

(NOTE: THESE MINUTES ARE SUBJECT TO CONFIRMATION BY THE JOINT COMMITTEE AT ITS NEXT MEETING)



**ERW Joint Committee (replaced by Y Partneriaeth)
Wednesday, 17th May, 2023
Virtual Meeting
2.00 - 2.43 pm**

PRESENT: CHAIR: Councillor Darren Price, Leader, Carmarthenshire County Council (voting member)

Voting Members	
Councillor Pete Roberts	Cabinet Member, Powys County Council
Councillor Robert Smith	Cabinet Member for Education, Skills and Lifelong Learning, Swansea Council
Councillor David Simpson	Leader, Pembrokeshire County Council
Chief Executives	
Mrs Wendy Walters	Chief Executive (Carmarthenshire Council)
Mr Martin Nicholls	Chief Executive (Swansea Council)
Directors of Education	
Mr Gareth Morgans	Carmarthenshire County Council
Mr Steven Richards-Downes	Pembrokeshire County Council
Ms. Helen Morgan-Rees	Swansea City and County Council
Ms. Lynette Lovell	Powys County Council
Mr Jon Haswell	Partneriaeth/ERW S151 Officer (Director of Resources, Pembrokeshire County Council)
Mrs Debbie Smith	ERW Deputy Chief Legal Officer (Swansea City and County Council)
Ms Linda Rees Jones	Partneriaeth Monitoring Officer (Carmarthenshire County Council)
Mr Ian Altman	Partneriaeth Lead Officer
Mrs. Julie Owens	Audit Wales
Mrs Sharen Davies	WLGA
Ms. Charlotte Hodges	Partneriaeth/ERW Deputy Head of Internal Audit (Pembrokeshire County Council)



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Sarah Edwards	Partneriaeth/ERW Deputy S151 Officer (Pembrokeshire County Council)
Miss Sarah Hendy	Carmarthenshire County Council (Member Support Officer)
Mr Michael Runeckles	Carmarthenshire County Council (Member Support Officer)
Mrs Kelly Evans	Carmarthenshire County Council (Democratic Services, note taker)
Mrs Siwan Rees	Carmarthenshire County Council (Translation)

(Note :- Debbie Smith, Deputy Chief Legal Officer varied the order of business on the agenda to enable the Chair to be elected as first item)

1. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillor Rob Stewart (Swansea City and County Council), Councillor James Gibson-Watt (Powys County Council), Councillor Glynog Davies (Carmarthenshire County Council), William Bramble (Chief Executive Pembrokeshire County Council), Tracey Meredith (Swansea City and County Council), Mark Campion (Estyn), Matt Holder (Head of Internal Audit, Pembrokeshire), Dr Caroline Turner (Chief Executive Powys County Council), Councillor Guy Woodham (Pembrokeshire County Council).

2. DECLARATIONS OF PERSONAL INTERESTS

There were no declarations of personal interests made at the meeting.

3. APPOINTMENT OF CHAIR AND VICE-CHAIR

The ERW Joint Committee considered nominations for appointments to the position of Chair and Vice-Chair for the meeting on 17th May, 2023.

Resolved that the following members will be elected :-

3.1 Councillor Darren Price be appointed as Chair of the ERW Joint Committee.

3.2 Councillor David Simpson be appointed as Vice-Chair of the ERW Joint Committee.

4. AUDIT WALES 2022 AUDIT PLAN EDUCATION THROUGH REGIONAL WORKING JOINT COMMITTEE

The Joint Committee received a report outlining the work undertaken by Audit Wales in discharging their statutory duties.



UNANIMOUSLY RESOLVED that the Audit Wales 2022 Audit Plan, as contained within the report, be approved.

5. AUDIT ENQUIRIES TO THOSE CHARGED WITH GOVERNANCE AND MANAGEMENT

The Joint Committee considered the response to Audit Wales in respect of the Audit Enquiries to those charged with governance and management for 2021-22.

Audit Wales are required to conduct their financial audit in accordance with the requirements set out in International Standards on Auditing on an annual basis. The considerations are relevant to both ERW's senior management and those charged with governance which for the purpose of the audit of the financial statements is deemed ERW Joint Committee.

Unanimously Resolved that the response to Audit Wales for 2021-22, as contained within the report, be approved.

6. ERW HEAD OF INTERNAL AUDIT ANNUAL ASSURANCE OPINION 2021-22

The Joint Committee considered a report from the ERW Head of Internal Audit's annual assurance opinion on the effectiveness of ERW's Governance, Internal Control, Risk Management and Financial Management Arrangements for 2021-22.

The Internal Audit plan has been delivered in accordance with the schedule agreed by the Lead Chief Executive, Lead Director, Interim Chief Officers, Section 151 Officer and Monitoring Officer.

A number of recommendations were made within the review for 2021-22 and previous years that have been incorporated into the Annual Governance Statement 2021-22, which should be used to inform arrangements for future partnership working.

Unanimously Resolved that the ERW Head of Internal Audit Annual Assurance Opinion for 2021-22 be noted.

