ADDENDUM 3

**BUCKLEY TOWN COUNCIL**

**RISK ASSESSMENT 2024/25**
**Council approved 28/11/2023 - Review 11/2024**

The Risk Assessment document is broken down into "Risk Elements", these are as follows:-
Financial Risks
Employment Risks
Administration Risks
Asset Management Risks

Each "Risk Element" has areas of Risk analysed within it.  Where there are overlaps, the Risk is included in the "Risk Element" that the majority of the Risks fall in.

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| | Key to Columns | I = High<br>II = Medium<br>III = Low | A = Frequent<br>B = Likely<br>C = Occasional<br>D = Unlikely<br>E = Remote<br>F = Impossible | H = High Risk<br>M = Medium Risk<br>L = Low Risk | | C = Comprehensive<br>S = Satisfactory<br>A = Adequate | H = High Risk<br>M = Medium Risk<br>L = Low Risk |
| **IDENTIFIED RISK** | **POTENTIAL CONSEQUENCES OF RISK** | **SEVERITY OF IMPACT** | **PROBABILITY OF RISK OCCURRING** | **INITIAL RISK** | **CONTROLS TO MANAGE RISK** | **LEVEL OF INTERNAL CONTROLS** | **RESIDUAL RISK** |
| **Financial Risks** | | | | | | | |
| Poor management of funds. | Potential additional charges to normal monthly charges incurred.<br>Loss of potential interest. | II | D | L | Budgetary Control in place.<br>Monthly bank reconciliations.<br>Detailed and comprehensive Annual Treasury Management and Investment Strategy approved by Council.<br>Banking arrangements reviewed and recommendations made to Council. | C | L |
| Inadequate control of monthly payments which are actioned through Cheques, Direct Debits, Standing Orders and/or Direct Bank Transfers. | Fraudulent appropriation of Council Funds.<br>Loss of control of Cash Flow.<br>Criminal Investigations against staff with potential legal proceedings.<br>Challenge by External/Internal Auditors. | I | D | H | Detailed and comprehensive Internal Financial Controls document.<br>All payments are listed on Monthly Schedule of payments which goes before the Finance and Economic Development Committee for approval.  The Schedule is signed by three authorised signatories, one of which is the Clerk. The signatures denote that all the payments have been objectively reviewed and approved.  The Schedule indicates the method of payment being used.<br>Monthly Bank Reconciliation, reported to Fin. & Economic Development Committee for approval.<br>Quarterly Petty Cash Account, reported to Fin. & Economic Development Committee for approval. | C | L |
| Requirements for the proper accounting and administration of VAT. | Entitlement to reclaim of VAT for a specific period being lost. | II | C | M | Monthly recording of VAT reclaimable and annual return being prepared promptly. | C | L |
| Precept being inadequate. | The Council would not be able to meet its | I | C | H | Robust Budgetary Control process in | C | L |

