Background and introduction

1. The Further Education and Training Act 2007 (the 2007 Act) received Royal Assent in October. Another commencement order has been laid bringing further provisions of the 2007 Act into force including the provisions abolishing local councils and in relation to strategies for the functions of the Council.

Purpose

2. The purpose of this paper is to inform the Council about the further provisions of the 2007 Act which are now in force and to ask the Council to delegate additional functions previously exercised by the local councils to the Regional Board.

Recommendation

3. The Council is recommended to;
   - note the information in relation to the most recent commencement order;
   - delegate to the Regional Board the power to appoint a person to be a member of the governing body of a further education corporation within its region under s11 of the Learning and Skills Act 2000 (the 2000 Act);
   - delegate to the Regional Board the final decision on 16 to 19 competitions.
Key points/issues

Abolition of local councils
4 Section 3 of the 2007 Act abolishing local councils and repealing the provisions of the 2000 Act in relation to local councils came into force on 21 February 2008. Local councils ceased to exist from that date and the appointments of all local chairs and members terminated.
5 The delegations to local council have been reviewed and the only delegation of a statutory function which remained with the local councils when they were abolished was the power, under s11 of the 2000 Act, to appoint up to two members to the governing body of a further education corporation. The Council is therefore recommended to delegate this function to the Regional Board in relation to further education corporations within its region.

Regional Councils
6 The requirement to establish regional councils will come into force on 1 September 2008. The Council will then need to formally establish regional councils as committees of the Council at its meeting on 10 September 2008 and specify which of its functions it wishes regional councils to perform. This gives the Council the opportunity to recruit the chairs and members of the regional councils before they are formally established.

Young People’s and Adult Learning Committees
7 The requirement imposed on the Council to establish Young People’s and Adult Learning Committees ceased to have effect on 21 February 2008. Accordingly these committees are no longer required in law.

Strategies for functions of the Council
8 Section 4 of the 2007 Act which inserts provisions into the 2000 Act requiring the Council to carry out its functions in accordance with strategies formulated by other bodies came into force on 21 February 2008. There are different provisions in relation to bodies which formulate strategy in relation to Greater London and the rest of England.
9 Outside London the Secretary of State may by order authorise a body to formulate a strategy with respect to the Council’s functions. The order may contain various provisions about the formulation of the strategy and the Secretary of State can give the body guidance and directions as to the formulation and review of the strategy. The Council has power to make payments to any body. The Secretary of State has not yet made any orders authorising any bodies outside London.
10. In London the Secretary of State has power to make regulations to provide for the establishment of a body to formulate a strategy in respect of how specified functions of the Council are to be carried out in Greater London and keep it under review. The Secretary of State has already exercised his power to make regulations and has formally established the London Skills and Employment Board which must consist of not less than 12 and not more than 25 members excluding the Mayor of London who is the chairman of the Board. The members of the Board are appointed by the Mayor with the approval of the Secretary of State.

11. The London Skills and Employment Board must formulate a strategy in respect of the Council’s functions to secure the provision of reasonable facilities for education and training suitable to the requirements of persons who have attained the age of 19. The Secretary of State can give directions and guidance to the body in the exercise of this duty. The Council has power to pay the London Skills and Employment Board such sums as it considers appropriate to enable the Board to carry out its function and the Greater London Authority such sums to enable the Mayor to carry out his role as chairman of the Board.

12. LSC must carry out functions in accordance with strategies unless to do so would mean that it failed to comply with any other statutory duty. The Council can disregard a strategy if the body has failed to comply with any requirements imposed by the Secretary of State. The Council is not required to carry out any of its functions in a manner that would be unreasonable or give rise to disproportionate expenditure. If the body considers that the LSC not carrying out its functions in accordance with strategy can refer the matter to the Secretary of State who can give directions.

**Incorporation and Dissolution of Further Education Corporations**

13. The majority of the provisions of the 2007 Act which affect the Council are now in force or are already covered by commencement order which will bring them into force at a future date. The main provisions in respect of which there is no date for commencement at present are those which transfer the power to make orders incorporating or dissolving further education corporations to the Council.

**Legal implications**

14. The legal implications are set out in the paper.
Financial implications

15 There may be financial implications if the Council exercises its powers to make payments to bodies.

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