also apply in instances where you hold the personal view that such information should be publicly available.

Use of Council Facilities

- 3.17 The Council will normally provide facilities to assist councillors in carrying out their duties as councillors or as holders of a particular office within the Council. This may involve access to secretarial assistance, stationery and equipment such as telephones, fax machines and computers. Such facilities must only be used in carrying out Council duties and must never be used for party political or campaigning activities. Where the Council recognises party political groups, assistance to such groups is appropriate in relation to Council matters but must not extend to political parties more generally and you should be aware of and ensure the Council complies with the statutory rules governing local authority publicity.

Appointments to Partner Organisations

- 3.18 You may be appointed or nominated by the Council as a member of another body or organisation. If so, you will be bound by the rules of conduct of these organisations and your responsibility for any actions taken by you as a member of such an organisation will be to the organisation in question. You must also continue to observe the rules of this Code in carrying out the duties of that body.
- 3.19 If you become a director of a company as a nominee of the Council you will assume personal responsibilities under the Companies Acts. It is possible that a conflict of interest may arise for you as between the company and the Council. In such cases it is your responsibility to take advice on your responsibilities to the Council and to the company. This will include questions of declarations of interest.

Dealings with the Council

- 3.20 You will inevitably have dealings on a personal level with the Council of which you are a member - for example as a Council taxpayer, ratepayer, tenant, recipient of a Council service or applicant for a licence or consent granted by the Council. You must not seek preferential treatment for yourself, your family, friends, colleagues or employees because of your position as a councillor or as a member of a body to which you are appointed by the Council and you must avoid any action which could lead members of the public to believe that preferential treatment is being sought.

Responsibilities to the Council as a Member of the Public

- 3.21 The law makes specific provision that if a councillor is in two months' arrears with payment of Council tax that councillor may not participate in certain decisions concerning Council tax issues, in order to preserve public confidence that councillors are taking decisions in the general public interest. Similar considerations should apply in other forms of dealings between you and the Council where indebtedness may arise. Whilst you are a member of the community, you are also a representative of that community and of the Council to which you are elected. As there is potential for public perception of abuse of position and poor leadership, you must seek to avoid being in debt to the Council.
- 3.22 If you owe a debt to the Council, for example, in relation to rent due for a council house or commercial premises where the Council is the landlord, you must put in place at the earliest opportunity arrangements for repayment. You must avoid being in a situation which might lead the public to believe that preferential treatment is being sought. You must not participate in any decision which may create suspicion of a conflict of interest. For example, where you are in arrears of rent for a council house, you must not participate in decisions affecting the levels of rent to be paid by council house tenants.

SECTION 4: REGISTRATION OF INTERESTS

- 4.1 The following paragraphs set out the categories of interests, financial and otherwise, which you have to register. These are "Registerable Interests", and you must ensure that they are registered, when you are elected and whenever your circumstances change.
- 4.2 Regulations made by Scottish Ministers describe the detail and timescale for registering interests. It is your personal responsibility to comply with these regulations and you should review regularly and at least once a year your personal circumstances. Annex B contains key definitions and explanatory notes to help you decide what is required when registering your interests under any particular category. The interests which require to be registered are those set out in the following paragraphs and relate to you. It is not necessary to register the interests of your spouse, or cohabitee.

Category One: Remuneration

- 4.3 You have a registerable interest where you receive remuneration by virtue of being:
- employed;
 - self-employed;
 - the holder of an office;
 - a director of an undertaking;
 - a partner in a firm; or
 - undertaking a trade, profession or vocation, or any other work.
- 4.4 You do not have a registerable interest simply because you are a councillor.
- 4.5 If a position is not remunerated it does not need to be registered under this category. However, unremunerated directorships may need to be registered under category two "Related Undertakings".
- 4.6 If you receive any allowances in relation to membership of any organisation the fact that you receive such an allowance must be registered.
- 4.7 When registering employment, you must give the name of the employer, the nature of its business and the nature of the post held in the organisation.
- 4.8 When registering self-employment, you must provide the name and give details of the nature of the business. When registering an interest in a partnership, you must give the name of the partnership and the nature of its business.
- 4.9 Where you otherwise undertake a trade, profession or vocation, or any other work, the detail to be given is the nature of the work and its regularity. For example, if you write for a newspaper, you must give the name of the publication and the frequency of articles for which you are paid.
- 4.10 When registering a directorship, it is necessary to provide the registered name of the undertaking in which the directorship is held and detail the nature of its business.
- 4.11 Registration of a pension is not required as this falls outside the scope of the category.

Category Two: Related Undertakings

- 4.12 You must register any directorships held which are themselves not remunerated but where the company (or other undertaking) in question is a subsidiary of, or a parent of, a company (or other undertaking) in which you hold a remunerated directorship.
- 4.13 You must register the name of the subsidiary or parent company or other undertaking and the nature of its business, and its relationship to the company or other undertaking in which you are a director and from which you receive remuneration.

4.14 The situations to which the above paragraphs apply are as follows:

- you are a director of a board of an undertaking and receive remuneration - declared under Category one - and
- you are a director of a parent or subsidiary undertaking but do not receive remuneration in that capacity.

Category Three: Contracts

4.15 You have a registerable interest where you (or a firm in which you are a partner, or an undertaking in which you are a director or in which you have shares of a value as described in paragraph 4.20 below) have made a contract with the Council of which you are a member:

- (i) under which goods or services are to be provided, or works are to be executed; and
- (ii) which has not been fully discharged.

4.16 You must register a description of the contract, including its duration, but excluding the consideration.

Category Four: Election Expenses

4.17 You must register a statement of any assistance towards elections expenses received within the last twelve months.

Category Five: Houses, Land and Buildings

4.18 You have a registerable interest where you own or have any other right or interest in houses, land and buildings, such as being an owner or a tenant, including council tenant.

4.19 You are required to give the address of the property, or otherwise give a description sufficient to identify it.

Category Six: Interest in Shares and Securities

4.20 You have a registerable interest where you have an interest in shares comprised in the share capital of a company or other body and the nominal value of the shares is:

- (i) greater than 1% of the issued share capital of the company or other body; or
- (ii) greater than £25,000.

Category Seven: Non-Financial Interests

4.21 Councillors may also have significant non-financial interests and it is equally important that relevant interests such as membership or holding office in public bodies, companies, clubs, societies and organisations such as trades unions and voluntary organisations, are registered and described. In this context, non-financial interests are those which members of the public might reasonably think could influence your actions, speeches or votes in the Council.

SECTION 5: DECLARATION OF INTERESTS

- 5.1 The key principles of the Code, especially those which specify integrity, honesty and openness are given further practical effect by the requirement for you to declare interests at meetings which you attend. The rules on declaration of interest, along with the rules which require registration of interests, are intended to produce transparency in regard to interests which might influence, or be thought to influence, your actions as a councillor.
- 5.2 It is your responsibility to make decisions about whether you have to declare an interest or make a judgement as to whether a declared interest prevents you from taking part in any discussions or voting. You are in the best position to assess your personal circumstances and to judge how these circumstances affect your role as a councillor in regard to a particular matter. You can, of course, seek advice from appropriate Council officers or from other sources which may be available to you. In making decisions for which you are personally responsible you are advised to err on the side of caution.
- 5.3 You may feel able to state truthfully that an interest would not influence your role as a councillor in discussion or decision-making. You must, however, keep in mind that the test is whether a member of the public, acting reasonably, would think that a particular interest could influence your role as a councillor.
- 5.4 Much of the content of the rules set out in this section of the Code refers to Council or Committee meetings. The principles relating to declaration of interests are not confined to such meetings. You must apply these principles no less scrupulously in your dealings with Council officers, at meetings with other councillors, including party group meetings, meetings of Joint Boards and Joint Committees and any other meeting, formal or informal, where you are representing your Council.

Interests which Require Declaration

- 5.5 Interests which require to be declared may be financial or non-financial. They may or may not cover interests which are registerable in terms of this Code. Most of the interests to be declared will be your personal interests but, on occasion, you will have to consider whether the interests of other persons require you to make a declaration. The paragraphs which follow deal with (a) your financial interests, (b) your non-financial interests and (c) the interests, financial and non-financial, of other persons.

Your Financial Interests

- 5.6 Any financial interest which is registerable under any of the categories prescribed in Section 4 of this Code must be declared.
- 5.7 The financial interests which you may have to declare are not confined to those which are registerable. You may, for example, in the course of employment or self-employment, be engaged in providing professional advice to a person whose interests are a component of a matter to be dealt with by a Council Committee.
- 5.8 You do not have a financial interest which you have to declare as a Council tax payer or ratepayer or, in respect of any issue relating to the terms of services which are offered to the public generally, as a recipient or non-recipient of those services. Similarly, you do not have a financial interest in relation to any consideration of councillors' allowances or services provided by the Council to councillors to assist them in carrying out their duties.

Your Non-Financial Interests

- 5.9 If you have registered a non-financial interest under category seven of Section 4 you have recognised that it is a significant non-financial interest. There is, therefore, a very strong presumption that this interest will be the subject of declaration in any context where there is any link between a matter which requires your attention as a councillor and the registered interest.

- 5.10 As a councillor you will serve on other bodies as a result of express nomination or appointment by your Council or otherwise by virtue of being a councillor. Your membership of statutory Joint Boards or Joint Committees which are composed exclusively of Councillors does not raise any issue of declaration of interest in regard to Council business. In relation to service on the boards and management committees of limited liability companies, public bodies, societies and other organisations, you must decide, in the particular circumstances surrounding any matter, whether to declare a non-financial interest. Only if you believe that, in the particular circumstances, the nature of the interest is irrelevant or without significance, should it not be declared. You must always remember the public interest points towards transparency and, in particular, a possible divergence of interest between the Council and another body. Keep particularly in mind the advice in paragraph 3.19 of this Code about your legal responsibilities to any limited liability company of which you are a director.
- 5.11 You will also have other private and personal interests and may serve, or be associated with, bodies, societies and organisations as a result of your private and personal interests and not because of your role as a councillor. In the context of any particular matter you will have to decide whether to declare a non-financial interest. You should declare an interest unless you believe that, in the particular circumstances, the interest is irrelevant or without significance. In reaching a view you should consider whether your interest (whether taking the form of association or the holding of office) would be seen by a member of the public acting reasonably in a different light because it is the interest of a person who is a councillor as opposed to the interest of an ordinary member of the public.

The Interests of Other Persons

- 5.12 The Code requires only your financial interests to be registered. You may, however, have to consider whether you should declare an interest in regard to the financial interests of your spouse or cohabitee which are known to you. You may have to give similar consideration to any known non-financial interest of a spouse or cohabitee. You have to ask yourself whether a member of the public acting reasonably would regard these interests as effectively the same as your interests in the sense of potential effect on your responsibilities as a councillor.
- 5.13 The interests known to you, both financial and non-financial, of relatives and close friends may have to be declared. This Code does not attempt the task of defining “relative” or “friend”. Not only is such a task one fraught with difficulty but is also unlikely that such definitions would reflect the intention of this part of the Code. The key principle is the need for transparency in regard to any interest which might (regardless of the precise description of relationship) be objectively regarded by a member of the public, acting reasonably, as potentially affecting your responsibilities as a councillor.

Making a Declaration

- 5.14 You must consider at the earliest stage possible whether you have an interest to declare in relation to any matter which is to be considered. You should consider whether agendas for meetings raise any issue of declaration of interest. Your declaration of interest must be made as soon as practicable at a meeting where that interest arises. If you do identify the need for a declaration of interest only when a particular matter is being discussed you must declare the interest as soon as you realise it is necessary.
- 5.15 The oral statement of declaration of interest should identify the item or items of business to which it relates. The statement should begin with the words “I declare an interest”. The statement must be sufficiently informative to enable those at the meeting to understand the nature of your interest but need not give a detailed description of the interest.

Effect of Declaration

- 5.16 Declaring a financial interest has the effect of prohibiting any participation in discussion and voting. You should leave the meeting room until discussion of the item of business is concluded.

- 5.17 A declaration of a non-financial interest involves a further exercise of judgement on your part. You must consider the relationship between the interest which has been declared and the particular matter to be considered and relevant individual circumstances surrounding the particular matter.
- 5.18 In the final analysis the conclusive test is whether, in the particular circumstances of the item of business, and knowing all the relevant facts, a member of the public acting reasonably would consider that you might be influenced by the interest in your role as a councillor and that it would therefore be wrong to take part in any discussion or decision making. If you are not confident about the application of this objective yardstick, you should play no part in discussion and should leave the meeting room until discussion of the particular item is concluded. If you, in conscience, believe that your continued presence would not fall foul of this objective test, then declaring an interest will not preclude your involvement in discussion or voting.

Frequent Declarations of Interest

- 5.19 Public confidence in a local authority is damaged by perception that a Council's decisions are substantially influenced by factors other than the public interest. If you would have to declare interests frequently at meetings of a particular committee or in respect of any role which you are asked to discharge as a councillor, you should not accept a role or appointment with that attendant consequence. Similarly, if any Council appointment or nomination to another body would give rise to objective concern because of your existing personal involvements or affiliations, you should not accept the appointment or nomination.

Dispensations

- 5.20 In some very limited circumstances dispensations may be granted by the Standards Commission in relation to the existence of financial and non-financial interests which in terms of this Code would otherwise prohibit participation in discussion and voting. 5.21 Applications for dispensations will be considered by the Standards Commission which will be able to entertain requests for dispensations which will apply generally to a class or description of councillors who are all affected by a particular category of interest. In situations where general or category dispensations are not granted by the Standards Commission, applications for particular dispensations should be made as soon as possible in advance of any meetings where dispensation is sought. You should take no part in consideration of the matter in question unless, and until, the application for dispensation is granted.

SECTION 6: LOBBYING AND ACCESS TO COUNCILLORS

- 6.1 In order for the Council to fulfil its commitment to being open, accessible, and responsive to the needs of the public, it needs to encourage appropriate participation by organisations and individuals in the decision-making process. Clearly however, the desire to involve the public and other interest groups in the decision-making process must take account of the need to ensure transparency and probity in the way in which the Council conducts its business.
- 6.2 You will need to be able to consider evidence and arguments advanced by a wide range of organisations and individuals in order to perform your duties effectively. Some of these organisations and individuals will make their views known directly to individual councillors or Council committees. The rules and standards in this Code set out how you should conduct yourself in your contacts with those who seek to influence you.
- 6.3 You may be lobbied by a wide range of people including individuals, organisations, companies and developers. As a general rule, it is an essential element of the democratic system that any individual should be able to lobby the Council or a councillor. However, particular considerations apply when you are dealing with applications under regulatory powers such as planning and with matters of a quasi-judicial nature such as the determination of certain licence applications.
- 6.4 Political group meetings should not be used to decide how councillors should vote on such applications, or on individual staffing matters such as the appointment or discipline of employees. It is a breach of this Code to comply with political group decisions on such matters where these differ from your own views.

SECTION 7: TAKING DECISIONS ON INDIVIDUAL APPLICATIONS

- 7.1 On questions which councillors have to decide on individual applications you may have to take account of different points of view. However, the legal responsibility for decisions will always be your own.

Dealing with Planning Applications

- 7.2 As a councillor you may have to deal with planning applications. You may become involved in local cases as a ward representative, or you may be more actively involved in decision making as a member of a committee or at meetings of the Council which deal with planning applications. If so, it is your duty to ensure that development decisions are properly taken and that parties involved in the development process are dealt with fairly.
- 7.3 To reduce the risk of planning decisions being legally challenged, in your dealings with planning applications you must not only avoid impropriety, but must at all times avoid any occasion for suspicion and any appearance of improper conduct.
- 7.4 If you have substantial property or other interests which would prevent you from voting on a regular basis you should not sit on a committee which deals with planning applications.
- 7.5 You must not act on behalf of, or as an agent for, an applicant for planning permission with the Council other than in the course of your professional role which you have registered.
- 7.6 When making a planning application for your own property, you must not take any further part in the development control process following submission of the planning application.
- 7.7 You must never seek to pressure planning officers to provide a particular recommendation on any planning application, planning agreement or taking enforcement action.
- 7.8 You should not organise support or opposition, lobby other councillors or act as an advocate to promote a particular recommendation on a planning application, on a planning agreement or on taking enforcement action.
- 7.9 It is possible that you may receive representations from interested parties in relation to planning applications. If you are a member of the committee which deals with planning applications, or if you are to attend a meeting of the Council to consider planning applications, and you wish to respond to lobbying by constituents or others by openly advocating a particular course of action prior to the meeting, you must declare an interest and not take part in any consideration of the application in question and you must leave the meeting room until consideration of the matter is concluded.
- 7.10 If you propose to take part in the consideration of planning applications at a meeting of a committee or of the Council, you must not give grounds to doubt your impartiality. You must not make public statements about a pending application, to ensure that you are not seen to be prejudging a decision which will be made at the meeting where all the information required to take a decision will be available. You must not indicate or imply your support or opposition to a proposal, or declare your voting intention, before the meeting. Anyone who may be seeking to influence you must be advised that you will not formulate an opinion on a particular proposal until all available information is to hand and has been duly considered at the relevant meeting.
- 7.11 If you have an interest, whether financial, non financial, or personal, in the outcome of a decision on a planning application, or a planning agreement, or on taking enforcement action, you must declare that interest and refrain from taking part in the consideration of the application.

SANCTIONS APPLIED BY STANDARDS COMMISSION FOR BREACH OF THE CODE

- (a) Censuring the councillor;
- (b) suspending, for a period not exceeding one year, the councillor's entitlement to attend one or more but not all of the following:
 - i) all meetings of the Council;
 - ii) all meetings of one or more committees or sub-committees of the council;
 - iii) all meetings of any other body on which that councillor is a representative or nominee of the council;
- (c) suspension, for a period not exceeding one year, of the councillor's entitlement to attend all meetings of the council, and of any committee or sub-committee of the council; and of any other body on which the councillor is a representative or nominee of the council;
- (d) disqualifying the councillor, for a period not exceeding five years, from being or being nominated for election as, or from being elected as, a councillor.

A period of suspension under (b) or (c) above which would continue until or beyond an ordinary election will come to an end at the beginning of the day on which that election is held.

Disqualification of a councillor has the effect of vacating that councillor's office and extends to the councillor's membership of any committee or sub-committee of the council, any joint committee, joint board or other body on which the councillor is a representative or nominee of the Council.

