

	A	B	C	D	I	N	O	P	Y	Z	AA	AB	AC	AD	AE	
1																
2		MARCHES LEP WORK STRATEGIC RISK REGISTER - Agenda Item tbc Last updated: 18th November 2019			Prevailing Risk Ratings			Target Risk Rating								
3	Risk No.	Risk Description	Description of Potential IMPACT (quantified wherever possible)	LIKELIHOOD Rating	IMPACT Rating	RISK Rating	Risk Responses	Target LIKELIHOOD rating	Target IMPACT Rating	Target RISK Rating	Risk Owner	Review Date	Live/ Closed	Date Closed	Change	
4	Governance															
5	1.2	Governance structure is not clearly set out for board members and officers to follow.	Decisions are not made, causing delays due to lack of clarity & inability to act in a timely manner.	Low	High	3	The Accountability & Assurance Framework was signed off by LEP Board and s151 Finance Officer and published 31 March 2015. Framework signed off by the MJEC on 11th April 2016. Framework was reviewed and updated in light of new National guidance, agreed by the Board January 2017 and MEJC February 2017. The LEP Team has implemented the suggested changes as outlined within the Government's 'Governance & Transparency Best Practice Guidance Paper' (January 2018) for the stated deadline of 28th February 2018. The Team is responding to the Ministerial Review of LEPs as set out within the Strengthened Local Enterprise Partnerships' paper (July 2018). In January 2019 the 'National Local Growth Assurance Framework' was published. This document builds on the findings of the Mary Ney Review in ensuring LEPs adopt a clear and robust approach towards corporate governance. The LEP are currently updating their Local Assurance Framework to reflect the guidance document, with a final draft being published for 31st March 2019. Due to the added complexities involved in setting the LEP up as company and the associated paperwork the LEP and its impact on our governance structures the LEP Director put forward a partial exemption for the relevant sections of the AAF. Incorporating a non-compliance/clawback policy into the Accountability & Assurance Framework.	Low	Medium	2	LEP Director/ LEP Board	18th November 2019	Live		↔	
6	1.9	Breach of Data Protection legislation within LEP/Growth Hub.	Information Commissioners Office prosecution for Data Protection breach. Negative press coverage.	Low	High	3	Taken appropriate technical and organisational measures against unauthorised or unlawful processing of personal data and against accidental loss or destruction of, or damage to, personal data. The full LEP Team received training on the Data Protection Act and the new General Data Protection Regulations (GDPR) on 5th April 2017, the team is currently working with Shropshire Council around ensuring compliance with the regulations, this relationship will be reflected within the Memorandum of Understanding document.	Low	Medium	2	LEP Director	18th November 2019	Live		↔	
7	1.10	LEP/Growth Hub/customer relationship management system (CRM)/website IT security compromised, including the risk of cyber crime impacting on the LEP files stored on the cloud.	Loss of data, work files and business continuity. Confidential information on projects and/or clients compromised. Negative press coverage. Challenge to procurement decisions.	Medium	High	6	Upgrade LEP IT security. Ensure cloud-based suites, website hosting and CRM are properly utilised, secure and backed up (via Microsoft Office 365 licence). Register logos with Intellectual Property Office. The LEP Team will look at 'cyber essentials'.	Low	Medium	2	LEP Director	18th November 2019	Live		↔	
8	1.11	There are opportunities for conflicts of interest to arise for Board members due to their wide range of roles in the Marches area.	This leaves the LEP open to criticism and challenge	Medium	High	6	Board members received training on governance and declarations of interest on 20th March 2017. Following the Government's publication of the 'Governance & Transparency Best Practice Guidance' (Jan 2018) paper, all recommendations were approved by MEJC (21/02/18) including adopting the new National Confidential Reporting Procedure, Whistleblowing Policy and Register of Interest templates. The Government agreed that the LEP continue to use their existing Code of Conduct (covering staff as well as Board members). The LEP Team uploaded of all documents (including Board Members' Registers of Interests) by the Government's deadline of 28th February 2018. New Board members' registers of interest have been updated to the LEP website.	Low	Medium	2	LEP Director	18th November 2019	Live		↔	
