



**STANDING ORDERS**

**OF**

**THE COUNCIL**

**AND**

**SCHEMES OF ADMINISTRATION**

(Approved at Policy and Resources Committee: 11 December 2017)  
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**STANDING ORDERS**  
**OF**  
**THE COUNCIL**

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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 44 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.

"*single block nominations*" means members must vote for one single list of candidates.

#### 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 Head of Democratic and Legal Services; the Proper Officer for the purposes of Sections 92, 145, 190, 191, 197, 202 and 204 shall be the Head of Democratic and Legal 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 Service 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 Executive Director of Corporate Services 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, Head of Democratic and Legal Services and Legal Manager. The Head of Democratic and Legal Services shall be the Monitoring Officer and the Proper Officer for the purposes of the Ethical Standards in Public Life etc (Scotland) Act 2000 (Register of Interests) Regulations 2003. The Proper Officer for the purposes of the Freedom of Information (Scotland) Act 2002 shall be the Head of Democratic and Legal Services. The Head of Democratic and Legal Services shall also be the Proper Officer under Rule 60(b) of the Scottish Local Government Elections Order 2011. The Chief Social Work Officer for the purposes of Sections 3 and 5(1B) of the Social Work (Scotland) Act 1968 is the Head of Service - Children's and Community Justice Social Work.

**Use of Seal**

4. The Chief Executive, whom failing for any reason, the Head of Democratic and Legal 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 City Governance Committee with such amendments as may be made by the City Governance Committee from time to time in accordance with Standing Order 70 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 City Governance 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.
- (3) For the avoidance of doubt, the appointment of Conveners and Depute Conveners of the Standing Committees and representatives on outside bodies shall be dealt with as a single item of business, ie a block. Any vacancies arising thereafter will be considered on a similar basis except in the case of an individual casual vacancy occurring in which event the vacancy shall be filled in accordance with Standing Order 33.
- †9. (1) Regular meetings of the Council shall be held in accordance with the timetable approved by the City Governance 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 their absence, the Depute Convener.
- (2) Unless in special circumstances (of which the Convener or, in their 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 9(2)(b) above, a Recess Sub-Committee shall be set up to deal with any urgent business which the Chief Executive or Head of Democratic and Legal 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 Saturdays or Sundays;
  - (d) on such other days as the Council may fix.
10. All meetings of the Council shall be held at 5.00 pm except that in the event of the Convener or, in their absence, the Depute Convener considering special circumstances so require, they 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 their 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 their 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 twenty one 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 five 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 their 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.

### **Matters 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 twenty four 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. (1) *The Lord Provost, if present, shall preside at meetings of the Council and, in their 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.*
- (2) The Lord Provost shall not preside over any meeting called for the purpose of removing them from office. The Depute Lord Provost shall preside at such meetings. In their absence, the Leader of the Administration shall preside, whom failing, another member of the Council chosen by members shall preside.
- (3) The Depute Lord Provost shall not preside over any meetings called for the purpose of removing them from office. The Lord Provost shall preside at such meetings. In their absence, the Leader of the Administration shall preside, whom failing, another member of the Council chosen by members shall preside.

## **Removal of Lord Provost, Depute Lord Provost, Conveners and Depute Conveners**

### **Removal of Lord Provost**

20. (1) 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.

### **Removal of Depute Lord Provost**

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

### **Removal of Conveners and Depute Conveners**

- (3) A simple majority of Councillors present and voting at any meeting of the Council called for that purpose may remove all Conveners and Depute Conveners including, for the avoidance of doubt, the Convener and Depute Convener of the Council (Lord Provost and Depute 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 wishing to speak by calling on the member who has first caught their 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 their 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 the Convener speaks they shall be heard without interruption, and any member then speaking shall conclude their speech and no member shall speak until the Convener has concluded their speech.

### **Suspension of Members**

- †24. If any member of the Council disregards the authority of the Convener, or obstructs the meeting, or conducts themselves 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, they 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 them.

### **Adjournment of Meetings**

- †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 they 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 their 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 8.30 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 their 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. Applications requesting a deputation to be received at a meeting of the Planning Committee shall be considered only from the applicant or their agent or those who have previously submitted a letter of representation (whether a letter of support or a letter of objection) in respect of the original planning application to which the request relates. Any later requests for deputations to be received shall be reported to the relevant meeting and shall be dealt with in accordance with the provisions of the remainder of this Standing Order except in the case of the Planning Committee where no later requests for deputations will be considered or reported.
- (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.
- (5) In addition to requests for deputations to speak to items on the agenda, the Scrutiny and Audit Committee may also invite deputations to seek their views in relation to items on the agenda.

### **Order of Debate**

- †29. (1) Any member of the Council desiring to speak at any meeting of the Council shall, when called upon, address the Chair, and direct their 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 their speech, in which case no new matter shall be introduced.
- (4) The mover of an original motion shall have a right of reply, but they shall introduce no new matter, and, after they has commenced their 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) All motions and amendments should be submitted in writing to the Head of Democratic and Legal Services on or before 12 noon on the day of the meeting at which the item is to be considered. The Head of Democratic and Legal Services will check motions and amendments for compliance with Law, Standing Orders, Code of Conduct, previous decisions of the Council and financial accuracy.
- (2) Notwithstanding the provisions of the above with regard to daytime meetings, all motions and amendments should be submitted in writing to the Head of Democratic and Legal Services on or before 12 noon one clear working day prior to the meeting.
- (3) Any further motions and amendments not anticipated in advance of the meeting should be submitted in writing to the Head of Democratic and Legal Services at the meeting and will be checked for compliance with Law, Standing Orders, Code of Conduct, previous decisions of the Council and financial accuracy.
- (4) The Chair will determine their competency (including whether they are relevant to the motion, substantially different to it and to all other amendments).
- (5) 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, and submitted to the Head of Democratic and Legal Services immediately on being moved.
- (6) 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.
- (7) 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.
- (8) Except as provided at paragraphs (9) and (10) 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.
- (9) Subject to the provisions of paragraph (10) below, in the case of the Planning 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.

- (10) In dealing with an application for planning consent, as soon as it becomes apparent that there is not unanimity, the Convener of the Planning 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 (9) above.
- (11) 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.
- (12) 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.
- (13) 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.
- (14) 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 their 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. (1) 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 after mentioned, 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.

#### **Vacancies and Appointments (Single Block Nominations)**

- (2) In the case of appointments being made in terms of Standing Order 8(3), members shall vote for a single block nomination. If as a result of voting there is an absolute majority of those present and voting in favour of one single block, such candidates as are named in the block shall be declared duly appointed.

If no such absolute majority is obtained, the block receiving the lowest number of votes shall be struck out and a further vote shall be taken providing however that:-

- (i) if two or more blocks tie as receiving the lowest number of votes, a vote (with each member exercising only one vote) shall be taken between such blocks, and the block which receives the lower or lowest number of votes shall be dropped; and
- (ii) after any vote the members may by unanimous agreement exclude from further vote blocks which they consider have no prospect of succeeding.

In subsequent votes, the same procedure shall be followed until there is an absolute majority in favour of one single block, such candidates as are named in the block shall then 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 their name has not been called, a member may direct attention to the fact and request that their name be called) until the result of the division has been intimated.
- (3) A member who is absent from the meeting when their name is called in a division shall be entitled to record their vote if they enter 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 they do so as soon as it arises, and if they state that they wish to raise a point of order and forthwith state the point of order.
- (2) The member who is then addressing the Council shall cease speaking, and the member who raises the point of order shall, when they have concluded, also cease speaking. 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 them so to do) to continue to speak, giving effect to the ruling of the Convener.

### **Questions**

- †37. (1) If any member has a detailed question for officers relating to any item to be considered by the Council they should approach the appropriate Executive Director in advance and seek an answer before the Committee.
- (2) At any meeting of the Council any member may put a question to the Convener of the meeting relative to any matter under consideration.
- (3) Questions will be allowed only so far as they are deemed relevant and competent by the Convener.
- (4) 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.
- (5) 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. (1) 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 considered, be called upon to speak first.
- (2) In the case of the Scrutiny and Audit Committee, the Committee shall consider any item submitted by any member, such item having first been submitted to and agreed by the Chief Executive in consultation with the Convener.

### **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 Council concerned, to which recommendation attention is specially directed at the meeting of the Council to which the minute of the Council 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 City Governance Committee to review the Capital and Revenue Budgets 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.

### **Members Declaring Interests at Meetings**

- †40. *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 to Meetings**

- †41. (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**

- †42. 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**

43. 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 as soon as possible in 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**

44. 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 Licensing and Scrutiny and Audit Committees, Committees will comprise all members of the Council. Membership of the Licensing Committee and Scrutiny and Audit Committee will be as indicated below:-

Children and Families Committee  
 City Governance Committee  
 Climate, Net Zero and Environment Committee  
 City Growth and Infrastructure Committee  
 Licensing Committee - 8 members plus 8 trained substitutes  
 Neighbourhood, Housing and Communities Committee  
 Planning Committee

Scrutiny and Audit Committee - 8 members

### **Membership of Committees and Sub-Committees**

45. (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 and the Scrutiny and Audit Committee.

### **Conveners and Depute Conveners of Committees and Sub-Committees**

46. (1) The Leader of the Council, Depute Leader of the Council and the Conveners and Depute Conveners of all Committees, except as hereinafter provided, shall be appointed by the Council as soon as possible in each election year at the meeting to be held in terms of Standing Order 8(2) and at such other times as may be necessary.
- (2) The Leader of the Council shall be *ex officio* Convener of the City Governance Committee and the Personnel Appointments Sub-Committee.
- (3) Conveners of Sub-Committees shall be the Conveners of the relevant parent Committees except as otherwise determined.

### **Reference to Committees and Sub-Committees**

47. (1) Subject to the terms of Standing Order 48 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 the City Governance Committee unless the Chief Executive decides otherwise.

### **Delegation to Committees and Sub-Committees**

48. 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**

49. (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 they are 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 considered, be called upon to speak first.

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

50. (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) In view of the nature of the business and role of the Scrutiny and Audit Committee, it will only be permissible for members of the Committee to ask questions.
- (3) 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 their 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.
- (4) 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**

51. (1) The quorum of all Standing Committees other than those referred to in paragraph (2) and (3) hereof shall be eight members.
- (2) The quorum of the Licensing Committee shall be four members.
- (3) The quorum of the Scrutiny and Audit Committee shall be three members. The quorum must include a representative from the Administration and the Major Opposition Group.
- (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**

52. (1) The Convener of a Committee or Sub-Committee, or, in their 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.
- (4) The foregoing paragraph shall not apply to meetings of the Scrutiny and Audit Committee from which the Convener and Depute Convener are absent, in which event members shall elect a Convener of the meeting from the Opposition.
- (5) Notwithstanding the provisions of the above, if present the Depute Leader of the Administration will chair the meeting of the City Governance Committee which sets the Council's Revenue Budget and Council Tax.

#### **Minutes of Meetings of Committees and Sub-Committees**

53. (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**

54. *The Executive Director of Corporate Services shall submit to the Council not later than the 30 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**

55. (1) Notwithstanding the provisions of the Order of Reference to Committees or Scheme of Delegation of Powers to Officers 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 Executive Director, or they may authorise the Chief Executive or appropriate Executive Director to attend such meetings in their absence.
- In the event of any Convener being unable to attend any such meetings, they 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 their 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 Executive Director 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 an Executive Director may incur such expenditure only with the approval of the Chief Executive or appropriate Executive Director.
- (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 Chief Executive shall, where they consider it relevant and expedient in the interests of the Council, be authorised to approve the attendance of members and officers of the Council at meetings, conferences or events held both within and outwith the United Kingdom.

**Schemes of Administration - Financial Regulations, Contract Standing Orders and Delegation of Powers to Officers**

56. (1) The Executive Director of Corporate Services shall prepare and submit to the City Governance Committee, 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 City Governance Committee.
- (2) The Executive Director of Corporate Services shall prepare and submit to the City Governance Committee - Contract Standing Orders 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 Contract Standing Orders shall require to be approved by the City Governance Committee.
- (3) The Head of Democratic and Legal Services shall prepare and maintain the Delegation of Powers to Officers recording all powers delegated to officers as required by Section 50G(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 Head of Democratic and Legal Services will make an appropriate amendment to the Delegation of Powers to Officers.

**PART IV**

**MISCELLANEOUS**

**Freedom of the City**

57. (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, award the Freedom of the City to 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 awarded the Freedom of the City under this section.*

**Access of Members to Council Books, Information etc**

58. (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 they may think proper, provided that where it appears to the Head of Democratic and Legal Services that a document discloses exempt information falling within any of the paragraphs of Schedule 7A to the 1973 Act they 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 Executive Director of the service concerned. Where the matter relates to more than one service, the request should be made direct to the Chief Executive or, in their absence, the Head of Democratic and Legal 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.

**Reports by Officers**

59. (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 all members of the Council Leadership Team, and any observations by these officers 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**

60. 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 to the 1973 Act.

### **Appointments of Officers and Staff**

61. (1) Subject to the terms of any enactment, all appointments to the post of Chief Executive and Executive Directors shall be made by the Council. The filling of such vacancies shall stand delegated to the 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 Chief Executive or appropriate Executive Director, shall (a) determine whether the vacancy is to be filled, (b) ensure that finance is available, and (c) request the Head of People Services 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 Executive Director concerned in consultation with the Head of People Services. 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) Subject to Standing Order 61(1), authority for the establishment and filling of posts, extension of posts and deletion of posts shall fall to the Chief Executive irrespective of the nature of the post eg temporary or permanent.

### **Salaries, Wages and Conditions of Service of Employees**

62. (1) Where the Council is represented, either directly or by virtue of its 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 post shall not be varied without the approval of the Chief Executive.

### **Restriction on Employees Undertaking Other Paid Employment**

63. An employee who wishes to undertake other paid employment or business activity must request permission to do so from their Head of Service. In the event of such permission being refused, the employee would have the right to appeal to their Executive Director.

**Officers not to retain Fees or Commissions**

64. 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 their office unless with the sanction of the City Governance Committee.

**Employees accepting Gratuity etc**

65. 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 their office or employment shall be liable to summary dismissal.

**Public Notices, Invitations etc**

66. 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 service 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 they may authorise.

**Use of Photographic and Sound Recording Equipment**

67. Subject to the provisions of Standing Order 41, the use of photographic and sound recording equipment by the media and members of the public at meetings of the Council and its Committees and Sub-Committees shall not be permitted without the prior approval of the members present at the meeting concerned. All requests must be made in writing and delivered to the Head of Democratic and Legal Services.

**The Ethical Standards in Public Life etc (Scotland) Act 2000**

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

**Corporate Governance**

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

**PART V****REVISION OF STANDING ORDERS**

70. (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 City Governance 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).

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## **ORDER OF REFERENCE TO THE CITY COUNCIL, ITS COMMITTEES AND SUB-COMMITTEES**

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

### **GENERAL**

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

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

### **CHILDREN AND FAMILIES COMMITTEE**

#### **Education**

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

#### **Social Work**

Policies and Strategies for Children and Families including:-

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

### **CITY GOVERNANCE COMMITTEE**

- Development, implementation and monitoring of corporate policies and plans, including the Council's role in Community Planning and Business Continuity Planning.
- Strategies on deprivation and social inclusion.
- Systems to monitor performance and ensure Best Value.
- Organisation, administration and management procedures of the Council.
- Setting the Council Tax.

- Council Tax, Community Charge and Non-Domestic Rates.
- Housing and Council Tax Benefits.
- Rent Setting.
- Consideration of the annual and three year Revenue and Capital Budgets, Common Good budget, monitoring of Revenue and Capital expenditure and reviews of Revenue and Capital expenditure during the financial year.
- Consideration of any item referred to it in terms of the Financial Regulations.
- Financial services including Payroll, Purchase Ledger and Sales Ledger, Procurement (including approval of the Annual Procurement Strategy), Internal Audit, Insurance and Risk Management.
- Treasury Management including compliance with the CIPFA Code of Practice on Treasury Management in the Public Services.
- Superannuation funds and any other fund of a similar nature set up by the Council in pursuance of statutory powers including the review of investments, and the investment of new funds at the disposal of the Council.
- Insurance fund.
- Scheme of Salaries, Pensions and Expenses for Members.
- Development and provision of information technology services.
- Policy and strategies for press and public relations, design services, printing and stationery.
- Human Resources functions for all employees (excluding teachers) including recruitment, training and development; conditions of service, maintenance of effective industrial relations; organisational development including the design of jobs and processes; equal opportunities in employment and provision of health and safety guidance.
- Consideration of proposals for the amendment or revocation of any of the Standing Orders or Schemes of Administration.
- Any matters not specifically referred to or delegated to any other Committee or not routinely dealt with at meetings of the City Council.
- Leisure, Culture, Libraries, Sport and Physical Activity and Outdoor Learning Strategies and Development.
- To receive the annual report of the Chief Social Work Officer.
- Policies and Strategies on Welfare Rights.
- Scrutiny of Integrated Health and Social Care.
- Delivering services commissioned by Dundee Health and Social Care Integration Joint Board.
- Community Asset Transfer.
- Receive annual report relating to the Council's statutory and regulatory duties for public protection including Child Protection, Adult Protection, Violence Against Women, Alcohol and Drugs Partnership and Multi Agency Public Protection.
- Provide assurance on the Council's duty to deliver an effective adult justice service determined by statutory inspections
- Consider and approve proposals to improve/transform services.

- Consider the Corporate Risk Register.
- Consideration of Tender Reports insofar as it is not delegated to Officers in terms of the Contract Standing Orders and does not fall within the Terms of Reference of the City Growth and Infrastructure Committee or the Neighbourhood, Housing and Communities Committee .
- Policy and strategies for Criminal Justice, Community Justice and Public Protection.
- Oversight of the Council's use of the Regulation of Investigatory Powers (Scotland) Act 2000 and Regulation of Investigatory Powers Act 2000.

#### **CLIMATE, NET ZERO AND ENVIRONMENT COMMITTEE**

- Policies and strategies on refuse collection and waste disposal and waste regulation; street cleaning; removal of abandoned vehicles; recycling; public conveniences.
- Strategies on waste and sustainability.
- Policies and strategies for the management and maintenance of parks, children's play areas, playing fields, landscaped areas, cemeteries and all other areas of open space, including the development of asset management strategies for these areas.
- Environmental Strategies including Open Space and Allotment strategies.
- Functions under Part I of the Land Reform (Scotland) Act 2003 and Nature Conservation.
- Policies and strategies for Bereavement Services.
- Policies and strategies for community facilities in parks and outdoor events.
- Policies and strategies relating to the public health of the City, including control of epidemic, endemic and infectious diseases; delivery of official controls for food safety and food standards; health and safety in relation to local authority regulated premises; protection of the community by abatement of pollution, in all its forms, including atmospheric pollution, contaminated land; poor sanitation and waste storage; inadequate ventilation; noise control; smoking prohibition; alcoholic licensing; animal and pest control; port health; aspects of anti-social behaviour; local air quality management and any other aspects of environmental health as it relates to the Council.
- Biodiversity strategies and activities.
- Land contamination strategy.
- Climate Change Activity.
- Reports related to the activities of the Dundee Climate Leadership Group.
- Low Emission Zone.
- Monitor the Council's compliance with its environmental targets, including its carbon budget, and statutory obligations, and any charters or memorandums of understanding which it enters, in relation to matters such as net zero, climate change, environmental sustainability, food growing and biodiversity.
- Approve the annual Climate Change Report for submission to the Scottish Government.
- Approve the Council's Climate Change Plan and monitor its delivery.
- Approve the Council's Biodiversity Duty Report.
- Monitor key performance indicators in relation to, and progress towards, the Council's decarbonisation pathway, climate adaption and the 2045 target for zero carbon.

## **CITY GROWTH AND INFRASTRUCTURE COMMITTEE**

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

## **LICENSING COMMITTEE**

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

## **NEIGHBOURHOOD, HOUSING AND COMMUNITIES COMMITTEE**

- Local Housing Strategy and Strategic Housing Investment Plan.
- Policies and Strategies on Housing Services.
- Working with other organisations in the public and private sectors to ensure quality and choice of housing throughout the City.
- Provision of sheltered housing services, caretaking services, estate management services, permissions and tenancy management.
- Planned and reactive maintenance services for Council Housing including energy efficiency works, factoring services for owners of ex-Council houses and regeneration strategies.
- Policies and strategies on refugee resettlement.
- Policies and strategies on Dundee Construction Services.
- Consideration of Tender Reports insofar as it is not delegated to Officers in terms of the Contract Standing Orders for Housing Revenue Account Properties.
- Grants from the Community Safety Fund to promote community safety, support community safety initiatives and diversionary youth work.
- Policies and Strategies in relation to the private housing sector including the provision of grants and other support services.
- Policy and strategies for community learning and development opportunities for adults and young people.
- Policy and strategies for Community Regeneration, Community Safety and Adult Literacy.
- Policy and strategies for Voluntary and Community Organisations.
- Local Community Plans and strategies for community engagement.
- Schemes for the Establishment of Community Councils/Community Representative Structures.
- To monitor the development and delivery of the Dundee Community Safety Partnership Strategy and Action Plan.
- Policy and strategies for Community Safety.
- Consideration of the local Police Plan and scrutiny of Police performance reports.
- Consideration of the local Fire and Rescue Plan and scrutiny of Fire and Rescue Service performance reports.

## **PLANNING COMMITTEE**

- All functions, powers and duties of the Council as Planning Authority under any enactments so far as they relate to development management which term is deemed to include processing of all notifications and applications for permission or consent as provided under the Town and Country Planning (Scotland) Acts and subsidiary legislation including:-

- Making a decision to hold a pre-determination hearing and the holding of that pre-determination hearing in terms of Section 38A(1) of the Town and Country Planning (Scotland) Act 1997 and Regulation 27 of the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013. Immediately after the pre-determination hearing, determining the application heard at the pre-determination hearing.
- Making a decision under Section 43A(6) of the Town and Country Planning (Scotland) Act 1997 to determine an application which would otherwise fall to be determined under the mandatory Scheme of Delegation under Section 43A of that Act but excluding reviews in terms of Section 43A of the Town and Country Planning (Scotland) Act 1997 which will be considered by the Planning Local Review Body.
- The consideration of proposals to vary conditions or agreements attached to or relating to consents under the Town and Country Planning (Scotland) Acts and subsidiary legislation.
- All functions of the Council under the Building (Scotland) Act 2003 and all regulations made thereunder, and in relation to defective or dangerous buildings.

## **SCRUTINY AND AUDIT COMMITTEE**

### **Introduction**

- The Committee's purpose is to provide an independent and high-level focus on the adequacy of governance, risk and control arrangements. Its role in ensuring there is sufficient assurance over governance, risk and control gives greater confidence to all those charged with governance that those arrangements are effective.
- The Committee has oversight of both internal and external audit, together with the financial and governance reports, helping to ensure there are adequate arrangements in place for both internal challenge and public accountability.

### **Governance, Risk and Control**

- To review annually the Council's corporate governance arrangements and report back to the City Governance Committee as appropriate.
- To examine the Scottish Public Services Ombudsman (SPSO) annual report and report back to the relevant Committee as appropriate and the SPSO annual report and report back to the relevant Committee as appropriate.
- To consider any reports by the Standards Commission for Scotland relevant to members of the Council submitted by the Monitoring Officer and thereafter report back to the City Council or relevant Committee as appropriate.
- To consider matters concerning the maintenance and public availability of a Register of Interests for Members and Executive Directors, including any information which might require to be redacted.
- To consider and monitor the strategy, plan and performance of the Council's risk management arrangements and seek assurances that action is being taken on risk related issues.
- To consider internal and external audit reports and seek assurance that appropriate action has been taken.
- To monitor the implementation of internal and external audit recommendations agreed with management.
- To consider reports on the effectiveness of financial management arrangements, including compliance with CIPFA's Financial Management Code.
- To consider the Council's arrangements to secure value for money and review assurances and assessments on the effectiveness of these arrangements.

- To review the assessment of fraud risks and potential harm to the Council from fraud and corruption.
- To consider and monitor the effectiveness of the Council's anti-fraud and anti-corruption arrangements and receive reports on an exception basis.
- To review the governance and assurance arrangements for significant partnerships or collaborations.

### **Financial and Governance Reporting**

- To review the Annual Governance Statement (AGS) prior to approval and consider whether it properly reflects the risk environment and supporting assurances, including the head of internal audit's annual opinion.
- To consider whether the annual evaluation for the AGS fairly concludes that governance arrangements are fit for purpose, supporting the achievement of the authority's objectives.
- To monitor the arrangements and preparations for financial reporting to ensure that statutory requirements and professional standards can be met.
- To review the annual statement of accounts. Specifically, to consider whether appropriate accounting policies have been followed and whether there are concerns arising from the financial statements or from the audit that need to be brought to the attention of the Council.
- To consider the external auditor's report to those charged with governance on issues arising from the audit of the accounts from the audit of the accounts.

### **Arrangements for Audit and Assurance**

#### **External Audit**

- To consider the external auditor's annual audit plan, relevant reports and the report to those charged with governance.
- To consider additional commissions of work from external audit.
- To advise and recommend on the effectiveness of relationships between external and internal audit and other inspection agencies or relevant bodies.
- To provide free and unfettered access to the Audit Committee chair for the auditors, including the opportunity for a private meeting with the Committee.

#### **Internal Audit**

- To approve the internal audit charter and mandate.
- To review proposals made in relation to the appointment of external providers of internal audit services and to make recommendations.
- To approve the risk-based internal audit plan, including internal audit's resource requirements, the approach to using other sources of assurance and any work required to place reliance upon those other sources.
- To approve significant interim changes to the risk-based internal audit plan and resource requirements.
- To make appropriate enquiries of both management and the head of internal audit to determine if there are any inappropriate scope or resource limitations.
- To consider any impairments to the independence or objectivity of the head of internal audit arising from additional roles or responsibilities outside of internal auditing and to approve and periodically review safeguards to limit such impairments.

- To consider reports from the head of internal audit on internal audit's performance during the year, including the performance of external providers of internal audit services. These will include:-
  - updates on the work of internal audit, including key findings, issues of concern and action in hand as a result of internal audit work;
  - regular reports on the results of the Quality Assurance and Improvement Programme (QAIP);
  - reports on instances where the internal audit function does not conform to the Global Internal Audit Standards (UK Public Sector), considering whether the non-conformance is significant enough that it must be included in the AGS.
- To consider the head of internal audit's annual report, including:-
  - the statement of the level of conformance with the PSIAS and LGAN and the results of the QAIP that support the statement (these will indicate the reliability of the conclusions of internal audit);
  - the opinion on the overall adequacy and effectiveness of the Council's framework of governance, risk management and control, together with the summary of the work supporting the opinion (these will assist the Committee in reviewing the AGS).
- To consider summaries of specific internal audit reports as requested.
- To receive reports outlining the action taken where the head of internal audit has concluded that management has accepted a level of risk that may be unacceptable to the authority or there are concerns about progress with the implementation of agreed actions.
- To contribute to the QAIP and the external quality assessment of internal audit that takes place at least once every five years.
- To provide free and unfettered access to the audit committee chair for the head of internal audit, including the opportunity for a private meeting with the committee.

### **Accountability Arrangements**

- To report to those charged with governance on the committee's findings, conclusions and recommendations concerning the adequacy and effectiveness of their governance, risk management and internal control frameworks, financial reporting arrangements and internal and external audit functions. To report to full council on a regular basis on the committee's performance in relation to the terms of reference and the effectiveness of the committee in meeting its purpose.
- To publish an annual report on the work of the committee, including a conclusion on the compliance with the CIPFA Position Statement.
- To consider any item submitted by any member such item having first being submitted to and agreed by the Chief Executive in consultation with the Convener.

### **Scrutiny Elements**

- To consider any item submitted by any member such item having first being submitted to and agreed by the Chief Executive in consultation with the Convener.
- To scrutinise, review and examine reports and action plans relating to service delivery and Council policy referred to the Committee from the City Council, its Committees and Sub-Committees (excluding reports referred to a Best Value Working Group) and report back where necessary.

- To examine and review external inspection reports from HMIE on individual schools or from the Care Inspectorate on individual establishments which would benefit from scrutiny and report back to the relevant service committee as appropriate. Where external inspection reports are good or better and would not benefit from in-depth scrutiny scores will be reported together with any best practice to improve performance at other schools and establishments.
- To review and monitor the Council's complaints system and report back to the relevant Committee as appropriate.
- To remit to Scrutiny Panels to review no more than two specific areas at a time identified by the Scrutiny and Audit Committee and to report back.
- To monitor the Public Performance Report considered by the City Governance Committee.
- To review performance reports.
- To review progress in implementing the City Plan, Council Plan, Service Plans and the Single Outcome Agreement.
- To consider Public Service Improvement Framework Self-Assessment reviews.

#### **CITY COUNCIL**

- Consideration and disposal of the minutes of meetings of the Council's Committees or Sub-Committees so far as necessary in terms of the Council's Standing Orders.
- All the functions of the Council under any enactments governing the election of the Council including consideration of any proposals for changes to electoral boundaries.
- The consideration of any requests for permission to use the Council's Coat of Arms.
- Proposals to award of any persons the Freedom of the City.
- To be responsible for the maintenance and development of the Council's twinning links.
- The consideration of any requests for hospitality which fall outwith the extent of the powers delegated to the Head of Democratic and Legal Services as detailed in the Delegation of Powers to Officers.
- Appointment of representatives to external bodies.
- The making of Compulsory Purchase Orders.
- The promotion of or initiating of opposition to private legislation.
- Consideration of any reports by the Standards Commission for Scotland including decisions of the Standards Commission for Scotland in terms of Section 18 of the Ethical Standards in Public Life (Scotland) Act 2000 and Rule 10.9 of the Standard Commission's Hearing Rules.

**LOCAL GOVERNMENT (SCOTLAND) ACT 1973**

**SECTION 43**

**SCHEDULE 7**

(As amended by Section 38 of the Local Government (Scotland) Act 1975 and Paragraph 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 convener 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 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/she desires summonses to attend meetings of the Council to be sent to him/her at some address specified in the notice other than his/her place of residence, any summons addressed to him/her 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 convener, if present, shall preside.
- (2) If the convener is absent from a meeting of the Council, the depute-convener shall preside.
- (3) If the convener and depute-convener 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 or to the procedure for early removal from office of the convener or depute-convener, 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

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1.1 This Code has been issued by the Scottish Ministers, with the approval of the Scottish Parliament, as required by the Ethical Standards in Public Life etc.(Scotland) Act 2000 (the “Act”).

