

This scheme will be reviewed annually and amended whenever the Town Council undertakes any new function or ceases an existing one.

RISK CATEGORY: ● A/L Administrative/Legal ● Environmental ● Financial ● Physical ● Health & Safety ● Technical ● Professional

RISK LEVEL: 1 = LOW 2 = MEDIUM 3 = HIGH

FUNCTION	RISK CATEGORY	RISK IDENTIFIED	REQUIREMENT	RISK LEVEL	MANAGEMENT OF RISK
ALLOTMENTS					
	●	Incomplete agreements	To have a written agreement with every plot holder	1	<ul style="list-style-type: none"> Agreements to be signed prior to occupation of allotments. Annual review of rents.
	●	Incomplete register of plot holders	Maintain an up to date list of plot holders	1	Burnham Allotment Holders' Association has the responsibility to maintain a register.
	●	Poor grass cutting	Maintain standards	1	<ul style="list-style-type: none"> Grass paths between plots to be maintained by plot holders as part of the letting agreement. Regular inspection by the Allotment Assoc. and quarterly by clerk.
	●	Rubbish build up	Maintain standards and reduce risk of vermin	1	<ul style="list-style-type: none"> Responsibilities are clearly defined. Plots are regularly inspected by the Allotment Association and quarterly by the clerk.
	● ●	Dumping of hazardous substances	Prevent soil contamination and chemicals seeping into the water course	2	<ul style="list-style-type: none"> All allotment holders are aware of safe practices. Rules are stated in letting agreement.
	● ●	Contamination of water supply	Compliance with water regulations	2	<ul style="list-style-type: none"> Safe working practices. Use of safe 'draw off' fittings (locked and not a hose union).
	●	Security	Minimise the risk of loss from theft and vandalism	1	<ul style="list-style-type: none"> Site is secured at night. Motion activated security lights are located at the site entrance and outside the trading shed. No council equipment left on site.
	● ●	Pests	Health & Safety To control vermin and maintain standards	2	<ul style="list-style-type: none"> Annual pest control contract. Plot holders comply with letting agreement rules.
	● ●	Rent Arrears	Minimise the risk of financial loss	1	<ul style="list-style-type: none"> Burnham Allotment Holders are responsible for the annual collection of rents. The council is paid by cheque annually on 1 November (as per the lease agreement). Proper records are maintained.
	● ●	Personal injury	Minimise the risk of financial loss Minimise the risk of legal proceedings	1	<ul style="list-style-type: none"> Annual review of insurance provision. Copy of Allotment Holders' Assoc. insurance is kept by the clerk.
	●	Vacant plots	Avoid empty plots and minimise the risk of financial loss	1	<ul style="list-style-type: none"> Waiting list is maintained by the Allotment Association. Vacant plots are promptly allocated.
	●	Council unaware of issues due to poor communication	Ensure useful two-way communication between allotment holders and the council	1	<ul style="list-style-type: none"> Councillor(s) are appointed as representatives to the Allotment Association Committee and report to council on a monthly basis. Annual Inspection of allotments by councillors.
	●	Inadequate insurance	To ensure the Council is protected against mandatory and other risks	1	Annual review of insurance by the council. Plot holders are insured as part of their annual subscription to the Burnham Allotment Association. ALL RISKS INSURANCE BUILDINGS PUBLIC LIABILITY

Comment [S1]: Power to provide land for allotments and to enter into allotment tenancies in or outside the council's area.

Small Holdings and Allotments Act 1908, ss. 23, 25

Allotments Act 1950

Comment [S2]: The Water Supply (Water Fittings) Regulations 1999

Comment [S3]: The collection of all sums due to the council shall be the responsibility of and under the supervision of the RFO. (Burnham Town Council's Financial Regulation 9.1).

Comment [S4]: "All risks insurance" coverage is defined as: property insurance covering loss arising from any fortuitous cause except those that are specifically excluded. This is in contrast to named perils coverage, which applies only to loss arising out of causes that are listed as covered" (Google)

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FUNCTION	RISK CATEGORY	RISK IDENTIFIED	REQUIREMENT	RISK LEVEL	MANAGEMENT OF RISK
ASSETS					
	●	Loss or damage to civic regalia and silverware Town Mayor's Chain Town Cup	To protect and maintain valuable assets of historical importance to the council	1	<ul style="list-style-type: none"> Maintain Asset Register. Mayor's chain is kept in a wall safe in the clerk's office between engagements. Chain is insured when in transit (vehicle must be secure). Town Cup is kept in a wall safe in the clerk's office between sailing regattas.
	●	Poor management of title deeds and associated documents	Secure storage of documentation	1	<ul style="list-style-type: none"> Deeds are stored in a wall safe in the clerk's office. Computer documents are backed up daily on a hard drive. Restricted access to documents and use of computer passwords.
	● ●	Poor management of land assets	Minimise financial risk	1	<ul style="list-style-type: none"> All land assets registered. Assets to be professionally valued in 2020 and Asset Register updated. Any adjustments to be identified and rectified. Annual Review at Budget meeting.
	●	Deteriorating Assets Notice Boards Litter Bins Fingerposts and pedestrian signs	Minimise risk from poor maintenance	1	<ul style="list-style-type: none"> Maintain Asset Register. Quarterly inspection of notice boards and bins. Replacement of damaged or missing bins (conforming to conservation area rules where applicable).
	●	Inadequate Insurance	To ensure all risks are taken into account	1	<ul style="list-style-type: none"> Maintain Asset Register and review annually. Annual review of insurance. <p>ALL RISKS INSURANCE</p>

Comment [S5]: Authorities need to maintain a register of the fixed assets, long-term investments and other non-current assets that they hold. (source Practitioners' Guide 2018)

