From: Tandra Forster

To: June Graves

Subject: Priory Report

Sent 1 April 2010 15:12

Tandra Forster
Contracts & Commissioning Manager
(Supporting People/Adult Social Care)
Project Manager Supported Living Development Programme
West Berkshire Council
Tel: 01635 519248

Mob: 07786 277451

We have moved to a new address wef 1st December 2009:

West Berkshire Council West Street House West Street Newbury RG14 1BD

Telephone number and exts will remain the same

[Introduction]

- [The requirement for the development of extra care housing, to offer more appropriate care options for older people, has been identified in both the Council's Older Peoples Commissioning Strategy and the Putting People First Strategy for Adult Social Care.]
- o [The Priory Court project, a 46 unit extra care housing development for people aged 55+, forms part of a range of projects within the Supported Living Development Programme, the aim of which is to promote choice and independence for vulnerable people in West Berkshire. This project is to be delivered by Sovereign South & West (SS&W), on previously developed land within their ownership, in Hungerford.]
- o [As part of the negotiation to bring this project forward SS&W have indicated that their Board have concerns that achievement of planning consent could lead to costs in excess of £500k.]
- o [Given the levels of investment, and recent experience of failed planning applications, SHA's Board are concerned that they will be financially disadvantaged if they fail to achieve planning consent for a Project that has been developed in response to Council priorities.]
- o [For the Council the development of the Priory project is a key part of expanding the provision of extra care housing in the district which is essential if it is to be considered a viable option for older people with care and support needs. There is currently only one purpose built service offering 36 units.]

• [Proposals]

- o [Given the level of importance of this development it is proposed that we jointly develop a Risk Sharing Agreement to enable the project to proceed.]
- o [The agreement would formalise the roles and responsibilities of each party and enable the Council to have a greater say in how the development is planned. To minimise the risk to the Council any agreement would specify precisely what the costs, conditions and the governance would have to be for it to be enacted.]
- o [It is recognised that this is new ground for the Council however it does reflect pressures created by the current economic climate and anxiety expressed by a number of RSLs about bringing forward new projects. It also raises a broader issue in respect of capital building projects and how the Council manages risk despite being a small cash strapped authority.]
- O [The governance for this would be held by the Supported Living Development Programme Board, the membership of which includes the Portfolio Member for Adult Social Care and the Head of Housing & Performance. This group reports into the Putting People First Programme Board which is chaired by the Director Adult Social Care and includes Councillors as part of the membership.]

• [Conclusion]

<u>[Development of extra care housing is a clear Council priority as set out in the Older Peoples Commissioning Strategy and the Putting</u>
 People First Strategy. The Priory project will offer more choice and

- control in the way older people receive care, creating better outcomes and improved well-being.]
- It is recommended therefore that Members agree the principle of developing a risk sharing agreement that will enable the Council to bring forward this extra care housing development in partnership with SS&W.]

• [Introduction]

- [The requirement for the development of extra care housing, to offer more appropriate care options for older people, has been identified in both the Council's Older Peoples Commissioning Strategy and the Putting People First Strategy for Adult Social Care.]
- o [The Priory Court project, an extra care housing scheme which is being developed in partnership with Sovereign South & West, forms part of a range of projects within the Supported Living Development Programme (SLDP), the aim of which is to promote choice and independence for vulnerable people in West Berkshire.]
- O [The SLDP is a key part of Putting People First which is the Council's overarching strategy for transforming adult social care in West Berkshire. The Priory project involves the development of extra care housing for people aged 55+ to offer an appropriate alternative to more traditional residential services.]
- o [Sovereign are already working in partnership with the Council to deliver extra care housing by creating capacity within their existing stock. The Virtual Extra Care Project (VECH) was developed to meet the £350k MTFS requirement that would have otherwise have been met had Waring Court been completed by December 2010.]
- O [This project is a really good example of effective partnership working. Sovereign have been fully engaged in the initial scoping of the project, agreeing suitable sites, leading on tenant consultation about the coming changes and working with us to develop processes that enable vulnerable people to access the service with ease.]
- o [The Priory project will create much needed capacity in extra care and make a significant contribution to the delivery of savings that have been set out in the Medium Term Financial Strategy.]
- o [This project is to be delivered by Sovereign, on previously developed land within their ownership, in Hungerford. The development, subject to planning consent, aims to deliver 46 units of extra care housing for people aged 55+. The project will also include the development of a 29 unit sheltered scheme for older people with support needs.]
- o [Sovereign has estimated that the site will cost £8.9m to develop of which they will contribute £6.6m. It is estimated that the Homes and Communities Agency (HCA) will make a grant allocation of £1.3m and it is proposed that the Council contributes around £1 m \$106 funding.]
- o [The project plan developed by SHA estimates that the development would take at least 27 months from agreeing designs in May 2010, to practical completion. This would mean that the build could be completed by summer 2012, subject to achieving planning permission in August 2010 and no other delays.]