Where a councillor is also a member of a devolved public body (as defined in the Ethical Standards in Public Life etc (Scotland) Act 2000), other than as a representative or nominee of the Council, or is the Water Industry Commissioner, the Commission may also remove or disqualify that person in respect of that membership. Full details of the sanctions are set out in Section 19 of the Act.

DEFINITIONS

1. **“Remuneration”** includes any salary, wage, share of profits, fee, expenses, other monetary benefit or benefit in kind. This would include, for example, the provision of a company car or travelling expenses by an employer.
2. **“Undertaking”** means: (a) a body corporate or partnership; or (b) an unincorporated association carrying on a trade or business, with or without a view to a profit.
3. **“Related Undertaking”** is a parent or subsidiary company of a principal undertaking of which you are also a director. You will receive remuneration for the principal undertaking though you will not receive remuneration as director of the related undertaking.
4. **“Parent Undertaking”** is an undertaking in relation to another undertaking, a subsidiary undertaking, if (a) it holds a majority of the voting rights in the undertaking; or (b) it is a member of the undertaking and has the right to appoint or remove a majority of its board of directors; or (c) it has the right to exercise a dominant influence over the undertaking (i) by virtue of provisions contained in the undertaking’s memorandum or articles or (ii) by virtue of a control contract; or (d) it is a councillor of the undertaking and controls alone, pursuant to an agreement with other shareholders or councillors, a majority of the voting rights in the undertaking.
5. **“Election expenses”** means expenses incurred, whether before, during or after the election, on account of, or in respect of, the conduct or management of the election.
6. **“A person”** means a single individual or legal person and includes a group of companies.
7. **“Group of companies”** has the same meaning as “group” in section 262(1) of the Companies Act 1985. A “group”, within s262(1) of the Companies Act 1985, means a parent undertaking and its subsidiary undertakings.
8. **“Any person”** includes individuals, incorporated and unincorporated bodies, trade unions, charities and voluntary organisations.
9. **“Spouse”** does not include a former spouse or a spouse who is living separately and apart from you.
10. **“Cohabitee”** includes a person, whether of the opposite sex or not, who is living with you in a relationship similar to that of husband and wife.
11. **“Chair”** includes Committee Convener or any person discharging similar functions under alternative decision making structures.

PROTOCOL FOR RELATIONS BETWEEN COUNCILLORS AND EMPLOYEES IN SCOTTISH COUNCILS

Principles

1. This protocol sets out the way in which Councils and employees of Councils should behave towards one another. It does not cover all the variety of circumstances which can arise, but the approach which it adopts will serve as a guide to dealing with other issues as they come up.
2. Councillors and employees should work in an atmosphere of mutual trust and respect, with neither party seeking to take unfair advantage of their position.

Scope

3. The most common contacts are between councillors and senior employees at Chief Executive, Director or Head of Service level, and this protocol is largely about those contacts. There are also many contacts between councillors and other employees in their daily business, and the principles of this protocol also apply to them. The particular position of employees who provide direct support services for councillors is dealt with separately at paragraph 21.

Members' and employees' roles

4. Within a Council, councillors have a number of different roles, all of which call for separate consideration. Some councillors are chairs of committees, most belong to political groups, and all have a local constituency to represent.
5. Legally, employees are employed by the Council and are accountable to it. Ultimately they serve the Council as a whole and not any particular political group, combination of groups or any individual member. Nonetheless, political groups exist in most Councils and employees may properly be called upon to assist the deliberations of political groups and also to help individual members in their different roles. Chief Executives and Senior Officers have ultimate responsibility to ensure that the Council's responsibilities are implemented.

Office bearers

6. It is clearly important that there should be a close professional working relationship between the Chair of a committee and the director and other senior employees of any service which reports to that committee. However, such relationships should never be allowed to become so close, or appear to be so close, as to bring into question employees' ability to deal impartially with other councillors, and the ability of Chairs to deal impartially with other employees.
7. The Chair of a committee will often be consulted on the preparation of agendas and reports. Employees will always be fully responsible for the contents of any report submitted in their name and have the right to submit reports to members on their areas of professional competence. While employees will wish to listen to the views of conveners, they must retain final responsibility for the content of reports.
8. Committee Chairs are recognised as the legitimate elected spokesperson on their committees' areas of responsibility. Where authority is delegated to employees they will often wish to consult Chairs of committees about the action which they propose to take but the responsibility for the final decision remains with the employee who is accountable for it. Chairs should bear this in mind when discussing proposed action with employees. 9. Committee Chairs will have many dealings with employees. Those employees should always seek to assist a committee Chair but it must be remembered that they are ultimately responsible to the Head of the Service.

Political groups

10. Most Councils operate through a system of groups of councillors, many of them based on political affiliation. All employees must, in their dealings with political groups and individual members, treat them in a fair and even-handed manner. Employees must at all times, maintain political neutrality.
11. The support provided by employees can take many forms, ranging from the meeting with the Chair and vice-Chair before a committee meeting to a presentation to a full party group meeting. Whilst in practice such support is likely to be in most demand from whichever party group is for the time being in control of the Council, it should be available to all party groups. The advice given by employees to different party groups should be consistent.
12. Certain matters must, however, be clearly understood by all those participating in this type of process, councillors and employees alike. In particular:
 - Council rules about groups' access to employees, eg all requests being approved by the Chief Executive, must be followed;
 - employee support in these circumstances must not extend beyond providing information and advice in relation to matters of Council business. The observance of this distinction will be assisted if employees are not expected to be present at meetings or parts of meetings, when matters of party business are to be discussed;
 - party group meetings, whilst they form part of the preliminaries to Council decision-making, are not empowered to make decisions on behalf of the Council. Conclusions reached at such meetings do not therefore rank as Council decisions and it is essential that they are not interpreted or acted upon as such;
 - where employees provide information and advice to a party group meeting in relation to a matter of Council business, this cannot act as a substitute for providing all necessary information and advice to the relevant committee or sub-committee when the matter in question is considered;
 - political groups need to recognise that information and advice given by employees should be used to enhance discussion and debate at Council and committee meetings. If such information is used for political advantage, for example media briefings beforehand, then the process could become devalued and place employees in a difficult position in giving information and advice; and
 - the chair of a political group meeting attended by employees has a responsibility for ensuring that those attending are clear on the status of the meeting and the basis on which employees are attending.
13. Special care needs to be exercised whenever employees are involved in providing information and advice to a meeting of a political group which includes persons who are not members of the Council. Such persons will not be bound by the Codes of conduct for councillors and employees (in particular, the provisions concerning the declaration of interests and confidentiality) and for this and other reasons employees may not be able to provide the same level of information and advice as they would to a members only meeting.
14. Any discussion with a political group or councillor must be treated with strict confidentiality by the employees concerned and should not be accessible to any other political group. It is acknowledged, however, that factual information upon which any advice is based will, if requested, be available to all political groups.
15. Should any difficulty or uncertainty arise in the area of employee advice to party groups, this shall be raised with the Chief Executive who should discuss the matter with the group leader.

Local representative

16. All councillors represent part of the area of the Council. Within each Council's rules about consultation and councillor involvement, employees must treat all councillors fairly and openly in their role as local representatives. When performing their local representative role, councillors will be seen by the public as representing the Council and should act in accordance with the principles of the Code of Conduct for Councillors and this protocol.

Communications

17. Communications between an individual councillor and an employee should normally not be copied by the officer to any other councillor. Where it is necessary to copy the communications to another member, this should be made clear to the original councillor at the time.

Appointments

18. Where councillors are involved in the appointments of employees they must act fairly and openly and judge candidates solely on merit.

Social relationships

19. The relationship between councillors and employees depends upon trust and this will be enhanced by the development of positive, friendly relationships. Councillors and employees will often be thrown together in social situations within the community and they have a responsibility to project a positive image of the Council. Nonetheless, close personal familiarity between individual employees and councillors can damage the relationship of mutual respect and the belief that employees give objective and professional advice and commitment to the Council. Councillors and employees should, therefore, be cautious in developing close personal friendships while they have an official relationship.

Public comment

20. Councillors should not raise matters relating to the conduct or capability of employees in public. Employees must accord to councillors the respect and courtesy due to them in their various roles. There are provisions in the Code of Conduct for Employees about speaking in public and employees should observe them.

Employees supporting councillors

21. Where Councils arrange for employees to support members directly in carrying out their duties, particular considerations apply. Such employees are normally involved in administrative and practical support of councillors. While such staff may operate to the requirements of individual councillors in their daily business, it must be remembered that the employees are accountable to their line managers and any issues about conflicting priorities, conduct or performance must be referred to those managers.

FINANCIAL REGULATIONS

OF

DUNDEE CITY COUNCIL

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FINANCIAL REGULATIONS

1. Introduction

- 1.1 The Depute Chief Executive (Finance), being the proper officer for the purpose of Section 95 of the Local Government (Scotland) Act 1973, shall be responsible to the Finance Committee for the proper administration of the Council's financial affairs. The Local Authority Accounts (Scotland) Regulations 1985 require that officer to determine the system of accounting control and form of accounts and supporting records and to ensure that the accounts and records are kept up-to-date by the relevant Chief Officer.
- 1.2 The Depute Chief Executive (Finance) shall report to the Policy & Resources Committee with respect to the level of financial resources proposed to be utilised in each financial year by the Council, shall keep the Finance Committee informed as to the detailed administration and application of such resources, and shall keep other Committees informed with respect to the financial implications of their activities.
- 1.3 The Depute Chief Executive (Finance) shall be entitled to report upon the financial implications of any matter coming before the Council, spending Committees or other Committees, and shall further report to the Finance Committee if necessary in the interests of the financial affairs of the Council.
- 1.4 Any Chief Officer who intends to submit a report, which has financial implications to the Council, Committee or Sub-Committee must forward a copy of the report to the Depute Chief Executive (Finance) no later than 14 days before the meeting. Any observations on the report made by the Depute Chief Executive (Finance) shall be incorporated in the Chief Officer's report.
- 1.5 Under the Local Government in Scotland Act 2003, it is the duty of each local authority to make arrangements which secure Best Value.

The Council shall at all times endeavour to secure the best value for the money it spends, make full use of all common supplies and services provided by the Council and encourage the use throughout Council departments of the best management techniques.

- 1.6 The Council and all Council officials shall observe the Council's Financial Regulations in relation to expenditure, income, etc falling within its sphere of responsibility.
- The Chief Executive as the Head of the Paid Service will receive regular reports from the Depute Chief Executive (Finance) on the revenue and capital spending of the Council. The Depute Chief Executive (Finance) will report any significant under or overspending to the Finance Committee.
- 1.7 The Depute Chief Executive (Finance) is responsible for ensuring that financial systems exist to ensure proper financial control is exercised throughout the Council. The Depute Chief Executive (Finance) is also responsible for ensuring that financial management systems exist to enable Chief Officers to make financial decisions, and take corrective action to deal with under or overspending, in order to achieve value for money and Best Value.

2. Annual and 3 Year Revenue Budgets

- 2.1 The detailed form of the 3 year and annual Revenue Budgets shall be determined by the Depute Chief Executive (Finance) in accordance with the general directions of the Policy & Resources Committee.
- 2.2 Chief Officers shall prepare 3 year and annual estimates of income and expenditure on revenue accounts and, for this purpose, Chief Officers shall furnish the Depute Chief Executive (Finance) timeously with all necessary information regarding requirements of their departments.

- 2.3 The annual budgetary procedure will include a review of charges for all users of Council services for which charges apply and for which the Council has discretion over, with proposals where appropriate to increase these charges and the anticipated additional revenue which would accrue if implemented.
- 2.4 Final decisions relating to the Revenue Budget and Council Tax shall be taken by the relevant Committees. The Depute Chief Executive (Finance) shall submit the draft Revenue Budget, direct to the Policy & Resources Committee for detailed consideration in the light of any relevant decisions of the Council and the corporate objectives of the Council. The only exception to that process shall be the Education Department; whose estimates shall first be submitted to the Education Committee for referral to the Policy & Resources Committee. The Policy and Resources Committee shall remit final decisions on the Revenue Budget (including any savings and review of charges) to the Finance Committee, to be considered in conjunction with final decisions on the Council Tax.
- 2.5 The Finance Committee shall consider all proposals referred to it by the Policy and Resources Committee, together with a report from the Depute Chief Executive (Finance) containing all other relevant information, for the purposes of determining the Council Tax to be levied in respect of the forthcoming financial year, including the position on reserves and balances (see paragraph 27). The Finance Committee shall also take any decisions, as required, relating to the Revenue Budget and Council Tax for other future financial years.
- 2.6 Where in accordance with any statutory provision the First Minister indicates that he is considering reducing the Council Tax of the City Council, the Depute Chief Executive (Finance) shall submit to the Policy and Resources Committee a report reviewing the financial position of the Council. Thereafter any appropriate adjustments to the Revenue Budget shall be considered by a special meeting of the Policy and Resources Committee which shall make recommendations to the Finance Committee on a redetermination and lowering of the Council Tax already fixed by the Council for that financial year.
- 2.7 Following the Policy and Resources Committee's consideration and adoption of the Housing Revenue Budget, the Director of Housing shall submit a report to the Housing Committee concerning details of the budget as approved, together with all other available information for the purposes of determining the Housing rents to be levied in respect of the financial year to which Revenue Budget concerned relates.

3. Revenue Monitoring

- 3.1 The primary responsibility for detailed monitoring and control of departmental revenue expenditure lies with each relevant Chief Officer.
- 3.2 Revenue expenditure shall be restricted to that included in the Revenue Budget, unless proposals for additional expenditure have been approved by the appropriate Committee and the Policy and Resources Committee.
- 3.3 Notwithstanding paragraph 3.2, the Depute Chief Executive (Finance) may approve any revenue expenditure which, after consultation with the Finance Convener and the appropriate Finance Spokesperson from other Groups and the Chief Executive, he considers essential in the interest of the Council and being of an emergency nature cannot await consideration by the Policy and Resources Committee.
- 3.4 The Depute Chief Executive (Finance) shall furnish each Chief Officer with periodical statements of income, expenditure and commitments under each head of approved estimate and such other relevant information as he/she requires. It will, however, be the responsibility of each Chief Officer to ensure that he/she has all the relevant financial information to control the actual expenditure and income against the budget.

- 3.5 The Depute Chief Executive (Finance) has a responsibility to ensure that revenue monitoring by Chief Officers is carried out and that relevant financial information is provided in a format and within a timetable suitable to allow such monitoring.

4. Virement

- 4.1 Virement may be employed as a means of funding desirable or essential expenditure through identified budget underspendings. It should be noted, however, that no virement proposal should be used to finance a new service or change an existing Council policy decision without the agreement of the Service Committee and Policy and Resources Committee. Proposals should not add to the permanent establishment of the authority without the approval of the relevant Committee. Proposals cannot affect the amount to be paid to another Department of the authority without the agreement of the Chief Officer of that other Department. No virement proposals may be made for CFCR, capital programmes or central service recharge to Departments (subject to paragraph 3.2).
- 4.2 Capital Financing costs can only be vired upon the decision of the Depute Chief Executive (Finance). The Depute Chief Executive (Finance) will have authority to vire expenditure from any contingency provision or cash-backed fund or reserve.
- 4.3 All virement proposals should be notified to the Depute Chief Executive (Finance), who will monitor the overall use of virement and its effect on Revenue Budget performance.
- 4.4 Chief Officers shall consider the implications on future years budgets when viring funds to finance purchases which have ongoing revenue implications.
- 4.5 All virement proposals shall be recorded on the appropriate proforma documentation, a copy of which shall be submitted to the Finance Department for approval.
- 4.6 Any virement proposals to fund expenditure on IT equipment or software must be submitted in the first instance to the Head of Information Technology and Depute Chief Executive (Finance) for approval.

5. Annual and 3 Year Capital Budgets

- 5.1 Chief Officers, in conjunction with the Depute Chief Executive (Finance), City Architectural Services Officer and City Engineer, shall prepare long term capital plans, to be financed from either:-
- borrowing.
 - combination of borrowing and capital receipts.
 - borrowing, but where the additional revenue costs (capital financing costs, mainly), are funded from revenue savings-

The Depute Chief Executive (Finance) will prepare a report to the Policy and Resources Committee, which will detail the Council's proposed capital programme and how it is to be financed.

- 5.2 The level of Prudential borrowing utilised by the Council will be based on a set of prudential indicators prepared by the Depute Chief Executive (Finance) and approved by the Policy and Resources Committee.
- 5.3 The Depute Chief Executive (Finance) will submit a report annually to the Finance Committee comparing the actual prudential indicators against those pre-determined earlier and referred to in paragraph 5.2 above.

- 5.4 The Depute Chief Executive (Finance), in conjunction with the City Architectural Services Officer and City Engineer, shall monitor and manage income and expenditure on capital projects during the year.

A committee report shall be prepared by the Depute Chief Executive (Finance) for the Finance Committee, reporting on actual income and expenditure to date, vis a vis projected outturns.

- 5.5 A Chief Officer shall not incur capital expenditure, which has not been included in the Capital Plan/Capital Budget, without prior approval from the Chief Executive/Depute Chief Executive (Finance). The Chief Officer must identify the source of funding for the project, and where necessary, ensure virements are approved and passed to the Finance Department to adjust the Capital Budget.
- 5.6 No tender will be invited for an individual project estimated to cost over £1,000,000 (except Housing) unless and until the project has been subject to a report to the appropriate committee by the Chief Officer. The report will include a financial appraisal of all additional revenue and capital costs and any resultant savings.
- 5.7 At the same time as tenders are reported to committee, the appropriate Chief Officer will submit a report to the relevant committee showing the annual income and expenditure (including capital financing costs) that will arise from the project. The report will include a financial appraisal of all additional revenue and capital costs and any resultant savings.

6. Capital Financing

- 6.1 The Depute Chief Executive (Finance) will borrow sufficient funds to meet the approved capital expenditure and will ensure that the amounts borrowed are written off over the useful life of the asset. The Depute Chief Executive (Finance) will maintain, for audit purposes, appropriate records showing the amount borrowed and the amount repaid each year.
- 6.2 The Code of Practice on Local Authority accounting in Great Britain requires the Council to adopt a system of accounting for capital assets. The arrangements will be based upon generally accepted accounting practice, the simplicity of asset rental system of accounting, practicality and the need to avoid impact upon the levels of locally raised taxes and Council house rents.