Comment [S6]: The Clerk shall make appropriate arrangements for the custody of all title deeds and Land Registry Certificates of properties held by the council. The RFO shall ensure a record is maintained of all properties held by the council, recording the location, extent, plan, reference, purchase details, nature of the interest, tenancies granted, rents payable and purpose for which held in accordance with Accounts and Audit Regulations. (extract from Burnham Town Council's Financial Regulations)

Comment [S7]: "Signs for pedestrians, as well as cyclists and equestrians, are expressly governed by the Traffic Signs Regulations and General Directions 2016 (TSRGD) (Schedule 12). TSRGD (Schedule 18, part 3) permits only yards and miles as units of distance on signs" (British Weights and Measures Association)

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FUNCTION	RISK CATEGORY	RISK IDENTIFIED	REQUIREMENT	RISK LEVEL	MANAGEMENT OF RISK
BANNERS					
	● ● ●	Installation and maintenance (occasional use) of a banner on a canary wire over the highway in Station Road Danger to highway users and pedestrians Personal injury	Consent from Essex County Council Highways Compliance with Highways Authority conditions Minimise the risk to the public Minimise risk of civil and criminal penalties	3	<ul style="list-style-type: none"> Banner must not be more than 0.75 metres in height. Span must not exceed 11 metres in width. From carriageway surface to the bottom of banner must be a minimum of 7.5 metres. The two posts are in private land and do not form part of the highway. Banners are installed two weeks prior to events and removed immediately afterwards. Banner is hoisted from the ground using a pulley system and takes a maximum of 3 minutes. At no time is traffic flow disrupted. Regular inspection of suspension fixing points. Work to be undertaken by accredited persons. Works to be carried out in a safe manner and no highway users to be put at risk. Banners must not obstruct forward visibility to ensure pedestrians can see vehicles at all times. Structural testing in 2020. Utilities agreement in place (2020).
	●	Inadequate insurance	To ensure all risks are taken into account	1	Carry out annual review. EMPLOYER'S LIABILITY PUBLIC LIABILITY

Comment [S8]: Section 178 of the Highways Act 1980

Comment [S9]: "Public liability insurance covers the cost of claims made by members of the public for incidents that occur in connection with your business activities. Public liability insurance covers the cost of compensation for: personal injuries, loss of or damage to property." (Google)

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FUNCTION	RISK CATEGORY	RISK IDENTIFIED	REQUIREMENT	RISK LEVEL	MANAGEMENT OF RISK
CAR PARK					
	●	Personal injury or damage to vehicles caused by poor surfaces	Minimise risk to users and claims against the council	1	<ul style="list-style-type: none"> Adequate budget provision for maintenance. Regular inspection by clerk.
	●	Abandoned vehicles	Minimise the risk of financial loss in removing abandoned vehicles	2	Regular inspection and liaison with Community Engagement Officers.
	●	Flytipping	Minimise environmental impact and presence of vermin	2	<ul style="list-style-type: none"> Regular site inspections. Liaison with the District Council (the responsible authority). Ensure hazardous waste is managed lawfully.
	●	Theft	Exclude liability	2	"Exhibit a conspicuous, legible and suitably expressed notice."
	●	Inadequate insurance	To ensure all risks are taken into account	1	Carry out annual review. ALL RISKS EMPLOYER'S LIABILITY PUBLIC LIABILITY
FUNCTION	RISK CATEGORY	RISK IDENTIFIED	REQUIREMENT	RISK LEVEL	MANAGEMENT OF RISK
CHRISTMAS TREES					
	● ●	Inadequate budget	To provide an adequate budget for seasonal decorations in the community and raise the council's profile	1	Clerk to obtain 3 quotations for new LED lighting as part of the council's budget process.
	● ●	Unsafe seasonal decorations leading to personal injury or damage to property	To ensure public safety and minimise the risk of claims against the council	2	<ul style="list-style-type: none"> Trees erected by professional contractor. All lights are PAT certificated. Regular safety inspections.
	●	Inadequate insurance	To ensure all risks are taken into account	1	<ul style="list-style-type: none"> Council's insurers are informed prior to tree lighting ceremony and advised of the potential number of attendees. PUBLIC LIABILITY

Comment [S10]: Power to provide and maintain suitable off-road car parking places in the council's area to relieve or prevent traffic congestion or to preserve local amenities. Road Traffic Regulations Act 1984, s.57(1)(b).

Comment [S11]: Environmental Protection Act 1990 (EPA 1990), Sections 33, 34 and 59

Comment [S12]: Occupiers Liability Acts 1957 and 1984 s. 2(1)

Comment [S13]: Local Government Act 1972 s. 144 Power to encourage visitors...

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CLOCK					
	●	Poor maintenance of Grade II Listed clock within the conservation area	Correct time keeping Responsible stewardship of an 'iconic' town building	1	<ul style="list-style-type: none"> Annual service. Comply with planning regulations for a listed building in a conservation area. Maintain Asset Register.
	●	Damage	Minimise risk of damage	2	Council has considered making an application to the Local Highways' Panel to install bollards where the clock tower extends onto the highway. Cost prohibitive.
	● ●	Inadequate budget	Sound budget process	1	<ul style="list-style-type: none"> Annual service costs included in budget. Identify Reserves for unscheduled works.
	●	Inadequate Insurance	To ensure all risks are taken into account	1	Annual review of risks. BUILDINGS INSURANCE PUBLIC LIABILITY
FUNCTION	RISK CATEGORY	RISK IDENTIFIED	REQUIREMENT	RISK LEVEL	MANAGEMENT OF RISK
CODE OF CONDUCT					
	●	Failure to maintain and update Register of Interests	Maintain Register of Members' Interests	1	<ul style="list-style-type: none"> Ensure Councillors are aware of their statutory responsibilities. Issue new councillors with code of conduct, standing orders, financial regulations, good councillor' guides and new councillor pack as soon as they have signed their Declaration of Acceptance of Office. Register of Members' Interests is maintained. Standing Item on council agendas for 'Declaration of Interests - Localism Act s.31 (4). A councillor with a Disclosable pecuniary interest in a matter being discussed during the public participation session of a meeting cannot speak on a matter unless he has received a dispensation.

