

## ABERDEEN CITY COUNCIL

---

<b>COMMITTEE</b>	Council
<b>DATE</b>	14 <sup>th</sup> December 2022
<b>EXEMPT</b>	No
<b>CONFIDENTIAL</b>	No
<b>REPORT TITLE</b>	Statutory Function Review
<b>REPORT NUMBER</b>	COM/22/288
<b>DIRECTOR</b>	Angela Scott
<b>CHIEF OFFICER</b>	Chief Officer – Governance (Interim)
<b>REPORT AUTHOR</b>	Jenni Lawson
<b>TERMS OF REFERENCE</b>	21

---

### 1. PURPOSE OF REPORT

- 1.1 To update Council on the ongoing review of local authority statutory functions.

### 2. RECOMMENDATIONS

That Council:-

- 2.2 note the progress to date on the Statutory Function Review; and
- 2.2 instruct the Chief Executive and Chief Officer - Governance to discuss with the Scottish Government opportunities to transfer functions through legislative change and to report back to Council on any specific opportunities proposed to be progressed.

### 3. CURRENT SITUATION

- 3.1 At its meeting on 24<sup>th</sup> August 2022, Council approved the Target Operating Model 1.2 for 2022-27 to support the necessary scale of transformation to deliver the level of savings required over the next 5 years, as outlined in the Medium-Term Financial Strategy. Council instructed the Chief Executive to seek further delivery opportunities in relation to statutory services through a Statutory Function Review, reporting back to Council at its meeting on 14 December 2022.
- 3.2 Local authorities have a wide variety of duties and powers under Scottish and UK legislation – these are our statutory functions. Most of the services delivered by Councils are statutory functions. A sample of these functions is set out in the appendix to this report, for illustrative purposes. It should be noted that this is not an exhaustive list - there are many hundreds of duties and powers vested in councils making the task of capturing these considerable.
- 3.3 As we respond to the Medium-Term Financial Strategy, a review of the Council's main statutory functions is being carried out by Legal Services, in consultation with Chief Officers. This review seeks to identify opportunities for how these functions could be delivered through alternative mechanisms and not by the Council in other words, transferred, or rearticulated within the relevant legislation to alter the requirement. In either scenario, changes would be required to the law to remove duties and powers from local authorities.
- 3.4 Part of this assessment is to understand whether some statutory functions would or could be more closely aligned with other bodies rather than local government. The appendix reflects

the assessment of officers as to whether scope exists for another body to potentially deliver these services. This must be treated with caution at this time, whilst further consultation is carried out. In some cases, it may be necessary for new statutory bodies to be established to deliver services which are currently delivered by the local authority or for existing bodies to be required, through changes to the law, to be the statutory service provider. In neither case has the appetite for change been tested. The list provides a flavour of the extent of our statutory functions and the proportion of these which have no alternative providers. Arguably, this is where the Council would wish to focus its resources.

3.5 It is therefore proposed that engagement continue internally, with Scottish Government, and with colleagues in our local authority networks and partner organisations, before reporting back to Council with recommendations. This report seeks Council’s support to begin this dialogue immediately.

#### 4. FINANCIAL IMPLICATIONS

4.1 There are no direct financial implications arising from the recommendations. Any implications of further action following completion of the review will be reported when appropriate.

#### 5. LEGAL IMPLICATIONS

5.1 There are no direct legal implications arising from the recommendations. Any implications of further action following completion of the review will be reported when appropriate.

5.2 The approval of Council would be sought prior to officers making any formal request to either the Scottish or UK government for statutory functions of the Council to be removed or transferred elsewhere. Any such legislative proposals from either government would be the subject of formal consultation processes and the Council would have the opportunity to respond to such consultations with its views. Such consultations and the progress of legislation through the Scottish and UK Parliaments would be monitored through the Council’s existing “horizon scanning” processes.

#### 6. ENVIRONMENTAL IMPLICATIONS

6.1 There are no direct environmental implications arising from the recommendations. Any implications of further action following completion of the review will be reported when appropriate.

#### 7. RISK

Category	Risks	Primary Controls/Control Actions to achieve Target Risk Level	*Target Risk Level (L, M or H)  *taking into account controls/control actions	*Does Target Risk Level Match Appetite Set?
Strategic Risk	No significant risks identified	N/A	N/A	N/A

<b>Compliance</b>	No significant risks identified	N/A	N/A	N/A
<b>Operational</b>	No significant risks identified	N/A	N/A	N/A
<b>Financial</b>	No significant risks identified	N/A	N/A	N/A
<b>Reputational</b>	Adverse media coverage around the Council potentially ceasing to deliver certain functions.	Clear and timely reporting to Council as the review progresses.	M	Yes
<b>Environment / Climate</b>	No significant risks identified	N/A	N/A	N/A

## 8. OUTCOMES

<a href="#"><u>COUNCIL DELIVERY PLAN 2022-2023</u></a>	
	<b>Impact of Report</b>
<b>Aberdeen City Council Policy Statement</b> <a href="#"><u>Working in Partnership for Aberdeen</u></a>	An analysis of proposals and their alignment with the Policy Statement will be undertaken. More efficient delivery of statutory functions will support achievement of the objectives.