7. Accounting

Under Section 14(1) of the Local Government in Scotland Act 2003, the Council has a statutory duty to observe proper accounting practice.

- 7.1 All accounting procedures and records of the Council and its officers shall be determined by the Depute Chief Executive (Finance) and all accounts and accounting records of the Council shall be compiled by the Depute Chief Executive (Finance) or under his direction.
- 7.2 The following principles shall be observed in the allocation of accounting duties:-
- (a) Duties of providing information regarding sums due to or from the Council and of calculating, checking and recording these sums, shall be separated as completely as possible from the duty of collecting or disbursing them.
 - (b) Officers charged with the duty of examining and checking the accounts of cash transactions shall not themselves be engaged in any of these transactions.
- 7.3 The Depute Chief Executive (Finance) shall submit to the Council and to the Controller of Audit not later than 30th June of each year copies of an Abstract of Accounts for the previous financial year. The audited copy of the abstract together with the audit report, shall be laid before a meeting of the Council held not later than two months after receipt of certification.

8. Internal Audit

8.1 Internal Audit is an independent appraisal and review function set up within Dundee City Council as a service to the Audit and Risk Management Sub-Committee, Chief Executive, Deputy Chief Executive (Finance) and all levels of management. The remit of the service is to objectively examine, evaluate and report on the adequacy of internal control as a contribution to the proper, economic, efficient and effective use of resources throughout the Council's activities.

The existence of internal audit does not diminish the responsibility of management to establish the extent of internal control in the organisation's systems and management should not depend on internal audit as a substitute for effective controls.

8.2 Internal Audit is independent of the activities which it audits. This is essential to ensure that the service provides unbiased judgements and impartial advice to management.

8.3 The role of Internal Audit is to understand the key risks faced by the Council and to examine and evaluate the adequacy and effectiveness of the system of risk management and internal control as operated by the Council. Internal Audit has unrestricted access to all activities undertaken within the organisation in order to review, appraise and report on the areas detailed below:

- The adequacy and effectiveness of the systems of financial, operational and management control and their operation in practice in relation to the business risks to be addressed.
- The extent of compliance with, relevance of, and financial effect of, policies, standards, plans and procedures approved by committee and the extent of compliance with external laws and regulations, including reporting requirements of regulatory bodies.
- The extent to which the assets and interests are acquired economically, used efficiently, accounted for and safeguarded from losses of all kinds arising from waste, extravagance, inefficient administration, poor value for money, fraud or other cause and that adequate business continuity plans exist.
- The suitability, accuracy, reliability and integrity of financial and other management information and the means used to identify, measure, classify and report such information.
- The integrity of processes and systems, including those under development, to ensure that controls offer adequate protection against error, fraud and loss of all kinds and that the process aligns with the organisation's strategic goals.
- The adequacy of the framework of the units audited for carrying out their functions, to ensure that services are provided in a way which is economical, efficient ~~effective~~ and achieves Council policy objectives.
- The follow-up action taken to remedy weaknesses identified by Internal Audit, ensuring that good practice is identified and communicated widely.
- The operation of the Council's corporate governance arrangements.

8.4 The Council's Fraud Guidelines detail the approach and procedures in relation to the investigation of fraudulent activities. A summary of the key points within the Fraud Guidelines are provided below:

- It is a Management responsibility to maintain the internal control system and to ensure that the Council's resources are properly applied in a manner and on the activities intended. This includes the responsibility for the prevention and detection of fraud.

- There is a requirement for each department to report all cases of suspected fraud to Internal Audit, who have a duty to record, monitor and formally report on such matters to the Council's External Auditor.
- It is the responsibility of the Chief Officer of the Department to ensure that the Chief Executive and the Assistant Chief Executive (Management) are advised of any suspected irregularities.
- It is the responsibility of the Chief Internal Auditor to advise the Depute Chief Executive (Finance) of any suspected irregularities and provide updates during the investigation as deemed appropriate.
- As the nature and complexity of fraudulent activities varies considerably, the approach to an investigation will be decided on a case by case basis. The Chief Executive, the Chief Officer concerned, Assistant Chief Executive (Management) and Depute Chief Executive (Finance) may be consulted, as deemed appropriate, as to the approach to be adopted.

8.5 All draft Internal Audit reports shall be submitted to the Chief Officer of the area that has been subject to review in order to provide formal management responses to points arising. A copy of the draft report will also be circulated for information to the Chief Executive and Depute Chief Executive (Finance) and any other party as deemed appropriate.

- The finalised Internal Audit report which includes the management responses to the points arising, will be issued to the Chief Officer who has responsibility for ensuring the action plan is implemented within the agreed timeframe. A copy of the finalized report will also be issued, for information to the Chief Executive, Depute Chief Executive (Finance), External Auditor and any other relevant party.
- All reports from either the Internal Auditor or External Auditor, with significant recommendations, shall be submitted to the Audit and Risk Management Sub-Committee of the Finance Committee for its consideration.

9. Banking Arrangements and Control of Cheques

- 9.1 All arrangements with the Council's Bankers shall be made by the Depute Chief Executive (Finance) who shall operate such banking accounts including national giro accounts as the Director may consider necessary.
- 9.2 All cheques including national giro payment forms shall be ordered only on the authority of the Depute Chief Executive (Finance) who shall make proper arrangements for their safe custody.
- 9.3 Cheques on the Council's banking accounts, including national giro accounts, shall be of the facsimile signature of the Depute Chief Executive (Finance) or be signed by the Depute Chief Executive (Finance), Corporate Finance Manager, Financial Services Manager, Head of Revenues, or Senior Financial Services Officer.
- 9.4 The Depute Chief Executive (Finance) shall be responsible for arranging any payments through the Bankers Automated Clearing System (BACS) and shall ensure that proper security control procedures are affected and reviewed.
- 9.5 Where a department, for operational reasons, has to operate a subsidiary bank account, then the Depute Chief Executive (Finance) will issue guidance on how that department's staff are to operate these subsidiary bank accounts.

10. Treasury Management

- 10.1 The Depute Chief Executive (Finance) and his/her staff shall ensure that all the Council's borrowing and lending transactions and practices comply with the CIPFA Code of Practice on Treasury Management in the Public Services.

- 10.2 The Depute Chief Executive (Finance) shall prepare a Treasury Policy Statement which will be approved by the Finance Committee and reviewed at least every 3 years.
- 10.3 The Depute Chief Executive (Finance) shall prior to the commencement of each financial year submit a report to the Finance Committee on the Treasury Management Strategy for that year.
- 10.4 The Depute Chief Executive (Finance) shall submit a report to the Finance Committee twice yearly reviewing the Council's Treasury Management activities. One of these reports will be an annual report on the Treasury Management activities of the previous financial year.

11. Orders for Works, Goods and Services

- 11.1 Each Chief Officer shall be responsible for all orders issued by his Department and for ensuring that the cost is allocated to an appropriate budget head and covered within the approved estimates.
- 11.2 Official orders shall be in a form approved by the Depute Chief Executive (Finance). Printed orders shall be signed only by officers authorised by the appropriate Chief Officer; electronically-submitted orders shall be issued only by officers authorised by the appropriate Chief Officer. Each Chief Officers shall be responsible for any official orders issued from his department. The number of officers so authorised shall be determined, in agreement, with the Depute Chief Executive (Finance).
- 11.3 Official orders shall be issued for all work, goods or services to be supplied to the Council except for supplies of public utility services, for periodical payments such as rent and rates, for petty cash purposes or such other exceptions as the Depute Chief Executive (Finance) may approve.
- 11.4 The procedures for obtaining competitive tenders and Committee approvals for all supplies and works as detailed in the Council's Tendering Procedures should be followed at all times.

12. Payment of Accounts

- 12.1 The Chief Officer issuing an order is responsible for the examination, verification and certification of the related invoices and similarly for any other payment vouchers, documents or accounts arising from sources in his Department.
- 12.2 Where possible arrangements should be made by each Chief Officer for the separation of the authorisation of orders as distinct from goods received notes or any other process which involves the certification of invoices. Variations to these arrangements are subject to the approval of the Depute Chief Executive (Finance). Each goods received note should be signed by the appropriate receiving officer and should be authorised by the appropriate authorised signatory. The authorised signatory shall always be different from the receiving officer.
- 12.3 Before certifying invoices, payment vouchers, goods received notes, documents or accounts the certifying officer shall, except to the extent that the Depute Chief Executive (Finance) may otherwise determine, have satisfied himself/herself with regard to:-
- (a) the receipt of goods being in accordance with the order;
 - (b) correctness of prices, discounts and arithmetic;
 - (c) non duplication of payments;
 - (d) expenditure being within the Estimates;
 - (e) allocation to the appropriate head of expenditure;
 - (f) appropriate entries having been made in inventories, stores records etc as required;
 - (g) work having been carried out to a satisfactory level.
- 12.4 The payment of all certified invoices etc, shall be made by the Depute Chief Executive (Finance) under arrangements approved and controlled by him/her.

12.5 Payment will not be made on duplicate invoices, statements, or photocopy invoices unless the Chief Officer, in consultation with the Depute Chief Executive (Finance), certifies in writing that the amount in question has not previously been paid.

12.6 Each Chief Officer shall, as soon as possible after 31st March and not later than a date to be intimated by the Depute Chief Executive (Finance), in each year notify the Depute Chief Executive (Finance) of all outstanding expenditure relating to the previous financial year.

13. Payroll Administration

13.1 The payment of all salaries, wages, pensions, compensation and other emoluments to all employees or former employees of the Council shall be made by the Depute Chief Executive (Finance) or under arrangements approved and controlled by him/her.

13.2 Each Chief Officer, as determined by the Depute Chief Executive (Finance), shall keep records of all matters affecting the payment of such emoluments and in particular:

- (a) appointments, promotions, resignations, dismissals, suspensions, secondments and transfers;
- (b) absences from duty for sickness, holidays or other reason;
- (c) changes in remuneration, other than normal increments and pay awards and agreements of general application;
- (d) information necessary to maintain records of service for superannuation, income tax, national insurance and the like.

13.3 The Depute Chief Executive (Finance) will, through the payroll system, provide such management information as he or she, the Chief Executive, or any Chief Officers decide is necessary for the achievement of value for money.

14. Income

14.1 Except as otherwise determined by the Council the rate of charge for goods or services supplied by the Council to the public and external organisations shall be approved by the Policy and Resources and Service Committees and shall not be altered without the approval of these Committees.

14.2 It shall be the duty of the Depute Chief Executive (Finance) to make adequate financial and accounting arrangements to ensure the proper recording of all monies due to the Council and for the proper collection, custody, control and banking of all cash in all Departments of the Council.

14.3 Particulars of all charges to be made for work done and services rendered or for goods supplied by the various Departments of the Council and of all other amounts due to the Council shall be promptly notified to the Depute Chief Executive (Finance) in a form approved by him and all accounts due to the Council shall be rendered by or under arrangements approved by the Depute Chief Executive (Finance).

14.4 All receipt forms, books, tickets and other such items shall be in a form approved by the Depute Chief Executive (Finance) who shall satisfy himself as to the arrangement for the ordering, supply and control by each Department. It will be a requirement that all such records, forms etc aforementioned shall be retained by each Department for a period stipulated by the Depute Chief Executive (Finance).

14.5 All monies received on behalf of the Council in any Department shall be deposited promptly with the Depute Chief Executive (Finance) or the Council's Bankers in accordance with the arrangements made with the Depute Chief Executive (Finance). No deduction may be made from such money except to the extent that the Depute Chief Executive (Finance) may specifically authorise.

- 14.6 Personal cheques shall not be cashed out of money held on behalf of the Council.
- 14.7 All transfers of money from one member of staff to another will be evidenced in the records of the Departments concerned by the signature of the receiving officer.
- 14.8 It shall be the responsibility of each Chief Officer to ensure that all his/her departmental income is billed expeditiously.

15. Insurance

- 15.1 The Depute Chief Executive (Finance) shall effect as necessary insurance cover and negotiate all claims in consultation with other officers as necessary. Such insurances as required can be placed either with insurance companies or the risk carried in the Council's General Insurance Fund. This fund was established by the former Dundee Corporation and confirmed by the Dundee Corporation (Consolidated Powers) order Confirmation Act 1957.
- 15.2 Each Chief Officer shall give prompt notification to the Depute Chief Executive (Finance) of potential liabilities, property or vehicles which require to be insured or affect existing insurances.
- 15.3 Chief Officers shall immediately notify the Depute Chief Executive (Finance) in writing of any loss of property and inform the Police of the circumstances of the loss, or any action or event which may give rise to a claim being made by the Council.
- 15.4 All appropriate employees of the Council shall be included in a fidelity guarantee insurance as determined by the Finance Committee.
- 15.5 The Depute Chief Executive (Finance) shall annually or as necessary, review all insurances, in consultation with Chief Officers where necessary.
- 15.6 All investments of monies for the General Insurance Fund shall be made by the Depute Chief Executive (Finance) in the name of Council. Any investments made will be made in accordance with the policy determined by the Finance Committee.

16. Stores and Inventories

- 16.1 The safe custody of stores and equipment shall be the responsibility of the Chief Officer concerned and the Chief Officer shall make a return of all stocks and stores to the Depute Chief Executive (Finance) at the end of each financial year. Chief Officers shall submit to the Head of Information Technology at the end of the financial year details of all computer equipment held and the Head of Information Technology will collate this into a verified list for the Depute Chief Executive (Finance). An inventory list of all furniture and fittings, vehicles, plant and equipment should be maintained by departments in a format determined by the Depute Chief Executive (Finance) and shall be submitted by Chief Officers to the Depute Chief Executive (Finance) when requested.
- 16.2 The Chief Officer, in consultation with the Depute Chief Executive (Finance), shall be responsible for maintaining an efficient system of stores accounting including stock control. Stores accounting systems must be approved by the Depute Chief Executive (Finance). Stock reconciliation will be carried out in a continuous basis within the Department and a full stocktaking done at the request of the Depute Chief Executive (Finance).
- 16.3 No adjustments in respect of stocks and stores shall be made to write off deficiencies or to bring surpluses into charge unless authorised by the Depute Chief Executive (Finance).
- 16.4 All surplus plant, vehicles, tools, equipment, furnishings, materials or commodities in excess of £5,000 in value to be disposed of by any Department or Division of the Council shall be advertised for sale either by the invitation of sale offers or by public auction unless in special circumstances of which the Committee concerned shall be the sole judge it is otherwise decided.

- 16.5 The Council's property shall not be removed otherwise than in accordance with the ordinary course of the Council's business or used otherwise than for the Council's purposes except in accordance with specific directions issued by the Chief Officer concerned.

17. Security

- 17.1 Each Chief Officer is responsible for maintaining proper security at all times for all buildings, stock, stores, furniture, equipment, cash, records etc under his/her control. They shall consult with the Depute Chief Executive (Finance) in any case where security is thought to be defective or where it is considered that special security arrangements may be needed.
- 17.2 Maximum limits for cash holdings shall be agreed with the Depute Chief Executive (Finance) and shall not be exceeded without his express permission.
- 17.3 Keys to safes and similar receptacles are the responsibility of the keyholder who shall make suitable arrangements for their security at all times. The loss of any such keys must be reported to the Depute Chief Executive (Finance) immediately. For insurance purposes, keys should be removed from premises overnight.
- 17.4 Each Chief Officer shall be responsible for ensuring proper security and confidentiality on information held in the computer installations and in the use to which such information may be put. The Chief Executive shall make such arrangements as may be required to ensure confidentiality of information under the terms of the Data Protection Act.

18. Imprest Accounts

- 18.1 The Depute Chief Executive (Finance) shall make appropriate imprest advances and determine accounting periods in connection with the payment of expenses and petty outlays chargeable to the Council.
- 18.2 The limit for any one payment from petty cash shall be such sum as the Depute Chief Executive (Finance) may from time to time determine.
- 18.3 The Depute Chief Executive (Finance) shall arrange to his satisfaction the proper security for money advanced in this way.
- 18.4 The recipient of any advance of petty cash or imprest shall account for this money to the Depute Chief Executive (Finance) when required and shall repay the money on leaving the City Council's employment or when required by the Depute Chief Executive (Finance).

19. Staff Travelling, Subsistence and Financial Loss Allowances

- 19.1 All claims for payment of car allowances, subsistence allowances, travelling and incidental expenses shall be submitted, duly certified, in a form approved by the Depute Chief Executive (Finance) to him/her at such regular intervals as are agreed. The names of officers authorised to sign such records shall be sent to the Depute Chief Executive (Finance) by each Chief Officer together with specimen signatures and shall be amended on the occasion of any change. The number of officers so authorised shall be determined in agreement with the Depute Chief Executive (Finance).
- 19.2 The certification by or on behalf of a Chief Officer shall be taken to mean that the certifying officer is satisfied that the journeys were properly authorised, the expenditure properly and necessarily incurred and that the allowances are properly payable.
- 19.3 Employees claims submitted more than 2 months after the expenses were incurred will not be paid unless the Depute Chief Executive (Finance) is satisfied with the reasons given for the delay.

20. Members Allowances and Expenses

- 20.1 Prior to the commencement of each financial year the Depute Chief Executive (Finance) shall prepare a scheme of members allowances in accordance with the regulations approved by the Scottish Parliament, which shall be submitted for approval to the Finance Committee and members will be paid in accordance with the approved scheme.
- 20.2 Payment to members of the Council in respect of expenses incurred by members will be made on receipt of the prescribed form duly completed. All claims for a financial year must be submitted within 10 working days of the end of that financial year.

21. Grants/Subscriptions - Following the Public Pound

- 21.1 All applications for grants or subscriptions to charitable societies, associations or institutions must comply with the Accounts Commission/COSLA Code of Guidance on Following the Public Pound.
- 21.2 A report by the relevant Chief Officer shall be considered for approval by the appropriate Service Committee except where the Chief Officer has been granted delegated authority. The Chief Officer must ensure that in all material respects, the Code has been complied with, including receipt by the authority of the organisation's latest audited accounts.
- 21.3 A formal agreement must be entered into for each of the organisations and submitted to the Depute Chief Executive (Support Services). This should be drawn up with reference to the requirements of the Accounts Commission/COSLA Code of Guidance on Following the Public Pound. In particular, the agreement must refer to the financial and performance requirements expected of the organisations.
- 21.4 Chief Officers are also required to identify all arrangements where a substantial funding relationship exists or is to be entered into and make a submission of such arrangements to the Depute Chief Executive (Finance). This information must be updated on an annual basis.