Comment [S14]: Power to provide and maintain public clocks within the council's area. Parish Councils Act 1957, s.2

Comment [S15]: The Localism Act 2011 **Councillors' Code of Conduct** – part 1 Local Government Chapter 7 – Standards - section 27 (2) (3).

Comment [S16]: The seven principles of public life set out by Lord Nolan in 1995:
1.selflessness
2.integrity
3.objectivity
4.accountability
5.openness
6.honesty
7.leadership
 source Local Councils Explained

Comment [S17]: Interests – part 1 Local Government Chapter 7 – Standards. Section 29 Register of Interests, section 30 Disclosure of pecuniary interests on taking office and section 31 Pecuniary interests in matters considered at meetings or by a single member.

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COMPUTERS					
	●	Theft - Council Offices is not alarm protected. All councillors have keys to the building	Maintain security of council offices, equipment and confidential documentation	2	<ul style="list-style-type: none"> Restrict access to council offices. Computers are password protected. Passwords are changed at regular intervals.
	●	Failure of system – computer virus	Minimise risk of interruption to normal business and complete loss of data	1	<ul style="list-style-type: none"> Data is backed up daily using alternate hard drives which are kept in a wall safe in the clerk’s office. All software is licensed and anti-virus software is current.
	●	Inadequate insurance	To ensure all risks are taken into account	1	Review insurance annually and ensure new equipment is added to policy. ALL RISKS INSURANCE

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COUNCIL OFFICES					
	● ●	Access	Access and participation To consider the needs of disabled people in relation to their access and participation	1	<ul style="list-style-type: none"> • Council offices are a single storey building. • Wheelchair friendly ramp to the access door. • Disabled toilet with panic alarm, grab rails and emergency lighting. • Hearing loop system in the council chamber.
	● ●	Fire or incident requiring emergency evacuation of the building SINGLE EXTERNAL ENTRY/EXIT DOOR Personal injury	Fire risk assessment	2	<ul style="list-style-type: none"> • Maximum occupancy for council chamber observed. • Internal doors open in the direction of main exit in compliance with fire safety requirements. • Adequate fire extinguishers which are serviced annually. • Weekly safety checks. • Fire evacuation procedures. • Illuminated emergency exit signs. • Display of the Health and Safety Executive’s health and safety law poster. • Display of public liability insurance certificate. • First aid kit accessible to the public.
	● ● ●	Poor maintenance	Minimise the risk of financial loss and personal injury	1	<ul style="list-style-type: none"> • Planned programme of maintenance. • Adequate budget provision.
	●	Inadequate Insurance	To ensure all risks are taken into account	1	<ul style="list-style-type: none"> • Maintain asset register. • Annual review of all risks. <p>BUILDINGS AND CONTENTS EMPLOYER’S LIABILITY PUBLIC LIABILITY</p>

Comment [S18]: Local Government Act 1972 Section 133 - provision of parish and community buildings

Comment [S19]: Equality Act 2010

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DATA					
	● ●	Penalty or fine not covered by insurance	Maintain a robust Risk Management Scheme To keep personal information secure. "This security requirement is a necessity for both external and internal data threats, both levying the possibility of fines by regulatory authorities such as the ICO as well as the loss of money to cyber ransom. Potential fines that could be imposed as a result of the GDPR which took effect from May 2018 could be extensive." ¹	2	<ul style="list-style-type: none"> • "Network security • Removable media controls • Secure configuration • User education and awareness • Malware protection • Home and mobile working • Incident management • Managing user privileges • Monitoring"² <p>Councillors to have their own council email addresses.</p>
	●	Incorrect use of Electoral Roll	Prevent personal information misuse	1	Register is held by the Clerk and stored in a safe in Clerk's Office.
	●	Data Breach	Compliance with General Data Protection Regulation	2	<ul style="list-style-type: none"> • Staff are aware of their responsibilities when processing data. • Subscribe to District Council Data Protection Officer Service. • Create and maintain key document to identify data kept. • Publish Data Protection Policy on Council's website. • Maintain destruction log. • Secure destruction contract for waste disposal. • Council is registered with the ICO as a data controller. <p>CYBER LIABILITY POLICY</p>

Comment [S20]: General Data Protection Regulation 25.5.18 and Data Protection Act 2018

Comment [S21]: Risk management is an ongoing activity that comprises four elements: identifying risks; assessing risks; addressing risks; and review and reporting. (source Governance and Accountability for Smaller Authorities in England 2018)

Comment [S22]: The Electoral Roll is provided for Council under a statutory provision. The Clerk may not copy or lend the document to any individual, either a Member of the Council or public. It may only be used for legitimate Council reason.