1.2 The purpose of the Code is to set out the conduct expected of every elected member of a local authority in Scotland.

1.3 The Code is also directed at co-opted members of committees and sub-committees who are not elected councillors, including religious representatives on Education Committees.

1.4 The Code has been developed in line with the nine key principles of public life in Scotland. The principles are listed in Section 2 and set out how the provisions of the Code should be interpreted and applied in practice.

### **My Responsibilities**

1.5 I understand that the public has a high expectation of councillors and the way in which they should conduct themselves in undertaking their duties. I will always seek to meet those expectations by ensuring that I conduct myself in accordance with the Code.

1.6 I will comply with the substantive provisions of this Code, being sections 3 to 7 inclusive and Annex A, in all situations and at all times where I am acting as a councillor, have referred to myself as a councillor or could objectively be considered to be acting as a councillor.

1.7 I will comply with the substantive provisions of this Code, being sections 3 to 7 inclusive and Annex A, in all my dealings with the public, employees and fellow councillors, whether formal or informal.

1.8 I understand that it is my personal responsibility to be familiar with the provisions of the Code and that I must also comply with the law and my council’s rules, standing orders and regulations. I will also ensure that I am familiar with any guidance or advice notes issued by the Standards Commission for Scotland (“Standards Commission”) and my council, and endeavour to take part in any training offered on the Code.

1.9 I will not, at any time, advocate or encourage any action contrary to the Code.

1.10 I understand that no written information, whether in the Code itself or the associated Guidance or Advice Notes issued by the Standards Commission, can provide for all circumstances. If I am uncertain about how the Code applies, I will seek advice from my council’s Monitoring Officer or other senior council employees. I note that I may also choose to seek external legal advice on how to interpret the provisions of the Code.

## **Enforcement**

1.11 Part 2 of the Act sets out the provisions for dealing with alleged breaches of the Code, including the sanctions that can be applied if the Standards Commission finds that there has been a breach of the Code. More information on how complaints are dealt with and the sanctions available can be found at Annex C.

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## SECTION 2: KEY PRINCIPLES OF THE CODE OF CONDUCT

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2.1 The Code has been based on the following key principles of public life. I will behave in accordance with these principles and understand that they should be used for guidance and interpreting the provisions in the Code.

2.2 I note that a breach of one or more of the key principles does not in itself amount to a breach of the Code. I note that, for a breach of the Code to be found, there must also be a contravention of one or more of the provisions in sections 3 to 7 inclusive and Annex A of the Code.

The key principles are:

### **Duty**

I have a duty to uphold the law and act in accordance with the law and the public trust placed in me. I have a duty to act in the interests of my 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 I have been elected to serve, and to represent their interests conscientiously.

### **Selflessness**

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

### **Integrity**

I must not place myself under any financial or other obligation to any individual or organisation that might reasonably be thought to influence me in the performance of my duties.

### **Objectivity**

I 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**

I am accountable to the public for my decisions and actions. I have a duty to consider issues on their merits, taking account of the views of others, and I must ensure that my council uses its resources prudently and in accordance with the law.

### **Openness**

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

**Honesty**

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

**Leadership**

I 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 my council and its councillors in conducting public business.

**Respect**

I must respect all other councillors and all council employees and the role they play, treating them with courtesy at all times. Similarly, I must respect members of the public when performing my duties as a councillor.

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## SECTION 3: GENERAL CONDUCT

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### Respect and Courtesy

3.1 I will treat everyone with courtesy and respect. This includes in person, in writing, at meetings, when I am online and when I am using social media.

3.2 I will not discriminate unlawfully on the basis of race, age, sex, sexual orientation, gender reassignment, disability, religion or belief, marital status or pregnancy/maternity; I will advance equality of opportunity and seek to foster good relations between different people.

3.3 I will not engage in any conduct that could amount to bullying or harassment (which includes sexual harassment). I accept that such conduct is completely unacceptable and will be considered to be a breach of this Code.

3.4 I accept that disrespect, bullying and harassment can be:

- a) a one-off incident,
- b) part of a cumulative course of conduct; or
- c) a pattern of behaviour.

3.5 I understand that how, and in what context, I exhibit certain behaviours can be as important as what I communicate, given that disrespect, bullying and harassment can be physical, verbal and non-verbal conduct.

3.6 I accept that it is my responsibility to understand what constitutes bullying and harassment and I will utilise resources, including the Standards Commission's guidance and advice notes, council policies and training material (where appropriate) to ensure that my knowledge and understanding is up to date.

3.7 I will not become involved in operational management of my council's services as I acknowledge and understand that is the responsibility of its employees.

3.8 I will not undermine any individual employee or group of employees, or raise concerns about their performance, conduct or capability in public.

3.9 I will not take, or seek to take, unfair advantage of my position in my dealings with employees or bring any undue influence to bear on employees to take a certain action. I will not ask or direct employees to do something which I know, or should reasonably know, could compromise them or prevent them from undertaking their duties properly and appropriately.

3.10 I will follow the Protocol for Relations between Councillors and Employees at [Annex A](#) and note that a breach of the Protocol will be

considered a breach of this Code. I will also comply with any internal protocol the Council has on councillor / employee relations.

3.11 I will respect and comply with rulings from the chair or convener during meetings of:

- a) the Council, its committees or sub-committees; and
- b) any outside organisations that I have been appointed or nominated to by the Council or that I represent my council on.

### **Remuneration, Allowances and Expenses**

3.12 I will comply with the rules, and my council's policies, on the payment of remuneration, allowances and expenses.

### **Gifts and Hospitality**

3.13 I understand that I may be offered gifts (including money raised via crowdfunding or sponsorship), hospitality, material benefits or services ("gift or hospitality") that may be reasonably regarded by a member of the public with knowledge of the relevant facts as placing me under an improper obligation or being capable of influencing my judgement.

3.14 I will never **ask for** or **seek** any gift or hospitality.

3.15 I will refuse any gift or hospitality, unless it is:

- a) a minor item or token of modest intrinsic value offered on an infrequent basis;
- b) a civic gift being offered to the Council;
- c) hospitality which would reasonably be associated with my duties as a councillor or as a member of an arm's length external organisation to which I have been appointed or nominated by my council ("ALEO"); or
- d) hospitality which has been approved in advance by my council or the ALEO.

3.16 I will consider whether there could be a reasonable perception that any gift or hospitality received by a person or body connected to me could or would influence my judgement.

3.17 I will not allow the promise of money or other financial advantage to induce me to act improperly in my role as a councillor. I accept that the money or advantage (including any gift or hospitality) does not have to be given to me directly. The offer of monies or advantages to others, including community groups, may amount to bribery, if the intention is to induce me to improperly perform a function.

3.18 I will never accept any gift or hospitality from any individual or applicant who is awaiting a decision from, or seeking to do business with, my council.

3.19 If I consider that declining an offer of a gift would cause offence, I will accept it and hand it over to the Council at the earliest possible opportunity and ask for it to be registered.

3.20 I will promptly advise my council's Monitoring Officer if I am offered (but refuse) any gift or hospitality of any significant value and / or if I am offered any gift or hospitality from the same source on a repeated basis, so that my council can monitor this.

### **Confidentiality**

3.21 I will not disclose confidential information or information which should reasonably be regarded as being of a confidential or private nature, without the express consent of a person or body authorised to give such consent, or unless required to do so by law. I note that if I cannot obtain such express consent, I will assume it is not given.

3.22 I accept that confidential information can include discussions, documents, information which is not yet public or never intended to be public, and information deemed confidential by statute.

3.23 I will only use confidential information to undertake my duties as a councillor. I will not use it in any way for personal or party-political advantage or to discredit my council (even if my personal view is that the information should be publicly available).

### **Use of Council Resources**

3.24 I will only use council resources, including employee assistance, facilities, stationery and IT equipment, for carrying out council duties in accordance with all my council's relevant policies.

3.25 I will not use, or in any way enable others to use, council resources:

- a) imprudently (without thinking about the implications or consequences);
- b) unlawfully;
- c) for any party political or campaigning activities or matters relating to these;  
or
- d) improperly.

### **Dealings with my council and Preferential Treatment**

3.26 I will not use, or attempt to use, my position or influence as a councillor to:

- a) improperly confer on or secure for myself, or others, an advantage;
- b) avoid a disadvantage for myself, or create a disadvantage for others; or
- c) improperly seek preferential treatment or access for myself or others.

3.27 I will avoid any action which could lead members of the public to believe that preferential treatment or access is being sought.

3.28 I will advise employees of any connection, as defined at Section 5, I may have to a matter, when seeking information or advice or responding to a request for information or advice from them.

3.29 I will not participate in certain decisions concerning Council Tax if I am in arrears of two months or more in respect of the payment of Council Tax.

### **Appointments to Outside Organisations**

3.30 If I am appointed or nominated by the Council as a member of another body or organisation, I will abide by the rules of conduct and will act in the best interests of that body or organisation while acting as a member of it. I will also continue to observe the rules of this Code when carrying out the duties of that body or organisation.

3.31 I accept that if I am a director or trustee (or equivalent) of a company or a charity, as a nominee of my Council, I will be responsible for identifying, and taking advice on, any conflicts of interest that may arise between the company or charity and my council.

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## SECTION 4: REGISTRATION OF INTERESTS

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4.1 The following paragraphs set out what I have to register, when I am elected and whenever my circumstances change. The register will cover the period commencing from 12 months prior to, and including, my current term of office.

4.2 I understand that regulations made by the Scottish Ministers describe the detail and timescale for registering interests, including a requirement that a councillor must register their registrable interests within one month of becoming a councillor, and register any changes to those interests within one month of those changes having occurred.

4.3 The interests which I am required to register are those set out in the following paragraphs. Other than as required by paragraph 4.23, I understand it is not necessary to register the interests of my spouse or cohabitee.

### **Category One: Remuneration**

4.4 I will register any work for which I receive, or expect to receive, payment or reward. I have a registrable interest where I receive remuneration by virtue of being:

- a) employed;
- b) self-employed;
- c) the holder of an office;
- d) a director of an undertaking;
- e) a partner in a firm;
- f) appointed or nominated by my council to another body; or
- g) engaged in a trade, profession or vocation, or any other work.

4.5 I do not have to register any sums I receive in expenses, allowances or remuneration from my council for work I undertake in my capacity as a councillor.

4.6 I understand that 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 "Other Roles".

4.7 I must register any allowances I receive in relation to membership of any organisation under Category One.

4.8 When registering employment as an employee, I must give the full name of my employer, the nature of its business and the nature of the post I hold in the organisation.

4.9 When registering remuneration from the categories listed in paragraph 4.4 (b) to (g) above, I must provide the full name and give details of the nature of the business, organisation, undertaking, partnership or other body, as appropriate.

4.10 Where I otherwise undertake a trade, profession or vocation, or any other work, I must include information about the nature of the work and how often it is undertaken.

4.11 When registering a directorship, I must provide the registered name and registered number of the undertaking in which the directorship is held and provide information about the nature of its business.

4.12 I understand that registration of a pension is not required as this falls outside the scope of the category.

### **Category Two: Other Roles**

4.13 I will register any unremunerated directorships where the body in question is a subsidiary or parent company of an undertaking in which I hold a remunerated directorship.

4.14 I will register the registered name and registered number 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 I am a director and for which I receive remuneration.

### **Category Three: Contracts**

4.15 I have a registrable interest where I (or a firm in which I am a partner, or an undertaking in which I am a director or in which I have shares of a value as described in paragraph [4.20](#) below) have made a contract with my council:

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

4.16 I will register a description of the contract, including its duration, but excluding the value.

### **Category Four: Election Expenses**

4.17 I will register any single donation of more than £50, or any donations from the same source that together amount to more than £50, towards election expenses received by me, or on my behalf within the period commencing from 12 months prior to, and including, my current term of office.

### **Category Five: Houses, Land and Buildings**

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

4.19 I understand I am only required to provide details of the council ward in which the property is located for the publicly available Register of Interests. I will, however,

provide the full address of the property to my council's Monitoring Officer (or their nominee), but understand this will be kept confidential.

### **Category Six: Interest in Shares and Securities**

4.20 I have a registrable interest where:

- a) I own or have an interest in more than 1% of the issued share capital of the company or body; or
- b) Where, at the relevant date, the market value of any shares and securities (in any one specific company or body) that I own or have an interest in is greater than £25,000.

### **Category Seven: Gifts and Hospitality**

4.21 I understand the requirements of paragraphs 3.13 to 3.20 regarding gifts and hospitality. As I will not accept any gifts or hospitality, other than under the limited circumstances allowed, I understand there is no longer the need to register any.

### **Category Eight: Non-Financial Interests**

4.22 I may also have other interests and I understand 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, I understand non-financial interests are those which members of the public with knowledge of the relevant facts might reasonably think could influence my actions, speeches, votes or decision-making in my council (this includes its Committees and memberships of other organisations to which I have been appointed or nominated by my council).

### **Category Nine: Close Family Members**

4.23 I will register the interests of any close family member who has transactions with my Council or is likely to have transactions or do business with it.

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## SECTION 5: DECLARATION OF INTERESTS

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### Stage 1: Connection

5.1 For each particular matter I am involved in as a councillor, I will first consider whether I have a connection to that matter.

5.2 I understand that a connection is any link between the matter being considered and me, or a person or body I am associated with. This could be a family relationship or a social or professional contact.

5.3 A connection includes anything that I have registered as an interest.

5.4 A connection does not include:

- a) being a Council Tax or rate payer or a council house tenant or in general when services delivered to members of the public are being considered, including the setting of budgets, taxes and rates and fixing of council house rents;
- b) being a councillor when councillors' remuneration, allowances, expenses, support services or pensions are being considered; or
- c) being a member of an outside body to which I have been appointed or nominated by my council as a councillor representative unless:
  - (1) the matter being considered by my council is quasi-judicial or regulatory; or
  - (2) I have a personal conflict by reason of my actions, my connections or my legal obligations.

### Stage 2: Interest

5.5 I understand my connection is an interest that requires to be declared where the objective test is met – that is where a member of the public with knowledge of the relevant facts would reasonably regard my connection to a particular matter as being so significant that it would be considered as being likely to influence the discussion or decision-making.

### Stage 3: Participation

5.6 I will declare my interest as early as possible in meetings. I will not remain in the meeting nor participate in any way in those parts of meetings where I have declared an interest.

5.7 I will consider whether it is appropriate for transparency reasons to state publicly where I have a connection, which I do not consider amounts to an interest.

5.8 I note that I can apply to the Standards Commission and ask it to grant a dispensation to allow me to take part in the discussion and decision-making on a matter where I would otherwise have to declare an interest and withdraw (as a result of having a connection to the matter that would fall within the objective test). I note that such an application must be made in advance of any meetings where the

dispensation is sought and that I cannot take part in any discussion or decision-making on the matter in question unless, and until, the application is granted.

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## SECTION 6: LOBBYING AND ACCESS

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6.1 I understand that a wide range of people will seek access to me as a councillor and will try to lobby me, including individuals, organisations, companies and developers. I must distinguish between:

- a) my representative role in dealing with constituent enquiries;
- b) any community engagement where I am working with individuals and organisations to encourage their participation and involvement; and
- c) lobbying, which is where I am approached by any individual or organisation who is seeking to influence me for financial gain or advantage, particularly those who are seeking to do business with my council (for example contracts/procurement) or who are applying for a consent from my council.

### **Constituent enquiries**

6.2 I will comply with data protection legislation, which includes keeping the personal information of any constituent secure and only, in general, using it for the purpose of assisting with the enquiry. I will seek the constituent's consent in advance if I am in a multi-member ward and feel it is more appropriate for another councillor to handle the enquiry. I note that there may be circumstances in which it is best not to respond to a constituent, and that I am not obliged by the Code to respond to every contact.

### **Community engagement**

6.3 I will undertake such work in an open and transparent manner. I will not express an opinion on a quasi-judicial or regulatory application that I might later be asked to determine. I accept that if I do express such an opinion, I will have to declare an interest and will not be able to take part in the decision-making.

### **Lobbying**

6.4 In deciding whether, and if so how, to respond to such lobbying, I will always have regard to the objective test, which is whether a member of the public, with knowledge of the relevant facts, would reasonably regard my conduct as being likely to influence my, or my council's, decisions.

### **Lobbying in Quasi-judicial or Regulatory Matters**

6.5 If I am approached directly by an individual or organisation who is seeking to do business with my council or who is involved in a quasi-judicial or regulatory matter (such as an applicant or an objector),

#### I WILL:

- a) have regard to Section 7 of this Code;
- b) advise that individual or organisation that I cannot formulate an opinion or support their position if I am going to take part in the decision-making on the matter; and
- c) direct any representations I receive to the appropriate council employee or department.

I WILL NOT:

- d) lobby or otherwise exert pressure or influence on employees, other councillors, or members of a quasi-judicial or regulatory committee, to recommend or make a specific decision in respect of a quasi-judicial or regulatory matter. I understand that I am entitled to seek information from employees but that I must not lobby them, to either make or recommend a particular decision.
- e) use political group meetings to decide how I and other councillors should vote on such matters or on individual staffing issues, such as the appointment or discipline of an employee.
- f) comply with political group decisions on such matters if these differ from my own views.

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## SECTION 7: TAKING DECISIONS ON QUASI-JUDICIAL OR REGULATORY APPLICATIONS

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### Introduction

7.1 I need to be especially vigilant when I am making a decision on a quasi-judicial or regulatory application. For these applications, I need to ensure there is a proper and fair hearing of the application and I must avoid any impression of bias in the whole decision-making process.

7.2 I will deal with many types of quasi-judicial or regulatory applications. Depending on the type of application that is made, there will be often be a formal, statutory decision-making process for its consideration and outcome. There may also be formal legal routes to challenge decisions made on these applications and for this reason I must be aware that my own personal responsibility to ensure a proper and fair hearing has wider consequences for my council's reputation and financial liabilities in the event of any challenge.

7.3 Quasi-judicial or regulatory decisions typically involve:

- a) Planning or other applications in terms of planning legislation;
- b) Applications for alcohol licensing matters;
- c) Applications for betting and gaming premises;
- d) Applications for taxi licences and all other forms of civic licensing;
- e) Actions where my council is involved in any form of statutory enforcement procedure;
- f) Any actions where my council is an employer and is involved in any disciplinary issues that I may have a remit to deal with;
- g) Any procedures for statutory approval or consent involving my council and where I have a remit to deal with the matter;
- h) Any appeal procedure where my council has a role and where I am expected to adjudicate on applications, for example an Education Appeals Committee for school placements or school exclusions.

The above list is provided to me only for guidance and is not exhaustive. If I have any doubt as to whether or not my involvement involves a quasi-judicial or regulatory matter I will seek the advice of my council's Monitoring Officer.

### Quasi-Judicial and Regulatory Matters

7.4 In dealing with these applications,

I WILL:

- a) throughout my involvement with the entire application process act fairly and be seen to act fairly;
- b) declare interests where required in terms of Section 5 of this Code and leave the meeting until the matter has been determined;
- c) deal fairly and impartially with all parties involved in the application;

- d) tell those who may be seeking to influence me out with the proper decision-making process that I will not formulate an opinion on any particular application until all information is available to all decision-makers and has been duly considered at the relevant meeting;
- e) take into account professional advice given to me by council employees; and
- f) seek advice from the relevant council employee if I am in doubt as to any material or relevant considerations.

7.5 In dealing with such applications,

I WILL NOT:

- a) pre-judge or demonstrate bias or be seen to pre-judge or demonstrate bias;
- b) indicate or imply support for or opposition to an application nor indicate my voting intention prior to the appropriate meeting where the application will be considered;
- c) in advance of the decision-making meeting, attempt to influence employees to adopt a particular position as that would imply that I am prejudiced in my decision-making;
- d) lobby other councillors who may be dealing with the application;
- e) express any view on the application before the appropriate meeting where the application will be considered. If I do so I will not participate in any aspect of the decision-making nor vote on the application;
- f) formulate my conclusions on an application until all available information is to hand and has been duly considered by me at the meeting where the application will be considered;
- g) express any indicative or provisional views in the course of my involvement in any aspect of the application; or
- h) otherwise act improperly or do anything which could reasonably create a perception that I have acted improperly.

## **Policy and Strategy**

7.6 My role in policy and strategic issues may have a very wide relevance to my council area. For example, I have a key role in establishing policies for the benefit of my council's area and I am fully entitled to express my genuinely held views or to advocate proposals for the adoption of key guidance. It is entirely appropriate that I can express my views on matters of such general importance to my council area.

7.7 When I am being asked to develop a policy and set a strategy that forms the framework under which individual applications may subsequently be decided, I understand that I can discuss or debate these items of policy or strategy. However, I will only take into account material considerations affecting the policy or strategic issue and will have regard to the requirement for the adoption of the policy or strategy to be based on facts and evidence.

7.8 For policy and strategic issues under which individual applications may subsequently be decided,

I WILL:

- a) be able to express my views;
- b) be able to advocate proposals that I consider to be of benefit to my council area;
- c) have regard to the evidence-base behind the formulation of the policy or strategy in question.

I WILL NOT:

- d) do anything or be motivated to do anything that is connected or linked in any way with my personal involvement in a policy or strategic issue;
- e) express any view that suggests I have a closed mind on the policy or strategic issue regardless of any material considerations affecting that issue.

## **Representation**

7.9 If I intend to be involved in the decision-making for any quasi-judicial or regulatory application,

I WILL NOT:

- a) organise support for or opposition to the application in any way;
- b) represent or appear to represent individuals or groups who are seeking to make representations for or against an application; or
- c) compromise myself or my Council by creating a perception of a conflict of interest.

7.10 In circumstances where I am a member of a Committee as a decision-maker but have been involved in organising support for or opposition to an application,

I WILL:

- a) declare an interest in the matter, and
- b) withdraw from the meeting without participating in the consideration of the matter.

7.11 In circumstances where I am a member of a Committee as a decision-maker but wish to represent individuals or groups who are seeking to make representations for or against an application,

I WILL:

- a) follow procedures agreed by my council which afford equal opportunity to any parties wishing to make representations to do so;

- b) declare an interest in the matter; and
- c) only remain in the meeting, while that item is being discussed, for the purposes of acting as the representative of the individual or group throughout the duration of their participation.

I WILL NOT:

- d) participate or attempt to participate as a decision-maker in that application;
- e) attempt to influence employees to adopt any particular position relative to the matter; or
- f) lobby other councillors who may be involved in the decision-making process.

7.12 In circumstances where I am **not** a member of any Committee which is making a decision on an application, but wish to represent individuals or groups who are seeking to make representations for or against it,

I WILL:

- a) follow procedures agreed by my council which afford equal opportunity to any parties wishing to make representations to do so; and
- b) only remain in the meeting for that item for the purposes of acting as the representative of the individual or group throughout the duration of their participation.

I WILL NOT:

- c) participate or attempt to participate as a decision-maker in that application;
- d) attempt to influence employees to adopt any particular position relative to the matter; or
- e) lobby other councillors who may be involved in the decision-making process.

### **Site Visits**

7.13 In respect of any site visits that have been decided upon or agreed by the Committee as a stage in the consideration of the application,

I WILL:

- a) follow my council's procedures for such visits as set out by my council and that with regard to any legislative requirements or notes of guidance or practice;
- b) remember that such site visits are part of the decision-making process and as such are formal in nature and may have procedures as set out by my council.

## Enforcement

7.14 In my role, I may become aware whether by complaint or by direct knowledge of the need for council intervention by way of appropriate enforcement action. In this event, I will refer the matter for investigation to the appropriate service of my council.

### I WILL ALSO:

- a) advise all subsequent enquirers to deal directly with the relevant employee of the Council department;
- b) be able to request factual information about the progress of the matter from the relevant employee.

### I WILL NOT:

- c) lobby for a particular outcome;
- d) get involved in the operational detail of any enforcement actions which are subsequently taken by my council.

## **ANNEX A**

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### **PROTOCOL FOR RELATIONS BETWEEN COUNCILLORS AND EMPLOYEES**

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#### **Definitions**

The reference to 'employees' below covers all employees and officers of councils and all officers and employees of any other body or organisation to which a councillor is appointed or nominated by the Council.

The reference to 'Convener' below covers all committee chairs and portfolio leads.

The reference to 'chief officers' covers all Chief Executives, Directors and Heads of Service.

The reference to 'committee' also covers all forms of executive and scrutiny operating models.

#### **Principles**

1. This protocol outlines the way in which councillors and employees should behave towards one another. It should be noted that while some scenarios are included, these are not exhaustive. The protocol should be treated, therefore, as applying in all situations where there is interaction between councillors and employees.
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 or influence.

#### **Roles**

3. Councillors are required to provide strategic leadership and oversight. This involves setting strategy and policy, scrutinising and making major, complex decisions that concern the Council as a whole. Councillors are not, however, responsible for operational management (being the planning, organising and execution involved in day to day activities) as this is the role of employees. Chief Executives and senior employees have ultimate responsibility to ensure that the Council meets its responsibilities.
4. Legally, employees are employed by the Council / other body and are accountable to it as an entity. Employees are responsible for serving the Council / other body as a whole, and not any particular political group, combination of groups or individual councillor. It is nevertheless appropriate for employees to be called upon to assist any political group in its deliberations or to help individual councillors fulfil their different roles (see the section on political groups below).

#### **Office bearers**

5. For the Council to perform effectively, it is important that there is a close professional working relationship between a committee convener and the director

and other senior employees of any service reporting 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 an employee's ability to deal with other councillors impartially, or the ability of a convener to deal with other employees impartially.

6. Conveners will have many dealings with employees. While employees should always seek to assist committee chairs, they are ultimately responsible to the relevant chief officer and not to any convener.
7. Conveners will often be consulted on the preparation of agendas and reports. Employees will always be fully responsible, however, for the contents of any report submitted in their name and will always have the right to submit reports to councillors on their areas of professional competence. The Convener does not have a right to veto this course of action.
8. Conveners are recognised as the legitimate elected spokesperson on their committee's area of responsibility. Where authority is delegated to employees, they may choose to consult the relevant convener about any action they propose to take. The employee nevertheless retains responsibility for the final decision (as long as the delegated authority remains in place).

### **Political groups**

9. Most councils operate through a system of groups of councillors, many of them based on political affiliation. All employees must treat all political groups and individual councillors in a fair and even-handed manner and must maintain political neutrality at all times.
10. Employees can provide political groups with support (such as discussing matters with the convener and vice-convener before a committee meeting or presenting information to a group meeting). While, in practice, such support is likely to be most in demand from whichever political group is in control of the Council, it nevertheless should be available to all political groups. The advice given by employees to different party or political groups should be consistent.
11. Councillors and employees must act in accordance with the council's rules about the access and support to be provided to political groups (for example, that all requests must be approved by the Chief Executive).
12. Employee support for political groups must not extend beyond providing information and advice in relation to matters of council business. Employees should not be asked, or be expected, to be present at meetings or parts of meetings when matters concerning party business are being discussed. It is the responsibility of the convener of the political group meeting to ensure that all attending are clear on the status of the meeting and the basis on which any employees are present.
13. Councillors and employees must note that while political group meetings may form part of the preliminaries to council decision-making, political groups are not

empowered to make decisions on behalf of the Council. Conclusions reached at such meetings are not council decisions and it is essential that they are not interpreted or treated as such.

14. Employees can provide information and advice in relation to matters of council business to political groups. Employees are nevertheless responsible for ensuring that all necessary information and advice is still provided to the relevant committee or sub-committee when the matter in question is considered.
15. Political groups must recognise that information and advice given by employees should be used to enhance discussion and debate at council and committee meetings. Such information or advice should not be used for political advantage (for example by issuing media briefings before a decision is made), as doing so could devalue the decision-making process and can place employees in a difficult position.
16. Employees should take special care when providing information and advice to a meeting of a political group where other individuals who are not elected members of the Council are in attendance, as such individuals will not be bound by the Councillors' Code (and, in particular, the provisions concerning the declaration of interests and confidentiality).
17. Employees must treat any discussions with a political group or individual councillor as being strictly confidential.
18. Any difficulties or uncertainty about the extent of advice and information that can be provided to political groups should be raised with the Chief Executive (who should then discuss the matter with the group leader).

### **Councillors as local representatives**

19. Councillors should ensure they act in accordance with the provisions of the Councillors' Code and this protocol when performing such a role. Elected members must recognise that, when performing their local representative role, they are representing the Council. Employees must treat all councillors fairly and openly in their role as local representatives.

### **Communications**

20. Employees should not normally copy any communications they have with an individual councillor to any other councillor, unless they have been clear in advance that they intend to do so (or this has been agreed).

### **Human resource issues**

21. Where councillors are involved in the appointments of employees they must act fairly and openly, and make decisions solely on merit.

22. Councillors should not become involved in issues relating to any individual employee's pay or terms and conditions of appointment, except while serving on a committee tasked with dealing with such matters.

### **Social relationships**

23. The relationship between councillors and employees depends upon trust, which will be enhanced by the development of positive and professional relationships. While councillors and employees may often find themselves in the same social situations, they should take care to avoid close personal familiarity as this can damage the relationship of mutual respect and the belief that employees can undertake their role in an impartial and objective manner. Councillors and employees should, therefore, be cautious in developing close personal friendships while they have an official relationship.

### **Public comment**

24. Councillors and employees both have a responsibility to project a positive image of the Council and should avoid making any public comments that could bring it into disrepute.
25. Councillors should not raise any adverse matters relating to the performance, conduct or capability of employees in public. Employees must ensure they treat councillors with similar respect and courtesy.

### **Employees supporting councillors**

26. Where councils arrange for employees to provide direct administrative or practical support for individual councillors to help them undertake their duties, particular considerations will apply. While councillors may ask employees to provide such support in a particular way, they must nevertheless remember that the employee is accountable to their line manager. Any issues about conflicting priorities, conduct or performance must be referred to the line manager.

## ANNEX B

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### DEFINITIONS

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“**ALEO**” means an arm's-length external organisation (ALEO), that is formally separate from the Council but is subject to the Council’s control or influence. ALEOs can take many forms including companies, community enterprises, charitable organisations and trusts.

