

SUBJECT:EMPTY PROPERTY ACTION PLANMEETING:CABINETDATE:1st December 2021DIVISION/WARDS AFFECTED:ALL

1. PURPOSE:

1.1 To consider and comment on a proposed Empty Property Action Plan, as required by Welsh Government.

2. **RECOMMENDATIONS:**

- 2.1 To consider both the risks of empty properties and the opportunities associated with tackling empty properties, particularly in relation to town centre regeneration.
- 2.2 To approve and adopt the Empty Property Action Plan.
- 2.3 Regular six monthly updates from the Officer Working Group to be presented to Adult Select Committee in order to monitor progress.

3. KEY ISSUES:

- 3.1 Empty properties can impact negatively on town centres, local neighbourhoods and can be a concern to local people and businesses. They take up scarce resources in both local and central Government contexts, are often expensive to remedy and can contribute to the decline of an area. They are an under-used community asset. Empty properties can be used for housing or commercial solutions to fit the needs and demands of the local area. Welsh Government (WG) is keen to find solutions to realise the potential of these empty buildings, including the use of enforcement powers if necessary.
- 3.2 In encouraging Local Authorities to tackle empty properties, WG is making available both financial and practical support.
- 3.3 To assist Local Authorities in dealing with their long -term empty properties, WG has developed an Empty Property Enforcement Programme. In line with WG's Transforming Town's agenda, the programme enables a focus on town centres through an interest free Empty Property Management Loan Fund.
- 3.4 The financial support package is available to Local Authorities who wish to undertake enforcement action on prominent town centre empty properties. The fund is a 15-year loan programme (rolling fund) from WG which is repayable in full at the end of the term.
- 3.5 To access this fund, it is a requirement that Local Authority Officers and Cabinet Members attend an Empty Property Enforcement training which has now been completed. The training is extremely comprehensive and seeks to make Local Authorities aware of the full range of enforcement powers and opportunities available. The training is complemented by the availability of an Empty Property expert, whom the Local Authority and Officers can engage to acquire any necessary advice and support.

3.6 The Local Authority also required to produce a local Empty Property Action Plan

for dealing with long-term empty properties - **Appendix 1.** The Action Plan deals with both commercial and residential properties, but the loan funding is only available for town centre empty properties.

- 3.7 The Local Authority has identified key commercial and residential properties that will be prioritised for action. The priority list should be reflective of the level of resources available and focus on properties where action is likely to result in a positive outcome by bringing the property back into use, improving the visual amenity or other tangible benefit to the local community.
- 3.8 WG is suggesting a minimum of eight properties (commercial and residential) with no less than four properties located in the town centres as part of the Transforming Towns agenda, albeit this is not a rigid requirement.
- 3.9 Due to timescales, the Action Plan has already been submitted to WG with informal Officer and Cabinet support, but it is important that Adult Select Committee can consider and scrutinise the Action Plan prior to adoption.
- 3.10 The Action Plan will be monitored and managed by the Empty Property Working Group.

4. EQUALITY AND FUTURE GENERATIONS EVALUATION (INCLUDES SOCIAL JUSTICE, SAFEGUARDING AND CORPORATE PARENTING):

4.1 There are no negative implications with this proposal. **See Appendix 2.**

5. OPTIONS APPRAISAL

5.1 The following options are available:

Option	Benefit	Risk	Comment
Option 1: The recommended option is to agree the proposed Empty Property Action Plan	 It enables the Council to potentially access the Welsh Government Empty Property Management Loan Fund. It enables the Council to create a strategic statement of intent. It establishes a co- ordinated whole Authority approach. The Council can acquire external advice and support, particularly in relation to enforcement. It raises awareness, understanding and importance of 	 There are no risks associated with the actual development of the proposed Action Plan itself. Although not the subject and consideration of this report, there is no compulsion on the Council (with the exception of public safety) to actually take enforcement action. 	There may be resource implications associated with individual properties contained within the Action Plan. But any risk would be taken into account in respect of any decision making necessary in respect of any individual properties. This would be outside of the consideration needed for this report.

