

# LOCAL GOVERNMENT IN SCOTLAND ACT 2003

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## EXPLANATORY NOTES

### THE ACT – SECTION BY SECTION

#### **Part 1 - Best Value and Accountability**

##### *Section 1 – Local Authorities’ duty to secure best value*

9. *Section 1* places all Scottish local authorities (as defined by section 61) under a duty to secure Best Value and describes Best Value in terms of the continuous improvement of performance of functions. This statutory definition builds on the working definitions used by local authorities, the Accounts Commission and HM Inspectorates since 1997 on the basis of advice provided by the Best Value Task Force. The term “functions” has the meaning given to it by section 126 of the [Scotland Act 1998 \(c.46\)](#) by virtue of the [Scotland Act 1998 \(Transitory and Transitional Provisions\) \(Publication and Interpretation etc of Acts of the Scottish Parliament\) Order 1999 \(S.I. 1999/1379\)](#). It includes therefore both the powers and duties of local authorities.
10. *Subsection (3)* provides that in securing continuous improvement in a particular service local authorities will be expected to maintain a balance between the quality of the outcome of the service delivered and the cost of that service. *Subsection (4)* provides that in maintaining this balance between quality and cost local authorities will be expected to consider the efficiency, effectiveness, and economy of their actions and how well those actions comply with the requirements of equal opportunities legislation.
11. *Subsection (5)* requires that action taken by a local authority in furtherance of the duty of Best Value should contribute to the achievement of sustainable development. *Subsection (6)* is intended to ensure that when local authorities measure improvement in their performance they consider improvement in outcomes as well as improvements in processes.