“**Bullying**” is inappropriate and unwelcome behaviour which is offensive and intimidating, and which makes an individual or group feel undermined, humiliated or insulted.

“**Chair**” includes Committee Conveners or any other individual discharging a similar function to that of a Chair or Convener under alternative decision-making structures.

“**Cohabitee**” includes any person who is living with you in a relationship similar to that of a partner, civil partner, or spouse.

“**Committee**” includes all forms of executive and scrutiny operating models.

“**Confidential Information**” includes:

- any information passed on to the Council by a Government department (even if it is not clearly marked as confidential) which does not allow the disclosure of that information to the public;
- information of which the law prohibits disclosure (under statute or by the order of a Court);
- any legal advice provided to the Council; or
- any other information which would reasonably be considered a breach of confidence should it be made public.

“**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.

“**Employee**” includes individuals employed:

- directly by the Council;
- by any of the Council’s arms’ length external organisations;
- as contractors by the Council, any of the Council’s arms’ length external organisations; or
- by a contractor to work on any of the Council’s premises.

“**Gifts**” a gift can include any item or service received free of charge, or which may be offered or promised at a discounted rate or on terms not available to the general public. Gifts include benefits such as relief from indebtedness, loan concessions, or provision of property, services or facilities at a cost below that generally charged to members of the public. It can also include gifts received

directly or gifts received by any company in which the recipient holds a controlling interest in, or by a partnership of which the recipient is a partner.

**“Harassment”** is any unwelcome behaviour or conduct which makes someone feel offended, humiliated, intimidated, frightened and / or uncomfortable. Harassment can be experienced directly or indirectly and can occur as an isolated incident or as a course of persistent behaviour.

**“Hospitality”** includes the offer or promise of food, drink, accommodation, entertainment or the opportunity to attend any cultural or sporting event on terms not available to the general public.

**“Relevant Date”** Where a councillor had an interest in shares at the date on which they were elected, the relevant date is – (a) that date; and (b) the 5th April immediately following that date and in each succeeding year, where the interest is retained on that 5th April.

**“Remuneration”** includes any salary, wage, share of profits, fee, other monetary benefit or benefit in kind.

**“Securities”** a security is a certificate or other financial instrument that has monetary value and can be traded. Securities includes equity and debt securities, such as stocks bonds and debentures.

**“Undertaking”** means:

- a body corporate or partnership; or
- an unincorporated association carrying on a trade or business, with or without a view to a profit.

## ANNEX C

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### BREACHES OF THE CODE

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#### Introduction

1. The Ethical Standards in Public Life etc. (Scotland) Act 2000 (“the Act”) provided for a framework to encourage, and where necessary enforce, high ethical standards in public life.
2. The Act provided for the introduction of new codes of conduct for local authority councillors and members of relevant public bodies, imposing on councils and relevant public bodies a duty to help their members comply with the relevant code.
3. The Act and the subsequent Scottish Parliamentary Commissions and Commissioners etc. Act 2010 established the Standards Commission for Scotland (“Standards Commission”) and the post of Commissioner for Ethical Standards in Public Life in Scotland (“ESC”).
4. The Standards Commission and ESC are separate and independent, each with distinct functions. Complaints of breaches of the Councillors’ Code of Conduct are investigated by the ESC and adjudicated upon by the Standards Commission.
5. The first Councillors’ Code of Conduct came into force in 2003. The Code has since been reviewed, and re-issued in 2010 to reflect legislative changes. The 2021 Code has been issued by the Scottish Ministers following consultation, and with the approval of the Scottish Parliament, as required by the Act.

#### Investigation of Complaints

6. The ESC is responsible for investigating complaints about councillors. It is not, however, mandatory to report a complaint about a potential breach of the Code to the ESC. It may be more appropriate in some circumstances for attempts to be made to resolve the matter informally at a local level.
7. On conclusion of the investigation, the ESC will send a report to the Standards Commission.

#### Hearings

8. On receipt of a report from the ESC, the Standards Commission can choose to:
  - Do nothing;
  - Direct the ESC to carry out further investigations; or
  - Hold a Hearing.

9. Hearings are held (usually in public) to determine whether the councillor concerned has breached the Councillors' Code of Conduct. The Hearing Panel comprises of three members of the Standards Commission. The ESC will present evidence and/or make submissions at the Hearing about the investigation and any conclusions as to whether the councillor has contravened the Code. The councillor is entitled to attend or be represented at the Hearing and can also present evidence and make submissions. Both parties can call witnesses. Once it has heard all the evidence and submissions, the Hearing Panel will make a determination about whether or not it is satisfied, on the balance of probabilities, that there has been a contravention of the Code by the councillor. If the Hearing Panel decides that a councillor has breached the Councillors' Code of Conduct, it is obliged to impose a sanction.

### Sanctions

10. The sanctions that can be imposed following a finding of a breach of the Councillors' Code of Conduct are as follows:
- **Censure:** A censure is a formal record of the Standards Commission's severe and public disapproval of the councillor concerned.
  - **Suspension:** This can be a full or partial suspension (for up to one year). A full suspension means that the councillor is suspended from attending all meetings of the Council. Partial suspension means that the councillor is suspended from attending some of the meetings of the Council.
  - **Disqualification:** Disqualification means that the councillor is disqualified for the period determined (of up to 5 years) from being a councillor (which has the effect of removing them from office. Where a councillor is also a member of a devolved public body (as defined in the Act), other than as a representative or nominee of the Council, 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.

### Interim Suspensions

11. Section 21 of the Act provides the Standards Commission with the power to impose an interim suspension on a councillor on receipt of an interim report from the ESC about an ongoing investigation. In making a decision about whether or not to impose an interim suspension, a Panel comprising of three Members of the Standards Commission will review the interim report and any representations received from the councillor and will consider whether it is satisfied:
- That the further conduct of the ESC's investigation is likely to be prejudiced if such an action is not taken (for example if there are concerns that the councillor may try to interfere with evidence or witnesses); or
  - That it is otherwise in the public interest to take such a measure. A policy outlining how the Standards Commission makes any decision under Section 21 and the procedures it will follow in doing so, should any such a report be received from the ESC can be found on the Standards Commission's website.

12. The decision to impose an interim suspension is not, and should not be seen as, a finding on the merits of any complaint or the validity of any allegations against a councillor, nor should it be viewed as a disciplinary measure.

# **FINANCIAL REGULATIONS**

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## **FINANCIAL REGULATIONS**

### **1. Introduction**

#### **1.1 General**

Dundee City Council is committed to delivering high quality, integrated services at the heart of a network of partners. The Council has adopted modern business processes, enabled by technology, so that services are organised around the needs of citizens.

These Regulations are prepared under Section 95 of the Local Government (Scotland) Act 1973, the Local Authority Accounts (Scotland) Regulations 2014 and the Council's Standing Orders.

Dundee City Council has a commitment to demonstrate effective stewardship of public money and reassurance through transparent accounting practices and robust financial controls. The Financial Regulations form an integral part of the financial stewardship and corporate governance of the Council.

A brief summary of and hyperlink to the associated codes, procedure manuals and documents is included at the end of this document.

#### **1.2 Executive Director of Corporate Services as Proper Officer**

The Executive Director of Corporate Services, being the Proper Officer as required by Section 95 of the Local Government (Scotland) Act 1973, shall be responsible to the City Governance Committee for the proper administration of the Council's financial affairs. The Local Authority Accounts (Scotland) Regulations 2014 require the Proper Officer to determine the form of and maintain accounting control systems and supporting accounting records and to ensure that the accounts and records are kept up-to-date by the relevant Executive Director. The Proper Officer must ensure that the accounting control systems are observed and that the accounting records of the local authority are kept up-to-date.

#### **1.3 Executive Director of Corporate Services as Adviser**

The Executive Director of Corporate Services shall report to the City Governance Committee with respect to the level of financial resources proposed to be utilised in each financial year by the Council, shall keep the City Governance 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.

### **2. Responsibilities and Observance of Financial Regulations**

#### **2.1 Obligation to Observe Financial Regulations**

The Financial Regulations of Dundee City Council set out the mandatory framework for the proper financial administration of the financial affairs of the Council and apply to every financial transaction and all Council officers. Failure to comply with the requirements of the Financial Regulations of Dundee City Council may result in disciplinary action or dismissal.

#### **2.2 Executive Director of Corporate Services**

It shall be the responsibility of the Executive Director of Corporate Services, or designated officer, to ensure that the Financial Regulations are kept up-to-date and monitored for effectiveness and continuing validity. Changes in Statute, professional guidance or Council policy that have a financial impact shall be reflected within the Financial Regulations.

## **2.3 Responsibility of Service Executive Directors**

It shall be the duty of each Executive Director to ensure that this Code of Practice and all associated procedure manuals and documents as listed at the end of this document are made known to appropriate staff members and shall ensure full compliance with them. Each Executive Director shall prepare revenue estimates in respect of their services in consultation with the Executive Director of Corporate Services. Executive Directors are also responsible for contributing towards the preparation of the Capital Plan. Executive Directors shall ensure that the Executive Director of Corporate Services is informed of all financial matters that may have a significant impact on their services, seeking financial advice where necessary.

## **2.4 Responsibility of Managing Directors and Chief Executives of associated or Subsidiary Companies, Trusts etc**

It shall be the responsibility of all Managing Directors and Chief Executives of associated or subsidiary companies, trusts, etc whose accounts form part of the Council's Group Accounts to adhere to the principles of good financial management as contained in these Financial Regulations and the procedures manuals and documents referred to at the end of this document. It is recognised that related companies and charitable trusts will be required to operate to different standards of financial accounting and reporting. In all other matters Managing Directors and Chief Executives will be expected to follow the principles laid down in these regulations. Managing Directors and Chief Executives are also responsible for the submission of an Annual Governance Assurance Statement.

## **2.5 Audit Responsibility**

### **2.5.1 Internal Audit**

The primary purpose of internal audit reporting is to communicate to management and Elected Members information that provides an independent and objective opinion on the control environment and risk exposure and to prompt management to implement the agreed actions.

The Internal Audit Service is a statutory assurance function that provides an independent and objective opinion to the organisation on the control environment by evaluating its effectiveness in achieving the organisation's objectives. The control environment comprises the systems of governance, risk management and internal control. 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.

It is a fundamental element of the Council's governance and assurance framework. The Service operates in accordance with the mandatory Global Internal Audit Standards which encompass the principles fundamental to the professional practice of internal auditing within the public sector and its purpose, authority and responsibility are formally defined in an Internal Audit Charter.

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.

Internal Audit should be independent of the activities it reviews to enable auditors to perform their duties in a way that allows them to make impartial and effective professional judgements and recommendations. Internal Auditors should therefore not have any operational responsibilities.

Given the scope of internal audit work covers the organisation's entire control environment, Internal Audit is required to have unrestricted access to all records, assets, personnel and premises and the authority to obtain such information and explanations it considers necessary to discharge its responsibilities.

The Service includes a Corporate Fraud Team, responsible for the detection and prevention of corporate fraud, including potential cases relating to Council Tax discounts and exemptions, Council Tax Reduction Scheme, blue badges and licensing.

Responsibilities surrounding the National Fraud Initiative also rest with the Service.

The Chief Internal Auditor (whether employed or engaged to act on behalf of the Council) or duly authorised representative may:-

- Enter at all reasonable times any Council premises or land;
- Have access to all records (electronic or manual), documents and correspondence relating to any financial or other transaction of the Council;
- Require and receive such explanations as are necessary concerning any matter under examination;
- Require any employee to produce cash, stores, or any other Council property under their control;
- Examine financial records of organisations in receipt of grant aid from the Council.

Whenever any matter arises which involves, or is thought to involve, irregularities concerning funds, stores or other property of the Council or associated or subsidiary companies and trusts or any suspected irregularity in the exercise of the functions of the authority, the Service Executive Director or Managing Director/Chief Executive concerned shall notify in writing to the Chief Internal Auditor who shall take whatever steps are necessary by way of investigation and report. The Chief Internal Auditor shall deal with such irregularities in accordance with the Council's Whistleblowing Policy and following consultation with the Chief Executive or Executive Director of Corporate Services shall, where appropriate, report the matter to Police Scotland.

The Council's Fraud Guidelines detail the approach and procedures in relation to the investigation of fraudulent activities.

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.

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 Executive Director concerned, Head of People Services and the Executive Director of Corporate Services may be consulted, as deemed appropriate, as to the approach to be adopted.

It is the responsibility of the Executive Director of the department to ensure that the Chief Executive and the Head of People Services are advised of any suspected irregularities.

It is the responsibility of the Chief Internal Auditor to advise the Executive Director of Corporate Services of any suspected irregularities and provide updates during the investigation as deemed appropriate.

#### 2.5.2 Councillors

A Committee of the Council shall be charged with overseeing the work of the Audit function. The Terms of Reference for the Committee will be published in accordance with the standing orders of the Council. The Committee responsible for oversight of the audit function is the Scrutiny and Audit Committee. A full copy of the Committee's Terms of Reference can be found on the Council's Internet site.

#### 2.5.3 External Audit

The Council's External Auditor shall have the right to demand access to all records (electronic or manual), documents and correspondence relating to any financial or other transactions of the Council and receive such explanations as are necessary concerning any matter under examination. Officers of the Council, officers in associated or subsidiary companies, trusts etc and officials of grant aided bodies will ensure that these rights are given to External Auditors.

## **2.6 Responsibility of the Head of Democratic and Legal Services**

The Head of Democratic and Legal Services (the Monitoring Officer) will provide advice on the legal powers the Council has to act and the legality or otherwise of proposed income and expenditure. The Head of Democratic and Legal and Services shall deal with reported irregularities in accordance with the Council's Whistleblowing Policy and following consultation with the Chief Executive or Executive Director of Corporate Services shall, where appropriate, report the matter to Police Scotland. A register of matters relating to Fraud, Bribery and Corruption and Whistleblowing will be retained by the Head of Democratic and Legal Services and a report on matters arising from concluded investigations will be presented to the Scrutiny and Audit Committee annually.

## **2.7 Non-Compliance**

Any breach or non-compliance with these Regulations must on discovery be reported immediately to the Executive Director of Corporate Services who may consult the Chief Executive and/or the relevant Executive Director considered appropriate in order to determine the proper action to be taken.

## **3. Financial Stewardship**

### **3.1 Roles and Responsibilities**

The roles and responsibilities of Councillors and Officers are clearly defined in the Standing Orders of the authority, the Scheme of Delegation of Powers to Officers of the Council, the Scheme of Tender Procedures and the Scheme of Financial Regulations.

The Council has a Members/Officers Code of Conduct in addition to the Financial Regulations, Standing Orders and Disciplinary Procedures.

The Council's Chief Executive is responsible to the authority for all aspects of executive management. The Chief Executive, Executive Director of Corporate Services and Head of Democratic and Legal Services are responsible for ensuring that agreed procedures are followed and that all applicable statutes, regulations and statements of good practice are complied with.

The Executive Director of Corporate Services is responsible for ensuring appropriate advice is given to the Council on all financial matters, keeping proper financial records and accounts and maintaining an effective system of internal financial control under the terms of the Financial Regulations.

### **3.2 Introduction**

Dundee City Council is committed to achieving Best Value and the highest possible standards in the delivery of its services. The Council attaches a very high priority to exercising strong control over the management of its financial resources. Both objectives are facilitated by the provision of high quality financial management and control, through continuous improvement, to meet both statutory requirements and the needs of clients/customers in the most efficient and effective manner in terms of Best Value.

Financial management is provided to the Council, its Committees and Services through an accounting function that provides corporate financial management and service specific accounting. Within all Services, budget holders undertake financial management in varying degrees to their Conveners, Committees and their Directorate.

These financial regulations clearly define the respective roles and responsibilities of officers in both the accounting function and Services. Implementation of the recommended procedures will improve the effectiveness of financial management and control and ensure the continued development of best practice.

### 3.3 Councillors

As Council and Committee Members, Councillors have a personal, individual and collective responsibility for the Council's organisation and activities. Councillors are responsible for ensuring that adequate management arrangements are in place, developing and taking decisions on the use of the Council's physical, financial and human resources and to concern themselves with the performance, development, continuity and overall well-being of the organisation (extract from the Code of Conduct for Councillors).

To enable Councillors to discharge their responsibilities in this respect, officers must present to Councillors appropriate information on the Council's performance both in operational and financial terms to allow them to ask relevant questions. Councillors will also expect to be advised on all legal matters pertaining to the operation of the Council.

### 3.4 Chief Executive

The Chief Executive has a responsibility, through the Executive Director of Corporate Services, to ensure that Standing Orders and these Financial Regulations are applied across the Council, and the appropriate Committee structures are in place. It is the responsibility of the Executive Director of Corporate Services to ensure that the relevant Committees operate to the agreed standard.

The Chief Executive, as Head of Paid Service, has an authority over all officers and has responsibility for ensuring that the Council maintains an efficient use of the resources at its disposal. However, the Chief Executive relies on senior officers of the Council to inform him of the up-to-date position of an operation. Executive Directors shall therefore give the Chief Executive a commentary on specific matters.

The Chief Executive does not have operational responsibility for Services, which is delegated to Executive Directors. Similarly, the Chief Executive has delegated, to the Executive Director of Corporate Services, the responsibility for establishing the appropriate financial reporting framework. Consequently, the Executive Director shall formally report any major problems identified to the Executive Director of Corporate Services and to the Chief Executive who can instruct on appropriate action and report as appropriate.

On a periodic basis a summary of the financial position of each service shall also be reported to the Chief Executive. In pursuance of this, a regular monitoring statement shall be included on the agenda of the Council Leadership Team.

### 3.5 Executive Director of Corporate Services

The Chief Financial Officer is a statutory appointment under Section 95 of the Local Government (Scotland) Act 1973. This states that every local authority shall make arrangements for the proper administration of its financial affairs and shall ensure that one of its officers has responsibility for the administration of these affairs. The primary legislation is supplemented by Scottish Executive Regulations. In Dundee City Council, the Executive Director of Corporate Services is the responsible officer.

Further, the Chartered Institute of Public Finance and Accountancy (CIPFA) has defined in detail the role of the Chief Financial Officer within local government.

CIPFA specifically outlines the role of the Chief Financial Officer as being:-

- a key member of the Leadership Team, helping it to develop and implement strategy and to resource and deliver the authority's strategic objectives sustainably and in the public interest;
- actively involved in, and able to bring influence to bear on, all material business decisions to ensure immediate and longer-term implications, opportunities and risks are fully considered, and alignment with the authority's financial strategy;
- and must lead the promotion and delivery by the whole authority of good financial management so that public money is safeguarded at all times and used appropriately, economically, efficiently and effectively.

To deliver these responsibilities the Chief Financial Officer:-

- must lead and direct a finance function that is resourced to be fit for purpose; and must be professionally qualified and suitably experienced.

There exists, however, a degree of decentralisation of financial administration within the Council and the responsibilities of the Executive Director of Corporate Services must be seen in this context. This Code of Practice delegates much of the day to day financial administration to staff within Corporate Finance and to Executive Directors, the extent of which shall be outlined within a framework of job descriptions.

### 3.5.1 Financial Management

As head of strategic and operational financial management and administration, it is the responsibility of the Executive Director of Corporate Services to:-

- ensure that a proper and prudential financial framework exists within the Council in terms of relevant legislation and codes of practice;
- secure effective systems of financial administration;
- ensure that financial management arrangements are in line with strategic policies and objectives and the Council's overall management arrangements.

Specifically, the Executive Director of Corporate Services will:-

- advise on effective systems of internal control such as financial regulations;
- secure effective systems of internal financial control to ensure that income collected and payments made are accurate, complete and timely;
- advise on anti-fraud and anti-corruption measures through an effective internal audit function;
- ensure that all staff with financial management responsibilities are made aware of the existence and content of this Code of Practice and their requirement to comply with the code.

### 3.5.2 Supporting the Democratic Process

In supporting and advising the democratic process, the Executive Director of Corporate Services is expected to:-

- advise on the respective roles of Councillors and officers on financial management;
- advise Councillors on an overall financial strategy which serves policy and service objectives;
- provide Councillors with clear, accurate and impartial advice when considering service plans and budgets;
- provide timely, accurate and impartial advice on reported financial performance, including reporting any concerns and/or disagreements with Executive Directors on the stated financial position and the reliability of financial systems;
- ensure that Councillors have adequate access to financial skills and are provided with an appropriate level of financial training on an ongoing basis.

### 3.5.3 Contributing to Corporate Management and Leadership

The Executive Director of Corporate Services has an essential part to play in the corporate management of the authority by:-

- contributing to the effective leadership of the authority;
- contributing to the management of the authority;
- ensuring that the authority's financial resources are well managed;
- contributing to cross-authority issues and to the development of the authority.

#### 3.5.4 Supporting and Advising Operational Officers

In supporting and advising operational officers, the Executive Director of Corporate Services shall:-

- ensure that financial strategy and arrangements serve policy and service objectives, advising Services on all strategic and operational financial matters and on the availability of resources;
- advise officers on performance and standards to be adhered to in relation to financial matters;
- delegate responsibility for financial management and control to Executive Directors, ensuring the development and maintenance of appropriate management accounting systems, functions and controls and that these are compatible with the corporate financial reporting systems;
- ensure that officers' roles and responsibilities are clear and understood and that budget managers have access to adequate financial skills;
- provide timely, accurate and impartial advice to the Chief Executive on any concerns or disagreements with Executive Directors on the reported financial position or reliability of financial systems.

#### 3.5.5 Leading and Managing an Effective and Responsive Financial Service

In leading and managing the authority's finance function, the Executive Director of Corporate Services will:-

- secure high standards of performance and service to the public;
- demonstrate accountability to the public by providing robust financial and performance information;
- establish a good, professional working relationship with external auditors and other statutory agencies;
- act as head of profession for all finance staff in the authority.

### 3.6 **Executive Directors**

Within the overall framework of the financial management and administration arrangements, it is the responsibility of the Executive Directors to:-

- ensure adherence to these financial regulations, Standing Orders, and any other legislative or Council requirements;
- manage the expenditure and income of the Service and ensure its control within approved budgets;
- prepare draft budget and service plan submissions, in conjunction with the Executive Director of Corporate Services and Chief Executive;
- provide data necessary to enable the completion of budgets, monitoring reports, annual reports and all Government or other returns, in conjunction with the Executive Director of Corporate Services;

- formally report any major financial problems identified within the Service to the Executive Director of Corporate Services and, if appropriate, the Chief Executive, who can instruct appropriate action and report if required.

In practice, duties will be delegated to operational managers within the Service, the extent of which shall be covered by a framework of job descriptions clearly defining individual responsibilities.

### **3.7 Corporate Finance Staff**

Roles and responsibilities of Corporate finance staff in relation to service and budget holders:-

#### **3.7.1 Financial Leadership**

- Build a culture of effective financial management within the service.
- Ensure financial standards are applied across the service and act as a role model.
- Demonstrate a commitment to good financial management.
- Scan the external environment for future developments that impact financial management.
- Help assess the financial culture in the service and provide feedback and support.
- Create the framework for good financial governance and manage effective reporting and control mechanisms.
- Work in partnership with services to develop strategy that will strengthen the business.

#### **3.7.2 Insight and Solutions**

- Identify opportunities arising from external and internal changes.
- Create and implement appropriate plans to deliver best value.
- Generate and assess options and deliver them.
- Balance long and short-term decision making considering cross Council implications.
- Support the decision-making process by providing pro-active advice, commercial insight and creative solutions.
- Ask appropriate probing questions and assess the financial impact of decisions.
- Support the framework for effective decision making and manage risk.
- Regulate governance of partner organisations and effectively supervise contracts.

#### **3.7.3 Stakeholder Engagement**

- Demonstrate a partnership with finance service.
- Maintain required skills and competencies.
- Engage appropriate people within and outside the team and commit appropriate resource to managing the business.
- Role model standards of professional competency in financial matters within the service and support a shared understanding of effective financial management.
- Effectively advise, support, train and challenge budget holders supporting a shared understanding of service operations and the financial position.
- Operate an effective performance culture that encourages customer feedback.
- Facilitate productive budget holder meetings.

#### **3.7.4 High Quality Reporting, Planning and Analysis**

- Demonstrate knowledge of the financial situation in the service.
- Contribute to accurate forecasting and identify and assess variances.
- Make informed decisions.
- Lead effective financial planning and monitoring processes within the service and drive action planning that supports service and financial performance.
- Provide high quality financial information, advice and challenge to the budget setting and monitoring processes.
- Lead and enable effective analysis of financial information in conjunction with service and operational implications.

### 3.7.5 Financial Controls and Transaction Processing

- Maintain efficient and effective application of financial controls, systems and processes within the service.
- Set standards, design and maintain robust financial controls, systems and processes that enable efficient processes to operate within the organisation.

### 3.7.6 Line Responsibilities/Accountabilities

The Executive Director of Corporate Services has overall responsibility for the management and administration of the Council's financial affairs and consequently for all staff engaged in delivering the service. All Corporate finance staff are responsible to the Executive Director of Corporate Services for maintaining professional accounting standards and the highest standards of conduct and integrity. All staff engaged in financial management within the Council have a similar responsibility, not only to their Executive Director, but corporately to the Executive Director of Corporate Services. Further, Corporate Finance staff have a responsibility to Executive Directors for the provision of impartial advice and guidance on all financial matters, including contributing to and assisting in corporate and service reviews, option appraisal and the process of continuous improvement across the Council.

The Executive Director of Corporate Services has the power to draw to the attention of an Executive Director any circumstances where they consider that a member of staff engaged in financial management has not met the required standards. The Executive Director of Corporate Services is also empowered to recommend how the matter shall be taken forward. Conversely, any Executive Director has recourse to the Executive Director of Corporate Services where it is considered that any member of staff in Corporate Finance has not met the required standards. In the event that an Executive Director and the Executive Director of Corporate Services fail to agree, the matter shall be raised with the Chief Executive who will be the final arbiter.

## 3.8 **Internal Control**

### 3.8.1 Introduction

Internal Control is the policies and procedures management used to achieve the following goals:-

- Safeguard of Council Assets - well designed internal controls protect assets from accidental loss or loss from fraud.
- Reliability and integrity of financial information - Internal controls ensure that management has accurate, timely and complete information, including accounting records, in order to plan, monitor and report business operations.
- Compliance - Internal controls ensure the Council is in compliance with the laws and regulations affecting the operations of the organisation.
- Promote efficient and effective operations - Internal controls provide an environment in which managers and staff can maximise the efficiency and effectiveness of their operations.
- Accomplishment of goals and objectives - Internal controls system provide a mechanism for management to monitor the achievement of operational goals and objectives.

### 3.8.2 Responsibilities

Executive Directors are responsible for maintaining an adequate system of financial control and are expected to communicate the expectations and duties of staff as part of a control environment. They are also responsible for ensuring that the major areas of an internal control framework are addressed and that weaknesses highlighted are acted upon.

Staff are responsible for carrying out the internal control activities set out by the Executive Director of Corporate Services and Service Executive Directors.

### 3.8.3 Control Framework

The framework of good internal control includes:-

- The Control environment: A sound control environment is created by management through communication, attitude and example. This includes a focus on integrity, a commitment to investigating discrepancies, diligence in designing systems and assigning responsibilities.
- Risk Assessment: This involves identifying the areas in which the greatest threat or risk of inaccuracies or loss exist. To be most efficient, the greatest risks should receive the greatest amount of effort and level of control. For example, the value or the nature of the transaction (for instance, those that involve cash) might be an indication of the related risk.
- Monitoring and Reviewing: The system of internal control should be periodically reviewed by management. By performing a periodic assessment, management assures that internal control activities have not become obsolete or lost due to staff turnover or other factors. They should also be enhanced to remain sufficient for the current level and extent of risks.
- Information and communication: The availability of information and a clear and evident plan for communicating responsibilities and expectations is paramount to a good internal control system.
- Control activities: These are the activities that occur within an internal control system. These are described in 3.8.4 below.

### 3.8.4 Internal Control Activities

These activities are the policies and procedures as well as the daily activities that occur within a system of internal control. The Head of Digital and Customer Services in conjunction with the Executive Director of Corporate Services, will ensure that all computerised systems include both prevention and detection activities.

- Prevention control activities aim to deter the instances of error or fraud. Activities include comprehensive documentation, authorisation processes, segregation of duties and security. These activities prevent undesirable transactions from happening and therefore require well thought out procedures and risk identification.
- Detection control activities aim to identify any undesirable transactions after the fact, and in financial situations the most frequently used detection controls are reconciliation along with monitoring and review.
- Appropriate controls shall be established to ensure that the financial information system accurately collates, sums and reports all authorised input and that regular and sufficient back up is maintained.

### 3.8.5 Embedding Internal Control Activities into Operations

- Control activities occur at all levels and functions of the Council. Executive Directors should establish control activities that are effective and efficient.
- When designing and implementing control activities, the aim should be to get the maximum benefit at the lowest cost. Consideration should be given to the following:-
  - The cost of the control activity should not exceed the cost that would be incurred by the Council if the undesirable event occurred;
  - Control activities should be built into business processes and systems as the processes and systems are being designed. Adding control activities after the development of a process or system is generally more costly and may enable errors or fraud to occur;
  - The allocation of resources among control activities should be based on the likelihood and impact of the risk;

- For any given risk, there may be multiple appropriate control activities that can be put into place, either individually or in combination with other control activities; and
- Excessive use of controls could impede productivity.

