

FLINTSHIRE COUNTY COUNCIL

REPORT TO: **FLINTSHIRE COUNTY COUNCIL**

DATE: **WEDNESDAY, 30 APRIL 2014**

REPORT BY: **HEAD OF LEGAL AND DEMOCRATIC SERVICES**

SUBJECT: **LOCAL CHOICE FUNCTION FOR SCHOOLS**

1.00 PURPOSE OF REPORT

1.01 For Council to consider a recommendation from the Constitution Committee that a new local choice function be an Executive function.

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 schools following a public consultation.

2.04 At its meeting on the 26 March 2014 the Constitution Committee considered a report on this new local choice function and decided to recommend to County Council that it be an Executive function.

3.00 CONSIDERATIONS

3.01 Until the passing of the Act making proposals to reorganise a school was an Executive function. However, if any objections were received to the proposals 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 proposals for schools. That arrangement was of enormous benefit and although it is proposed that the new power should be an Executive function, would be adopted again in similar circumstances. Lifelong Learning Overview & Scrutiny members also have the right to consider the future of schools as part of their forward work programme whenever they wish to do so.

4.00 RECOMMENDATIONS

4.01 That the local choice function relating to Sections 51 and 53 of the School Standards and Organisation (Wales) Act 2013 be an Executive function and the Constitution updated accordingly.

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 With the Constitution Committee.

11.00 CONSULTATION UNDERTAKEN

11.01 With the Constitution Committee

12.00 APPENDICES

12.01 None

LOCAL GOVERNMENT (ACCESS TO INFORMATION ACT) 1985
BACKGROUND DOCUMENTS

None

Contact Officer: Peter Evans
Telephone: 01352 702304
Email: peter.j.evans@flintshire.gov.uk