Comment [S23]: The Lawful bases for processing are set out in Article 6 of the GDPR. At least one of these must apply whenever you process personal data:
(a) Consent
(b) Contract
(c) Legal obligation
(d) Vital interests
(e) Public task
(f) Legitimate interests
 (source ICO website)

¹ EALC Legal Update February 2019

² The National Cyber Security Centre

BURNHAM-ON-CROUCH TOWN COUNCIL RISK MANAGEMENT SCHEME

DATED: 2 July 2020

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FUNCTION	RISK CATEGORY	RISK IDENTIFIED	REQUIREMENT	RISK LEVEL	MANAGEMENT OF RISK
EMPLOYMENT OF STAFF					
	●	Poor practice in recruitment	Recruitment and selection process is fair, non-discriminatory and transparent.	1	<ul style="list-style-type: none"> Staffing Committee with clear terms of reference. Code of conduct.
	●	Failure to comply with employment law	To comply with the council's duties under employment legislation and meet its pension obligations	1	<ul style="list-style-type: none"> Issue contracts to all staff and review annually. Compliance with pension regulations. Robust payroll arrangements.
	●	Poor administration, ineffective use of time, staff unmotivated.	To meet the council's commitment to staff training	1	<ul style="list-style-type: none"> Training and Development Policy. Job description for all staff. Adequate budget provision for training. Annual Appraisals.
	●	Grievance	To protect staff and the council	1	<ul style="list-style-type: none"> Bullying and Harassment/Dignity at Work Policy, Disciplinary Policy, Equality and Diversity Policy, Grievance Policy and Holiday and Absence Policy. <p>Staffing committee deals with grievance and disciplinary matters and has responsibility for the clerk's recruitment or termination of contract. The management of other employees are delegated to the clerk. If the council does not delegate all management of its employees to the clerk, the staffing committee should still take responsibility for the remaining duties (e.g. the powers to suspend or dismiss an employee).</p>
	●	Unlawful dismissal	Compliance with Section 94 of the Employment Rights Act 1996	1	Support from Human Resources at Maldon District Council.
	●	Key member of staff leaving	To prevent interruption to business	2	Maintain adequate staffing levels.
	● ●	Breach of Media Policy	To prevent disclosure of confidential information	2	Staff are trained in procedures for information governance - computer use, email and internet use, Data Protection Act 2018 and General Data Protection Regulations (25 May 2018) and requirements of the Freedom of Information Act 2000.
	● ●	Failure to comply with statutory requirements	To comply with the Freedom of Information Act 2000		
	●	Personal injury	Commitment to the council's 'duty of care' Health & Safety at Work Act 1974 s. 2	1	<ul style="list-style-type: none"> Health & Safety Policy. Fire Evacuation training for all staff. <p>EMPLOYER'S LIABILITY</p>

Comment [S24]: Councils can take on employees if it helps them to exercise their statutory functions. Local Government Act 1972 section 112

Comment [S25]: Employment Rights Act 1996, Equality Act 2010, Pensions Act 2008 and Health & Safety at Work Act 1974. Further advice and information will be utilised from National Joint Council (NJC) for Local Government Services (The Green Book), NALC's Good Councillor Guide, NALC's 'Being a Good Employer Guide' as well as the council's Standing Orders and Code of Conduct for members

Comment [S26]: The selection process must not discriminate on the grounds of age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion, sex and sexual orientation – these are 'protected characteristics' Equality Act 2010.

Comment [S27]: Employment Rights Act 1996 requires employers to provide most employees with a written statement of the main items of the contract not later than two calendar months after starting work.

Comment [S28]: The **Employers Liability (Compulsory Insurance) Act 1969** is a UK Act of Parliament which requires that employers carry insurance against the personal injury of their employees.

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EVENTS					
	● ● ●	Unsafe management of events leading to personal injury or damage to property Reputational impact	To produce event management plans to facilitate the running of safe and enjoyable events	1	<ul style="list-style-type: none"> The clerk prepares an event management plan and risk assessment for all council run events. The appropriate controls are in place e.g. road closures, PRS license, copies of traders public liability insurance certificates, first aid provision, fire safety, communication, emergency procedures, lost children policy, waste management. Define areas of responsibility. Volunteers have training prior to an event. Volunteers are covered under the council's insurance. Establish a control point.
	●	Inadequate insurance	To ensure all risks are taken into account	1	<ul style="list-style-type: none"> Council's insurers are informed prior to an event taking place and advised of the potential number of attendees. <p>PUBLIC LIABILITY PERSONAL ACCIDENT INSURANCE</p>

Comment [S29]: LGA 1972 Section 145 Provision of Entertainments.

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FINANCIAL ADMINISTRATION PAGE 1 see addendum page 19 a)	● ●	Failure to keep appropriate records	Administration of the council's financial affairs in accordance with statutory regulations and proper practices. Compliance with the Accounts and Audit Regulations 2015 (SI 2015/234) 3. A relevant authority must ensure that it has a sound system of internal control which (c) includes effective arrangements for the management of risk.	1	<ul style="list-style-type: none"> Council has appointed an RFO and has robust internal controls. Financial Regulations and Standing Orders are reviewed annually. Annual internal audit. The RIALTAS accounting software is used. All expenditure is supported by invoice or voucher. Cheques/BACS payments signed by two authorised signatories. Monthly expenditure is submitted to council for approval. Actual spending against budget is submitted monthly to council. A bank reconciliation is submitted monthly to council.
	● ●	Failure to comply with The Local Government Act 1972 Section 228 – Inspection of Documents	A local government elector for the area of a local authority may inspect and make a copy of or extract from an order for the payment of money made by the authority.	1	<ul style="list-style-type: none"> Officers are aware of their responsibilities. New officers are given appropriate training.
	● ●	Non-compliance with HMRC regulations	Effective financial management	1	<ul style="list-style-type: none"> VAT properly accounted for and returns submitted quarterly. HMRC basic payroll used and PAYE/NIC paid on time. Salary and pension payments are checked monthly by two authorised signatories.
	● ●	Failure to maintain asset register	Effective management of assets	1	<ul style="list-style-type: none"> The RFO is responsible for maintaining the asset register. All land is registered with the Land Registry. Asset register is reviewed annually.
	● ●	Ultra Vires Actions	Avoid legal challenge	1	<ul style="list-style-type: none"> Ensure council is within its power to act.
	● ●	Incorrect application of Section 137 power	Ensure council is acting within its powers	1	<ul style="list-style-type: none"> N/A – the council has a qualified clerk and has Resolved that it meets the criteria to use the General Power of Competence.
	● ●	Failure to comply with Public Contracts Regulations 2015	Ensure procurement exercise meets the requirements of section 135 the LGA 1972 and the Public contracts regulations 2015	1	<ul style="list-style-type: none"> Council's financial regulations and standing orders. Council meets the statutory requirement to advertise all contracts over £25,000 on the contract finder website.
	● ●	Failure to comply with audit regulations and the Exercise of Public Rights - Sections 25 and 26 of the Local Audit and Accountability Act 2014 and Accounts & Audit Regulations 2015 S.I.2015/234)	Ensure proper audit processes and Exercise of public rights	1	<ul style="list-style-type: none"> RFO to meet all statutory requirements and deadlines. Review of internal controls as part of annual audit processes. Recommendations of the internal auditor are implemented.