Option	Benefit	Risk	Comment
	 utilising empty properties. It supports Welsh Government priorities of tackling empty properties. The aim is to link the Action Plan with contributing towards the Council's priorities of delivering additional affordable housing, additional homeless accommodation, and town centre regeneration. 		
Option 2: Do nothing and continue with the existing approach	 Individual services will continue to implement their existing procedures and service priorities relating to engaging with empty property owners. 	At present the Council has no existing designated funding source for empty properties beyond existing service budgets and the Home Improvement Loan facility that empty homeowners can access. There may be a need to specifically identify resources to facilitate a particular course of action e.g., compulsory purchase	This is not considered an option

6. REASONS:

6.1 The Council has been requested to develop an Empty Property Enforcement Action Plan by WG.

7 RESOURCE IMPLICATIONS

- 7.1 There are no resource implications associated with the proposed Action Plan.
- 7.2 Resource implications will potentially arise and be considered in relation to possible future decision making in relation to individual properties.

8. CONSULTEES:

8.1 Cabinet. Senior; Leadership Team; Enterprise DMT; Enterprise Accountant; Empty Homes Working Group

8.2 Consultation Feedback

The Adults Select Committee requested that an elected member be nominated to join the Council's Empty Property Working Group.

9. BACKGROUND PAPERS: None

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MONMOUTHSHIRE EMPTY PROPERTIES ACTION PLAN

APPENDIX ONE

1. Overall Aim of Plan

- 1.1 To help bring empty properties back into use and improve the physical condition of the existing built environment by targeting those properties that are having a detrimental effect on the area or local community.
- 1.2 To increase the availability of affordable housing in the County.

2. Objectives of Plan and associated actions

Objective 1: To identify and implement effective intervention 'Toolkit'

	ACTION What are we going to do?	WHAT WE WILL DO How are we going to do it?	BY WHOM?	BY WHEN?	MONITORING / MEASURE / TARGET
1.	Continue with website development,	Maintain up to date information for Empty Property owners	Strategy & Policy Officer – Homelessness	On-going activity	
2.	ID & target 3 properties as a pilot to use as a whole LA learning exercise	Visit to access determine condition from an EH, Planning, Building Control and Housing perspective and produce a single action plan	Strategy & Policy Officer - Homelessness, Officer, Specialist EH Officer, Building Control Surveyor, Development	End of Sept 2021	

			Management Area Manager		
3.	Advice on selling, renting, repairing, renovating, or developing properties	Making Info available on dedicated web page and promoting through biannual lettering	Strategy & Policy Officer - Homelessness	In place	
4.	Provide info and support to EP owners with regard social lettings / private sector leasing / Tenancy Deposit Schemes and financial assistance schemes	engaging with EP owners through Monmouthshire Letting Scheme (MLS)	Strategy & Policy Officer - Homelessness, Monmouthshire Lettings Negotiator	In place	
5.	Engage pro-actively with EP Owners	Bi-annual engagement with owners to discuss intentions with property and to provide advice and assistance around options and available support.	Strategy & Policy Officer - Homelessness	In place bi- annually Feb/March and Sept/Oct	
6.	Review Council Tax discounts / premiums	To be considered by the EP Working Group	Empty Property Working Group*	November 2021	
7.	To use SHG programme to tackle EH	To engage with RSL's to ID development opportunities	Strategy & Policy Officer – Affordable Housing	On – going activity	

*Membership – Housing & Communities; Regeneration; Legal; Planning; Building Control; Environmental Health

Objective 2: To raise awareness of empty property issues with property owners, local community, businesses, local members, and community councillors.

