

Report of the Corporate Risk Management Group

Report of the Head of Services for Communities

Recommendations:

Audit Committee to consider and note updates to the Corporate Risk Register.

1. Summary

This report of the Corporate Risk Management Group provides an update on risk management practice in the Council.

2. Introduction

Corporate Risk Management Group reports to Audit Committee as necessary by exception to provide information on significant changes recorded on risk registers.

3. Risk Registers

Risks recorded in the Corporate Risk Register (CRR) are shown in appendix A of this report.

The risks in this risk register are reassessed at least every six months and on this occasion reviews have resulted in the following changes since September 2014.

Three risks have increased:

TG 15 CRR Reduction in funding affects service delivery in event of financial problems at external body

This risk has been reassessed as part of the monthly monitoring process and has been increased due to the continuing financial pressures being experienced by NEW CCG, which have potential to impact adversely on the Authority.

FF 5 CRR Early Help

The scoring of this risk had increased significantly since the Committee last met in September, but has recently been reviewed and re-scored by the Head of Service to reflect progress being made with regard to implementation of the Early Help Strategy.

FIN 39 CRR Failure to deliver priority services due to inadequate financial planning

The "Meeting the Challenge" group, chaired by the Head of Communities, has worked through the current financial year to identify areas of potential savings within Services and across functions. The County Treasurer and Deputy have been engaged in the process and strategies for balancing the 2015/16 budget, with future year savings are being formulated. Chief Officers and Senior Members will review data, feeding in to budget decisions for 2015/16 and production of subsequent year's Medium Term Financial Plan.

Seven risks have decreased:

TG 11 CRR Market Capacity: Adult Social Care

Additional mitigating actions have been put in place, for example, 'escalation process with NHS colleagues' and exploration of 'provider of last resort option' have resulted in the current risk assessment being reduced.

SPOC 15 CRR Failure to prevent discriminatory practice/adhere to the Equality Act & Public Sector Equality Duty

The Corporate Equality Officer co-ordinates completion of impact assessments of service reductions. A recent Devon Audit report stated that DCC had a "good standard" of compliance with completing equality impact assessments. Employment equality policies are out of date and work is underway to update them and improve the information on the GAP pages. Many areas of the council have diversity profiles for customers, but there are gaps in terms of monitoring and analysing satisfaction levels on a regular basis. The growing use of commissioned services makes customer satisfaction a more complex process.

SPOC 16 CRR Failure to properly implement Impact Assessment in effective decision making

Impact Assessment is much more a part of the decision making process than in the past, however there is still work to be done to bring it into mainstream activity and ensure the process is recognised and supported at all management levels.

TG 12 CRR Health and Social Care Bill

The risk has been reviewed and re-scored as part of the monthly monitoring process. This has resulted in a reduction in the current risk assessment as a result of good progress being made by a range of work-streams supporting implementation.

FF 2 CRR CAMHS

This risk has been reviewed by the Head of Service and reduced to reflect an understanding that activity within health will begin to address this need over the coming months.

HRO 1 CRR Health and Safety

Since previous review in July when risk status was increased significant work has been undertaken around:

1. premises management. This work is due to complete by mid-March 2015. It is expected that at this point the amber and overall status will be reduced
2. New H&S group level committee structure and identification of key management links, with action plans now established

SP 1 CRR Flood Risk Management

The Flood Risk Management Team is now well established and continues to upskill to deliver the ever evolving role of the Lead Local Flood Authority. To support the delivery of Projects the graduate engineer scheme now includes an allocation within Flood Risk Management and also the recent appointment of a business admin apprentice for the Environment Group has provided valuable support for flood investigations and other flooding matters.

The Local Strategy for Devon has now been published and is available on the website. A number of supporting guidance and best practice documents have been produced and are also available on the website.

The two year project which is funded until end of March 2015 is progressing well with all of the original 15 communities having been communicated with through the project and a number of additional communities with similar needs also approached. Various self-help resilience measures including the development of community emergency

plans and supplies, such as sandbag stores, hi-viz tabards, torches and warning signs have been provided. Other equipment such as rain gauges and watercourse flow monitors/level gauges have also been provided.

Three risks have been removed from CRR:

AD E 01 CRR Effects of prolonged recession or austerity policy on Active Devon.