22. Common Good

- 22.1 The Depute Chief Executive (Finance) will submit a Revenue Budget to the Policy and Resources Committee each year. The Depute Chief Executive (Finance) will have authority to incur expenditure within the approved budget.
- 22.2 All investments of money shall be made by the Depute Chief Executive (Finance) in the name of the Council. Any investments made will be made in accordance with the policy determined by the Finance Committee.
- 22.3 All securities which are the property of, or in the name of the Council, shall be held in custody under the supervision of the Depute Chief Executive (Finance).

23. Trusts and Charitable Funds

- 23.1 The Depute Chief Executive (Finance) shall ensure the proper and safe custody and control of all charitable funds held by the Council and shall ensure that all expenditure is in accordance with the conditions of the trustees etc
- 23.2 All Officers acting as trustees by virtue of their official position shall deposit all securities etc relating to the trust or charitable fund with the Depute Chief Executive (Finance).
- 23.3 All investments of money shall be made by the Depute Chief Executive (Finance) in the name of Council. Any investments made will be made in accordance with the policy determined by the Finance Committee.

24. Superannuation Funds

- 24.1 The Finance Committee (or delegated Sub-Committee) shall be responsible for the supervision and control of the Superannuation Funds (including the Property Fund), including the review of investments and the investment of new funds.
- 24.2 The Depute Chief Executive (Finance) shall ensure the proper and safe custody of the Superannuation Funds (including Property Fund) investments.
- 24.3 The Depute Chief Executive (Finance) shall ensure that in respect of the Superannuation Funds all expenditure is in accordance with the conditions of the Finance Committee (or delegated Sub-Committee) and all income is correctly received.

25. Expenditure on Departmental Inspections, Hospitality, Etc

- 25.1 Requests or proposals for the provision of hospitality or entertainment of persons visiting the area of the Council, and functions considered necessary or desirable for maintaining the dignity of the Dundee City Council shall be dealt with by the Depute Chief Executive (Support Services) in consultation with the Lord Provost. The Depute Chief Executive (Support Services) shall be authorised to incur expenditure not exceeding the sum of £5,000 on any event, subject to the amount allowed in the Estimates in any one financial year not being exceeded. A record of all hospitality or entertainment granted shall be kept and shall be open to inspection by any Member of the Council.
- 25.2 The Chief Officer of any Division or Department may, in consultation with the appropriate Convener, authorise the provision of hospitality to an amount not exceeding £2,000 in any one financial year and £300 on any one occasion where Members and/or Officers of the Council are meeting with Members or Officers of other local authorities or public bodies, Members of Parliament, firms, consultants or others who are assisting or co-operating with the Council in carrying out its functions. A record of all hospitality or entertainment granted shall be kept, and shall be open to inspection by any Member of the Council.
- 25.3 When persons or bodies are attending meetings with Members and/or Principal Officers (or their Deputies) in connection with the functions and operations of the Department of Economic Development, the Chief Executive may authorise expenditure on the provision of hospitality to an amount not exceeding the amount allowed in the Estimates in any one financial year.
- 25.4 Any expenditure in terms of paragraph (2) of this financial regulation shall be a charge on the Department concerned.

26. Direct Labour Organisation/Direct Service Organisations (DLO/DSOs)

- 26.1 The appropriate Chief Officer for each DLO/DSO shall, in conjunction with the Depute Chief Executive (Finance), prepare estimates of expenditure and income for the following year and a further two years. These estimates to reflect anticipated income from current contracts and appropriate estimates for work to be won in competition or allocated under a partnership arrangement. These estimates will also reflect the statutory requirements under the Local Government in Scotland Act 2003 that in relation to every three year period and taking every year with the two previous years revenue is not less than expenditure.
- 26.2 The Depute Chief Executive (Finance) shall submit adverse variance reports for DLO/DSOs to the appropriate Chief Officer for each DLO/DSO. Each such officer shall comment timeously on the report to the Depute Chief Executive (Finance) and shall be responsible for bringing to the attention of the Depute Chief Executive (Finance) and Chief Executive any matters that significantly affect the viability of the DLO/DSO.
- 26.3 The Depute Chief Executive (Finance) shall submit on a monthly basis, trading statements for each DLO/DSO to the appropriate Chief Officer. That Officer will provide any information timeously which is required for the purpose of the preparation of these trading statements. These trading statements will monitor the financial performance of each DLO/DSO.

- 26.4 At appropriate times the Chief Officer of each DLO/DSO shall submit to the DSO Committees such reports, as may be necessary in respect of monitoring the performance during the current year of each DLO/DSO to confirm the appropriate financial targets are being achieved.
- 26.5 In accordance with statutory requirements for significant trading operations under the Local Government in Scotland Act 2003 the Depute Chief Executive (Finance) shall prepare the annual accounts for each DLO/DSO. In order to prepare these accounts the Chief Officer of each DLO/DSO will provide timeously the information required by the Depute Chief Executive (Finance) in order to complete the accounts. These accounts or a summary will be incorporated into the Council's Statement of Account and Public Performance Report.
- 26.6 The Council's DLO and DSO organisations will comply with the Council's Tendering Procedures in all written estimates or tenders submitted to the Council as client. It is recognised that as part of the preparation of a tender submission by the DLO or DSO it may be necessary to seek to enter into a contract with an outside party for the supply of goods or materials or for the execution of works. This may be undertaken subject to the following provisions:-
- (a) Written quotations are obtained from at least three persons competent to undertake the contract and these are recorded in a register of contract quotations.
 - (b) Any such quotation may after it has been confirmed in writing by the offerer, be accepted by the appropriate Chief Officer.
 - (c) All quotations exceeding £10,000 in value which the respective Chief Officers have accepted under this paragraph shall, as soon as practical, be reported for information to the DSO Committee.

27. Reserves and Balances

- 27.1 The Policy & Resources Committee shall receive a report from the Depute Chief Executive (Finance) to consider the establishment of any new reserve or fund, be they for capital or revenue expenditure purposes.
- 27.2 The Depute Chief Executive (Finance) has a fiduciary duty to the local taxpayers and must be satisfied that the decisions taken on balances and reserves represent proper stewardship of public funds. The Depute Chief Executive (Finance) and his/her staff shall therefore observe the guidance laid down in the CIPFA Guidance Note on Local Authority Reserves and Balances.
- 27.3 The Depute Chief Executive (Finance) shall include within the Revenue Budget report submitted to the Finance Committee at which the Council Tax is to be determined, a statement showing the estimated opening and closing and General Fund balances for the financial year ahead. This report will also include a statement by the Depute Chief Executive (Finance) on the adequacy of the General Fund and other reserves balances in respect of the forthcoming financial year and the Council's medium term financial strategy.
- 27.4 The Depute Chief Executive (Finance) shall also undertake an annual review of all earmarked revenues and report accordingly to the Finance Committee meeting which determines the Council Tax.

28. Trading Operations and Accounts

- 28.1 The Depute Chief Executive (Finance) in conjunction with the appropriate Chief Officer shall determine which activities within their departments constitute significant trading operations under the Local Government in Scotland Act 2003 not otherwise included as DLO/DSO's.
- 28.2 The appropriate Chief Officer for each significant trading operation shall, in conjunction with the Depute Chief Executive (Finance) prepare estimates of expenditure and income for the following three years. These estimates to reflect the statutory requirement under the Local Government in Scotland Act 2003 that in relation to every three year period and taking every year with the two previous years revenue is not less than expenditure.

- 28.3 The Depute Chief Executive (Finance) shall submit on a monthly basis trading statements for each significant trading operation to the appropriate Chief Officer. That Officer will provide any information timeously which is required for the purpose of the preparation of these trading statements. These trading statements will monitor the financial performance of each significant trading operation.
- 28.4 In accordance with statutory requirements for significant trading operations under the Local Government in Scotland Act 2003 the Depute Chief Executive (Finance) shall prepare the annual accounts for each trading activity. In order to prepare these accounts the appropriate Chief Officer will provide timeously the information required by the Depute Chief Executive (Finance) in order to complete the accounts. These accounts or a summary will be incorporated into the Council's Statement of Account and Public Performance Report.

29 Revision of Financial Regulations

- 29.1 The foregoing Financial Regulations may be altered or revoked by the Council at the ordinary meeting of the Policy and Resources Committee, if the motion for alteration or revocation is supported by a majority of the Committee present and voting.

DUNDEE CITY COUNCIL

ADMINISTRATION DIVISION

TENDER PROCEDURES

OF

THE COUNCIL

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DUNDEE CITY COUNCIL**TENDER PROCEDURES OF THE COUNCIL****1. COMMENCEMENT**

- 1.1 These Tender procedures shall apply and have effect on and from the 14th December, 1995 and may be altered or revoked by the Council at any ordinary meeting provided such proposals are supported by a majority of the Council present and voting.

2. FINANCIAL REGULATIONS

- 2.1 The financial arrangements shall be governed by the Council's Financial Regulations which may be altered or revoked by the Council at any ordinary meeting provided such proposals are supported by a majority of the Council present and voting.

3. INVITATION OF TENDERS FOR GOODS AND SERVICES

- 3.1 Where any plant, vehicles, tools, equipment, furnishings, materials or commodities in excess of £25,000 in value and which are to be financed from revenue are required by any Division/Department of the Council tenders shall be invited unless the Chief Executive in any particular case because of special circumstances, decides that would not be justified or appropriate in that particular case. All such offers, by tender or otherwise, shall be reported to the appropriate Committee for approval.
- 3.2 Where any plant, vehicles, tools, equipment, furnishings, materials or commodities below £25,000 in value and which are to be financed from revenue are required by any Division/Department of the Council tenders shall be invited unless the Chief Executive in any particular case because of special circumstances, decides that would not be justified or appropriate in that particular case. All such offers, by tender or otherwise, need not be submitted to Committee for approval if specific provision has been made in the approved estimates.
- 3.3 Notwithstanding the terms of paragraph 3.2 above, where the items to be purchased are below £5,000 in value, and which are to be financed from Revenue it shall be in order for the tender procedure as outlined herein to be dispensed with provided that the items are not part of a series of purchases the aggregate cost of which, would exceed EU Public Procurement Threshold levels. However, at least three competitive quotations should be obtained, unless otherwise directed by the Chief Executive with the most advantageous quotation being accepted direct by the Chief Officer concerned.
- 3.4 Where any project is to be financed from Capital, or Capital Financed from Revenue, tenders shall be invited unless the Chief Executive in any particular permissible case because of special circumstances, decides that would not be justified or appropriate in that particular case. All such offers by tender or otherwise, shall be reported to the appropriate Committee for approval.
- 3.5 Where any project is proposed to be carried out under a partnering arrangement the Chief Officer of any Division of the Council requiring tenders to be invited shall obtain the approval of the Client Department and the Chief Executive for the project to proceed under a partnering arrangement. Notwithstanding 3.1 to 3.4 above, contractors shall be selected in accordance with the Council's Partnering Guidelines for Construction Contracts.
- 3.6 Where any works not included in any existing contract the estimated value of which is in excess of £25,000 are required by a Division or Department of the Council, and where such works or services may appropriately be carried out by the Council, an offer shall be invited in the first instance from the appropriate Council Department and will be accepted if the client Department is satisfied that the price equates to current market prices obtained in the last three months and represents best value to the Council.

- 3.7 The Chief Officer of any division of the Council requiring tenders to be invited for the purchase or sale of plant, vehicles, tools, equipment, furnishings, materials or commodities, or for the carrying out of any works, or for the procurement of any services shall, with exception of those obtained in terms of paragraph 3.3 above, advise the Chief Executive of their particular requirements; and
- (a) Ensure that any requirements of the European Union in respect of the insertion of advertisements in their Official Journal for tenders for the procurement of services; the execution of works or the supply of plant, vehicles, tools, equipment, furnishings, materials, or commodities are met, as these requirements are set out in:-
 - (i) The Public Services Contracts Regulations 1993 (SI No 3228)
 - (ii) The Public Works Contracts Regulations 1991 (SI No 2680)
 - (iii) The Public Supply Contracts Regulations 1995 (SI 1995/2001)
 - (iv) and any legislation amending, consolidating or substituting.
 - (b) Allocate a title (eg Equipment) and serial number to that contract. The serial number shall comprise the department's code as appended hereto for the purposes of the tendering procedure eg DCS, the year in which the tenders are being invited (or the year the project is initiated) and the particular number allocated to that contract. Thus if, for example, Dundee Contract Services Department are inviting tenders for the twentieth contract in the year 2003 the serial number of that contract shall be DCS/03/20.
 - (c) Forward all press advertisements inviting tenders to the Chief Executive for insertion in the press and in addition advise him in writing of the details of the contract and the closing date for submission of offers. The latter shall include the appropriate serial number of the contract the committee concerned, the estimated value of the contract and the source of finance (Revenue Capital, Capital Financed from Current Revenue). If in any instance selected tenderers are invited to tender by letter and there is no public advertisement of the proposed contract the same information shall be forwarded to the Chief Executive.
 - (d) All press advertisements inviting tenders must contain the following information "Sealed offers using the official label issued by this Department and endorsed (insert the title of the particular contract) must be lodged with the Chief Executive, Dundee City Council, 21 City Square, Dundee, DD1 3BY on or before 10 am on Failure to use the official label in the manner prescribed may at the discretion of the City Council result in the offer not being considered. The label must be affixed to the front of the envelope. In instances where there is no public notice and invitations are sent to selected tenderers then the foregoing information must be included in the invitation.
 - (e) The official labels referred to immediately above shall be issued to all inquirers and selected tenderers with tender documents. Before issuing a label it shall be completed to show the title and serial number of the particular contract the department's name and the closing date for the lodging of tenders.
 - (f) Contract documents issued shall, where necessary, include reference to the undernoted:-
 - (i) Contract documents issued by and contracts made with the Council in connection with the execution of works to the value of £250,000 or above shall provide that the contractor shall be required to enter into a Bond with a Bank or Insurance Company for a sum equal to 10% of the contract sum for the due performance of the contract or such other sum as is stipulated by the Depute Chief Executive (Finance) and/or in such circumstances as the Council may decide, a Parent Company guarantee and/or a Minute of Agreement in respect of Window Warranty.

- (ii) All contract documents issued by, and all contracts made with, the Council in connection with the carrying out of works procurement of supplies or the provision of services shall provide that the Contractor shall be insured with an approved Insurance Company against liability to work people under statute and at common law; and liability to third parties.

The relative policy or policies and premium renewal receipts shall be produced by the Contractor whenever required for inspection by any officer authorised by the Council for that purpose.

- (iii) All contract documents issued by, and all contracts made with, the Council shall provide that the Contractor shall observe safe working practices, including the requirements of the Construction Design Management Regulations, whilst working on or within the confines of any Council properties.
- (iv) All contract documents issued by, and all contracts made with the Council shall, in appropriate cases, provide that if any provider of services, Contractor or supplier of plant, vehicles, tools, equipment, furnishings, materials or commodities to the Council shall offer or give (either directly or through the medium of any person employed by him or acting on his behalf) any gratuity, bonus, discount, consideration, or bribe of any kind whatsoever to any member of the Council or any officer or employee of the Council, the Council may forthwith terminate the contract and may hold that provider Contractor or Supplier (as the case may be) liable for any loss or damage which the Council may thereby sustain.
- (v) All contract documents issued by and all contracts made with the Council shall provide that the conditions and obligations thereof to be observed by contractors shall likewise apply to any sub-contractor and the contractors shall be responsible for the observance of such conditions by any sub-contractor.
- (vi) All contract documents issued by the Council shall include a questionnaire in terms of Section 18 (5) of the Local Government Act 1988 to ascertain whether the requirements of the Race Relations Act 1976 are being met by contractors or such questionnaire shall be submitted with the application form for the Select Tender List.

- 3.8 Chief Officers shall retain until after completion of each contract a list showing the name and address of each inquirer to whom documents have been issued, allocating to each inquirer an individual number. Before an official label to an inquirer is issued the number allocated to that inquirer shall be inserted at the end of the serial number on the label. Thus DCS/03/20 the third inquirer for that contract would have the serial number DCS/03/20/3 shown on the label issued to him. This is important since the numbered list shall enable the Chief Executive to return, unopened, to the appropriate tenderer any tender which is received late.
- 3.9 Ensure that the closing time for receipt of all tenders to be submitted is fixed at 10.00 am on a weekday excluding public holidays.
- 3.10 All late tenders shall be returned if possible unopened to the tenderer and shall not be reported to Committee or taken into account unless otherwise agreed with the Chief Executive. In the event of the Chief Executive accepting such a tender, the reason will be detailed in the Tender Book.

4. OPENING OF TENDERS

- 4.1 Tenders, with the exception of those obtained in terms of paragraph 3.3, shall be opened in the offices of the Chief Executive by the appropriate Convener or Vice Convener, the Convener or Vice Convener of the Finance Committee or the Chief Executive or Deputy Chief Executive (Support Services).
- 4.2 The person assisting at the opening of tenders shall ensure that the Tenders Register is completed in the following manner:-
- (a) The names of all tenderers and the tender amounts shall be listed;
 - (b) Where the invitation to tender does not require a specific total to be stated eg "Cost plus" projects etc there should be inserted in the "Tender Amount" column the words "to that effect";
 - (c) Uncompleted tender documents returned using the official tender label must also be listed in the Tenders Register and the words "No offer" inserted under the Tender Amount. These shall not, however, be included in total of completed tenders received;
 - (d) Where tenderers submit alternative tenders for the same project in one envelope these should be entered separately in the Tenders Register with an explanatory note in the Register;
 - (e) In cases where tenderers submit offers for two or more different contracts in one envelope using the official tender label for one of the contracts then the Tenders Register must again include an explanatory note; and
 - (f) All tenders must be initialled by the person opening them and the register must be signed by the person opening the tenders and the official receiving them.

