

**REPORT TO:** Audit and Governance Committee

**MEETING DATE:** 20 February 2018

**BY:** Chief Executive

**SUBJECT:** Development Risk Register

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## **1 PURPOSE**

- 1.1 To present to the Audit and Governance Committee the Development Risk Register (Appendix 1) for discussion, comment and noting.
- 1.2 The Development Risk Register has been developed in keeping with the Council's Risk Management Strategy and is a live document, which is reviewed and refreshed on a regular basis, led by the Development Local Risk Working Group (LRWG).

## **2 RECOMMENDATIONS**

- 2.1 It is recommended that the Audit and Governance Committee notes the Development Risk Register and in doing so, the Committee is asked to note that:
  - the relevant risks have been identified and that the significance of each risk is appropriate to the current nature of the risk.
  - the total profile of the Development risk can be borne by the Council at this time in relation to the Council's appetite for risk.
  - although the risks presented are those requiring close monitoring and scrutiny over the next year, many are in fact longer term risks for Development and are likely to be a feature of the risk register over a number of years.

## **3 BACKGROUND**

- 3.1 The Risk Register has been compiled by the Development LRWG. All risks have been evaluated using the standard (5x5) risk matrix, which involves

multiplying the likelihood of occurrence of a risk (scored 1-5), by its potential impact (scored 1-5). This produces an evaluation of risk as either 'low (1-4)', 'medium' (5-9), 'high' (10-19) or 'very high' (20-25).

3.2 The Council's response in relation to adverse risk or its risk appetite is such that:

- Very High risk is unacceptable and measures should be taken to reduce, transfer or treat the risk to a more tolerable position;
- High risk may be tolerable providing the Council is assured that adequate and effective control measures are in place;
- Medium risk is tolerable with control measures that are cost effective;
- Low risk is broadly acceptable without any further action to prevent or mitigate risk.

3.3 The current Development Risk Register includes 1 Very High Risk, 6 High risks, 10 Medium risks and 14 Low Risk. As per the Council's Risk Strategy, only the Very High and High risks are being reported to the Committee.

3.4 A copy of the risk matrix used to calculate the level of risk is attached as Appendix 2 for information.

#### **4 POLICY IMPLICATIONS**

4.1 In noting this report the Council will be ensuring that risk management principles, as detailed in the Corporate Risk Management Strategy, are embedded across the Council.

#### **5 INTEGRATED IMPACT ASSESSMENT**

5.1 The subject of this report does not affect the wellbeing of the community or have a significant impact on equality, the environment or economy.

#### **6 RESOURCE IMPLICATIONS**

6.1 Financial - It is the consideration of the Development Local Risk Working Group that the recurring costs associated with the measures in place for each risk are proportionate to the level of risk. The financial requirements to support the Risk Register for the year ahead should be met within the proposed budget allocations. Any unplanned and unbudgeted costs that arise in relation to any of the corporate risks identified will be subject to review by the Corporate Management Team.

6.2 Personnel - There are no immediate implications.

6.3 Other - Effective implementation of this register will require the support and commitment of the Risk Owners identified within the register.

## 7 BACKGROUND PAPERS

7.1 Appendix 1 – Development Risk Register 2018

7.2 Appendix 2 – Risk Matrix 2018

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<b>DATE</b>	09 February 2018