No longer considered to be at previous level.

SCC 22 CRR Organisational Capacity to Change.

Mitigating actions sufficiently robust and embedded to de-escalate risk from Corporate Risk Register and People Risk Register. To be managed by Head of Service.

People 1 CRR Financial Instability

Mitigating actions sufficiently robust to de-escalate risk from Corporate Risk Register and People Risk Register. To be managed by Head of Service.

SS 14 CRR Deprivation of Liberties (DoLS) and Court of Protection

Risk reviewed as operational context is quite dynamic. There will be a paper to CLT in April which describes the risk to the authority.

No risks are overdue for review

John Smith
Head of Services for Communities

Appendices

Appendix A: Corporate Risk Register

Electoral Divisions: All

Cabinet Member for Community and Environmental Services: Councillor R Croad

Chief Executive: Dr Phil Norrey

Local Government Act 1972: List of Background Papers

Contact for enquiries: Simon Kitchen

Room No: G43 County Hall, Exeter

Tel No: (01392) 382699

Background Paper	Date	File Ref.
None		

Key to Performance Status:

Mitigating Control:

Review overdue	Red	Amber	Green	Completed
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Risks:

Review overdue (0+)	Very high (21+)	High (13+)	Medium (10+)	Low (1+)
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Risk Code and Status	Scope of risk	Current Position, Action being taken, and Accountable Officer				
<p>Risk Code: TG 15 CRR</p> <p>Inherent Status: Very high (30) Current Status: Very high (30)</p> <p>Last Review Date: 23/12/2014</p>	<p>Reduction in funding affects service delivery in event of financial problems at external body</p> <p>Potential loss of funding affecting DCC service delivery in the event of financial problems arising with an external funding body such as a Clinical Commissioning Group.</p>	<p>Risk Owner: Tim Golby Accountable Officer: Jennie Stephens Mitigating Control:</p> <table border="1"> <tr> <td>Green</td> <td>Governing body of the CCG</td> </tr> <tr> <td>Amber</td> <td>Joint Commissioning Executive Group</td> </tr> </table>	Green	Governing body of the CCG	Amber	Joint Commissioning Executive Group
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<p>Risk Code: TCS 1 CRR</p> <p>Inherent Status: High (15) Current Status: Very high (24)</p> <p>Last Review Date: 05/03/2015</p>	<p>Public Transport Support Budget</p> <p>Additional Cost/ budget pressure due to: (a) withdrawal of commercial services, requiring DCC to respond to fill gaps in the bus network thorough additional support for services. (b) Risk of higher tender prices, given a prolonged period of lower tender prices. (c) funding reductions resulting in significant cuts in bus services.</p>	<p>Risk Owner: Bruce Thompson Accountable Officer: John Smith Mitigating Control:</p> <table border="1"> <tr> <td>Red</td> <td>Operational, policy and administrative efficiencies</td> </tr> <tr> <td>Red</td> <td>Operational, policy and administrative efficiencies</td> </tr> </table>	Red	Operational, policy and administrative efficiencies	Red	Operational, policy and administrative efficiencies
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<p>Risk Code: HTM 1 CRR</p> <p>Inherent Status: Very high (24) Current Status: Very high (24)</p> <p>Last Review Date: 01/12/2014</p>	<p><u>Failure to maintain C class and unclassified roads effectively.</u></p> <p>Deterioration of highway network due to insufficient planned and routine maintenance.</p>	<p>Risk Owner: Joe Deasy Accountable Officer: David Whitton Mitigating Control:</p> <table border="1" data-bbox="1225 320 2078 483"> <tr> <td>Green</td> <td>Highway Monitoring</td> </tr> <tr> <td>Green</td> <td>Safety repairs</td> </tr> <tr> <td>Green</td> <td>Value for Money solutions</td> </tr> </table>	Green	Highway Monitoring	Green	Safety repairs	Green	Value for Money solutions				