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| | objectives due to lack of funds.<br>Council could, in an extreme case, run out of funds completely. | | | | operation.<br>The Budget, when being set by Council, provides adequate and meaningful information to support the Precept.<br>Regular comparisons of actual to budget supplied to Council, with variance analysis of significant differences.<br>Use of commitment accounting techniques. | | |
| Expenditure being incurred which is not within the legal powers available to Local Councils. | Ultra-vires expenditure - illegal transactions.<br>Local Elector challenge.<br>Challenge by Internal and/or External Auditor.<br>External Auditor may produce public interest report.<br>Potential for higher audit charges. | I | D | M | Recording in minutes the powers under which expenditure was being incurred.<br>Regular updates of actual to budget include reference to statutory powers being used to incur expenditure.<br>Budget and Final accounts both highlight various statutory powers being used to incur expenditure. | C | L |
| Local Government Act 1972, Section 137 payments exceed statutory amount in any one year. | Ultra-vires expenditure - illegal transactions.<br>Local Elector Challenge.<br>Internal Auditor may issue qualified report.<br>External Auditor may produce public interest report. With consequent higher audit charges. | I | E | L | Budgetary process clearly identifies Section 137 provision, with separate analysed table which indicates legal limit for expenditure.<br>Regular updates and Final accounts analyse actual/probable expenditure against budget and actual/probable expenditure against legal limit. | C | L |
| Loss of Revenue from Tenants due to accidental or malicious damage to premises. | The Council's budget would not be sustainable.<br>Possible claims from Tenants for consequential losses. | II | B | H | Adequate insurance cover through Business Interruption policy.<br>Adequate fire alarm systems in place. | A | M |
| Complaint from an elector if a contract is perceived to be awarded without proper and open competition. | Investigation by external auditor leading to potential increased audit fees, public interest report, etc.<br>Damage to the reputation of the Council.<br>Poor value for money. | I | C | H | Standing Orders and financial regulations in place dealing with the award of contracts.<br>Check made by internal auditor on placement of contracts. | S | L |
| Inadequate Rental Income from Tenants. | Increased Precept requirements due to inadequate levels of rent or due to lack of thorough rent reviews. | II | D | L | Thorough rent reviews undertaken, which resulted in all tenants being placed on reviewable lease agreements. | C | L |
| Services provided by Flintshire County Council, for which a Service Level Agreement is required because of the financial nature of the service. | Inaccurate, incorrect or poor service being provided for which value for money cannot be proven.<br>Lack of clear parameters on which to monitor and assess each parties obligations under the agreements. May lead to financial loss. | I | A | H | Service Level Agreements (SLA's) put in place.<br>SLA's to cover the requirements and obligations of each party to the service provided.<br>SLA's to be annually reviewed.<br>The Mitigation of the Risk is indicated assuming that both parties monitor and honour their obligations to a comprehensive SLA. | C | M |
| Service Level Agreements (SLA's) and/or Memorandums of Understanding (MOUs).<br>Under certain circumstances, the Town Council "contracts" with service providers to provide a specific service for the Town. | Inaccurate, incorrect or poor service being provided for which value for money cannot be proven.<br>Lack of clear parameters on which to monitor and assess each parties obligations under the agreements. May lead to financial loss. | I | A | H | Service Level Agreements (SLA's) and/or Memorandums of Understanding (MOUs).<br>SLA's/MOUs to cover the requirements and obligations of each party to the service provided.<br>SLA's/MOUs to be annually reviewed.<br>The Mitigation of the Risk is indicated assuming that both parties monitor and honour their obligations to a comprehensive SLA/MOU. | C | M |
| Match Funded Schemes. | Financial standing of Council may be adversely affected to such an extent as to materially affect the ability of the Council to meet its financial and operational obligations. | I | A | H | All Match Funded schemes to be financially limited to a maximum contribution from this Council equal to an agreed percentage of the estimated costs as supplied by Flintshire County Council. Such estimated costs to be provided with detailed analysis of the make | C | L |