5. PREPARATION OF TENDER REPORTS

- 5.1 The Chief Officer concerned shall prepare a report on tenders received for the purchase of plant, vehicles, tools, equipment, furnishings, materials or commodities, or for the carrying out of any works, or the purchase of any services, with the exception of those obtained in terms of paragraph 3.3 above.
- 5.2 The report shall include the following information:-
- (a) whether the expenditure involved has been approved by the Policy and Resources Committee under a general or specific heading;
 - (b) a reference to the minute of meeting of the Committee approving an increase in the probable costs, if appropriate;
 - (c) in the case of Capital projects details of any Revenue implications; and
 - (d) details, if any, of sub-contractors proposed by the contractor.
- 5.3 For reports on contracts below £25,000 to be met from revenue the following procedures shall be followed
- (a) The Chief Officer concerned shall prepare a report, in terms of paragraphs 5.1 and 5.2 above, for officer approval in respect of all contracts below £25,000 where specific provision has been made in the approved estimates with the exception of those obtained in terms of paragraph 3.3 and shall submit the report to the Deputy Chief Executive (Support Services) and the offer recommended for acceptance. If no specific provision has been made in the estimates the Chief Officer concerned shall follow the procedures in terms of paragraph 5.4 below.

- (b) The Depute Chief Executive (Support Services) shall thereafter submit the report to the Chief Executive and Depute Chief Executive (Finance) for approval or otherwise.
- (c) At the same time as (b) above an acceptance letter shall be prepared by the Depute Chief Executive (Support Services) and issued to the department which assessed the tender documents for initialling and return.
- (d) The Depute Chief Executive (Support Services) shall issue the acceptance letter subject to the approval of the Chief Executive and Depute Chief Executive (Finance) and a copy of the final dated acceptance forwarded to the relevant Officers.
- (e) The person who assisted in the opening of the tenders shall place a copy of the acceptance together with the tender report and relative correspondence on a register for inspection purposes.
- (f) The person who assisted in the opening of the tenders shall also enter a note in the tender book indicating the successful offer and the date the acceptance was issued. In the case of no offer being accepted, a suitable note shall be entered in the tender book.
- (g) The Depute Chief Executive (Support Services) shall advise the Depute Chief Executive (Finance) monthly of any reports which are not approved.

5.4 For reports on contracts above £25,000 and all contracts to be met from capital or CFCR the following procedures shall be followed

- (a) The Chief Officer concerned shall prepare a report, in terms of paragraphs 5.1 and 5.2 above, for Committee approval in respect of all contracts above £25,000 and shall submit same to the Chief Executive, Depute Chief Executive (Support Services) and Depute Chief Executive (Finance) 14 days prior to the Committee meeting.
- (b) On receipt of the report together with the offer recommended for acceptance the Depute Chief Executive (Support Services) shall prepare a draft acceptance letter.
- (c) The acceptance letter shall be issued by the Depute Chief Executive (Support Services) subject to Committee approval as soon as practically possible and a copy of the final dated acceptance forwarded to relevant Officers.
- (d) The person who assisted in the opening of the tenders shall enter a note in the tender booking showing the date of the Committee approval, the successful offer and the date the acceptance was issued. In the case of no offer being accepted a suitable note shall be entered in the tender book.

6. APPOINTMENT OF SUB-CONTRACTORS

6.1 The Principal Officer responsible for reporting on tenders shall seek the approval of the appropriate Committee to the sub-contractor proposed by a Contractor before any contract is entered into with such Contractors and also to any changes proposed in the approved list of sub-contractors.

7. ACCEPTANCE OF OFFERS

7.1 Subject to the provisions of paragraph 3.3 all acceptances of offers for the purchase or sale of Plant, Vehicles, Tools, Equipment, Furnishings, Materials or Commodities and for the carrying out of any works or the performance of services shall be signed on behalf of the Council by the Chief Executive or the Depute Chief Executive (Support Services), Administration Manager or Legal Manager acting as agents for the client department unless otherwise directed by the Depute Chief Executive (Support Services).

8. PAYMENTS TO CONTRACTORS

- 8.1 All contracts for the carrying out of any works or the purchase of services on behalf of the Council, or for the supply of any plant, vehicles, tools, equipment, furnishings, materials or commodities to the Council will be recorded by the Principal Officer concerned, and such book shall show the amount of each contract and any payments made to account.

9. ALTERATIONS TO SPECIFICATIONS

- 9.1 The specification of any works or services under contract and approved by the appropriate Committee shall not be altered to any substantial extent without the consent of the Council except in cases of urgency or where the nature of the services or works is such as to require deviation from the specification from time to time, but any such instance shall be reported to the appropriate Committee.

10. DETERMINATION OF CONTRACTS AND PLACING OF NEW CONTRACTS

- 10.1 If for any reason whatsoever the employment of any contractor or supplier of services, or of plant, vehicles, tools, equipment, furnishings, materials, or commodities has been terminated, such contractor or supplier shall not receive any new contract from any Committee of the Council until such new Contract has been approved by the Council.
- 10.2 While at all times observing the requirements of the relevant legislation, the Council shall whenever possible and commercially viable, seek to maximise the benefits to the local economy of using local companies and local labour.

11. DISPOSAL OF SURPLUS PLANT, MATERIALS, ETC

- 11.1 All surplus plant, vehicles, tools, equipment, furnishings, materials or commodities valued in excess of £5,000 in value to be disposed of by any Division of the Council shall be advertised for sale either by the invitation of sealed offers or by public auction, unless in special circumstances of which the Committee concerned shall be the sole judge, it is otherwise decided. The arrangements for the disposal of surplus plant, vehicles tools, equipment, furnishings, materials or commodities valued at less than £5,000 shall be delegated to the Chief Officer of the department concerned.

12. SELECT TENDER LISTS - CONSTRUCTION CONTRACTS

- 12.1 Invitation to apply for inclusion on the Council's Select Tender List for construction contracts shall be made by advertising in the local and national press and European Journal. The List shall be renewed every four years.
- 12.2 All applicants are evaluated by the City Architectural Services Officer for their technical ability and by the Depute Chief Executive (Finance) for their financial suitability prior to being recommended for inclusion on the list.
- 12.3 During the currency of the Select Tender List any Contractor who fails to meet the technical or financial criteria required shall be deleted from the list. New Contractors may be added to the list subject to the normal assessment by the City Architectural Services Officer and Depute Chief Executive (Finance).

13. ENGAGEMENT OF CONSULTANTS

- 13.1 It shall be a condition of the engagement of the services of any private professional practitioner (not being an officer of the Council) who is to be responsible to the Council for a contract for the execution of works that, in relation to that contract he/she shall:-
- (i) at any time during the carrying out of the contract produce, on request, to the appropriate Chief Officer, all records maintained in relation to the contract; and
 - (ii) on completion of the contract transmit all such records to the appropriate Chief Officer.

14. DLO/DSOs

- 14.1 The Council's DLO and DSO organisations will comply with the Council's Tendering Procedures and all applicable legislation in all estimates or tenders submitted to the Council as client.
- 14.2 It is recognised that as part of the preparation of a tender submission by the DLO or DSO, it may be necessary to seek to enter into a contract with an outside party for the supply of goods or materials or the execution of works. This may be undertaken subject to the following provisos:-
- (i) written quotations are obtained from at least three persons competent to undertake the contract and these are recorded in a register of contract quotations.
 - (ii) any such quotation may, after it has been confirmed in writing by the offerer, be accepted by the appropriate Chief Officer.
 - (iii) all quotations exceeding £10,000 in value which the respective Chief Officers have accepted under this paragraph shall, as soon as practical, be reported for information to the Dundee Contract Services Committee.

APPENDIX**TENDERING PROCEDURE****List of Divisions/Departments likely to invite tenders,
and codes allocated to each**

Dundee Contract Services Department	-	DCS
Communities Department	-	COM
Economic Development Department	-	EDD
Education Department	-	EDU
Environmental Health and Trading Standards Department	-	ECPD
Finance Department	-	FIN
Housing Department	-	HSG
Information Technology Department	-	ITD
Leisure and Arts Department	-	L&A
Personnel Department	-	PMS
Planning and Transportation Department	-	P&T
Social Work Department	-	SW
Support Services Department	-	SSD
Waste Management Department	-	WM

**DUNDEE CITY COUNCIL
SUPPORT SERVICES DEPARTMENT**

**DELEGATION OF POWERS
TO OFFICERS
OF THE COUNCIL**

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SCHEME OF ADMINISTRATION - DELEGATION OF POWERS TO OFFICERS

1. INTERPRETATION

- i) Any reference in this scheme to a statutory or other provision shall be interpreted as a reference to that provision as amended from time to time by any subsequent legislation.
- ii) Any power delegated to a chief officer in terms of this scheme may be exercised by such officer or officers of his or her department as the chief officer may authorise.

2. GENERAL DELEGATION TO CHIEF EXECUTIVE AND ALL CHIEF OFFICERS

- i) Authority for the Chief Executive to make arrangements for the overall operation and management of the Council and its Departments within the policies and decisions made by the Council and authority for Chief Officers to make similar arrangements for their departments.
- ii) **Urgent Matters arising between meetings**

Authority for Chief Executive and Chief Officers to act on urgent matters which may arise between meetings in consultation with the Convener and the appropriate spokesperson from other Groups subject to a report thereon being submitted for information to the next appropriate meeting of the Committee concerned.
- iii) **Revenue Expenditure**

Authority to incur expenditure on salaries, wages, property costs, and supplies and services etc, within the approved budget and subject to the Council's personnel policies financial regulations and tendering procedures.
- iv) **Training Plan**

Authority to Develop Training Plans and authorise attendance at appropriate training courses.
- v) **Action Plan**

Authority to develop Departmental Action Plans.
- vi) **Outside Bodies**

Authority to represent the Council on outside bodies relevant to the activities of their Departments. Chief Officers may also authorise members of staff to represent the Council on appropriate bodies for the same purpose.
- vii) **Attendance at Meetings**

The Chief Executive and appropriate Chief Officers, after consultation with relevant Conveners may, at the expense of the Council, attend meetings arranged by any appropriate body for the discussion of matters relating to any of the functions of the Council. Officers other than the Chief Executive or Chief Officers may be authorised to incur expense in attending such meetings by the Chief Executive and said Chief Officers.
- viii) **Disposal of Surplus Plant etc**

Authority to make arrangements for the disposal of surplus plant, vehicles, tools, equipment, furnishings, materials or commodities valued at less than £5,000.

ix) **Best Value**

Authority to conduct customer consultation exercises, enter into benchmarking partnerships and take all steps necessary to meet the standards required in terms of cost and quality to demonstrate the achievement of Best Value in delivering services which have been measured against customers needs and strategic priorities.

x) **Wayleaves, etc**

Authority to approve all wayleave and sub-station site applications from Statutory Bodies for essential services such as gas mains, telecom cables, call boxes, overhead and underground electricity lines, mains water and drainage pipes.

Authority to grant superiors consent, including retrospective consent, in connection with changes of use, or erection, of buildings and fences held on departmental accounts, where the financial consideration is of a minor nature and subject to the Depute Chief Executive (Support Services) signing the consent notice.

xi) **Partnerships**

Authority to identify and develop partnerships with organisations who can assist in the delivery of services.

xii) **Licensing Applications**

Heads of Departments/Divisions of the Council shall be authorised to lodge objections to applications for licences being considered by the Council's Licensing Committee and/or the Licensing Board for the City of Dundee.

(xiii) **Miscellaneous**

(a) Authority for Chief Officers to manage their department and deliver services in accordance with the Council's policies subject to compliance with the Council's Standing Orders, Tender Procedures, Financial Regulations and any Directions given by the Chief Executive.

(b) Authority to carry out such other matters not detailed in the Schemes of Administration but nevertheless necessary to carry out departmental functions which are not otherwise dealt with by the Council, its Committees or Sub-Committees or any other department.

CHIEF EXECUTIVE'S DEPARTMENT

The Chief Executive has delegated authority for the following activities:-

1. Authority to implement and monitor general policies adopted by the Council.
2. Authority to provide advice and guidance to the Council on policy options.
3. Authority to act as Returning Officer at all Local Government, National and European elections and referenda and to appoint Depute Returning Officers as appropriate.
4. Authority to act as Proper Officer for the Council for the purposes of Sections 33A, 34, 40, 231 and Schedule 7 of the Local Government (Scotland) Act 1973.
5. Authority to affix the Common Seal of the Council to any deed or other document to which the Council is a party.
6. Authority to call meetings of the Council or any of its Committees or Sub-Committees.
7. Authority to authorise the attendance of Officers of the Council at meetings, conferences or other functions within and outwith the United Kingdom.
8. Authority to approve recruitment of temporary staff for periods not exceeding 12 months.
9. When persons or bodies are attending meetings with Members and/or Principal Officers or their deputies in connection with the functions and operations of the Economic Development Department, the Chief Executive may authorise expenditure on the provision of hospitality to an amount not exceeding the amount allowed in the estimates in any one year.
10. Subject to the provisions of paragraph 3 of the Scheme of Administration on Tender Procedures, the Chief Executive may in special circumstances decide that the normal tender process would not be justified or appropriate.
11. Authority to open tenders.
12. Authority to appoint a Chairperson for the Social Work Complaints Review Committee and to arrange for substitutes to be available if required.
13. Authority to deal with all disciplinary matters affecting Chief Officers subject to the employee's right of appeal within the Disciplinary Procedures.
14. Authority to lead the Council's Community Planning Officers' Team and Dundee Partnership Management Group.
15. Authority to lead the Management Team and ensure effective delivery of Council Services in accordance with the approved budgets.
16. The Chief Executive and Director of Education to sign agreements reached by the Local Negotiating Committee for Teachers.

COMMUNITIES DEPARTMENT

The Head of Communities has delegated authority for the following activities:-

1. **Purchase of books for libraries**

Authority to place orders for books for values exceeding the limit laid down by Financial Regulations.

2. **Closure of Premises**

Authority to close premises temporarily to the public for the purposes of repair/maintenance work or for elections.

3. a) Authority to operate the Council's Scheme for establishment of Community Councils.
- b) Authority to organise and supervise elections or other voting arrangements for the purpose of establishing Community Councils.
- c) Authority to make payment of annual administrative grants to Community Councils.
4. Authority to develop proposals for Community Regeneration Priority Areas.
5. Authority to develop proposals for the provision of adequate facilities for social, cultural and recreational activities as defined in the Education (Scotland) Act 1980.
6. Authority to ensure the provision of adequate Library facilities for all persons resident in the City in terms of S.163(2) of the Local Government (Scotland) Act 1973.
7. Authority to develop proposals for a Scheme for Decentralisation in terms of S.23 of the Local Government etc (Scotland) Act 1994.
8. Authority to develop advice to the Council on how to ensure that in all aspects of the Council's work, the rights, welfare and interests of ethnic minorities, women, disabled people, the elderly and the young are given primary consideration.
9. Authority to approve applications from voluntary organisations, including youth organisations, for grants and other forms of assistance under the Education (Scotland) Acts and relevant Regulations up to a value of £500 to any one group in any financial year subject to (i) the details of any award being reported to the Communities Committee for information and record purposes and (ii) any award made meeting criteria laid down by the Committee.

CORPORATE PLANNING DEPARTMENT

The Assistant Chief Executive (Community Planning) has delegated authority for the following activities:-

- 1 Authority to promote corporate working amongst Divisions/Departments to ensure that policy objectives from elected members are translated into functional objectives and that clear performance and service delivery standards are set and achieved.
- 2 Authority to identify short term action plans to improve the quality of services provided by Divisions/Departments and assist in the monitoring of these action plans to ensure that performance targets are achieved.
- 3 Authority to develop recommendations for medium and long terms action plans to improve the quality, effectiveness and efficiency of the delivery of City Council services
- 4 Authority to develop an integrated management information system to support the preparation, monitoring and review of the City Council's corporate strategies and action plans.
- 5 Authority to monitor the operation of quangos, joint boards/arrangements, partnerships and other agencies/bodies in order to project and protect the interests of Dundee City Council.
- 6 Authority to conduct research into policy issues, including comparisons with other authorities and customer research.
- 7 Authority to provide administrative, clerical and secretarial support facilities and services to the elected members of the Council.

DUNDEE CONTRACT SERVICES

The Director of Dundee Contract Services has delegated authority for the following activities:-

- 1 Authority to provide advice to the Council on policies and strategies to ensure that the Department achieves prescribed financial and service objectives.
- 2 Authority to tender for or negotiate appropriate construction, buildings maintenance, grounds maintenance and arboriculture contracts.
- 3 Authority to appoint Sub-Contractors as necessary.
- 4 Authority to seek to reduce the costs of the Department's Services to the Council through identifying and entering into partnerships and/or external trading arrangements which will allow effective use of resources.
- 5 Authority to implement the management systems necessary to support and administer the operations of the Department including the use of Information and Communication Technology and to seek external assessment where appropriate eg ISO9001 Investors in People.
- 6 Authority to operate an MOT and Taxi Testing Station.
7. Authority to grant permission for the use of public open spaces and landscaped areas.
8. Authority to develop and provide advice to the Council on policies for the development and maintenance of open spaces and landscaped areas including playgrounds.

ECONOMIC DEVELOPMENT DEPARTMENT

The Director of Economic Development has delegated authority for the following activities:-

1. Authority to advise the Council on the development and implementation of policies and strategies to promote the economic well-being of the city and to take steps for their implementation.
2. Authority to investigate and secure sources of external funding.
3. Authority to identify and develop Partnerships with other bodies and companies who can contribute to the city's economic development.
4. Authority to negotiate on behalf of the City Council with prospective conference organisers in relation to sponsorship and other forms of support to attract conferences to the City.
5. Authority to negotiate and enter into contracts for the sale or lease of commercial and industrial property held on the Economic Development Department account up to a rental value of £25,000 per annum or a capital value of £25,000.
6. Authority to grant Landlords consent for sub-tenancies under traditional ground leases in shopping centres on/and held on Economic Development Account where the financial consideration is of a minor nature.
7. Authority to grant permission for the use of open pedestrianised areas in the Overgate and to fix fees for non charitable activities.
8. Authority to approve loans and grants to companies and individuals for economic development purposes (within limits defined by the Economic Development Committee).
9. Authority to negotiate on behalf of the City Council with existing and prospective investors in relation to all forms of new economic activity in the City.
10. Authority to prepare and implement the Council's property management strategy.
11. Authority, in liaison with the Depute Chief Executive (Support Services), to investigate and negotiate on the terms of any legal agreements associated with projects or transactions prior to bringing proposals to Committee.
12. Authority (subject to the Council's general provisions regarding the incurring of capital and revenue expenditure) to appoint consultants where specialist advice is required.

