Report No. ES20102	**London Borough of Bromley**
	PART ONE - PUBLIC

Decision Maker:	**Environment and Community Services PDS Committee and Public Protection and Enforcement PDS Committee**		
Date:	**1ˢᵗ September 2021 and 7ᵗʰ September 2021**		
Decision Type:	Non-Urgent	Non-Executive	Non-Key
Title:	**Risk Register**		
Contact Officer:	Lucy West, Senior Performance Officer Tel: 020 8461 7726 Email: Lucy.West@Bromley.gov.uk		
Chief Officer:	Colin Brand, Director of Environment & Public Protection		
Ward:	All Wards		

1. <u>Reason for report</u>

1.1 This report presents the revised Environment & Public Protection Risk Register for detailed scrutiny by both PDS Committees.

1.2 This appended Risk Register also forms part of the Annual Governance Statement evidence-base and has been reviewed by: E&PP DMT, Corporate Risk Management Group; and Audit Sub-Committee.

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2. **RECOMMENDATIONS**

   That the Environment and Community Services PDS Committee and Public Protection and Enforcement PDS Committee reviews and comments on the appended E&PP Risk Register. It should be noted that each risk has been highlighted as being relevant to one committee only (and therefore should be discussed at the relevant meeting).

Impact on Vulnerable Adults and Children

1. Summary of Impact: The appended Risk Register covers services provided by the E&PP Department and some borough-wide risks. Addressing the impact of service provision on vulnerable adults and children is a matter for the relevant procurement strategies, contracts and service delivery rather than this high-level Risk Register report.

Corporate Policy

1. Policy Status: Existing Policy:

2. BBB Priority: Excellent Council:

Financial

1. Cost of proposal: N/A

2. Ongoing costs: N/A

3. Budget head/performance centre: E&CS and PP&E Portfolios

4. Total current budget for this head: £32.41m and £2.54.m

5. Source of funding: Existing controllable revenue budget 2021/22

Personnel

1. Number of staff (current and additional): - 145.6 FTEs and 47.3 FTEs

2. If from existing staff resources, number of staff hours: - N/A

Legal

1. Legal Requirement: Statutory Requirement:

2. Call-in: Not Applicable:

Procurement

1. Summary of Procurement Implications: Risk management contributes to contract management and good governance.

Customer Impact

1. Estimated number of users/beneficiaries (current and projected): N/A

Ward Councillor Views

1. Have Ward Councillors been asked for comments? N/A

2. Summary of Ward Councillors comments: N/A

3.   COMMENTARY

Risk Register Background

3.1   The Council's aims are set out in [Building a Better Bromley](#) and the Portfolio Plans, and a risk can be defined as anything which could negatively affect the associated outcomes. Some level of risk will be associated with any service provision: the question is how best to manage that risk down to an acceptable level? (this is known as our 'risk appetite')

3.2   It follows that the Council should be able to clearly and regularly detail the main departmental risks and related mitigation measures to ensure a) that desired outcomes are achieved and b) to allow for Member scrutiny – the purpose of this report.

3.3   Although the appended E&PP Risk Register is comprehensive, departmental risk management activity is certainly not exclusive to this report. For instance:

- major programmes and services (e.g. Tree Management Strategy) will have associated Risk Registers (such registers are reviewed by the relevant Programme / Service Boards);

- financial risk is addressed in each Portfolio's Budget Monitoring Reports and, more generally, in the Council's Annual Financial Strategy Report;

- audit risk is captured through the Audit Programme's planned and investigative activity and associated reports and management action requirements;

- contract risk forms part of the Contracts Database (all contracts are now quantified and ranked according to the risk presented to the Council). The new Environmental Services Contract, therefore, appears both in this Risk Register and the Corporate Contracts Register, due to its size and complexity.

3.4   In 2016/17 Zurich Municipal (the Council's insurer) undertook a 'check and challenge' review (involving all management teams) of the Council's general approach and the individual risks. This resulted a new-style of register and a greater consistency of approach across the Council. Zurich attended during 2018/19 to repeat this exercise with all E&PP risk owners.

3.5   It was agreed that Risk Registers should be presented to each Departmental Management Team, the relevant PDS committee, and Audit Sub-Committee twice a year (minimum) to allow activity to be scrutinised in a regular and systematic manner. Individual risks should naturally be reviewed (by Risk Owners) at a frequency proportionate to the risk presented (see appendix).

3.6   In addition to its use for management and reporting purposes, the Risk Register also forms part of E&PP's evidence-base for contributing to the Council's Annual Governance Statement (which, itself, forms part of the Council's end-of-year management procedures).

3.7   Risks from all three departments are considered at the (officer) Corporate Risk Management Group (CRMG), which reviewed all the Risk Registers when it last met on 26th April 2021 and at Audit Sub-Committee, which last met on 8th June 2021. The next CRMG meeting will take place on 10th September 2021.