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| | | | | | up of those costs. The Match Funding should not exceed the budgetary provision without prior approval of the Council. | | |
| Grants Receivable from Flintshire County Council, under the Town Centre Health Check Scheme/Town Centre Partnership | Lack of audit trail in respect of monies expended for which a grant will be obtainable.<br>Internal Auditor may issue qualified report if no proper audit trail in place.<br>External Auditor may issue public interest report, with consequent increase in audit charges.<br>If not properly administered , lack of transparency in use of public money. | I | A | H | Applications from Buckley Town Council are put to the Town Centre Partnership which is made up of Town and County Councillors together with traders/public. If a grant application originating from Buckley Town Council is approved, BTC will make the payments and reclaim the monies.<br>Comprehensive correspondence between Town Council and FCC regarding grant monies.<br>Detailed quotes and estimates sought by Town Council in relation to work to be undertaken, all correspondence forwarded to FCC with details of contractor(s) chosen.<br>Town Council pays for work undertaken and then invoices FCC with net cost (excl. VAT). VAT reclaimed by Town Council. | C | L |
| Grants receivable from Flintshire County Council under general provisions | Lack of audit trail in respect of monies expended for which a grant will be obtainable.<br>Internal Auditor may issue qualified report if no proper audit trail in place.<br>External Auditor may issue public interest report, with consequent increase in audit charges.<br>If not properly administered , lack of transparency in use of public money. | I | A | H | Applications from Buckley Town Council are put to Flintshire County Council. If a grant application is approved, BTC will make the payments and reclaim the amount of grant approved.<br>Comprehensive correspondence between Town Council and FCC regarding grant monies. Where applicable, detailed quotes and estimates sought by the Town Council in relation to work /services to be contracted. All relevant correspondence forwarded to FCC with details of contractor(s)/ service provider(s) chosen. Town Council pays invoices for work/service undertaken and then invoices FCC with net cost (excl. VAT). VAT reclaimed by Town Council. Alternatively, Town Council completes grant final application form to claim reimbursement and forwards to Flintshire County Council with supporting documentation. | C | L |
| Levels of Reserves held | Financial ability to maintain services may be affected if Budget ignored and additional payments made, may leave Council vulnerable to financial risks.<br>Too high a level of Specific Reserves as against General Reserve | II | C | M | Comprehensive Policy on Reserves to be maintained and approved by Council, indicating. the minimum & maximum Reserves to be held.<br>Regular reports to Finance and Economic Development Cttee. Re potential movements in Reserves. | C | L |
| Supplier (Procurement) Fraud | Loss of money which may be substantial.<br>Financial ability to maintain services may be affected.<br>Lack of audit trail in respect of monies expended.<br>Potential involvement of the Council in either Civil or Criminal Proceedings.<br>Internal Auditor may issue qualified report if no proper audit trail in place.<br>External Auditor may issue public interest report, with consequent increase in audit charges.<br>If not properly administered, lack of transparency in use of public money. | I | B | H | The potential for providing sensitive company information to third parties, particularly contract, account or bank details of contractors through any form of communication to be mitigated by Staff training and monitoring.<br>Should a supplier change their payment /bank details, the supplier to be contacted to verify the change and follow up with hard copy confirmation with a designated signatory. The Clerk to be advised of any changes prior to payment being made, verification of actions taken to be approved.<br>A periodic review to be undertaken of suppliers no longer used and dormant records expunged from the system. | S | M |

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| | | | | | Notification by the supplier of change of address should be verified by checking on the internet or other means.<br>If notification of change of payee to a Factoring Company is received, the notification to be checked by reference to a confirmation email from the supplier and check made of the existence of the Factoring Company.<br>Periodic checks of the financial health of suppliers (including company checks).<br>The verification of payments details on invoices as compared to payment details held. Any discrepancies to be investigated.<br>Acknowledgement that the Council's Insurance does not cover supplier fraud nor is it offered or available.<br>The Bank used by the Council offers messages under the Confirmation of Payee Scheme to warn of any minor or major differences in the account details held against the account details provided. | | |
| **Employment Risks** | | | | | | | |
| Requirements under employment law and HMRC Regulations not being met. | Liability for unpaid tax and/or N.I.<br>HMRC fines for late returns.<br>Potential legal action by employee. | I | C | H | Information forwarded to HMRC in real time by Payroll Software<br>Annual P35 Return filed on line.<br>Comprehensive insurance cover through Employers' Liability Insurance Policy. | C | L |
| Personal Accident and/or Assault upon a Member of Staff. | Potential claims for injuries sustained. | I | C | H | Adequate insurance cover through Personal Accident cover.<br>Security of public access via locked and controlled entrances and exits.<br>Mtce. of an Accident Report Book | C | L |
| Staff not working to standardised Job Descriptions or Contracts of Employment. | Risk of potential financial loss if staff instructed to perform duties outside their sphere of competence which results in claims from third parties.<br>Demotivated staff who are unsure of their role in the organisation. | I | B | H | All staff work under the same conditions of service and contracts of employment, adapted from the National Agreement.<br>All staff have detailed job descriptions. | C | L |
| All staff must be entered into an approved Pension Scheme with the Employer making a contribution to the scheme. This a requirement of The Occupational and Personal Pension Schemes (Auto Enrolment) (Amendment) Regulations 2015 [SI 2015/501]<br>The Town Council's staging date for its Declaration of Compliance under the Regulations is1st October 2016. | Employer acting illegally if no scheme offered.<br>Potential for litigation against Employer.<br>Potential for qualified reports by Internal and External Auditors.<br>Potential for Public Interest Reports being issued by External Auditors.<br>Potential excessive legal and claim costs against the Council.<br>Potential loss of reputation and credibility in the public's eye.<br>Potential loss of reputation and credibility in the Council by the public. | I | D | L | All staff are enrolled in the Clwyd Pension Fund which is operated by Flintshire County Council.<br>Employer contribution currently 19% of qualifying salary and Employee contribution dependent on salary scale (currently between 5.8 and 6.8%)<br>Town Clerk has been named as main contact under the Occupational and Personal Pension Schemes (Auto Enrolment) (Amendment) Regulations 2015 [SI 2015/501]. The staging date for Auto Enrolment for BTC is 1st October 2016 - On that date a Declaration of Compliance will be completed electronically. The Declaration of Compliance confirms the Pension Scheme which the Town Council is part of complies with the requirements of the Regulations. | C | L |
| Staff being bullied, victimised or generally dealt with in a less than constructive and/or negative manner | Risk of demotivated staff who work in a less than efficient and effective manner.<br>Risk of High Turnover of staff. | 1 | C | M | Staff work to standardised Contracts of Employment which details the Grievance Process. | S | M |