- o [As part of the negotiation to bring this project forward Sovereign have indicated that their Board have concerns that achievement of planning consent could lead to costs in excess of £500k.]
- o [These costs reflect both the nature of the development, site topography and build constraints created by the need to prevent damage to a large number of trees.]
- o [Given the levels of investment, and recent experience of failed planning applications, SS&Ws Board are concerned that they will be financially disadvantaged if they fail to achieve planning consent for a Project that has been developed in response to Council priorities.]
- o [For the Council, in addition to the contribution to the savings target identified in the MTFS, the development of the Priory project is a key part of expanding the provision of extra care housing in the district.

 This is essential if it is to be considered a viable option for older people with care and support needs. There is currently only one purpose built service offering 36 units.]

[Proposal]

- o [Given the level of importance of this development it has been suggested that we and Sovereign jointly develop a Risk Sharing Agreement to enable the project to proceed.]
- o [The agreement would formalise the roles and responsibilities of each party and enable the Council to have a greater say in how the development is planned and delivered from the start. This would include design, planning approach, development of any local resources as part of the process, consultation and so on.]
- O [The governance for this would be held by the Supported Living Development Programme Board, the membership of which includes the Portfolio Member for Adult Social Care and the Head of Housing & Performance. This group reports into the Putting People First Programme Board which is chaired by the Director Adult Social Care and includes Councillors as part of the membership.]
- o [To minimise the risk to the Council any agreement would specify precisely what the costs, conditions and the governance would have to be for it to be enacted. The negotiation would be dealt with through Legal Services in consultation with Housing and Planning, to ensure compliance with Council policies. Funding to cover cost of enactment would have to be taken from Council reserves.]
- o [It is recognised that this is new ground for the Council however it does reflect pressures created by the current economic climate and anxiety expressed by a number of RSLs about bringing forward new projects. It also raises a broader issue in respect of capital building projects and how the Council manages risk despite being a small cash strapped authority]
- o [The establishment of this principle also fits with the expectation the HCA set out in the 'Single Conversation', a new framework introduced in June 2009 to secure the delivery of a full range of housing, infrastructure and community activities.]
- o [The purpose of this framework is to create greater transparency in HCA dealings with Local Authorities as a way of ensuring that grant funding follows local priorities such as the Priory Project.]

- o [The Single Conversation challenges all Local Authorities to have more effective engagement as lead commissioners for projects that fulfil their strategic priorities. This deeper involvement exposes them to the pressures that normally sit solely with developers. It requires local authorities to have wider knowledge of business practices associated with large-scale capital projects.]
- o [For West Berkshire the ability to influence these types of developments relies heavily on strong partnership working to give developers confidence to bring projects forward. This is made more difficult as we hold few land assets that can be used to attract partners and give us greater control over the development, therefore we have to look at other methods.]
- O [Although the development of this type of agreement is new to this Council, there is precedent with similar agreements in place with other local authority areas this includes Torbay and Bristol Councils]

• [Risks and benefits]

- o [Advice has been sought from both legal and finance to see whether the Local Authority can enter into an agreement. Following consultation with our external auditors they have identified the following risks:]
- o [The table below shows the risks identified and the controls that will be put in place to mitigate them:]
- 0
- Set alongside consideration of risk Members must take into account in their decision the benefits that this development project will bring, the role it will play in the modernisation of adult social care and the impact that failure to deliver the service will have on the Council's ability to achieve its MTFS.]
- o [Benefits that have been identified as part of the SLDP programme governance structure are set out in the table below:]

