

No	Risk	Background	Likelihood	Impact	Risk Owner	Inherent Risk Score			Controls already in place	Residual Risk Score			Foreseeable Risk Score			Additional actions to mitigate risk (4Ts)
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<b>Political</b>																
HTS POL1	If there is lack of "buy-in" from Councillors to HTS (P&E) Ltd then process may be delayed.	Differing political motivations from each political party could cause conflict in decision making if Co8uncillorts are not fully informed	Call in of initial decision took place in October 2015, but decision made to take no further action at a meeting of the call-in Sub Committee	Difficult to establish clear direction. Resistance from some members on HTS (P&E) Ltd activity.	G Branchett	3	3	20	Regular updates to Councillors throughout the implementation phase to keep them fully informed.	2	3	9	2	3	9	Monitor implementation in line with Project Plan
HTS POL2	If there is a change in Cabinet then make up of Board and SH Sub Committee could change	Local Elections take place in May 2016 which may change the political membership of the HTS board and sub-committee	1 member of board and 1 member of shareholder sub committee retire 05/05/16 and expected to stand for re-election; since the outcome is unknown, contingency arrangements should take account of possible changes.	Councillors previously involved in the project may no longer be in Cabinet/eligible to be on board/shareholder sub committee. Different political make up of Cabinet could impact direction.	B Keane	3	3	13	Decision regarding option of LATC commenced before local elections in May 2016, make up of Board and Shareholder subcommittee could change if affected Members not re-elected however role and activity of Board and Shareholder Subcommittee would not be affected, but some training of any new members would be required.	3	3	13	2	2	5	Early engagement with any new Councillors involved in HTS after local election
HTS POL3	If Members do not act appropriately when they are directors of HTS they may be open to disqualification	New role for individuals who may not know what their legal responsibilities are as directors of a Company	Lack of formal training prior to initial HTS board meetings could lead to inadvertent poor decision making	Individuals could be disqualified from future similar posts and prevented from involvement in their own businesses. Reputational	B Keane	2	5	19	Directors duties training session to be provided to initial board members and handbook to be provided for Directors. Adoption of Governance documents (Business Plan, Articles of Association, Scheme of delegation) support and direct Director responsibilities and actions	1	3	6	1	3	6	
<b>Economical</b>																
HTS ECO 1	If there is further significant tightening and/ or accelerated change in Government Policy in respect of its annual Financial Settlement then money available to provide HTS (P&E) Ltd services may be reduced	Political and economical drivers of central Government have seen a decrease in central support provided to Councils	For 2016/17 the Council will receive £346,000 less than anticipated, further cuts in RSG expected up to 2021, but levels not confirmed at this stage and absence of ability to control reductions will create pressure	Reduction in funding to councils; pressure on budgets/reduction in services	S Freeman	5	5	25	The creation of a LATC enables full control of reductions if necessary	5	4	23	5	3	20	Continuation of careful budget monitoring and ensuring high productivity is maintained
HTS ECO 2	If the cost of changing from the JVCo to HTS (P&E) Ltd is too high the Council cannot deliver its existing services	Transfer to new delivery model and establishment of local authority trading company (LATC) involves some expenditure in set up and transition costs which must be controlled	Without involvement in budget setting Council loses control over level of cost	The cost of establishing HTS (P&E) Ltd exceeds budget and becomes unviable	S Freeman	3	5	22	Council involved in budget setting for HTS (P&E) and has instructed EEGA to assist, and sufficient financial provision within existing approved budgets	2	4	14	2	3	9	If higher than anticipated initial set up costs these could be amortised over the initial term of the contract.
