

REPORT TO: Audit and Governance Committee

MEETING DATE: 17 September 2019

BY: Chief Executive

SUBJECT: Development Risk Register

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 is 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 (Appendix 2) producing 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, 5 High risks, 19 Medium risks and 18 Low Risk. As per the Council's Risk Strategy, only the Very High and High risks are being reported to the Committee.

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 LRWG 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 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 2019
- 7.2 Appendix 2 – Risk Matrix 2019

| | |
|----------------------|---|
| AUTHOR'S NAME | Scott Kennedy |
| DESIGNATION | Emergency Planning, Risk and Resilience Officer |
| CONTACT INFO | skennedy@eastlothian.gov.uk 01620 827900 |
| DATE | 5 September 2019 |

Development Risk Register 2019

Date reviewed: 5th September 2019

| 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 | 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>New policy approach rapid rehousing requires the Council to transform homelessness services, place people quickly into permanent accommodation, negating the use of temporary accommodation and requiring a significant reduction in temporary accommodation stock. Resource allocation is likely to be insufficient for service transformation and the approach could result in an inability to accommodate those in need, forcing use of non-contracted B&Bs / B&Bs out-with county.</p> <p>The Scottish Government require the implementation of a Housing First approach, although no funding will be forthcoming for ongoing revenue costs.</p> <p>Legislative change regarding local connection will require the Council to accept rehousing responsibility for additional homeless cases and changes to discretion around intentionality will place additional pressure on the Council in respect of accepting intentionally homeless cases.</p> <p>Continued levels of low turnover results in limited 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, which is likely to increase further in light of anticipated legislative change.</p> <p>Risk of breach of Unsuitable Accommodation Order due to a shortage of family sized temporary accommodation. Risk is further heightened through anticipated extension of the Order to all households from May 2021.</p> <p>Proposed change to Homelessness Code of Guidance / new prevention duty pose risk to existing practice / Homelessness Operations Policy.</p> <p>Reduced supply of private lets due to landlords' ongoing concerns re new Private Residential Tenancy, legislative change (energy efficiency and repairing standard) and welfare reform impacts.</p> <p>Increased evictions due to rent arrears lead to increased pressure on Private Rented Sector (PRS).</p> | <p>Housing Options preventative approach to provision of advice.</p> <p>Continued monitoring of RSL 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>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 / rapid rehousing delivery ongoing.</p> <p>January 2018 Cabinet approval of allocations targets to general needs / homeless applicants. Performance to targets kept under ongoing review. March 2019 Cabinet approval of Allocations Policy Review.</p> <p>Open Market Acquisitions increase supply prioritising the western part of the county, where demand is highest.</p> | 5 | 4 | 20 | <p>Draft Rapid Rehousing Transition Plan (RRTP) developed, with a clear plan to transform homelessness services over a five year period kept under regular review in context of resource allocation and changing legislation.</p> <p>Continue new build activity to increase housing stock, exploring potential to further increase supply within context of the growth agenda.</p> <p>Significant growth in mid-market rent properties coming forward.</p> <p>Housing Options Training Toolkit to be rolled out during 2019/20, to improve homelessness prevention.</p> <p>Significant work planned with PRS landlords to increase flow through the rent deposit scheme.</p> <p>Exploration of flat share / hosting models could potentially make better use of existing stock.</p> <p>Refreshed performance monitoring framework to be put in place to enable improved ongoing monitoring of key aspects of service.</p> <p>Revised Homelessness Operations Policy to be put in place, alongside comprehensive review of existing policies and procedures, to ensure service is operating efficiently and effectively.</p> <p>Improved partnership working with existing partners and neighbouring authorities could potentially result in new ways of working and economies of scale.</p> <p>New approach to spend to save, utilising RRTP resource allocation could result in cost savings re B&B spend.</p> <p>Significant work to improve void timescales could assist with improved flow through temporary / permanent accommodation.</p> <p>Consideration of business case/options appraisal in respect of alternative forms of accommodation</p> | 4 | 4 | 16 | Service Manager – Community Housing | <p>September 2019</p> <p>March 2024</p> <p>March 2024</p> <p>March 2020</p> <p>March 2020</p> <p>June 2020</p> <p>October 2019</p> <p>March 2020</p> <p>March 2024</p> <p>March 2020</p> <p>March 2024</p> <p>March 2020</p> | <p>Risk considered September 2019 by Team Manager Housing Options, Head of Service and Service Manager 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> |