### 3.8.6 Commonly Used Controls

- The following brief descriptions of the commonly used control activities will help managers to identify and select appropriate activities to prevent and detect error and fraud.
  - Documented Systems/Process - Comprehensive documentation of systems and processes provides clarity to those involved and a structure to enable checking to be carried out.
  - Authorisation - Control activities in this category are designed to provide reasonable assurance that all transactions are within the limits set by policy or that exceptions to policy have been granted by the appropriate officer(s).
  - Review and approval - Control activities in this category are designed to provide reasonable assurance that transactions have been reviewed for accuracy and completeness by appropriate officers.
  - Verification - Control activities in this category include a variety of computer and manual controls designed to provide reasonable assurance that all accounting information has been correctly captured.
  - Reconciliation - Control activities in this category are designed to provide assurance of the accuracy of financial records through the periodic comparison of source documents to data recorded in accounting information systems.
  - Physical security over assets - Control activities in this category are designed to provide reasonable assurance that assets are safeguarded and protected from loss or damage due to accident, natural disaster, negligence or intentional acts of fraud, theft or abuse.
  - Segregation of duties - Control activities in this category reduce the risk of error and fraud by requiring that more than one person is involved in completing a particular financial process.
  - Education, training and development - Control activities in this category reduce the risk of error and inefficiency in operations by ensuring that staff have the proper education and training to perform their duties effectively.
  - Education and training programs should be periodically reviewed to ensure they remain relevant to the current Council operating environment and financial processing procedures.
  - Performance planning and evaluation - Control activities in this category establish key performance indicators for the Council that may be used to identify unexpected results or unusual trends in data which could indicate situations that require further investigation and/or corrective actions. Evaluations may be done at multiple levels within the Council, as appropriate: the Council as a whole; major projects; specific Services/functions; or specific activities. Performance reviews may focus on compliance, financial or operational issues. For example, financial reviews should be made of actual performance versus budgets, forecasts and performance in prior periods.
- This list is not exhaustive and advice should be sought from the Executive Director of Corporate Services or Chief Internal Auditor if any manager is uncertain about incorporating appropriate control activities into their operations.

### 3.8.7 Financial Resources

The Executive Director of Corporate Services shall be entitled to report upon the financial implications of any matter coming before the Council, Service Committees or other Committees, and shall further report to the City Governance Committee, if necessary, in the interests of the financial affairs of the Council.

The Chief Executive as the Head of the Paid Service will receive regular reports from the Executive Director of Corporate Services on the Revenue and Capital spending of the Council. The Executive Director of Corporate Services will report any significant under or overspending to the City Governance Committee.

### 3.8.8 Financial Reporting to Committee by Executive Directors

Any Executive Director 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 Executive Director of Corporate Services no later than fourteen days before the meeting. Any observations on the report made by the Executive Director of Corporate Services shall be incorporated in the Executive Director's report.

### 3.8.9 Best Value

Under the Local Government in Scotland Act 2003, it is the duty of each local authority to 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 Services of the best management techniques.

### 3.8.10 Financial Systems

The Executive Director of Corporate Services is responsible for ensuring that financial systems exist to ensure proper financial control is exercised throughout the Council. The Executive Director of Corporate Services is also responsible for ensuring that financial management systems exist to enable Executive Directors to make financial decisions, and take corrective action to deal with under or overspending, in order to achieve value for money and best value.

### 3.8.11 Duty of Confidentiality

There is a general duty on all Council officers not to disclose financial matters, except to authorised personnel.

## **4. Annual Revenue Budgets**

### **4.1 Responsibility of the Executive Director of Corporate Services**

The detailed form of the annual Revenue Budgets shall be determined by the Executive Director of Corporate Services in accordance with the general instruction of the City Governance Committee.

### **4.2 Responsibility of Executive Directors**

Executive Directors shall prepare an annual Revenue Budget of income and expenditure and, for this purpose, Executive Directors shall furnish the Executive Director of Corporate Services timeously with all necessary information regarding requirements of their services.

### **4.3 Review of Charges**

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.

#### **4.4 Decision-Making**

Decisions relating to the Revenue Budget and Council Tax shall be taken by the City Governance Committee. The Executive Director of Corporate Services shall submit the draft Revenue Budget directly to the City Governance Committee for detailed consideration.

#### **4.5 Determination of Revenue Budget and Council Tax**

The City Governance Committee shall consider all proposals, together with a report from the Executive Director of Corporate Services containing all other relevant information, for the purposes of approving the Revenue Budget and thereafter determining the Council Tax to be levied in respect of the forthcoming financial year, including the position on reserves and balances. The City Governance Committee shall also take any decisions, as required, relating to the Revenue Budget for future financial years.

#### **4.6 Determination of Housing Revenue Account and Housing Rents and Other Housing Charges**

The City Governance Committee shall consider all proposals, together with a report from the Executive Director of Corporate Services and the Executive Director of Neighbourhood Services containing all other relevant information, for the purposes of approving the Housing Revenue Budget and determining the housing rents to be levied in respect of the forthcoming financial year, including the position on reserves and balances.

### **5. Revenue Monitoring**

#### **5.1 Responsibility of Executive Director of Corporate Services**

The Executive Director of Corporate Services shall furnish each Executive Director with periodical statements of income, expenditure and commitments under each approved budget head and such other relevant information as they require. It will, however, be the responsibility of each Executive Director to ensure that they have all relevant financial information to control the actual expenditure and income for their service against the budget.

The Executive Director of Corporate Services has a responsibility to ensure that revenue monitoring by Executive Directors is carried out and that relevant financial information is provided in a format and within a timetable suitable to allow such monitoring.

#### **5.2 Responsibility of Executive Directors**

The primary responsibility for detailed monitoring and control of service revenue income and expenditure lies with each relevant Executive Director in accordance with the Revenue Budgetary Control Manual issued to all Executive Directors by the Executive Director of Corporate Services.

#### **5.3 Restrictions**

Revenue income and expenditure shall be restricted to that included in the Revenue Budget, unless proposals for revision have been approved by the City Governance Committee.

#### **5.4 Essential/Emergency Expenditure**

Notwithstanding paragraph 5.3, the Executive Director of Corporate Services may approve any revenue expenditure which, after consultation with the Depute Convener of the City Governance Committee and the appropriate Finance spokesperson from other groups and the Chief Executive, they consider essential in the interest of the Council and being of an emergency nature that cannot await consideration by the City Governance Committee.

#### **5.5 Inter-Service Income and Expenditure**

In conjunction with Accounting Services Managers, the Executive Director of Corporate Services will monitor inter-service income and expenditure. Services will ensure that any budget that they have for inter-service expenditure is matched by income in the receiving service, and vice-versa.

## **6. Virement**

### **6.1 Purpose of Virement**

The term "virement" refers to the switching of budgetary provision from one budget head to another.

Any proposal for virement involving a new policy, or variation of existing policy, which may have a significant impact upon the corporate plans of the Council, will be subject to the approval of the appropriate Service Committee, in the first instance, and thereafter the City Governance Committee.

The Chief Executive, Executive Directors, Heads of Service and Budget Managers may exercise virement, as set out below in 6.2, within the Services' overall Revenue Budget provided:-

- The Executive Director of Corporate Services has been notified; and
- The virement does not create an additional financial commitment into future financial years.

### **6.2 Use of Virement**

Virement may be employed as a means of funding desirable or essential expenditure through identified budget underspend. Virement may only be applied in respect of values of £5,000 or more and subject to agreement with the Executive Director of Corporate Services.

Capital financing costs can only be vired with the approval of the Executive Director of Corporate Services. The Executive Director of Corporate Services will have authority to vire expenditure from any contingency provision or cash-backed fund or reserve.

All virement proposals should be submitted for approval on the appropriate pro-forma documentation to the Executive Director of Corporate Services, who will monitor the overall use of virement and its effect on Revenue Budget performance.

Executive Directors shall consider the implications on future years' budgets when viring funds to finance purchases which have ongoing revenue implications.

Any virement proposals to fund expenditure on IT equipment or software must be submitted in the first instance to the Head of Digital and Customer Services for approval.

Virement cannot be used by services in the following situations:-

- for expected savings on finance costs or recharges;
- for recurring items of expenditure in place of non-recurring savings;
- for property items such as rates and utilities;
- any savings against a property which has been declared surplus under the Council's surplus asset procedure;
- to reinstate an item deleted by Council during budget considerations unless approved by the appropriate Service Committee and the City Governance Committee;
- for service budgets which are committed to and included within partnership agreements;
- between services that are budgeted and funded through Council house rents and the Council tax ie the Housing Revenue Account and General Fund budgets;
- to finance a new service or change an existing Council policy decision without the agreement of the Service Committee and City Governance Committee;
- to add to the permanent establishment of the authority without the approval of the Executive Director of Corporate Services;
- to affect the amount to be paid to another service of the authority without the agreement of the Executive Director of that other service; and
- for Capital Funded from Current Revenue (CFCR), capital programmes or central service recharge to services (subject to paragraph 5.3).

## **7. Capital Plans**

### **7.1 General**

Capital expenditure shall be restricted to that included in the Capital Plan, unless proposals for revision of expenditure have been approved by the City Governance Committee.

### **7.2 Role of Executive Directors**

Executive Directors, in conjunction with the Executive Director of Corporate Services and Head of Design and Property Services, shall prepare long-term capital plans, to be financed from either:-

- (i) borrowing;
- (ii) combination of borrowing and capital receipts;
- (iii) borrowing, but where the additional revenue costs (capital financing costs, mainly), are funded from additional revenue savings or income;
- (iv) grants or contributions from other external bodies;
- (v) alternative UK or Scottish Government funding mechanisms.

An Executive Director shall not incur capital expenditure, which has not been included in the Capital Plan, without prior approval from the Chief Executive/Executive Director of Corporate Services. The Executive Director must identify the source of funding for the project and, where necessary, ensure virements are approved and passed to Corporate Services to adjust the Capital Plan.

### **7.3 Role of Executive Director of Corporate Services**

The Executive Director of Corporate Services will prepare and submit an annual report to the City Governance Committee, which will detail the Council's proposed medium-term capital programme and how it is to be financed.

### **7.4 Prudential Borrowing**

The level of prudential borrowing utilised by the Council will be based on a set of prudential indicators prepared by the Executive Director of Corporate Services and approved by the City Governance Committee.

The Executive Director of Corporate Services will submit a report annually to the City Governance Committee comparing the actual prudential indicators against those approved.

## **8. Capital Monitoring**

The Executive Director of Corporate Services, in conjunction with the Head of Design and Property Services, shall monitor and manage income and expenditure on capital projects during the year in accordance with the Capital Budgetary Control Manual issued to all Executive Directors by the Executive Director of Corporate Services.

A Committee report shall be prepared by the Executive Director of Corporate Services for the City Governance Committee, reporting on actual income and expenditure to date, vis-à-vis projected outturns and project timescales.

This report will highlight any individual projects with an overspend of 10% of the approved cost of the project or £100,000, whichever is the higher, and approval will be sought for the overspend.

## **9. Capital Financing**

The Executive Director of Corporate Services 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 Executive Director of Corporate Services will maintain, for audit purposes, appropriate records showing the amount borrowed and the amount repaid each year.

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, practicality and the need to avoid impact upon the levels of locally raised taxes and Council house rents.

## 10. **Tenders**

The procedure for obtaining competitive tenders and Committee approvals for all suppliers and work as details in the Council's Contract Standing Orders should be followed at all times.

No tender will be invited for an individual project estimated to cost over £1,000,000 unless and until the project has been subject to a report to the Capital Governance Group by the Executive Director. The report will include a financial appraisal of all additional revenue and capital costs and any resultant savings.

At the same time as tenders are reported to Committee, the appropriate Executive Director will submit a report to the relevant Committee that will include a financial appraisal of all additional revenue and capital costs and any resultant savings.

Tendering will be undertaken by the Corporate Procurement Team on behalf of Council departments with the following thresholds being observed (Legislation is fixed in Euros):

### **PROCUREMENT REFORM (SCOTLAND) ACT 2014**

<b>TYPE OF CONTRACT</b>	<b>THRESHOLD</b>
Public contract (other than public works contract)	£50,000
Public works contract	£2,000,000

### **PUBLIC CONTRACTS (SCOTLAND) REGULATIONS 2015**

	<b>SUPPLIES</b>	<b>SERVICES</b>	<b>WORKS</b>
Public sector contracting authorities	£164,176 and £139,688	£164,176 and £139,688	£4,104,394 and £5,372,609
Social and other specified services in schedule 3	N/A	£589,148 and £663,540	N/A

## 11. **Accounting and Administration**

### 11.1 **Introduction**

Under Section 14(1) of the Local Government in Scotland Act 2003, the Council has a statutory duty to observe proper accounting practice. All accounting procedures and records of the Council and its officers shall be determined by the Executive Director of Corporate Services and all accounts and accounting records of the Council shall be compiled by the Executive Director of Corporate Services or under their direction.

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.

The Executive Director of Corporate Services shall submit to the auditor and the Council's Scrutiny and Audit Committee not later than 30 June of each year, the unaudited Annual Accounts for the previous financial year. The audited copy of the Annual Accounts, together with the audit report, shall be laid before a meeting of the Council's Scrutiny and Audit Committee no later than 30 September.

## **11.2 Income**

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 City Governance Committee and shall not be altered without the approval of this Committee.

It shall be the duty of the Executive Director of Corporate Services 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 services of the Council.

Particulars of all charges to be made for work done and services rendered or for goods supplied by the various services of the Council and of all other amounts due to the Council shall be promptly notified to the Executive Director of Corporate Services in a form approved by them and all accounts due to the Council shall be rendered by or under arrangements approved by the Executive Director of Corporate Services.

All receipt forms, books, tickets and other such items shall be in a form approved by the Executive Director of Corporate Services who shall satisfy themselves as to the arrangement for the ordering, supply and control by each service. It will be a requirement that all such records, forms etc aforementioned shall be retained by each service for a period stipulated by the Executive Director of Corporate Services.

All monies received on behalf of the Council in any service shall be deposited promptly with the Executive Director of Corporate Services or the Council's bankers in accordance with the arrangements made with the Executive Director of Corporate Services. No deduction may be made from such money except to the extent that the Executive Director of Corporate Services may specifically authorise.

Personal cheques shall not be cashed out of money held on behalf of the Council.

All transfers of cash from one member of staff to another will be evidenced in the records of the services concerned by the signature of the receiving officer.

It shall be the responsibility of each Executive Director to ensure that all their service income is billed expeditiously.

## **11.3 Anti-Money Laundering**

Money laundering is the generic term used to describe the process by which criminals disguise the original ownership and control of the proceeds of criminal conduct by making such proceeds appear to have derived from a legitimate source. The Money Laundering Reporting Officer (MLRO) nominated to receive disclosures about money laundering activity within the Council is the Service Manager - Financial Services. Any employee who suspects money laundering activity must report their suspicion promptly to the MLRO or nominated officer, using the relevant documentation (provided with policy and guidance). The employee must follow any subsequent directions of the MLRO, and must not themselves make any further enquiries into the matter unless instructed. They must not take any further steps in any related transaction without authorisation from the MLRO. The employee must not disclose or otherwise indicate their suspicions to the person or others of the suspicion of money laundering and no note is to be made within their records of this disclosure to the MLRO.

It is the responsibility of the MLRO to promptly evaluate any AML Reporting form received as soon as practicable and determine whether it should be reported to the National Crime Agency (NCA), and to make relevant report if required on behalf of the Council. It is a criminal offence for the MLRO to know or suspect, or have reasonable grounds to do so, through a disclosure being made to them, that another person is engaged in money laundering and they do not disclose this as soon as practicable to NCA.

## **11.4 External Funding/Grants Receivable**

### **11.4.1 General**

External funding is a very important source of income, but funding conditions need to be carefully considered to ensure they are compatible with the objectives of Dundee City Council. Funds from external agencies provide additional resources to enable the Council to deliver services to the local community. Grant conditions can be inflexible, restrictive and resource intensive (to evidence compliance) and this should be evaluated in conjunction with the Executive Director of Corporate Services prior to submission or acceptance.

There are many sources of external funding, such as the Scottish Government and other Public Bodies and officers are to be alert to the opportunity of securing additional funding, especially in the context of projects.

### **11.4.2 Match Funding**

Where External Funding is Receivable - Evidenced match funding approval should be obtained for all capital and for revenue expenditure exceeding £25,000 through the production of a business case prior to submitting an application for external funding and entering into long-term agreements. This should be signed off by the Executive Director of the relevant Service and the Executive Director of Corporate Services. Where match funding is being demonstrated by attributing a value to specific staff or property costs then a mechanism for justifying and accounting for those values must be put in place. This may involve the use of time recording systems and where appropriate accounting guidance and proper accounting practice to evidence those costs.

It is essential that match funding and project costs are regularly updated to take account of changes in cost profiles and to ensure that the full project value is captured and reflected in the Council's Capital Plan.

## **11.5 Government Grants**

The Executive Director of Corporate Services shall be advised timeously of all the relevant information necessary to submit or certify applications for Government Grants due to the Council.

## **11.6 Insurance**

The Executive Director of Corporate Services 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.

Each Executive Director shall give prompt notification to the Executive Director of Corporate Services of potential liabilities, property or vehicles which require to be insured or which may affect the Council's insurance or self-insurance arrangements.

Executive Directors shall as soon as practicable notify the Executive Director of Corporate Services of any loss of property or any action or event which may give rise to an insured or self-insured claim.

All appropriate employees of the Council shall be included in a fidelity guarantee insurance.

The Executive Director of Corporate Services shall annually or as necessary, review all insurances and self-insurance arrangements, in consultation with Executive Directors where necessary.

All investments of monies for the General Insurance Fund shall be made by the Executive Director of Corporate Services in the name of the Council. Any investments made will be made in accordance with the policy determined by the City Governance Committee.

### **11.7 Stores and Inventories**

The safe custody of stores and equipment shall be the responsibility of the Executive Director concerned and the Executive Director shall make a return of all material stocks and stores to the Executive Director of Corporate Services at the end of each financial year. An inventory list of all significant furniture and fittings, vehicles, plant and equipment should be maintained by services in a format determined by the Executive Director of Corporate Services and shall be submitted by Executive Directors to the Executive Director of Corporate Services when requested.

The Executive Director, in consultation with the Executive Director of Corporate Services, shall be responsible for maintaining an efficient system of stores accounting including stock control. Stores accounting systems must be approved by the Executive Director of Corporate Services. Stock reconciliation will be carried out on a continuous basis within the service and a full stocktaking done at least annually at the year end and/or at the request of the Executive Director of Corporate Services.

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 Executive Director of Corporate Services.

All surplus (after due consideration of alternative use) plant, vehicles, tools, equipment, furnishings, materials or commodities in value to be disposed of by any service 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.

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 Executive Director concerned.

### **11.8 Security**

Each Executive Director is responsible for maintaining proper security at all times for all buildings, stock, stores, furniture, equipment, cash, records etc under their control. They shall consult with the Executive Director of Corporate Services in any case where security is thought to be defective or where it is considered that special security arrangements may be needed.

Maximum limits for cash holdings shall be agreed with the Executive Director of Corporate Services and shall not be exceeded without their express permission.

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 Executive Director of Corporate Services immediately. For insurance purposes, keys should be removed from premises overnight.

Each Executive Director shall be responsible for ensuring proper security and confidentiality of 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.

### **11.9 Petty Cash**

The Executive Director of Corporate Services shall make appropriate petty cash advances and determine accounting periods in connection with the payment of expenses and petty outlays chargeable to the Council.

The limit for any one payment from petty cash shall be determined by the Executive Director of Corporate Services.

The Executive Director of Corporate Services shall arrange to their satisfaction the proper security for money advanced in this way.

The recipient of any advance of petty cash shall account for this money to the Executive Director of Corporate Services when required.

### **11.10 Staff Travel and Subsistence**

All claims for payment of car allowances, subsistence allowances, travelling and incidental expenses shall be submitted, duly certified, in a form approved by the Executive Director of Corporate Services to them at such regular intervals as are agreed. The names of officers authorised to approve such records shall be sent to the Executive Director of Corporate Services by each Executive Director and shall be amended on the occasion of any change. The level of officers so authorised shall be determined in agreement with the Executive Director of Corporate Services.

The certification by or on behalf of an Executive Director 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.

Employees' claims submitted more than two months after the expenses were incurred will not be paid unless the Executive Director of Corporate Services is satisfied with the reasons given for the delay.

### **11.11 Members' Allowances and Expenses**

The Executive Director of Corporate Services if necessary 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 City Governance Committee and members will be paid in accordance with the approved scheme.

Payment to members of the Council in respect of expenses incurred by members will be made on receipt of the prescribed form duly completed. Final claims for a financial year must be submitted within ten working days of the end of that financial year.

### **11.12 Expenditure on Service Inspections, Hospitality, etc**

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 civic role of the Council shall be dealt with by the Head of Democratic and Legal Services in consultation with the Lord Provost. The Head of Democratic and Legal Services shall be authorised to incur expenditure not exceeding the sum of £5,000 on any event, subject to the amount allowed in the Revenue Budget in any one financial year not being exceeded. A record of all hospitality or entertainment granted shall be maintained.

The Executive Director of any service 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 maintained.

### **11.13 Grants/Subscriptions Payable - Following the Public Pound**

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.

A report by the relevant Executive Director shall be considered for approval by the appropriate Service Committee except where the Executive Director has been granted delegated authority. The Executive Director 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.

A formal agreement must be entered into for each of the organisations and submitted to the Head of Democratic and Legal 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.

Executive Directors 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 Executive Director of Corporate Services. This information must be updated on an annual basis.

Grants, payments and subscriptions etc will be submitted to the appropriate Committee subject to the undernoted directions.

The following grants, payments and subscriptions etc will be considered by the Committee shown.

(a) City Growth and Infrastructure Committee

Grants and 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 City Governance Committee and the Council.

Grants to businesses subject to the following limits:-

- Grants to young businesses of up to £750 per new job created subject to a maximum grant of £2,250 through the Dundee Development Grant initiative;
- Kick-Start Grants to new businesses up to £750 through the E-Zone initiative;
- Loans of up to £10,000 on terms as to interest rates and repayment periods to be determined;
- Grants from the Vacant and Derelict Land Fund to help improve vacant and derelict land and property;
- Grants to support Festivals and Events in the City.

(b) Children and Families Committee

- Grants to new registered childminders of up to £200 to support the purchase of essential resources;
- Payments to bodies providing training and support to those working in childcare cross Dundee;
- Grants to Out of School Care Clubs;
- Grants to Voluntary Sector Partners for the delivery of Dundee's Early Years and Childcare Strategy.

The Executive Director of Children and Families Service has delegated authority:-

- to make a revenue grant up to £500 to support playgroups;
- 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;
- to make direct payments under Section 12B of the Social Work (Scotland) Act 1968;
- to pay adoption allowances;

- 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;
- to agree funding for care packages in respect of children and young persons.

(c) Neighbourhood, Housing and Communities Committee

Grants and other forms of assistance under the Education (Scotland) Acts and Regulations made thereunder to voluntary organisations (including youth organisations) promoting social activities unless the grant is under £5,000, in which case the Executive Director of Neighbourhood Services has authority to approve an application to any one group in any financial year subject to (i) the details of any award being reported to Committee for information and record purposes, and (ii) any award made meeting criteria laid down by the Committee.

The Executive Director of Neighbourhood Services has delegated 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 Neighbourhood, Housing and Communities Committee from time to time;
- to make grants to Community Councils and Neighbourhood Representative Structures;
- for Administrative Grants to Registered Tenant Organisations;
- to make grants to Adult Education Associations;
- to make grants from the Community Safety Fund to promote community safety, support community safety initiatives and diversionary youth work;
- to process awards from the Dundee Community Regeneration Fund.

(d) City Governance Committee

The Chief Executive has delegated authority to:-

- award grants from the Equality and Diversity Grant Fund to promote social inclusion and contribute towards equal opportunities within the City;

The Executive Director of Corporate Services has delegated authority to:-

- award grants from the Common Good Fund provided these are subsequently reported to the Committee;
- award grants to British Legion Scotland and the Blood Transfusion Service for use of the Caird Hall complex as necessary.

## 11.14 Leasing

No leasing of equipment or capital assets shall be undertaken on behalf of the Council without the prior approval of the Executive Director of Corporate Services.

- All leases must be effected in the name of the Council;
- Financing of capital expenditure on all assets may be achieved through finance leasing, operational leasing or borrowing. In appropriate circumstances, services must have undertaken a funding options appraisal which must be submitted to the Executive Director of Corporate Services for approval;

- Leased equipment is the property of the lessor and cannot be sold, assigned or otherwise disposed of by services.

### **11.15 Trading Operations and Accounts**

The Executive Director of Corporate Services in conjunction with the appropriate Executive Director shall determine which, if any, activities within their services constitute significant trading operations under the Local Government in Scotland Act 2003.

The appropriate Executive Director for each significant trading operation shall, in conjunction with the Executive Director of Corporate Services prepare an annual Revenue Budget. These budgets are required to reflect the statutory requirement under the Local Government in Scotland Act 2003 in relation to every three year period and taking every year with the two previous years' revenue is not less than expenditure.

The Executive Director of Corporate Services shall submit on a monthly basis trading statements for each significant trading operation to the appropriate Executive Director. 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.

In accordance with statutory requirements for significant trading operations under the Local Government in Scotland Act 2003, the Executive Director of Corporate Services shall prepare the annual accounts for each trading activity. In order to prepare these accounts, the appropriate Executive Director will provide timeously the information required by the Executive Director of Corporate Services in order to complete the accounts. These accounts or a summary will be incorporated into the Council's Annual Accounts and Public Performance Report.

### **11.16 Consultants and Sub-Contractors**

#### **11.16.1 General**

Consultants, usually professional specialists who charge a fee, can be used to carry out work or to undertake specialised work for which there is a lack of experience/expertise by Council employees. It is therefore necessary to control the work and terms and conditions of such people or companies in order to ensure that value for money is achieved and that the Council's services are not compromised. If Council officers would normally be expected to provide the service or advice but have sub-contracted the work due to lack of capacity then, this should not be regarded as consultancy work, but rather as sub-contracted work and treated accordingly.

The rules set out in the Council's Contract Standing Orders and Procurement detail the process that must be followed for commissioning all goods, services and works. In appointing consultants Executive Directors/Heads of Service must ensure that:-

- the terms of agreement are controlled;
- knowledge transfer to the Council's officers should be effected where beneficial.

The appointment of consultants shall, wherever possible, be on the basis of three quotes for contracts with an estimated contract value of less than £50,000 and satisfy the regulations for the ordering of services as set out in Standing Order 6. The appointment of consultants with a total cost in excess of £50,000 will be approved by the appropriate Committee. It should be noted that where a contract is likely to extend beyond one financial year then the total value of the contract is determined by adding together the estimated value in each financial year of the estimated contract period. In all cases reference should be made to the Corporate Procurement Team to establish if there is a suitable framework agreement.

#### **11.16.2 Contract**

Where consultants (including architects, engineers, quantity surveyors, accountants, and others) are engaged to carry out professional services for the Council, the relevant Head of Service shall be responsible for ensuring that an appropriate contract is in place setting out the terms on which they are engaged. The contract shall specify:-

- the precise scope of the commission;
- cost limits and controls;
- lines and levels of reporting, responsibility and authority;
- insurance cover (which must be verified by Council officers);
- the method of determining completion of work and payment thereof;
- standard Dundee City Council terms of payment; and
- the ownership of intellectual property rights relating to any material or computer software developed during the consultancy.

It is the responsibility of the Executive Director/Head of Service to ensure that in any contract there is no inadvertent or unnecessary conflict with the Council's Standing Orders or Financial Regulations. In the event of there being any conflict it should immediately be brought to the attention of the Executive Director of Corporate Services and the Head of Democratic and Legal Services.

### 11.16.3 Payment of Fees

The relevant Executive Director/Head of Service should ensure that fees are only paid when the work fulfils the specification. It is acceptable for stage/interim payments to be made during the period of the engagement provided the consultant/sub-contractor has demonstrated that the claim for payment reflects the work that has been undertaken to that point.

### 11.17 **Governance of VAT and Taxation**

The Executive Director of Corporate Services will be responsible for the taxation procedures of the Council, ensuring where possible, that tax liabilities and obligations are properly reported and accounted for, avoiding any possible losses. Taxation will include VAT, PAYE (including IR35), Construction Industry Scheme, Corporation and Land and Buildings Transaction Tax. Where transactions of a new or unusual nature are being considered the Executive Director of Corporate Services should be consulted on the tax implications before committing the Council.

The Executive Director of Corporate Services is the senior accounting officer of the Council group therefore all Corporate, Service and Finance Officers working in the ALEOs are responsible to the Executive Director of Corporate Services for the provision of accurate VAT information through the Council's VAT Compliance Officer.

Executive Directors shall ensure that arrangements are in place to properly establish the correct liability, process and accounting for VAT. For major works, service reform and other changes in service delivery, the appropriate information must be provided to the Council's VAT Compliance Officer. In response the VAT Compliance Officer will provide, appropriate VAT advice. This will include identification of any potential risks, restrictions and/or liability to charge VAT on any identified income or funding. Where necessary appropriate mitigating actions will be recommended.

Failure to refer changes in service delivery, proposed capital projects or major items revenue expenditure could place the Council at risk of incurring VAT penalties and interest.

This operational framework is designed to protect the Council by assisting the Executive Director of Corporate Services to ensure that all VAT related issues arising from capital contracts, major revenue works and changes in working practices are properly taken account of at each stage of the process from formulation to asset construction and/or service delivery etc.

Executive Directors shall keep records, as determined by the Executive Director of Corporate Services, for the prescribed statutory period, of all matters relating to the administration and accounting of VAT. This includes records of all supplier invoices, including any relevant back up and authorisation documents. To reclaim VAT, the Council must have a valid tax invoice from a VAT registered trader and be able to produce it on request. If input tax is claimed and not supported by a valid invoice, the Council may be liable for penalties for mis-declaration of VAT. In particular, to be aware that when errors arise due to incorrect VAT coding, this can impact on the amount of revenue posted to the income and expenditure account.

Executive Directors will retain documentation supporting all income raised by a debtors invoice and documentation supporting all non-invoiced income, including amounts lodged directly with the bank and cash collected directly with services. It is crucial that the treasury team and the bank reconciliation team within Financial Services are given the relevant documentation, financial coding and VAT coding for any transactions coming into or going out of the bank account.

#### **11.18 Common Good**

The Executive Director of Corporate Services will submit a Revenue Budget to the City Governance Committee each year. The Executive Director of Corporate Services will have authority to incur expenditure within the approved budget.

All investments of money shall be made by the Executive Director of Corporate Services in the name of the Council. Any investments made will be made in accordance with the policy determined by the City Governance Committee.

All securities which are the property of, or in the name of the Council, shall be held in custody under the supervision of the Executive Director of Corporate Services.

#### **11.19 Trusts and Charitable Funds**

The Executive Director of Corporate Services 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.

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 Executive Director of Corporate Services.

All investments of money shall be made by the Executive Director of Corporate Services in the name of Council. Any investments made will be made in accordance with the policy determined by the City Governance Committee.

The Executive Director of Corporate Services and other relevant officers shall ensure compliance with the requirements of the Office of the Scottish Charities Regulator (OSCR).

