Altered provisions within updated SLA between Essex County Council (ECC) as Accountable Body and East Sussex County Council (ESCC):

The SLA has been amended to strengthen the contractual position with regards to projects that have been approved by Accountability Board and projects that are in the pipeline. For new, additional projects that were not put forward by the date of signature of the SLA (i.e. projects that were not included in the pipeline, and therefore in the Schedule to the SLA, by the date of signature of the agreement), the SLA now includes a new process to allow these projects to form part of the agreement.

The new mechanisms within the SLA include:

- A condition precedent:

A condition precedent has been added to set out that the terms and conditions of the SLA will be binding for a specific project following Accountability Board’s decision. This change allows projects to be included in the SLA which are in the pipeline but have yet to be approved, and that these projects will form part of the binding contract once Accountability Board’s approval has been provided.

- For projects that were not included in the Schedule to the SLA (either as a project that was approved by Accountability Board or a project that is in the pipeline to be put forward to Accountability Board), the agreement now includes a process to add further additional projects following Accountability Board’s decision. This is known as the Additional Project Variation Process and the procedure for this is as follows:

1. After each Accountability Board within 20 working days or later if agreed, all the parties agree that they will include the new, additional projects in the Additional Project Variation Agreement (as set out in Schedule 3 of the SLA).
2. The Additional Project Variation Agreement will be a standard document with an Annex that will be updated by the parties after each Accountability Board meeting to set out the projects that have been approved.
3. For expediency, the Additional Project Variation Agreement is to be executed underhand by the Section 151 Officers of each Council and this variation agreement includes peppercorn consideration for all parties to make the variation agreement binding.