## 9. IMPACT ASSESSMENTS

<b>Assessment</b>	<b>Outcome</b>
<b>Integrated Impact Assessment</b>	Full impact assessment not required.
<b>Data Protection Impact Assessment</b>	Not required.
<b>Other</b>	None.

**10. BACKGROUND PAPERS**

[Statutory Duties](#) (internal link)  
[Glasgow City Council – Statutory Duties and Powers](#)

**11. APPENDICES**

None.

**12. REPORT AUTHOR CONTACT DETAILS**

<b>Name</b>	Jenni Lawson
<b>Title</b>	Chief Officer – Governance (Interim)
<b>Email Address</b>	Jelawson@aberdeencity.gov.uk

Appendix

<b>Service Provision</b>	<b>Statutory Power or Duty</b>	<b>Possible alternative existing body</b>
Adult Social Work	Duty	Yes
Public Records	Duty	No
Best Value	Duty	No
Citizenship Ceremonies	Duty	Yes
Complaints Handling	Duty	Yes
Council Tax Collection	Duty	Yes
Procurement Compliance	Duty	No
Housing Benefit	Duty	Yes
Non-Domestic Rates Collection	Duty	Yes
Scottish Welfare Fund	Duty	Yes
Antisocial Behaviour	Duty	Yes
HMO Licensing	Duty	Yes
Homelessness	Duty	No
Landlord Registration	Duty	Yes
Library Provision	Duty	No
Short Term Lets Licensing	Duty	No
Duty to consider Licence applications	Duty	Yes
Establish a Licensing Forum	Duty	Yes
Appoint Licensing Standards Officers	Duty	No
Cinema licensing	Power	Yes
Sports Ground safety	Duty	No
Appoint Civic Licensing Standards Officers	Duty	Yes
Child Guidance Service	Duty	No
Children's Social Work	Duty	Yes
Criminal Justice Social Work	Duty	Yes
Education Provision	Duty	No
School Provision	Duty	No
Early Learning and Childcare	Duty	No
Enforcing Parent Educational Obligations	Duty	No
Community Learning and Development	Duty	Yes
Support to Parent Councils	Duty	Yes
Abandoned Vehicles	Duty	Yes
Allotments	Duty	No
Burial Grounds	Duty	No
Clean Highways and Roads	Duty	Yes
Food Safety Enforcement	Duty	Yes
Dog Control	Duty	Yes
Contaminated Land	Duty	Yes
Health and Safety Enforcement	Duty	Yes
Housing Standards	Duty	No
Road Management and Maintenance	Duty	Yes
Roads - Street Lighting	Duty	Yes
Roads Flooding & Coastal protection	Duty	Yes
Roads - Bridge Maintenance - Structures	Duty	Yes
Roads - Traffic Works (UTC & ITS)	Duty	Yes
Roads - Traffic Works (TM & Parking)	Duty	Yes
Roads - New Roads & Street Works	Duty	Yes
House Overcrowding	Duty	No

<b>Service Provision</b>	<b>Statutory Power or Duty</b>	<b>Possible alternative existing body</b>
Pest Control	Duty	No
Statutory Nuisances	Duty	No
Trading Standards	Power	Yes
Waste Collection & Disposal	Duty	No
Free School Meals	Duty	Yes
School Transport	Duty	Yes
Building Standards (Local Authority Duties)	Duty	No
Building Standards (Verifier Duties)	Duty	No
High Hedges	Duty	No
Planning Decisions	Duty	No
Data Protection, including duty to appoint DPO	Duty	No
Freedom of Information	Duty	No
Additional Support for Learning	Duty	No
PSED Compliance	Duty	No
Gaelic Language Plan	Duty	Yes
NESPF Administration	Duty	Yes
Civil Contingencies	Duty	Yes
School Placing Appeal Committee	Duty	Yes
Blue Badges	Duty	No
To pursue and enforce recovery of service income	Power	No
Parking Enforcement	Power	Yes
Bus Lane Enforcement	Power	Yes
Parking Enforcement Appeals	Duty	Yes
Bus Lane Enforcement Appeals	Duty	Yes
Property Factoring	Power	No
Administer the Common Good Fund	Duty	No
Dog fouling notices	Power	Yes
Art galleries and museums	Power	Yes
Mortuary Services	Duty	Yes
Operate crematorium	Power	No
Registrar Function	Duty	Yes
Financial Administration	Duty	No
Committee Proceedings	Duty	Yes
Making and Enforcing Management Rules	Power	No
Community Councils	Duty	No
Approval of local police and fire plans	Duty	No
Public processions	Duty	No
Modern Slavery – Duty to Prepare Statement	Duty	No
Duty to uphold land access rights	Duty	No
Climate Change duties	Duty	No
Biodiversity	Duty	No
Duty to ensure that there is adequate provision of facilities for the inhabitants of their area for recreational, sporting, cultural and social activities.	Duty	No
Electoral Registration	Duty	No
Control of Oil Pollution	Duty	Yes