



Report of the Cabinet Member for Education & Learning

Cabinet – 21 December 2023

Regional Education Consortium - Amendment to Legal Agreement on Voting within Joint Committee

Purpose:	To seek approval to amend the Partneriaeth Joint Committee Agreement to allow each constituent Local Authority to choose whether to nominate their Leader or Cabinet Member with responsibility for the Education portfolio to be the voting member on the Joint Committee.
Policy Framework:	Partneriaeth Joint Committee Agreement dated 20 April 2022.
Consultation:	Finance, Legal and Access to Services.
Recommendation(s):	It is recommended that Cabinet: <ol style="list-style-type: none">1) Approves the draft Deed of Variation attached at Appendix A which allows each individual Constituent Authority to decide who should be the voting member on Partneriaeth's Joint Committee.2) Appoints the Cabinet Member for Education and Learning as the voting member for Swansea Council and the non-voting member shall be the Leader of Swansea Council.3) Delegates authority to the Chief Legal Officer to approve the final terms of the Deed of Variation and to enter into the Deed on behalf of the Council.
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Legal Officer:	Debbie Smith
Access to Services Officer:	Rhian Millar

1. Background and Introduction

- 1.1 On the 20th April 2022 Swansea Council entered into an Agreement with Pembrokeshire County Council and Carmarthenshire County Council for the establishment of a Joint Committee to support the delivery of educational

improvements through Partneriaeth Addysg De Orllewin Cymru / South West Wales Education Partnership (“Partneriaeth”)

- 1.2 The Terms of Reference of Partneriaeth (Schedule 3 of the Joint Committee Agreement) provide that governance shall be via 3 voting members who shall be the Leaders of the 3 Councils. Leaders are inevitably involved in many meetings relating to their own individual Council business, partnerships, joint committees and regional working structures, which can lead to many conflicting commitments.
- 1.3 Consequently, at its meeting on the 6th October 2023, Partneriaeth agreed that it would be preferable to have some flexibility for the 3 Constituent Authorities to nominate their Cabinet Member with the Education Portfolio as their voting member instead of their Leader, should they so wish.
- 1.4 This proposal would comply with the Guidance on Education Consortia issued by the Welsh Government when they were established – “National Model for Regional Working” (2014), which advised that “the membership of a joint committee will comprise of the Leader of each constituent local authority or education portfolio holder – they will be the decision-making body and the elected members will have full voting rights”.

2. Proposed amendment

- 2.1 The Deed of Variation attached at Appendix A provides for amendments to Schedule 3 of the Joint Committee Agreement dealing specifically with membership and voting rights. Paragraph 3 states that where the Leader is nominated as the voting member, the Cabinet Member with the Education Portfolio shall be nominated as the non-voting member. Where the Cabinet Member with the Education Portfolio is nominated as the voting member of Partneriaeth each Constituent Authority shall appoint a non-voting member (who may be the Leader, or another member).
- 2.2 Pursuant to clause 4.4 of the Joint Committee Agreement any amendment to the Joint Committee Agreement is a matter reserved to each individual Council. Cabinet is therefore asked to approve this amendment to Schedule 3 of the Joint Committee Agreement – “Terms of Reference” - and to nominate the Cabinet Member for Education and Learning as its voting member, and the Leader as its non-voting member.
- 2.3 The draft Deed of Variation to give effect to these amendments is attached at Appendix A and the amendments to Schedule 3 shown in red.

3. Legal Implications

- 3.1 The amendment to the Joint Committee Agreement proposed in this report is a matter reserved to the Constituent Councils and is therefore a matter to be considered and decided by Cabinet.

4. Financial Implications

- 4.1 There are no financial implications associated with this proposed amendment to the Partneriaeth Joint Committee Agreement.

5. Integrated Assessment Implications

- 5.1 The Council is subject to the Equality Act (Public Sector Equality Duty and the socio-economic duty), the Well-being of Future Generations (Wales) Act 2015 and the Welsh Language (Wales) Measure, and must in the exercise of their functions, have due regard to the need to:
- Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act.
 - Advance equality of opportunity between people who share a protected characteristic and those who do not.
 - Foster good relations between people who share a protected characteristic and those who do not.
 - Deliver better outcomes for those people who experience socio-economic disadvantage.
 - Consider opportunities for people to use the Welsh language.
 - Treat the Welsh language no less favourably than English. Ensure that the needs of the present are met without compromising the ability of future generations to meet their own needs.
- 5.2 The Well-being of Future Generations (Wales) Act 2015 mandates that public bodies in Wales must carry out sustainable development. Sustainable development means the process of improving the economic, social, environmental and cultural well-being of Wales by taking action, in accordance with the sustainable development principle, aimed at achieving the 'well-being goals'.
- 5.3 Our Integrated Impact Assessment (IIA) process ensures we have paid due regard to the above. It also takes into account other key issues and priorities, such as poverty and social exclusion, community cohesion, carers, the United Nations Convention on the Rights of the Child (UNCRC) and Welsh language.
- 5.4 This report is proposing an amendment to the existing Partneriath Joint Committee Agreement to add flexibility to the voting arrangements. An IIA screening form has been completed which has confirmed that a full IIA is not required.

Background papers: - None

Appendices:

Appendix A - Draft Deed of Variation

Appendix B - IIA