

DENS PROPERTY PARTNERSHIP

Partnership Assessment Form

VPART A INTRODUCTION		
Name of Partnership	<i>DENS Property Partnership</i>	
Names of Partners	<i>Dacorum Borough Council DENS Ltd (Registered Charity 1097185 Registered Company 4610820)</i>	
Lead Officer	Name	<i>David Martin</i>
	Job title	<i>Head of Resources</i>
Partnership Assessment Form completed by:	Name	<i>David Martin</i>
	Job title	<i>Head of Resources</i>
	Signed	
	Date	
How does the Partnership align with the Council's Vision and Strategies?	<p><i>Sustainable Community Strategy / Corporate Plan priorities</i></p> <ul style="list-style-type: none"> ▪ Ensuring a sustainable local economy and jobs by providing training and improving employability amongst disadvantaged groups. ▪ Promoting civic pride and an active community by integrating groups into the community. ▪ Contribute to the delivery of the Sustainable Community Strategy and the effective work of the Local Strategic Partnership. <p><i>Asset Management Plan</i></p> <ul style="list-style-type: none"> ▪ Delivering property to deliver community benefits ▪ Enables the further letting of General Fund maisonettes on commercial terms 	

Partnership Lead Officer: _____ Head of Resources
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PART B CATEGORY OF PARTNERSHIP					
The definition of a partnership is a joint working arrangement between otherwise independent bodies who: (Tick boxes)	Level 1 Loose association – meeting to discuss common concerns	Level 2 Sharing data and discussing actions being taken	Level 3 Co-operation on projects Commitment of Council resources whilst keeping control	Level 4 Collaboration and joint commissioning of projects. Financial commitment from all partners	Level 5 Full scale merger of organisation or creation of new organisations
Agree to co-operate to achieve a common goal			Yes		
Create new organisational structures or processes to achieve this goal, separate from their own organisations			No		
Plan and implement a jointly agreed programme, often with joint staff or resources			No		
Share relevant information			Yes		
Pool risks and rewards			Yes <i>Use of property / delivery of community benefits No financial input by the Council</i>		

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PART C				
WHAT LEVEL OF COUNCIL INVESTMENT IS REQUIRED				
Does the Council make a financial contribution to this partnership? (please circle yes or no)	YES <i>Limited to the value of:</i> (a) <i>existing repairs liabilities that are already within budgets and programmes</i> (b) <i>insurance premiums that are already within budgets</i>			
If yes – what is the annual expenditure	£ Capital: <i>as per capital programme in terms of repairs to the commercial estate</i> £ Revenue: <i>insurance and revenue repairs as per existing budgets</i>			
The total expenditure? Please specify the period to which the investment relates	Capital Year	Capital Amount	Revenue Year	Revenue Amount
	2010/11	£0	2010/11	Existing budgets as above
	2011/12	£0	2011/12	Existing budgets as above
	2012/13	£0	2012/13	Existing budgets as above
	2013/14	£0	2013/14	Existing budgets as above
	2014 and beyond	£0	2014 and beyond	Existing budgets as above
	Total	£0	Total	Existing budgets as above
What savings are anticipated? Please specify the period to which the saving relates	Capital Year	Capital Amount	Revenue Year	Revenue Amount
	2009/10	£0	2009/10	See note below
	2010/11	£0	2010/11	See note below
	2011/12	£0	2011/12	See note below
	2012/13	£0	2012/13	See note below
	2013/14	£0	2013/14	See note below
	2014 and beyond	£0	2014 and beyond	See note below
Total	£0	Total	See note below	
<i>Any savings would arise from:</i> (a) <i>abortive costs of void properties such as empty Council Tax charges or repairs from break ins</i> (b) <i>ensuring continuity of occupation and thus a rental yield to support the agreed budget</i> <i>No additional savings can be yielded up at present.</i>				
Has the expenditure and/or have the savings been already built into budgets or will supplementary approval be required?	YES <i>All expenditure to be contained within existing property maintenance and insurance budgets</i>			

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[Please note: supplementary approvals will be considered in accordance with the Priorities of the Council, MTFS and other key strategies)	
What other resources does the Council contribute to the Partnership:	Officer/Member time (please give details) : <i>Setting up arrangements – Head of Resources, Estates Surveyor</i> <i>Operation – Estates Surveyor</i>
	Land: <i>General Fund maisonettes / properties</i>
	Services: <i>n/a</i>
	Other Resources (please specify): <i>n/a</i>

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External Funding

Have you obtained the necessary authority to submit a bid for external funding? Please provide a copy.