[Conclusion]

- o [The requirement for the development of extra care housing, to offer more appropriate care options for older people has been identified in both the Council's Older Peoples Commissioning Strategy and the Putting People First Strategy for Adult Social Care.]
- o [The Priory Court project, an extra care housing development, forms part of a range of projects within the Supported Living Development Programme, the aim of which is to promote choice and independence for vulnerable people in West Berkshire. It will be the second extra care housing project developed in partnership with SS&W.]
- o [The project aims to deliver 46 units, a mix of 1 & 2 beds, for people with care needs aged 55+.]
- o [The initiation of these developments requires considerable up-front investment and commitment from our partners; achieving planning consent can result in costs in excess of £500k. Whilst the Council is committed to support these developments planning constraints mean that there is increased risk of a protracted process, that it will require additional investment to ensure plans are acceptable and even then there is the real possibility that consent will not be achieved. The

- current economic climate means that concerns around these risks have heightened and RSLs require stronger assurances.]
- O [At a national level the initiation of the 'Single Conversation' by the Homes and Communities Agency means that now, more than ever, Local Authorities are expected to provide leadership in negotiations to ensure the delivery of a full range of housing to ensure better outcomes for local people. The development of this type of agreement would give confidence to both the RSL and the HCA about the importance of this project.]
- o [It is recommended, therefore, that consent is given to establishing the principle of a risk sharing agreement. This to be negotiated to minimise the risk of its having to be enacted.]

PART II

The report on the following item is **not for publication** by virtue of exempt information of the description contained in Paragraph * of Part 1 of Schedule 12A of the Local Government Act 1972, as amended by the Local Government (Access to Information)(Variation) Order 2006. Rule 9.10.4 of the Constitution also refers.

Title of Report:	Extra Care Housing Development, Hungerford		Item *
(Paragraph 6 – information relating to proposed action to be taken the Local Authority)		g to proposed action to be taken by	
Report to be considered by: Corporate Board			
Date of Meeting: 06 April 2010			
Forward Plan Ref:			

Purpose of Report:

To seek agreement to the principle of a risk sharing agreement, in the context of partnership working to deliver a key Supported Living Development project, as part of the Putting People First Programme of work.

Recommended Action:

Members to agree the principle of developing a risk sharing agreement that will enable the Council to bring forward an extra care housing development in partnership with Sovereign South & West.

Reason for decision to be taken:

The requirement for the development of extra care housing, to offer more appropriate care options for older people has been identified in both the Council's Older Peoples Commissioning Strategy and the Putting People First Strategy for Adult Social Care. At a national level the initiation of the 'Single Conversation' by the Homes and Communities Agency means that now, more than ever, Local Authorities are expected to provide leadership in negotiations to ensure the delivery of a full range of housing to ensure better outcomes for local people. The initiation of these developments requires considerable upfront investment and commitment from our

partners; achieving planning consent can result in costs in excess of £500k. Whilst the Council is committed to support these developments planning constraints mean that there is increased risk of a protracted process, that it will require additional investment to ensure plans are acceptable and even then there is the real possibility that consent will not be achieved. The current economic climate means that concerns around these risks have heightened and RSLs require stronger assurances. It is proposed therefore that consent is given to the principle of a risk sharing agreement, which would be negotiated to minimise the risk of its being enacted.

	negotiated to minimise the risk of its being enacted.	
	Statutory: \square Non-Statutory: \square	
Other options considered:	Other:	
Key background documentation:	Older Peoples Commissioning Strategy	
documentation:	Putting People First - Adult Social Care Strategy	
	'Single Conversation' - Homes and Communities Agency	
The proposals contai Priority(ies):	ned in this report will help to achieve the following Council Plan	
□ CPP1 – Support our communities through the economic recession – to alleviate the impact on different communities and individuals who find themselves out of work and/or disadvantaged		
□ CPP2 – Raise levels of educational achievement – improving school performance levels		
□ CPP3 – Reduce West Berkshire's carbon footprint – to reduce CO₂ emissions in West Berkshire and contribute to waste management, green travel, transportation and energy efficiency		
The proposals will also help achieve the following Council Plan Theme(s):		
□ CPT1 - Better Roads and Transport		
□ CPT2 - Thriving Town Centres		