# Development Risk Register 2018

Date reviewed: 9th February 2018

Risk ID	Risk Description (Threat/Opportunity to achievement of business objective)	Risk Control Measures (currently in place)	Assessment of Current Risk			Planned Risk Control Measures	Assessment of Residual Risk [With proposed control measures]			Risk Owner	Timescale for Completion / Review Frequency	Single Outcome Agreement Outcome Number Link	Evidence held of Regular Review
			Likelihood	Impact	Risk Rating		Likelihood	Impact	Residual Risk Rating				
			L	I	L x I		L	I	L x I				
D 1	<p>Homelessness</p> <p>Abolition of priority need in 2012 placed an obligation on the council to accept re-housing responsibility for additional (c.300 per year) homeless cases (mostly single people seeking 1 bedroom accommodation). The legislation also placed an obligation for the provision and funding of temporary accommodation until the responsibility is delivered. This has placed considerable pressure on the Community Housing Service and has increased Homeless demand, particularly for smaller sized properties.</p> <p>Reduced turnover has also resulted in fewer lets available and longer average time spent in temporary accommodation. The Scottish Housing Regulator has noted this.</p> <p>There is a higher financial cost burden for the general services budget due to additional demand for temporary accommodation.</p> <p>A shortage of temporary homeless accommodation could result in an inability to accommodate those in need, forcing use of B&amp;Bs outwith East Lothian.</p> <p>There is also risk of the breach of Unsuitable Accommodation Orders due to a shortage of family sized temporary accommodation.</p> <p>Reduced supply of private lets due to landlords' concerns regarding new Private Tenancy legislation and welfare reform impacts.</p> <p>Increased evictions due to rent arrears lead to increased workload for Homeless team.</p> <p>Uncertainty over future funding of supported housing (DWP).</p>	<p>Housing Options preventative approach to provision of advice.</p> <p>Increasing use of private rented sector via Rent Guarantee Scheme to prevent/ deal with homelessness. B&amp;B accommodation used for single people at capacity.</p> <p>Additional properties for temporary accommodation commissioned through Private Sector Leasing contract with Orchard and Shipman.</p> <p>Continued monitoring of Registered Social Landlord nomination process (new build and routine turnover).</p> <p>Allocation Policy reduced number of offers for each Homeless applicant to 1, to encourage quicker throughput in temporary accommodation.</p> <p>Housing Access team established to co-ordinate delivery of ELC's Housing Options advice service, including statutory homelessness duties.</p> <p>Cabinet report (Nov 17) gave approval for change to Allocations Policy to allow mandatory widening of choice, house type and size for those in temporary accommodation for more than six months.</p> <p>Open Market Acquisitions to increase supply prioritising the western part of the county, where demand is highest. These acquisitions vary year on year depending on capital budget and available subsidy. 25 properties purchased during 2017/18.</p>	5	4	20	<p>Continue new build activity to increase housing stock.</p> <p>Explore potential to further increase supply and optimise temporary accommodation provision, including consideration of re-tendering of Private Sector Leasing contract.</p> <p>Cabinet report submitted (November 2017) on recommended actions to address pressures relating to a lack of affordable housing supply and address Homelessness pressures through delivery of an agreed action plan. Monthly progress review meetings for Action Plan delivery established and will commence February 2018.</p> <p>January 2018 Cabinet approval of allocations targets to general needs / homeless applicants. Performance to targets kept under ongoing review.</p> <p>January 2018 Cabinet approval of Allocations Policy Review.</p> <p>Housing Options advice service will be rolled out via area housing teams during 2018/19. Scottish Government funding for staff training to support Housing Options.</p>	4	4	16	Service Manager – Community Housing	<p>Ongoing year on year.</p> <p>March 2019</p> <p>March 2019</p> <p>March 2019</p> <p>March 2019</p> <p>March 2019</p>	9, 10	<p>Risk refreshed January 2018 by Service Manager and Head of Service with no change to assessment of risk scores.</p> <p>Risk refreshed February 2016 - current risk score increased from 16 to 20 and residual score increased from 12 to 16.</p> <p>Risk refreshed February 2015 to combine risks together - current risk score reduced from 20 to 16.</p>
D 2	<p>BREXIT – potential loss of funding</p> <p>East Lothian Council directly benefit from European funding interventions as outlined below. In addition, advice given to businesses in relation to the export of goods and services and European legislation impact on businesses and public sector are other considerations. Local farming businesses will have access to outstanding £360m Scottish Common Agricultural Policy (CAP) funding and Scottish fishing businesses to the £60m European Maritime and Fisheries fund. There are a number of other programmes to which the public sector, further/higher education and small businesses can access –</p>	<p>Keep in close contact with COSLA to ensure we are up to date with the latest Brexit developments, participate, and influence direction of travel, where possible.</p>	4	4	16	<p>Assess future impact of funding changes on service as specific changes become clearer.</p>	4	4	16	<p>Head of Development</p> <p>Service Manager EDSI</p>	<p>Ongoing/Unable to influence greatly.</p>		<p>Risk refreshed by Service Manager – EDSI, January 2018 with no change to assessment of risk scores.</p> <p>New risk added February 2017 by Service Manager</p>