Director, Leisure and Communities in the capacity of Managing Director, Leisure and Culture Dundee shall ensure safe custody and control of the administration of grant funds allocated to Leisure and Culture Dundee for the promotion of cultural and/or recreational activities.

#### **11.20 Partnerships and Relationships with Arm's Length External Organisations (ALEO's)**

##### **General**

Executive Directors and Heads of Service will be responsible for ensuring that any funding relationships with external bodies, other than those which are operated on a contractual basis, are operated in accordance with the "Code of Guidance on Funding External Bodies and Following the Public Pound" issued by the Accounts Commission, the associated COSLA Operational Guidance, and the Council's own local code of practice.

##### **Relationship Management**

The Council will appoint a suitable individual to establish and maintain the relationship between itself and the ALEO. In considering an application for funding, due consideration in line with the code of practice should be given to the following areas:-

- Aims and objectives of the ALEO and how they align to those of the Council.
- Financial viability, risk and control.

The Council will put in place an appropriate funding agreement in order to set out the responsibilities of the ALEO to report back on outcomes and achievements in order to demonstrate their accountability towards the funds and the value that has been derived.

Detailed advice and checklists are available in the Dundee City Council Local Code of Practice for funding external bodies and following the public pound.

### 11.21 Group Entities

The Council recognises the importance of its relationships with those organisations that form part of its group. In so doing, the Council has approved a range of requirements to be adhered to by the group entities.

These include requirements for the Council to scrutinise group entities, with specific reference to:-

- Management assurance;
- Internal and external audit reports;
- Business Planning;
- The system of risk management; and
- The roles and responsibilities of the board.

Each group entity must provide year end information for inclusion in the Council's Annual Accounts in accordance with the timetable set by the Executive Director of Corporate Services.

### 11.22 Revision of Financial Regulations

These Financial Regulations may be altered or revoked by the Council at the ordinary meeting of the City Governance Committee, if the motion for alteration or revocation is supported by a majority of the Committee present and voting.

## 12. Reserves and Balances

To assist authorities in developing a framework for reserves, CIPFA has issued guidance in the form of the Local Authority Accounting Panel (LAAP) Bulletin 55 - Guidance Note on Local Authority Reserves and Balances. This guidance outlines the framework for reserves, the purpose of reserves and some key issues to be considered when determining the appropriate level of reserves.

The City Governance Committee shall receive a report from the Executive Director of Corporate Services to consider the establishment of any new reserve or fund, for capital or revenue expenditure purposes.

The Executive Director of Corporate Services has a fiduciary duty to the local taxpayers and must be satisfied that the decisions taken on reserves and balances represent proper stewardship of public funds. The Executive Director of Corporate Services and their staff shall therefore observe the guidance laid down in the CIPFA Guidance Note on Local Authority Reserves and Balances and the Council's agreed protocol.

The Executive Director of Corporate Services shall include within the Revenue Budget report submitted to the City Governance 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 Executive Director of Corporate Services on the adequacy of the General Fund and other reserves and balances in respect of the forthcoming financial year and the Council's medium-term financial strategy.

As part of the Council's financial reporting arrangements, the Executive Director of Corporate Services shall advise Elected Members of the transfers between reserves that are included in the Annual Accounts.

There is no guidance on the minimum level of reserves that a Council should hold. In determining reserve levels, the Executive Director of Corporate Services must take account of the strategic, operational and financial risks facing the Council over the medium term and the Council's overall approach to risk management.

The Executive Director of Corporate Services shall also undertake an annual review of all earmarked revenues and report accordingly to the City Governance Committee meeting at which the Council Tax is determined.

Local Authorities may only hold reserves for which there is a statutory or regulatory power to do so. In Scotland the legislative framework is as follows:-

Reserve	Powers
General Fund	Local Government Scotland Act 1973
Capital Fund	Local Government Scotland Act 1975
Repairs and Renewals Fund	
Insurance Fund	

For each reserve there is a clear protocol setting out:-

- the reason/purpose of the reserve
- how and when the reserve can be used
- procedures for the reserves management and control
- the review timescale to ensure continuing relevance and adequacy

### 12.1 General Fund

**Purpose of the Reserve:** Every local authority shall have a general fund and:-

- all sums received by or on behalf of the authority shall be paid into that fund;
- all fees, commissions, discounts allowed on payment of accounts and expenses payable to or recovered by any officer of a local authority in respect of any business relating to the authority whether by reason of their office or otherwise shall be accounted for and paid into that fund; and
- all sums payable by the authority shall be paid out of that fund.

Part 4, Section 12(1) of the Local Authority (Capital, Finance and Accounting) (Scotland) Regulation 2016 prescribes the requirement for each local authority to establish a loans fund and states that it shall be part of the general fund of the authority.

#### **Use of Reserve**

This represents the general reserve of the Council and is used to manage the financial strategy of the Council.

#### **Management and Control**

Management and control is maintained through the established financial management frameworks and review through the year-end and budget process.

### 12.2 Capital Fund

**Purpose of the Reserve:** To defray any expenditure of the authority to which capital is properly applicable, or in providing money for repayment of the principal of loans (but not any payment of interest on loans).

#### **Use of Reserve**

The capital fund will support major capital investment projects within the Council's approved capital programme.

#### **Management and Control**

Management and control is maintained through the established financial management frameworks and review through the year-end and budget process.

### 12.3 Repairs and Renewals Fund

**Purpose of the Reserve:** To defray expenditure incurred from time to time in repairing, maintaining, and renewing any buildings, works, plant, equipment or articles belonging to the authority.

**Use of Reserve**

Various repairs and renewal funds are used to manage investment in building and equipment across the City.

**Management and Control**

Management and control is maintained through the established financial management frameworks and review through the year-end and budget process.

**12.4 Insurance Fund**

An authority may operate an insurance fund for the following purposes:-

- where the authority could have insured against a risk but have not done so;
- defraying any loss or damage suffered, or expenses incurred, by the authority as a consequence of that risk;
- paying premiums on a policy of insurance against a risk.

**Use of Reserve**

The reserve is used to manage insurance costs over the medium-term.

**Management and Control**

The insurance fund is subject to dedicated accounting rules and procedures as approved by LASAAC (Local Authorities Scotland Accounts Advisory Committee).

The adequacy and relevance of each fund is reviewed by the Executive Director of Corporate Services at each year-end and through the budget process. All recommendations for movements in balances are reported to Council either through the year-end report or as part of the budget and service plan strategy.

In addition, over recent years the Code of Practice on Local Authority Accounting in the United Kingdom has introduced a number of technical reserves in line with proper accounting practice associated with capital accounting, IAS19, financial instruments and employee benefits. These reserves are governed by specific accounting treatment and do not form part of the Council's general available reserves.

**13. Local Government Pension Scheme**

The delegated Pensions Sub-Committee of the City Governance Committee is responsible for the direction and control of the Tayside Pension Fund. This Sub-Committee shall ensure full compliance with all relevant legislation for the administration and investment of pension funds.

The City Governance Committee shall provide a full remit to the Pension Sub-Committee detailing the powers delegated to it regarding the governance of the Pension Funds.

The actions of the Sub-Committee are reviewed and scrutinised by the Local Pension Board. The Pension Board is the body responsible for assisting the Scheme Manager in relation to securing compliance with the 2014 Regulations and other legislation relating to the governance and administration of the Scheme and the requirements of the Pensions Regulator. The Pension Board may consider any matter concerning pensions it deems relevant.

The Executive Director of Corporate Services shall be responsible for all accounting records and financial administration of the pension funds, as aligned to the remit of the Pensions Sub-Committee.

The Executive Director of Corporate Services shall ensure suitable arrangements for the safe custody of the investments of the pension funds and all other documents relating to the investment and administration of pensions funds.

The Executive Director of Corporate Services shall ensure appropriate policies are in place and provide regular reports to the Pension Sub-Committee on all areas covered by its remit (including quarterly reviews of performance).

The Executive Director of Corporate Services shall ensure that in respect of the Pension Funds all expenditure is in accordance with the conditions of the Pensions Sub-Committee and all income is correctly received.

#### **14. Banking Arrangements and Control of Financial Transactions**

The Executive Director of Corporate Services is responsible for the Council's banking operations, the co-ordination and provision of appropriate financial services resources in order to support all Council services requiring financial services in relation to systems, products and processes, ensuring compliance to financial regulations and financial probity within the organisation.

All arrangements with the Council's bankers shall be made by the Executive Director of Corporate Services.

The Executive Director of Corporate Services will make arrangements for opening and operating bank accounts and using banking services. The Executive Director of Corporate Services is responsible for negotiating banking terms. No new bank accounts should be opened without their authorisation. Personal bank accounts must never be used in respect of Council transactions or funding.

All cheque forms, may be printed only with the authority of the Executive Director of Corporate Services, who will make arrangements for their safe custody.

Cheques on the Council's banking accounts, must bear the facsimile signature of the Executive Director of Corporate Services or other authorised signatories approved by the Executive Director of Corporate Services.

The Executive Director of Corporate Services will make appropriate arrangements, including determination of agreed authorisation limits, for the signature of other financial documents on behalf of the Council.

The Executive Director of Corporate Services 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.

Where a service, for operational reasons, has to operate a subsidiary bank account, then the Executive Director of Corporate Services will issue guidance on the operational procedures of these subsidiary bank accounts.

#### **15. Treasury Management**

The Council has adopted CIPFA's "Code for Treasury Management in the Public Services" and "Prudential Code for Capital Finance in Local Authorities". The Executive Director of Corporate Services is responsible for preparing and maintaining the Treasury Policy Statement and the annual Treasury Management Strategy. The Executive Director of Corporate Services is responsible for ensuring that treasury management activities are carried out in accordance with policy and strategy and that appropriate Treasury Management Practices are in operation in order to support these documents.

The Executive Director of Corporate Services shall prepare a Treasury Policy Statement which will be approved by the City Governance Committee and reviewed annually.

The Executive Director of Corporate Services shall prior to the commencement of each financial year submit a report to the City Governance Committee on the Treasury Management Strategy for that year.

Any amendments to policy or strategy must be approved or reported respectively to the City Governance Committee.

The Executive Director of Corporate Services shall submit a report to the City Governance 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.

All money in the Council's custody will be aggregated for treasury management purposes. The control of these monies and all treasury related decisions are delegated to the Executive Director of Corporate Services who must act in accordance with the Code, Policy Statement and Strategy.

The Executive Director of Corporate Services is responsible for the safe custody of documents relating to the investment of Council or trust funds.

## **16. Purchase Orders**

Each Executive Director shall be responsible for all purchase orders issued by their service and for ensuring that the cost is allocated to an appropriate budget head and covered within the approved estimates.

Official purchase orders shall be in a form approved by the Executive Director of Corporate Services. Orders shall be approved only by officers authorised by the appropriate Executive Director.

Each Executive Director shall be responsible for any purchase orders issued from their service. The level of officers so authorised shall be determined, in agreement, with the Executive Director of Corporate Services.

Purchase 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 Executive Director of Corporate Services may approve.

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.

Guidance issued by the Executive Director of Corporate Services under Efficient Government on how Council officers order and procure goods and services including e-procurement must be adhered to.

Orders and payments by Government Procurement Card shall be processed in accordance with procedures issued by the Executive Director of Corporate Services.

## **17. Payment of Accounts**

The Executive Director issuing a purchase 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 their service.

Arrangements should be made by each Executive Director for the separation of the authorisation of purchase 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 Executive Director of Corporate Services. Each goods received note or electronic version should be approved 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.

Before certifying invoices, payment vouchers, goods received notes, documents or accounts the certifying officer shall, except to the extent that the Executive Director of Corporate Services may otherwise determine, have satisfied themselves 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.

The payment of all certified invoices etc, shall be made by the Executive Director of Corporate Services under arrangements approved and controlled by them.

Payment will not be made on duplicate invoices, statements, or photocopy invoices unless the Executive Director, in consultation with the Executive Director of Corporate Services, certifies in writing that the amount in question is authentic and has not previously been paid.

Each Executive Director shall, as soon as possible after 31 March and not later than a date to be intimated by the Executive Director of Corporate Services, in each year, notify the Executive Director of Corporate Services of all outstanding expenditure relating to the previous financial year.

## **18. Payroll**

The payment of all salaries, wages, pensions, compensation and other emoluments shall be made by the Executive Director of Corporate Services or under arrangements approved and controlled by them.

Each Executive Director, in conjunction with the Executive Director of Corporate Services, 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 pension, income tax, national insurance etc.

The Executive Director of Corporate Services will, through the payroll system, provide such management information as they, the Chief Executive, or any Executive Directors decide is necessary for the achievement of Best Value.

## **ASSOCIATED CODES, PROCEDURE MANUALS AND DOCUMENTS**

The following is a list of codes of practice, procedure manuals and other documents that form an integral part of the Financial Regulations.

### Standing Orders Relating to Contracts

This document supports the Financial Regulations.

### Standing Orders Relating to Contracts and Procurement

The Head of Democratic and Legal Services, in conjunction with the Head of Procurement, is responsible for the maintenance of this document.

### Whistleblowing Policy

This document, produced by the Head of Democratic and Legal Services, sets out the Council's policy with regard to whistleblowing. It is intended to cover concerns that are in the public interest.

Reporting suspected fraud: <https://www.dundee.gov.uk/forms/fraud>

DCC's Whistle-blowing Policy: [Whistleblowing: Report of Suspected Wrongdoing | Dundee City Council](#)

### Counter Fraud and Corruption Policy

This document, produced by the Executive Director of Corporate Services, in conjunction with the Head of Democratic and Legal Services, sets out the Council's policy on the prevention, detection and investigation of fraud, bribery and corruption.

DCC's Corporate Fraud and Corruption Policy: [Corporate Fraud and Corruption Policy](#)

### Risk Management Policy and Strategy

The Council has developed a Risk Management Policy and Strategy.

The purpose of the Policy and Strategy is to effectively manage and mitigate risks which may otherwise impact on achievement of the Council's objectives, by implementing comprehensive risk management arrangements. These arrangements include, among others:

- development and maintenance of comprehensive risk registers;
- setting out of responsibilities for the management, mitigation and escalation of risks;
- responsibility for regular review and updating of Policy and Strategy.

At a corporate level the Executive Director of Corporate Services is the Council's Senior Risk Officer and Risk Management Champion, and is responsible for:

- Promoting the operation of effective risk management arrangements across the Council at all levels;
- Adequate resourcing to ensure the identification, evaluation and control of risks faced by the Council;
- Ensuring sufficient financial support is available to undertake risk management projects designed to mitigate and control risk.

Each Executive Director is responsible for strategic and operational risk management in their own Service area, and will direct Heads of Service to oversee and promote risk management within their Service/functional area. Executive Directors are also responsible for ensuring effective management and oversight of the Corporate Risk Register.

## Corporate Governance

Dundee City Council strives to meet the highest standards of corporate governance to help ensure that it meets its objectives. The Council is determined to ensure that it delivers the best possible services to city residents. It has developed a modern and effective local democracy that responds quickly and flexibly, delivering high quality services when and where people need them.

### Definition

Corporate Governance is the system by which Dundee City Council directs and controls its functions and relates to its community. An Annual Governance Statement is included in the Council's Annual Report and Accounts each year.

Each Executive Director and Chief Executives/Managing Directors of associated or subsidiary companies, trusts, etc shall ensure that their service/organisation has sound Corporate Governance arrangements in place. Each service and associated or subsidiary company will provide a return each year setting out adherence to these requirements.

### The Code

The Local Code of Corporate Governance for the Council consists of seven main principles of good governance derived from CIPFA's Delivering Good Governance in Local Government: Framework (2016). The Local Code of Corporate Governance for the Council consists of seven main elements:-

- Behaving with integrity, demonstrating strong commitment to ethical values and respecting the rule of law;
- Ensuring openness and comprehensive stakeholder engagement;
- Defining outcomes in terms of sustainable economic, social and environmental benefits;
- Determining the interventions necessary to optimise the achievement of the intended outcomes;
- Develop the entity's capacity, including the capability of its leadership and the individuals within it;
- Managing risks and performance through robust internal control and strong public financial management;
- Implementing good practices in transparency, reporting and audit to deliver effective accountability;

Local Code of Corporate Governance. The most recent Local Code of Corporate Governance Committee Report: [Report 162-2024 - Local Code of Corporate Governance](#)

The Council is committed to effective decision-making that is transparent and open to genuine scrutiny. It therefore provides on its website details of its plans, procedures and performance.

Dundee Performs (DCC Internet page): <http://www.dundee.gov.uk/dundeeperforms> (includes link to "My Council" website (Benchmarking Framework), Annual Report on Statutory PIs, graphical interpretation of DCC's PIs, latest update reports for the Council Plan and Community Plans, Service Improvement Plans, Quarterly PIs, Summary Financial Information, Annual Consumer Survey).

### Treasury Management Policy Statement and Strategy

All cash and bank transactions shall comply with the requirement of the CIPFA Code of Practice on Treasury Management in public services. The Executive Director of Corporate Services shall submit an annual treasury management strategy and investment strategy prior to the new financial year; a treasury management and investment annual report and a mid-year review of the treasury management and investment strategy and performance.

Treasury Policy Statement [Treasury Policy Statement 2025/26](#)  
Treasury Management Strategy [Treasury Management Strategy 2025/26](#)

### Councillors Expenses

The Scottish Government has laid down arrangements for the payment of Councillors' expenses. This is the Councillors Code of Conduct and Guidance, including Remuneration, Allowances and Expenses, Registration of Interests, Declaration of Interests.

Councillors Code of Conduct and Guidance [Councillor's Code of Conduct and Guidance](#)

Councillors, and officers supporting them, will comply with these regulations. The Executive Director of Corporate Services has issued guidance to the Chief Executives/Managing Directors of associated or subsidiary companies, trusts etc informing them that any reimbursement of expenses and allowances made by external bodies to Councillors must be made in accordance with the regulations noted above.

### Information Security

The Council has an Information and Communication Technology Security and Safe Use Policy. The aim is to ensure that everyone is aware that the information we use as part of our day-to-day work should be protected, held securely and handled with care.

[One Dundee : Information and Communication Technology Security and Safe Use Policy](#)

Each Executive Director shall be responsible for maintaining proper security, custody and control of all records (both electronic and paper records) within their Service. The Executive Director of Corporate Services is explicitly authorised to issue rules relating to information management, after consultation with the Convener of the Scrutiny and Risk Committee, whose remit includes responsibility for governance, and the Corporate Leadership Team.

The retention period for all books, forms and records related to financial matters shall be determined and shall be issued by the Executive Director of Corporate Services.

Executive Directors will, in the absence of a relevant rule, determine retention periods for non-financial records taking due cognisance of any legislative requirements where appropriate. This should be done in conjunction with the Head of Digital and Customer Services.

### Data Protection

Each Executive Director shall be responsible for the use and security of all personal data within their service. Any queries concerning Data Protection issues shall be addressed to the Council's Head of Legal and Democratic Services.

Freedom of Information Act:

<https://www.dundee.gov.uk/service-area/corporate-services/democratic-and-legal-services/freedom-of-information/freedom-of-information-foisa>

Data Protection Act:

<https://www.dundee.gov.uk/service-area/corporate-services/democratic-and-legal-services/data-protection>

### Bribery Act 2010

Dundee City Council recognises its responsibilities under the Bribery Act 2010. The Council is an employer and a provider or procurer of works, goods and services, and as such it will not tolerate any contravention of the Act. The Council will not employ individuals, nor conduct business with any individual or third party which does not abide by the terms of the Act.

### Codes of Conduct

Though not specifically finance, Dundee City Council expects all Councillors and Officers to adhere to the relevant codes of conduct.

Employee Code of Conduct [DCC Intranet - Employee Responsibilities - Code of Conduct](#)

Councillor Code of Conduct [Councillor's Code of Conduct and Guidance](#)

# **CONTRACT STANDING ORDERS**

**CONTRACT STANDING ORDERS**

1. Application of Contract Standing Orders
  2. Definition of Terms used in the Contract Standing Orders
  3. Procedures
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  5. Contract Notices and Award Notices
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  16. Contract Variations
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  18. Contract Registers
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## 1. Application of Contract Standing Orders

- 1.1 The Contract Standing Orders shall apply to any agreement for the supply of goods, services or the execution of works to or for the Council including a contract arising from the use of consultants. This includes any Framework agreement or Dynamic Purchasing System established by the Council. This also includes Concession Contracts.
- 1.2 The Contract Standing Orders do not apply to internal transfers or allocations, or those made to organisations held to be under the control of Dundee City Council, acting alone or with other contracting authorities, satisfying the requirements of Regulation 13 of the Public Contracts (Scotland) Regulations 2015.

## 2. Definition of Terms used in the Contract Standing Orders

- 2.1 A **'Concession Contract'** is one where an economic operator is awarded the right to exploit a commercial opportunity in return for a consideration. The opportunity will be exposed to changing market conditions and market risk.
- 2.2 **'Dynamic Purchasing System' (DPS)** is an electronic system of pre-qualified suppliers for commonly used purchases. All call-offs are subject to mini-competition.
- 2.3 **'Find a Tender'** is the UK Government's portal for higher value contracts.
- 2.4 **'Framework'** is an agreement with suppliers to establish terms governing contracts that may be awarded during the lifetime of the Framework. Purchases can be made through a Framework either by direct award or through a further 'mini competition', depending on the rules of the Framework.
- 2.5 **'Government Procurement Agreement (GPA)'** is a plurilateral agreement made under the auspices of the World Trade Organisation, which regulates the procurement of goods and services by public authorities of the states participating in the Agreement, based upon principles of openness, transparency and non-discrimination.
- 2.6 **'National Frameworks'** are Framework agreements that are let by Scottish Government Procurement on behalf of the whole Scottish Public Sector (Category A) and Frameworks let by Scotland Excel on behalf of the thirty-two Scottish Local Authorities. (Category B).
- 2.7 **'Procurement Guide'** is the Procurement Short Guide, which provides practical guidance on procurement and is available to all Dundee City Council staff on the Procurement Portal.
- 2.8 The **'Procurement Group'** is a team of no less than three senior officers, drawn from Finance, Procurement and Legal Services, and supplemented by technical specialists as required. The Procurement Group is chaired by the Head of Corporate Finance.
- 2.9 **'Procurement Portal'** is an area on Sharepoint where procurement information is available to view by staff and Members within the Council's network.
- 2.10 **'Public Contracts Scotland'** is the Scottish Government procurement portal. All contracts above the threshold value for Regulated Contracts require to be published on Public Contracts Scotland.
- 2.11 **'Regulated Procurements'** (leading to the award of 'Regulated Contracts') have a value exceeding the thresholds set out in the Procurement Reform (Scotland) Act 2014 and are subject to the rules and procedures set out in the Act.
- 2.12 **'Single Procurement Document (SPD)'** is the document developed by the Scottish Government to provide a standardised format for bidding organisations to provide information in relation to selection criteria in Regulated Procurements.
- 2.13 **'Sourcing Strategy'** is a document created jointly by the contract owner and the corporate procurement team. This is completed before the contract notice is issued and is used to record market research and to document issues for consideration, opportunities and risks, and to plot the route to market.

### **3. Procedures**

- 3.1 Where there is a National Framework agreement or contract in place, this will be the default route for all procurements.
- 3.2 Where there is no National Framework agreement or contract in place, use of open or restricted procedure should be the default procedure but where the Sourcing Strategy identifies that the use of a suitable approved Framework or Dynamic Purchasing System (DPS) is likely to obtain best value, use of the Framework or DPS is appropriate. Where there is more than one supplier on the Framework lot, then mini-competition will be the default for call-offs with an estimated value of £50,000 and over.
- 3.3 The Corporate Procurement Manager will establish and maintain a list of approved Framework agreements, Dynamic Purchasing Systems and contracts for supplies, services and works.
- 3.4 For individual purchases of less than £1,000 in value, where no repeat is foreseen and where there is no approved contract, Framework agreement or DPS in place, the purchase may be made from a single supplier without further competition, where the purchaser can satisfy themselves that the cost is reasonable for the purchase being made.
- 3.5 For individual purchases with a value greater than £1,000, but not exceeding £10,000, where no repeat is foreseen and where there is no approved contract, Framework agreement or DPS in place, a process of informal quotation or benchmarking must be undertaken involving at least three organisations, before the purchase takes place.
- 3.6 For individual purchases with a value greater than £10,000 but not exceeding £50,000, (£2 million for works contracts) where there is no approved contract, Framework agreement or DPS in place, a formal 'closed' tender document should be made available to at least three organisations through Public Contracts Scotland.
- 3.7 A Sourcing Strategy will be produced for any purchase exceeding £50,000, or a relevant recent strategy will be referenced, regardless of whether an approved Framework agreement, contract or Dynamic Purchasing System is being used, and prior to any contract notice being issued by the Council.
- 3.8 All Regulated Procurements will be undertaken in accordance with the Procurement Reform (Scotland) Act 2014 and the Public Contracts (Scotland) Regulations 2015, and The Procurement (Scotland) Regulations 2016 as applicable.
- 3.9 For further details on all procedures please refer to summary in Schedule 1.

### **4. Authorisation to Commence Procurement Process**

- 4.1 Heads of Service are authorised to commence procurement processes, in accordance with 3 above, up to a value of £50,000 providing that provision is included within the budget for this contract.
- 4.2 Executive Directors are authorised to commence procurement processes for values of up to £300,000 providing that provision is included within the budget for this contract, in accordance with the terms of 3 above and following the procurement route described in a Sourcing Strategy approved by the Corporate Procurement Manager. Should the tendered value turn out to exceed £300,000, then approval must be given by Committee before the contract is awarded.
- 4.3 Before commencing a procurement exercise with a value above £300,000, approval must be given by the Procurement Group, following the submission of a Sourcing Strategy by the Executive Director. Approval for all tender values in excess of £300,000 must be given by the relevant Committee (in accordance with Terms of Reference for this Committee) before the contract is awarded.

- 4.4 Before commencing a procurement exercise with a value above £1,000,000, approval must be given by relevant Committee (in accordance with Terms of Reference for this Committee) before the contract is awarded, following the submission of a Sourcing Strategy by the Executive Director. Approval for award of all tender values in excess of £1,000,000 must be given by the relevant Committee (in accordance with Terms of Reference for this Committee) before the contract is awarded.
- 4.5 Approval for the commencement of a procurement exercise leading to the award of a Framework contract or agreement, will follow the same approval route as for an individual contract. This includes collaborative contracts where Dundee City Council are the lead contracting authority, but other public bodies are included. The approval of a Framework agreement will confer approval on any subsequent mini-competitions or direct awards (for a value of up to £50,000 or on a single supplier Framework) made through the Framework, if budgetary provision exists for the purchase.
- 4.6 For further details on all authorisation requirements please refer to summary in Schedule 1.

## **5. Contract Notices and Award Notices**

- 5.1 All contract opportunities for Regulated Procurements must be advertised through Public Contracts Scotland.
- 5.2 All contract opportunities with a value in excess of the GPA Thresholds must be advertised on Find a Tender.
- 5.3 All contract opportunities which are not Regulated Procurements should be considered for publication on Public Contracts Scotland, where this will improve overall value for the Council, taking Community Wealth Building and other Council policy objectives into account.
- 5.4 Contract award notices for Regulated Procurements must be published on Public Contracts Scotland within 7 days of the award taking place and being accepted by the successful supplier.
- 5.5 Contract award notices for contracts covered by the GPA must also be published on Find a Tender within 7 days of the award taking place and being accepted by the supplier.
- 5.6 A Procurement Bulletin will be made regularly available to Elected Members, informing them of all contract notices advertised and contract awards made through Public Contracts Scotland.
- 5.7 All contracts for the supply of goods, works or services with a value of above £50,000 must have a contract award notice published on Public Contracts Scotland, which will be completed within 7 days of the contract award being made.

## **6. Framework Contracts and Collaboration with other Public Sector Bodies**

- 6.1 Purchases may be made through direct award from National Frameworks up to a value of £50,000.
- 6.2 Purchases of a value of £50,000 or above should only be made from Framework agreements following further competition within the Framework unless it can clearly be demonstrated within the accompanying Sourcing Strategy that the provision for direct award exists within the Framework and that further competition will not yield additional value for the Council.
- 6.3 National Frameworks should be the default for all purchases covered by those agreements. Such purchases will only be made outside of those agreements where it can be demonstrated within the accompanying Sourcing Strategy that the alternative route provides best value for the Council.
- 6.4 The Corporate Procurement Manager and Heads of Service will ensure representation at available forums within national procurement organisations to ensure the requirements of Dundee City Council are properly met in any resulting collaborative contracts or Frameworks.

- 6.5 Approval for using a Framework which has been led by one of our partner organisations (Angus Council, Perth and Kinross Council or Tayside Contracts - the collaborative partners of the Tayside Procurement Consortium) will follow the same route.

## **7. Tender Documents**

- 7.1 Standard terms and conditions will be used in all contracts tendered by the Council as far as possible. Where it is necessary to employ industry standard conditions, those will be supplemented as required to provide compatibility with the standard terms. Where the Council are utilising a Framework contract, then the terms and conditions used shall be those contained in the Framework agreement. Separate terms and conditions may be agreed, with prior approval of Head of Democratic and Legal Services, to facilitate collaborative procurement with other public bodies.
- 7.2 The tender documents will include a detailed methodology for evaluation, as well as a clear specification of the requirements for the contract.

## **8. Community Benefits**

- 8.1 Community benefit clauses must be included for every procurement with a value exceeding £100,000. Where possible the community benefits sought must be closely related to the contract delivery, in nature and in geography.
- 8.2 The Council will ensure that any community benefits requested are not discriminatory in their application and in particular, do not disadvantage small and medium sized bidders.
- 8.3 The Council will ensure that robust arrangements are in place to monitor and record the delivery of the agreed community benefits during the term of the contract.

## **9. Fair Pay and Workers' Rights**

- 9.1 The Council will seek commitment to Fair Work First in every contract, in line with Scottish Government Fair Work First Guidance. Businesses bidding for a Dundee City Council contract will be asked to commit to the following:-
- Appropriate channels for effective voice, such as trade union recognition.
  - Investment in workforce development.
  - No inappropriate use of zero hours contracts.
  - Action to tackle the gender pay gap and create a more diverse and inclusive workplace.
  - Providing fair pay for workers (for example, payment of the real living wage).
  - Offer flexible and family friendly working practices for all workers from day one of employment.
  - Oppose the use of fire and rehire practices.