The authorisation required based on the total amount of funding being sought is as follows:-

- (a) For bids up to £10,000 the Head of Service/Senior Manager can approve the bid, but the applicant must inform the Section 151 Officer
- (b) For bids between £10,001 - £50,000. The Section 151 Officer, the applicant's Director and the Relevant Portfolio Holder.
- (c) For bids between £50,001 - £100,000 The Section 151 Officer, Corporate Management Team and the Relevant Portfolio Holder.
- (d) For bids exceeding £100,001, approval must be received from Corporate Management Team, the Section 151 Officer and the Cabinet. If, because of exceptional circumstances, for example unavoidable short notice deadlines, an application cannot be considered by Corporate Management Team, approval for submitting the application must come from the Chief Executive.

Has external funding been approved? Yes No

If yes, please attach a copy of the offer document from the external funding organisation.

Who is the Accountable Body for the funding? n/a

Who is the Lead Body for the funding? n/a

Financially significant partnerships are those where the funding being sought is £100,000 or more per annum or £250,000 and over in total.

Is this partnership "financially significant? (Please circle yes or no)	NO
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PART D WHAT GOVERNANCE ARRANGEMENTS ARE IN PLACE?

Notes:

- (1) A list of useful questions is included in the Partnership Framework document;
 (2) If the partnership relates to an EU funded project and there is a proposed BID document, the “DETAILED INFORMATION” below will need to include not only a copy of such document, but also the relevant page and paragraph references covering each point.

GOVERNANCE ARRANGEMENTS	YES	NO	DETAILS / REASONS
Have you identified the statutory/regulatory context ? (NB: there must be a legal duty or a legal power covering the objectives of the partnership)	Yes		Please state the legal authority e.g. specify a Section of an Act of Parliament. <i>(a) Section 2 Local Government Act 2003 – Wellbeing power</i> <i>(b) Section 17 Crime & Disorder Act 2003 – Duty to impact upon crime and disorder</i> <i>(c) Duties as a property owner</i>
Have you documented the purpose, objectives and benefits of the partnership and the means by which it “adds value”?	Yes		<i>Set out in Portfolio Holder decision</i>
Have the items listed in Appendix Two of the Partnership Framework been addressed regarding governance matters?	Yes		<i>See attached</i>
Have partners been provided with copies of the Council’s Financial Regulations, Procurement Standing Orders and Partnership Framework?	Yes		<i>The Service Level Agreement includes links to the relevant documents. The SLA is annexed to the Portfolio Holder decision regarding the Partnership.</i>
Does the Contract/Service Level Agreement/Memorandum of Understanding/Constitution			<i>Portfolio Holder decision subject to Section 151 and Monitoring Officer comments. Scheme will not progress if formal Portfolio Holder decision not approved</i>
(i) include sufficiently robust governance to the satisfaction of the Council’s Monitoring Officer?	Yes		
(ii) stipulate that Partners must comply with the Council’s Financial Regulations and Procurement Standing Orders?	Yes		<i>Governing document – service level agreement includes links to Council governance documents and was annexed to the Portfolio Holder Decision</i>
(iii) incorporate all applicable mandatory clauses as set	Yes		