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<p>Risk Code: HTM 3 CRR</p> <p>Inherent Status: Very high (24) Current Status: Very high (24)</p> <p>Last Review Date: 10/03/2015</p>	<p><u>Lack of capacity or capability to effectively respond to Extreme weather events</u></p> <p>Flooding and structural damage to the highway affecting citizens and property</p>	<p>Risk Owner: Joe Deasy Accountable Officer: David Whitton Mitigating Control:</p> <table border="1" data-bbox="1225 671 2078 938"> <tr> <td>Green</td> <td>Asset Management</td> </tr> <tr> <td>Green</td> <td>Delivery of Planned works</td> </tr> <tr> <td>Green</td> <td>Highway Monitoring</td> </tr> <tr> <td>Green</td> <td>Preparedness</td> </tr> <tr> <td>Green</td> <td>Winter Service and Emergency Plan</td> </tr> </table>	Green	Asset Management	Green	Delivery of Planned works	Green	Highway Monitoring	Green	Preparedness	Green	Winter Service and Emergency Plan
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<p>Risk Code: HTM 2 CRR</p> <p>Inherent Status: Very high (24) Current Status: Very high (24)</p> <p>Last Review Date: 10/03/2015</p>	<p><u>Lack of capacity or capability to respond effectively to highway safety related issues</u></p> <p>Potential for fatal and severe accidents to citizens due to lack of effective and timely repair or replacement of highway assets. This could be brought about by deteriorating highway condition, inability to meet policy level of service, inadequate procedures or poor staff/contract performance.</p>	<p>Risk Owner: Joe Deasy Accountable Officer: David Whitton Mitigating Control:</p> <table border="1" data-bbox="1225 1082 2078 1241"> <tr> <td>Green</td> <td>Highway Monitoring</td> </tr> <tr> <td>Green</td> <td>Programme flexibility</td> </tr> <tr> <td>Amber</td> <td>Safety repairs</td> </tr> </table>	Green	Highway Monitoring	Green	Programme flexibility	Amber	Safety repairs				
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<p>Risk Code: FIN 39 CRR</p> <p>Inherent Status: High (20) Current Status: High (20)</p> <p>Last Review Date: 09/10/2014</p>	<p>Failure to deliver priority services due to inadequate financial planning</p> <p>Reductions in government funding over the next 3 years will necessitate reductions in local government spending and service provision. DCC has responded by identifying savings in 2014/15 and is identifying the impact of further reductions in subsequent financial years via its Medium Term Financial Planning process</p>	<p>Risk Owner: Chris Phillips Accountable Officer: Mary Davis Mitigating Control:</p> <table border="1" data-bbox="1225 967 2078 1018"> <tr> <td data-bbox="1225 967 1386 1018">Completed</td> <td data-bbox="1393 967 2078 1018">Medium Term Financial Plan</td> </tr> </table>	Completed	Medium Term Financial Plan												
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<p>Risk Code: SPOC 15 CRR</p> <p>Inherent Status: High (20)</p> <p>Current Status: High (16)</p> <p>Last Review Date: 19/01/2015</p>	<p><u>Failure to prevent discriminatory practice/adhere to the Equality Act & Public Sector Equality Duty</u></p> <p>Ensuring the Council gives due regard to the need to eliminate discrimination (end prohibited conduct), advance equality and foster good relations as required by the Public Sector Equality Duty (Equality Act 2010).</p>	<p>Risk Owner: Jo Hooper</p> <p>Accountable Officer: Roland Pyle</p> <p>Mitigating Control:</p> <table border="1"> <tr><td>Green</td><td>(Equality) Impact Assessment</td></tr> <tr><td>Green</td><td>Communications Toolkit</td></tr> <tr><td>Amber</td><td>Customer diversity monitoring</td></tr> <tr><td>Green</td><td>Discriminatory Incident Reporting</td></tr> <tr><td>Amber</td><td>Equality Framework for Local Government</td></tr> <tr><td>Green</td><td>Equality Objectives (Fair for all Programme)</td></tr> <tr><td>Green</td><td>Equality Policy</td></tr> <tr><td>Green</td><td>Equality Reference Group</td></tr> <tr><td>Green</td><td>Equality Standards in Procurement</td></tr> <tr><td>Green</td><td>Equality Training and Competencies</td></tr> <tr><td>Green</td><td>Hate Crime Prevention</td></tr> <tr><td>Green</td><td>Impact Assessment Performance Measures</td></tr> <tr><td>Green</td><td>Information (Evidence base)</td></tr> <tr><td>Green</td><td>Learning from Judicial