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	<p>communities with total available funding of £1m across the programme area.</p> <p>As part of the principles of the EU-UK Withdrawal Treaty which were agreed in December 2017, the funding programmes will continue as if the UK remained in the EU between Brexit day and December 2020, which is the end of the current 2014-2020 Budget period. However, some EU funds operate under the N+3 rule meaning funding claims could take place until the end of 2023. The UK and the EU agreed that this would be settled by way of the Reste A Liquider, but the UK will continue contributing to the EU budget up until its commitments to the EU budget 2014-2020 end.</p> <p>The option of opting into some EU cooperation programmes post Brexit may exist.</p> <p>There appears to be a tacit commitment by the UK Government that this funding will continue to be provided. It is not yet clear whether this will be transferred to Scottish Government to allocate nor how they may choose to distribute the funding.</p>												
D 3	<p>Solid Fuel Installations and Safety</p> <p>Failure to Manage Solid Fuel safety on all Solid Fuel Installations in ELC Housing Properties leading to potential CO poisoning of tenants, increased risk of house fires and potential risk of prosecution. Chimneys are generally in poor condition while the Council are unable to control fuels burnt in solid fuel appliances.</p>	<p>Programme of Solid Fuel Servicing exists. Heating replacements to energy efficient, low carbon alternative fuels are available and being installed with available RHPP /RHI funding but implementation is difficult. Servicing contractor in place for removal and replacement of solid fuel systems.</p>	3	5	15	<p>Programme for removal and replacement of solid fuel systems ongoing in remaining 50 properties. Gas supplies being installed to all Council houses in gas areas to enable rapid replacement when consent received.</p>	2	5	10	<p>Service Manager - Engineering Services &amp; Building Standards (ESBS)</p> <p>Service Manager - Community Housing</p>	<p>March 2018 to review numbers installed.</p>	7,9	<p>Risk refreshed January 2018 with no change to assessment of risk scores.</p> <p>Current score increased Feb'15 from 12 to 15 and residual score from 0 to 10.</p> <p>Risk also on Infrastructure Register</p>
D 4	<p>Affordable Housing Supply</p> <p>Supply of affordable housing is outstripped by need and demand influencing rising numbers on the Councils Housing Register and increased risk of arising Homeless applications.</p> <p>Insufficient land in control of affordable housing providers due to limited amount of Council owned land and difficulty in competing on the open market to purchase land due to high land prices. Much of the land in East Lothian is tied up in options to private housing developers, leading to an inability to control provision of new affordable</p>	<p>Emerging LDP and significant land use allocations therein, providing land through planning policy to deliver an increase supply of affordable homes.</p> <p>Section 75 Co-ordinator recruited to project manage delivery of strategic sites, including affordable housing contribution.</p> <p>The Council continues to pursue opportunities to acquire land/bring forward private projects for affordable housing.</p> <p>Sites purchased by HRA from General Services.</p>	5	3	15	<p>New Local Housing Strategy to be put in place with associated actions in relation to delivery of affordable housing.</p> <p>Strategic Housing Investment Plan Annual Review.</p> <p>Supplementary planning guidance on affordable housing being developed to be adopted with the Local Development plan.</p> <p>Supporting Local Investment Framework being developed.</p>	3	3	9	<p>Head of Development</p> <p>Service Manager – EDSI</p> <p>Service Manager - Planning</p>	<p>May 2018</p> <p>November 2018</p> <p>June 2018</p> <p>June 2018</p>	9	<p>Risk refreshed by Service Manager and Head of Service January 2018 with no change to assessment of current scores.</p> <p>Risk refreshed by Service Manager February 2017 with residual score reduced from 12 to 9.</p>