Comment [S30]: Section 151 of the Local Government Act 1972 requires every local authority to make arrangements for the proper administration of its financial affairs and requires one officer to be nominated to take responsibility for the administration of those affairs.

Comment [S31]: Payment by cheque or cash only is no longer a statutory requirement. Legislative Reform (Payments by Parish Councils, Community Councils and Charter Trustees) Order 2014 (SI.2014/580)

Comment [S32]: A council may make all contracts necessary for the discharge of its functions. A contract made in pursuance of action which is beyond the council's powers, is itself beyond those powers. LGA 1972, s.111

Comment [S33]: Sections 25 and 26 of the Local Audit and Accountability Act 2014 provide rights for persons to inspect a local authority's accounting records and supporting documentation, and make copies. Accounts & Audit Regulations 2015 S.I.2015/234) give details of when/ how those rights may be exercised.

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FINANCIAL ADMINISTRATION					
PAGE 2 see addendum page 19 a)	● ●	Failure to set a Budget and Precept to meet council's spending requirements	To ensure that the council can deliver services	1	<ul style="list-style-type: none"> Sound budget process with Cllrs. involved at an early stage. Budget is monitored throughout the year. Adequacy of Reserves is reviewed annually.
	●	Data Breach	Compliance with Article 6 of the GDPR. At least one of these must apply when processing personal data: (a) Consent (b) Contract (c) Legal obligation (d) Vital interests (e) Public task (f) Legitimate interests	2	<ul style="list-style-type: none"> Officers aware of their responsibilities when processing data. Subscribe to District Council Data Protection Officer Service. Create and maintain key document to identify data kept. Publish Data Protection Policy on Council's website. Maintain destruction log. Secure destruction contract for waste disposal. Council is registered with the ICO as a data controller.
	● ●	Theft and misappropriation of funds	Robust internal controls and risk management	1	<ul style="list-style-type: none"> Adequate controls for handling large sums of cash. Cash/cheques are banked promptly.
	● ●	Inadequate Insurance	Security for officers/persons handling council money or property LGA 1972 s.114	1	FIDELITY GUARANTEE to indemnify for loss of money or property sustained as a direct result of fraud, theft or dishonesty by an employee in the course of employment.

BURNHAM-ON-CROUCH TOWN COUNCIL RISK MANAGEMENT SCHEME

DATED: 2 July 2020

This scheme will be reviewed annually and amended whenever the Town Council undertakes any new function or ceases an existing one.

RISK CATEGORY: ● A/L Administrative/Legal ● Environmental ● Financial ● Physical ● Health & Safety ● Technical ● Professional

RISK LEVEL: 1 = LOW 2 = MEDIUM 3 = HIGH

FUNCTION	RISK CATEGORY	RISK IDENTIFIED	REQUIREMENT	RISK LEVEL	MANAGEMENT OF RISK
GIFTS					
	●	Failure to record gifts	Proper administration of gifts	1	<ul style="list-style-type: none"> Maintain gift register.

Comment [S34]: Local Government Act 1972 s. 139

Comment [S35]: An officer of a local authority shall not, under colour of his office or employment, accept any fee or reward whatsoever other than his proper remuneration. Local Government Act 1972, s. 117 (2).

This scheme will be reviewed annually and amended whenever the Town Council undertakes any new function or ceases an existing one.

RISK CATEGORY: ● A/L Administrative/Legal ● Environmental ● Financial ● Physical ● Health & Safety ● Technical ● Professional

RISK LEVEL: 1 = LOW 2 = MEDIUM 3 = HIGH

FUNCTION	RISK CATEGORY	RISK IDENTIFIED	REQUIREMENT	RISK LEVEL	MANAGEMENT OF RISK
GREEN SPACES					
	● ●	Poor tree management causing injury or damage to persons or property or spread of disease	Effective management of council owned green spaces	2	<ul style="list-style-type: none"> Regular inspection of trees within council owned areas of grassland. Planned programme of tree works.
	● ● ●	Inadequate grass cutting	3 rd party contract for grass cutting	1	<ul style="list-style-type: none"> Grass cutting and tree management are contracted out. Procurement exercise meets the requirements in section 135 of the LGA 1972 and the Public contracts regulations 2015 and the council's financial regulations and standing orders.
	●	Inadequate Insurance	To ensure all risks are taken into account		PUBLIC LIABILITY
FUNCTION	RISK CATEGORY	RISK IDENTIFIED	REQUIREMENT	RISK LEVEL	MANAGEMENT OF RISK
MAYOR'S ALLOWANCE					
	● ●	Misuse of Mayor's Allowance for items other than to meet the expenses of his/her office Overspend of budget	To maintain an accurate record of Mayor's Allowance expenditure	1	<ul style="list-style-type: none"> Ensure Mayor's expenses are properly recorded. Mayor is a cheque signatory and must NOT sign cheques for Mayor's allowance expenditure. Actual payments against budget are submitted to full council on monthly basis.

