

APPENDIX D: RISK REGISTER

Risk Identification										Inherent Qualitative Assessment (Pre-Mitigation)			Current Qualitative Assessment (Post-Mitigation)				
ID	Date Raised	Title	Risk Category	Risk Owner	Uncertainty (<i>"There is a risk that xyz may occur"</i>)	Cause(s) (<i>"This risk has emerged due to xyz factors"</i>)	Consequence(s) (<i>"xyz may happen if the identified Risk materialises"</i>)	Objective Impacted	Proximity	Inherent Impact	Inherent Likelihood	Inherent Risk Score	Mitigation	Current Impact	Current Likelihood	Current Risk Score	Additional Notes
RSK-1		Failure to procure a mid-term ISC Contractor / extend Interim Services.	Governance risks	SW	The council does not have a contractor to deliver operational services beyond July 2024 at the end of the current ISC due to failure to agree the mid-term extension with Kier.	Short timelines result in high pressure decisions leading to lack of agreement on the mid-term extension. Scope being reduced could lead to lack of interest from the current contractor.	This could leave the Council potentially unable to meet statutory duties to inspect and keep the highway safe. Reputational risk to BCC having no long-term contract in place for statutory duties.		<3 Months	5	4	20	<ul style="list-style-type: none"> - Kier has been extended at the Interim Subcontractor until 31st July 2024 if required whilst we await the outcome of the Judicial Review. - The council has the right to take over the contract if BHL ceases to exist or the PFI contract ends due to a negative JR outcome. - A mid-term extension is required as 	4	2	8	

													part of contingency planning around operational services, discussions on this on ongoing with collaborative workshops between BCC and Kier on going. - BCC governance process on going to enable PFI Highways team to procure suitable mid-term extension ISC			
- RS K - 2	Claims arising from the Interim Services Contract. Claims raised by the public during the Interim Services Contract	Commercial risks	JJ	Claims for reimbursable costs where payment has been withheld by BHL.	BHL fail to manage the claims against the PFI.	- The council could be required to defend or the claims.		3-6 Months	2	4	8	- BHL is slowly reducing the outstanding disputed amounts, although not at a rate that will remove them before the Service Commencement Date for the long-term replacement	1	4	4	

						cover for the highways network. It needs a minimum time of 4 to 6 weeks	non-PFI, and putting the council under significant risks reputationally, legally, and financially										
- RS K - 6		Procurement timetable for dedicated IT line for TML Depot:	Information risks	LC	A risk that the project will not have suitable telecoms provision in the event BHL's is no longer valid due to administration.	In case of the project and PA termination, the GTT line will need to be taken over from BHL. It needs a minimum time of 4 to 6 weeks	- GTT termination term is 30 days' notice;- Execute contingency plan under the preferred route to have Kier taking over GTT contract (or alternative contract with Vodafone), from BHL		<3 Months	5	3	15	- Contingency plan in place to procure GTT in the event that BHL cease to exist.	3	3	9	
- RS K - 7		Interim Contractor commercial approach.	Commercial risks	JJ	Subcontractor does not look to minimise costs and / or seeks to maximise claims and compensation events. Insufficient challenge and commercial management by BHL		- Depletion of settlement resources held by the council. - Reduction in project vfm. - Potential claim at the end of the Interim Services Contract.		3-6 Months	3	3	9	- Early Warning Events are reviewed carefully to avoid incurring unnecessary cost. - Opportunities for partnership working identified with Kier.	2	3	6	

													contract on any further extension will reduce this risk.			
- RS K - 9		Procurement timetable for handling claims	Commercial risks	JJ	In case of the project and PA termination, currently claims handling by BHL will cease. BCC will therefore need to put alternative arrangement in place to handle highway claims pre-1st April 2020		The council is legally liable to handle claims, it is a statutory requirement. the council will face legal challenge without means to handle highway claims. this will put council at risks legally and reputationally		3-6 Months	3	3	9	The preferred option would be for Kier to agree to have their GBI contract to handle claims pre-date 1st April 2024. Alternatively novation agreement will need to be put in place to automatically novate the current GBI contract from BHL to BCC	2	2	4
- RS K - 10		Procurement timetable for other services, including DGA and Quadriga H&S	Commercial risks	JJ			BCC will have no means to assess cost from the service provider Kier in the non-PFI scenario. BCC will not have adequate means to provide assurance on H&S		3-6 Months	3	3	9	- DGA and Quadriga termination term is 30 days' notice; - execute contingency plan under the preferred route to take over DGA and Quadriga	2	2	4

- RS K - 12		Failure to procure a mid-term Legal Advocacy Support	Legal risks	JJ	The Council does not have appropriate legal support to meet the need of the contract and the scenarios that may materialise dependant on the outcome of the JR decision.	-Cabinet report not being approved to meet the deadlines to go the 25 June Cabinet meeting.	-The Council does not have in place the required experienced legal and advocacy support to deal with: -Potential historic claims from Amey -Anticipated Claims from BHL -The wind down of the PFI and Insolvency of BHL should we get a negative decision from the JR. - Should the JR be successful the conclusion of the PFI procurement, f revised contract and execution of all documents.		3-6 Months	4	4	16	-Cabinet report titled 'Negotiated Contract for specialist advocacy, legal advice and support relating to the Highways Maintenance and Management Contract (P0989_2024-1) being reviewed and submitted by BCC legal to meet corporate clearance and cabinet deadline.	3	3	9
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