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	<p>housing and reliance on planning policy for affordable housing to deliver land.</p> <p>Government Resource Planning Assumptions (RPAs) for East Lothian have been provided for the period 2017/18 to 2020/21 as follows:  2017/18 - £6.486m  2018/19 - £8.907m  2019/20 - £10.007m  2020/21 - £10.751m</p> <p>The Scottish Government have announced a target of 50,000 affordable homes in the lifetime of this Parliament (35,000 of these to be social rent). This has been accompanied by an increase in funding at a national level allocated to support this and is reflected in increased RPAs at a local level.</p>	<p>Regional Housing Programme proposed through South East Scotland City Region Deal.</p> <p>Contribute to and influence review of planning system.</p> <p>Accessed Scottish Government Infrastructure Fund.</p> <p>The Council continues to deliver and to discuss with RSLs and other organisations unsubsidised affordable housing models. HRA Programme Board in place.</p> <p>Strategic Housing Investment Plan for 2018/19 to 2022/23.</p>											
D 5	<p>Fuel Poverty</p> <p>Increase in fuel poverty due to a variety of factors:</p> <ul style="list-style-type: none"> <li>- Increase in fuel prices</li> <li>- Impact of welfare reform</li> <li>- Changing householder economic/financial situation</li> </ul> <p>Scottish Government is planning to introduce a Warm Homes Bill to Parliament, which will enshrine the Scottish Government's ambition to eradicate fuel poverty. The Scottish Government are currently consulting detailed proposals for a Fuel Poverty Strategy for Scotland and the targets, which will be enshrined in legislation. This consultation includes a revised definition of fuel poverty.</p> <p>Energy Efficiency is a national infrastructure priority (Scottish Government's Infrastructure Investment Plan 2015). During 2017, the Scottish Government consulted on a range of related issues as part of the draft Climate Change Plan and draft Scottish Energy Strategy. Scotland's Energy Efficiency Programme (SEEP) is currently under development and will commence in 2018. It will be a co-ordinated programme to improve the energy efficiency of homes alongside commercial, public and industrial sectors.</p> <p>The impact of living in fuel poverty can place additional pressure on existing services – health, social care, advice, rent income.</p>	<p>Home Energy Efficiency Programme for Scotland: Area Based Scheme (HEEPS:ABS) in place, offering targeted energy efficiency measures and fuel poverty advice to private sector stock.</p> <p>Continue to implement HEEPS: ABS programme.</p> <p>Energy advice and fuel debt support in place. Capital Programmes in place for council housing and Registered Social Landlords to increase energy efficiency measures. Social rented tenure must meet EESH by 2020.</p>	4	3	12	<p>Improve knowledge of the levels, extent and nature of fuel poverty and target resources to the worst affected areas.</p> <p>New Local Housing Strategy to be put in place with associated actions in relation to energy efficiency of existing housing stock, fuel poverty and climate change</p> <p>Commence preparation for transition to SEEPS Programme (programme to deliver energy efficiency measures across public, commercial and private sector stock as part of National Infrastructure Priority for Energy Efficiency.</p>	3	3	9	Service Manager – Economic Development & Strategic Investment (EDSI)	<p>April 2020</p> <p>May 2018</p> <p>SEEPS implementation in 2020/21</p>	6, 10	<p>Risk refreshed by Service Manager January 2018 with no change to assessment of current scores.</p> <p>Risk refreshed by Service Manager February 2017 with current score reduced from 15 to 12 and residual score from 12 to 9.</p>



