

ERW JOINT COMMITTEE 13TH NOVEMBER 2020

TEMPORARY VARIATION OF THE ERW LEGAL AGREEMENT SUBJECT TO APPROVAL BEING OBTAINED FROM EACH OF ERW'S LOCAL AUTHORITIES

PURPOSE: To facilitate provision of agreed services to Neath Port Talbot schools during 2020/21.

RECOMMENDATIONS / KEY DECISIONS REQUIRED:

The Joint Committee to agree:

1. the proposed changes to the Legal Agreement to enable ERW to provide Neath Port Talbot schools with access to agreed services as detailed within the variation report, subject to the assurance of no costs falling on ERW (save for legal costs incurred in amending the Legal Agreement).
2. to the preparation of a separate legal agreement between ERW and NPT

REASONS: To:

- facilitate the allocation of WG funding to ERW,
- support NPT schools,
- ensure that adequate governance arrangements are in place.

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on behalf of the Directors of
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EXECUTIVE SUMMARY ERW JOINT COMMITTEE NOVEMBER 13th, 2020

TEMPORARY VARIATION OF THE ERW LEGAL AGREEMENT SUBJECT TO APPROVAL BEING OBTAINED FROM EACH OF ERW'S LOCAL AUTHORITIES

In July the Joint Committee considered a report on the provision of agreed services to Neath Port Talbot schools during 2020/21 and a request to temporarily revise ERW's Legal Agreement to effect the changes. The Lead Director outlined to the Committee, the discussions undertaken with Welsh Government and Neath Port Talbot, on the provision and access to national programmes by ERW to that authority for 2020/21 following its decision to leave ERW.

Officers advised that should the Committee agree to providing those services, it would need to revise its legal agreement between its constituent authorities accordingly. The Committee was advised that if it were to agree to that revision in principle, it would then need to be referred to each of the authorities for their individual endorsement/approval.

It was confirmed that if ERW were to agree to providing those services, there would be an administration charge involved and that would be met via a reduction in funds to Neath Port Talbot and the costs would not fall upon ERW

The Chief Executive of Ceredigion County Council advised that whilst that authority would be responsible for amending the legal agreement, the costs incurred in connection therewith would be on a rechargeable basis. Estimated time incurred to date is 8 hours @ est.£60ph.

It was resolved that-

12.1 ERW provides agreed services and funding to Neath Port Talbot Schools during 2020/21, as detailed within the report, subject to the assurance of no costs falling on ERW (save for legal costs incurred in amending the Legal Agreement).

12.2 The ERW's core aims and objectives (as set out in the Legal Agreement) be temporarily extended to include the provision of services and funding to Neath Port Talbot schools during 2020/21

12.3 In consultation with the Executive Board, it be approved in principle that the ERW Legal Agreement be revised/varied temporarily to reflect the above changes, subject to approval being obtained from each of its local authorities.

(NOTE: THESE MINUTES ARE SUBJECT TO CONFIRMATION BY THE COMMITTEE AT THE NOVEMBER MEETING)

Current position

1. Attached is a 'Variation' to the Legal Agreement for consideration.
2. A separate direct agreement between ERW and NPT is considered necessary to:
 - document the award of funding and services to NPT;
 - oblige NPT to repay the grant if necessary;
 - to ensure NPT comply with the terms and conditions imposed by WG;
 - to indemnify ERW;
 - to agree to meet ERW's administration costs for providing services and distributing grant funding.

Joint Committee approval is sought for the preparation of a document between ERW and NPT. Estimated future legal work in relation to this issue is 20 hours @ est.£60ph. This additional legal work will carry an additional cost implication to ERW.

DETAILED REPORT ATTACHED?

YES



IMPLICATIONS

Policy, Crime & Disorder and Equalities NONE	Legal YES	Finance YES	Risk Management Issues NONE	Staffing Implications YES
<p>1. Legal Each partner will need to consider the Variation to the Legal Agreement and advise ERW if they are supportive of the proposals. A separate Agreement is required between ERW and NPT.</p>				
<p>2. Finance Developing this 'Variation' was a requirement as part of the financial agreement with Welsh Government officers. The additional costs to be met by ERW's budget.</p>				
<p>3. Staffing Implications It is understood that school staff from Neath Port Talbot schools would not be able to access national development and professional development programmes (as listed in the report) if this Variation was not implemented.</p>				

CONSULTATIONS

Each Local Authority's Executive Boards/Cabinets will need to consider and agree the Variation to the Legal Agreement

<p>Section 100D Local Government Act, 1972 – Access to Information List of Background Papers used in the preparation of this report: THESE ARE DETAILED BELOW</p>		
Title of Document	File Ref No.	Locations that the papers are available for public inspection
None		