HTS ECO 3	If HRA rent changes (1% Rent Reduction over next 4 years) then pressure on budget for HTS (P&E) Ltd will increase	Political and economical drivers of central Government will see a changes imposed upon the Council in respect of the rent it is able to collect, reducing income to the HRA	Certain	Reduction in the HRA leading to pressure on budget to deliver the required services.	S Freeman	5	5	25	The creation of a LATC enables full control of reductions if necessary	4	4	21	3	4	18	Continuation of careful budget monitoring and responsive action, plus ensuring high productivity is maintained
HTS ECO 4	If HTS (P&E) Ltd is not able to demonstrate on-going value for money then company may lose contract	Duty to demonstrate "continuous improvement" in accordance with the Local Gov't Act 1999 means the Council needs to demonstrate that any LATC set up delivers value for money	Low likelihood, Harlow Council is familiar with duty through its own service provision and Board members will act with this in mind.	Failure to demonstrate value for money could lead to calls to outsource the service.	S Freeman	3	4	21	None at present	3	4	18	2	3	9	Undertake review of performance after 3/5 years. Benchmark services with peer group
HTS ECO 5	If HTS (P&E) Ltd is unable to compete in market long term to obtain best deals in the supply chain then Council will not receive benefits of lower prices	Lack of commercial leverage in supply market due to limited expenditure in market may be experienced as HTS (P&E) Ltd's ability to achieve economies of scale may be limited by its size and teckel constraints	HTS (P&E) Ltd may not be able to initially secure favourable contracts whilst it is being established without strong negotiation/use of local government frameworks	Prices paid for goods and services may not be the most economically advantageous	S Freeman	5	4	23	Financial modelling includes a 5% higher price and ability for an LATC to use Crown Commercial Services frameworks exists	4	3	17	3	3	13	Ensure that the appropriate procurement capacity is available. Consider the use of other frameworks
HTS ECO 6	If historic liabilities of Kier to HDC not agreed, then there may be an unknown cost to the Council	Liabilities relating to agreements (contracts/leases), works (guarantees/warranties), claims (employee/public liability) will be held currently by Kier Harlow and liabilities transfer to other parties	High if discussions to address this do not result in a strong agreement	Financial costs to Council unknown, course of redress from Kier Group may be complex if not agreed prior.	S Freeman	5	4	23	Schedule all liabilities and reach early agreement.	4	3	17	4	3	17	None

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HTS ECO 7	If insurances do not cover liabilities post-transfer, then there may be an unknown cost to the Council	The Council will need insurances to cover any on-going liabilities that are known, and protect itself against likely sources of future claims	High if insurers are not involved at an to insure relevant cover in place, reduced if this takes place early on	Financial costs to Council unknown.	S Freeman	5	4	23	Engage in-house insurance to consider and advise. Make sure HTS (P&E) Ltd has insurances necessary.	4	3	17	4	3	17	None
HTS ECO 8	If HTS (P&E) Ltd is insolvent (technically or otherwise) it is unable to operate and service provision will fail	Insolvent companies must cease trading to avoid any Director Liability	Council is sole client of HTS (P&E) Ltd and therefore guaranteed income from February 2017 means that financial solvency is assured	Service provision ceases. Directors have indemnity built into Articles and underwritten with D&O insurance insulating against personal liability in absence of wrongful trading	B Keane	2	5	19	Consider how to put working capital into HTS (P&E) Ltd in a manner that is state aid compliant	1	5	15	1	5	15	None
HTS ECO 9	If economic uncertainty is prolonged following EU referendum result then there could be a negative impact on operational costs	Government referendum on membership of EU returned a result in favour of leaving the Union, however mechanism around this is unknown and initial market reaction has been negative with currency markets and stock markets dropping	Situation changes daily and government and opposition leadership changes not due to settle until September at the earliest	Unknown, budget assumptions and cost of supplies/contractors may change significantly if certain costs rise or lending falls, or suppliers pull out of the UK/freeze operations or reduce operating bases	S Freeman	4	3	17	Monitor markets and lending and respond accordingly, currently no specific forecast affecting project, but likely to change regularly	4	3	17	4	3	17	None
<b>Social/Cultural</b>																
HTS CUL1	If there is failure to consider the impact of the change on all members of society and those impacted by the project then the Council will be criticized and face potential legal action	Failure to keep up to date and review the equalities impact assessment (EIA) may mean that requirements of Equalities Act are not met	Low likelihood, Harlow Council is familiar with duty through its own service provision and Board members will act with this in mind to update EIA.	Criticism from stakeholders and action taken which does not properly adhere to requirements of equalities Act	B Keane	2	4	14	Equality impact assessment carried out in late 2015 and will be reviewed periodically	1	3	6	1	3	6	Continued EIA monitoring
HTS CUL2	If Decision making routes are unclear or proper accountability not in place, then transition may be delayed or not take place	Decisions regarding financial expenditure and key operating structures (employment of senior staff, pension models, adoption of policy etc.) need to be made quickly due to timeframe for delivery	Absence of governance documents mean that no decisions can be made by Board or managing Director	Failure to make and implement decisions. Failure to start procurement processes in time for delivery of goods, services and infrastructure to allow operation on 1 February 2017. Stifling of innovation due to inability of HTS (P&E) Ltd to make early decisions for itself may result in opportunities to make efficiencies being missed.	B Keane	5	5	25	Articles and Scheme of delegations reflect Council requirements and enable good decision making and accountability. Shareholder Sub-Committee approved in May 2016	1	3	6	1	3	6	