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D 6	<p>Housing Quality</p> <p>Our houses are required to meet the Scottish Housing Quality Standard (SHQS) and will be required to meet the Energy Efficiency Standard in Social Housing (EESH) by December 2020. Delivery of these Standards is a significant contributor to the achievement of several of the National Outcomes the Scottish Government aims to achieve.</p> <p>The Scottish Housing Regulator (SHR) is monitoring progress towards achieving these Standards and failure to clearly demonstrate compliance may involve intervention by the SHR on the management of stock quality. It could also lead to loss of reputation to the Council as a service provider and the largest landlord in East Lothian.</p> <p>Stock condition survey data is incomplete and requires updated.</p> <p>Remaining Solid Fuel systems, (66 properties) present possible health and safety risk for tenants – fire and CO risk.</p>	<p>Annual monitoring and reporting to SHR (via Social Housing Charter) and Audit Scotland.</p> <p>Annual Housing Capital Investment Programme review. The Capital Programme funds planned programmes of work has been targeted at continued compliance with the requirements of the SHQS.</p> <p>Keystone domestic asset management software system in place ensuring robust information held on the condition of Council housing stock. Data validation checks of information held on Keystone.</p> <p>Dedicated asset surveyors in place and rolling programme of stock condition surveys has commenced to keep data up to date.</p> <p>Housing Asset Management Team established to oversee delivery of HRA Capital programme including modernisation, adaptations and new build programmes although these are not permanent posts thus creating a risk of temporary staff/turnover.</p> <p>Monthly monitoring and reporting as part of Balanced Scorecard.</p> <p>Continued investment in targeted capital programme works.</p> <p>Keeping SHR regularly updated on progress towards meeting the Standards. Keystone informs future planning of annual programme of modernisation work.</p>	3	4	12	<p>Housing Asset Management Strategy to be developed.</p> <p>Programme targeted to address failures and improve reported performance against targets.</p> <p>Policy required on solid fuel systems replacement process.</p> <p>Service Review will look to closer align development of modernisation programme and associated delivery.</p> <p>Additional asset surveyor in proposed restructure will ensure more complete and current stock intelligence.</p>	2	4	8	<p>Service Manager - Community Housing</p> <p>Service Manager – Property Maintenance</p>	<p>September 2018</p> <p>March 2019</p> <p>December 2018</p> <p>June 2018</p> <p>June 2018</p>	9	<p>Risk refreshed January 2018 by both Service Managers with no change to assessment of risk scores.</p>	
D 7	<p>Mobile Working</p> <p>Current mobile working hardware, within Property Maintenance, is dated and does not meet PSN requirements.</p> <p>This has resulted in a switch-off of existing hardware, and reverting to paper-based job ticketing, placing increased pressure on administrative resources.</p> <p>A project to implement Windows 8 tablet technology was terminated due to the supplier failing to meet expectations.</p>	<p>A new iOS-based mobile working platform has been procured.</p> <p>A paper-based contingency has been implemented to cover the intervening period between PSN 'switch-off' and go-live of the new platform.</p>	4	3	12	<p>Implementation of phase 2 mobile working, encompassing iOS Smartphone technology has commenced.</p> <p>Revised project plan agreed with suppliers to ensure system in place by deadline.</p> <p>ELC IT included in project planning to ensure resources and supporting system architecture is in place.</p>	1	3	3	<p>Service Manager – Property Maintenance</p>	<p>March 2018</p>	9	<p>Risk refreshed January 2018 with no change to assessment of risk scores.</p> <p>New risk identified 30/10/14 by Service Manager – Property Maintenance.</p>	
<b>Original date produced (V1)</b>		6 <sup>th</sup> May 2014											<b>Risk Score</b>	<b>Overall Rating</b>
<b>File Name</b>		Development Risk Register											<b>20-25</b>	<b>Very High</b>
<b>Original Author(s)</b>		Scott Kennedy, Risk Officer											<b>10-19</b>	<b>High</b>

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<b>Current Revision Author(s)</b>	Scott Kennedy, Risk Officer										5-9	Medium	
											1-4	Low	
<b>Version</b>	<b>Date</b>	<b>Author(s)</b>	<b>Notes on Revisions</b>										
1	06/05/2014	S Kennedy	Former Housing & Environment Risk Register altered to become the Development Risk Register following realignment.						Original Version				
2	28/10/2014	S Kennedy	Testing & Regulation Risks updated										
3	November and December 2014	S Kennedy	Economic Development & Strategic Investment Risk Updated along with Planning Risks and Engineering Services & Building Standards Risks										
4	January-February 2015	S Kennedy	Trading Standards and Environmental Health Partnership risks refreshed along with Strategic Asset & Capital Plan Management risks. Further, refresh of Engineering Services & Building Standards and Economic Development & Strategic Investment Risk Risks.										
5	December 2015 – January 2016	S Kennedy	Environmental Health, Economic Development & Strategic Investment, Engineering Standards & Building Services and Planning risks refreshed.										
6	February 2016	S Kennedy	Review and refresh by Head of Development.										
7	January – February 2017	S Kennedy	All risks reviewed and refreshed by Service Managers and further reviewed by Head of Development and CMT.										
8	November 2017	S Kennedy	Community Housing & Homelessness Risks moved from Communities & Partnerships Risk Register, Property Maintenance Risks moved from Infrastructure Risks Register and Protective Services & Trading Standards risks moved to Communities and Partnerships Risk Register. Engineering Services & Building Standards and Strategic Asset & Capital Plan Management moved to Infrastructure Risk Register following Council Service Review.										
9	January 2018	S Kennedy	All risks reviewed and refreshed by Service Managers and further reviewed by Head of Development and CMT.										

