

Appendix A

Profile of Current Strategic Risk Scores

RED	2, 4
AMBER	3, 5, 6, 7, 8, 11
GREEN	1, 9, 10

Regeneration and Growth Directorate Risk Register



1. Best start in life for children and young people



2. People live well and age well



3. Strong resilient communities



4. Quality homes in thriving neighbourhoods




5. A strong and inclusive economy





6. A connected and accessible Sandwell


Directorate business plan priorities


1. Delivery of Directorate Savings target for 23/24	2. Asset Management Strategy and Savings	3. Towns Fund Programme	4. Sandwell Aquatics Centre – Legacy Build and Strategy	5. Sandwell Local Plan ; NPPF changes and development management performance
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Risk Ref	Risk Title and Description	Previous score	Move ment in risk score	Current risk score (Dec 2022)	Target risk score and date	Progress to Date (incl. current risk mitigating controls and further actions to be taken to manage risk and action date)												
01	<p>Determination of Planning and Related Applications / Appeals within Statutory Timeframes</p> <p>The receipt of applications is unpredictable. If there is an influx of new applications then this could stretch capacity of officers and diminish the council's ability to meet Government performance targets and/ or hinder and delay new development.</p> <p>Short Term Consequences of Risk - Planning applications not processed or approved – reputation and financial implications as development held up. Complaints from public and developers.</p> <p>Longer term Consequences of Risk – Increased complaints. Failing to meet statutory requirements would result in legal implications such as an increase in number of appeals for 'non-determination' or the Local Planning Authority being placed in Special Measures by Government.</p> <p>Risk Owner; Development Planning Manager/ Service Manager</p>	4 (green)		4 (green)	4 Achieved	<p>Current and ongoing controls</p> <p>The processing of Planning and related applications is a statutory function.</p> <ul style="list-style-type: none"> • There are professionally qualified staff, with appointed support staff to allow the determination of Applications. • Delegation Agreements / process in place for Planning Applications – Planning Committee. • Timescales for performance are currently being met; <p>Quarter July 2022 – September 2022</p> <table border="1" data-bbox="1391 643 2134 772"> <thead> <tr> <th>Application type</th> <th>SMBC actual %</th> <th>Govt target %</th> </tr> </thead> <tbody> <tr> <td>Major</td> <td>79</td> <td>60</td> </tr> <tr> <td>Minor</td> <td>84</td> <td>70</td> </tr> <tr> <td>Other</td> <td>89</td> <td>80</td> </tr> </tbody> </table> <ul style="list-style-type: none"> • Use of Planning Enforcement staff to assist if required • Recruitment of new professionally qualified Planners as well as potential training of existing support staff to fulfil technical support role, with their posts being back-filled. 	Application type	SMBC actual %	Govt target %	Major	79	60	Minor	84	70	Other	89	80
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02	<p>Direct Action to Address Dangerous Structures or Planning Enforcement / Grot Spot Requirements</p> <p>This risk concerns dealing with privately owned buildings which present a risk to public safety as well as unused private buildings and land, the condition of which adversely affects the amenity of the borough.</p> <p>If the directorate does not have sufficient funds allocated to deal with its statutory duty for dangerous structures then this could result in:</p> <ul style="list-style-type: none"> • Complaints from the public/ businesses • Public safety being at risk • Reputational damage to the council • Potential for legal action against the council <p>For Planning Enforcement/ Grot Spots, this would additionally result in</p> <ul style="list-style-type: none"> • Dissuade investment in the borough • Increase in Anti Social Behaviour 	4 (green)		12 (red)	8 Amber (March 2023)	<p>Current and ongoing controls</p> <p>There are two separate but linked aspects to this risk;</p> <ol style="list-style-type: none"> 1. Dangerous Structures are dealt with through Building Control 2. Grot spots is a Planning Enforcement consideration. <p>The overall 'risk' however is a shared one in terms of there being no set budget to undertake either of these works that are required to remedy the relevant problem.</p> <ul style="list-style-type: none"> • The Council will always initially try to negotiate a solution with owners of buildings or land which present problems. If co-operation is not forthcoming, legal action will be instigated. However, this does not always immediately remedy a problem or there may be cases where an owner has not got the means to carry out the required action. • If immediate action is required, the Council can take direct action. However, there is a need for allocated monies specifically to deal with buildings or structures that present an immediate danger to the public safety or for visual improvements to be made to derelict buildings or land. With Planning Enforcement, unauthorised structures may also need to be removed. • Where direct action is undertaken, continue with legal charge is placed on the property/ land so that in time the Council can recover this expenditure. • There are professionally qualified staff, with appointed support staff to deal with both Dangerous Structures and Planning Enforcement/ Grot Spots. • Delegation Agreements and processes are in place for undertaking direct action as required. • Whilst allocated funds have been made available for 2022/2023 and informed the previous risk assessment (of green), the current increase in the risk is due to the fact that at present no funding has been set aside for 2023/2024.