☑ CPT3 - Affordable Housing	ng		
□ CPT4 - High Quality Plan	ning		
□ CPT5 - Cleaner and Gree	ner		
□ CPT6 - Vibrant Villages			
☑ CPT7 - Safer and Stronge	er Communitie	es	
□ CPT8 - A Healthier Life	□ CPT8 - A Healthier Life		
□ CPT9 - Successful Schools and Learning			
☑ CPT10 - Promoting Indep	☑ CPT10 - Promoting Independence		
☑ CPT11 - Protecting Vulne	erable People		
□ CPT12 - Including Everyone			
☑ CPT13 - Value for Money			
□ CPT14 - Effective People			
□ CPT15 - Putting Customers First			
□ CPT16 - Excellent Performance Management			
The proposals contained in this report will help to achieve the above Council Plan Priorities and Themes by:			
Delivery of 46 units of affordable housing, creating more appropriate support and care opportunities for older people to enable them to remain living independently in the community in a secure and safe environment. Enable the Council to commission care services that offer greater value for money than alternative residential care services.			
Portfolio Member Details			
Name & Telephone No.:		Councillor Joe Mooney - Tel (0118) 9412649	
E-mail Address:		jmooney@westberks.gov.uk	
Date Portfolio Member agre	ed report:	15 March 2010	
Contact Officer Details			
Name:	Tandra Forste	er e e e e e e e e e e e e e e e e e e	

Job Title:	Contracts & Commissioning Manager
Tel. No.:	01635 519248
E-mail Address:	tforster@westberks.gov.uk

Implications

Policy: Financial:

If there are any financial implications contained within this report this section **must** be signed off by a West Berkshire Group Accountant. Please note that the report cannot be accepted by Policy and Communication unless this action has been undertaken.

Personnel:

Legal/Procurement: 1. It is recommended that an external Auditor advice is sought

before entering into this agreement.

2. Subject to 1, any contribution paid by the Council should be on an equal share basis. The draft agreement would need

amendments to reflect an acceptabe level of risk and a maximum limit for each head of expenditure needs to be defined. The

negotiated final agreement will require approval by the

Management Board and the Executive

Property:

Risk Management: See section 3

Equalities Impact Assessment:

This project supports age equality and non-agreement could

jeopardise this if it is not able to go ahead.

For advice please contact Principal Policy Officer (Equalities) on Ext. 2441.

Corporate Board's

View:

to be completed after Corporate Board meeting

NOTE: This section does not need to be completed if your report will not progress beyond Corporate or Management Board.

Is this item subject to call-in?	Yes: □	No: 🗷
If not subject to call-in please put a cross in the appropriate box:		
The item is due to be referred to Council for final approval		X
Delays in implementation could have serious financial implication	s for the Council	X
Delays in implementation could compromise the Council's position	n	
Considered or reviewed by Overview & Scrutiny Commission or a Groups within preceding six months	associated Task	

Executive Summary

1. Introduction

- The requirement for the development of extra care housing, to offer more appropriate care options for older people, has been identified in both the Council's Older Peoples Commissioning Strategy and the Putting People First Strategy for Adult Social Care.
- 2. The Priory Court project, a 46 unit extra care housing development for people aged 55+, forms part of a range of projects within the Supported Living Development Programme, the aim of which is to promote choice and independence for vulnerable people in West Berkshire. This project is to be delivered by Sovereign South & West (SS&W), on previously developed land within their ownership, in Hungerford.
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- 4. Given the levels of investment, and recent experience of failed planning applications, SHA's Board are concerned that they will be financially disadvantaged if they fail to achieve planning consent for a Project that has been developed in response to Council priorities.
- 5. For the Council the development of the Priory project is a key part of expanding the provision of extra care housing in the district which is essential if it is to be considered a viable option for older people with care and support needs. There is currently only one purpose built service offering 36 units.

2. Proposals

- 1. Given the level of importance of this development it is proposed that we jointly develop a Risk Sharing Agreement to enable the project to proceed.
- 2. The agreement would formalise the roles and responsibilities of each party and enable the Council to have a greater say in how the development is planned. To minimise the risk to the Council any agreement would specify precisely what the costs,

- conditions and the governance would have to be for it to be enacted.
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- 4. The governance for this would be held by the Supported Living Development Programme Board, the membership of which includes the Portfolio Member for Adult Social Care and the Head of Housing & Performance. This group reports into the Putting People First Programme Board which is chaired by the Director Adult Social Care and includes Councillors as part of the membership.