Comment [S36]: Local Government Act 1972, s. 15(5)

RISK CATEGORY: ● A/L Administrative/Legal ● Environmental ● Financial ● Physical ● Health & Safety ● Technical ● Professional
RISK LEVEL: 1 = LOW 2 = MEDIUM 3 = HIGH

FUNCTION	RISK CATEGORY	RISK IDENTIFIED	REQUIREMENT	RISK LEVEL	MANAGEMENT OF RISK
MEETINGS OF THE COUNCIL					
PAGE 1 see addendum page 19 b)	● ● ●	Access and Participation	To consider the needs of disabled people in relation to their access to and participation in meetings Equality Act 2010	1	<ul style="list-style-type: none"> Council offices are a single storey building. Wheelchair friendly ramp to the only access door. Disabled toilet with panic alarm and emergency lighting. Hearing loop system in the council chamber. Clerk ensures that ongoing requirements are met.
	● ● ●	Fire or incident requiring emergency evacuation of the building SINGLE ENTRY/EXIT POINT Personal injury	Fire safety protocols	2	<ul style="list-style-type: none"> Doors open in the direction of exit in compliance with fire safety requirements. Maximum occupancy for council chamber is observed. Adequate fire extinguishers which are serviced annually. Weekly safety checks – written log kept. Fire evacuation procedures. Illuminated emergency exit signs. Display of the Health and Safety Executive’s health and safety law poster. Display of PUBLIC LIABILITY INSURANCE certificate. First aid kit accessible to the public.
	●	Unlawful Meetings	To comply with regulations and standing orders	1	<ul style="list-style-type: none"> A parish council must hold an Annual Meeting and at least three other meetings during the year. Every English parish must hold a parish (town) meeting. In a year which is a year of ordinary elections of parish councillors, the annual meeting of a parish council shall be held on, or within fourteen days after, the day on which the councillors elected at that election take office, and in any other year the annual meeting shall be held on such day in May as the parish council may determine. All councillors are notified of a meeting by a summons signed by the proper officer. (Except in the case of a meeting called by councillors). The summons must give notice of time and place of the intended meeting and specify the business to be transacted.

Comment [S37]: Schedule 12 of the Local Government Act 1972, the Public Bodies (Admission to Meetings) Act 1960, s.13 of the Local Government and Housing Act 1989 and Localism Act 2011.

Comment [S38]: Local Government Act 1972 s.9 (1)

Comment [S39]: Notice of the meeting, specifying the business to be discussed must be placed in a central conspicuous place within the parish or area, at least three clear days before the meeting. LGA 1972 schedule 12 paragraph 10(2)(a)

Comment [S40]: A council cannot lawfully conduct any business which is not included on the agenda.

RISK CATEGORY: ● A/L Administrative/Legal ● Environmental ● Financial ● Physical ● Health & Safety ● Technical ● Professional
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FUNCTION	RISK CATEGORY	RISK IDENTIFIED	REQUIREMENT	RISK LEVEL	MANAGEMENT OF RISK
MEETINGS OF THE COUNCIL					
PAGE 2 see addendum page 19 b)	●	Unlawful Meetings	To comply with regulations and standing orders	1	<ul style="list-style-type: none"> A summons may be issued by electronic form if a councillor has given consent (which may be withdrawn at any time). A Parish Council must give notice of a meeting at least three clear days before it takes place. Where a parish meeting is called, at least seven clear days' notice must be given. Meetings shall be open to the public and press. At the start of each meeting, the Chairman will remind everyone in attendance and who will be participating that they may be filmed, recorded, photographed or otherwise reported about. The clerk ensures that meetings are Quorate. The names of those in attendance are recorded. Code of conduct and Standing Orders. Councillors' Declarations of Interest.
	● ●	Pre-determination of planning applications	To consider planning applications (as a statutory consultee) in accordance with planning policy.	1	<ul style="list-style-type: none"> Code of conduct and Standing Orders. Councillors' Declarations of Interest. Planning applications in the Neighbourhood Area must be considered against the Burnham-on-Crouch Neighbourhood Development Plan, as well as existing planning policy such as the Approved Maldon District Local Development Plan (2017) and the National Planning Policy Framework and National Planning Practice Guidance.
	●	Failure to properly record council business	Ensure proper recording of council decisions	1	<ul style="list-style-type: none"> Minutes must clearly identify Resolutions. Minutes are signed at the next meeting by the chairman of that meeting. Signed minutes are securely stored.
	●	Failure to respond to electors' rights	Compliance with public rights to request information held by a council by submitting a Freedom of Information request Freedom of Information Act 2000	1	<ul style="list-style-type: none"> Ensure staff are aware of electors' rights. Procedures in place for responses to enquiries. Council adopts and maintains a Publication Scheme which has been approved by the Information Commissioner, and publishes information in accordance with the scheme.
	●	Inadequate insurance	To ensure all risks are taken into account	1	EMPLOYER'S LIABILITY PUBLIC LIABILITY SLANDER AND LIBEL

Comment [S41]: The Local Government (Electronic Communications) (England) Order 2015

Comment [S42]: Meetings shall be open to the public unless their presence is prejudicial to the public interest by reason of the confidential nature of the business to be transacted. The public's exclusion from part or all of a meeting shall be by a resolution which shall give reasons for the public's exclusion - Public Bodies (Admission to Meetings) Act 1960 s.1 (2). The following business may be discussed in private: engagement, terms of service, conduct and dismissal of employees; terms of tenders, and proposals and counter-proposals in negotiations for contracts; preparation of cases in legal proceedings; and early stages of any dispute.

