

Notice of Motion for Staff Governance Committee

That the Committee:

Notes the decision of the Council on the 14th of December 2022 regarding Statutory Services.

Notes that a response to Unison's questions is due to be circulated in January and requests that the response be placed before the Staff Governance Committee for further consideration.

Agrees that it is in the public interest, that answers to the 12 questions asked by UNISON are considered at this Committee which as part of its remit seeks to maintain good relationships and model a partnership approach between the Council and trade unions; provide a decision-making forum, for the resolution of staffing matters that cannot be resolved through normal processes including but not restricted to conditions of service.

1. Does the council hold independent legal advice that supports the view that it is within the statutory competence of a local authority to seek to offload its statutory powers and duties? Will it publish such advice?
2. Does the council hold independent legal advice that supports the view that it is within the statutory competence of a local authority to seek to offload its statutory powers and duties without having due regard to sustainability and the equal opportunity requirements? Will it publish such advice?
3. Will the council publish a list of the agencies identified as possible transfer partners?
4. Will the council publish the criteria used to make that initial assessment of possible transfer partners and publish any written assessment of the merits of each proposed transfer?
5. Has the council consulted, formally or informally, with possible transfer agencies? If so, will the council publish the findings of that consultation?
6. In assessing the suitability of proposed transfer partners, did the council assess the capacity of the transfer partner to assume the role of duty bearer in relation to statutory obligations such as equality, human rights, Fairer Scotland Duty, environmental sustainability and climate change?
7. Has the council consulted, formally or informally, with Scottish Government? If so, will the council publish the notes, correspondence or findings of that engagement?
8. Has the council consulted, formally or informally, with local government partners, SOLACE or CoSLA? If so, will the council publish the notes, correspondence, or findings of that engagement?
9. Has the council assessed the beneficial impact of local democratic control and accountability to the function under review and will the council publish

the findings of that assessment of local democracy for each individual activity?

10. Will the council agree to engage with each of the statutory bodies tasked with promoting equality, human rights, socio-economic justice and environmental sustainability and act on any guidance they provide as to how to proceed?
11. Is there any document or information held by the council that indicates in broad terms how such transfers are intended to generate a saving and the broad scale of the saving the council anticipates?
12. Does the council hold any information that tends to indicate the basis on which any financial benefit will accrue to the council and not transfer to the partner agency for the benefit of the continuing statutory function?

Councillor Deena Tissera