Review Project - implementing the recommendations</td></tr> <tr><td>Green</td><td>Staff Surveys</td></tr> <tr><td>Green</td><td>Sufficient allocation of staff with responsibility for equality/impact assessment</td></tr> <tr><td>Amber</td><td>Supporting employment policies</td></tr> <tr><td>Green</td><td>Workforce diversity data</td></tr> </table>	Green	(Equality) Impact Assessment	Green	Communications Toolkit	Amber	Customer diversity monitoring	Green	Discriminatory Incident Reporting	Amber	Equality Framework for Local Government	Green	Equality Objectives (Fair for all Programme)	Green	Equality Policy	Green	Equality Reference Group	Green	Equality Standards in Procurement	Green	Equality Training and Competencies	Green	Hate Crime Prevention	Green	Impact Assessment Performance Measures	Green	Information (Evidence base)	Green	Learning from Judicial Review Project - implementing the recommendations	Green	Staff Surveys	Green	Sufficient allocation of staff with responsibility for equality/impact assessment	Amber	Supporting employment policies	Green	Workforce diversity data
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<p>Risk Code: SPOC 1 CRR</p> <p>Inherent Status: Very high (30)</p> <p>Current Status: High (16)</p> <p>Last Review Date: 17/12/2014</p>	<p><u>Failure to achieve good working relationship through lack of involvement of partners & stakeholders</u></p> <p>- RISK of not engaging effectively with partners and stakeholders exposes us to high levels of uncertainty in terms of capacity, service delivery and finance; OPPORTUNITY for greater value-added benefits through co-operation with other agencies and place-based budgets</p>	<p>Risk Owner: Simon Kitchen Accountable Officer: John Smith Mitigating Control:</p> <table border="1" data-bbox="1225 320 2078 472"> <tr> <td data-bbox="1225 320 1323 373">Green</td> <td data-bbox="1330 320 2078 373">Clear governance arrangements</td> </tr> <tr> <td data-bbox="1225 378 1323 472">Green</td> <td data-bbox="1330 378 2078 472">Communications between Partners (key individual networks)</td> </tr> </table>	Green	Clear governance arrangements	Green	Communications between Partners (key individual networks)						
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<p>Risk Code: SPOC 16 CRR</p> <p>Inherent Status: Very high (30)</p> <p>Current Status: High (16)</p> <p>Last Review Date: 27/10/2014</p>	<p><u>Failure to properly implement Impact Assessment in effective decision making</u></p> <p>Continuing issues with poor consideration of impacts, and the potential for legal challenge and further judicial reviews. There may continue to be staff who consider there to be 'no need' to do an impact assessment or are unaware of the need, or ignore guidance and produce poor quality assessments as a result; this would be reinforced if proposals are accepted at senior level without evidence of an impact assessment of sufficient quality. We may also encounter active resisters to change (in particular where we need to influence a change over other templates, guidance, procedures etc. Occurrence of this operational risk will remove an effective mitigation from the Council's risk management approach and equality practice and threatens change programmes.</p>	<p>Risk Owner: Jo Hooper Accountable Officer: Roland Pyle Mitigating Control:</p> <table border="1" data-bbox="1225 711 2078 983"> <tr> <td data-bbox="1225 711 1323 764">Amber</td> <td data-bbox="1330 711 2078 764">Escalation</td> </tr> <tr> <td data-bbox="1225 769 1323 821">Amber</td> <td data-bbox="1330 769 2078 821">Facilitation</td> </tr> <tr> <td data-bbox="1225 826 1323 879">Amber</td> <td data-bbox="1330 826 2078 879">Governance</td> </tr> <tr> <td data-bbox="1225 884 1323 936">Green</td> <td data-bbox="1330 884 2078 936">Monitoring and feedback</td> </tr> <tr> <td data-bbox="1225 941 1323 994">Green</td> <td data-bbox="1330 941 2078 994">Programme Management</td> </tr> </table>	Amber	Escalation	Amber	Facilitation	Amber	Governance	Green	Monitoring and feedback	Green	Programme Management