7. ERW ANNUAL GOVERNANCE STATEMENT 2021-22

The Joint Committee received a report with the findings from the annual review of governance arrangements for ERW for 2021-22.

The Joint Committee was advised that the ERW Annual Governance Statement was written at a point in time and whilst there had been a number of subsequent

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changes in response of the cessation of ERW and the creation of Partneriaeth, the ERW Annual Governance Statement had not been updated to reflect the changes.

The Joint Committee was advised that the ERW Annual Governance Statement contained one Significant Governance Issue and three priorities for improvement with the planned actions to be followed up as part of the Annual Internal Audit review of Partneriaeth for 2022-23.

Unanimously resolved that the ERW Annual Governance Statement 2021-22 be approved.

8. ERW STATEMENT OF ACCOUNTS FOR 2021-22 AND DISTRIBUTION OF ERW RESERVES AND BALANCES

The Joint Committee considered a report providing an update on the ERW Statement of Accounts for 2021-22.

The Joint Committee were informed that ERW published its draft Statement of Accounts for 2021-22, on 12 December 2022 and aims to have them audited and approved by 17th May 2023. The S151 officer referred to the changes in the deadlines provided by Welsh Government as part of the Covid Pandemic and other unforeseen matters.

The S151 advised that due to staffing changes, staff inexperience, the learning curve with the new FIMS system and conflicting workloads for both ERW and Audit Wales resulting in more than usual protracted audit process, the deadline of 31 January 2023 was not complied with. A statement was published on the ERW website with reasons for non-compliance and the actions to be taken to ensure compliance as soon as possible.

The Joint Committee was informed that the Auditor General intended to issue an unqualified opinion on the ERW 2021-22 accounts.

A number of questions were raised in relation to the report, including the following:

The distribution of reserves and balances were discussed and in response to a query from Powys County Council, the S151 Officer advised that the figures in the report were based on contributions from the Local Authorities during the 2021-22 financial year. The contributions were based on 80% of pupil numbers and 20% on the number of schools. As Powys County Council were members of ERW for 5 months in 2021-22 and other Councils for the full year, the distribution of funds were proportioned on this basis.

The S151 Officer advised that a decision on the distribution was needed today to finalise the 2022-23 Statement of Accounts for Partneriaeth moving forward.



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Whilst Carmarthenshire, Pembrokeshire and Swansea were in agreement with distributions detailed in the report, Powys were in disagreement. The Joint Committee was asked to approve the recommendations.

Unanimously resolved that :-

8.1 ERW Statement of Accounts for 2021-22 be approved.

8.2 ERW Statement of Accounts for 2021-22 be signed by the ERW S151 Officer and the Chair of the ERW Joint Committee.

Resolved by a majority decision (with Powys dissenting) that:

8.3 the distribution of the ERW reserves and balances, £0.143m to Powys County Council and £1.492m to Partneriaeth be approved

9. ERW JOINT COMMITTEE AGREEMENT - DEED OF VARIATION

The Joint Committee received for consideration a draft Deed of Variation to the 2014 Agreement outlining the arrangements for each of the current member Councils to withdraw from ERW and for the dissolution of ERW.

The Joint Committee's attention was drawn to page 129 and a summary of the purpose of the Deed of Variation.

The Joint Committee was advised that Powys County Council have proposed some amendments to the Deed of Variation but these are not significant and it is envisaged that all Councils will be able to agree the final version. In view of the fact that a final agreed draft could not be placed before the Joint Committee today, it was proposed that the following amendments (in bold type) be made to the recommendations in the report. That the Joint Committee:

1. Approves **in principal** the terms of the draft Deed of Variation appended to this report.
2. Notes the intention of each of the current member councils **to agree final terms and** to enter into the Deed of Variation subject to each council obtaining the requisite approval in accordance with their respective constitutions. Thereafter, each of the Councils will serve notice to withdraw from ERW to facilitate the dissolution of ERW.

The Joint Committee was advised that the amended Deed of Variation would be sent to legal representatives of each authority for their approval.

It was noted that the lease of premises for Y Llwyfan needs to be formally transferred over to Carmarthenshire, as it is still in Powys' name. The Joint Committee was advised that work is progressing on transferring the lease over but work is complex due to legal reasons.



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UNANIMOUSLY RESOLVED that :-

9.1 the draft Deed of Variation, attached to the report, be approved in principle

9.2 the intention of each of the current member councils to agree the final terms and to enter into the Deed of Variation is noted, subject to each council obtaining the requisite approval in accordance with their respective constitutions. Thereafter, each of the Councils will serve notice to withdraw from ERW to facilitate the dissolution of ERW.

- 10. ANY OTHER ITEMS OF BUSINESS THAT BY REASONS OF SPECIAL CIRCUMSTANCES THE CHAIR DECIDES SHOULD BE CONSIDERED AS A MATTER OF URGENCY PURSUANT TO SECTION 100(4)(B) OF THE LOCAL GOVERNMENT ACT 1972**

There were no items of urgent business.

CHAIR

DATE