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|---------|--|---|----------------------------|--------|-------------|---|---|--------|----------------------|--|--|---|
| | | | Likelihood | Impact | Risk Rating | | Likelihood | Impact | Residual Risk Rating | | | |
| | | | L | I | L x I | | L | I | L x I | | | |
| | Uncertainty over future funding of supported housing (DWP) and proposed changes in respect of restructuring the financing of temporary accommodation. | | | | | in response to forthcoming legislative change. | | | | | | |
| D 2 | <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 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 2018/19 to 2020/21 as follows:</p> <p>2018/19 - £9.540m 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>There is a need to deliver Carbon Neutral Housing by 2045.</p> <p>Unknown subsidy levels beyond 2021.</p> <p>Prevalence of mine workings to the west of the County impacts on the cost of developments.</p> | <p>The new adopted 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>Regional Housing Programme proposed through South East Scotland City Region Deal.</p> <p>Contribute to and influence review of planning system.</p> <p>Contribute to Housing beyond 2021 agenda</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>The Council ensures site investigations are carried out prior to entering into an agreement to purchase land.</p> <p>The Council has recently set up an LLP East Lothian Mid-Market Homes to deliver mid-market rent units.</p> | 5 | 3 | 15 | <p>New Local Housing Strategy in place for 2018-23 with associated actions in relation to delivery of affordable housing.</p> <p>Strategic Housing Investment Plan for 2020/21 to 2024/25.</p> <p>Supplementary planning guidance for affordable housing has now been approved and adopted.</p> <p>Supporting Local Investment Framework being developed.</p> <p>Ensure site investigations are carried out prior to entering into an agreement to purchase land.</p> | 3 | 3 | 9 | <p>Head of Development</p> <p>Service Manager – EDSI</p> <p>Service Manager - Planning</p> | <p>Review by October 2019</p> <p>October 2019</p> <p>Review February 2021</p> <p>December 2019</p> <p>March 2020</p> | <p>Risk refreshed by Service Manager August 2019 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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|---------|--|--|----------------------------|--------|-------------|---|---|--------|----------------------|--|--|---|
| | | | Likelihood | Impact | Risk Rating | | Likelihood | Impact | Residual Risk Rating | | | |
| | | | L | I | L x I | | L | I | L x I | | | |
| D 3 | <p>Fuel Poverty</p> <p>Increase in fuel poverty due to a variety of factors:</p> <ul style="list-style-type: none"> - Increase in fuel prices - Impact of welfare reform - Changing householder economic/financial situation <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. Energy Efficiency Scotland Programme (EES) is currently under development. 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>The Scottish Government have ring fenced monies of £800,000 for East Lothian's HEEPS/ABS programme. The fund guidance states that the money must be spent, or contractually allocated to project(s) by the end of the financial year.</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> <p>New Local Housing Strategy is now in place with associated actions in relation to energy efficiency of existing housing stock, fuel poverty and climate change.</p> <p>Continuing to identify areas of fuel poverty and stock that is eligible and suitable for measures</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>Commence preparation for transition to EES Programme (programme to deliver energy efficiency measures across public, commercial and private sector stock as part of National Infrastructure Priority for Energy Efficiency.</p> <p>Local Heat and Energy Efficiency Strategy (LHEES) pilot underway concentrating on East Lothian's private rented stock Survey works ongoing to identify suitable areas re-East Lothian's HEEPS/ABS programme. Contractor to be appointed by the end of September.</p> <p>Energy Transformation Programme – establish PV / re-roofing pilot together with partnership energy supply company arrangement to test concept of PV / battery and feed in arrangements together with energy supply.</p> | 3 | 3 | 9 | <p>Head of Development</p> <p>Service Manager – Strategic Investment</p> <p>Service Manager – Property Maintenance</p> | <p>April 2020</p> <p>SEEPS implementation in 2020/21</p> <p>September 2019</p> <p>September 2019</p> <p>March 2020</p> | <p>Risk refreshed by Service Manager August 2019 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> |
| D 4 | <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</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> | 3 | 4 | 12 | <p>Additional asset surveyor in proposed restructure will ensure more complete and current stock information.</p> <p>Programmes of modernisation works targeted to address SHQS and EESH failures/abeyances and improve reported performance against targets.</p> <p>Housing Asset Management Strategy to be developed.</p> <p>Supplementary Planning Guidance now adopted which sets out minimum design and quality requirements for new build stock.</p> | 2 | 4 | 8 | <p>Service Manager – Property Maintenance</p> <p>Service Manager – Strategic Investment</p> | <p>September 2019</p> <p>April 2020</p> <p>March 2020</p> <p>February 2021</p> | <p>Risk refreshed August 2019 by both Service Managers with no change to assessment of risk scores.</p> |