		BY WHOM?	BY WHEN?	MONITORING / MEASURE /
What are we going to do?	How are we going to do it?			TARGET

1.	Engage with EP owners	Biannual engagement with owners to discuss intentions with property and to provide advice and assistance around options and available support. Develop a campaign with Communications Team Engage with Business Networks	Strategy & Policy Officer - Homelessness	October 2021 & February 2022	Data-base maintained Completion of proposal for campaign and its subsequent implementation. Nos. of properties brought back into use
2.	Promote local activity around EP	Press releases	Strategy & Policy Officer - Homelessness	November 2021 & February 2022	
3.	Implement town centre survey of empty spaces above shops.	Through a questionnaire survey	Strategy & Policy Officer - Homelessness	In progress and complete by December 2021	Produce survey report, to confirm findings, conclusion, and recommendations
4.	Inform Members of progress of EP Action Plan	Arrange Members Seminar Reports to Select Committee (Stronger Communities)	Strategy & Policy Officer - Homelessness	Seminar – December 2021	

Objective 3: To adopt a corporate approach and develop new partnerships (Integration and Collaboration)

	ACTION What are we going to do?	WHAT WE WILL DO How are we going to do it?	BY WHOM?	BY WHEN?	MONITORING / MEASURE / TARGET
1.	Continue with the EP Working Group	 Sharing info Developing policy and identifying solutions Develop a 'case conference' approach to tackling EP 	Empty Property Working Group	On-going activity	

2.	Making empty properties		Empty Property Working Group	On-going activity	Reflected in strategic documents and formal decision making
3.	Explore regional opportunities	Engage with Regional PSM	Housing & Communities Manager	October 2021	

Objective 4: To integrate and support wider town centre regeneration or other regeneration initiatives including the Transforming Towns programme.

	ACTION What are we going to do?	WHAT WE WILL DO How are we going to do it?	BY WHOM?	BY WHEN?	MONITORING / MEASURE / TARGET	
1.	High street survey on spaces above shops	Survey shops in the high street Working with the regeneration team on proposals/ potential opportunities. Feed into the development of strategic masterplans for each town.	Strategy & Policy Officer, Homelessness, Regeneration Project Manager	November 2021	75% response	
2.	Target 22 Monnow Street, Monmouth	Arrange a follow up meeting with agent to discuss progress of the planning application. Grant/Loan dates do not fit in with application/build out timeline. Planning to support applicant to encourage an application	Heritage Manager	End of October 2021	To achieve general timescales and an understanding of general approach to site new use.	
		encourage an application				

	ACTION What are we going to do?		BY WHOM?	BY WHEN?	MONITORING / MEASURE / TARGET	
1.	To respond to complaints and identified problematic properties.	Through an incremental course of action from a soft supportive approach of engagement, e.g., lettering offering advice, through to the harder approach of the use of our legislative powers / options	Strategy & Policy Officer – Homelessness and relevant teams such as Environmental Health, Planning and Building Control	This is an ongoing activity	Service activity monitoring including outcomes	
2.	Review complaints procedure	Evaluate and health-check existing procedure to ensure meets requirements	Strategy & Policy Officer with Empty Property Working Group	January 2022	Completed written procedure	

3. Local Authorities should identify key commercial and residential properties that will be prioritised for action. The priority list should be reflective of the level of resources available and focus on properties where action is likely to result in a positive outcome by bringing the property back into use, improving the visual amenity or other tangible benefit to the local community.

Suggested minimum of 8 properties (commercial and residential) with no less than 4 properties located in the town centres as part of the Transforming Towns agenda.