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<p>Risk Code: TG 12 CRR</p> <p>Inherent Status: Very high (25)</p> <p>Current Status: High (16)</p> <p>Last Review Date: 23/12/2014</p>	<p>Health and Social Care Bill</p> <p>That the Authority will not be in an appropriate position to respond to the proposed changes arising from the Bill, which will confer new duties, e.g. prevention and sufficiency of markets; new responsibilities for carers, an increased drive for Health and Social Care integration and a cap on the life time costs of care (Dilnot Review). Risks relate to organisational capacity, financial consequences and the ability of the market to respond.</p>	<p>Risk Owner: Tim Golby Accountable Officer: Jennie Stephens Mitigating Control:</p> <table border="1" data-bbox="1225 320 2078 483"> <tr> <td>Amber</td> <td>a) Project in place to take forward the changes</td> </tr> <tr> <td>Amber</td> <td>b) Better care fund</td> </tr> <tr> <td>Amber</td> <td>c) Joint commissioning coordinating group</td> </tr> </table>	Amber	a) Project in place to take forward the changes	Amber	b) Better care fund	Amber	c) Joint commissioning coordinating group		
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<p>Risk Code: FF 2 CRR</p> <p>Inherent Status: High (20)</p> <p>Current Status: High (16)</p> <p>Last Review Date: 16/03/2015</p>	<p>CAMHS</p> <p>Insufficient CAMHS tier 4 service to meet presenting needs of children and young people</p>	<p>Risk Owner: Fiona Fitzpatrick Accountable Officer: Jennie Stephens Mitigating Control:</p> <table border="1" data-bbox="1225 754 2078 1134"> <tr> <td>Green</td> <td>a) Case managers appointed to facilitate bed finding</td> </tr> <tr> <td>Completed</td> <td>b) National bed state produced weekly</td> </tr> <tr> <td>Amber</td> <td>c) Assertive outreach service being commissioned from Virgin Care by CCQ's</td> </tr> <tr> <td>Amber</td> <td>d) Specialist commissioners working with Somerset Partnership Trust to reopen tier 4 beds</td> </tr> </table>	Green	a) Case managers appointed to facilitate bed finding	Completed	b) National bed state produced weekly	Amber	c) Assertive outreach service being commissioned from Virgin Care by CCQ's	Amber	d) Specialist commissioners working with Somerset Partnership Trust to reopen tier 4 beds
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<p>Risk Code: SS 12 CRR</p> <p>Inherent Status: High (20) Current Status: High (16)</p> <p>Last Review Date: 23/12/2014</p>	<p>Adult mental health services: lack of acute psychiatric bed capacity</p> <p>Lack of acute psychiatric bed capacity locally and nationally is having a detrimental impact on acutely unwell people accessing hospital care increasing the risk to themselves, carers and public.</p>	<p>Risk Owner: Terry Grace Accountable Officer: Sally Slade Mitigating Control:</p> <table border="1"> <tr> <td data-bbox="1227 325 1323 373">Amber</td> <td data-bbox="1330 325 2080 373">Commissioning arrangements under development</td> </tr> <tr> <td data-bbox="1227 378 1323 469">Green</td> <td data-bbox="1330 378 2080 469">Mental Health Concordaat agreed by peninsula partners</td> </tr> </table>	Amber	Commissioning arrangements under development	Green	Mental Health Concordaat agreed by peninsula partners										
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<p>Risk Code: HRO 1 CRR</p> <p>Inherent Status: Very high (30) Current Status: High (15)</p> <p>Last Review Date: 07/02/2015</p>	<p>Health and Safety</p> <p>Failure to deliver our statutory service delivery duties and legal obligations in respect to health and safety requirements</p>	<p>Risk Owner: Margaret Bullock Accountable Officer: None Mitigating Control:</p> <table border="1"> <tr> <td data-bbox="1227 676 1323 724">Green</td> <td data-bbox="1330 676 2080 724">Consultation and monitoring arrangements</td> </tr> <tr> <td data-bbox="1227 729 1323 777">Green</td> <td data-bbox="1330 729 2080 777">Devon Health and Safety Panel</td> </tr> <tr> <td data-bbox="1227 782 1323 829">Green</td> <td data-bbox="1330 782 2080 829">Devon Health, Safety and wellbeing Service</td> </tr> <tr> <td data-bbox="1227 834 1323 882">Green</td> <td