## **10. Selection of Tenderers**

- 10.1 For Regulated Procurements, the Corporate Procurement Manager, in consultation with the Head of Democratic and Legal Services, may deem a tender to be ineligible, where they reasonably conclude that there are grounds to apply the Exclusion Criteria, forming Regulation 58 of the Public Contracts (Scotland) Regulations 2015.
- 10.2 The Council will apply minimum standards in respect of a contracting organisation's experience, capability and financial standing to ascertain their suitability to undertake the contract. For Regulated Procurements this will be undertaken by reference to the Single Procurement Document (SPD).
- 10.3 For procurements that are not regulated, similar selection questions may be included to assess the suitability of a contractor to undertake a contract, provided that they are proportionate and relevant to the subject matter of the tender. This ensures that appropriate due diligence is undertaken before awarding contracts, even for low value procurements.

- 10.4 Where a contractor fails to meet the minimum standards in respect of the selection criteria applied, they will be excluded from the tender process.

## **11. Evaluation of Tenders**

- 11.1 Tenders shall be evaluated on the basis of Most Economically Advantageous Tender (MEAT) using a weighted combination of price and quality criteria that is relevant to the subject matter of the contract.
- 11.2 Evaluation of award criteria will be carried out by a panel of Council officers/other identified subject experts who have the appropriate technical knowledge to properly assess the competing tenders. A record must be maintained of each of the panel member's scoring, as well as the consensus reached with detailed and objective reasons for the relative scores applied.
- 11.3 The evaluation of price should take account of the whole life cost of the contract.
- 11.4 The Council may contact bidding organisations in writing after the receipt of tenders in order to obtain clarification on any aspect of the tender, where any part of the submission is unclear or open to interpretation. There must be a clear audit trail of the communications which take place after the receipt of tenders (record of tender clarifications).
- 11.5 Any post-tender negotiations require the approval of the Corporate Procurement Manager. Such negotiations may take place following the identification of a preferred bidder, to improve the overall value of the contract through enhanced quality, improved terms or better price on ancillary items.

## **12. Social and Other Specific Services**

- 12.1 Contracts for Social and Other Specific Services, named in Schedule 3 of the Public Contracts (Scotland) Regulations 2015, are subject to the 'Light Touch regime' under the public procurement rules. In all cases, those services will be procured in a manner that is fair and transparent.
- 12.2 The procurement of contracts above the threshold for Social and Other Specific Services will be carried out in accordance with Section 7 of the Public Contracts (Scotland) Regulations 2015.
- 12.3 Further details of these requirements including the procurement thresholds and arrangement for approving contracts are included within the Dundee City Council Procurement Policy and Guidance for Social Care and Support Services (Adult and Children and Families).

## **13. Award of Contract and Notification to Unsuccessful Tenderers**

- 13.1 A standstill period will be observed prior to the award of any Regulated Contract following open competition.
- 13.2 The standstill period will begin when the successful and unsuccessful bidders are provided with notification of outcome letters. The notification of outcome letters will be in a form that meets the requirements of Regulation 85 of the Public Contracts (Scotland) Regulations 2015.
- 13.3 Where a Regulated Procurement is carried out through further competition on a Framework, a voluntary standstill period may be observed prior to contract award.
- 13.4 At the conclusion of the standstill period, should no challenge have been received to the decision to award, then an award letter will be issued to the successful bidder, detailing the contract value and term (including potential extension options), and referencing the documents that comprise the contract together with any order of precedence to apply.

#### **14. Supported Businesses and Reserved Contracts**

- 14.1 The Council may decide to reserve the right to participate in a tender exercise to those organisations that meet the definition of a supported business (Regulation 21 of the Public Contracts (Scotland) Regulations 2015). This must be stated on the relevant contract notice placed on Public Contracts Scotland and Find a Tender.

#### **15. Concession Contracts**

- 15.1 Where the Council wishes to let a concession to a third party, this shall be carried out through a competitive tender process, which will be conducted as a procurement exercise and following the relevant guidance.
- 15.2 Where the Concession Contract exceeds the GPA Threshold for concessions, then a competitive exercise will be conducted in accordance with The Concession Contracts (Scotland) Regulations 2016.

#### **16. Contract Variations**

- 16.1 No variation to a contract can be approved unless funding has been identified from an approved budget in accordance with the Financial Regulations. (Section 16 Paragraph 1).
- 16.2 The proposed variation must not be considered to be a material change and any Regulated Contract should only be modified to the extent permitted by Section 72 of the Public Contracts (Scotland) Regulations 2015.
- 16.3 For Contracts that are not regulated, unless expressly provided for within the terms of the contract, no variation should be made that exceeds 50% of the initial contract value.

#### **17. Prevention of Corruption**

- 17.1 Contracts with a value of £10,000 or more must be in a written or electronic form capable of providing a permanent record of the intentions of all parties to the contract.
- 17.2 In all cases, employees must be aware of and act in compliance with the Council's Gifts, Gratuities and Hospitality guidance and Anti-Bribery Policy.
- 17.3 Council employees taking part in the evaluation of tenders must certify that they have no conflict of interest and no pecuniary or familial relationship with any of the organisations that have bid for the contract. Council employees who are unable to clearly provide this certification must withdraw and take no further part in the evaluation or award process.

#### **18. Contract Registers**

- 18.1 The Corporate Procurement Manager will maintain an electronic register of all contracts above a value of £50,000. The register will specify the name of the contractor, a summary of the purpose of the contract, the contract duration and value or estimated value. The register will be accessible from the Council's website.
- 18.2 The contracts register will be maintained from the publication of contract award notices on Public Contracts Scotland and will be completed within 7 days of a contract award being made.
- 18.3 In situations where delegation to Council Officer is in place, any Council Officer entering into a contract for the supply of goods, works or services with a value of above £50,000 must ensure that the Corporate Procurement Manager is aware of the necessary details and must provide information on how the documents that form the contract shall be accessed.

**19. Waiver of Contract Standing Orders**

- 19.1 The Chief Executive may authorise the waiver of any Contract Standing Orders, after receiving a Request for Waiver form signed by the relevant Head of Service, after consultation with the Corporate Procurement Manager.
- 19.2 Waivers must be either short-term in their application or be accompanied by a timed procurement solution that complies with Contract Standing Orders.

**SCHEDULE 1 - APPROVAL ROUTES AND THRESHOLDS**

<b>Value of Transaction</b>	<b>Preferred Procurement Method</b>	<b>Sourcing Strategy Required</b>	<b>Sourcing Strategy Approval</b>	<b>Approval to Commence Tendering Process</b>	<b>Approval to Award Tender or Contract</b>
Up to £1k	<p>Where there is a National Framework agreement or contract in place, this will be the default route for these purchases. Please check with procurement Category Officers who can advise on existing Framework arrangements currently in place eg SXL, DCC etc.</p> <p>Where such an agreement or contract is not in place, or possible to access, the purchase may be made from a single supplier without further competition, where the purchaser can satisfy themselves that the cost is reasonable for the purchase being made.</p> <p>Officers must ensure that the relevant purchasing guidance is followed to complete these transactions eg Purchase Orders, Procurement Card Guidelines etc.</p>	No	Not applicable	Not applicable	Not applicable
£1k to £10k	<p>Where there is a National Framework agreement or contract in place, this will be the default route for these purchases. Please check with procurement Category Officers who can advise on existing Framework arrangements currently in place eg SXL, DCC etc.</p> <p>Where such an agreement or contract is not in place or possible to access, the purchase may be made although officers must proceed to obtain three competitive quotations first, then select most economically advantageous of these.</p> <p>Officers must ensure that the relevant purchasing guidance is followed to complete these transactions eg Purchase Orders, Procurement Card Guidelines etc.</p>	No	Not applicable	Not applicable	Not applicable
£10k to £50k	<p>Where there is a National Framework agreement or contract in place, this will be the default route for these purchases. Please check with procurement Category Officers who can advise on existing Framework arrangements currently in place eg SXL, DCC etc.</p> <p>Where such an agreement or contract is not in place or possible to access, the purchase may be made by undertaking a 'quick quote' or 'closed tender' process inviting selected suitably qualified participants to bid is necessary. Please contact relevant Procurement Category Officer to discuss options.</p>	No	Not applicable	Head of Service	Head of Service

Value of Transaction	Preferred Procurement Method	Sourcing Strategy Required	Sourcing Strategy Approval	Approval to Commence Tendering Process	Approval to Award Tender or Contract
£50k to £300k	Complete Sourcing Strategy to identify most economically advantageous option. Please contact relevant Procurement Category Officer to discuss options.	Yes	Head of Service	Executive Director	Executive Director
£300k to £1m	Complete Sourcing Strategy to identify most economically advantageous option. This must be considered by the Council's Procurement Group. Please contact relevant Procurement Category Officer to discuss options.	Yes	Executive Director	Procurement Group	Committee
£1m and above	<p>Complete Sourcing Strategy to identify most economically advantageous option. This must be considered by the Council's Procurement Group. Please contact relevant Procurement Category Officer to discuss options.</p> <p><b>Please Note: where the proposed contract/tender relates to a capital project in excess of £1m, the strategy must also be considered by the Council's Capital Governance Group in advance of being presented to Committee for approval.</b></p> <p>For individual Works procurements with a value of up to £2,000,000, a formal 'closed' tender document may be the sourcing strategy preference (in the absence of a suitable framework) but must be made available to at least three organisations through Public Contracts Scotland). Committee Approval will be required.</p>	Yes	Executive Director	Committee	Committee

**NOTE:** Where applicable, the above values reflect to the tender and contract award ie excluding any fees or allowances. Where officers have delegation to approve spend this is predicated on these available resources being included in the approved budget.

# **DELEGATION OF POWERS TO OFFICERS**

**DELEGATION OF POWERS TO OFFICERS****I N D E X**

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## **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 the Chief Executive or an Executive Director in terms of this scheme may be exercised by such officer or officers of their service as the Chief Executive or Executive Director may authorise.

### **2. GENERAL DELEGATION TO CHIEF EXECUTIVE AND ALL EXECUTIVE DIRECTORS**

- (i) Authority for the Chief Executive to make arrangements for the overall operation and management of the Council and its services within the policies and decisions made by the Council, the Chief Executive will delegate to Executive Directors to make similar arrangements for their service.

- (ii) **Urgent Matters Arising Between Meetings**

Authority for the Chief Executive and Executive Directors to act on urgent matters, which may arise between meetings in consultation with the Convener, Opposition Groups spokespersons and all Opposition Members who are not in a Group 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 Human Resources policies, financial regulations and tendering procedures.

- (iv) **Training Plan**

Authority to develop training plans and authorise attendance at appropriate training courses.

- (v) **Service Plans**

Authority to develop Service Plans.

- (vi) **Outside Bodies**

Authority to represent the Council on outside bodies relevant to the activities of their service. Executive Directors 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 Executive Directors, 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 Executive Directors may be authorised to incur expense in attending such meetings by the Chief Executive and Executive Directors.

- (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 £50,000.

(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) **Partnerships**

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

(xi) **Licensing Applications**

Heads of Service 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.

(xii) **Miscellaneous**

(a) Authority for Executive Directors to manage 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 service functions which are not otherwise dealt with by the Council, its Committees or Sub-Committees or any other service.

(c) Authority to award contracts (which have complied with the Council's Standing Orders, Tendering Procedures, Financial Regulations and any directions given by the Chief Executive), subject to a Sourcing Strategy having been approved by the appropriate Committee.

(d) Authority to award contracts with a value of under £10,000 (which have complied with the Council's Standing Orders Tendering Procedures, Financial Regulations and any directions given by the Chief Executive) subject to a report thereon being submitted for information to Committee as part of the Annual Procurement Report.

(xiii) **Other Paid Employment**

Authority to consider appeals in respect of other paid employment.

(xiv) **Covid-19 and other Pandemics**

Authority for the Chief Executive and Executive Directors (or their nominees) to authorise any Council Officer within their respective services to carry out any enforcement or other action as specified in terms of any legislation/regulations passed in connection with the Covid-19 emergency and other Pandemics.

**CHIEF EXECUTIVE**

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

**(a) General**

1. to implement and monitor general policies adopted by the Council.
2. to provide advice and guidance to the Council on policy options.
3. to act as Returning Officer at all Local Government and National elections and referenda and to appoint Depute Returning Officers as appropriate.
4. 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. to call meetings of the Council or any of its Committees or Sub-Committees.
6. to authorise the attendance of officers of the Council at meetings, conferences or other functions within and outwith the United Kingdom.
7. subject to the provisions of Standing Order No 61(1) authority to establish and fill posts, extend posts and delete posts above Grade 13 irrespective of the nature of the posts eg temporary or permanent.
8. when persons or bodies are attending meetings with members and/or Executive Directors or their deputies in connection with the functions and operations of the City 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 year.
9. subject to the Contract Standing Orders the Chief Executive may, in special circumstances, decide that the normal tender process would not be justified or appropriate.
10. to open tenders.
11. to deal with all disciplinary matters affecting Executive Directors subject to the employee's right of appeal within the Disciplinary Procedure.
12. to lead the Council's Community Planning Officers' Team and Dundee Partnership Management Group.
13. to lead the Council Leadership Team and ensure effective delivery of Council services in accordance with the approved budgets.
14. subject to the provisions of any enactment, Statutory Order or Instrument and to the terms of Standing Order 62(1) and (2) authority to vary the grade of any post.
15. Chief Executive or nominee to attend all meetings of members of Leisure and Culture Dundee including the AGM as the Council's authorised representative.
16. to approve attendance at the undernoted conferences:-
  1. COSLA Annual Conference;
  2. CIPFA Scottish Conference;
  3. Chartered Institute of Housing Conference;
  4. Social Work Scotland Conference; and

at one-off events of a particular relevance/importance to the Council, by one member from the Administration and one member from the Opposition.
17. processing awards from the Dundee Community Regeneration Fund.

**(b) Corporate**

1. to promote corporate working amongst services 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. to identify short-term action plans to improve the quality of services provided by services and assist in the monitoring of these action plans to ensure that performance targets are achieved.
3. to develop recommendations for medium and long-term action plans to improve the quality, effectiveness and efficiency of the delivery of City Council services.
4. 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. to monitor the operation of quangos, joint boards/arrangements, partnerships, ALEO's and other agencies/bodies in order to project and protect the interests of Dundee City Council.
6. to conduct research into policy issues, including comparisons with other authorities and customer research.
7. to work in partnership with other organisations to improve efficiency and effectiveness of services.
8. to develop health improvement issues.
9. to develop proposals for Community Regeneration Priority Areas.
10. to develop advice to the Council to ensure that all aspects of the Council's work reflect its statutory duty under the 2010 Equality Act to eliminate discrimination, advance equality of opportunity and to foster good relations across the range of people with protected characteristics.

**(c) Leisure and Culture**

1. to develop proposals for the provision of adequate facilities for social, cultural and recreational activities as defined in the Education (Scotland) Act 1980.
2. in liaison with Leisure and Culture Dundee to ensure the provision of adequate library facilities for all persons resident in the City in terms of Section 163(2) of the Local Government (Scotland) Act 1973.
3. to develop and provide advice to the Council on policies and in liaison with Leisure and Culture Dundee policies for libraries, leisure and cultural facilities including sports centres and school halls, and heritage facilities and the promotion of the arts/culture/sport in general.
4. to advise the Council on strategies relating to culture, sport, physical activity, arts, heritage and libraries.
5. in liaison with Leisure and Culture Dundee 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 Executive Director of Corporate Services.
6. to close premises leased to Leisure and Culture Dundee to allow essential repair/maintenance work to be carried out, or for elections or over the festive season.

**(d) Communications**

The Service Manager Communications has delegated authority for the following activities:-

- (i) to provide advice and guidance to the Council on policies and strategies in the fields of media, communications and design services.

- (ii) to respond to media enquiries on behalf of the Council, in liaison with appropriate Conveners and Executive Directors.
- (iii) to design and regulate the use of the City Council's brand and to ensure that corporate design specifications are adhered to.
- (iv) to publish corporate information to the Council's websites and social media channels.

## **CHILDREN AND FAMILIES SERVICE**

The Executive Director of Children and Families Service 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 and Social Work services.
2. to ensure that the Council complies with all statutory requirements in relation to the Education service.
3. 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.
4. to grant all placing requests, whenever possible, and to explain the right of appeal to any parents whose placing requests are refused.
5. 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.
6. to make provision for the education of children identified as having additional support needs under the terms of the Education (Additional Support for Learning) (Scotland) Act 2004.
7. to exercise the powers available to the Council with regard to the provision of education for pupils belonging to areas of other education authorities; 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.
8. to transfer/-deploy teachers within the policy established by the Council.
9. to be responsible for disciplinary procedures for teaching staff, in accordance with the Council's policies, including dismissal.
10. to approve the premature retirement of teachers without enhancement at no additional cost to the Council.
11. to issue licences and approvals in terms of the Children and Young Persons' Act 1963 and Children (Performances) and Activities (Scotland) Regulations 2014.
12. to be responsible for the provision of Educational Psychology Service.
13. to make all arrangements for the election of members of Parent Councils.
14. to promote parental involvement in Parent Councils.
15. to administer the Council's scheme for the letting of school premises.
16. to administer the Council's scheme of Devolved School Management.
17. to sign agreements reached by the Local Negotiating Committee for Teachers.
18. to exclude pupils from schools.
19. to administer the functions of the Education Authority under Sections 35-43 of the Education (Scotland) Act 1980 (except the appointment of a person to institute proceedings in terms of Section 43(2)), being consideration of Cases of School Attendance Default including the power to impose an Attendance Order or to decide that the parent/carer be prosecuted.

20. to make arrangements to monitor the attendance of pupils at school, and to implement measures to combat truancy and other unauthorised absence.
21. to monitor performance and operation of the PPP for Schools Contracts.
22. to consent to the withdrawal of children from school in terms of Section 35 of the Education (Scotland) Act 1980.
23. to take steps to ensure that the Council complies with all statutory requirements in respect of the provision of Social Work services including:-
  - (i) to bury or cremate any child who was immediately before their death being looked after by the local authority and recover expenses in terms of Section 28 of the Social Work (Scotland) Act 1968.
  - (ii) to defray expenses of parents, relatives or other connected persons in respect of visiting 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.
  - (iii) 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 Part II of the Children (Scotland) Act 1995.
  - (iv) to recover any charges for services provided 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.
  - (v) 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 insofar as they relate to Children and Families Service.
  - (vi) to provide services to chronically sick and disabled children and young persons in terms of Section 2 of the Chronically Sick and Disabled Persons Act 1970.
  - (vii) to assess needs when requested to do so by a disabled child or young person or their carer in terms of Section 4 of the Disabled Persons (Services, Consultation and Representation) Act 1986.
  - (viii) to provide information on Children and Families services and any relevant services of other authorities or organisations in terms of Section 1 of the Chronically Sick and Disabled Persons Act 1970.
  - (ix) to have the power to make direct payments under Section 12B of the Social Work (Scotland) Act 1968 in respect of children or young people.
  - (x) to make arrangements for the exercise by the Council of its functions other than those delegated to the Dundee City Health and Social Care Integration Joint Board in respect of persons under the Mental Health (Care and Treatment) (Scotland) Act 2003 and the Adults with Incapacity (Scotland) Act 2000.
  - (xi) 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.
  - (xii) to supervise people placed on Supervised Attendance Order in terms of Sections 235, 236 or 237 of the Criminal (Procedure) Scotland Act 1995.
  - (xiii) to provide a throughcare service to prisoners during their period of imprisonment and who will be subject to supervision following release as specified by Section 71 of the Criminal Justice (Scotland) Act 2003.
  - (xiv) jointly with Scottish Ministers to establish arrangements for the assessment and management of the risks posed by custody and community prisoners in accordance with the Custodial Sentences and Weapons Act 2007.

- (xv) 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.
- (xvi) 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 the Children (Scotland) Act 1995.
- (xvii) in conjunction with the Executive Director of Neighbourhood Services, to have the power to provide accommodation to persons who are over the age of eighteen, but not yet twenty-one, when such provision would promote the young person's welfare in terms of Section 25(3) of the Children (Scotland) Act 1995.
- (xviii) to provide adoption support services (including the payment of allowances) in terms of the Adoption and Children (Scotland) Act 2007 and the Adoption Support Services and Allowances (Scotland) Regulations 2009.
- (xix) 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.
- (xx) 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.
- (xxi) to review cases of children looked after by the local authority in terms of Section 31 of the Children (Scotland) Act 1995.
- (xxii) to provide continuing care to an eligible person in terms of Section 26A of the Children (Scotland) Act 1995.
- (xxiii) 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.
- (xxiv) to provide advice and assistance for young persons under nineteen, but over school age and formerly looked after by a local authority in terms of Section 29 of the Children (Scotland) Act 1995.
- (xxv) to have the power to provide financial assistance towards expenses of education or training of a young person, under the age of twenty-one, formerly looked after by the local authority, including contributions to accommodation and maintenance in terms of Section 30 of the Children (Scotland) Act 1995.
- (xxvi) to pay allowances in terms of Section 50 of the Children Act 1975.
- (xxvii) 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 60 of the Children's Hearings (Scotland) Act 2011.
- (xxviii) to provide reports on children and their social background for a Children's Hearing in terms of Sections 66(4) and/or (5) and (6) of the Children's Hearings (Scotland) Act 2011.
- (xxix) to put into effect a Compulsory Supervision Order made by a Children's Hearing in terms of Section 83 of the Children's Hearings (Scotland) Act 2011.
- (xxx) to require a review of a Compulsory Supervision Order made by a Children's Hearings by notice to the Principal Reporter in terms of Section 131(1) of the Children's Hearings (Scotland) Act 2011.
- (xxxi) 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.

- (xxxii) to recover contributions that have not been paid in terms of Section 82 of the Social Work (Scotland) Act 1968.
- (xxxiii) 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.
- (xxxiv) 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.
- (xxxv) 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.
- (xxxvi) to provide day care for children in need within the local authority who are aged five or under and who have not yet started school in terms of Section 27(1) of the Children (Scotland) Act 1995.
- (xxxvii) 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.
- (xxxviii) 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.
- (xxxix) 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.
- (xl) 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.
- (xli) 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 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.
- (xlii) 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.
- (xliii) 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).
- (xliv) 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.
- (xlv) to designate residential establishments and households as short-term refuges for children for the purposes of Section 38 of the Children (Scotland) Act 1995.
- (xlvi) to have the power to apply to a Sheriff for a Child Protection Order in terms of Section 37 and 38 of the Children's Hearings (Scotland) Act 2011.
- (xlvii) to have the power to apply to a Justice of the Peace for emergency child protection measures in terms of Section 55 of the Children's Hearings (Scotland) Act 2011.
- (xlviii) to exercise any parental rights and responsibilities in respect of a child given to the Council in terms of a Permanence Order while that Order remains in force.

- (xlix) to act as agency decision-maker in relation to decisions on adoption or to authorise another officer to act in such a capacity.
- (l) 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.
- (li) to accept or not accept any person for assessment as a prospective adopter in accordance with the provisions of the Adoption Agencies (Scotland) Regulations 2009.
- (lii) to assess prospective adopters in accordance with the provisions of the Adoption Agencies (Scotland) Regulations 2009.
- (liii) to establish an adoption panel in terms of the Adoption Agencies (Scotland) Regulations 2009.
- (liv) to approve prospective adopters in accordance with the provisions of the Adoption Agencies (Scotland) Regulations 2009.
- (lv) 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 2009.
- (lvi) 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 17 of the Adoption and Children (Scotland) Act 2007.
- (lvii) to investigate the suitability of adoption applicants and other matters and to report to Court in terms of Section 19 of the Adoption and Children (Scotland) Act 2007.
- (lviii) to assess and approve kinship carers and foster carers in accordance with the provisions of the Looked After Children (Scotland) Regulations 2009.
- (lix) to place a child with a kinship carer or in a foster placement in accordance with the provisions of the Looked After Children (Scotland) Regulations 2009.
- (lx) to establish a fostering panel in terms of the Looked After Children (Scotland) Regulations 2009.
- (lxi) to pay allowances to kinship carers and foster carers in accordance with the Looked After Children (Scotland) Regulations 2009.
- (lxvi) 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.
- (lxiii) to make provision for guidance to be provided to the Council by the Chief Social Work Officer in terms of the Local Government (Scotland) Act 1994.
- (lxiv) to agree Fostering, Kinship and Residential Allowances.

## **CITY DEVELOPMENT**

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

### 1. **General**

- (a) to discuss with the private sector and other agencies for the purposes of securing development of and for the City.
- (b) to develop advice for the Council on creative planning policies for land use in the City.
- (c) implement Processes set out in the Property Asset Management Plan and update and appraise the Property Management Plan.

### 2. **Architectural Services, Engineers, Road and Transport and Capital Projects**

- (i) appointment of Consultants - to appoint Consultants, as may become necessary, to accommodate periodic increases in the workload and assist with specialist knowledge in preparing report and bid documents, subject to the provisions in the Council's Contract Standing Orders subject to a report thereon being submitted for information to the next appropriate meeting of the Committee concerned, where required.

### 3. **Planning**

#### 1. **General**

- 1.1 This Scheme of Delegation was prepared by Dundee City Council as required by Section 43A(1) of the Town and Country Planning (Scotland) Act 1997 as amended by the Planning etc (Scotland) Act 2006 and in accordance with Regulations 3 and 4 of the Town and Country Planning (Schemes of Delegation and Local Review Procedure) (Scotland) Regulations 2013.
- 1.2 The Scheme of Delegation was approved by the Policy and Resources Committee of Dundee City Council on 11 November 2013 and Scottish Ministers on 3 December 2013.
- 1.3 "Local development" for the purposes of this Scheme of Delegation will include all development other than national development, as designated in a National Planning Framework document prepared and published by the Scottish Ministers under Part 1A of the 1997 Act; and major development, as identified in terms of the Town and Country Planning (Hierarchy of Developments) (Scotland) Regulations 2009.

#### 2. **Classes of Development to be Determined by the "Appointed Officer" of the Council and Exemptions from the Mandatory Scheme**

- 2.1 *Planning applications in the following Classes of Development as defined in Sections 3A (4)(b) and 26A of the Town and Country Planning (Scotland) Act 1997 as inserted by the Planning etc (Scotland) Act 2006 and supported by the Town and Country Planning (Hierarchy of Developments) (Scotland) Regulations 2009 shall be determined by an officer or officers who shall be appointed by the Chief Planning Officer for that purpose. A range of postholders may be appointed to determine cases or different classes of case under the scheme.*

The applications concerned are:-

- (a) all applications for planning permission in respect of development within the category of "local development"; and
- (b) all applications for consent, agreement or approval required by a condition imposed on a grant of planning permission for a development within the category of "local" development.

- 2.2 ***Exemptions*** - the appointed officer is prohibited, however, from determining the following types of application for planning permission within the category of "local" development:-

- (i) any application<sup>1</sup> in respect of which six or more valid written objections received within the timescales specified in statutory notifications or press notices; and the application is recommended for approval;
- (ii) any application which attracts a valid timeous objection from a statutory consultee<sup>2</sup> and the application is recommended for approval;
- (iii) any application where the appointed officer is minded to approve in circumstances where it is significantly contrary<sup>3</sup>; to the development plan;
- (iv) any application which a member, within a period of 21 days from the date the application was valid, has requested in writing to the appointed officer that it be submitted to the Planning Committee;
- (v) any application submitted by or on behalf of an Elected Member of the Council or the Chief Executive or an Executive Director of the Council; or Head of Planning and Senior Manager Planning;
- (vi) any application requiring the submission of an Environmental Impact Statement in terms of the Environmental Impact Assessment (Scotland) Regulations 2011 as amended<sup>4</sup> and
- (vii) any application which the Chief Planning Officer proposes should, for valid planning reasons, be determined by the Planning Committee rather than by the appointed person.

### 3. **Subsequent Schemes of Delegation**

- 3.1 *The Council will review or if appropriate adopt a revised Scheme of Delegation no later than a period of five calendar years following the approval of this Scheme of Delegation by Scottish Ministers.*

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<sup>1</sup> The meaning of "application" shall be taken to include applications for planning permission; planning permission in principle; applications for consent, agreement or approval required by condition imposed on a grant of consent for local developments.

<sup>2</sup> For the purposes of this Scheme of Delegation a statutory consultee shall be taken to be consultees referred to in Regulation 25 and Schedule 5 of the Town and County Planning (Development Management Procedure) (Scotland) Regulations and will include a Community Council or officially recognised Neighbourhood Representative Structure.

<sup>3</sup> A proposed development is "significantly contrary to the development plan" if the departure concerned, in the judgement of the "appointed person" is directly related to the achievement of the core objectives of any element of the development plan and the approval of the application would seriously compromise the achievement of the development plan's objectives and compromise its other policies and proposals. For the avoidance of doubt a proposal will not necessarily be significant if, for example, it fails to meet the terms on one or more policies or one or more of the criteria in any criteria based policy.

<sup>4</sup> An application which is determined by the Chief Planning Officer to be an application requiring the submission of an Environmental Impact Statement in terms of the Environmental Impact Assessment Regulations 2011, as amended.