See below for our priority list of properties for action

Property List for Action

Property Address & Property Type	Condition	Options Considered	Potential Approach to be taken	Lead Person	Key Dates	WG Town Centre Management Fund Eligibility
Property 1 Monnow Street, Monmouth	Poor	Section 215 Notice to address external condition of the building. Repairs Notice with follow up CPO. Negotiations with owners to progress planning/LBC applications	Negotiate proactively and supportively with a view to achieve a scheme of redevelopment mixed use. Section 215 Town and Country Planning Act 1990 Section 79 Building Control Act 1984 Housing Act 1985	Heritage Manager	November 2021	Yes
Property 2 Penypound, Abergavenny	Good	Property is empty but not in a poor state, no formal action required from Planning perspective. Property is advertised for sale	Engage with partner RSL's in respect of acquiring.	Strategy & Policy Officer – Affordable Housing	Ongoing	Yes

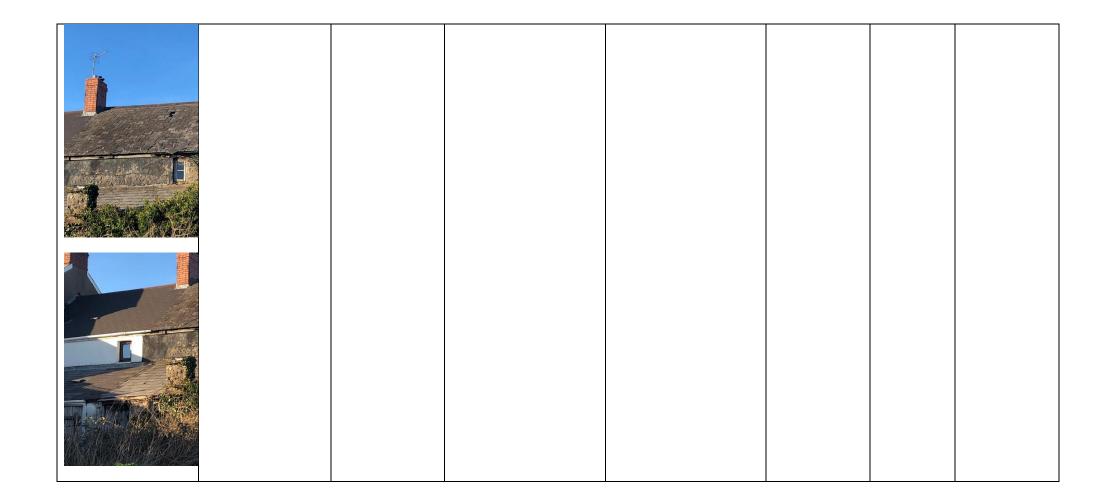
Property 3	The property is	 The danger is not 	Write to owner	Strategy &	Oct 21	No
Magor.	in a poor state	immediate but	stating that the	Policy Officer –		
	of repair,	potentially	property is a long-	Homelessness with Specialist		
Detached, two storey		dangerous and will	term empty property	EHO, Building		
of traditional construction		require monitoring	and is having a	Control		
construction		by the owner.	negative impact on	Surveyor and		
			the area	Development		
		There is a need to		Management		
		ensure the building is		Area Manager		
		secure				
			Section 16 RFI			
			Housing Act 2004			
			MCC will not act if			
			owner agrees to sell			
			the property or move			
			it forward within a			
			couple of months.			
			If progress is not			
and the second se			made to either sell it			
			or improve it, then			
Variance 1999			the LA will take			
the state of the s			enforcement action			
			Enforcement Options			
			•Section 215 Town			
			and Country			
			Planning Act 1990			
			• Section 4 Prevention			
			of Damage by Pests			
			Act 1990			
			ACI 1990	1		

			• Community Protection Notice.			
Property 4	Poor Condition		Establish ownership	Specialist Environmental	By End Sept 2021	No
Rogiet	Condition		Property inspection	Health Officer - EHO		
Somi dotachad	Main conce	rn				
Semi-detached, two storey of	with the		Serve a Section 16			
traditional	property is		Requisition for			
construction	the condition of the roof	n	Information.			
	01 112 1001					

