

**Extracts from Local Government in Scotland Act 2003**

**Part 1 – Best Value and Accountability**

*Duty to secure best value*

**1 Local authorities' duty to secure best value**

- (1) It is the duty of a local authority to make arrangements which secure best value.
- (2) Best value is continuous improvement in the performance of the authority's functions.
- (3) In securing best value, the local authority shall maintain an appropriate balance among -
  - a) the quality of its performance of its functions;
  - b) the cost to the authority of that performance; and
  - c) the cost to persons of any service provided by it for them on a wholly or partly rechargeable basis.
- (4) In maintaining that balance, the local authority shall have regard to –
  - a) efficiency;
  - b) effectiveness;
  - c) economy; and
  - d) the need to meet the equal opportunity requirements.
- (5) The local authority shall discharge its duties under this section in a way which contributes to the achievement of sustainable development.
- (6) In measuring the improvement of the performance of a local authority's functions for the purposes of this section, regard shall be had to the extent to which the outcomes of that performance have improved.
- (7) In this section, "equal opportunity requirements" has the same meaning as in Section L2 of Part II of Schedule 5 to the Scotland Act 1998 (c.46).

**59 Equal Opportunities**

- (1) The Scottish Ministers, local authorities, the authorities, bodies, office holders and other persons mentioned in section 16 (1) of this Act and any other person discharging functions under this Act shall discharge those functions in a manner which

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encourages equal opportunities, and, in particular, the observance of the equal opportunity requirements.

- (2) The duty imposed by subsection (1) above on a local authority is, in relation to its functions under section 1 above, additional to that set out in subsection (1) of that section.
- (3) In subsection (1) above, “equal opportunities” and “equal opportunity requirements” have the same meanings as in Section L2 of Part II of Schedule 5 to the Scotland Act 1998 (c.46).

**Extracts from the Local Government in Scotland Act 2003 –  
Best Value Guidance**

**Required Best Value Arrangements**

An authority which secures Best Value will be able to demonstrate

**Commitment and Leadership**

- A commitment to delivering better public services year on year through Best Value, and acceptance of the key principles of accountability, ownership, continuous improvement and transparency;

**Sound Management of Resources**

- Making the best use of public resources, including employees, contractual agreements, ICT, land and property and financial resources – keeping a considered and appropriate balance between cost, quality and price;

**Equal Opportunities Arrangements**

- A culture which encourages both equal opportunities and the observance of the equal opportunities requirements;
- Measures are in place to meet the UK – wide equal opportunities requirements e.g.

Equal Pay Act 1970

Sex Discrimination Act 1975

Race Relations Act 1976 as amended by the Race  
Relations (Amendment)

Act 2000

Disability Discrimination Act 1995

And all relevant subordinate legislation made under these Acts;

- Adoption of the meaning of “equal opportunities” as set out in Schedule 5 to the Scotland Act 1998, namely, “the prevention, elimination or regulation of discrimination between persons on the grounds of sex or marital status, on racial origin or of other personal attributes, including beliefs or opinions, such as religious beliefs or political beliefs”;

A local authority which means Best Value will be able to demonstrate:

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- **Commitment And Leadership**

A commitment to delivering better public services year on year through Best Value, and acceptance of the key principles of accountability, ownership, continuous improvement and transparency.

Elected members and senior managers have developed a vision of how Best Value will contribute to the corporate goals of the authority which informs the direction of services and is communicated effectively to staff.

A commitment to high standards of probity & propriety, to honour the trust given by the electorate.

This means:

11. That members ensure that their decision-making processes are open and transparent, with the council business managed in a manner which supports accountability and where the reasoning which underpins the decisions of the council is clearly documented and traceable.

- **Sound Management of Resources**

Making the best use of public resources, including employees, contractual agreements, ICT and other systems, land and property, and financial resources – keeping a considered and appropriate balance between cost, quality and price.

This means:

13. That an effective system for financial stewardship is maintained , in that:
  - d) The full financial consequences of decisions are assessed at an appropriate level, before major financial decisions are taken or commitments entered into;