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| by Member(s). | Risk of complaints through the Grievance Procedure.<br>Risk of Ombudsman complaints.<br>Potential for litigation against individual Members or the Council as a Corporate Body.<br>Poor perception of Council operation by Public. | | | | Staff made aware of ability to complain to the Public Services Ombudsman for Wales.<br>Council Standing Order 25(a) refers Members to the need to comply with the Code of Conduct.<br>Members sign up to the Code of Conduct which specifies how they are to treat staff. | | |
| **Administration Risks** | | | | | | | |
| Improper recording and custody of Council and Committee Minutes. | Local Elector Challenge.<br>Internal Auditor may issue qualified report.<br>External Auditor may issue public interest report with consequent higher charges.<br>Council unable to provide proof of decisions made.<br>Potential for certain Minutes to go missing. | I | D | M | All minutes from Council and Committees sequentially numbered and pages numbered.<br>All minutes signed at Council and Committees.<br>All signed minutes securely maintained in appropriate files.<br>Minutes and key documents published on website<br>Comprehensive Retention of Documents Policy document | C | L |
| Lack of Member Accountability through none maintenance of a Register of Members Interests, Gifts and Hospitality. | Lack of trust by Public in proper administration of the Council.<br>Members open to challenge over decisions made.<br>Potential for illegal activity by Members and subsequent potential for police investigations.<br>Potential for Standards Committee to investigate decisions by certain Members, this could lead to suspension of Members. | I | B | H | All Members sign for receipt of Council's Code of Conduct. (see Code of Conduct Section 3).<br>Standing Orders of the Council provided to all Members, Standing Order 25 (a) refers Members to Code of Conduct and need to undertake adherence to Code of Conduct.<br>Members required to declare interests, if appropriate, on all Council and Committee agendas. Declaration form completed and signed on occasion of declaring interest.<br>Interests analysed between personal and prejudicial.<br>Members advised to declare interests on each Council and Committee Agenda.<br>Members' Interests recorded on Minutes of Council and Committee Meetings showing whether interest is personal and/or prejudicial.<br>Forms completed by Members declaring interests and Minutes placed on the Council's website include completed forms, on a monthly basis.<br>This method complies with S58 of The Local Government (Democracy) (Wales) Act 2013.<br>Register maintained of notified gifts and/or hospitality with a value in excess of £10.00. | C | L |
| Lack of Member Accountability through breaches of Standing Orders and Code of Conduct. | Lack of trust by Public in proper administration of the Council.<br>Members open to challenge over decisions made.<br>Potential for illegal activity by Members and subsequent potential for police investigations.<br>Potential for Standards Committee to investigate decisions by certain Members, this could lead to suspension of Members.<br>Potential for third party to issue civil proceedings against either the Council or individual Member if Breach of Confidentiality occurs. | I | B | H | All Members sign for receipt of Council's Code of Conduct. (see Code of Conduct Section 3).<br>Standing Orders of the Council provided to all Members, Standing Order 25 (a) refers Members to Code of Conduct and the need to undertake adherence to the Code of Conduct.<br>In relation to Breach of Confidentiality, Any breach of the Code of Conduct requires any other Member(s) who become reasonably aware that a breach of confidentiality has occurred, to notify the County Council's Monitoring Officer - Code of Conduct - Part 2 General Provisions - para. 6(1)(c) | C | L |
| Data Protection Act 1998 - Compliance to include compliance with GDPR as from May 2018 and. Data protection Act 2018. | Potential legal action for non compliance and loss of funds due to legal costs. | I | B | H | Preparation of Data Protection Policy (2015) as updated to accommodate requirements of GDPR and Data Protection Act 2018 which will replace Data Protection Act 1998. | C | L |