**ANNEX B****Discretionary Scheme of Delegation in Relation to Development Management as Provided for by the Town and Country Planning (Scotland) Act 1997 as amended by the Planning etc (Scotland) Act 2006 and the Local Government (Scotland) Act**

Issue	The Chief Planning Officer shall undertake the following underpowers delegated by the Council
<b>1. General</b>  Powers to delegate  Negotiations  Planning Policy  Entry to Land  Day to Day Procedural Matters	<p>Appoint appropriate officers to determine cases of application or different classes of case which fall to be determined under the approved mandatory Scheme of Delegation.</p> <p>Authority to negotiate with the private sector and other agencies for the purposes of securing the proper development of the city in accordance with the Council's objectives".</p> <p>Authority to advise the Council on land use planning matters for the purposes of securing the proper development of the city in accordance with the Council's objectives.</p> <p>Authority to authorise a person to enter upon any land at any reasonable time for the purposes mentioned in Sections 156, 158, 160-163, 167, 172-175,177, 269 and 270 of the 1997 Act as amended and Sections 18-21 of the High Hedges (Scotland) Act 2013.</p> <p>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 for in the planning and related legislation.</p>
<b>2. Hierarchy of Application Types</b>	<p>To determine with reference to the Town and Country Planning (Hierarchy of Developments) (Scotland) Regulations 2009 whether a description of a development falls into the categories of "major" and "local" respectively and to so determine where a Pre-application Screening Notice is submitted to the Council.</p>
<b>3. Pre-application Consultation and Scrutiny</b>	<p>The implementation and enforcement of pre-application procedures under Section 35A of the 1997 Act as amended including:</p> <ul style="list-style-type: none"> <li>• assessing and responding to Pre-application Screening Notices;</li> <li>• assessing and responding to Proposal of Application Notices; and</li> <li>• assessing Pre-application Consultation Reports and determining the validity of related applications.</li> </ul>

Issue	The Chief Planning Officer shall undertake the following underpowers delegated by the Council
<b>4. Determination of Planning Applications</b>	<p>The determination of all applications for planning permission and planning permission in principle; applications for the approval of matters specified in conditions attached to planning permissions and planning permissions in principle; further applications; applications seeking to amend or delete conditions; listed building consent applications; conservation area consent applications; applications for consent to display advertisements (including the unconditional approval of applications), EXCEPT:</p> <ul style="list-style-type: none"> <li>• "national" and "major " categories of application;</li> <li>• "local" category applications which the Council has decided in its Scheme of Delegation, approved by Scottish Ministers, should be determined by it as opposed to the Appointed Officer, except any application where, within 21 calendar days of the application appearing on the Weekly List, written notice is given to the Committee Services Officer that the Planning Committee intends to determine the application. Such information (which shall be referred to as a Section 43A(6) referral shall only be valid when signed by the Convener and Vice Convener and shall include a statement of the reasons for such a referral; and</li> <li>• any application submitted by or on behalf of an officer of the Council involved in the statutory planning process.</li> </ul>
<b>5. Reasons for Decisions</b>	<ul style="list-style-type: none"> <li>• issuing to applicants reasons for the decisions in respect of all planning and related applications made by the Council.</li> </ul>
<b>6. Attachment of Conditions at the Request of Scottish Ministers</b>	<ul style="list-style-type: none"> <li>• to impose a condition directed by Scottish Ministers in respect of a planning application referred to them.</li> </ul>
<b>7. Processing Agreements</b>	<ul style="list-style-type: none"> <li>• where necessary to negotiate and agree with applicants and other parties to the agreement, the terms of Processing Agreements.</li> </ul>
<b>8. Determination of the Validity of Objections and Representations</b>	<ul style="list-style-type: none"> <li>• determining whether a representation or objection in respect of a planning or related application is timeous, valid or material in respect of the application under consideration.</li> </ul>

<b>9. Variations to Planning Permissions</b>	<ul style="list-style-type: none"> <li>determining to approve a variation, as provided for by Section 64 of the 1997 Act as amended and to issue refusals where the terms of Section 64 are not satisfied.</li> </ul>
<b>10. Variations to Planning Applications Not Yet Determined</b>	<ul style="list-style-type: none"> <li>to determine to agree to a variation by the applicant to a submitted application, as provided for by Section 32A of the 1997 Act as amended and to issue refusals where the terms of Section 32A are not satisfied.</li> <li>to determine what notice if any to give to other parties concerning such a variation if agreed.</li> </ul>
<b>11. Approval of Matters of Detail Covered by Conditions</b>	<ul style="list-style-type: none"> <li>approving matters of detail as required by planning conditions.</li> </ul>
<b>12. Determination of Repeat Applications</b>	<ul style="list-style-type: none"> <li>the authority to decline to determine applications which fall within Section 39 of the 1997 Act, as amended.</li> </ul>
<b>13. Consultation on Applications Submitted to Neighbouring Planning Authorities</b>	<ul style="list-style-type: none"> <li>the authority to express views on behalf of the Council when it is statutorily or informally consulted by neighbouring planning authorities on planning applications submitted to them for determination.</li> </ul>
<b>14. Environmental Impact Assessments</b>	<ul style="list-style-type: none"> <li>the authority to provide informal and formal Screening and Scoping Opinions and to assess submitted Environmental Statements, all in terms of the provisions of The Environmental Impact Assessment (Scotland) Regulations 2011, as amended.</li> </ul>
<b>15. Requests for Further Information on Applications</b>	<ul style="list-style-type: none"> <li>the authority to identify and seek further information from applicants to enable the Council to deal with applications.</li> </ul>
<b>16. Legal Agreements/ Planning Obligations</b>	<ul style="list-style-type: none"> <li>In consultation with the Head of Democratic and Legal Services, negotiating, concluding and enforcing planning agreements (planning obligations) under Section 75 of the 1997 Act, as amended.</li> </ul>
	<ul style="list-style-type: none"> <li>In consultation with the Head of Democratic and Legal Services, to amend Obligations which do not significantly alter their general provisions already concluded under Section 75 of the 1997 Act, as amended.</li> </ul>
	<ul style="list-style-type: none"> <li>In consultation with the Head of Democratic and Legal Services, to modify or discharge Obligations concluded under Section 75 of the 1997 Act as amended, where their objectives have been achieved.</li> </ul>

<b>17. Certificates of Lawfulness of Existing or Proposed Development</b>	<ul style="list-style-type: none"> <li>• In consultation with the Head of Democratic and Legal Services to determine all applications for Certificates of Lawfulness of Existing Development and Certificates of Lawfulness of Proposed Development.</li> </ul>
<b>18. Planning Enforcement</b>	<p>In consultation with the Head of Democratic and Legal Services, initiation, progression and conclusion of enforcement action or interdict action under Parts VI, VII and or XIV of the Town and Country Planning (Scotland) Act 1997 as amended by Part 4 of the Planning etc (Scotland) Act 2006 or Chapter IV of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 as amended, or Part VII of the Town and Country Planning (Control of Advertisements) (Scotland) Regulations 1984 and related legislation or the High Hedges (Scotland) Act 2013.</p> <p>For the avoidance of doubt this delegated authority relates to:</p> <ul style="list-style-type: none"> <li>• Planning Contravention Notices;</li> <li>• Enforcement Notices;</li> <li>• Making reports to the Procurator Fiscal as necessary;</li> <li>• Breach of Condition Notices;</li> <li>• Amenity Notices;</li> <li>• Stop Notices;</li> <li>• Serving of Temporary Stop Notices;</li> <li>• Serving of Fixed Penalty Notices;</li> <li>• Notices to remove Placards/Posters</li> <li>• Hazardous Substances Contravention Notices;</li> <li>• Tree Replacement Notices;</li> <li>• High Hedges Notices;</li> <li>• Notices of Initiation and Completion of Development and indicating development being carried out.</li> <li>• Notices Requiring an Application for Planning Permission to be made.</li> </ul>
	<ul style="list-style-type: none"> <li>• but EXCLUDES the taking of Direct Action other than notices seeking the removal of placards/posters.</li> </ul>

Issue	The Chief Planning Officer shall undertake the following underpowers delegated by the Council
<b>19. Prior Notifications</b>	<ul style="list-style-type: none"> <li>the authority to determine prior notification applications as provided for under Town and Country Planning (General Permitted Development) (Scotland) Order 1992 as amended.</li> </ul>
<b>20. Building Preservation Notices</b>	In consultation with the Head of Democratic and Legal Services the serving of a Building Preservation Notice under Sections 3 and 4 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 as amended.
<b>21. Tree Preservation</b>	The authority to determine the need to make Tree Preservation Orders and to vary or revoke existing Tree Preservation Orders.
	In consultation with the Head of Democratic and Legal Services the drafting and service of Tree Preservation Orders and Emergency Tree Preservation Orders under Part VII of the 1997 Act, as amended by Part V of the Planning etc (Scotland) Act 2006, with the proviso that the serving of any such Order recommended for confirmation shall be reported to the City Development Committee.
	In consultation with the Head of Democratic and Legal Services, determining the appropriateness of the serving of Tree Replacement Notices under Section 168 of the 1997 Act as amended and once served to monitor implementation and enforce as necessary.
	Granting or refusal of statutory permission to carry out work on trees subject of a Tree Preservation Order or the granting or refusal of such permission for works in relation to trees within a Conservation Area or protected by planning condition.
	In consultation with the Head of Democratic and Legal Services, the enforcement of Tree Preservation Orders under Section 171 of the 1997 Act as amended with the proviso that the action taken shall be reported to the City Development Committee as soon as practicable thereafter.
<b>22. Appeals and Inquiries</b>	<ul style="list-style-type: none"> <li>to prepare and deliver written and oral evidence in respect of all appeals and public inquiries relating to the determination of planning and related applications; the enforcement of planning control; tree preservation and high hedges all with the proviso that the outcome of each appeal/inquiry shall be reported to the Planning Committee as soon as practicable.</li> </ul>
	<ul style="list-style-type: none"> <li>in consultation with the Head of Democratic and Legal Services to determine the appropriateness of claiming, on behalf of the Council, expenses from appellants in accordance with the terms of Circular 6/1990.</li> </ul>

<b>23. Authority to Enter Upon Land</b>	<ul style="list-style-type: none"><li>• to authorise a person to enter upon any land at any reasonable time for the purposes mentioned in the Town and Country Planning (Scotland) Act 1997 Act as amended and similar provisions in the legislation relating to listed buildings, conservation areas, high hedges and hazardous substances.</li></ul>
<b>24. High Hedges</b>	The determination of all applications for a High Hedge Notice and carry out all functions under the High Hedges (Scotland) Act 2013.

**Note 1**

For the purposes of the Council's Scheme of Delegation as approved by Scottish Ministers and this operational scheme of delegation a valid representation (letter or statement) shall require to meet the following criteria:-

- (a) be in the form of a signed and dated letter or statement or an e-mail indicating the name and postal address of the sender specifically indicating an objection to or support for the application concerned. The letter/statement shall bear a legible name of the signatory and the signatory's address;
- (b) be received by the Council no later than 21 calendar days from the date on which the application was declared as valid by the Council or no later than 21 calendar days of any subsequent Neighbour Notification, or in the case of applications which have the subject of statutory advertisement, no later than the timescale specified in that advertisement;
- (c) where more than one letter/statement of representation per household is received this shall be defined as the Council having received one;
- (d) where a petition is received objecting to or in support of an application this shall be defined as the Council having received one representation;
- (e) where a letter or petition is received which is signed by more than one person, each signatory must provide a valid postal address, otherwise they will not be considered as a valid signatory;
- (f) for the avoidance of doubt pre-printed letters or cards which are not individually addressed and signed will not be entertained as valid and acknowledged as such. Photocopied standard template letters will only be valid if they are signed and dated and bear the postal address of the sender;
- (g) to be valid a representation must contain matters which relate to the application involved and raise matters material in planning terms to the application concerned;
- (h) the content of invalid letters/statements will not be referred to in Executive Director's reports and similarly non-material matters referred to in valid letters of representation will not be referred to or taken into account in the determination of the application;
- (i) the Chief Planning Officer shall, in cases of doubt, determine whether an objection or other representation is valid or timeous; and
- (j) in respect of petitions, notification of decisions will be sent only to the co-ordinator of the petition (if known) or to the first named signatory.

**Note 2**

For the purposes of the Council's Mandatory Scheme of Delegation and this Discretionary Scheme of Delegation a statutory consultee shall be taken to be consultees referred to in Regulation 25 and Schedule 5 of The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013 and will include a Community Council or officially recognised Neighbourhood Representative Structure.

**Note 3**

For the purposes of the Council's Mandatory Scheme of Delegation and this Discretionary Scheme of Delegation a proposed development is "significantly contrary to the development plan" if the departure concerned, in the judgement of the Chief Planning Officer, is directly related to the achievement of the core objectives of any element of the development plan and the approval of the application would seriously compromise the achievement of the development plan's objectives and compromise its other policies and proposals. For the avoidance of doubt a proposal will not necessarily be significant if, for example, it fails to meet the terms on one or more policies or one or more of the criteria in any criteria-based policy.

#### 4. **Building Standards**

- (i) to service Notices and Orders, issue documents and carry out works relating to Dangerous and Defective Buildings and to recover costs from the owner of the building.
- (ii) to grant or refuse Building Warrants, including amendments to warrant.
- (iii) to accept or reject Certificates of Completion.
- (iv) to enter premises for inspection and testing as defined in Sections 39 and 40 of the Building (Scotland) Act 2003.
- (v) to process Building Warrants under the Scottish Type Approval Scheme (STAS) administered by the Scottish Building Standards Hub.
- (vi) to grant all relaxation of the Building (Scotland) Regulations 2004.
- (vii) to carry out Building Standard Assessments as required by Section 6 of the Building (Scotland) Act 2003.
- (viii) to impose and discharge a continuing requirement as defined in Sections 22 and 23 of the Building (Scotland) Act 2003.
- (ix) to serve notices under the terms of Sections 25, 26, 27, 28, 29 and 30 of the Building (Scotland) Act 2003.
- (x) to exercise all functions under The Safety of Sports Grounds Act 1975 as amended and all regulations made thereto.
- (xi) to exercise all functions under the Civic Government (Scotland) Act 1982, Section 89 relating to raised structures.
- (xii) to extend duration of validity of Building Warrants.
- (xiii) to require the production of Energy Performance Certificates, serve Penalty Charge Notices and Building Regulations Compliance Notices on building owners and generally have power to enforce the provisions of the Energy Performance of Buildings (Scotland) Regulations 2008 and directions made under the regulations in cases other than the sale of domestic dwellinghouses.
- (xiv) issue building standards certificates under Section 50 of the Licensing (Scotland) Act 2005.

#### 5. **Economic Development and Property**

- (i) to advise the Council on the development and implementation of policies and strategies to promote the economic wellbeing of the City and to take steps for their implementation.
- (ii) to negotiate on behalf of the City Council with existing and prospective businesses, investors, developers and national and government agencies in relation to all forms of economic activity in the City.
- (iii) to investigate and secure sources of external funding.
- (iv) to identify and develop partnerships with other bodies and companies who can contribute to the City's economic development, subject to the provisions in the Council's Contract Standing Orders.
- (v) to negotiate on behalf of the City Council with prospective event and conference organisers in relation to sponsorship and other forms of support to attract activity to the City.

- (vi) to negotiate and enter into contracts for the purchase, sale or lease of land and buildings held on the City Development Account up to a rental value of £100k per annum or a capital value of £500k, including, in consultation with the Executive Director of Neighbourhood Services, all garden ground sales and leases.
- (vii) to approve all lease renewals, lease extensions, rent reviews, assignments and sub-lets for commercial letting property.
- (viii) to grant landlords consent for sub-tenancies under traditional ground leases in shopping centres on/and held on City Development Account where the financial consideration is of a minor nature.
- (ix) to grant permission for the use of open pedestrianised areas and to fix fees for non-charitable activities.
- (x) to approve loans and grants to companies and individuals for economic development purposes (within limits defined by the appropriate grant scheme).
- (xii) to purchase subject to survey and financial conditions, property available that is either suitable or adaptable to meet the needs of disabled people.
- (xiii) in liaison with the Head of Democratic and Legal Services, to investigate and negotiate on the terms of any legal agreements associated with developments, projects or transactions prior to bringing proposals to Committee.
- (xv) to process all wayleave, servitude 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 and subject to the Head of Democratic and Legal Services signing the appropriate document.
- (xvi) to process superior's consent, including retrospective consent, in connection with changes of use, or erection of buildings and fences on service accounts, where the financial consideration does not exceed the delegated threshold set out above and subject to the Head of Democratic and Legal Services signing the appropriate document.

## 6. **Road Network**

### 6.1 **Roads (Scotland) Act 1984**

- (a) to issue notices under Parts II, V and VIII and to extend notice period under Section 141(3) of the above Act;
- (b) 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) to instruct necessary work under Section 15 and Parts IV, V, VIII and XIII of the above Act;
- (d) to recover costs under Parts IV, V, VIII and XIII of the above Act.

### 6.2 **New Road and Street Works Act 1991**

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.

### 6.3 **Road Construction Consents**

- (a) to grant Road Construction Consents under Section 21 of the Roads (Scotland) Act 1984 as amended, including the calculation of annual revenue implications for the Council of each consent, and the negotiation and the imposition of road bonds under Section 17 of the Roads (Scotland) Act 1984.

- (b) to serve Failure to Comply with Roads Construction Consent Notices under Section 21(5) of the Roads (Scotland) Act 1984 and to report breaches of Roads Construction Consent Notices under Section 22 of the Roads (Scotland) Act 1984.
- (c) to enter roads on the List of Public Roads if requested by the applicant on satisfactory completion of roads to which the provisions of Section 21 of the Roads (Scotland) Act 1984 apply.

6.4 Road Traffic Regulation Act 1984, Local Authorities' Traffic Orders (Procedure) (Scotland) Regulations 1999, and Transport (Scotland) Act 2019

The traffic regulation process will be as follows:-

(a) Consultation and Public Advertisement Stage

The Head of Sustainable Transport and Roads will have delegated powers to authorise the preparation of a Traffic Regulation Order or exemption and variation of an existing or new Traffic Regulation Order, or Pavement Parking Exemption Order, undertake statutory consultations including emergency services, local bus operators and local councillors, to make any necessary amendments to the Order, and to advertise the Order to the public.

(b) Making of the Order Stage

Where more than 5 objections to a public notice are raised that cannot be resolved by officers of the Council, these will then be brought to the attention of the City Growth and Infrastructure Committee and the Committee will be asked to consider these objections and to decide whether to make the Order or not.

If less than 6 objections are raised and maintained, then the Order process will allow officers to make the Order without further reference to the Committee.

For all Orders that have reached the stage of making of the Order, the Head of Democratic and Legal Services will place a Public Notice to advise that the Order has been made and confirming the date upon which the Order becomes effective.

(c) Disabled Bays

Officers will make variations to the Dundee City Council (Disabled Persons' Parking Places) (On-Street) Order 2011, or future successor Orders, without reference to the Committee.

7. **Sustainable Transport**

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

to accept tenders 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.

(ii) Children and Families Service

(i) to accept tenders as directed by officers of the Children and Families Service 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.

- (iii) Fleet Management
  - (i) to operate an MOT and Taxi Testing Station.
  - (ii) to set electric vehicle public charging tariffs.
  - (iii) to authorise lease and hire contracts for plant, vehicles and consumables within allocated revenue budget approved by the City Governance Committee.
- (iv) Multi-Operator Bus Ticket for Dundee and its Surrounding Area
  - (i) to carry out the role of Scheme Administrator for any multi-operator ticketing schemes.
- (v) Parking Promotions and Products
  - (i) to implement self-financing concession offers.
- (viii) Low Emission Zone  
 Authority to grant or renew time limited exemptions under Section 17 of the Transport (Scotland) Act 2019.
- (viii) Tayside Contracts Partnerships
  - (a) to oversee the governance of the Roads and Street Lighting Partnerships;
  - (b) to authorise annual works programmes within approved budget authorisations; and
  - (c) to authorise and direct award work to Tayside Contracts under the terms of the Roads and Street Lighting Partnership Agreements and the Tayside Contracts Minute of Agreement.

#### **Decriminalised Parking Enforcement**

To issue Penalty Charge Notices and determine appeals in relation to non-endorsable parking and bus lane violation offences under the Road Traffic Act 1991.

#### **8. Engineering**

- (a) Coast Protection Act 1949
  - (i) 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.
  - (ii) to grant future licensing under Section 18 of the Coast Protection Act 1949 for unplanned emergency works on the Dundee foreshore.
  - (iii) grant licences under Section 18 of the Coast Protection Act 1949 for emergency repairs where these present an immediate threat of environmental damage.
- (b) Flood Risk Management (Scotland) Act 2009  
 to undertake emergency works/actions to reduce the risk of flood which is likely to occur imminently and have serious adverse consequences for human health, the environment, cultural heritage or economic activity.

(c) Reservoirs Scotland Act 2011

to arrange regular inspections and supervision by suitably qualified reservoir engineers.

(d) Roads (Scotland) Act 1984

to maintain the register of bridges and to carry out inspections, assessments and emergency repairs and maintenance to roads, bridges and street lighting.

(e) Sewerage Scotland Act 1968

enter agreements with Scottish Water for provision, management, maintenance or shared use of sewers or drains for conveyance of road water or surface water from premises.

## (f) Act as Engineer to the Tay Road Bridge Joint Board.

9. **Regulatory Services**

1. to issue Notices on abandoned vehicles in terms of Section 3 of the Refuse Disposal (Amenity) Act 1978.

2. to issue Fixed Penalty Notices in respect of flytipping and dropping of litter in terms of Sections 33A and 88 of the Environmental Protection Act 1990.

3. to issue Notices in respect of the presentation of domestic waste and trade waste in terms of Sections 46 and 47 of the Environmental Protection Act 1990.

4. to issue and withdraw graffiti removal notices under Sections 58 to 65 of the Anti-Social Behaviour etc (Scotland) Act 2004.

5. to issue Rent Penalty Notices under Section 94 of the Anti-Social Behaviour etc (Scotland) Act 2004 and to decide upon any applications under Section 95 of the said 2004 Act for the revocation of such notices.

6. Anti-Social Behaviour etc (Scotland) Act 2004 (Part 5) - Noise Nuisance

(a) Enforcement Officers to enforce the provisions under Part 5 of the above Act.

(b) to issue Fixed Penalty Notices under Section 46.

7. Burial and Cremation (Scotland) Act 2016

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

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

Assist NHS Tayside in the investigation of notifiable diseases and any public health incidents via designated staff relating to protection of public health.

9. Dangerous Dogs Act 1989 and 1991 as amended

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

10. Dog Fouling (Scotland) Act 2003

to issue Fixed Penalty Notices under Section 4.

11. Control of Dogs (Scotland) Act 2010

to issue Dog Control Notices under Section 1 of the Act and to discharge or vary Dog Control Notices under Section 6 and 7 of the Act.

12. Civic Government (Scotland) Act 1982

- (a) 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.
- (b) to recover costs of any works carried out under Section 87(3) of the above Act from the various owners of the properties concerned on the basis that apportionment is based on equal shares.
- (c) to issue Notices under Section 90 of the Act.
- (d) 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.
- (e) 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.
- (f) 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.
- (g) 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.

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

- (a) to issue Improvement and Prohibition Notices.
- (b) to temporarily appoint inspectors to carry out technical appraisals, examinations and/or inspections, subject to the provisions in the Contract Standing Orders and if contract value is above £50k for duration of contract, is subject to a report thereon being submitted for information to the next appropriate meeting of the Committee concerned.
- (c) to give temporary authority to persons with specialist knowledge to accompany authorised officers on site.
- (d) to transfer premises to the Health and Safety Executive and vice-versa.

14. Environmental Protection Act 1990 as amended

- (a) to issue Notices and Fixed Penalty Notices in terms of Section 80 of the Act.
- (b) 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) 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.

15. Food Safety Act 1990 and Food Safety and Standards Regulations made under the European Union (Withdrawal) Act 2018

- (a) to issue Notices in terms of the legislation.
- (b) to temporarily appoint inspectors to carry out technical appraisals, examinations and/or inspections and to exercise some or all of the powers specified in paragraph 15(b) hereunder.
- (c) to give temporary authority to persons with specialist knowledge to accompany authorised officers on site.

16. Prevention of Damage by Pests Act 1949

- (a) to issue Notices under Section 4(1) under the Prevention of Damage by Pests Act 1949.
- (b) to 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.
- (c) to recover the cost of the works carried out in default.

17. Smoking, Health and Social Care (Scotland) Act 2005 (Part 1)

- (a) for Enforcement Officers to issue Fixed Penalty Notices under Section 6 of the Act.
- (b) to hear appeals against the issue of Fixed Penalty Notices and to report the findings to the Community Safety and Public Protection Committee for information.

18. Environmental Protection Act 1990 - Sections 33A and 88

- (a) to issue Fixed Penalty Notices in respect of flytipping and dropping of litter in terms of Sections 33A and 88 of the Environmental Protection Act 1990.
- (b) to issue Notices in respect of the presentation of domestic waste and trade waste in terms of Sections 46 and 47 of the Environmental Protection Act 1990.

19. Tobacco and Primary Medical Services (Scotland) Act 2010

- (a) for Enforcement Officers to issue Fixed Penalty Notices under Section 27 of the Act.
- (b) to hear representations against the issue of Fixed Penalty Notices.
- (c) to authorise under Section 5 of the Act persons under the age of 18 to buy, or attempt to buy, tobacco products for the purpose of determining whether an offence has been committed.

20. Legislation Enforced by Environmental Health Officers

Environmental Health Officers, Food Safety Officers, Enforcement Officers or other appropriate officers appointed by Dundee City Council are authorised by virtue of all current and relevant legislation relating to Environmental Health, including but not limited to 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**

Air Weapons and Licensing (Scotland) Act 2015  
 Animal Boarding Establishments Act 1963  
 Animal Health and Welfare (Scotland) Act 2006  
 Anti-Social Behaviour etc (Scotland) Act 2004 (Part 5) - Noise Nuisance  
 Animal Health Act 1981  
 The Beef and Veal Labelling (Scotland) Regulations 2010  
 Betting, Gaming and Lotteries Act 1963  
 Breeding of Dogs Act 1973 and 1991  
 Breeding and Sale of Dogs (Welfare) Act 1999  
 Caravan Sites and Control of Development Act 1960  
 Civic Government (Scotland) Act 1982  
 Clean Air Act 1993  
 Control of Dogs (Scotland) Act 2010  
 Control of Pollution Act 1974  
 Dangerous Dogs Act 1989 and 1991 (as amended)  
 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 (as amended)  
 European Union (Withdrawal) Act 2018 and Orders or Regulations or amendments made thereunder  
 Explosives Acts 1875 and 1923  
 Explosive Regulations 2014  
 Factories Act 1961  
 Food and Environment Protection Act 1985  
 The Food Hygiene (Scotland) Regulations 2006 (as amended)  
 Food Information (Scotland) Regulations 2014 (as amended)  
 Food Safety Act 1990 (as amended)  
 The Gambling Act 2005  
 Food Safety and Food Standards Regulations made under the European Union (Withdrawal) Act 2018  
 The Food Safety, Ships and Aircraft (England and Scotland) Order 2003  
 General Food Regulations 2004  
 Guard Dogs Act 1975  
 Health and Safety at Work etc Act 1974 and any Regulations thereunder  
 Health Protection (Coronavirus) (Restrictions and Requirements) (Local Levels) (Scotland) Regulations 2020  
 Health Services and Public Health Act 1968  
 Housing (Scotland) Act 2006  
 Licensing (Scotland) Act 2005  
 Medicines Act 1968  
 Microchipping of Dogs (Scotland) Regulations 2016  
 National Assistance Act 1948 (as amended)  
 Offices, Shops and Railway Premises Act 1963  
 Official Feed and Food Controls (Scotland) Regulations 2009 (as amended)  
 Performing Animals (Regulation) Act 1925  
 Pet Animals Act 1951  
 Prevention of Damage by Pests Act 1949  
 Prohibition of Smoking in Certain Premises (Scotland) Regulations 2006  
 Public Health etc (Scotland) Act 2008  
 Regulatory Reform (Scotland) Act 2014  
 Riding Establishments Acts 1964 and 1970  
 Smoking, Health and Social Care (Scotland) Act 2005 (Part 1)  
 Tobacco and Primary Medical Services (Scotland) Act 2010  
 Theatres Act 1968  
 Trade in Animals and Related Products (Scotland) Regulations 2012 (as amended)  
 Transmissible Spongiform Encephalopathies (Scotland) Regulations 2010  
 Waste (Scotland) Regulations 2012  
 Water (Scotland) Act 1980

- and all Orders and Regulations made under the above.

21. **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) Sections 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 are 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 and Food Safety Officers holding the Higher Certificate in Food Safety Inspection are authorised to be inspectors for the purpose of:-
- (i) the Food Safety Act 1990, Part I, Section 5(6) and to exercise powers of an inspector specified in Sections 9, 10 and 12, Part III, Sections 29, 30 and 32, Part IV, Sections 49 and 50;
  - (ii) the Food Hygiene (Scotland) Regulations 2006 and to exercise powers of an authorised officer specified in Regulations 6, 8, 9, 12, 13 and 14;
  - (iii) the Official Feed and Food Controls (Scotland) Regulations 2009;
  - (iv) Regulations (EC) No 852/2004 and 853/2004 of the European Parliament and of the Council of 29 April 2004 laying down specific hygiene rules for food of animal origin and to grant, refuse or withdraw approval to establishments subject to approval in terms of the Regulations;
  - (v) any Food Safety Regulations and Food Standard Regulations made under the Food Safety Act 1990 or having effect by virtue of the European Union (Withdrawal) Act 2018; and
  - (vi) any modification or re-enactment or any of the foregoing.
- (c) 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.
- (d) 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.