Potential Enforcement Options	
Section 4 Prevention of Damage by Pests Act 1949	
Section 59 Building Act 1984	
Housing Act 2004	
Section 77 & 78 of The Building Act 1984 to act in	
making the building safe, other acts	
include Local Government (Miscellaneous Provisions) Act	
1982 • Section 29 –	
Protection of Building, whereby the LA can	
undertake	

			works for the purpose of preventing unauthorised entry or is likely to become a danger to public health.			
Property 5 Caerwent	Poor	 Potential issues to be addressed: 1. Secure front and rear doors. 2. Replace windowpane in front window or secure with boarding 3. Secure roof tiles. 4. Overgrown garden 	Environmental Health Enforcement Options 1. Local Government (Miscellaneous Provisions) Act1982, Section 29 – can be used to require the owner of a property to take steps to secure a property or allow the local authority to board it up in an emergency. 2. Prevention of Damage by Pests Act 1949 (Section 4) – can require the cutting back of vegetation if vermin evident or likely. Planning Enforcement Option	Strategy & Policy Officer – Homelessness, Specialist EHO & Development Management Area Manager	Oct 21	No

Section 215 Town and Country Planning Act 1990	



APPENDIX 2

Integrated Impact Assessment document

monmouthshire sir fynwy	Integrated Impact Assessment document (incorporating Equalities, Future Generations, Welsh Language and Socio Economic Duty)	
Name of the Officer completing the evaluation lan Bakewell	Please give a brief description of the aims of the proposal Empty Property Action Plan – bring empty properties back into use	
Phone no: 01633 644479 E-mail: ianbakewell@monmouthshire.gov.uk		
Name of Service area Housing & Communitues	Date 24.08.21	

1. Are your proposals going to affect any people or groups of people with protected characteristics? Please explain the impact, the evidence you have used and any action you are taking below.

Protected Characteristics	Describe any positive impacts your proposal has on the protected characteristic	Describe any negative impacts your proposal has on the protected characteristic	What has been/will be done to mitigate any negative impacts or better contribute to positive impacts?
Age	This proposal affects people of all ages from 16+ including older persons by virtue of making more accommodation available in Monmouthshire Any properties being brought back into use have the potential to support people of all protected characteristics		Empty properties being brought back into use is an additional housing option in Monmouthshire and will complement other housing options.
Disability	As above	As above	As above

Protected Characteristics	Describe any positive impacts your proposal has on the protected characteristic	Describe any negative impacts your proposal has on the protected characteristic	What has been/will be done to mitigate any negative impacts or better contribute to positive impacts?
Gender reassignment	As above	As above	As above
Marriage or civil partnership	As above	As above	As above
Pregnancy or maternity	As above	As above	As above
Race	.As above	As above	As above
Religion or Belief	.As above	As above	As above
Sex	As above	As above	As above
Sexual Orientation	As above	As above	As above

2. The Socio-economic Duty and Social Justice

The Socio-economic Duty requires public bodies to have due regard to the need to reduce inequalities of outcome which result from socio-economic disadvantage when taking key decisions This duty aligns with our commitment as an authority to Social Justice.

	Describe any positive impacts your proposal has in respect of people suffering socio economic disadvantage	Describe any negative impacts your proposal has in respect of people suffering socio economic disadvantage.	What has been/will be done to mitigate any negative impacts or better contribute to positive impacts?
Socio-economic Duty and Social Justice	The aim is that wherever possible the aim is that empty properties being brought back into use will benefit those surffering socio economic disadvantage.	The aim is that wherever possible the aim is that empty properties being brought back into use will benefit those surffering socio economic disadvantage.	The Council will always seek to link empty property opportunities with local housing need.
	Where possible, the Council will seek to use any properties brought back into use to meet local housing eg affordable housing; homeless accommodation; supported housing etc. Due to the issue of ownership, this may not be possible as it will be the pregoative of owners, not the Council.	This, however, can't be guaranteed because empty properties are typically outside of the ownership of the Council and, therefore, the Council may not be able to 'insist' an owner on the future use. For example, an owner may decide to sell a property on the open market.	