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	Risk Owner; Building Control and Development Planning Managers/ Service Manager					Further Actions <ul style="list-style-type: none"> Use of existing budgets with consequences that Service Area will over-spend. Consideration for a dedicated budget for 23/24 as part of budget setting process.
03	<p>Inability to recruit to Key Posts.</p> <p>If the directorate is unable to recruit and retain its workforce and deliver its statutory obligations to meet the needs of the community this could result in loss of reputation, penalties, litigation and the inability to deliver the business plan priorities and regeneration schemes.</p> <p>This risk is exacerbated further by the saving targets for the directorate, recruitment freezes and from unsuccessful long-term recruitment of Service Manager and upcoming departure of Business Manager in particular service areas.</p> <p>Risk Owner – Director of Regeneration and Growth</p>	8 (amber)		8 (amber)	4 (green) (September 2023)	Current and ongoing controls <ul style="list-style-type: none"> Reviewing the structure of Urban Design Building Services. Future Workstream to support the challenges to recruit into the upcoming vacant post. Business Manager has delayed their departure to support this work.

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04	<p>Failure to deliver against the targets set within the Regeneration Project Pipeline.</p> <p>The Regeneration Project Pipeline was agreed at Cabinet in March 2022. Bi-annual update reports are taken to Cabinet (the first being taken in November 2022). The Pipeline sets priority projects to deliver new homes, new development to increase employment, and improvements to infrastructure (amongst others). The delivery of these projects will contribute to the social and economic performance of the Borough. Failure to deliver against the pipeline could result in reputational damage to the council, a worsening housing supply and employment space position, and a failure to capitalise on external funding and drive inwards investment into Sandwell.</p> <p>Risk Owner – Director of Regeneration and Growth Growth and Spatial Planning Service Manager</p>	12 (red)		12	8 (amber) December 2023	<p>Current and ongoing controls</p> <ul style="list-style-type: none"> Budget of £250k per annum secured to support the development of Projects within the Regeneration Project Pipeline. Additional funding has been secured for some projects, and alternative sources are continually explored by the Growth & Spatial Planning Service Area. Recruitment to vacant posts is underway to support the Transportation Project Pipeline. Recruitment has been successful for additional Project Management capacity to support delivery of key Regeneration Sites on the Pipeline, Further recruitment still to be undertaken to support the delivery of Smethwick Regeneration sites. However, the market for Project Managers and other professionals is extremely competitive and we have already had experience of failed recruitments and salary levels not being competitive. Accordingly, this remains a high risk due to the impact on delivery of Pipeline projects. Governance arrangements are in place for the management of the Regeneration Programme, with bi-annual reports to Cabinet and quarterly reports to Leadership Team. Recruited project administration officers and established a Programme Management Office for the Regeneration Programme, including financial monitoring resource. Established a project/programme management training programme for the Service Area which commences January 2023. <p>Further actions</p> <ul style="list-style-type: none"> Working with Corporate Transformation to establish a project/programme management culture and implement the required project/programme management tools for the use of lead officers.

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						<ul style="list-style-type: none"> • Liaising with HR on recruitment challenges and have plans to utilise consultant where necessary.
05	<p>Failure to deliver the Sandwell Local Plan</p> <p>Having an up-to-date Local Plan is a statutory requirement. Following the halting of the Black Country Plan, Cabinet approved the preparation of the Sandwell local Plan on 16 November 2022. The timetable envisages adoption in late 2025. The process to adoption involves several rounds of public consultation and political approvals as well as an independent Examination In Public.</p> <p>Conformity with an up-to-date Local Plan is often a prerequisite for Government regeneration funding.</p> <p>Failure to prepare and adopt a Local Plan within the timescales required could result in Government intervention in the operation of the planning service and in the decision making process for planning applications resulting in a loss of local democratic oversight.</p> <p>Risk Owner – Strategic Planning and Transportation Manager</p>	16 (red)		8 (amber)	4 (green) 2025	<p>Current and ongoing controls</p> <ul style="list-style-type: none"> • Members regularly briefed on key and up to date issues. Informing of facts and evidence based. • Project Manager recruited to lead on the delivery of the Sandwell Plan (fixed term post to Dec 2026). • Additional revenue budget secured to deliver the Sandwell Plan (Cabinet Report Dec 2022). <p>Further actions</p> <ul style="list-style-type: none"> • Review of salaries allocated to technical disciplines within the organisation – Use of consultants if necessary. • Quarterly update reports to Corporate Management Team