# East Lothian Council

## Risk Matrix

### Likelihood Description

Likelihood of Occurrence	Score	Description
Almost Certain	5	Will undoubtedly happen, possibly frequently >90% chance
Likely	4	Will probably happen, but not a persistent issue >70%
Possible	3	May happen occasionally 30-70%
Unlikely	2	Not expected to happen but is possible <30%
Remote	1	Very unlikely this will ever happen <10%

### Impact Description

Impact of Occurrence	Score	Description							
		Impact on Service Objectives	Financial Impact	Impact on People	Impact on Time	Impact on Reputation	Impact on Property	Business Continuity	Legal
Catastrophic	5	Unable to function, inability to fulfill obligations.	Severe impacts on budgets (emergency Corporate measures to be taken to stabilise Council Finances)	Single or Multiple fatality within council control, fatal accident enquiry.	Serious - in excess of 2 years to recover pre-event position.	Highly damaging, severe loss of public confidence, Scottish Government or Audit Scotland involved.	Significant disruption to building, facilities or equipment (Loss of building, rebuilding required, temporary accommodation required).	Complete inability to provide service/system, prolonged downtime with no back-up in place.	Catastrophic legal, regulatory, or contractual breach likely to result in substantial fines or other sanctions.
Major	4	Significant impact on service provision.	Major impact on budgets (need for Corporate solution to be identified to resolve funding difficulty)	Number of extensive injuries (major permanent harm) to employees, service users or public.	Major - between 1 & 2 years to recover pre-event position.	Major adverse publicity (regional/national), major loss of confidence.	Major disruption to building, facilities or equipment (Significant part of building unusable for prolonged period of time, alternative accommodation required).	Significant impact on service provision or loss of service.	Legal, regulatory, or contractual breach, severe impact to Council.
Moderate	3	Service objectives partially achievable.	Significant impact on budgets (can be contained within overall directorate budget)	Serious injury requiring medical treatment to employee, service user or public (semi-permanent harm up to 1yr), council liable.	Considerable - between 6 months and 1 year to recover pre-event position.	Some adverse local publicity, limited damage with legal implications, elected members become involved.	Moderate disruption to building, facilities or equipment (loss of use of building for medium period).	Security support and performance of service/system borderline.	Legal, regulatory, or contractual breach, moderate impact to Council.
Minor	2	Minor impact on service objectives.	Moderate impact on budgets (can be contained within service head's budget)	Lost time due to employee injury or small compensation claim from service user or public (First aid treatment required).	Some - between 2 and 6 months to recover.	Some public embarrassment, no damage to reputation or service users.	Minor disruption to building, facilities or equipment (alternative arrangements in place and covered by insurance).	Reasonable back-up arrangements, minor downtime of service/system.	Legal, regulatory, or contractual breach, minor impact to Council.
Minimal	1	Minimal impact, no service disruption.	Minimal impact on budgets (can be contained within unit's budget)	Minor injury to employee, service user or public.	Minimal - Up to 2 months to recover.	Minor impact to council reputation of no interest to the media (Internal).	Minimal disruption to building, facilities or equipment (alternative arrangements in place).	No operational difficulties, back-up support in place and security level acceptable.	Legal, regulatory, or contractual breach, negligible impact to Council.

Risk	Impact				
Likelihood	Minimal (1)	Minor (2)	Moderate (3)	Major (4)	Catastrophic (5)
Almost Certain (5)	5	10	15	20	25
Likely (4)	4	8	12	16	20
Possible (3)	3	6	9	12	15
Unlikely (2)	2	4	6	8	10
Remote (1)	1	2	3	4	5

### Key

Risk	Low	Medium	High	Very High