

1. Recommendations:

The Committee is asked to recommend to each of the Executives of the London Boroughs of Croydon and Lewisham that Schedule 3, the Constitution of the Street Lighting Joint Committee, contained in the Street Lighting PFI Governance Agreement concluded between the two boroughs, be varied to reduce the mandatory number of meetings of the joint committee which must be held in each year of the contract from 4 to 1.

1. Executive Summary

- 2.1 This report requests that the Joint Committee recommend to the Executives of the London Boroughs of Croydon and Lewisham a variation of the terms of the Joint Committee's Constitution, which is contained in Schedule 3 of the Street Lighting PFI Governance Agreement between the two authorities. This variation would change the minimum number of meetings required of the Joint Committee in each contract year from 4 to 1 during the remainder of the Contract Period.

3. Detail

- 3.1 The Joint Committee currently meets at quarterly intervals, as required under its constitution, to receive a progress report on the project. No other items are generally submitted. During the 5 year construction period of the contract, it is considered likely that 2 meetings of the Joint Committee at approximately 6 monthly intervals will be sufficient for the Committee to carry out its functions under the Governance Agreement. Once the construction period is complete, it is considered likely that one annual meeting will be sufficient, hence the recommendation that the mandatory minimum number of meetings in a year be reduced to one.
- 3.2 The Management Board set up under the Governance Agreement will continue to meet at least monthly, and the Constitution allows for any extra meeting of the Joint Committee required, to be called by the Secretary of the Committee, who is the Director of Democratic & Legal Services of the authority for the time being administering the Project.

4. Human Rights

- 4.1 There are no human rights impact considerations arising from this report.

5. Financial and Risk Assessment Considerations: Croydon and Lewisham

- 5.1 The financial impact of this report is minimal, in that the administrative expenses incurred in holding quarterly Joint Committee meetings will be reduced.

5.2 Risk Assessment

The members of the Joint Committee would not be kept advised as frequently as before, of the progress on the Project. However, they are able to access information from the Project Manager or his deputy for the purposes of carrying out their functions as a member of the Joint Committee.

(Approved by: Tim Flood Finance Manager Corporate Resources and Customer Services for London Borough of Croydon, Peter Allery Group Manager Resource Finance Lewisham)

6. Comments of the Councils' Solicitors

- 6.1. To align the constituent authorities, the legal teams created two agreements, the Governance Agreement and the Co-operation Agreement.
- 6.2. The Governance Agreement was put in place to set out the joint arrangements for the management of the joint street lighting PFI Project. It details the functions of the Joint Committee, its constitution and decision making powers.

- 6.3. The Co-operation Agreement sets out the detailed arrangements relating to operation matters including how any disputes between the constituent authorities are to be settled and budget provisions to cover the management costs of the Project.
- 6.4 It is the function of the Joint Committee to monitor the operational performance of the Service Provider and to receive reports from the Management Board consisting of two representatives of each constituent authorities as to the Service Provider's performance.
- 6.5 The proposed variation of the Governance Agreement will require the approval of each of the Executives of the constituent authorities.

(Approved by: Helen Glass, Principal Lawyer on behalf of the Head of Law, Lewisham, Deborah King, Corporate Solicitor on behalf of the Director of Democratic & Legal Services for London Borough of Croydon)

7. Human Resources Impact

- 7.1. There are no Human Resources considerations arising from this report.

(Approved by: Adrian Prescod, HR Business Partner, on behalf of the Director, Human Resources & Organisational Effectiveness.)

8. Customer Impact, Equalities Impact Assessment (EIA), Environmental and Design Impact and Crime and Disorder Reduction Impact

- 8.1 None.

9. Freedom of Information/Data Protection Considerations

- 9.1 There are no data protection issues arising from the Project.

The Councils' Procurement Strategy and Tenders and Contracts Regulations are accessible under the Freedom of Information Act 2000 as part of the Councils' Publication Scheme. Information requested under the Act about the specific procurement exercise and contract which are the subject of this report, held internally or supplied by external organisations, will be accessible subject to legal advice as to its commercial confidentiality, or other applicable exemption, and whether or not it is in the public interest to do so.

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Background Documents

Appendix 1 (A&B): Core Investment Programme Croydon and Core Investment Programme Lewisham