22. **Legislation Enforced by Trading Standards Officers**

Trading Standards Officers or other appropriate officers appointed by Dundee City Council are authorised by virtue of all current and relevant legislation relating to Trading Standards, including but not limited to 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**

Advanced Television Services Regulations 2003  
 Agriculture Act 1970  
 Agriculture Produce (Grading and Marking) Acts 1928-1931  
 Animal Health Act 1981  
 Animal Health and Welfare (Scotland) Act 2006  
 Anti-Social Behaviour etc (Scotland) Act 2004  
 Biocidal Products and Chemicals (Appointment of Authorities and Enforcement) Regulations 2013  
 Biofuel (Labelling) Regulations 2004  
 Business Protection from Misleading Marketing Regulations 2008  
 Cat and Dog Fur (Control of Import, Export and Placing on the Market) Regulations 2008  
 Civic Government (Scotland) Act 1982 (Sections 24 to 27)  
 Civic Government (Scotland) Act 1982 (Section 94) (and 99)  
 Children and Young Persons Act 1937  
 Children and Young Persons (Protection from Tobacco) Act 1991  
 Clean Air Act 1993 (Sections 30 and 32)  
 Construction Products Regulations 2013  
 Consumer Contracts (Information, Cancellation and Additional Charges) Regulations 2013  
 Consumer Credit Act 1974 (and 2006)  
 Consumer Protection Act 1987  
 Consumer Protection from Unfair Trading Regulations 2008  
 Consumer Rights Act 2015  
 Copyright Designs and Patents Act 1988 (Sections 107 and 198)  
 Cosmetic Products Enforcement Regulations 2013  
 Detergents Regulations 2010  
 Digital Markets, Competition and Consumers Act 2024  
 EC Fertilisers (Scotland) Regulations 2006  
 Ecodesign for Energy Related Products Regulations 2010  
 Education Reform Act 1988 (Section 215)  
 Electrical Equipment (Safety) Regulations 2016  
 Electromagnetic Compatibility Regulations 2016  
 Energy Act 1976  
 Energy Information Regulations 2011  
 Energy Performance of Buildings (Scotland) Regulations 2008  
 Enterprise Act 2002  
 Environmental Protection (Single-Use Plastic Products) (Scotland) Regulations 2021  
 Environmental Protection (Single-Use Vapes) (Scotland) Regulations 2024  
 Estate Agents Act 1979  
 European Union (Withdrawal) Act 2018  
 European Regulation (EC) No 1272/2008 on classification, labelling and packaging of substances and mixtures  
 Explosives Acts 1875 and 1923  
 Explosives Regulations 2014  
 Fair Trading Act 1973  
 Farm and Garden Chemicals Act 1967  
 Fireworks Act 2003  
 Fireworks and Pyrotechnical Articles (Scotland) Act 2022  
 Fireworks (Scotland) Miscellaneous Amendment Regulations 2021  
 Footwear (Indication of Composition) Labelling Regulations 1995  
 Gas Appliances (Safety) Regulations 1995  
 General Product Safety Regulations 2005  
 Hallmarking Act 1973  
 Health and Safety at Work etc Act 1974 (Sections 19, 20, 21, 22 and 25)  
 Housing (Scotland) Act 2006, Part 3  
 Measuring Instruments (EEC Requirements) Regulations 1988  
 Measuring Instruments Regulations 2016  
 Medical Devices Regulations 2002  
 Motorcycle Noise Act 1987  
 Non-Automatic Weighing Instruments Regulations 2016  
 Olympic Symbol etc (Protection) Act 1995  
 The Package Travel and Linked Travel Arrangements Regulations 2018  
 Packaging (Essential Requirements) Regulations 2015  
 Passenger Car (Fuel Consumption and CO<sub>2</sub> Emissions Information) Regulations 2001

Personal Protective Equipment (Enforcement) Regulations 2018  
 Pesticides (Fees and Enforcement) Act 1989  
 Pesticides Act 1998  
 Petroleum (Consolidation) Regulation 2014  
 Petroleum Regs/Acts 1928-1936  
 Plant Protection Products (Scotland) Regulations 2005  
 Pressure Equipment Regulations 2016  
 Prices Acts 1974 and 1975  
 Psychoactive Substances Act 2016  
 Pyrotechnic Articles (Safety) Regulations 2015  
 Radio Equipment and Telecommunications Terminal Equipment Regulations 2000  
 REACH Enforcement Regulations 2008  
 Recreational Craft Regulations 2004  
 Road Traffic Act 1988 (Sections 17 and 18)  
 Simple Pressure Vessels (Safety) Regulations 2016  
 Single Use Carrier Bags Charge (Scotland) Regulations 2014  
 Smoking, Health and Social Care (Scotland) Act 2005  
 Supply of Machinery (Safety) Regulations 2008  
 Telecommunications Act 1984  
 Textile Products (Labelling and Fibre Composition) Regulations 2012  
 Timeshare, Holiday Products, Resale and Exchange Regulations 2010  
 Tobacco Advertising and Promotion Act 2002  
 Tobacco and Primary Medical Services (Scotland) Act 2010  
 Toys (Safety) Regulations 2011  
 Trade Descriptions Act 1968  
 Trade Marks Act 1994  
 Trading Schemes Act 1996  
 Trading Stamps Act 1964  
 Transmissible Spongiform Encephalopathies (Scotland) Regulations 2010  
 Unsolicited Goods And Services Act 1971  
 Video Recordings Acts 1984 and 1993  
 Volatile Organic Compounds in Paints, Varnishes and Vehicle Refinishing Products Regulations 2012  
 Weights and Measures Act 1976  
 Weights and Measures Act 1985  
 Weights and Measures (Packaged Goods) Regulations 2006

- and all Orders and Regulations made under the above.

23. **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) Sections 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 are 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 72 of the Weights and Measures Act 1985 to discharge all of the functions conferred or imposed on inspectors by or under this Act.
- (d) **General Product Safety Regulations 2005**
- Trading Standards Officers are authorised to exercise the enforcement powers specified in Part 3, Regulations 11, 12, 13, 14, 15 and 22.

(e) **Food Safety Act 1990 and Food Safety and Standard Regulations made under the European Union (Withdrawal) Act 2018**

Trading Standards Officers are authorised to be inspectors for the purposes of:-

- (i) the Food Safety Act 1990 Part I, Section 5(6) and to exercise the powers of an inspector specified in Part II, Section 9, Part III, Sections 29, 30 and 32 and Part IV, Sections 49 and 50;
- (ii) the Food Hygiene (Scotland) Regulations 2006 and to exercise powers of an authorised officer specified in Regulations 12, 13 and 14;
- (iii) the Official Feed and Food Controls (Scotland) Regulations 2005;
- (iv) any Food Safety Regulations and Food Standard Regulations made under the Food Safety Act 1990, or having effect by virtue of the European Union (Withdrawal) Act 2018; and
- (v) any modification or re-enactment of the foregoing.

(f) **Housing (Scotland) Act 2006**

Trading Standards Officers are authorised to exercise the enforcement powers specified in Part 3 of the Act, including the requirement to produce prescribed documents, and to serve Penalty Charge Notices, and generally have power to enforce the provisions of Regulations made under the Act.

24. **Other Authorisations**

Officers nominated by the Executive Director of City Development are authorised to carry out the statutory duties of the City Council in terms of the Control of Pollution Act 1974, the Environmental Protection Act 1990, Part II, as the Litter Authority in terms of the Environmental Protection Act 1990, Part IV, and as the Local Authority in terms of Part 1 of the Land Reform (Scotland) Act 2003.

## **CORPORATE SERVICES**

The Executive Director of Corporate Services has delegated authority for the following:-

(a) **Finance**

1. write off unpaid Non-Domestic Rates, Council Tax and miscellaneous debts subject to all possible measures to effect collection having been exhausted.
2. establish, administer and monitor the Council's Procurement Strategy, including joint arrangements with other Council's bodies.
3. to operate the Council's tendering procedures, including signing of acceptance letters/contracts on behalf of the Council.
4. to approve Exemption from Competition Requests in accordance with Procurement Legislation to Scotland, namely:-

The Procurement (Scotland) Regulations 2016  
 The Public Contracts (Scotland) Regulations 2015  
 The Procurement Reform (Scotland) Act 2014

Whilst the Executive Director can approve the above the exemptions the same approval thresholds for all other tenders would still apply (as set out in Schedule 1 to Council's Contract Standing Orders).

5. 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.
6. take all necessary actions with regard to the billing, collection and recovery of any Council Tax, Non-Domestic Rate Income or Miscellaneous Income due to the Council.
7. take all necessary actions with regard to the processing of credit balances and refunds in respect of the Council Tax, Non-Domestic Rate Income or Miscellaneous Income due to the Council.
8. deal with remission of relief of rates applications, including hardship relief.
9. deal with appeals in respect of non-domestic rate billing.
10. exercise all functions on behalf of Dundee City Council relating to the operation of the Tayside Procurement Consortium (TPC), including the award of contracts, provided the same is within the Council's approved Capital and Revenue Budgets and is in accordance with the Procurement Strategy and any other TPC policy approved for that purpose by the Council.
11. act as Treasurer to the Tayside Valuation Joint Board.
12. act as Treasurer to the Tay Road Bridge Joint Board.
13. act as Proper Officer to the Tayside Contracts Joint Committee.
14. act as Proper Officer to the Tay Cities Region Joint Committee.
15. act as Proper Officer for the purposes of Section 95 of the Local Government (Scotland) Act 1973 (proper administration of financial affairs).
16. prepare and maintain a Scheme of Administration on Financial Regulations.
17. monitor and enforce the Council's Financial Regulations.
18. administer the Council's Treasury Policy and Strategy including revising the list and limit of approved counterparties for lending transactions.

19. to approve the voluntary retirement of employees without enhancement (excluding teachers).
20. administer the Local Government Pension Scheme and relevant Additional Voluntary Contribution Schemes.
21. 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.
22. provide financial advice regarding the status of companies to be included on the Council's Standing List of Contractors.
23. offer advice on Business Finance issues.
24. submit all financial returns on behalf of the Council.
25. together with the Legal Manager and the Pensions Manager, in terms of Regulation 37 of the Local Government Pension Scheme (Scotland) Regulations 1998, determine to whom the death grant should be paid.
26. to make a grant to the Royal British Legion Scotland to meet the costs of hiring the Caird Hall complex for the Dundee Festival of Remembrance.
27. to make a grant to the Blood Transfusion Service to meet the costs of hiring the Caird Hall complex as necessary.
28. to grant additional exemptions or charge reduced levels of increase in respect of Council Tax on long-term empty properties where hardship or unfairness would otherwise result.
29. to accept external grants on behalf of the Council.
30. to manage the Council's various reserves and balances in accordance with the agreed protocol and any other relevant guidance.
31. to transfer funds between reserves as part of the Council's overall financial management arrangements.
32. to agree Tenants' allowances in conjunction with the Executive Director of Neighbourhood Services.

(b) **Digital and Customer Services**

The Head of Digital and Customer Services has delegated authority for the following activities:-

1. IT
  - (i) 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 service level.
  - (ii) to plan and schedule network and control work carried out by contractors and where practical, install networking.
  - (iii) to design networks (small local PC networks, service 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) to respond to and resolve all failures and faults in any of the authority's networks.

## 2. IT Desktop

- (i) 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 (PC's), network computers and PC hardware upgrades.
- (ii) to arrange the installation of all computer hardware to services within the authority (including schools and education).
- (iii) to carry out maintenance of computer hardware in corporate services (including schools and education).
- (iv) to control and standardise PC software used within the authority, including version control and the planning, scheduling and implementation of version upgrades.
- (v) to provide a support and advice service relating to PC software.

## 3. IT Software

- (i) to develop applications for user services, 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) to provide a systems maintenance service to all service areas.
- (iii) to install support and provide guidance on application packages bought in from outside suppliers.
- (iv) to provide advice and help to services to eliminate duplication in systems functionality and the integration of PC usage into the corporate work of the service.
- (v) 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) to manage the processing of the authority's corporate systems, including data-input, centralised printing and distribution.
- (ii) to administer and control the operating systems for corporate and service servers and applications machines.
- (iii) 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) to manage all the authority's IT related contracts.
- (ii) to control and manage all software evaluation and procurement.
- (iii) to develop the Council's IT Strategy/Policy and monitor and control its implementation.
- (iv) to determine standards within the IT Service and to monitor their implementation and application.
- (v) to determine the Council's policy on, and the review, planning and implementation of replacement systems.
- (vi) to develop and manage an in-house IT training facility to support all IT activity within the Council and relevant outside bodies.

6. Telephone Installation

to enter into negotiations and discussions, as necessary, with Telecoms providers for the procurement of equipment to supply the Council's requirements.

7. Education Maintenance Allowances and Bursaries

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.

8. Free School Meals and Clothing Grants

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.

(c) **People**

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

- (i) to provide advice to the Council on policies to be adopted for its human resources and related functions.
- (ii) to undertake organisational and system reviews for all services of the Council.
- (iii) to design and implement in-house training courses and other development solutions including e-learning and corporate performance and development appraisal arrangements for Council staff.
- (iv) authority to advise services and take action on matters relating to recruitment.
- (v) to carry out negotiations with trade unions on matters relating to conditions of service and industrial relations etc.
- (vi) to advise services and take action on matters relating to discipline, grievances and appeals.
- (vii) to take action necessary to ensure that the Council observes its equal opportunities policies in its role as an employer.
- (viii) appointed person, together with the Head of Democratic and Legal Services, in terms of Regulation 98 of the Local Government Pension Scheme (Scotland) Regulations 1998.
- (ix) to make recommendations to the Chief Executive in relation to the establishment of posts and other establishment changes.
- (x) to oversee the Council's Human Resources and Business Support systems.
- (xi) to advise services and take action on matters relating to employee health, safety and welfare.
- (xii) to advise services on conditions of service issues.
- (xiii) to conduct job evaluations and make recommendations on pay and grading structures.
- (xiv) subject to the provisions of Standing Order No 61(1) authority to establish and fill posts, extend posts and delete posts below Grade 13 irrespective of the nature of the posts eg temporary or permanent.

(d) **Democratic and Legal Services**

The Head of Democratic and Legal Services has delegated authority for the following activities:-

1. act as Clerk to the Licensing Board.
2. act as Clerk to the Tayside Valuation Joint Board.
3. act as Clerk to the Tay Road Bridge Joint Board.
4. act as Clerk to the Tayside Contracts Joint Committee.
5. act as Clerk and Standards Officer to the Dundee City Health and Social Care Integration Joint Board.
6. act as Clerk to the Tay Cities Region Joint Committee.
7. act as Clerk to the Education Appeal Committee.
8. appointed person, together with the Head of People Services, in terms of Regulation 98 of the Local Government Pension Scheme (Scotland) Regulations 1998.
9. to determine Death Grant Appeals.
10. to charge for responding to Freedom of Information requests where it is permitted to do so (unless in consultation with the Executive Director of Corporate Services it is decided, in a particular case, that it would be inappropriate to do so) and in consultation with the Executive Director of Corporate Services, be authorised to determine the fee chargeable for each request.
11. in consultation with the Executive Director of Corporate Services to decide whether or not to respond to requests for information where the projected costs of doing so would exceed the prescribed amount (£600 at 1 January 2005).
12. to provide administrative, clerical and secretarial support facilities and services to the Elected Members of the Council.
13. to fix public holidays for the city.
14. to issue licences and approvals in terms of the Children and Young Persons' Act 1963 and Children (Performances) and Activities (Scotland) Regulations 2014.
15. **Licensing**
  - (a) to deal with the undernoted applications in consultation with the Convener of the Licensing Committee:-
    - (i) applications to use City Square, Murraygate and the central area of Dundee;
    - (ii) applications for public charitable collections;
    - (iii) applications for minibus permits;
    - (iv) notification for street parades and processions (where no objections have been received);
    - (v) applications for small lotteries licences and renewals;
    - (vi) applications to operate a slaughterhouse;
    - (vii) applications for temporary public entertainment licences (charitable organisations);

- (viii) to grant applications for temporary licence for private hire driver, street trader, taxi driver and window cleaner licences if applicants have satisfied all requirements within 21 days of lodging the application;
  - (ix) to grant applications for renewal of licences and metal dealer exemption warrants where no objections have been received;
  - (x) to deal with requests for variation for Taxi Licences for the installation of CCTV systems in the vehicle to be used in the operation of the Licence.
- (b) 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);
  - (c) to suspend a taxi driver's licence or a private hire car driver's licence in terms of paragraph 12 of Schedule 1 to the Civic Government (Scotland) Act 1982 in consultation with the Convener in the event of the Council's medical examiner certifying that the holder of a taxi driver's licence or a private hire car driver's licence was unfit to drive a taxi or a private hire car and that a hearing in terms of paragraph 11 be called within six weeks of the date of the suspension;
  - (d) to recall the suspension order in terms of paragraph 12(6) of Schedule 1 in consultation with the Convener in the event of the Council's medical examiner in the period between the suspension and the date of the hearing subsequently certifying that the licence holder had returned to fitness to drive a taxi or a private hire car;
  - (e) to vary the condition of licence for Private Hire Cars that the operator must put a vehicle on service within 28 days of the licence coming into effect subject to any subsequent requests being referred to the Licensing Committee for consideration;
  - (f) to grant all new and renewal applications under Schedule 1 of the 1982 Act where they are within policy and there are no objections, comments or representations and in the case of HMO applications under the Housing (Scotland) Act 2006 authority in consultation with the Convener to deal with all new variation and validation applications unless:-
    - (i) there is no named managing agent for the premises or the owner/applicant or the named agent has not previously been approved by the Committee as a managing agent;
    - (ii) the application would be in potential breach of the Committee's policy on over-provision of Houses in Multiple Occupation and has not been previously licensed or does not fall within any of the other exceptions to the policy (ie City Centre, purpose built, etc); and
    - (iii) there are no representations, objections or any other adverse comments or issues relating to the application.
  - (g) to determine whether or not good cause exists for allowing late renewal applications to be considered under Schedule 1 to the 1982 Act in consultation with the Convener;
  - (h) to consider applications for renewal where representations from Police Scotland (as opposed to objections) have been lodged in consultation with the Convener and Depute Convener which would include authority to grant applications with or without issuing a warning but not to refuse any applications;
  - (i) to defer consideration of any applications/hearings under Part II of the Civic Government (Scotland) Act 1982, as appropriate, and to advise applicants and agents accordingly;

- (j) to reject, as incompetent, applications in respect of market operators, public entertainment (site) and street trader's licences (where a permanent or semi-permanent pitch is involved) where evidence has not been submitted by the applicant within the six month period allowed for processing applications that they have the consent of the owner of the ground to occupy the site;
- (k) to authorise Civic Licensing Standards Officers in terms of Section 5(a), (b) and (c) of the Civic Government (Scotland) Act 1982 to enter and inspect any premises, vehicle or vessel, require production of or inspect any equipment, plant, apparatus or stock in trade and to inspect documentation all as may be required to carry out the provisions of the Act;
- (l) to convene a meeting of three members at their discretion to hear any urgent request for the immediate suspension of a licence under Paragraph 12 of Schedule I to the Civic Government (Scotland) Act 1982 between Local Government Elections and the first meeting of the Licensing Committee after the statutory meeting of the Council;
- (m) to deal with any applications dealt with by the Convener of the Licensing Committee under delegated powers between Local Government Elections and the first meeting of the Licensing Committee after the statutory meeting of the Council.

16. Data Protection/Freedom of Information

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

17. Electoral Registration and Election Management

- (a) to act as Electoral Registration Officer.
- (b) 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.

18. Committee Services

- (a) to operate the Council's tendering procedures, including signing of acceptance letters/contracts on behalf of the Council.
- (b) to prepare and enforce the Council's Standing Orders including Contract Standing Orders and Delegated Powers.

19. General/Administrative Functions

- (a) hospitality - 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) to affix the common seal of the Council to any deed or other document to which the Council is a party.

20. Registration of Births, Deaths and Marriages

to interpret and implement Council policies and Registrar General directives with regard to provision of registration services.

21. Legal Services

to take all action necessary or appropriate to support other officers in the implementation of the powers and duties delegated to them including without prejudice to that generality.

- (i) to appoint Counsel.
- (ii) to appoint external legal advisers.
- (iii) to defend legal actions raised against the Council.
- (iv) to take necessary action for the recovery of debts, monies due to the Council.
- (v) to raise, defend and settle legal proceedings in the Council's best interests.
- (vi) to conclude missives and settle conveyancing transactions.
- (vii) to instruct searches in Property, Personal and Charges Registers.
- (viii) to appoint Sheriff Officers when required.
- (ix) to represent the City Council in all proceedings before Courts, tribunals, enquiries etc.
- (x) to serve Statutory Notices, Orders and the like on behalf of the Council.
- (xi) 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 Executive Director of Children and Families Services.
- (xii) to sign the appropriate documentation in respect of all wayleave, servitude 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.
- (xiii) to sign the appropriate documentation in respect of superior's consent, including retrospective consent, in connection with changes of use, or erection of buildings and fences held on service accounts, where the financial consideration is of a minor nature.
- (xiv) with reference to paragraph (b)5 of the powers delegated to the Executive Director of Neighbourhood Services regarding void property, to accept the best offer in each case, on the Council's behalf. Thereafter, the Executive Director of City Development will report the sale price to the City Development Committee for information.

22. Scientific Services

- (i) the functioning, operation and administration of Scientific Services.
- (ii) the statutory duties of Public Analyst, Food Examiner for Dundee City, Angus, Perth and Kinross and Fife Councils and Agricultural Analyst for Food Standards Scotland are maintained.
- (iii) to provide scientific and technical advice to local authority and private clients and compile reports based on analytical results.
- (iv) to supervise, and undertake, as necessary, on site sampling, inspections and laboratory investigations in order to provide the necessary service.

- (v) to ensure that UKAS accreditation is maintained.
- (vi) to ensure maintenance of the Laboratory Information Management System (LIMS).
- (vii) ensure the maintenance of all contracts and agreements with clients.

## **CHIEF OFFICER - HEALTH AND SOCIAL CARE INTEGRATION**

The Chief Officer, Health and Social Care Integration has delegated authority to:-

- provide advice to the Council on policies and strategies in respect of the provision and development of Adult social care and social work services.
- provide advice to the Council on policies and strategies in respect of health and wellbeing.
- work with the Chief Social Work Officer to ensure the general responsibilities and statutory functions of the Chief Social Work Officer are implemented within the Health and Social Care Partnership.
- implement directions from the Integration Joint Board to Dundee City Council in respect of those functions which have been delegated to the Integration Joint Board in terms of the Dundee Health and Social Care Integration Scheme between Dundee City Council and NHS Tayside.
- exercise the social work, social care and social welfare functions of the Council except to the extent that they are the statutory responsibilities of the Chief Social Work Officer or are delegated by the Council to the Integration Joint Board.
- ensure the Council complies with all statutory requirements in relation to Adult social work services.
- make arrangements for the exercise by the Council of its functions in respect of the Social Work (Scotland) Act 1986 as they apply to Adults.
- make arrangements for the exercise by the Council of its functions in respect of the Chronically Sick and Disabled Persons Act 1970 as they apply to Adults.
- make arrangements for the exercise by the Council of its functions in respect of the National Health Service and Community Care Act 1990 as they apply to Adults.
- make arrangements for the exercise by the Council of its functions in respect of Adults with Incapacity (Scotland) Act 2000.
- make arrangements for the exercise by the Council of its functions in respect of Adults under the Mental Health (Care and Treatment) (Scotland) Act 2003 as they apply to Adults.
- make arrangements for the exercise by the Council of its functions, in respect of persons under the Adult Support and Protection Act 2007 including without prejudice to the foregoing generality the appointment of Council Officers under that Act.
- make arrangements for the exercise by the Council of its functions in respect of the Public Bodies (Joint Working) (Scotland) Act 2014.
- make arrangements for the exercise by the Council of its functions in respect of the Carers (Scotland) Act 2016 as they apply to Adults.
- following an established procedure and assessment process, hold discretionary powers for the waiving of charges.

## **CHIEF SOCIAL WORK OFFICER**

The Chief Social Work Officer has the following general responsibilities in their role as a Proper Officer of Dundee City Council:-

- to oversee the discharge of the Council's statutory social work duties;
- to ensure the provision of effective professional and objective advice to Elected Members and officers of the Council in the Council's provision of social work services;
- to oversee the effective provision of social work services.

The Chief Social Work Officer has the following specific statutory function:-

### (a) **Service Provision**

1. to establish and develop social work services focussed on the needs of service users, to promote the continuous improvement of those services, and to monitor and raise standards of their delivery;
2. to ensure the effective governance of the balance of need, risk and civil liberties in the provision of social work services in accordance with professional practice;
3. to provide advice on all aspects of workforce planning including safe recruitment practice, supervision, monitoring and assessment of social work students, securing of professional qualifications and continuous learning and development for staff, and supporting and advising managers in all aspects of staff supervision;
4. to ensure the existence of systems to both promote good practice and identify and address poor practice in the provision of social work services;
5. to ensure that significant case reviews are undertaken of all critical incidents either resulting in, or which may have resulted in, serious harm or death; and
6. to take final decisions binding on the Council in relation to a range of social work services, including, but not limited to:-
  - (i) all functions of Chief Social Work Officer. (Social Work (Scotland) Act 1968, as amended; Local Government etc (Scotland) Act 1994 etc);
  - (ii) appointment of Mental Health Officers. (Mental Health (Care and Treatment) (Scotland) Act 2003);
  - (iii) consider and determine recommendations made by the Adoption and Fostering Panel;
  - (iv) approve Guardianship applications. (Mental Health (Care and Treatment) (Scotland) Act 2003; Adults with Incapacity (Scotland) Act 2000);
  - (v) authorise all secure accommodation placements for children. (Children (Scotland) Act 1995);
  - (vi) transfer of a child subject to supervision requirement in case of necessity. (Children (Scotland) Act 1995);
  - (vii) provision of services and after-care services for people with a mental disorder. (Mental Health (Care and Treatment) (Scotland) Act 2003);
  - (viii) welfare of certain hospital patients. (Mental Health (Care and Treatment) (Scotland) Act 2003);
  - (ix) carry out functions as the appropriate authority in relation to a breach of a supervision order. (Criminal Proceedings (Scotland) Act 1993).

7. to supervise people placed on a Drug Treatment and Testing Order in terms of Sections 89-95 of the Crime and Disorder Act 1998;
8. to jointly establish arrangements with other responsible authorities for the assessment and management of the risks posed by certain high-risk offenders as defined by Section 10 of the Management of Offenders etc (Scotland) Act 2005.

(b) **Corporate Responsibilities**

1. to provide the Chief Executive and Elected Members with forthright and independent advice;
2. to ensure compliance with the Council's statutory duties to prepare, publish and review plans for the provision of social work services;
3. to promote, communicate, support and review values and standards of professional practice, and to ensure they are adhered to;
4. to establish, in conjunction with the Council Leadership Team, appropriate experience and qualified cover for the post of Chief Social Work Officer during the post-holder's absence or incapacity;
5. to report to the Chief Executive any failure in the Council's corporate policy or governance arrangements designed to reflect the proper balance amongst need, risk and civil liberties in the provision and management of social work services;
6. to report to the Chief Executive any weaknesses and failures in the systems in place to promote good practice and identify and address poor practice in the provision of Social Work services;
7. to report and provide independent comment where necessary to the Chief Executive and Elected Members on the findings of significant case reviews and relevant performance reports and on any other social work related issues; and
8. to provide an annual report to the Council on all of the statutory, governance and leadership functions of the role of the Chief Social Work Officer.

## **NEIGHBOURHOOD SERVICES**

The Executive Director of Neighbourhood Services or appropriate nominated officer has delegated authority for the following activities:-

### (a) **General**

1. to provide advice to the Council on policies and strategies to ensure that the service achieves prescribed financial and service objectives.
2. to implement the management systems necessary to support and administer the operations of the service including the use of information and communication technology and to seek external assessment where appropriate eg ISO9001 Investors in People.
3. to conduct customer research in relation to enhancing service provision.

### (b) **Construction**

1. to tender for or negotiate appropriate construction and buildings maintenance contracts.
2. to appoint sub-contractors and suppliers as necessary subject to the provisions in the Contract Standing Orders.
3. to seek to reduce the costs of the services to the Council through identifying and entering into partnerships and/or external trading arrangements which will allow effective use of resources.

### (c) **Environment**

1. to tender for or negotiate appropriate grounds maintenance and arboriculture contracts.
2. to appoint sub-contractors and suppliers, as necessary, subject to the provisions in the Council's subject to the provisions in the Contract Standing Orders and if contract value is above £50k for duration of contract, is subject to a report thereon being submitted for information to the next appropriate meeting of the Committee concerned.
3. to grant permission and approve bookings for the use of public open spaces and landscaped areas, playing fields and other facilities under the auspices of the Environment Service including lets and repeat events.
4. to develop and provide advice to the Council on policies for the development and maintenance of open spaces and landscaped areas including playgrounds.
5. to alter charges to service facilities and activities as part of short-term marketing initiatives, improve access to all citizens and in order to react to the changing marketing environment.
6. to approve/refuse requests for the use of parks and open spaces as civil marriage venues as far as the service's interest is concerned.
7. 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, allotments, urban areas, outdoor access, open spaces and landscaped areas including playgrounds.
8. in liaison with the Head of Democratic and Legal Services, to issue duplicate title deeds for burial plots.
9. to progress exhumation as and when such instances and measures are required.

### (d) **Housing and Communities**

1. to advise the Council on strategies and policies for the development and implementation of a comprehensive housing service including Local Housing Strategy and Strategic Housing Investment Plan.

2. to administer the sale of Council houses to tenants.
3. to administer the Council's House Letting Scheme.
4. to agree changes to tenants allowances in conjunction with Executive Director of Corporate Services.
5. to offer for sale on the open market properties from the Housing stock which became void and were the sole remaining property in the block of three or more properties and allow marketing by either the Executive Director of City Development or by a local firm of solicitors whichever the Head of Housing and Communities considered appropriate in each case (also see powers delegated to the Head of Democratic and Legal Services (paragraph 13(xiv) refers).
6. the undernoted officers or their equivalents have delegated authority to sign Tenancy Agreements and Short Scottish Secure Tenancies on behalf of the Council:-
  - District Managers
  - Team Leaders
  - Housing Officers
  - Advice and Information Officers
7. to deal with requests for consent from owners of ex-Council houses or to delegate such authority to such appropriate Senior Housing Officer as they may decide, where such consent is necessary in terms of the title deeds.
8. 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 as amended (with regard to furnished tenancies).
9. to assess homeless applications and provide a range of temporary and permanent accommodation in accordance with the Housing (Scotland) Act 2001 and Homelessness (Scotland) Act 2003.
10. to provide housing for essential incoming workers.
11. to approve Service Level Agreements with Women's Aid and other voluntary organisations.
12. to approve tenant representation at conferences.
13. to set and review charges for energy from District Heating Systems for Council Houses.
14. to develop proposals for a Scheme for Decentralisation in terms of Section 23 of the Local Government etc (Scotland) Act 1994.
15. to operate the Council's Scheme for Establishment of Community Councils; and
16. to organise and supervise elections or other voting arrangements for the purpose of establishing Community Councils.
17. to approve Administration grants to Community Councils, Neighbourhood Representative Structures and Registered Tenant Organisations.
18. to grant permission for the use of community facilities including lets and repeat events.
19. management and operation of community buildings in accordance with policy.
20. to develop and provide advice to the Council on policies for community centres.

21. to approve applications from voluntary organisations, including youth organisations and adult learning, for grants and other forms of assistance under the Education (Scotland) Acts and relevant Regulations up to a value of £2,000 to any one group in any financial year subject to (i) the details of any award being reported to Committee for information and record purposes, and (ii) any award made meeting criteria laid down by the City Governance Committee.
22. to approve Administration grants to Adult Education Associations.