

EXPLANATORY NOTES

LOCAL GOVERNMENT IN SCOTLAND ACT 2003

INTRODUCTION

BACKGROUND

THE ACT – AN OVERVIEW

THE ACT – SECTION BY SECTION

PART 1 - BEST VALUE AND ACCOUNTABILITY

Section 1 – Local Authorities’ duty to secure best value

Section 2 – Considerations bearing on performance of duty under section 1

Section 3 – Action by Accounts Commission following report by Controller of Audit

Section 4 – Hearings under section 3 above

Section 5 – Action by local authorities on receipt of findings

Section 6 – Accounts Commission’s studies and recommendations to include aspects of securing best value

Section 7 – Local authority contracts: relaxation of exclusion of non-commercial considerations

Section 8 – Relaxation of restrictions on supply of goods and services etc by local authorities

Section 9 – Special provision for local authority contracts for construction of buildings or works

Section 10 – Trading operations and accounts

Section 11 – Disposal of land by local authorities for less than full value

Section 12 – Proper accounting practice

Section 13 – Publication by local authorities of information about finance and performance

Section 14 – Application of this Part to other bodies

PART 2 – COMMUNITY PLANNING

These notes relate to the Local Government in Scotland Act 2003 (asp 1)

Section 15 – Community Planning

Section 16 – Community Planning: further provision

Section 17 – Reports and information

Section 18 – Guidance

Section 19 – Establishment of corporate bodies to co-ordinate and further Community Planning etc.

PART 3 – POWER TO ADVANCE WELL-BEING

Section 20 – Power to advance well-being

Section 21 – Guidance on exercise of power under section 20

Section 22 -Limits on power under section 20

PART 4 – ENFORCEMENT AND SCRUTINY

Section 23 – Enforcement: preliminary notice

Section 24 – Enforcement directions

Section 25 – Scrutiny of local authorities’ police and fire functions

Section 26 – Excess of power: preliminary notice

Section 27 – Excess of power: enforcement

PART 5 – RATING AND COUNCIL TAX

Section 28 – Rate Relief on former agricultural premises

Section 29 – Rate relief for food stores in rural settlements

Section 30 – Derating of automatic telling machine sites

Section 31 – Derating of certain buildings used in connection with agricultural operations

Section 32 – Power to combine lands and heritages situated in more than one valuation area

Section 33 - Council tax: discount for unoccupied dwellings

PART 6 – WASTE MANAGEMENT

Section 34 – Integrated waste management plans

These notes relate to the Local Government in Scotland Act 2003 (asp 1)

44ZA - Duty to prepare integrated waste management plan

44ZB – Approval of integrated waste management plan

44ZC – Implementation of integrated waste management plan

44ZD – Modification of integrated waste management plan

PART 7 – FINANCE

Section 35 – Capital expenditure limits

Section 36 – Imposition of capital expenditure limits

Section 37 – Capital grants

Section 38 – Scottish Ministers’ power to pay off loans made by local authorities

Section 39 – Provisions supplementary to section 35 to 38

Section 40 Power of local authorities to invest money

Section 41 – Establishment of further local authority funds other than general fund:
setting of council tax

PART 8 – MISCELLANEOUS

Section 42 – Paid time off for councillors not to be a political donation

Section 43 - Remote participation in and calling of local authority meetings

Section 44 – Travel concessions

Section 45 – Power to charge for vacant places on school buses

Section 46 – Power to provide funds for speed cameras etc.

Section 47 - Power to provide funds for private water supplies

Section 48 – Delegation of Strathclyde Passenger Transport Authority functions to officials

Section 49 – Parliamentary procedure for regulations about vehicles used as taxis and private hire cars

Section 50 – Suspension of requirement to advertise principal teacher posts

Section 51 – Arrangements and agreements with bodies corporate

Section 52 – Guidance on contractual matters

Section 53 – Qualification of and assistance for Accounts Commission auditors

Section 54 – Accounts Commission’s and auditor’s powers to obtain information from persons other than local authorities etc.

Section 55 – Auditor’s duty in relation to aspects of best value and community planning

These notes relate to the Local Government in Scotland Act 2003 (asp 1)

Section 56 – Extension of Controller of Audit’s reporting functions to best value and community planning: amendment of section 102 of 1973 Act

PART 9 – GENERAL

Section 57 - Power to modify enactments

Section 58 – Ancillary provision

Section 59 – Equal Opportunities

Section 60 – Repeals and consequential amendments

Section 61 – Definitions

Section 62 – Short title and commencement

LOCAL GOVERNMENT IN SCOTLAND ACT 2003