HTS CUL3	If there is delay by the Council in seeking and obtaining approvals for key decisions then HTS (P&E) Ltd will not be ready to provide the contract on 1 February 2017	Decisions regarding financial expenditure and key operating structures (employment of senior staff, pension models, adoption of policy etc.) need to be made quickly due to timeframe for delivery	Low likelihood if scheme of delegation included in work plan for Boards, needs to be scheduled for one of first two meetings	Failure to make and implement decisions. Failure to start procurement processes in time for delivery of goods, services and infrastructure to allow operation on 1 February 2017		4	5	24	Scheme of delegation adopted	2	5	19	2	5	19	
HTS CUL4	If there is delay by Kier in seeking and obtaining approvals to provide required information then HTS (P&E) Ltd may not be ready to provide the contract on 1 February 2017	JVCo holds data relating to current and historical works, guarantees, financial information etc which needs to be transferred to HTS (P&E) Ltd and accessed by HDC.	Low likelihood if early requests for information are responded to quickly, delays in response increase likelihood that overall project plan milestones will not be achieved	Failure to make and implement decisions	B Keane	4	5	24	Ensure Kier are obtaining their approvals in a timely way by engaging in regular dialogue. Monitor legacy data capture process via Project Plan. Kier Harlow Demobilisation Director in place from April 2016 onwards.	2	5	19	1	5	15	Demobilisation Director actions to put in place additional agreements and protocols
HTS CUL5	If change in organisational culture is not well received then transferring staff may feel undervalued	The transfer of staff from JVCo to HTS (P&E) Ltd will involve changes, some known and some unknown, in working culture	Low likelihood as staff aware that change due to take place for a number of years due to end of JVCo in 2017, however finer details of change unknown until 2015	Some individuals may be resistant to change. Service delivery may suffer	B Keane	2	4	14	Change likely to be minimal as the workforce remains together and terms and conditions of service remain	1	3	6	1	2	3	Early consultation and engagement with staff to outline what HTS (P&E) Ltd will look like. Training, mentoring and support to be provided
HTS CUL6	If there is a lack of stakeholder engagement then progress may be delayed	Failure to engage all recognised stakeholder groups may result in some individuals or groups working against aims of HTS (P&E) Ltd	Without action likelihood is high	Lack of support from certain groups. Reluctant to accept that other than out-sourcing is the best way forward	G Branchett	4	4	21	Stakeholders have been engaged and Officers will continue to engage whilst implementing the change	3	3	13	3	3	13	Ongoing stakeholder engagement
HTS CUL7	If there are ongoing R&M works commitments and no contingency plans are made HTS will inherit a backlog of expired work requirements and targets	repair and maintenance works are being scheduled constantly, Kier Harlow will not be able to complete all works which arise before 01.02.17 and some will need to be transferred to HTS.	Without contingency arrangements, cut off dates and agreements regarding liabilities, HTS will inherit a backlog of works which may not be	HTS as successor may bear the brunt of any economical or reputational impact as a result of works perceived to be carried out late	G Branchett	4	5	24	Demobilisation group ToR include actions to address cut off dates and ongoing liabilities for forward planning of works. Report to JPRM to agree principles due to be tabled in March	3	4	18	3	4	18	Agreement of cut off dates for R&M tickets to be raised with Kier Harlow and set up of forward jobs log for HTS. Agreement of process for any works in progress at 31.01.17

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HTS CUL8	If there are ongoing Capital works commitments and no contingency plans are made some works may not be carried out	Capital works are delivered outside the JVCo contract but delivered by Kier Harlow through an external framework demobilisation risk	arrangements, cut off dates and agreements regarding liabilities, works which go beyond January 2017 may cease without completion and delays to Council programmes and	Non completion of Capital programme if works go beyond January 2017 will impact assumptions made in HRA budget/Business Plan	G Branchett	4	5	24	Demobilisation group ToR include actions to address cut off dates and ongoing liabilities for forward planning of works. Report to JPRM to agree principles due to be tabled in March	3	4	18	3	4	18	Agreement of contingency arrangements with any frameworks using Kier Harlow for Capital programme to ensure works in progress do not cease on 31.01.17
<b>Operational/Technological</b>																
HTS OP1	If decisions on IT system to support HTS (P&E) Ltd are not made early on then HTS (P&E) Ltd will not be ready to provide the contract on 1 February 2017	Need to provide a new IT solution rather than one currently provided by the JVCo Commercial Partner which is not supported or transferrable	Without relationships with suppliers of existing systems ability to make decision on systems very difficult	Need to procure appropriate IT system capable of supporting HTS (P&E) Ltd. Decision on HDC supported system or standalone. Procurement and implementation of IT system once decision made	S Freeman	4	5	24	Housing repairs ordering through Orchard has gone live and meeting with existing suppliers to JVCo has taken place. Decision on requirements and scoping in progress.	2	5	19	2	3	9	Make early decision on requirements. Define brief for IT support required and procure required services.