3. Conclusion

- Development of extra care housing is a clear Council priority as set out in the Older Peoples Commissioning Strategy and the Putting People First Strategy. The Priory project will offer more choice and control in the way older people receive care, creating better outcomes and improved well-being.
- It is recommended therefore that Members agree the principle of developing a risk sharing agreement that will enable the Council to bring forward this extra care housing development in partnership with SS&W.

Executive Report

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- 3. The SLDP is a key part of Putting People First which is the Council's overarching strategy for transforming adult social care in West Berkshire. The Priory project involves the development of extra care housing for people aged 55+ to offer an appropriate alternative to more traditional residential services.
- 4. Sovereign are already working in partnership with the Council to deliver extra care housing by creating capacity within their existing stock. The Virtual Extra Care Project (VECH) was developed to meet the £350k MTFS requirement that would have otherwise have been met had Waring Court been completed by December 2010.
- 5. This project is a really good example of effective partnership working. Sovereign have been fully engaged in the initial scoping of the project, agreeing suitable sites, leading on tenant consultation about the coming changes and working with us to develop processes that enable vulnerable people to access the service with ease.
- 6. The Priory project will create much needed capacity in extra care and make a significant contribution to the delivery of savings that have been set out in the Medium Term Financial Strategy.
- 7. This project is to be delivered by Sovereign, on previously developed land within their ownership, in Hungerford. The development, subject to planning consent, aims to deliver 46 units of extra care housing for people aged 55+. The project will also include the development of a 29 unit sheltered scheme for older people with support needs.
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- 9. The project plan developed by SHA estimates that the development would take at least 27 months from agreeing designs in May 2010, to practical completion. This would mean that the build could be completed by summer 2012, subject to achieving planning permission in August 2010 and no other delays.
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- 11. These costs reflect both the nature of the development, site topography and build constraints created by the need to prevent damage to a large number of trees.
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2. Proposal

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- 2. The agreement would formalise the roles and responsibilities of each party and enable the Council to have a greater say in how the development is planned and delivered from the start. This would include design, planning approach, development of any local resources as part of the process, consultation and so on.
- 3. The governance for this would be held by the Supported Living Development Programme Board, the membership of which includes the Portfolio Member for Adult Social Care and the Head of Housing & Performance. This group reports into the Putting People First Programme Board which is chaired by the Director Adult Social Care and includes Councillors as part of the membership.
- 4. To minimise the risk to the Council any agreement would specify precisely what the costs, conditions and the governance would have to be for it to be enacted. The negotiation would be dealt with through Legal Services in consultation with Housing and Planning, to ensure compliance with Council policies. Funding to cover cost of enactment would have to be taken from Council reserves.
- 5. It is recognised that this is new ground for the Council however it does reflect pressures created by the current economic climate and anxiety expressed by a number of RSLs about bringing forward new projects. It also raises a broader issue in respect of

- capital building projects and how the Council manages risk despite being a small cash strapped authority
- 6. The establishment of this principle also fits with the expectation the HCA set out in the 'Single Conversation', a new framework introduced in June 2009 to secure the delivery of a full range of housing, infrastructure and community activities.
- 7. The purpose of this framework is to create greater transparency in HCA dealings with Local Authorities as a way of ensuring that grant funding follows local priorities such as the Priory Project.
- 8. The Single Conversation challenges all Local Authorities to have more effective engagement as lead commissioners for projects that fulfil their strategic priorities. This deeper involvement exposes them to the pressures that normally sit solely with developers. It requires local authorities to have wider knowledge of business practices associated with large-scale capital projects.
- 9. For West Berkshire the ability to influence these types of developments relies heavily on strong partnership working to give developers confidence to bring projects forward. This is made more difficult as we hold few land assets that can be used to attract partners and give us greater control over the development, therefore we have to look at other methods.
- 10. Although the development of this type of agreement is new to this Council, there is precedent with similar agreements in place with other local authority areas this includes Torbay and Bristol Councils