9	Resources															

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10	2.3	Reduced capacity due to LEP Team absence, members of the team leaving or lack of funding.	Delays due to lost knowledge & lack of capacity to monitor projects.	Medium	High	6	Regular meetings with LEP, PRMC and HR to ensure contingency plans are in place. All existing team members are contracted to March 2019 or June 2019. The LEP Admin Officer left the team in May, with a temporary member of staff covering this role as an interim measure. Following an interview process Ennis Vingoe has been appointed (started 15/10/18). The post of a Marketing and Data Officer is currently being filled by a temporary member of staff; following an interview process the LEP were unable to appoint and are currently reviewing the role and the duties it fulfils. In relation to the Office Administrator vacancy the LEP team has recently offered the role to a temporary member of staff (FT hours). Interviews for the role are scheduled for March 2019. The LEP interviewed 2 members of Staff in relation to the Project Officer vacancies (08/02/19). The role has been offered to a candidate who has accepted, we are currently working with HR in establishing a start date. The LEP has recently procured a consultant to help provide much need capacity in the team during this period. LEP Project Officer has now started in post. To help further alleviate capacity issues a new support post is being created to help with the administration of the LGF Programme. The LEP will be going out to recruit this post (Project Support Assistant) imminently. This post is now live on the Shropshire Council recruitment portal with a closing date of the 24th November 2019.	Low	Medium	3	LEP Director, Chairman & PRMC	18th November 2019	Live			↑
11	2.4	Government requirement for LEPs to become financially resilient.	LEP team members lost from programme if funding not secured.	Medium	High	6	Part funding secured from the Enterprise Zone to partially fund required capacity. Further work to be undertaken to secure long term funding.	Medium	High	6	LEP Director	18th November 2019	Live		↔	
12	2.11	LEP does not receive its full allocation of Growth Deal 3 funds for all five projects from the Government.	Key projects are not fully funded, could result in other funds needing to be found, projects being scaled back, or projects not going ahead.	High	High	9	LEP team continues to work with BEIS local officers and with project promoters to reduce the risk to projects.	Medium	Medium	4	LEP Board/Director	18th November 2019	Live		↔	
13	Programme Management															

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14	3.4	Delivery partners fail to deliver projects on time & to budget leading to underspend against government annual Growth Deal profile.	Slippage in projects & programme, milestones not achieved, leading to withdrawal of funding.	Medium	High	6	<p>Monthly reporting and claims by most projects (quarterly for broadband projects). Bi-monthly reporting to PRMC by the LEP Team & risk registers. Effective reporting mechanisms in place between PRMC, LEP Board & government. Programme management approach to funds seeks to minimise loss of Growth Deal funds. The LEP Team has identified a potential risk of underspend within the 2019/20 Financial Year, currently the team are talking to all project leads/sponsors about brining forward funds to mitigate that risk.</p> <p>The 2018/19 financial year was challenging in ensuring our Growth Deal allocation was spent. The delays in contracting with our Growth Deal 3 projects and the lack of Growth Deal 1 & 2 projects to absorb any potential underspend left the LEP exposed to a potential underspend position. Solutions are currently being explored with all projects. Quarter 2 19/20 has been quiet in terms of expenditure with a cumulative figure of £243,825 being defrayed, this is lower than anticipated. A decision was taken at the 7th November 2018 Board Emergency LEP Board meeting to approve the merger of the Oxon Link Road and the Shrewsbury North West Relief Road, along with NMITE Phase 2 (both subject to conditions). Discussions relating to next steps around the South Wye Transport Package will be held at the 26/11/19 LEP Board meeting. To help mitigate risk around underspend within the Growth Deal Programme a Project Call has been launched (08/11/9 - 06/12/19)for expressions of interest following Board approval on the 7th November.</p>	High	Medium	6	PRMC/ LEP Board	18th November 2019	Live			↔