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| | | | | | Use of Consultant as Data Protection Officer for Council from 2017/18 onwards.<br>Comprehensive set of Data Protection Policies maintained. | | |
| Disability Discrimination Act. | Complaint being made that little or no cognisance is being taken of the requirements of the Act.<br>Potential legal action against Council. | I | B | H | Report commissioned regarding suitability of Council building for disabled access and use.<br>Budgetary provision made for adaptations where feasible.<br>Use of temporary ramps etc in the immediate future.<br>Installation of chair lift to first floor office suites and adaptation of toilet to allow disabled access on first floor. | S | M |
| Freedom of Information Act | Public complaint regarding available information.<br>Information Commissioner investigating Town Council.<br>Potential adverse report from Information Commissioner. | I | B | H | Freedom of Information Act 2005, New Publication Scheme adopted by Town Council in December 2008. Came into force 1st Jan. 2009.<br>Types of disclosures available to the public listed in detail on Council website.<br>Enquiries dealt with as and when they arrive.<br>Records maintained of incoming requests and outgoing responses. Use of Consultant as FOI Officer from 2017/18 onwards. | C | L |
| Health and Safety Matters | Possible claim for injury to a Member of the Public in using the Council's facilities.<br>Possible claim for injury from tenants who occupy offices in the Council Buildings.<br>Possible claim by Staff for injury whilst in work.<br>Possibly investigation by Health and Safety Executive for breach of legislation. If such an investigation is actioned, there is a potential cost to the Council of £126.00 per hour and £1,500.00 for the issue of an Improvement Notice. | I | A | H | See Hiring out of Council Chamber and/or Community Room in respect of Public use of the Council's buildings ( Asset Mgt. Risks below).<br>All tenants responsible for the Health and Safety of their own staff, however all emergency procedures in relation to the public using the Council's building are copied to the tenants.<br>The Council has employed a Health and Safety Consultant to advise on all Health and Safety matters, the Consultant has prepared a Manual and will undertake periodic audits to ensure compliance with the requirements of the Manual. | C | L |
| Use of Social Media | Use of Social Media: If not used in a structured manner may lead to Administration Risks which can be categorised as Reputational Risks, Financial Risks and Operational Risks:-<br>Reputational Risks - Posts or 'likes' of negative comments about the Council, which may make or 'likes' a misrepresentative comment about the Council or falsely claims a particular stance that the Council may take on a matter. - May lead to legal action by 3rd Parties and/or disciplinary. action against the individual.<br>Financial Risks - Confidential Financial information is posted on Social Media before the Council has debated it - May lead to legal action by 3rd Parties, who have acted on the posted information, if the Council amends the information. The claim may be based on the 3rd Party arguing that by posting the information on Social Media the individual was representing the Council. The individual may also be subjected to | I | A | H | All Members provided with a copy of the Welsh Local Government Association, publication "Social Media: A Guide for Councillors" on 16th November 2015.<br>Thereby:-<br>Members advised on protocols required when using personal Social Media.<br>Members advised that when using personal Social Media they are also representing the Council when discussing anything related to the Council.<br>Members made aware of the impact of 'liking' a 3rd Party's statement on Social Media.<br>The Town Council Website informs the public that it does not, as a corporate body, usually reply to comments made on Social Media.<br>Staff and Members comply with the Council's Social Media Policy as adopted and when amended. | A | M |