EDUCATION DEPARTMENT

The Director of Education has delegated authority for the following activities:-

1. To provide advice to the Council on the formulation of policies and strategies in respect of the provision and development of long and short term Education services.
2. To ensure that the Council complies with all statutory requirements in relation to the Education service.
3. To make arrangements for pupils to be enrolled in the school within whose delineated area they normally reside.
4. To make available information to parents to enable them to enrol their children in the delineated area school or to make a placing request for another school.
5. To grant all placing requests whenever possible and to explain the right of appeal to any parents whose placing requests are refused.
6. To authorise school transport arrangements for all children who are entitled to school transport statutorily, or as a result of Council policy, and to authorise school transport for any children in exceptional circumstances who would not otherwise be entitled to it, subject to appropriate provision having been made in the approved estimates of expenditure.
7. To make provision for the education of children recorded as having Special Educational Needs.
8. To exercise the powers available to the Council with regard to the provision of education for pupils belonging to areas of other education authorities; to pay any agreed rate to another education authority which has provided education for pupils normally resident in the area of the Council but who are for various reasons, placed in schools outwith the Council area, subject to appropriate provision having been made in the approved estimates of expenditure; and to make arrangements for the receipt of payments from other Councils whose pupils are placed in Dundee schools.
9. To appoint staff to the Education Department in accordance with policies and procedures determined by the Council.
10. To grant leave of absence with salary to enable teaching staff to undertake approved courses, subject to appropriate provision having been made in the approved estimates of expenditure.
11. To implement and monitor the Council's scheme of Staff Development and Review for teaching staff.
12. To arrange programmes of in-service training for teachers, for School Chaplains, and for non-teaching staff in association with the Assistant Chief Executive (Management).
13. To transfer teachers within the policy established by the Council.
14. To be responsible for disciplinary procedures for teaching staff, in accordance with the Council's policies.
15. To approve the premature retirement of teachers without enhancement at no additional cost to the Council.
16. To purchase equipment for schools and other educational establishments, in accordance with the Council's agreed policies and procedures.
17. To maintain the equipment, material resources and physical fabric of all school and educational establishments, in accordance with the Council's agreed policies and procedures.

18. To carry out the administration, assessment and payment of education maintenance allowances and further education bursaries, insofar as the Council has the power to award such bursaries and to decide whether or not to accept a late application.
19. To issue licences in terms of the Children (Performance) Regulations 1968.
20. To control the employment of children in terms of the Council's byelaws.
21. To approve or refuse applications received from schools for visits and excursions, in accordance with the Council's policies.
22. To ensure that free school meals are provided for all entitled pupils, and that clothing grants are provided in accordance with the Council's policies.
23. To make arrangements to monitor the attendance of pupils at school, and to implement measures to combat truancy and other unauthorised absence.
24. To oversee the arrangements made by head teachers for allocating pupils to classes, for the delivery of an effective curriculum, and for all matters relating to the safety and well-being of pupils.
25. To be responsible for the provision of a Psychology Service.
26. To make all arrangements for the election of members of School Boards.
27. To administer the Council's scheme for the letting of school premises.
28. To administer the Council's scheme of Devolved School Management.
29. To have the power to apply to a Sheriff for a child protection order in terms of Section 57 of the Children (Scotland) Act 1995.
30. To have the power to apply to a Justice of the Peace for emergency child protection measured in terms of Section 61 of the Children (Scotland) Act 1995.
31. To make revenue grant up to £500 to support playgroups.
32. The Chief Executive and the Director of Education to sign agreements reached by the Local Negotiating Committee for Teachers.
33. To exclude pupils from schools.

ENVIRONMENTAL HEALTH AND TRADING STANDARDS DEPARTMENT

The Head of Environmental Health and Trading Standards or appropriate nominated officer has delegated authority for the following activities:-

1. National Assistance Act 1948

As amended by the Local Government (Scotland) Act 1973 (Burial or Cremation of the Dead).

Authority to arrange for the burial or cremation of deceased persons where no-one is available to make such arrangements.

2. Health Services and Public Health Act 1968 and Orders made thereunder

Authority to exclude food handlers suffering from infectious diseases from work, and arrange for payment of compensation.

3. Dangerous Dogs Act 1990

Authority to seize and detain dogs of several breeds, whose owners have not fulfilled statutory obligations for registration, marking etc.

4. Dog Fouling (Scotland) Act 2003

Authority to issue fixed penalty notices under Section 4.

5. Food Safety (General Food Hygiene) (Butchers' Shops) Amendment (Scotland) Regulations 2000

(i) Authority to grant a licence. In the event of the Head of Environmental Health and Trading Standards declining to grant a licence, the matter will be referred to a Sub-Committee of the Environmental Services and Sustainability Committee for determination.

(ii) Authority to revoke or suspend a licence but the Head of Environmental Health and Trading Standards may refer the matter to a Sub-Committee of the Environmental Services and Sustainability Committee to determine.

6. Civic Government (Scotland) Act 1982

a) Authority to issue Notices under Section 87(1) of the Act.

b) Authority to instruct necessary works for the repair of buildings under Section 87(3) of the Act, in the interest of health. Persons so instructed to prepare, carry out, supervise or inspect these works have been authorised to enter the buildings and the lands pertaining thereto for these purposes.

c) Authority to recover costs of any works carried out under Section 87(1) and 87(3) of the above Act from the various owners of the properties concerned on the basis that apportionment is based on equal shares.

d) Authority to issue Notices under Section 90 of the Act.

e) Authority to instruct necessary works for the repair of the lighting in the common property under Section 90 of the Act in the interest of safety. Persons so instructed to prepare, carry out, supervise or inspect these works have been authorised to enter the buildings and the lands pertaining thereto for these purposes.

f) Authority to recover costs of any works carried out under Section 90 of the above Act from the various owners of the properties concerned on the basis that apportionment is based on equal shares.

g) Authority to issue Notices under Section 94(2) of the above Act requiring owner or occupier of land or premises containing a disused petrol tank, to have the tank made safe.

Authority to levy a charge for administration costs in respect of the above as follows:-

10% of the sum of accounts received from contractors with a minimum of £20.00.

7. Health and Safety at Work etc Act 1974 and any Regulations thereunder

- a) Authority to issue Improvement and Prohibition Notices.
- b) Authority to temporarily appoint inspectors to carry out technical appraisals, examinations and/or inspections.
- c) Authority to give temporary authority to persons with specialist knowledge to accompany authorised officers on site.
- d) Authority to transfer premises to the Health and Safety Executive and vice versa.

8. Environmental Protection Act 1990

- a) Authority to issue Notices in terms of Section 80 of the Act.
- b) Authority to instruct necessary works under Section 81 of the Act to abate the statutory nuisance or prevent the recurrence of the statutory nuisance. Persons so instructed to prepare, carry out, supervise or inspect these works have been authorised to enter the buildings and lands pertaining thereto for these purposes.
- c) Authority to recover costs of any works carried out under Section 81 of the above Act from the person by whose act or default the nuisance was caused.

9. Food Safety Act 1990 and any Regulations Thereunder

- a) Authority to issue Notices in terms of the legislation.
- b) Authority to temporarily appoint inspectors to carry out technical appraisals, examinations and/or inspections.
- c) Authority to give temporary authority to persons with specialist knowledge to accompany authorised officers on site.

10. Prevention of Damage by Pests Act 1949

- a) Issue Notices under Section 4(1) under the Prevention of Damage by Pests Act 1949.
- b) Instruct the works required to comply with the Notice, should the person or persons to whom the Notice had been served not do so within the permitted time, and
- c) Recover the cost of the works carried out in default.

11. Legislation Enforced by Environmental Health Officers

Environmental Health Officers or appropriate officers appointed by Dundee City Council are authorised by virtue of the legislation contained in the Schedule below to enter and inspect premises including any place, stall, vehicle, ship or aircraft, and to inspect, test, seize, sample, detain or purchase such goods, equipment or documents as may be required to carry out the provisions of the said legislation.

Schedule

Animal Boarding Establishments Act 1963
 Animal Health Act 1981 and Regulations thereunder
 Betting Gaming and Lotteries Act 1963
 Breeding of Dogs Act 1973
 Burial (Scotland) Act 1855
 Caravan Sites and Control of Development Act 1960
 Civic Government (Scotland) Act 1982
 Clean Air Act 1993
 Control of Pollution Act 1974
 Dangerous Dogs Act 1989
 Dangerous Dogs Act 1991
 Dangerous Wild Animals Act 1976
 Dogs Act 1906
 Dog Fouling (Scotland) Act 2003
 Environment Act 1995
 Environmental and Safety Information Act 1988
 Environmental Protection Act 1990
 European Communities Act 1972

Factories Act 1961
 Food and Environment Protection Act 1985
 Food Safety Act 1990 and any Regulations thereunder
 Health and Safety at Work etc Act 1974 and any Regulations thereunder
 Health Services and Public Health Act 1968
 Housing (Scotland) Act 1987
 Industrial Diseases Notification Act 1981
 Licensing (Scotland) Act 1976
 National Assistance Act 1948
 Noise Statutory Nuisance Act 1993
 Offices, Shops and Railway Premises Act 1963
 Performing Animals (Regulation) Act 1925
 Pets Animals Act 1951
 Prevention of Damage by Pests Act 1949
 Products of Animal Origin (Import and Export) Regulations 1996
 Products of Animal Origin (Third Country Imports) Regulations 2002 (as amended)
 Public Health (Scotland) Act 1897
 Public Health (Scotland) Act 1945
 Rabies Act 1974
 Riding Establishments Acts 1964 and 1970
 Sewage (Scotland) Act 1982
 The City of Dundee District Council Byelaws for the Cleansing of Common Property
 Water (Scotland) Act 1980

- and all Orders and Regulations made under the above

12. Specific Authorisation for Environmental Health Officers and Food Safety Officers

- a) Environmental Health Officers are authorised to be inspectors for the purposes of the Health and Safety at Work etc Act 1974 and to exercise the powers of an inspector specified in:-
 - i) Section 20, 21, 22 and 25
 - ii) Any health and safety regulations
 - iii) The provisions of the relevant Acts mentioned in Schedule 1 of the 1974 Act which specified in the third column of that Schedule and of the regulations, orders or other instruments of a legislative character made or having effect under any provision so specified.
- b) Environmental Health Officers are authorised to be inspectors for the purposes of the Food Safety Act 1990 Part I Section 5(6) and to exercise powers of an inspector specified in;
 - i) Part II Sections 9, 10 and 12, Part III Sections 29, 30 and 32, Part IV Sections 49 and 50
 - ii) Any food safety regulations and food standard regulations
 - iii) The provision of the Act mentioned in Part IV Section 40 relative to the issue and use of Codes of Practice.
- c) Food Safety Officers holding the Higher Certificate in Food Safety Inspection are authorised to be inspectors for the purposes of the Food Safety Act 1990, Part I Section 5(6) and to exercise powers of an inspector specified in;
 - i) Part II Section 9 and 10, Part III Section 29, 30 and 32, Part IV Sections 49 and 50
 - ii) Any food safety regulations and food standard regulations
 - iii) The provision of the Act mentioned in Part IV Section 40 in relation to the issue and use of Codes of Practice.
- d) Environmental Health Officers are authorised to issue Notices under Section 60 of the Control of Pollution Act 1974 to control noise levels emanating from construction sites.
- e) Environmental Health Officers are authorised to approve applications in terms of Section 61 of the Control of Pollution Act 1974 for prior consent for work undertaken on a construction site.

13. Legislation Enforced by Trading Standards Officers

Trading Standards Officers or other appropriate officers appointed by Dundee City Council are authorised by virtue of the legislation contained in the Schedule below to enter and inspect premises including any place, stall vehicle, ship or aircraft, and to inspect, test, seize, sample, detain or purchase such goods, equipment or documents as may be required to carry out the provisions of the said legislation.

Agriculture Act 1970
 Agriculture Produce (Grading and Marking) Acts 1928-1931
 Animal Health Act 1981
 Civic Government (Scotland) Act 1982 - Sections 94 and 99
 Children and Young Persons (Protection from Tobacco) Act 1991
 Construction Products Regulations 1991
 Consumer Credit Act 1974
 Consumer Protection Act 1987
 Control of Pollution Act 1974 - Section 75(6)
 Customs and Excise Management Act 1979
 Development of Tourism Act 1969
 Education Reform Act 1988 - Section 214
 Energy Conservation Act 1981
 Enterprise Act 2002, Part 8
 Estate Agents Act 1979
 European Communities Act 1972
 Explosives Acts 1875 and 1923
 Fair Trading Act 1973
 Farm and Garden Chemicals Act 1967
 Food and Environmental Protection Act 1985, Part III
 Hallmarking Act 1973
 Health and Safety at Work etc Act 1974, Sections 19 and 20
 Medicines Act 1968
 Motor Cycle Noise Act 1987
 Pesticides Act 1998
 Petroleum (Regulations) Acts, 1928-1936
 Poisons Act 1972
 Prices Acts, 1974 and 1975
 Property Misdescriptions Act 1991
 Road Traffic Act 1988, Section 17
 Telecommunications Act 1984, Sections 28 and 29
 Timeshare Act 1992
 Trade Descriptions Act 1968
 Trade Marks Act 1994
 Trading Schemes Act 1996
 Trading Stamps Act 1964
 Unsolicited Goods and Services Act 1971
 Video Recordings Acts 1984 and 1993
 Weights and Measures Act 1985

- and all Orders and Regulations made under the above

14. Specific Authorisation for Trading Standards Officers and Enforcement Officers

- a) Trading Standards Officers are authorised to issue suspension notices under Section 14 of the Consumer Protection Act 1987.
- b) Trading Standards Officers are authorised to be inspectors for the purposes of the Health and Safety at Work etc Act 1974 and to exercise the powers of an inspector specified in:-
 - i) Section 20, 21, 22 and 25
 - ii) Any relevant health and safety regulations, and

- iii) The provisions of the relevant Acts mentioned in Schedule 1 to the 1974 Act which specified in the third column of that Schedule and of the regulations, orders or other instruments of a legislative character made or having effect under any provision so specified.
- c) Trading Standards Officers are appointed as Inspectors of Weights and Measures under Section 73 of the Weights and Measures Act 1985 to discharge all of the functions conferred or imposed on inspectors by or under this Act.

15. Other Authorisations

Officers nominated by the Head of Environmental Health and Trading Standards are authorised to carry out the statutory duties of the City Council in the terms of the Control of Pollution Act 1974, the Environmental Protection Act 1990 Part II and as the Litter Authority in terms of the Environmental Protection Act 1990, Part IV.

- 16.** Applications for licences under the Explosives Act (Fireworks).

FINANCE DEPARTMENT

The Depute Chief Executive (Finance) has delegated authority for the following activities:-

1. Authority to prepare and maintain a Scheme of Administration on Financial Regulations.
2. Authority to act as Proper Officer for the purposes of Section 95 of the Local Government (Scotland) Act 1973 (proper administration of financial affairs).
3. Authority to monitor and enforce the Council's Financial Regulations.
4. Authority to provide advice to the Council on the formulation of policies and strategies in respect of financial matters.
5. Authority to prepare an Annual Unaudited Statement of Accounts and thereafter submit to the Council an Annual Report and Accounts including an audit certificate.
6. Authority to prepare the Council's annual and longer term Capital and Revenue Budgets.
7. Authority to deal with proposals from departments for the virement of Revenue and Capital Budget provisions and to vire expenditure from any Contingency Fund, Renewal and Repair Fund or the General Fund balances.
8. Authority to monitor and regulate the Council's Annual Revenue and Capital Budgets.
9. Authority to determine and operate the Council's accounting policies, procedures and records.
10. Authority to liaise with the Council's External Auditors.
11. Authority to write off miscellaneous debts subject to all possible measures to effect collection having been exhausted.
12. Authority to write off unpaid non-domestic rates, community charge and council tax subject to all possible measures to effect collection having been exhausted.
13. Authority to authorise Departments to write off stores differences.
14. Authority to make the necessary arrangements for the Council's banking requirements and their operation thereafter.
15. Authority to order cheques and national giro payment forms and to arrange for their safe custody.
16. Authority to sign cheques and giro's on the Council's accounts is delegated to the Depute Chief Executive (Finance), Corporate Finance Manager, Financial Services Manager, Revenues Manager and Senior Financial Services Officer.
17. Authority to determine the limits of cash which may be held by Departments.
18. Authority to provide cash advances as considered appropriate for officers of the Council to defray petty cash, other expenses and any other matters on the administration of imprest accounts.
19. Authority to manage the Council's borrowing and lending arrangements to ensure that funds are available for approved capital expenditure and that day to day revenue expenditure.
20. Authority to prepare and implement the Council's Treasury Policy Statement.

21. Authority to invest surplus funds of the Common Good Fund, General Insurance Fund and other specific Funds subject to any policy adopted by the Finance Committee.
22. Authority to administer the Tayside Superannuation Fund and Tayside Transport Superannuation Funds, including all matters associated with their investment.
23. Authority to administer the Local Government Pension Scheme and relevant Additional Voluntary Contribution Schemes.
24. Authority to take all necessary actions with regard to the billing, collection and recovery of any Community Charge, Council Tax, Non Domestic Rate Income or Miscellaneous Income due to the Council.
25. Authority to maintain an Internal Audit function and ensure appropriate systems of internal control are established and maintained.
26. Authority to enter Council premises or property and to access all records, computer files and other documents and correspondence on financial matters, In so doing he or she may require and receive explanations and answers relating to the matter under examination and require employees to produce cash stores or other property under their control. The Depute Chief Executive (Finance) may delegate this authority to any member of staff he or she thinks fit.
27. Authority to approve or prescribe the form of time records, pay documents, receipt forms, books and tickets etc
28. Authority to administer the Council's payroll system.
29. Authority to pay all sums due to creditors subject to the certification and authorisation of appropriate Departmental Officers.
30. Authority to take all necessary steps to ensure risks of loss, damage or injury emanating from Council service provision are properly managed and, where considered necessary, insured against.
31. Authority to manage the Council's operating lease facility.
32. Authority to provide financial advice regarding the status of companies to be included on the Council's Standing List of Contractors.
33. Authority to offer advice on Business Finance issues.
34. Authority to submit all financial returns on behalf of the Council.
35. Authority to monitor expenditure on the Common Good Revenue Budget.
36. Authority to establish procedures for considering, authorising and making discretionary housing payments and for the consideration by officers, other than the original decision makers, of appeals against decisions on such application, in line with guidelines approved by Committee. (Finance Committee 17th September 2001).
37. Authority, together with the Depute Chief Executive (Support Services) and the Principal Pensions Officer, in terms of Regulation 37 of the Local Government Pension Scheme (Scotland) Regulations 1998, to determine to whom the death grant should be paid.