3.8   At the time of writing, the Council has 123 individual risks (113 departmental plus 10, high-level, Corporate Risks (covering key risks which apply to the Council as a whole).

3.9   E&PP Department currently has 28 risks (~22% of the Council's total).

3.10 The appended E&PP Risk Register is summarised below. Each risk is scored using a combination of the 'likelihood' (definite to remote) and 'impact' (insignificant to catastrophic) to produce a 'gross rating' (prior to controls) and 'net rating' (post management controls) – see

Appendix. Number E&PP risks are currently ragged 'red' following implementation of management control measures.

Ref	Risk & Description	Gross Risk Rating	Current Risk Rating
1	**Emergency Response:** Failure to respond effectively to a major emergency / incident internally or externally	8	6
2	**Central Depot Access:** Major incident resulting in loss of / reduced Depot access affecting service provision (LBB's main vehicle depot)	12	9
3	**Fuel Availability:** Fuel shortage impacting on transport fleet / service delivery	5	4
4	**Business Continuity Arrangements:** Lack of up-to-date, tried and tested, BCP for all Council services	8	6
5	**Industrial Action:** Contractors' staff work-to-rule / take strike action impacting on service delivery	12	8
6	**Health & Safety (E&PP):** Ineffective management, processes and systems within E&PP departmentally	12	8
7	**Highways Management:** Deterioration of the Highway Network due to under-investment	8	6
8	**Arboricultural Management:** Failure to inspect and maintain Bromley's tree stock leading to insurance claims etc	12	6
9	**Income Variation (Highways and Parking) (Non-Covid):** Loss of income at a time when the Council is looking to grow income to off-set reduced funding	9	6
10	**Waste Budget:** Increasing waste tonnages resulting in increased waste management costs	20	12
11	**Town Centre Businesses and Markets:** Loss of town centre businesses to competition	15	6
12	**Staff Resourcing and Capability:** Loss of corporate memory and ability to deliver as key staff leave (good new staff are at a premium)	12	9
13	**Climate Change:** Failure to adapt the borough and Council services to our changing climate	12	8
14	**Income Reconciliation (Public Protection Licensing):** Uncertainty around income reconciliation when the Council is looking to grow income to offset reduced funding	6	4
15	**Income Reconciliation (Waste Management):** Uncertainty around income reconciliation linked to the mobilisation of new waste contracts	6	2
16	**Dogs and Pests Contract:** Failure to deliver the contract to the required service levels	6	4
17	**Out of Hours Noise Service:** Failure to deliver statutory services	12	12
18	**Integrated Offender Management:** Failure to contribute to IOM in Bromley	12	12
19	**Anti-Social Behaviour Co-Ordinator post:** Failure to deliver ASB problem solving and partnership activity	12	12
20	**Gangs and Serious Youth Violence Officer:** Inability to deliver strategic coordinated gang disruption work with partners across the borough	12	12
21	**The provision of 24/7 CCTV Monitoring:** Inability to provide 24-7 CCTV monitoring	12	3
22	**Loss of Income from Licensing:** Lost income from alcohol and gambling licenses	12	9
23	**Risk to Health:** Officers exposed to COVID-19 through enforcement visits	12	9
24	**Increased Costs for Coroners Service:** Additional estimated costs due to high risk post mortems	20	20
25	**COVID-19 related loss of income (Parking):** Greatly reduced income from parking charges and from enforcement activity. Failure to deliver transport improvements.	16	12
26	**Dysfunctionality of Uniform Information Management System:** Impacts how data is recorded, retrieved and analysed. Data is not always saved or retrievable.	20	12

27	**Disruption to Waste Services:** During Depot Improvement Programme works in 2022/23 significant infrastructure works at the Depot which will impact the service.	20	16
28	**Dysfuncionality of IT Support & Systems:** CRM changed service requests are not being received by Public Protection in a timely manner, issues with quality e.g. missing telephone numbers, emails etc. This adds further delay in dealing with requests - complaints increase.	16	12

3.11 The risks (including causes and effects) are described in more detail in the appended Risk Register. Each risk is assigned a category (Compliance & Regulation, Finance, Service Delivery, Reputation and Health & Safety) and scored – using a combination of the 'likelihood' and 'impact' both being assessed on a scale of 1-5 – to produce a gross risk score.

3.12 Current controls designed to mitigate the risk are also listed and these, in turn, generally result in a (lower) net risk score. Finally, additional actions are listed for the Risk Owner to consider to further reduce the level of risk (commensurate with their risk appetite). Risk Ownership will be regularly reviewed and adjusted in light of any changes to the LBB Corporate Leadership Team structure.

3.13 Risk 24 has a Current Risk Rating of 20, which is red. The increased costs for Coroners Service is due to the additional estimated costs due to additional high risk post mortems resultant of COVID, and further requested changes to the service that fall outside of the memorandum of understanding. The Director of Environment and Public Protection has challenged the appropriateness of the required spend for this service to mitigate the risk.