data-bbox="1330 834 2080 882">Health & Safety Management Audit System</td> </tr> <tr> <td data-bbox="1227 887 1323 935">Amber</td> <td data-bbox="1330 887 2080 935">Policies, procedures and risk assessment</td> </tr> <tr> <td data-bbox="1227 940 1323 987">Green</td> <td data-bbox="1330 940 2080 987">The Annual Health Safety and Wellbeing Report</td> </tr> <tr> <td data-bbox="1227 992 1323 1040">Green</td> <td data-bbox="1330 992 2080 1040">Workforce Wellbeing</td> </tr> </table>	Green	Consultation and monitoring arrangements	Green	Devon Health and Safety Panel	Green	Devon Health, Safety and wellbeing Service	Green	Health & Safety Management Audit System	Amber	Policies, procedures and risk assessment	Green	The Annual Health Safety and Wellbeing Report	Green	Workforce Wellbeing
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<p>Risk Code: HM12 CRR</p> <p>Inherent Status: High (20) Current Status: Medium (12)</p> <p>Last Review Date: 10/03/2015</p>	<p>Failure to maintain the A and B road network effectively leading to reduced surface life</p> <p>The risk of reduced life of the A and B road surfaces is influenced by several factors including the availability of an adequate budget to carry out work and deterioration factors such as severe winters and climate change.</p>	<p>Risk Owner: Joe Deasy Accountable Officer: David Whitton Mitigating Control:</p> <table border="1"> <tr> <td data-bbox="1227 1195 1323 1243">Amber</td> <td data-bbox="1330 1195 2080 1243">Assessment of Highway Drainage</td> </tr> <tr> <td data-bbox="1227 1248 1323 1295">Green</td> <td data-bbox="1330 1248 2080 1295">Highways Asset Strategy</td> </tr> <tr> <td data-bbox="1227 1300 1323 1348">Amber</td> <td data-bbox="1330 1300 2080 1348">Materials Selection</td> </tr> <tr> <td data-bbox="1227 1353 1323 1441">Amber</td> <td data-bbox="1330 1353 2080 1441">Re-evaluation of our approach to preventative maintenance</td> </tr> </table>	Amber	Assessment of Highway Drainage	Green	Highways Asset Strategy	Amber	Materials Selection	Amber	Re-evaluation of our approach to preventative maintenance						
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Risk Code and Status	Scope of risk	Current Position, Action being taken, and Accountable Officer						
<p>Risk Code: SP 1 <u>CRR</u> Inherent Status: High (20) Current Status: Medium (12) Last Review Date: 22/12/2014</p>	<p><u>Flood Risk Management</u> Devon County Council became the Lead Local Flood Authority as defined by Flood and Water Management Act (FWMA) 2010 and, as a consequence, is responsible for managing the risk of local flooding from surface water run-off, groundwater and ordinary watercourses. The Act sets out a number of specific roles for the LLFA. This includes the risks associated with the obligations and expectations associated with this LLFA role, particularly in the light of the major flooding experienced in Devon in 2012 / early 2013 and the impending implementation of Schedule 3 of FWMA 2010 relating to Sustainable Drainage Systems (SuDS) [Note: no specific consideration here to the risk of flooding to DCC assets or the huge costs of responding to / recovering from flood events, particularly linked to highway flooding.]</p>	<p>Risk Owner: Martin Hutchings Accountable Officer: Dave Black Mitigating Control:</p> <table border="1" data-bbox="1225 320 2078 568"> <tr> <td data-bbox="1225 320 1386 373">Green</td> <td data-bbox="1393 320 2078 373">Capacity of the Flood Risk Management Team</td> </tr> <tr> <td data-bbox="1225 378 1386 472">Green</td> <td data-bbox="1393 378 2078 472">Consider options for operation of Sustainable Drainage Approvals Body</td> </tr> <tr> <td data-bbox="1225 477 1386 568">Completed</td> <td data-bbox="1393 477 2078 568">Flood Risk Management Strategy / Flood Resilience Community Pathfinder project</td> </tr> </table>	Green	Capacity of the Flood Risk Management Team	Green	Consider options for operation of Sustainable Drainage Approvals Body	Completed	Flood Risk Management Strategy / Flood Resilience Community Pathfinder project
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