HOUSING DEPARTMENT

The Director of Housing has delegated authority for the following activities:-

1. Authority to advise the Council on strategies and policies for the development and implementation of a comprehensive Housing service.
2. Authority to administer the sale of Council Houses to tenants applying to buy under the Tenants Rights Etc (Scotland) Act 1980 and the Housing (Scotland) Act 1987.
3. Authority to administer the Council's house letting scheme.
4. Authority to process applications for improvement grants, repairs grants and improvement loans and to approve such applications where they meet the criteria laid down by the Housing Committee from time to time.
5. Authority to deal with requests to purchase additional ground in non open plan estates.
6. **Tenancy Agreements**

The Director of Housing and undernoted officers or their equivalents have delegated authority to sign Tenancy Agreements on behalf of the Council:-

Principal Housing Officer (Tenancy Services Unit)
Area Housing Managers
Team Leaders and Area Housing Officers.

7. **Superior's Consent**

The Director of Housing has delegated authority to deal with requests for Superior's Consent from owners of houses where the Council is Feu Superior or to delegate such authority to such appropriate Senior Housing Officer as he or she may decide.

8. **Homeless Services Unit**

The Director of Housing has delegated authority to designate appropriate members of staff to exercise the powers of inspection and entry vested in the Council by Section 17(2) of the Housing (Scotland) Act 1987 (with regard to furnished tenancies).

INFORMATION TECHNOLOGY DEPARTMENT

The Head of Information Technology has delegated authority for the following activities:-

1. IT Support Services

- i) Authority to provide professional and objective advice on all matters relating to the adoption of Information Technology solutions to management across the Authority at both corporate and departmental level.
- ii) Authority to plan and schedule network and telephone installation; control work carried out by Contractors and where practical, instal networking.
- iii) Authority to design networks (small local PC Networks, Departmental Networks and Corporate Networks, both Local and Wide Area), continually bearing in mind the current investment, the changing technology and the increasing and changing needs of the Users.
- iv) Authority to respond to and resolve all failures and faults in any of the Authority's networks.

2. IT Engineering

- i) Authority to assess Hardware requirements; draw up specifications for tendering for and procurement of all IT Classified Hardware and related Systems software. This includes the Procurement of all Personal Computers (PCs) and PC Hardware Upgrades.
- ii) Authority to arrange the installation of all Computer Hardware to departments within the Authority (including Schools and Education).
- iii) Authority to carry out maintenance of Computer Hardware in Corporate Departments (including Schools and Education).
- iv) Authority to control and standardise PC Software used within the Authority, including version control and the planning, scheduling and implementation of version upgrades.
- v) Authority to provide a support and advice service relating to PC Software.

3. IT Software Development

- i) Authority to develop applications for user departments, including systems analysis, systems design, programming, testing and implementation. This service also includes installing the system to User sites where required and support in initial start-up, training and in any subsequent enhancement requirement.
- ii) Authority to provide a systems maintenance service to all Departments.
- iii) Authority to instal and support application packages bought in from outside suppliers.
- iv) Authority to provide advice and help to departments to eliminate duplication in systems functionality and the integration of PC usage into the corporate work of the Department.
- v) Authority to control and monitor data usage within systems, and the application of database optimization techniques to support the working of the Authority's systems.

4. IT Central Operations

- i) Authority to manage the processing of the Authority's corporate systems, including data-Input, centralised printing and distribution.
- ii) Authority to administer and control the Operating systems for Corporate and Departmental Servers and applications machines.
- iii) Authority to control the usage of the corporate Computers and to plan capacity availability for any new systems and/or changes in usage of current systems.

5. IT Client Related Services

- i) Authority to manage all the Authority's IT related contracts.
- ii) Authority to control and manage all Software Evaluation and Procurement.
- iii) Authority to develop the Council's IT Strategy/Policy and monitor and control its implementation.
- iv) Authority to determine standards within the IT Division and to monitor their implementation and application.
- v) Authority to determine the Council's policy on, and the review, planning and implementation of replacement office systems.
- vi) Authority to develop and manage an in-house IT training facility to support all IT activity within the Council and relevant outside bodies.

LEISURE AND ARTS DEPARTMENT

The Director of Leisure and Arts has delegated authority for the following activities:-

1. Authority to develop and provide advice to the Council on policies for all leisure and recreational facilities including sports centres and school halls, play areas, the Art Gallery and Museums and the promotion of the Arts in general.
2. Authority to monitor and evaluate Arts and Heritage funding partnerships with external organisations to ensure Best Value and to promote the interests of the City Council.
3. Authority to promote the Caird Hall complex as a venue for Entertainment and Conference purposes.
4. Authority to develop and provide advice to the Council on policies for the development and maintenance of parks, playing fields, outdoor recreation, playgrounds, cemeteries, burial grounds and allotments.
5. Authority to grant permission for the use of leisure and recreation facilities in parks, including regular repeat events.
6. Authority, in liaison with the Depute Chief Executive (Support Services), to issue duplicate title deeds for burial plots.
7. Authority to alter charges to facilities and activities as part of short term marketing initiatives in order to meet income targets, improve access to all citizens and in order to react to rapid changing marketing environment.
8. Authority, in liaison with Chief Executive, to submit lottery bids on behalf of the Council for sports lottery and/or heritage lottery.
9. Authority to conduct customer research in relation to enhancing service provision within Leisure and Arts facilities.
10. Authority to progress exhumation as and when such instances and measures are required.
11. Authority to purchase exhibits to a value which may exceed the limit laid down by Financial Regulations provided that it does not exceed the annual sum set aside in any one year's estimates or in special cases not exceeding the accrued resources in any one year, of the Art Fund annual allocations and funds accrued in the Charles Ower Bequest after consultation with the Depute Chief Executive (Finance).
12. Authority to approve/refuse requests for permission to ring the St Mary's Tower bells.
13. Authority to close premises to the public to allow essential repair/maintenance work to be carried out.

PERSONNEL DEPARTMENT

The Assistant Chief Executive (Management) has delegated authority for the following activities:-

1. Authority to provide advice to the Council on policies to be adopted for its Personnel and related functions.
2. Authority to undertake organisational reviews for all Departments of the Council.
3. Authority to design and implement in-house training courses for Council staff.
4. Authority to process requests for permission to fill vacant posts.
5. Authority to draw up guidelines for use in processing applications by Council employees to undertake other remunerative employment.
6. Authority to carry out negotiations with Trade Unions on matters relating to conditions of service and industrial relations etc
7. Authority to advise Departments and take action on matters relating to discipline, grievances and appeals.
8. Authority to take action necessary to ensure that the Council observes its equal opportunities policies in its role as an employer.
9. Appointed person, together with the Depute Chief Executive (Support Services), in terms of Regulation 98 of the Local Government Pension Scheme (Scotland) Regulations 1998.

PLANNING AND TRANSPORTATION DEPARTMENT

The Director of Planning and Transportation has delegated authority for the following activities:-

1. General

- a) Authority to negotiate with the private sector and other agencies for the purposes of securing development of and for the City.
- b) Authority to develop advice for the Council on creative planning policies for land use in the City.

2. Building Quality

2.1 Development Quality

- 1. The determination of all applications for planning permission, for listed building consent, for conservation area consent and consent to display advertisements except the following:-
 - (a) all applications in respect of which a valid written objection is received within the timescales specified in notifications or press notices; and the application is recommended for approval. In the case of applications where the recommendation is for refusal, in line with the Development Plan, and objections have been received, these applications will be dealt with under delegated powers.
 - (b) any application which a Member, within 2 weeks of the publication of the appropriate weekly list, has requested in writing be submitted to the Development Quality Committee;
 - (c) all applications which are to be recommended for approval despite their being contrary to the Council's local plan policies or any guidelines adopted by the Council;
 - (d) all applications for large scale development, viz:
 - industrial developments over 10,000 square metres;
 - warehouse developments over 5,000 square metres;
 - retail and other commercial developments over 2,500 square metres;
 - housing developments over 20 units;
 - (e) all applications for the removal or amendment of conditions originally imposed at the specific request of Members;
 - (f) all applications for Hazardous Substance Consent;
 - (g) and any others which in the Director of Planning and Transportation's view ought to be referred, notwithstanding there are no requests from Members to refer it to the Committee;
- 2. Determining whether a proposal to vary the details of a planning permission is material and, if not, to determine the proposed variation, as provided by Section 64 of the 1997 Act as amended;

3. approving matters of detail which have been reserved when previously granting a conditional approval of a detailed planning application eg details of landscaping;
4. the authority to decline to determine repeat applications which fall within Section 39 of the Town and Country Planning (Scotland) Act 1972, as amended, (following consultation with Local Members);
5. in consultation with the Depute Chief Executive (Support Services), entering into agreements under Section 75 of the Act following indication of approval of the related application for planning permission by the Development Quality Committee;
6. granting of statutory permission to carry out work on trees or to remove trees included within a Tree Preservation Order or granting such permission in relation to trees within a Conservation Area or protected by planning conditions;
7. in consultation with the Depute Chief Executive (Support Services), the serving of a Building Preservation Notice or a Tree Preservation Order under Part VII of the 1997 Act as amended, with the proviso that the serving of any such Order shall be reported as soon as practicable thereafter to the Committee;
8. in consultation with the Depute Chief Executive (Support Services), initiation of enforcement action or interdict action under Parts VI and/or XIV of the 1997 Act as amended, with the proviso that the Development Quality Committee shall be advised of any such action as soon as practicable thereafter;
9. the granting or otherwise of a Certificate of Lawfulness of Existing or Proposed Use or Development as provided under Sections 150 and 155 of the 1997 Act;
10. the Authority to authorise a person to enter upon any land at any reasonable time for the purposes mentioned in Sections 269 and 270 of the 1997 Act;
11. the authority to determine prior notification applications relating to demolition and the erection or significant alteration or extension of agricultural and forestry building as provided for under Part 6 and Part 7 of Schedule 1 to the Town and Country Planning (General Permitted Development) (Scotland) Order 1992, as amended;
12. in consultation with the Depute Chief Executive (Support Services), the serving of an Amenity Notice under Section 179 of the 1997 Act as amended;
13. the undertaking by the appropriate officer of the Council of all day to day procedural matters and other actions relevant to the Council's planning functions, as provided in the planning and relation legislation.

2.2 **Building Control**

1. Authority to grant all Warrants, Amendments to Warrants, Demolition and Change of Use.
2. Authority to issue Certificates of Completion.
3. Authority to enter premises to carry out inspections and tests as defined in Section 18 of the Building (Scotland) Act 1959, as amended.
4. Authority to process Building Warrants as set up by the Scottish Building Control Organisation in the Scottish Type Approval Scheme on the basis proposed by COSLA.
5. Authority to grant all Relaxation of the Building Standards (Scotland) Regulations.
6. Authority to extend the period of validity of Building Warrants.

7. Authority to serve notices, orders or issue documents under the terms of Section 10 (building erected without Warrant or in contravention of the regulations), Section 11 (requiring existing buildings to conform to the regulations) and Section 13 (dangerous buildings) of the Building (Scotland) Act 1959.
8. Authority to issue General Safety Certificates in terms of the Safety of Sports Grounds Act 1975.

3. Road Network

3.1 Roads (Scotland) Act 1984

- a) Authority to issue notices under Parts II, V and VIII and to extend notice period under Section 141(3) of the above Act.
- b) Authority to issue permission or consent, including imposing appropriate conditions thereto, under Parts IV, V and VIII of the above Act (except for permitting trading on principal roads under Section 97).
- c) Authority to instruct necessary work under Section 15 and Parts IV, V, VIII and XIII of the above Act.
- d) Authority to recover costs under Parts IV, V, VIII and XIII of the above Act.

3.2 New Road and Street Works Act 1991

Authority to carry out the functions of the Council under Sections 112, 115, 117, 118, 120, 122, 123, 124, 131 and 134 of the above Act.

4. Transportation

(i) Transport Act 1985 and Transport (Scotland) Act 2001

Authority to accept tenders (verbal if the circumstances dictate) as in Section 91(2). Where "action is urgently required" for the purpose of -

- a) maintaining an existing service;
- b) securing the provision of a service in place of a service which has ceased to operate; or
- c) securing the provision of a service to meet any public transport requirement which has arisen unexpectedly and ought, in the opinion of the authority, to be met without delay.

This is in specific regard to Section 88(2).

(ii) Education Services

- (i) Authority to accept tenders (verbal if circumstances dictate) as directed by Officers of the Education Department where "action is urgently required" for the purpose of School Transport Provision for:-
 - a) children entitled to statutory school transport;
 - b) children entitled to school transport in terms of Council policy; or
 - c) children authorised for school transport under special circumstances.
- (ii) to cancel any secured service contract for transport where it is proved that the operator is not conforming to safety codes or (in consultation with the Depute Chief Executive (Support Services)) that the condition of contracts have been breached.

5. Engineering

a) Building (Scotland) Act 1959

Authority to service Notices and Orders, issue documents and carry out emergency works relating to Dangerous Buildings and to recover costs from the owner of the building.

b) Civic Government (Scotland) Act 1982

Authority to issue Notices on the owners of defective buildings and to instruct urgent works and to recover costs from the owners of the building.

c) Appointment of Consultants

Authority to appoint Consultants as may become necessary to accommodate periodic increases in the workload of the department. These appointments will be made from an approved list of consultants and shall annually publish details of appointments made under these powers during the preceding year.

d) Coastal Protection Act 1949

Authority to issue Notices in respect of defective coastal protection works and to instruct any urgent or emergency works required to prevent breaches of the coastal defence system.

e) Flood Prevention (Scotland) Act 1961

Authority to undertake emergency works to prevent or mitigate flooding of non-agricultural land.

f) Flood Prevention and Land Drainage Act 1997

As above.

g) Reservoirs Act 1975

Authority to maintain a register of large raised reservoirs and to arrange regular inspections by suitably qualified Consulting Engineers.

h) Roads (Scotland) Act 1984

Authority to maintain the Register of Bridges and to carry out inspections, assessments and emergency repairs and maintenance.

PUBLIC RELATIONS DEPARTMENT

The Head of Public Relations has delegated authority for the following activities:-

1. Authority to provide advice and guidance to the Council on policies and strategies in the fields of Press and Public Relations, Design Services and Printing and Stationery.
2. Authority to respond to press enquiries on behalf of the Council, in liaison with appropriate Conveners and Chief Officers.
3. Authority to design and regulate the use of the City Council's logo and to ensure that corporate design specifications are adhered to.
4. Authority to monitor the paper supply market and to move purchases between suppliers according to ongoing price fluctuations so as to ensure best value is achieved in purchasing terms.

SOCIAL WORK DEPARTMENT

The Director of Social Work has delegated authority for the following activities:-

1. To provide advice to the Council on the formulation of policies and strategies in respect of all Social Work Services.
2. To take steps to ensure that the Council complies with all statutory requirements in respect of the provision of Social Work Services including:-
 - (1) To promote social welfare including giving help in kind or cash in terms of Sections 12 and 13 of the Social Work (Scotland) Act 1968.
 - (2) To assess needs in terms of Section 12A of the Social Work (Scotland) Act 1968 as inserted by Section 55 of the National Health Service and Community Care Act 1990.
 - (3) To provide home help and laundry facilities in terms of Section 14 of the Social Work (Scotland) Act 1968.
 - (4) To bury or cremate any person who was in the care of or receiving help from the Council immediately before their death or was a child being looked after by the local authority and recover expenses in terms of Section 28 of the Social Work (Scotland) Act 1968.
 - (5) To defray expenses of parents, relatives or other connected persons in respect of visiting a person, other than a child, in the care of the authority or receiving assistance from the authority or a child who is being looked after by the authority, or attending the funeral of such a person in terms of Section 29 of the Social work (Scotland) Act 1968 as amended by paragraph 15(13) of Schedule 4 of the Children (Scotland) Act 1995.
 - (6) To provide and maintain in terms of Section 59 of the Social Work Act 1968 such residential and other establishments as are required for the Council's functions under that Act or under Part II of the Children (Scotland) Act 1995.
 - (7) To remove persons from establishments in terms of Section 65 of the Social Work (Scotland) Act 1968.
 - (8) To inspect establishments registerable under Section 62 of the Social Work (Scotland) Act 1968 in terms of Section 67 of the Social Work (Scotland) Act 1968.
 - (9) To ensure that persons in establishments in the Council's area are visited from time to time in terms of Section 68 of the Social work (Scotland) Act 1968.
 - (10) To ensure that children looked after by the Council and people provided with assistance by the Council who are accommodated in establishments outwith the Council's area are visited in accordance with the requirements of Section 68 of the Social Work (Scotland) Act 1968.
 - (11) To recover any charges for services provided in terms of the Social Work (Scotland) Act 1968 and the Mental Health (Scotland) Act 1984 or under or by virtue of Part II of the Children (Scotland) Act 1995 all in terms of Section 87 of the Social Work (Scotland) Act 1968.
 - (12) To prepare a plan for the provision of community care services in the Council's area in terms of Section 5A of the Social Work (Scotland) Act 1968 as inserted by Section 52 of the National Health Service and Community Care Act 1990.
 - (13) To operate a procedure as approved by the Council for the receipt and investigation of complaints in terms of Section 5B of the Social Work (Scotland) Act 1968.