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<p>(iv) out in the Contract Conditions Section of Procurement Standing Orders? include a clause stating that the document is legally enforceable as a contract?</p> <p>(v) Cover Data Quality and any requirements that might be required by the Council for performance, funding or other purposes?</p> <p>(vi) Include a termination clause? (Note: please also see below re: "exit strategy").</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p>		<p><i>Operational documents – commercial property leases which are prepared by Legal and executed under seal</i></p> <p><i>Leases are legal documents and are enforceable in their own right. The service level agreement sets out the monitoring and review arrangements</i></p> <p><i>Data Quality is set out in the service level agreement</i></p> <p><i>Termination clauses are included within the leases. The service level agreement also includes a termination provision, but that is subject to the leases which shall always take precedence.</i></p>
<p>Has written financial advice been obtained with regard to the partnership and all necessary due diligence matters (eg. Financial vetting, trustee involvement, group accounts, financial risk/exposure etc.) from the S.151 Officer or an officer approved by him/her?</p> <p>If financial vetting was not required pursuant to the above advice, has the S.151 Officer endorsed the partnership?</p> <p>If financial vetting was required pursuant to the above advice, has this been carried out?</p> <p>If financial vetting indicated that controls were required, have these been put in place?</p>	<p>n/a</p> <p>Yes</p> <p>n/a</p>		<p><i>Portfolio Holder decision subject to Section 151 and Monitoring Officer comments. Scheme will not progress if formal Portfolio Holder decision not approved</i></p> <p>Please provide evidence of the endorsement of the S.151 Officer or evidence that financial vetting has been carried out as required (as applicable). <i>See above and Portfolio Holder decision comments</i></p>
<p>Has written advice from the Section 151 Officer regarding the potential impact of group accounts been obtained?</p> <p>If there is a group accounting issues, has the Section 151 Officer endorsed the partnership?</p>			<p><i>Portfolio Holder decision subject to Section 151 and Monitoring Officer comments. Scheme will not progress if formal Portfolio Holder decision not approved</i></p>
<p>Have you carried out an Equalities Impact Assessment and identified any actions flowing from it?</p>	<p>Yes</p>		<p>Assessment completed and annexed to the Portfolio Holder decision.</p>
<p>Have you obtained from the appropriate decision-maker</p>	<p><i>Portfolio Holder</i></p>		<p><i>Cabinet – 30 March 2010</i></p>

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approval – both for the partnership and for decisions to be taken pursuant to it?	<i>decision</i>		<i>Portfolio Holder decision – DENS Property Partnership</i>
Have you formulated Performance Indicators and established the means of checking and reporting on performance in a manner that complies with the Council's Data Quality Standard?	Yes		See Schedule Two of the Service Level Agreement
Have you finalised your “exit strategy” if performance is sub-standard or the Council no longer wants to continue the partnership?	Yes		Please provide a copy of your exit strategy. <i>Provisions set out in the service level agreement and lease.</i>
In the event that the partnership fails, what legal and/or financial obligations would rest with the Council?	Yes		<i>Financial – none – unless properties are in disrepair</i> <i>Legal</i> <i>(a) indirect occupation for which notice would have to be given</i> <i>(b) give notice under service level agreement</i>

Partnership Lead Officer:
Date: _____

Head of Resources
Amended: _____

PH Decision - PH-10-052 - DENS - Appendix 1 - Partnership
Assessment Form.doc

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PART E WHAT IS THE SUMMARY RISK ASSESSMENT POSITION?

Notes:

- (1) The Council's Risk Management Strategy must be used to assess risk;
- (2) This schedule should be used to summarise the risk assessment undertaken in accordance with the Risk Management Strategy. It is not a replacement for complying with the Corporate standard.
- (3) A number of sample risks have been set out in the assessment and should be considered as part of the risk assessment process.