Comment [S43]: This applies equally to committees of the council LGA 1972 ss 100 and 102

Comment [S44]: The Openness of Local Government Bodies Regulations 2014 (SI 2014/2095) make provision to allow members of the public to report and commentate on public meetings of local government bodies in England.

Comment [S45]: Minutes of a local authority may be inspected by an elector for its area, and he may copy or make extracts from them (LGA 1972, s.228 (1)).

BURNHAM-ON-CROUCH TOWN COUNCIL RISK MANAGEMENT SCHEME

DATED: 2 July 2020

RISK CATEGORY: ● A/L Administrative/Legal ● Environmental ● Financial ● Physical ● Health & Safety ● Technical ● Professional
RISK LEVEL: 1 = LOW 2 = MEDIUM 3 = HIGH

FUNCTION	RISK CATEGORY	RISK IDENTIFIED	REQUIREMENT	RISK LEVEL	MANAGEMENT OF RISK
POLICIES & PROCEDURES					
	●	Failure to comply with statutory requirements and good practice	Compliance and effective risk management	1	<ul style="list-style-type: none"> • Ensure policies are in place: Complaints Procedure, Data Breach Process, Data Protection 2018, Dignity at Work, Disciplinary Procedure, Equal Opportunities, Grievance, Health and Safety, Internal Control, Media, Privacy Notice Consent, Publication Scheme, Risk Management, Social Media and Training Policy. • Annual review of standing orders and financial regulations. • Annual review of internal controls. • Annual review of insurance. • Annual review of service level agreements. • Annual review of banking arrangements.
FUNCTION	RISK CATEGORY	RISK IDENTIFIED	REQUIREMENT	RISK LEVEL	MANAGEMENT OF RISK
STATION HOUSE					
	●●●	Poor maintenance of community facility	Minimise the risk of financial loss and personal injury	1	<ul style="list-style-type: none"> • Planned programme of maintenance and regular inspection. • Adequate budget provision.
	●	Failure to have licenses with tenants	Licenses with all tenants	1	<ul style="list-style-type: none"> • Signed license agreements with all licensees • Annual review of licenses.
	●●	Security	Minimise the risk of loss from theft or vandalism	1	<ul style="list-style-type: none"> • Building is alarm protected – annual maintenance contract. • Licensees’ studios are key coded – clerk has a copy of codes (for emergency access) which is kept in a wall safe in clerk’s office.
	●●●●	Health & Safety in shared community facility	Compliance with regulations	2	<ul style="list-style-type: none"> • Fire evacuation procedures. • Annual fire safety equipment service certificate displayed. • Public Liability Insurance certificate displayed. • Annual portable appliance testing and gas boiler service. • Legionella testing. • Weekly testing of fire alarm and emergency lighting. • Weekly inspection of fire escapes.
	●●●●●	Health & Safety during global pandemic Covid-19 2020	Compliance with government instructions/guidelines Minimise health risk to users, staff and councillors and financial risk to council	3	<ul style="list-style-type: none"> • Professional Covid-19 risk assessment. • Council risk assessment. • Temporary closure of building. • Licensees receiving rent refunds during period of closure.
	●	Liability – leased premises. Inadequate insurance	To ensure all risks are taken into account	1	ALL RISKS EMPLOYER'S LIABILITY PUBLIC LIABILITY

BURNHAM-ON-CROUCH TOWN COUNCIL RISK MANAGEMENT SCHEME

DATED: 2 July 2020

This scheme will be reviewed annually and amended whenever the Town Council undertakes any new function or ceases an existing one.

RISK CATEGORY: ● A/L Administrative/Legal ● Environmental ● Financial ● Physical ● Health & Safety ● Technical ● Professional

RISK LEVEL: 1 = LOW 2 = MEDIUM 3 = HIGH

FUNCTION	RISK CATEGORY	RISK IDENTIFIED	REQUIREMENT	RISK LEVEL	MANAGEMENT OF RISK
VEHICLES					
	● ●	Theft Accident Poor driving practices	To comply with driving laws, legislation and rule changes	1	<ul style="list-style-type: none"> Road Tax. MOT. Authorised drivers only. <p>COMPREHENSIVE MOTOR INSURANCE</p>
WAR MEMORIAL					
	● ●	Inadequate budget provision	Adequate budget for annual conservation	1	<ul style="list-style-type: none"> Annual condition report from conservator and review of ongoing costs during annual budget process. Identify Reserves for unscheduled works.
	●	Poor maintenance	Maintain and protect Grade II Listed structure in the conservation area that is the Town's focus of remembrance.	1	Regular inspection. Works carried out by professional conservator.
	●	Vandalism	Minimise the risk of damage or loss arising from vandalism	1	<ul style="list-style-type: none"> Regular inspection by clerk and Community Engagement Officers. Encourage members of the public to report issues e.g. dog fouling, skateboarders using the steps as jumps, motorbikes being leant against the obelisk. Instigate proceedings against vandals if appropriate. Community Engagement Officers have powers to issue fixed penalty notices for dog fouling.
	●	Inadequate insurance	To ensure all risks are taken into account	1	Annual review of insurance. ALL RISKS INSURANCE PUBLIC LIABILITY

Comment [S46]: Road Traffic Act 1988

Comment [S47]: Power to maintain, repair and protect war memorials in the council's area.

