

## FLINTSHIRE COUNTY COUNCIL

**REPORT TO:**           **CONSTITUTION COMMITTEE**  
**DATE:**               **WEDNESDAY, 26 MARCH 2014**  
**REPORT BY:**       **HEAD OF LEGAL & DEMOCRATIC SERVICES**  
**SUBJECT:**           **LOCAL CHOICE FUNCTION FOR SCHOOLS**

### **1.00 PURPOSE OF REPORT**

1.01 To update the Constitution to include a new local choice function relating to schools.

### **2.00 BACKGROUND**

2.01 The Local Government Act 2000 introduced three categories of function undertaken by County Councils:-

- Council functions
- Local choice functions
- Executive functions

All functions that are neither Council nor local choice functions are automatically Executive functions.

2.02 Council functions are those where the final member decision rests with the County Council. Executive functions are where the final member decision rests with Flintshire's Cabinet. Local choice functions are where each County Council can choose whether that function should be a Council or Executive function.

2.03 The Welsh Government has recently passed subordinate legislation creating a new local choice function in relation to approvals under Section 51 or a determination under Section 53 of the School Standards Organisation (Wales) Act 2013 (the Act). This relates to the new power County Councils have to make decisions about the future of individual schools following a public consultation

### **3.00 CONSIDERATIONS**

3.01 Until the passing of the Act making a proposal to reorganise a school was an Executive function. However, if any objections were received to the proposal then the final decision could only be made by Ministers. The Act now gives that power to the authority.

3.02 Previously, the Overview and Scrutiny Committee and County Council have been consulted over school organisation policy. That arrangement was of enormous benefit and although it is proposed that the new power for determination of individual school change proposals should be an Executive function, would be adopted again in similar circumstances.

**4.00 RECOMMENDATIONS**

4.01 That the Constitution Committee recommend to County Council that the local choice function relating to Sections 51 and 53 of the School Standards and Organisation (Wales) Act 2013 be an Executive function.

**5.00 FINANCIAL IMPLICATIONS**

5.01 None as a result of this report.

**6.00 ANTI POVERTY IMPACT**

6.01 None as a result of this report.

**7.00 ENVIRONMENTAL IMPACT**

7.01 None as a result of this report.

**8.00 EQUALITIES IMPACT**

8.01 None as a result of this report.

**9.00 PERSONNEL IMPLICATIONS**

9.01 None as a result of this report.

**10.00 CONSULTATION REQUIRED**

10.01 None as a result of this report.

**11.00 CONSULTATION UNDERTAKEN**

11.01 None as a result of this report.

**12.00 APPENDICES**

12.01 None

**LOCAL GOVERNMENT (ACCESS TO INFORMATION ACT) 1985  
BACKGROUND DOCUMENTS**

None

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