

PARTNERIAETH JOINT COMMITTEE

29 APRIL 2022

Partneriaeth Legal Agreement and Functions of the Joint Committee

PURPOSE: For the Joint Committee to endorse the Partneriaeth legal agreement and to make key governance and operational decisions in accordance with the Joint Committee terms of reference.

RECOMMENDATIONS / KEY DECISIONS REQUIRED:

It is recommended that the Joint Committee: -

1. Notes and endorses the legal agreement which has been agreed and signed by each of the three Councils.
2. Approves the establishment of the Strategic Group, the Operations Group and the Stakeholder Group in accordance with the terms of reference at Schedules 4 and 5 of the legal agreement.
3. Notes and endorses the terms of reference for the Joint Scrutiny Councillor Group at Schedule 6.
4. Appoints the Lead Councils to undertake the Functions set out in the table at paragraph 5 of this report.
5. Agrees the appointments of Lead Chief Executive, Lead Director of Education and Lead Chief Finance Officer of Partneriaeth.
6. Endorses the decision of each of the Councils for Partneriaeth to provide services to other councils who are not parties to the legal agreement, namely Neath Port Talbot County Borough Council, Ceredigion County Council and Powys County Council in accordance with the clause 14 of the legal agreement with authority delegated to Lead Council with responsibility for Contracts and Procurement to draft the appropriate service level agreements and contracts necessary to protect the interests of Partneriaeth.

REASONS: to formally establish the Joint Committee and make key governance and operational decisions necessary for the operation of Partneriaeth.

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EXECUTIVE SUMMARY
PARTNERIAETH JOINT COMMITTEE
29TH APRIL 2022

**PARTNERIAETH LEGAL AGREEMENT AND
FUNCTIONS OF THE JOINT COMMITTEE**

BRIEF SUMMARY OF PURPOSE OF REPORT

The Legal Agreement ("the Agreement") necessary to establish the Joint Committee for Partneriaeth has now been formally agreed and has been executed by the 3 Local Authorities of Carmarthenshire, Pembrokeshire and Swansea. The purpose of the Legal Agreement is to regulate the Councils' rights and obligations to each other and to enable the Councils to work together to establish and to participate in a joint committee to deliver the aims and objectives of Partneriaeth and facilitate the provision of services to support the delivery of educational improvements for each of the three Councils.

The Joint Committee shall operate and conduct its business in accordance with the terms of this Agreement including the Terms of Reference of the Joint Committee set out at Schedule 3 to the Agreement.

The Joint Committee shall not have power to approve any matter which has been reserved to the Councils as set out in Schedule 8 to the Agreement. Any matter reserved to the Councils will require the unanimous agreement of all Councils before being endorsed by the Joint Committee and implemented by the Partneriaeth.

There are a number of operational and governance functions to be undertaken by the Joint Committee at its first and subsequent meetings. These are set out below: -

1. Appointment of Chair of the Joint Committee

The Agreement states that the Chair of the Joint Committee shall be one of the Council Leaders appointed to the Joint Committee and shall be elected for a two year term in the first instance, reviewed annually thereafter. The two Leaders of the remaining local authorities shall be appointed as Deputy Chairs.

2. Establishment of a Strategic Group.

The Joint Committee shall establish a Strategic Group which shall report to the Joint Committee. The Strategic Group will have responsibility for undertaking certain operational matters and shall operate in accordance with the terms of reference set out in Schedule 4.

3. Establishment of an Operations Group and Stakeholder Group.

The Joint Committee shall establish an Operations Group and a Stakeholder Group which shall report to the Strategic Group. The Operations Group and Stakeholder Group shall have the terms of reference set out in Schedule 5.



4. Joint Scrutiny Councillor Group.

The Councils will create a Joint Scrutiny Councillor Group to provide an informal scrutiny function to ensure greater public accountability over decisions made by the Joint Committee and any of its sub-committees and related entities. The Joint Scrutiny Councillor Group shall comprise elected members of all of the Councils and shall operate within the terms of reference set out in Schedule 6.

5. Appointment of Lead Councils.

The Joint Committee shall appoint Lead Councils to assume responsibility for the discharge of Functions on behalf of the Partneriaeth and agree the terms of the SLA for each of the Functions and any limits on charging. Officers have agreed responsibility for the Functions outlined in the table below for consideration and approval of the Joint Committee.