Risk Ref	Description	Consequences	Likelihood x Impact = Score	Controls	Owner
	Lack of effective commitment by the partners, eg appropriate partner representation at meetings etc	<i>Failure to make a difference in the supply of property to vulnerable people in the community</i>	1 X 4 = 4	<i>Service level agreement Leases</i>	<i>Corporate Property Manager</i>
	Lack of accountability / governance arrangements	<i>Use of Resources impact Adverse audit opinion</i>	1 X 4 = 4	<i>Service level agreement and leases</i>	<i>Corporate Property Manager</i>
	Lack of effective information sharing and communication with managers / staff in respective organisations	<i>Property not being used in accordance with management contract or leases</i>	1 X 2 = 2	<i>Service level agreement provides the baseline for communication and dialogue</i>	<i>Corporate Property Manager</i>
	Loss of confidence within the partnership (internal)	<i>Partnership failing</i>	1 X 3 = 3		<i>Corporate Property Manager</i>
	Lack of effective communication with customers / organisations (eg.the public, other organisations, other partners	<i>Subtenants believing that long term security of tenure exists</i>	2 X 2 = 4	<i>Content of DENS licence agreements</i>	<i>Corporate Property Manager</i>
	Lack of investment of time / resources / capacity across the partnership (over promising / under	<i>Objectives not met</i>	1 X 4 = 4	<i>Start small with a low number of properties. Enable it to "grow" on the basis of results.</i>	<i>Corporate Property Manager</i>

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	delivering)				
	Failure to meet targets / deadlines / objectives	<i>Properties not let</i>	1 X 4 = 4	<i>If properties are not utilised, then approach market for alternative commercial tenants</i>	<i>Corporate Property Manager</i>
	Lack of standardisation of leases	<i>Uncertainty as to roles, responsibilities and liabilities</i>	1 X 4 = 4	<i>Use of standard leases</i> <i>Service level agreement</i>	<i>Corporate Property Manager</i>
	Failure to manage financial resources	<i>DENS financial losses</i> <i>Partnership failure</i>	1 X 4 = 4	<i>Service level agreement does not put a financial obligation on the Council</i> <i>The financial model provides for a cautious approach to void levels and start up costs. A small scale is being adopted to mitigate against financial exposure.</i>	<i>Corporate Property Manager</i>
			X =		
			X =		
			X =		

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PART F
WHAT DOES THIS ASSESSMENT SUGGEST ARE THE NEXT STEPS?

Notes:
 (1) This part of the assessment should be used to consider the information set out above in order to determine the next steps
 (2) In the event that an improvement plan is required for governance arrangements, then such a plan should be regularly monitored and, if there is no demonstrable improvement, then the Partnership Assessment Form should be completely reviewed to establish whether the partnership should stop.

KEY OUTCOME... SHOULD THE PARTNERSHIP:	REASONS WHY
Stop	
Develop and improvement plan for governance arrangements	
Continue as it is	<i>(a) This is a new partnership</i> <i>(b) arrangements are set out in the service level agreement</i> <i>(c) properties to be let under commercial business leases</i>

Signed: _____

Name: David Martin

Position: Head of Resources

Date: _____

Partnership Lead Officer: _____ Head of Resources
 Date: _____ Amended: _____

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GOVERNANCE QUESTIONS TO CONSIDER WHEN ASSESSING THE OPTIONS RELATING TO PARTNERSHIPS PRIOR TO COMMENCING THEM

Governance questions	Responses
Accountability	
How will partners share in contributing to better performance?	<ul style="list-style-type: none"> ▪ <i>Regular review meetings regarding progress</i> ▪ <i>Regular review of financial performance in terms of occupation, income, expenditure and exceptions</i> ▪ <i>User testimony</i>
Who is responsible if things go wrong?	<ul style="list-style-type: none"> ▪ <i>DENS – they are subject to lease agreements</i>
Partnership initiation	
Is the Partnership also an Improving Dacorum Programme project?	<ul style="list-style-type: none"> ▪ <i>No</i>
If not, have the Improving Dacorum Programme project initiation processes been used to establish the Partnership and, if so, which elements?	<ul style="list-style-type: none"> ▪ <i>Partnership has been defined and set out in the management contract</i> ▪ <i>Cabinet report – 30 March 2010</i> ▪ <i>Portfolio Holder decision</i>
External reporting	
Are constituent organisations accountable to different external bodies?	<ul style="list-style-type: none"> ▪ <i>Yes</i> ▪ <i>The Council is monitored by the Audit Commission</i> ▪ <i>DENS Ltd is subject to its own internal audit regime and Charity Commission statements of recommended practice</i>
How will that affect ways of working and performance management requirements?	<ul style="list-style-type: none"> ▪ <i>The leasing arrangements need to be clear and distinguish between the responsibilities of each party</i>
Individual organisational objectives	
How do they overlap, where are they in conflict and how will tensions will be dealt with?	<ul style="list-style-type: none"> ▪ <i>Given the leasing arrangements that will be in place, DENS will manage the properties that they take on.</i> ▪ <i>Regular review meetings will be required</i>
Sharing performance information	
What will reporting arrangements be?	<ul style="list-style-type: none"> ▪ <i>An Estates Surveyor will be responsible for undertaking monitoring meetings subject to periodic review by the Corporate Property Manager and the Corporate Assets Group</i> ▪ <i>Given that this partnership is likely to generate significant interest, it will form part of the regular Resources Overview & Scrutiny Committee update reports.</i>