HTS OP2	If there are ownership or other connectivity issues (or data sitting with Kier Group) that HTS (P&E) Ltd cannot access then it cannot operate	Unknown where data stored - on site, off site, in what format making it difficult to plan for data capture, archive and retrieval	Without discussions with IT providers and clear prioritisation of data retrieval relevant data will not be possible	Data required to effectively diagnose and schedule works in all areas (repairs and maintenance, landscapes and street scene)	S Freeman	5	5	25	This is a priority and the demobilisation legacy data capture progress is captured by the Project Plan, with good initial progress in defining scope of what data is held and in what format. Ensure early discussions with IT providers regarding unsupported systems and what replacement systems will be, including mechanism for transfer of data between systems	3	4	18	3	4	18	
HTS OP3	If procurement of fleet and equipment does not take place in time TS (P&E) Ltd cannot operate	Fleet and equipment key to operation	Procurement lead in times are long for certain items but low likelihood, as identified as key area for action in initial stages	Fleet and equipment needed to deliver services, no service can be carried out without these	G Bloomer	1	1	1	Procurement timetable monitored through project plan	1	1	1	1	1	1	
HTS OP4	If operational premises are unfit upon transfer then HTS (P&E) Ltd will be hindered from running an effective service	Lack of investment and maintenance	Dilaps process already in progress under landlord duties	Unable to effectively deliver the services without suitable premises	G Bloomer	2	5	19	Transition Board already established. Building surveys have already commenced and dilaps work due for July-August	1	5	15	1	3	6	Ensure that the appropriate procurement capacity is available. Consider the use of existing frameworks
HTS OP5	If non-property assets transfer which are of low value then HTS (P&E) Ltd will bear cost of ineffective equipment or disposal	Obsolescent plant, vehicles and other equipment	Limited to plant and other equipment as fleet is under lease arrangement to end in Jan 2017	Unable to effectively deliver the services. High disposal costs to remove equipment	G Bloomer	2	5	19	Transition Board already established. Identification and appraisal of vehicles, plant and equipment has commenced	1	5	15	1	3	6	Ensure that the appropriate procurement capacity is available. Consider the use of existing frameworks
HTS OP6	If there is a lack of specification for the resource management system then software may not adequately support operations	Existing resource management system is specified and operated centrally by Kier Services, for continuity the same system is to be used but will need scoping	With no specification existing for Harlow currently likelihood is high	Unable to effectively deliver the services.	S Freeman	4	5	24	Business processes workshop taken place and ICT Project manager in place via consultancy	3	4	18	1	4	10	Specification produced by ICT Consultant and signed off with supplier
HTS OP7	If there is insufficient resource available within COHESIS then software development may not take place in time for the contract start date	COHESIS provide exiting software used by JVCo and are engaged to deliver for HTS. COHESIS are a small company and will need to dedicate appropriate resource.	Without a fully scoped out brief and quantification of development work required work on this will become unstructured.	Unable to effectively deliver the services.	S Freeman	4	5	24	ICT Project Manager in place to manage relationship with COHESIS	4	4	21	3	4	18	Specification produced by ICT Consultant and signed off with supplier
HTS OP8	If finance ICT system for HTS not procured then cash flow and solvency may be threatened	Finance system used by JVCO is Kier Services system and not necessarily suitable for HTS purpose, new system will need to be scoped and procured	Without a fully scoped out brief and quantification of development work required work on this will become unstructured.	Unable to make payments and record financial information; possibility of debt building up and arrears being created with suppliers and contractors	S Freeman	4	5	24	ICT Project Manager in place to manage all ICT processes and early engagement with JVCo finance staff and HDC accountancy team	3	5	22	2	5	19	Accelerate procurement of system and engage consultant to scope requirements, identify appropriate packages and carry our procurement
<b>Environmental</b>																
HTS ENV 1	If there is a failure of the to achieve waste regulation requirements then fines may be levied on HTS (P&E) Ltd/Council	Lack of understanding of requirements and/or processes required		Bad PR. Potential fine for non-compliance		2	4	14	None	1	3	6	1	1	1	Consider developing business processes in line with ISO14001 during first 3 years of operation.