15	3.5	The South Wye Package is our biggest project and represents approximately 1/4 of the LEP's overall Growth Deal.	If the project doesn't proceed or complete, a proportion of the Growth Deal funds will need to be re-allocated.	Medium	High	6	<p>Department for Transport is providing due diligence on this important project. Detailed planning on the package has been undertaken. Planning application was approved on 6th June 2016. The LEP is developing a pipeline of projects which could utilise any underspend. The Full Business Case should be fully submitted to DfT in December 2018 with sign off anticipated within 6 weeks; construction should then begin in Spring 2019.</p> <p>At Herefordshire Council's Full Council meeting (12.07.19) it was announced that a decision would be taken in relation to major transport infrastructure projects, including the Hereford bypass (as part of Hereford Transport Package) and Southern Link Road (as part of South Wye Transport Package).</p> <p>A forthcoming decision notice has been published on the Herefordshire Council's website confirming the intention for a decision to be made in relation to these projects and the options as to whether to continue with progression of the schemes, pause and review the schemes or cancel them. The decision is scheduled to be taken over the coming weeks.</p> <p>To date Herefordshire Council has received £2.146 million from DfT against a total grant allocation of £27 million towards the South Wye Package. Should the project be cancelled the LEP Board would need to consider options relating to the balance of the DfT funds (£24,854,000) should this be made available for reinvestment within the Marches region and the associated timescales in spending the grant by 31.03.2021. Clarity would need to be sought around the £2.146 million of grant received and any 'clawback' implications. An update on South Wye is included within the September PRMC agenda. Any funds not utilised will be offered to existing GD3 projects in the first instance followed by an open call for projects with the defrayal of funds by March 2021 being a key criteria. A paper was presented to LEP Board on the 7th November 2019 outlining a 2 phased approach. This proposal was not approved with next steps due to be discussed at the next Board meeting on the 26th November 2019 (see agenda item 8). This project presents a risk of a potential £27 million underspend in the Growth Deal Programme to be reallocated. To mitigate this risk an open call for projects was approved at the 7th November meeting.</p>	Medium	High	6	LEP Board	6th September 2019	Live			↑

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16	3.8	The NMiTE project represents a large proportion of the Growth Deal 3 allocation (36%). Match funding has not yet been fully secured, without the match it may not be possible to continue to fund the project with Growth Deal funding. The spend profile for the project does not reflect the profile given to the LEP by the Government.	If the match funding is not confirmed, there will be no match funding for Growth Deal funds which is a requirement by DCLG. If the project goes ahead, the Growth Deal funds coming to the LEP from the Government will be insufficient to cover its planned spend profile in 2018/19 & 2019/20.	Medium	High	6	(on 14th Dec 2017) proposals to act as accountable body for both the DfE and Growth Deal funds. A revised draft Funding Agreement has been circulated to all parties (15/10/18), this includes clauses to help manage the risk around match funding - ensuring LEP funding is not spend without the use/inclusion of Match Funding. At the October 2018 PRMC meeting a decision was taken to present a paper at the November 2018 LEP Board to outline the risks associated with the NMiTE project and potential solutions in relation to the development of the Funding Agreement. A fundamental risk is around securing the £10.9m of Private Sector Match. The LEP, Herefordshire Council and NMiTE have been working on the actions following the November Board meeting. To help contain the risk around Private Match Funding the following has been recommended: The phasing of the Funding Agreement into 2 parts: Phase 1 Black Friars site (Phase 1) - £1.9m (2018/19) and £440,000 (2019/20). Phase 2 £5.7m With NMiTE required to achieve a Capital Private Match Figure of £3,133,750 by the 31st March 2020 - based on a pro-rata figure of the overall LEP Grant v Match. This will manage the risk, ensuring LEP Grant isn't spent prior to bringing in any Private Sector Match. The NMiTE Grant Funding Agreement (Phase 1) has now been signed as of the 19th August 2019 with a proposal for Phase 2 to be presented at the September 2019 LEP Board. Following the submission of an updated business case and a project proposal the LEP Board confirmed funding for Phase 2 of the NMiTE project (£5.6m) from their total allocation of £8m. The majority of the match is profiled for later on in the project to fund the third building. This does present a risk in terms of LEP funds being spent ahead of match. There are also additional risks associated with this project which have been previously outlined to the Board. These include a number of financial risks around the underwriting of the project and a potential conflict of interest relating to the purchasing of land. To mitigate these risks external legal advice is being sought as part of the funding agreement process. Risks have	Medium	Medium	6	LEP Board, LEP Director, NMiTE	18th November 2019	Live			↑
17	3.9	The funding profile provided by the Government does not match the funding required by the Growth Deal 1, 2 & 3 projects as submitted by the LEP to government - if the projects spend to their profiles there will be insufficient funding from Government in 2017/18 through to 2019/20.	There is a risk to the projects that if they spend to their profiles during 2017/18-2019/20, they may not receive the full amount of their claims until 2020/21 when sufficient funding comes from the Government. If the LEP does not spend its full allocation of funds in year, there is a risk that funding could be lost from the programme.	High	High	9	The LEP Board meeting on 21 st Nov 2017 approved the use of MIF to bankroll the shortfall in 2018/19 and to request S151 Officers and Finance lead at the University of Wolverhampton all attend PRMC on 21 st Dec 2017 to seek a resolution to the shortfall in 2019/20. Following dialogue with all GD3 project leads a proposal for covering their own spend in 2019/20 has now been agreed. Funding agreements are being drafted to reflect this position.	Medium	Medium	4	LEP Board, LEP Director, project managers	18th November 2019	Live		↔	
18	3.12	Growth Deal projects are not able to deliver against their contracted outputs.	Underperformance relating to the achievement of outputs would result in the LEP underperforming against its Growth Deal programme. This would have an impact on our reputational at a national level, whilst also negatively impacting on our ability to attract future grant allocations to the region.	High	High	9	Throughout the 2018/19 financial year monitoring visits/meetings have been conducted with Growth Deal Projects in relation to the achievement of Outputs and also the 're-profiling' of contracts to reflect current delivery. To date Outputs relating to Skills and Broadband have been included, however Homes, Jobs and Employment land are still outstanding from Growth Deal 1 projects. A deadline of the 31st March 2019 has been set for all Output information to be submitted to the LEP along with 're-profiled' output figures to be included within a 'Deed of Variation'. Re-profile work has now been undertaken and LEP officers are currently working with projects on obtaining outputs and arranging monitoring visits. The reprofiling exercise has now been completed, the LEP team are currently working with Legal Services at Shropshire Council in varying Growth Deal 1 Grant Funding Agreements - reflecting the LEP Board Paper (approved 21.05.19). These amended contracts will be sent to projects for signature mid September 2019. Amended contracts (Deeds of Variation and Supplemental O20agreements) have now been sent to the GD1 projects for signature, with the exception of South Wye and OLR.	Medium	Medium	4	LEP Board, LEP Director, project managers	18th November 2019	Live		↔	
19	3.13	Should NMiTE cease or encounter any delivery issues the ringfenced £5.7m of LEP Funding for the 2020/21 financial year will not be spent and defrayed by the 31st March 2021	Valuable Economic Growth Funds would be lost to region.	