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Governance questions	Responses
How can you ensure the quality of the data? (Refer to the Council's Data Quality Standard).	<ul style="list-style-type: none"> ▪ <i>There is little data to collect outside of the number of clients and financial performance which is subject to DENS accounting arrangements</i>
What will be considered to be a "successful" or "unsuccessful" partnership in terms of performance and how will it be measured?	<p><i>DENS</i></p> <ul style="list-style-type: none"> ▪ <i>achieving their objectives of successfully placing clients</i> ▪ <i>Financially and operationally sustainable partnership</i> ▪ <i>Small surplus</i> <p><i>Council</i></p> <ul style="list-style-type: none"> ▪ <i>Receive rental income on time</i> ▪ <i>Low level of complaints or issues</i>
Organisation and communication	
How will partners work together to achieve joint objectives?	<ul style="list-style-type: none"> ▪ <i>Operate under a service level agreement and leases</i> ▪ <i>Regular review meetings</i>
How will they keep each other informed?	<ul style="list-style-type: none"> ▪ <i>Review meetings</i>
Finance	
Will budgets be merged or pooled or will individual spending be aligned to partnership objectives?	<ul style="list-style-type: none"> ▪ <i>No</i>
How will value for money be assessed?	<p><i>DENS</i></p> <ul style="list-style-type: none"> ▪ <i>Financially sustainable and small surplus</i> <p><i>Council</i></p> <ul style="list-style-type: none"> ▪ <i>Rent received at level of lease</i>
Who is the lead body?	<ul style="list-style-type: none"> ▪ <i>DENS</i>
Who is the accountable body?	<ul style="list-style-type: none"> ▪ <i>DENS</i>
Is there any financial impact (revenue or capital) upon the Council?	<ul style="list-style-type: none"> ▪ <i>Not outside of existing budgets</i>
Have those impacts been incorporated into the budget?	<ul style="list-style-type: none"> ▪ <i>N/a – existing costs regarding buildings insurance etc</i>
Are there financial risks / obligations in the short/medium/long term (as applicable) arising from the partnership?	<ul style="list-style-type: none"> ▪ <i>Only if rent is not paid or significant damage occurs</i> ▪ <i>If there are issues, the partnership will need to be brought to an end</i>
Has advice been sought from the Section 151 Officer (or his/her nominated officer) regarding financial and accounting implications?	<ul style="list-style-type: none"> ▪ <i>Portfolio Holder decision approach adopted which requires Section 151 and Monitoring Officer advice</i>
Property, assets and procurement	
Do the proposals impact on any property/other assets (vehicles/equipment etc.) which the Council owns or in which it has an interest (e.g a lease)?	<ul style="list-style-type: none"> ▪ <i>Yes</i> ▪ <i>Lease of property</i>
Is it proposed to acquire the freehold interest in land or any other interest in property/assets?	<ul style="list-style-type: none"> ▪ <i>No</i>