War Memorials (Local Authorities' Powers) Act 1923 s.1 as extended by the Local Government Act 1948 s 133

BURNHAM-ON-CROUCH TOWN COUNCIL RISK MANAGEMENT SCHEME

DATED: 2 July 2020

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FUNCTION	RISK CATEGORY	RISK IDENTIFIED	REQUIREMENT	RISK LEVEL	MANAGEMENT OF RISK
WEBSITE					
	●	Content	Maintain effective administration	1	<ul style="list-style-type: none"> • Clear Terms of Reference for website operation. • Adherence to council Media Policy. • Content to be approved by council and regularly reviewed. • A minimum of two people are trained to operate the website. • Observation of Purdah rules in the period prior to an election.
	●	Accessibility for the disabled	To meet the accessibility standards of the Accessibility Regulations 2018.	1	"Make reasonable adjustment for those with impaired vision, hearing, cognitive impairments or learning disabilities." Screen reader software or a screen magnifier. ³ Include in budget process 2020/21.
	●	Unlicensed software	Minimise risk of security threats including malware, spyware & viruses. Minimise risk of civil/criminal penalties.	1	Council must ensure that all software is properly licensed.
	●	Inadequate control	Minimise risk from 3 rd party input	1	Service Level Agreement with website designer.
	●	Data Protection Act 2018	To keep personal information safe Minimise risk of a data breach	2	The Lawful bases for processing are set out in Article 6 of the GDPR. At least one of these must apply whenever personal data is processed: (a) Consent (b) Contract (c) Legal obligation (d) Vital interests (e) Public task (f) Legitimate interests. ⁴
	●	Copyright	Minimise the risk of breach of copyright	2	If links to other sites are used the website editor must obtain permission from the destination website.
	●	Non-compliance with Freedom of Information Act 2000	Minimise the risk of a Freedom of Information complaint against the council	1	All information included within the Council's publication scheme is available.
	●	Photos taken in public places ⁵	Compliance with GDPR and Data Protection Act 2018	1	Photos taken with verbal consent - Article 6(1) (a) of GDPR permits processing. If not, the council can process personal data under Article 6(1) e (as modified by s. 8 of the Data Protection Act 2018) "necessary for an activity that supports or promotes democratic engagement".
	●	Inadequate Insurance	Protect the council against fines by regulatory bodies	1	Review insurance and ensure all risks are taken into account. CYBER LIABILITY INSURANCE

Comment [S48]: Power to provide information relating to matters affecting local government. Local Government Act 1972, s.142

The Public Sector Bodies (Websites and Mobile Applications) (No.2) Accessibility Regulations 2018

Equality Act 2010

Freedom of Information Act 2000
Data Protection Act 2018 and GDPR 2018

Comment [S49]: A council should not: "a) produce publicity on matters which are politically controversial; b) make references to individual politicians or groups in press releases; c) arrange proactive media or events involving candidates; d) issue photographs which include candidates; e) supply Council photographs or other materials to Councillors or political group staff unless you have verified that they will not be used for campaigning purposes; f) continue hosting third party blogs or e-communications; g) Help with national political visits, as this would involve using public money to support a particular candidate or party. These should be organised by political parties with no cost or resource implications for the Council." (EALC legal update)

Comment [S50]: For existing websites this comes into force on 23.9.20

Comment [S51]: Copyright, Designs and Patents Act 1988

³ NALC legal topic note LO9-18

⁴ Information Commissioner's Office

⁵ The Clerk Magazine September 2018

There is also a financial risk from councillor resignation or disqualification, as detailed below:

BURNHAM-ON-CROUCH TOWN COUNCIL RISK MANAGEMENT SCHEME				DATED: 2 July 2020	
RISK CATEGORY: ● A/L Administrative/Legal ● Environmental ● Financial ● Physical ● Health & Safety ● Technical ● Professional RISK LEVEL: 1 = LOW 2 = MEDIUM 3 = HIGH					
	RISK CATEGORY	RISK IDENTIFIED	REQUIREMENT	RISK LEVEL	MANAGEMENT OF RISK
COUNCILLORS					
	● ●	Councillor resignation	Adequate budget provision	1	Identify Reserves for potential by-election.
	● ●	Failure to attend meetings	Compliance with Local Government Act 1972 s. 85	1	<ul style="list-style-type: none"> Councillors are aware of their duty to attend meetings "It is important to record the grounds upon which apologies for absence are tendered in case they have to be approved to prevent a casual vacancy arising".⁶

**Addendum – COVID-19 Pandemic.
Changes in Legislation**

a) see page 11 and 12 - Financial Administration

Annual Audit Processes – The Accounts and Audit (Coronavirus) (Amendment) Regulations 2020 (effective 30.4.20) extends the statutory audit deadlines for 2019-20 for Category 2 smaller authorities, including town and parish councils. The requirement for the public inspection period to include the first ten working days of July has been removed. Instead, local councils must commence the public inspection period on or before the first working day of September 2020. This means that the AGAR must be approved and published by 31 August 2020 at the latest or may be approved earlier, wherever possible. the publication date for final, audited, accounts will move from 30 September to 30 November 2020 for all local authorities. This is the date by which the Part 3 AGAR Sections 1, 2 and 3 including the completed External Auditor Report and Certificate must be published.

b) see pages 14 and 15 - Meetings of the Council

The Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority and Police and Crime Panel Meetings) (England and Wales) Regulations 2020, enable councils to hold meetings remotely, and to hold and alter the frequency and occurrence of meetings without the need for further notice. The changes in legislation have been made in order to help smaller authorities in the performance of their duties as a result of the restrictions of movement and limitations on social contact necessary to limit the spread of the Covid-19 virus.

⁶ Arnold-Baker 11th Edition 7.17