	FUNCTION	Provider
1	Administration of Joint Committee	Carmarthenshire
2	Contracts and Procurement	Pembrokeshire
3	Employment of PARTNERIAETH Lead Officer and Central Team and Human Resources function	Pembrokeshire
4	Finance (to include debtors, creditors, treasury management, banking, payroll and liaison with external audit), internal audit & Section 151 Officer	Pembrokeshire
5	IT support	Pembrokeshire
6	Legal and Monitoring Officer services	Carmarthenshire
7	Administration of Joint Scrutiny Councillor Group	Swansea
8	Communications	Shared by all partners
9	Data Protection Officer Services	Pembrokeshire
10	Internal Audit / Preparation of the Annual Governance Statement	Pembrokeshire
11	Lead Chief Executive	
12	Lead Director	

6. Appointment of Lead Officers.

The Lead Chief Executive, the Lead Director of Education and the Lead Chief Finance Officer to the Partneriaeth shall be appointed by the Joint Committee.

7. Approval of the Business Plan.

The Strategic Group on behalf of the Partneriaeth shall prepare a Business Plan to be approved by the Joint Committee. A draft Business Plan is presented to the Joint Committee within a separate agenda item.

8. Provision of Services to non-parties.

The decision to allow the Partneriaeth to provide Services to a non-party to the Agreement is a matter reserved to the Councils in accordance with Schedule 8 together with any decision on the terms and conditions upon which the Services are to be provided. The provision of services must be at no detriment to the Partneriaeth's operations and must be provided on at least a full cost recovery basis. If all Councils are in agreement, then the Joint Committee shall authorise the Councils with responsibility for the relevant Functions to put in place the necessary arrangements including contractual agreements for the provision of Services to a non-party.

Each of the Councils has approved the provision of Services to Neath Port Talbot, Ceredigion and Powys Councils and this decision can now be endorsed by the Joint Committee.

9. Agreeing the Annual Budget.



The Terms of Reference for the Joint Committee include “Approving the Annual Budget and the statement of accounts, agreeing the basis on which the Annual Budget will be funded and any change to the basis for calculation of each Council’s Contribution to the Annual Budget. The approval of the first Annual Budget shall be a matter reserved to the Councils in accordance with Schedule 8. All subsequent Annual Budgets will be approved by the Joint Committee taking recognition of the current economic climate and pressure on the public sector in the applicable year, and on the proviso that the approval shall not result in any Annual Budget exceeding the previous years Annual Budget by more than 5 %.”

Therefore, the approval of the first Annual Budget is a matter for each of the individual Councils. Once the Councils have approved then the Joint Committee is able to endorse the Annual Budget and will approve all subsequent Annual Budgets. This matter will therefore be brought back to a future meeting of the Joint Committee for consideration.

DETAILED REPORT ATTACHED?

Yes- Legal Agreement is attached

IMPLICATIONS

Policy, Crime & Disorder and Equalities NONE	Legal YES	Finance YES	Risk Management Issues YES	Staffing Implications NONE
Legal The Local Authorities of Carmarthenshire, Pembrokeshire and Swansea have now agreed and executed a legal agreement allowing them to formally create a new consortium, Partneriaeth, to support the delivery of professional learning and curriculum support within their respective areas. The agreement will ensure that the entity is lawfully constituted and that each partner understands their respective responsibilities. It enables the Councils to work together to establish and to participate in a joint committee to deliver the aims and objectives of the Partneriaeth.				
Finance A Council will undertake the Lead Function for Finance. The Legal Agreement will outline the arrangements regarding how the consortium will be managed financially and the responsibilities of the respective Councils.				
Risk Management There is a requirement to ensure that the Legal Agreement meets the respective needs of each partner, and that the new consortium delivers a high-quality service to our schools and address local priorities				

CONSULTATIONS

All partner Local Authorities have been involved in the development of the Legal Agreement.

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

List of Background Papers used in the preparation of this report: **NONE**

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



Cyngor Sir Gâr
Carmarthenshire
County Council



Cyngor Abertawe
Swansea Council