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Governance questions	Responses
What property and assets advice has been taken?	<ul style="list-style-type: none"> ▪ <i>This proposal originates from the Resources Division which is responsible for Property & Asset Management</i> ▪ <i>The partnership flows from the Asset Management Plan</i> ▪ <i>Corporate Assets Group have reviewed the proposals and consultees are set out in the Portfolio Holder decision</i> ▪ <i>Supportive comments of the Insurance & Risk Manager</i>
Is there a need to procure any supplies, services or works?	<ul style="list-style-type: none"> ▪ <i>No</i>
What are the financial, legal, personnel and/or other operational implications arising from the property or procurement issues?	<ul style="list-style-type: none"> ▪ <i>No implications outside of existing budgets</i>
People	
Will the partnership need staff?	<ul style="list-style-type: none"> ▪ <i>No – any staffing is solely the responsibility of DENS</i>
Who will employ them?	<ul style="list-style-type: none"> ▪ <i>n/a</i>
Are there any fixed term contract issues?	<ul style="list-style-type: none"> ▪ <i>n/a</i>
Who is responsible for any redundancy costs?	<ul style="list-style-type: none"> ▪ <i>n/a</i>
Is TUPE involved?	<ul style="list-style-type: none"> ▪ <i>n/a</i>
What HR advice has been taken or is required?	<ul style="list-style-type: none"> ▪ <i>None – there are no Council staff involved</i>
Risk	
Does the Partnership Risk Assessment identify all of the risks faced by the Partnership?	<ul style="list-style-type: none"> ▪ <i>Please see elsewhere in this document</i>
Is it necessary for the Council to have an “internal” risk assessment pertaining to the risks that the Council is exposed to by virtue of participating in the Partnership? (e.g. Use of premises or where financial commitments are fixed in value, etc)	<ul style="list-style-type: none"> ▪ <i>Please see elsewhere in this document</i>
Are the risks associated with working with specific organisations assessed and managed?	<ul style="list-style-type: none"> ▪ <i>The Council has a long working relationship with DENS Ltd and it is in receipt of core funding</i>
Are all those organisations which are likely to have some influence over the success of a programme or service to the public identified?	<ul style="list-style-type: none"> ▪ <i>Yes</i>
Is consideration being given to the need for a consistent and common approach to managing risks by all those involved in joint working or partnership arrangements, and are those accepted and understood?	<ul style="list-style-type: none"> ▪ <i>The preparation of this assessment has been compiled in consultation with DENS</i>
Do partner organisations understand and have confidence in each others risk management arrangements?	<ul style="list-style-type: none"> ▪ <i>Yes</i>
Has the extent to which risks can be transferred to organisations, both public	<ul style="list-style-type: none"> ▪ <i>Yes</i>

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Governance questions	Responses
and private, who are best placed to manage them been considered and acted upon?	<ul style="list-style-type: none"> ▪ <i>Clear responsibilities under the leases</i>
Is there reliable and regular information to monitor the risk management performance of all those organisations involved in and partnerships?	<ul style="list-style-type: none"> ▪ <i>Yes</i>
Are there adequate contingency arrangements to minimise the adverse effects on public service delivery of one or more party failing to deliver?	<ul style="list-style-type: none"> ▪ <i>In the event that the partnership fails to deliver then notice provisions within the service level agreement and leases will need to be invoked</i> ▪ <i>In the event that this occurs, then any vacant maisonettes will be commercially let</i>
Are staff encouraged to take responsibility for risks when they are best placed to do so, rather than transferring them to other organisations?	<ul style="list-style-type: none"> ▪ <i>An Estates Surveyor will act as the liaison officer for the partnership</i>
Where risks are transferred to a partner organisation, are accountabilities clearly established and capacity maintained to manage and monitor performance, and take early action in the event of difficulty?	<ul style="list-style-type: none"> ▪ <i>Yes – these are set out in the service level agreement and leases</i>
Assessing the implications as a whole for each party	
How will partners agree to share risks, costs, benefits and rewards?	<ul style="list-style-type: none"> ▪ <i>As per the service level agreement and leases</i>

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