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| | disciplinary action.<br>Operational Risks - Individuals may post or 'like' comments that can be deemed to be hostile discriminatory or offensive and if that post is viewed by Employees, Members or interested 3rd Parties - Potential for legal action by Employees, Members or 3rd Parties and/or disciplinary action against the individual.<br>Any or all of the above, if occurring, may lead to the Council being viewed in a negative light by the public. | | | | | | |
| Risk of severe and potentially damaging loss of Council Data through inadequate storage methods. | Loss of substantial amounts of Council Data.<br>Prolonged interruption to administration processes of the Council;.<br>Potential permanent loss of important and legal documentation.<br>Loss of credibility in Council by public and Statutory Bodies.<br>Potential breach of Data Protection Legislation. | I | C | H | Computer software to allow for cloud storage.<br><br>Comprehensive hard copies of documents maintained.<br>IT support through a contract with a support provider.<br>Regular assessments of adequacy of safety of stored data. | S | M |
| **Asset Management Risks** | | | | | | | |
| Legal Liability arising from asset ownership and providing services to the public.<br>Since 1st April 2015 also includes Car Park at side and rear of Council Chamber (incl. Barrier). Various tenants and other authorised groups/ individuals have right of access to the Car Park. | Risk of litigation should an individual or third party property become injured or damaged.<br>Risk of litigation should an Employee become injured at work. | I | C | H | Adequate Public & Employer Liability insurance.<br>Adequate property insurance.<br>Regular physical maintenance of assets where applicable.<br>When required, adequate surveys of physical assets undertaken by specialists.<br>Renewed and replaced Fire Alarm system incl. Council Offices, tenanted areas and parts of Old Baths Building. Work completed October 2018.<br>Regular Fire Alarm tests. | S | L |
| Loss or damage to assets owned by the Council.<br>Since 1st April 2015 also includes Car Park at side and rear of Council Chamber (incl. Barrier).<br>Since 2021 includes Laptops and bags provided to certain Members by the Council. | Assets unable to be used.<br>Expense of replacing assets.<br>Potential breach of Data Protection Legislation in relation to the use of Laptops. | I | B | H | Adequate insurance cover for assets.<br>Up to date register of Fixed Assets.<br>In the case of the Laptops a comprehensive policy for their use and return, when required, has been approved by the Council. | S | M |
| Loss of cash or other assets through theft or dishonesty. | Council may be unable to provide its services.<br>Potential damage to reputation of Council.<br>Possible absence of staff for extended period (e.g. suspension).<br>Potential additional costs of providing cover for absent staff. | I | B | H | Robust internal management controls, including prevention and detection of fraud and corruption.<br>Fidelity Guarantee insurance.<br>Adequate and exercised Budgetary Controls, including regular update reports to Committee comparing actuals to budget.<br>Variance analysis of significant differences between actual and budget.<br>Regular Bank reconciliations and comparisons to financial records. | C | L |
| Loss or damage to assets owned by 3rd Parties, given on permanent loan to the Council. | Potential damage to reputation of Council.<br>Potential for a claim from the third party for loss or damage to particular item. | II | D | L | All assets whether owned by the Council or on permanent loan to the Council are recorded in the Asset Register and insured for loss or damage.<br>No asset on permanent loan to the Council is housed in an area where the public have unauthorised access to. | C | L |

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| Hiring out of the Council Chamber, Community Room or other offices in the Council Building. | Asset of the Council being damaged and needing repair.<br>In emergency, hirer not being familiar with evacuation procedures, resulting in potential claims through civil courts and/or criminal courts for negligence. Loss of trust in Council and possible fines/compensation. Insurance Company may refuse claim if negligence is proved. | I | A | H | All hirers supplied with a comprehensive list of conditions of hiring the Council Chamber and/or the Community Room. The conditions include a comprehensive evacuation procedure with details of the various evacuation routes to follow and the assembly point outside the buildings. All the evacuation routes are fully signed. The conditions also include "penalties" for damaging the Council's property. | S | M |
| Coronation Gardens | The gardens which were transferred to BTC from FCC in May 2009 are a public open space. There were various risk elements in the Gardens which could cause injury to users. Please refer to comprehensive risk assessment of Gardens in Coronation Garden files. | I | B | H | See comprehensive risk assessment prepared in relation to the Gardens in the Coronation Gardens file. Substantial remedial works carried out at the Gardens identified when the Gardens were transferred.<br>Gardens maintained by Landscape Contractor and Gardens included in insurance policies of the Council. | S | L |
| Water Supply | Health risks if drinking water or water droplets become contaminated. | III | E | L | Water sampling conducted when required with all high priority measures identified in the sampling eradicated as soon as is practicable.<br>Please note high priority measures identified do not necessarily constitute a present danger, but when rectified eradicate the potential for the dangerous situation to occur. | S | L |

Reviewed 11/2024 - KB