

**ERW JOINT COMMITTEE  
 17 MAY 2023**

**ERW Joint Committee Agreement – Deed of Variation**

**PURPOSE:**

To approve the terms of the draft Deed of Variation appended to this report.

**RECOMMENDATIONS / KEY DECISIONS REQUIRED:**

That the Joint Committee:-

1. Approves the terms of the draft Deed of Variation appended to this report.
2. Notes the intention of each of the current member councils 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.

**REASONS:**

To approve the terms of the draft Deed of Variation which will permit each of the current member councils to withdraw from ERW to facilitate the dissolution of ERW.

<p><b>Report Author:</b> Debbie Smith</p>	<p><b>Designation:</b> Deputy Chief Legal Officer – Swansea Council</p>	<p><b>Tel No. 01792 637585  </b> 07976659500</p> <p><b>E. Mail:</b> Debbie.smith@swansea.gov.uk</p>
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**EXECUTIVE SUMMARY**  
**ERW JOINT COMMITTEE**  
**17 MAY 2023**

**ERW Joint Committee Agreement – Deed of Variation**

**BRIEF SUMMARY OF PURPOSE OF REPORT**

The purpose of this report is to present the attached draft Deed of Variation to the Joint Committee for approval in principle.

The ERW Joint Committee and Consortium arrangements are governed by the terms of an Agreement dated 16 July 2014 (the 2014 Agreement) between the six Local Authorities of Carmarthen, Ceredigion, Swansea, Neath Port Talbot, Pembrokeshire and Powys. The purpose of the 2014 Agreement was to constitute a Joint Committee to deliver educational improvements in schools in central and south-west Wales.

Two of the original parties, Neath Port Talbot and Ceredigion Councils, gave notice to withdraw from the 2014 Agreement, the notices taking effect on 31 March 2020 and 31 March 2021 respectively.

The Joint Committee approved the continued provision of services from ERW/the Consortium to Neath Port Talbot and Ceredigion following their withdrawal from the Agreement.

Carmarthenshire and Swansea councils which had previously issued notices to withdraw from the Agreement, subsequently decided to withdraw those notices and to continue with the current arrangements, working together with Powys and Pembrokeshire to consider options and models for future delivery.

Carmarthenshire, Pembrokeshire and Swansea have now formed a new regional partnership known as Partneriaeth to facilitate the delivery of educational improvements in their administrative areas effective as of 20 April 2022.

Consequently Carmarthen, Pembrokeshire, Swansea and Powys councils now wish to formally withdraw from the 2014 Agreement to facilitate the dissolution of ERW.

The 2014 Agreement states that any council may withdraw from the Agreement by giving notice in writing to each of the other parties to expire 12 months from the end of the financial year in which the notice is given. It does not provide for a situation where all remaining parties leave at the same time in circumstances where ERW consortium is wound up and ceases to exist. Therefore the draft Deed of Variation provides the following amendments to the 2014 Agreement:-

1. To allow the current members of ERW to withdraw from the 2014 Agreement at short notice (minimum 1 week).
2. To provide for the cessation of ERW in the event that all parties withdraw at the same time.
3. To retrospectively provide for the delivery of services to non-parties Neath Port Talbot and Ceredigion as there is no express provision for this in the 2014 Agreement.

Therefore the effective date of the Deed of Variation is 1 April 2020 being the date immediately following Neath Port Talbot council's withdrawal and the subsequent provision of services to NPT and Ceredigion outside of the terms of the 2014 Agreement.

#### Dissolution of ERW

The financial arrangements relating to the cessation of ERW operations and the dissolution of the Consortium are detailed elsewhere on the Agenda for the Joint Committee's approval.

As there are no losses associated with the termination of ERW operations then the clauses in the 2014 Agreement regarding the way in which liability for losses is to be apportioned between the parties will not apply.

The main terms of the 2014 Agreement remain unchanged save for the amendments made in accordance with the draft Deed of Variation once signed by all current parties. These changes will allow all parties to withdraw from the 2014 Agreement on a minimum of 1 weeks' notice and as at the date of withdrawal, the Joint Committee and the Executive Board will cease to operate and the 2014 Agreement will terminate.

<b>DETAILED REPORT ATTACHED?</b> Draft Deed of Variation attached	<b>YES</b>
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## IMPLICATIONS

Policy, Crime & Disorder and Equalities <b>NONE</b>	Legal <b>YES</b>	Finance <b>YES</b>	Risk Management Issues <b>NONE</b>	Staffing Implications <b>NONE</b>
<p><b>1. Legal</b> The legal implications are detailed within the body of this report.</p>				
<p><b>2. Finance</b> The financial implications of the cessation of ERW are contained in other reports presented as part of this Agenda</p>				

## CONSULTATIONS

The draft Deed of Variation has been circulated to each member council for comment and approval.

### Section 100D Local Government Act, 1972 – Access to Information

List of Background Papers used in the preparation of this report:

**THESE ARE DETAILED BELOW**

Title of Document	File Ref No.	Locations that the papers are available for public inspection
N/A	N/A	N/A