Medium	High	6	The LEP have a project pipeline and available projects which would be able to utilise the funding should NMiTE encounter any issues. This would ensure valuable funds for the purpose of economic growth are not lost to the Marches region. In the first instance the remaining Growth Deal 3 projects would be allocated funds, ensuring they receive the amount of grant originally requested within their Growth Deal 3 submissions. The LEP team are currently working with NMiTE to understand Phase 2 of the project and how they intend to utilise the £5.7m funds allocated. The LEP are waiting on further information to be supplied from NMiTE. In the event that NMiTE should cease or encounter any problems with delivery the LEP would offer the funding to either existing GD3 projects, and/or run an open call for projects to apply for any funds not utilised, with the need to have defrayed the funds by March 2021 being a key criteria. A proposal for Phase 2 will be presented at the September 2019 LEP Board. Following the submission of an updated business case and a project proposal the LEP Board confirmed funding for Phase 2 of the NMiTE project (£5.6m) from their total allocation of £8m. A number of risks are associated with this project in terms of timescales and the defrayal of funding by the 31st March 2021.	Medium	Medium	4	LEP Board, LEP Director, project managers	18th November 2019	Live		↔	

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20	3.14	The Repayable £1.6m Growth Deal Grant claimed against the South Wye Project (in 2016/17) is not repaid back to the LEP.	The Growth Deal Programme would be overcommitted by £1.6m. This would impact on existing Growth Deal projects and their future allocations	Medium	High	6	During the 2016/17 Financial Year Herefordshire Council claimed £1,697,609 of Growth Deal Funds against the South Wye Package. The signed Drawdown Notices for the funding outlined that these funds would be repaid to the Growth Deal programme, either from additional DfT funds made available for South Wye Package or from Herefordshire Council. At the 17 May 2019 Performance Monitoring and Risk Committee meeting members were informed that Herefordshire Council had received Legal Advice stating that the £1,697,609 was non-repayable, questioning the agreement to pay back the grant. It was agreed that Herefordshire Council would share the Legal Advice received enabling the LEP and Shropshire Council to review. This legal advice has not been received. Shropshire Council are now looking into the legality of the drawdown notices. This risk is still live and relates to a decision taken around the future of the Transport Package and the Southern Link Road.	Medium	Medium	6	LEP Board, LEP Director, project managers	18th November 2019	Live			↑
21	Stakeholder, Reputational, Communications & Marketing															
22	4.1	The LEP fails to share information with internal & external stakeholders.	Stakeholders not informed of LEP investment and work which is in line with government requirements. Stakeholders are critical of projects & programme due to lack of up to date information being communicated on project progress/successes.	Low	Medium	2	Agreed communications approach is set out in Assurance Framework which is on the LEP website. Strategy includes annual conference, annual report, regular LEP and Marches EU newsletters, press releases. LEP Board Members and Director regularly brief stakeholder groups and 3 area Business Boards are used as communication tools.	Low	Medium	2	LEP Director	18th November 2019	Live			↔
23	4.2	The LEP's partner organisations fail to share information with internal & external stakeholders.	Stakeholders not informed of LEP investment and work which is in line with government requirements. Stakeholders are critical of projects & programme due to lack of up to date information being communicated on project progress/successes.	Low	Medium	2	Agreed communications approach is set out in Assurance Framework which is on the LEP website. Strategy includes annual conference, annual report, regular LEP and Marches EU newsletters, press releases. LEP Board Members and Director regularly brief stakeholder groups and 3 area Business Boards are used as communication tools.	Low	Medium	2	S151 Officers &/or senior project sponsor	18th November 2019	Live			↔
24	Financial & Legal															
25						0				0						
29	Key															
30	↑	The risk has increased since last review date		Red text denotes text which has changed or been added since the Risk Register was last reviewed.												
31	↓	The risk has decreased since last review date														
32	↔	No change in the risk														
33	*	New risk														

Issue Number	Issue Description	Description of IMPACT
Governance		
1.1		
1.2		
1.3		
Resources		
2.1		
2.2		
2.3		
Programme Management		
3.1		
3.2		
3.3		
Stakeholder, Reputational, Communications & Marketing		
4.1		
4.2		
4.3		
Financial & Legal		
5.1		
5.2		

Decision Number	Decision Description	Description of IMPACT
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