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06	<p>Statutory Compliance (Non-Asbestos) If the Council does not have processes in place to assure itself that it has implemented an effective programme of statutory compliance (gas, water safety, fire) then this will result in the Council not being fully compliant with regulations which will jeopardise the health and safety of employees, commercial tenants and general public.</p> <p>Risk owner – Assistant Director – Asset and Land</p>	9 (amber)		9 (amber)	3 (green) March 2023	<p>Current and ongoing controls</p> <ul style="list-style-type: none"> Processes and procedures are in place to ensure that all statutory compliance requirements (legionella, gas, fire) are carried out on non-housing premises. Framework is in place to deliver all of the statutory servicing and inspection requirements. The new Framework also includes asset capture within the contractors' responsibilities to update asset schedules at the time of service. This commenced April 2022, updated information is received and aligned with invoicing. <p>Further actions There is a requirement for these details to be updated into TechForge included within future servicing schedules. The system in part went live on 16th December. This was only phase 1. We are now looking at phase 2 implementation which is scheduled for completion by the end of March 2023. This will look to switch on other modules within the system to manager our expansive data sets. We can consider going green after this date.</p> <p>Moving forward this will then still however be work in progress with process and procedures in place to mitigate and safeguard the data management and updates.</p>
07	<p>Repairs and Maintenance to Operational Premises If the council does not have sufficient resources allocated for the delivery of future repairs and maintenance of the council's operational premises then it will</p>	9 (amber)		9 (amber)	3 (green) April 2026	<p>Current and ongoing controls</p> <ul style="list-style-type: none"> The recent increase in the Property Maintenance Account (PMA) budget now allows for the council to make some headway into prioritised planned maintenance works relieving some pressure from the day to day reactive repairs. Current budget level still ensures compliance of all sites however, back log maintenance continues to grow.

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	<p>be unable to ensure that its assets are adequately protected and maintained and remain fit for purpose.</p> <p>Risk owner – Strategic Lead – Assets</p>					<p>Further actions</p> <ul style="list-style-type: none"> Further mitigation in lieu of further budget increases is to reduce the asset base, in line with the Corporate Asset Management Strategy Nov 2022
08	<p>Compliance with Asbestos Regulations</p> <p>If the council does not have up to date and accurate records setting out the full extent of where asbestos exists across the council's office and investment portfolio; then it will be unable to formulate effective asbestos management plans. This could result in the Council not being fully compliant with the relevant regulations and jeopardise the health and safety of employees, commercial tenants and the general public.</p> <p>Risk owner – Strategic Lead – Assets</p>	9 (amber)		9 (amber)	6 (green) April 2024	<p>Asbestos Management Survey Programme now being developed for delivery under ongoing PMA funding. New management surveys will update and form the basis of an Asbestos Register for each site.</p>
09	<p>Compliance with the sale of land and buildings protocol</p> <p>If the council does not put in place a robust process and a system of assurance around the compliance with the policies and procedures for the sale of council land and buildings, then it will be unable to evidence robust and effective corporate</p>	9 (amber)		6 (green)	6 (green) achieved	<p>Current and ongoing controls</p> <ul style="list-style-type: none"> The new protocol for the disposal of council owned land & buildings was approved by full council in 2022 and has now been adopted forming part of council's constitution, and informs the reduction in the risk score. All officers involved in sales aware and understand the new protocol. Ongoing reviews by Internal audit will provide additional assurance in respect of compliance.

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	governance arrangements are in place across the council. Risk owner – Assistant Director Asset and Land					
10	Commonwealth Games Legacy Plan. Failure to corporately/politically agree a Commonwealth Games Legacy Plan, including risk around the two Sandwell Aquatic Centre consolidation sites (Thimblemill and Langley). Risk Owner- SAC PMO/Capital Projects Manager	9 (amber)		6 (green)	3 (Green) April 2023	<p>Current and ongoing controls</p> <ul style="list-style-type: none"> • Legacy working group has now been re-established following a period of hiatus. • Legacy plan is now actively in development. • Additional temporary resource has been identified to assist in plan making. • Senior managers and politicians have been engaged with the process. • SAC PMO working cross-directorate to co-ordinate contributions. • SAC PMO working with external organisation to deliver stronger, multi-organisational legacy outcomes. • Feasibility work underway to de-risk and develop options for the two sites to be consolidated upon the opening of SAC. <p>Further Actions</p> <ul style="list-style-type: none"> • Continued close briefing of members and senior leadership to ensure political and corporate input. • Political decision (Cabinet Report) to identify council appetite for risk and spend relating to consolidation sites. • Cabinet report proposed for March/April 23 to corporately agree the Legacy Plan. • SAC PMO to engage with the Corporate Strategy team to assist in plan making and overarching corporate integration.

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11	<p>Failure to deliver the SAC Legacy Build Programme on programme and budget in order to facilitate timely opening and transfer to operation.</p> <p>Risk owner- SAC PMO/Capital Projects Manager</p>	-	-	8 (Amber)	4 (green) (July 2023)	<p>Current and ongoing controls</p> <ul style="list-style-type: none"> • Build programme is being managed by dedicated team in SMBC UDBS. • Build programme is subject to a robust risk management strategy. • PMO working closely with colleagues in Leisure to ensure that commissioning works are progressing to facilitate timely transfer and opening to the public. • PMO is now resourced to address strategic issues/risks. <p>Further Actions</p> <p>PMO to liaise with COO of LATC upon commencement in post to ensure timely commissioning.</p>