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| | | | L | I | L x I | | L | I | L x I | | | |
| | <p>Council as a service provider and the largest landlord in East Lothian.</p> <p>While a rolling stock condition survey programme is in place, the data is incomplete.</p> <p>Procurement rules negate our ability to enter into building contracts on s75 obligations which involve the transfer of completed units. This also prevents the ability to influence the specification which can result in poor quality products and increased resources in relation to resolving defects. This can in turn result in an impact on future repairs and maintenance costs.</p> | <p>Housing Asset Management Team established to oversee delivery of HRA Capital modernisation programme.</p> <p>Regular monitoring and reporting as part of Balanced Scorecard.</p> <p>Continued investment in targeted capital programme works.</p> <p>Team Manager (Housing Assets) recruited to oversee collection and recording of housing stock intelligence including energy performance and delivery of key aspects of the capital modernisation programme.</p> <p>Keeping SHR regularly updated on progress towards meeting the Standards. Keystone housing asset management system informs future planning of annual programme of modernisation work.</p> <p>Closer alignment of development of modernisation programme and delivery.</p> <p>The Council ensures Quality Assurance is carried out at all stages of development</p> | | | | Support the development of an Affordable Housing Design Guide. | | | | | March 2021 | |
| D 5 | <p>Mobile Working</p> <p>Current mobile working hardware, within Property Maintenance, is dated and does not meet PSN requirements. 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> <p>Security vulnerabilities identified in penetration testing of replacement solution (2018), representing a considerable obstacle to implementation.</p> | 4 | 3 | 12 | <p>Software upgraded by supplier to overcome security vulnerabilities (TBC). Further revision of project plan agreed with supplier to ensure system in place by deadline.</p> <p>Implementation of phase 2 mobile working, encompassing iOS Smartphone technology has commenced. ELC IT included in project planning to ensure resources and supporting system architecture is in place.</p> | 2 | 3 | 6 | Service Manager – Property Maintenance | November 2019 | <p>Risk further refreshed August 2019.</p> <p>Risk refreshed March 2019 with residual score increased from 3 to 6.</p> |
| D 6 | <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>On Infrastructure Risk Register</p> | <p>Programme for Solid Fuel Servicing terminated end of 2018. New servicing contractor in place from April 2019. Heating replacements to energy efficient, low carbon alternative fuels are available and being installed but implementation is difficult due to customer refusals. Contractor in place for removal and replacement of solid fuel systems.</p> | 2 | 5 | 10 | <p>Programme for removal and replacement of solid fuel systems ongoing in remaining 40 properties. Gas supplies have been installed to all Council houses in gas areas to enable rapid replacement when consent received.</p> <p>Clear policy to be developed on solid fuel systems replacement process.</p> | 1 | 5 | 5 | <p>Service Manager - Engineering Services & Building Standards (ESBS)</p> <p>Service Manager - Property Maintenance</p> | <p>March 2020 to review numbers installed.</p> <p>December 2019</p> | <p>Risk refreshed August 2019 by Head of Service with Residual Score reduced from 10 to 5.</p> <p>Risk refreshed May 2019 by Head of Service with Current Risk Score reduced from 15 to 10.</p> |
| Original date produced (V1) | | 6 th May 2014 | | | | | | | | | | |
| File Name | | Development Risk Register | | | | | | | | | | |

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 |
|------|-----|--------|------|-----------|