3. Policy making and the Welsh language.

How does your proposal impact on the following aspects of the Council's Welsh Language Standards:	Describe the positive impacts of this proposal	Describe the negative impacts of this proposal	What has been/will be done to mitigate any negative impacts or better contribute to positive impacts
Policy Making Effects on the use of the Welsh language, Promoting Welsh language Treating the Welsh language no less favourably	Neutral impact beyond bi-lingual public information being produced in respect of empty properties	None	N/A
Operational Recruitment & Training of workforce	Neutral impact. This proposal does not involve the appointment of staff. However, on a general basis, Housing & Communities encourages the appointment of Welsh Language speakers and offers staff Welsh Language training	None	N/A
Service delivery Use of Welsh language in service delivery Promoting use of the language	When advertising services, any empty property information produced will promote that must people can deal with the Council in Welsh by phone,email, twitter, facebook, letters, forms, website transactions etc	None	N/A

4. Does your proposal deliver any of the well-being goals below? Please explain the impact (positive and negative) you expect, together with suggestions of how to mitigate negative impacts or better contribute to the goal. There's no need to put something in every box if it is not relevant!

Well Being Goal	Does the proposal contribute to this goal? Describe the positive and negative impacts.	What actions have been/will be taken to mitigate any negative impacts or better contribute to positive impacts?
A prosperous Wales Efficient use of resources, skilled, educated people, generates wealth, provides jobs	 Positive: Positively contributes to increasing housing options in Monmouthshire. Empty properties are considered an unused resource Possible repairs and renovation work supports the local economy Potential income generation arising from rent generates wealth Use of accommodation for accommodation may support accessing employment opportunities. Negative: None 	The Council contacts the owners of long-term empty homes on a bi-annual basis to seek to bring empty homes back into use. Depending on how a property comes back into use will influence actions taken in relation to better contributing to positive impacts. At this stage it'snot possible to be prescriptive. Homeless prevention work will continue
A resilient Wales	Positive: N/A	There may be an option to increase the energy efficiency
Maintain and enhance biodiversity and	Negative: N/A	standard of the properties in the future.
ecosystems that support resilience and		
can adapt to change (e.g. climate		
change)		
A healthier Wales	Positive: Positively contributes to the health of homeless	None at present
People's physical and mental wellbeing is maximized and health	persons. Good housing supports well-being Negative: None.	
impacts are understood	inclative. None.	
A Wales of cohesive communities Communities are attractive, viable, safe and well connected	Positive: By bringing an empty property back into use positively contributes by effectively increasing housing supply. Thereby helping local people remain in their home communities. Negative: None	None at present
A globally responsible Wales	Positive: Positively contributes to the effective use of	N/A.
Taking account of impact on global	resources and contributes positively to health if	
well-being when considering local	properties can be brought back into use.	
social, economic and environmental wellbeing	Negative: N/A	
A Wales of vibrant culture and	Positive: N/A	N/A
thriving Welsh language	Negative: N/A	
Culture, heritage and Welsh language		
are promoted and protected. People		

Well Being Goal	Does the proposal contribute to this goal? Describe the positive and negative impacts.	What actions have been/will be taken to mitigate any negative impacts or better contribute to positive impacts?
are encouraged to do sport, art and recreation		
A more equal WalesPositive: The proposal both strengthens the availability of residential accommodation in Monmouthshire. Any accommodation helps to increase the stability in people's lives improving opportunities in respect of personal 		

5. How has your proposal embedded and prioritised the sustainable governance principles in its development?

	Development nciple	Does your proposal demonstrate you have met this principle? If yes, describe how. If not explain why.	Are there any additional actions to be taken to mitigate any negative impacts or better contribute to positive impacts?
Long Term	Balancing short term need with long term and planning for the future	The proposal, which includes enforcement, seeks to provide a medium to long-term intervention. The proposal is not expected to deliver any short-term benefits The proposal is about planning ahead in respect of sustainable solutions and strategic planning	The Council will continue to operate a pro-active and positive approach will continue to contribute to positive impacts.