- (14) To make arrangements with voluntary or other organisations or persons for residential accommodation where nursing is provided for people who appear to need such accommodation in terms of Section 13A of the Social Work (Scotland) Act 1968 as inserted by Section 56 of the National Health Service and Community Care Act 1990.
- (15) To provide services to chronically sick and disabled persons in terms of Section 2 of the Chronically Sick and Disabled Persons Act 1970.
- (16) To assess needs when requested to do so by a disabled person or their carer in terms of Section 4 of the Disabled Persons (Services, Consultation and Representation) Act 1986.
- (17) To assess the ability of carers to provide care in terms of Section 12A of the Social Work (Scotland) Act 1968.
- (18) To provide information on Social Work Department services and any relevant services of other authorities or organisations in terms of Section 1 of the Chronically Sick and Disabled Persons Act 1970.
- (19) To have the power to make direct payments under Section 12B of the Social Work (Scotland) Act 1968.
- (20) To make arrangements for the provision, equipping and maintenance of residential accommodation and the care of the person for the time being resident in accommodation so provided in terms of Section 7(1)(a) of the Mental Health (Scotland) Act 1984.
- (21) To make arrangements for the exercise by the Council of its functions in respect of persons under guardianship in terms of Section 7(1)(b) of the Mental Health (Scotland) Act 1984.
- (22) To make arrangements for the provision of any ancillary or supplementary services in terms of Section 7(1)(c) of the Mental Health (Scotland) Act 1984.
- (23) To make arrangements for the supervision of persons suffering from mental handicap who are neither liable to detention in a hospital nor subject to guardianship in terms of Section 7(1)(d) of the Mental Health (Scotland) Act 1984.
- (24) To provide after care services for any persons who are or have been suffering from mental disorder in terms of Section 8(1) of the Mental Health (Scotland) Act 1984.
- (25) To appoint Mental Health Officers in terms of Section 9(1) of the Mental Health (Scotland) Act 1984.
- (26) To receive patients who have attained the age of 16 years into guardianship in terms of Section 37 of the Mental Health (Scotland) Act 1984.
- (27) To provide or secure the provision of suitable training and occupation for persons suffering from mental handicap who are over school age within the meaning of the Education (Scotland) Act 1980 in terms of Section 11 of the Mental Health (Scotland) Act 1984.
- (28) To petition for the appointment of a curator bonis and to carry out duties in respect of protection of property of patients in terms of Section 92 of the Mental Health (Scotland) Act 1984.
- (29) To authorise Mental Health Officers to enter and inspect premises and to provide information for the purpose of the issue of a warrant to search for and remove patients in terms of Section 117 of the Mental Health (Scotland) Act 1984.
- (30) To apply for orders under Section 47 of the National Assistance Act 1948 removing people in need of care and attention to suitable premises.

- (31) To provide temporary protection under Section 48 of the National Assistance Act 1948 for the moveable property of people admitted to hospital, residential establishments and other places.
- (32) To supervise and care for persons put on probation, released from prison or subject to a community service order and to provide the necessary social background reports and other reports to the Court as required in terms of Section 27 of the Social Work (Scotland) Act 1968.
- (33) To provide supervision for the purpose of assisting and advising an offender in regard to payment of a fine in terms of Section 217 of the Criminal Procedure (Scotland) Act 1995.
- (34) To supervise people placed on Supervised Attendance Order for default of a fine in terms of Section 235, 236 or 237 of the Criminal (Procedure) Scotland Act 1995.
- (35) To provide services to safeguard and promote the welfare of children who are in need and to promote the upbringing of such children by their families in terms of Section 22(1) of the Children (Scotland) Act 1995, including giving assistance in kind or, in exceptional circumstances, in cash.
- (36) To provide accommodation for any child in the local authority area to promote or safeguard his/her welfare in terms of Section 25(1) and (2) of Children (Scotland) Act 1995.
- (37) In conjunction with the Director of Housing, to have the power to provide accommodation to persons who are over the age of 18, but not yet 21, when such provision would promote the young person's welfare in terms of Section 25(3) of the Children (Scotland) Act 1995.
- (38) To pay adoption allowances in terms of Section 51 of Adoption (Scotland) Act 1978 and The Adoption Allowance (Scotland) Regulations 1996.
- (39) To safeguard and promote the welfare of a child where the child is looked after by the local authority in terms of Section 17(1) of the Children (Scotland) Act 1995.
- (40) To provide advice and assistance to prepare the child for when he/she is no longer looked after by the local authority in terms of Section 17(2) of the Children (Scotland) Act 1995.
- (41) To review cases of children looked after by the local authority in terms of Section 31 of the Children (Scotland) Act 1995.
- (42) To provide accommodation and maintenance for children who are looked after by the local authority in terms of Section 26 of the Children (Scotland) Act 1995.
- (43) To remove a child from a residential establishment in terms of Section 32 of the Children (Scotland) Act 1995.
- (44) To provide advice and assistance for young persons under 19, but over school age and formerly looked after by a local authority in terms of Section 29 of the Children (Scotland) Act 1995.
- (45) To have the power to provide financial assistance towards expenses of education or training of a young person, under the age of 21, formerly looked after by the local authority, including contributions to accommodation and maintenance in terms of Section 30 of the Children (Scotland) Act 1995.
- (46) To pay allowances in terms of Section 50 of the Children Act 1975.
- (47) To cause inquiries to be made and to provide information to the Principal Reporter where compulsory measures of supervision may be necessary in respect of a child in terms of Sections 53 and 56(1) of the Children (Scotland) Act 1995.

- (48) To provide reports on children and their social background for a Children's Hearing in terms of Sections 56(2) and/or (7) of the Children (Scotland) Act 1995.
- (49) To put into effect a supervision requirement made by a Children's Hearing in terms of Section 71(1) of the Children (Scotland) Act 1995.
- (50) To recommend a review of a supervision requirement made by a Children's Hearing by referral of the case to the Principal Reporter in terms of Section 73(4) of the Children (Scotland) Act 1995.
- (51) To recover contributions in respect of children who are looked after by the authority in terms of Section 78A of the Social Work (Scotland) Act 1968.
- (52) To recover contributions that have not been paid in terms of Section 82 of the Social Work (Scotland) Act 1968.
- (53) On behalf of the Chief Executive of the Council to prepare and publish a plan for the provision of relevant services for, or in respect of, children in the local authority area in terms of Section 19 of the Children (Scotland) Act 1995.
- (54) To prepare and publish information about relevant services for children in the local authority area in terms of Section 20 of the Children (Scotland) Act 1995.
- (55) To request help in the exercise of any functions that the local authority has under Part II of the Children (Scotland) Act 1995 from any of the specified persons in terms of Section 21 of the Children (Scotland) Act 1995.
- (56) To register childminders and providers of day care in respect of children under 8 in terms of Section 71 of the Children Act 1989.
- (57) To provide day care for children in need within the local authority who are aged 5 or under and who have not yet started school in terms of Section 27(1) of the Children (Scotland) Act 1995.
- (58) To provide appropriate care for school children in need within the local authority area outside school hours or during school holidays in term of Section 27(3) of the Children (Scotland) Act 1995.
- (59) To inspect childminders and providers of day care for children under 8 years of age in terms of Section 76 of the Children Act 1989.
- (60) To assess the need for the provision of social work services to any young person reaching school leaving age who is regarded as disabled in terms of Section 13 of the Disabled Persons (Services, Consultation and Representation) Act 1986.
- (61) To provide a report to the Court, on request, where the Court is considering any question relating to the care and upbringing of a child in terms of Section 11(1) of the Matrimonial Proceedings (Children) Act 1958.
- (62) To ensure that services provided under Section 22 of the Children (Scotland) Act 1995 to a child with or affected by a disability are designed to minimise the effect of his/her disability, or to minimise the effect of the disability of a family member on the child and to provide the opportunity for the child to lead as normal a life as possible in terms of Section 23(1) of the Children (Scotland) Act 1995.
- (63) To carry out an assessment (if asked to do so by the child's parent or guardian) of the child or any other person in his/her family in order to ascertain the child's needs as insofar as they are attributable to his/her disability or that of the other person in terms of Section 23(3) of the Children (Scotland) Act 1995.
- (64) To assess a carer's ability to provide, or to continue to provide, care for the child when asked to do so by the carer in terms of Section 24 of the Children (Scotland) Act 1995.

- (65) Upon receipt of notification in terms of Section 36(1) of the Children (Scotland) Act 1995 to determine whether the child's welfare is adequately safeguarded and whether to exercise any functions under the Act in terms of Section 36(2).
- (66) To provide short-term refuge to children who appear to be at risk of harm and who themselves request to be provided with such refuge in terms of Section 38 of the Children (Scotland) Act 1995.
- (67) To designate residential establishments and households as short-term refuges for children for the purposes of Section 38 of the Children (Scotland) Act 1995.
- (68) To have the power to apply to a Sheriff for a child assessment order in terms of Section 55 of the Children (Scotland) Act 1995.
- (69) To have the power to apply to a Sheriff for a child protection order in terms of Section 57 of the Children (Scotland) Act 1995.
- (70) To have the power to apply to a Justice of the Peace for emergency child protection measure in terms of Section 61 of the Children (Scotland) Act 1995.
- (71) To agree, with the person in charge of the establishment, the period during which a child shall be liable to be placed and kept in secure accommodation in terms of Section 70(9)(a) and (b) and 70(10) of the Children (Scotland) Act 1995.
- (72) To have the power to apply to a Sheriff for an exclusion order in terms of Section 76 of the Children (Scotland) Act 1995.
- (73) To have the power to apply for the attachment of a power of arrest at any time while an exclusion order has effect in terms of Section 78(2) of the Children (Scotland) Act 1995.
- (74) To have the power to apply to a Sheriff for a parental responsibilities order transferring the appropriate parental rights and responsibilities relating to a child to the local authority in terms of Section 86 of the Children (Scotland) Act 1995.
- (75) To fulfil the transferred responsibilities in respect of a child for whom a parental responsibilities order has been made while that order remains in force in terms of Section 87 of the Children (Scotland) Act 1995.
- (76) To allow reasonable contact with relevant persons for a child in respect of whom a parental responsibilities order has been made in terms of Section 68 of the Children (Scotland) Act 1995.
- (77) To promote the welfare of a child throughout his life as the paramount consideration and have regard to his views and his religious persuasion, racial origin and cultural and linguistic background, so far as practicable in reaching any decision in relation to the adoption of a child in terms of Section 6 of the Adoption (Scotland) Act 1978 as substituted by Section 95 of the Children (Scotland) Act 1995.
- (78) To consider whether adoption is in the best interests of the child or whether there is a better, practicable alternative in terms of Section 6A of the Adoption (Scotland) Act 1978 and Section 96 of the Children (Scotland) Act 1995.
- (79) To apply for an order freeing a child for adoption under Section 18 of the Adoption (Scotland) Act 1968.
- (80) To investigate the circumstances and submit a report to the Court in respect of a child for whom an adoption order is being sought by a person married to the natural parent in terms of Section 22 of the Adoption (Scotland) Act 1978 as amended by Section 98 of the Children (Scotland) Act 1995.

- (81) To have the power to cause an inquiry to be held into the local authority's functions under the Children (Scotland) Act 1995 insofar as those functions relate to children in terms of Section 6B of the Social Work (Scotland) Act 1968 and Section 100 of the Children (Scotland) Act 1995.
- (82) To provide post adoption support services for children, adopters and any one else with a problem related to adoption and services for adopted adults in terms of Section 1 of the Adoption (Scotland) Act 1978.
- (83) To accept or not accept any person for assessment as a prospective adopter in accordance with the provisions of the Adoption Agencies (Scotland) Regulations 1996.
- (84) To assess prospective adopters in accordance with the provisions of the Adoption Agencies (Scotland) Regulations 1996.
- (85) To establish an adoption panel in terms of Regulation 7 of the Adoption Agencies (Scotland) Regulations 1996.
- (86) To approve prospective adopters in accordance with the provisions of the Adoption Agencies (Scotland) Regulations 1996.
- (87) To place or secure the placing of a child for adoption with prospective adopters in accordance with the provisions of the Adoption Agencies (Scotland) Regulations 1996.
- (88) To submit to the court a report on the suitability of applicants for an adoption order where a child has been placed for adoption by the Council and to assist the court in any manner the court may direct all in terms of Section 23 of the Adoption (Scotland) Act 1978.
- (89) To assess and approve foster carers in accordance with the provisions of the Fostering of Children (Scotland) Regulations 1996.
- (90) To place a child in a foster placement in accordance with the provisions of the Fostering of Children (Scotland) Regulations 1996.
- (91) To establish a fostering panel in terms of Regulation 4 of the Fostering of Children (Scotland) Regulations 1996.
- (92) To arrange for visits to be made to a child or young person in relation to when parental rights and responsibilities have been transferred to the local authority in terms of Section 10 of the Mental Health (Scotland) Act 1984.
- (93) In conjunction with the Director of Education, to review childminding, day care and education services for children under eight in terms of Section 19 of the Children Act 1989.
- (94) To ensure that the corporate parenting responsibilities of the Council are addressed through the Children's Services planning process, including the development of an action plan and the publication of baseline data on children in need.

SUPPORT SERVICES DEPARTMENT

The Depute Chief Executive (Support Services) has delegated authority for the following activities:-

1. Act as Monitoring Officer in terms of Section 5 of the Local Government and Housing Act 1989.
2. Act as Clerk of the Peace.
3. Act as Clerk to the JP Advisory Committee.
4. Act as Clerk to the Licensing Board.
5. Act as Clerk to the Tayside Valuation Joint Board.
6. Act as Clerk to the Tay Road Bridge Joint Board.
7. Act as Clerk to the Tayside Contracts Joint Committee.
8. Act as Clerk to the Children's Panel Advisory Committee.
9. Act as Clerk to the District Court.
10. Appointed person, together with the Assistant Chief Executive (Management), in terms of Regulation 98 of the Local Government Pension Scheme (Scotland) Regulations 1998.
11. Authority, together with the Depute Chief Executive (Finance) and the Principal Pensions Officer, in terms of Regulation 37 of the Local Government Pension Scheme (Scotland) Regulations 1998, to determine to whom the death grant should be paid.
12. **Administration Division**
 - i) **Licensing**

Authority to deal with the undernoted applications in consultation with the Convener of the Licensing Committee:-

 - (a) Applications to use City Square, Murraygate and the central area of Dundee;
 - (b) Applications for public charitable collections;
 - (c) Applications for minibus permits;
 - (d) Applications for street parades and processions;
 - (e) Applications for small lotteries licences and renewals;
 - (f) Applications to operate a slaughterhouse;
 - (g) Applications for temporary public entertainment licences (charitable organisations);
 - (h) Authority to issue temporary licences to taxi drivers, street traders and window cleaners (where there are no objections).
 - (i) Authority to grant applications for renewal of licences and metal dealer exemption warrants where no objections have been received.

- (j) Authority to vary taxi licence conditions to allow advertising on taxis (except where it is felt appropriate due to the nature of the advertising the application should be dealt with by the Licensing Committee).
- (k) Authority to grant applications under the Marriage (Approval of Places) (Scotland) Regulations 2002 (where there are no objections).

ii) **Data Protection/Freedom of Information**

Authority to deal with any necessary matters on behalf of the Council.

iii) **Electoral Registration and Election Management**

- a) Authority to act as Electoral Registration Officer.
- b) Authority to carry out an annual canvass of households for the purposes of producing an Electoral Register.
- c) Decide on the validity or otherwise of claims for inclusion on the Register.
- d) Decide on the eligibility or otherwise of applications for postal/proxy votes.
- e) Make all necessary arrangements in relation to elections, including accommodation, staffing, stationery and transport etc

iv) **Committee Services**

- a) Authority to operate the Council's tendering procedures, including signing of acceptance letters/contracts on behalf of the Council.
- b) Authority to enforce the Council's Standing Order and agenda preparation procedures.
- c) Authority to prepare a Scheme of Administration on Tender Procedures.
- d) Authority to prepare a Scheme of Administration on Delegated Powers.

v) **General/Administrative Functions**

- a) Hospitality - Authority, in consultation with the Lord Provost, to incur expenditure on the provision of hospitality or entertainment of persons visiting the area of the Council, and functions considered necessary or desirable for maintaining the dignity of the Council/City, subject to the expenditure incurred not exceeding £5,000 on any event and to the amount allowed in the estimates for any one financial year not being exceeded.
- b) Authority to affix the common seal of the Council to any deed or other document to which the Council is a party.
- c) Authority to make appointments to the Panel of Safeguarders in consultation with the Chairperson of the Children's Panel and the Sheriff Principal.

vi) **Registration of Births, Deaths and Marriages**

Authority to interpret and implement Council Policies and Registrar General directives with regard to provision of Registration services.

13. Legal Services Division

- i) Authority to appoint Counsel.
- ii) Authority to appoint external legal advisers.
- iii) Authority to defend legal actions raised against the Council.
- iv) Authority to take necessary action for the recovery of debts, monies due to the Council.
- v) Authority to raise, defend and settle legal claims in the Council's best interests.
- vi) Authority to conclude missives and settle conveyancing transactions.
- vii) Authority to instruct searches in Property, Personal and Charges Registers.
- viii) Authority to appoint Sheriff Officers when required.
- ix) Authority to sign wayleave consents.
- x) Authority to decide when a prosecution of parents in a school attendance default case should be withdrawn where circumstances alter to such an extent that prosecution is considered no longer necessary or desirable. This power to be exercised after consultation with the Director of Education.

14. Architectural Services Division

- i) Appointment of Consultants - Authority for the Depute Chief Executive (Support Services) and City Architectural Services Officer to appoint Consultants, as necessary, to accommodate the Division's workload. Such appointments shall be made from an approved list of consultants and the details of all appointments made shall be reported annually.
- ii) Authority to assess and evaluate applications for inclusion in the Council's Select Tender Lists.
- iii) Authority to delete contractors from the Select Tender List when they fail to meet the technical or financial criteria required by the Council.

WASTE MANAGEMENT DEPARTMENT

1. Officers nominated by the Head of Waste Management are authorised to carry out the statutory duties of the City Council in the terms of the Control of Pollution Act 1974, the Environmental Protection Act 1990, Part II and as the Litter Authority in terms of the Environmental Protection Act 1990, Part V.
2. Authority to issue notices on abandoned vehicles in terms of Section 3 of the Refuse Disposal (Amenity) Act 1978.