3. Risks and benefits

- Advice has been sought from both legal and finance to see whether the Local Authority can enter into an agreement. Following consultation with our external auditors they have identified the following risks:
 - 1. Potential for the agreement to compromise the independence of the planning process
 - 2. Financial risk if the agreement has to be enacted, specifically the share of the pre-construction costs
 - 3. There is a risk that inappropriate triggering events would be specified.
- 2. The table below shows the risks identified and the controls that will be put in place to mitigate them:

Risk	Control
Potential for the agreement to compromise the independence of the planning process	Ensure that detailed pre-planning application meetings are held and the advice fed into the final application Governance arrangements ensure that the joint project management does not offer opportunities for compromise
Financial risk if the agreement is enacted	Ensure there is a cap on the maximum the cost the Council are liable for if the agreement has to be enacted. Pre-construction costs attached to the project have been estimated at £500k, SS&W have already invested in bat mitigation activities, planning consultant advice and site surveys. For the purposes of this agreement costs will be capped at 50%, which equates to £250k, and the Council will only be liable for 70% of this, £175k. This is in effect 35% of the total pre-construction costs.
There is a risk that inappropriate triggering events would be specified.	Legal will lead the negotiation of the agreement, in consultation with Housing and Planning, to ensure that the triggers agreed are robust. Effective governance will be put in place to oversee the project and ensure all necessary measures are put in place to prevent use of the agreement. Ensure that the decision to enact the agreement has to be done jointly between the Local Authority and Sovereign South & West.

- 3. Set alongside consideration of risk Members must take into account in their decision the benefits that this development project will bring, the role it will play in the modernisation of adult social care and the impact that failure to deliver the service will have on the Council's ability to achieve its MTFS.
- 4. Benefits that have been identified as part of the SLDP programme governance structure are set out in the table below:

Financial	The development of this project will contribute to the delivery of a savings target in excess of £300k in the MTFS 2012/13.
	It will offer more choice in the care market and consequently increase value for money.
Affordable Housing	The development will contribute to the Council's target for the delivery of affordable housing
Choice	This project will widen the opportunity for people to access extra care services, ensuring a balance of provision across the district, enabling people to remain living close to their families

	Promote better longer term outcomes for older people as it will encourage independence and greater control in line with the personalisation
Vibrant Communities	The project will encourage close links with local businesses to offer tenants a wide range of services e.g. hair dressing, small convenience store.
Employment	Create employment opportunities through the tender of a care contract.

4. Conclusion

- The requirement for the development of extra care housing, to offer more appropriate care options for older people has been identified in both the Council's Older Peoples Commissioning Strategy and the Putting People First Strategy for Adult Social Care.
- 2. The Priory Court project, an extra care housing development, forms part of a range of projects within the Supported Living Development Programme, the aim of which is to promote choice and independence for vulnerable people in West Berkshire. It will be the second extra care housing project developed in partnership with SS&W.
- 3. The project aims to deliver 46 units, a mix of 1 & 2 beds, for people with care needs aged 55+.
- 4. The initiation of these developments requires considerable upfront investment and commitment from our partners; achieving planning consent can result in costs in excess of £500k. Whilst the Council is committed to support these developments planning constraints mean that there is increased risk of a protracted process, that it will require additional investment to ensure plans are acceptable and even then there is the real possibility that consent will not be achieved. The current economic climate means that concerns around these risks have heightened and RSLs require stronger assurances.
- 5. At a national level the initiation of the 'Single Conversation' by the Homes and Communities Agency means that now, more than ever, Local Authorities are expected to provide leadership in negotiations to ensure the delivery of a full range of housing to ensure better outcomes for local people. The development of this type of agreement would give confidence to both the RSL and the HCA about the importance of this project.
- 6. It is recommended, therefore, that consent is given to establishing the principle of a risk sharing agreement. This to be negotiated to minimise the risk of its having to be enacted.

Appendices	
Appendix A - *	
Appendix B - *	
Consultees	
Local Stakeholders:	*
Officers Consulted:	June Graves
	Mel Brain
	David Holling
	Shiraz Sheikh
	Leigh Hogan
	Andy Walker
	*
Trade Union:	*