Sustainable Development Principle		Does your proposal demonstrate you have met this principle? If yes, describe how. If not explain why.	Are there any additional actions to be taken to mitigate any negative impacts or better contribute to positive impacts?	
Collaboration	Working together with other partners to deliver objectives	 This proposal is based on a partnership approach through the following parties: Welsh Government Private owners Housing & Communities Env Health Planning Building Control Legal Strategic Projects Housing Associations 	Empty homes procedures already exist in terms of engaging with owners, a high street survey is currently in progress and an Empty Homes Trial has already commenced focusing on three empty homes. All of which have been absorbed into the proposed action plan.	
Involvement	Involving those with an interest and seeking their views	The Council has established an internal working group in respect of empty homes. This platform has been used to develop the empty property action plan. The high street survey raises awareness with shop owners/managers	N/A	
Prevention	Putting resources into preventing problems occurring or getting worse	The proposal builds upon the existing proactive, positive, and supportive approach. By identifying empty properties such as spaces above shops, that supports the Council's preventative approach.		

Sustainable Development Principle	Does your proposal demonstrate you have met this principle? If yes, describe how. If not explain why.	Are there any additional actions to be taken to mitigate any negative impacts or better contribute to positive impacts?
Integration	The proposal indirectly positively impacts on well-being e.g., potential for additional good quality accommodation supports well-being and potential additional income for empty property owners	N/A
Considering impact on all wellbeing goals together and on other bodies		

6. Council has agreed the need to consider the impact its decisions has on the following important responsibilities: Corporate Parenting and Safeguarding. Are your proposals going to affect any of these responsibilities?

	Describe any positive impacts your proposal has	Describe any negative impacts your proposal has	What will you do/ have you done to mitigate any negative impacts or better contribute to positive impacts?
Safeguarding	The proposal indirectly and potentially supports households where there could be safeguarding issues by providing safe and secure temporary accommodation.		N/A
Corporate Parenting	The proposal supports Corporate Parenting by potentially providing safe and secure accommodation.	None.	N/A

7. What evidence and data has informed the development of your proposal?

Evidence has been gathered in the following ways:

Anecdotal evidence from individual staff
Empty homes statistics via Council Tax
Empty Homes complaints
High Street space above shop survey

8. SUMMARY: As a result of completing this form, what are the main positive and negative impacts of your proposal, how have they informed/changed the development of the proposal so far and what will you be doing in future?

This section should summarise the key issues arising from the evaluation. This summary must be included in the Committee report template **Positive**

The positive benefits of this proposal are:

- The proposal establishes a formal and whole authority approach to tackling empty properties
- It establishes a firm commitment by the Council to tackling empty properties using enforcement
- It will enable the Council to access Welsh Government load funding facility

Negative

None.

9. ACTIONS: As a result of completing this form are there any further actions you will be undertaking? Please detail them below, if applicable.

What are you going to do	When are you going to do it?	Who is responsible
Prepare reports for Enterprise DMT	6 th September 21 Enterprise DMT - Completed	Housing & Communities Manager
Submit action plan to WG	By 17 th September 21 - Completed	Strategy & Policy Officer
Cabinet Member Training	23 rd October 2021 – Completed	Strategy & Policy Officer
Prepare reports for Adults Select	By 9 th November 21 – Completed	Strategy & Policy Officer
Prepare reports for Cabinet	By 1 st December 21	Strategy & Policy Officer
Agenda Action Plan for Empty Property Working Group and commence action	3 rd December 21	Strategy & Policy Officer

10. VERSION CONTROL: The Equality and Future Generations Evaluation should be used at the earliest stage, such as informally within your service, and then further developed throughout the decision making process. It is important to keep a record of this process to demonstrate how you have considered and built in equality and future generations considerations wherever possible.

Version No.	Decision making stage	Date considered	Brief description of any amendments made following consideration
1	Enterprise DMT	06.09.21	Minor amendments to improve clarity

2	Adults Select Committee	09.11.21	None