3.14 Risk 27 has a Current Risk Rating of 16, which is red. The Depot Improvement Programme works that are planned to take place in 2022/23 involve significant infrastructure works at the Council's two Waste Sites. It is likely that to undertake these critical works closure of all or part of the Waste Transfer Stations and the Household Reuse and Recycling Centres will be required. There is limited space to store segregated waste during the closure of the Transfer Stations limiting the Council's ability to recycle as much waste as possible. There will be minimal impact on the waste collection service. Migitation measures for example operating a temporary Reuse and Recycling Centre are likely to reduce the risk rating to amber.

4. IMPACT ON VULNERABLE ADULTS & CHILDREN

4.1 The appended Risk Register covers environmental services, which tend to be universal in nature, rather than being specifically directed towards vulnerable adults and children. It also covers Public Protection activities which do impact on vulnerable people – for example the Trading Standards team are responsible for safeguarding vulnerable adults who may be targeted by rogue traders and the Anti-Social behaviour and Gangs and Serious Youth Violence teams are actively targeting and supporting those young people that are at risk of crime.

5. POLICY IMPLICATIONS

5.1 The Council's renewed policy ambition for the borough is set out in Building a Better Bromley and the various Portfolio Plans. Risk Registers help to deliver these policy aims by identifying issues which could impact on 'ensuring good contract management to ensure value-for-money and quality services' and putting in place mitigation measures to reduce risk and help deliver the policy aims and objectives.

6. PROCUREMENT IMPLICATIONS

6.1 Contract and hence procurement risk is mainly captured in the Contracts Database and Contracts Register Report rather than this Risk Register Report. That said, progress with

mobilising the new Environmental Services Contract is captured in the appended register due to the contract's strategic importance.

7. FINANCIAL IMPLICATIONS

7.1 There are no direct financial implications arising from this report, however the Risk Register does identify areas that could have financial risks.

8. PERSONNEL IMPLICATIONS

8.1 There are no direct personnel implications but the Risk Register does identify service areas where recruitment and capacity present challenges (e.g. 12: Staff Resourcing and Capability).

9. LEGAL IMPLICATIONS

9.1 There are no direct legal implications but the Risk Register does identify some regulatory and legal issues: e.g. compliance with Health & Safety law and Industrial Action.

Non-Applicable Sections:	None
Background Documents: (Access via Contact Officer)	None

RISK REGISTER REPORT (ES18037): RISK ASSESSMENT GUIDANCE SUMMARY

LIKELIHOOD	Insignificant (1)	Minor (2)	Moderate (3)	Major (4)	Catastrophic (5)
Almost Certain (5)	5	10	15	20	25
Highly Likely (4)	4	8	12	16	20
Likely (3)	3	6	9	12	15
Unlikely (2)	2	4	6	8	10
Remote (1)	1	2	3	4	5

IMPACT

15+	**High Risk:** review controls/actions every month
10 - 12	**Significant Risk:** review controls/actions every 3 mths
5 - 9	**Medium Risk:** review controls/actions every 6 months
1 - 4	**Low Risk:** review controls/actions at least annually

LIKELIHOOD KEY

	Remote (1)	Unlikely (2)	Possible (3)	Likely (4)	Definite (5)
Expected frequency	10-yearly	3-yearly	Annually	Quarterly	Monthly

IMPACT KEY

Risk Impact	Insignificant (1)	Minor (2)	Moderate (3)	Major (4)	Catastrophic (5)
Compliance & Regulation	• Minor breach of internal regulations (not reportable)	• Minor breach of external regulation (not reportable)	• Breach of internal regulations leading to disciplinary action • Breach of external regulations, reportable	• Significant breach of external regulations leading to intervention or sanctions	• Major breach leading to suspension or discontinuation of business and services
Financial	• <£50,000	• > £50,000 <£100,000	• >£100,000 <£1,000,000	• >£1,000,000 <£5,000,000	• >£5,000,000
Service Delivery	• Disruption to one service for a period <1 week	• Disruption to one service for a period of 2 weeks	• Loss of one service for between 2-4 weeks	• Loss of one or more services for a period of 1 month or more	• Permanent cessation of service(s)
Reputation	• Complaints from individuals / small groups of residents • Low local coverage	• Complaints from local stakeholders • Adverse local media coverage	• Broader based general dissatisfaction with the running of the Council • Adverse national media coverage	• Significant adverse national media coverage • Resignation of Director(s)	• Persistent adverse national media coverage • Resignation / removal of CEX / elected Member
Health & Safety	• Minor incident resulting in little harm	• Minor injury to Council employee or someone in the Council's care	• Serious injury to Council employee or someone in the Council's care	• Fatality to Council employee or someone in the Council's care	• Multiple fatalities to Council employees or individuals in the Council's care