<b>Legal/HR</b>																
HTSL EG1	If there are no or insufficient dedicated staff working on the project within Council then HTS (P&E) Ltd will not be in place for February 2017	Insufficient resources and time	Council business as usual	Failure to deliver the service, Project slippage or not completed to required standard or to best value	B Keane	4	5	24	The financial modelling includes sufficient provision for HTS (P&E) Ltd management needs. Appointment of external legal support, plus in-house dedicated solicitor. Brief for external legal support produced.	3	5	22	2	5	19	Sufficient provision within existing approved budgets to procure project management and specialist support

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HTSL EG6	If there is a lack of suitably qualified and experienced senior managers to run HTS (P&E) Ltd then required quality of service provision may not be achieved	Senior management do not transfer and remain with Kier Services		Failure to deliver the service	B Keane	4	5	24	Provisional TUPE list to be produced. Early engagement with current managers	2	5	19	1	3	6	Effective recruitment mechanisms in place. Consideration of procuring short term contract management
HTSL EG7	If indicative TUPE data not available then strategic decisions cannot be made regarding operations and possible fines result	Provision of TUPE data required into council/HTS to allow planning to take place and proper consultation to be carried out		Failure to deliver the service, lack of planning/ unforeseen circumstances, failure to strategically make appropriate decisions leading to a failure to inform and consult and litigation/employment tribunal claims for which the maximum exposure is a punitive protective award to every affected employee of up to 90 days gross pay	B Keane	4	5	24	Provisional TUPE list to be produced as soon as possible	3	4	18	3	4	18	
HTSL EG8	If TUPE data not received by HTS (P&E) Ltd HTS there is a failure to inform and consult under TUPE there is a risk of fines to HTS (P&E) Ltd and HDC	Provision of TUPE data required into council to allow consultation to take place		Risk of fine up to 13 weeks pay per head	B Keane	2	5	19	Provisional TUPE list to be produced	1	5	15	1	5	15	
HTSL EG9	If there is inadequate pension information the Council may not be able to secure a clear position on what is required for HTS (P&E) Ltd				B Keane	2	4	14	Manage process and identify gaps early	1	3	6	1	3	6	
HTSL EG10	If there is failure to maintain the JVCOs good health and safety record service may be impacted and fines levied	Increase in accidents and incidents		Loss of productivity. Action by the Health and Safety Executive. Reputational damage	B Keane	2	4	14	Transition Board already established	1	3	6	1	3	6	Ensure continuation of the practices, policies and procedures currently in place
HTSL EG11	If there is industrial action regarding transfer to HTS (P&E) Ltd then it may not be in a position to operate fully on February 2017	Industrial dispute between unions and the Council. Resistance to transfer to HTS (P&E) Ltd		Failure to deliver the service	B Keane	2	5	19	Unions engaged in discussions	1	4	10	1	3	6	Continued engagement with unions throughout the transfer
HTSL EG12	If Kier Harlow staff morale is low then current service performance during the transition period may suffer	Low morale. Lack of focus and attention. Managers move on		Unable to effectively deliver the services	B Keane	5	5	25	Transition board already established. Kier Services capacity to back fill	4	5	24	3	4	18	Joint working. Consideration of early part transfer of some services
HTSL EG13	If there is failure to comply with EU legislation in connection with procurement of supply chain then delays may occur and fines levied	Failure to identify properly the procurement needs of the services		Delays in procuring appropriate supply chain. Potential legal challenge. Fine from Commission	B Keane	2	4	14	None	1	3	6	1	3	6	Ensure that all procurement is in accordance with the Council's Standing Orders and Financial Regulations
HTSL EG14	If Teckal tests are not met Council may be open to challenge				B Keane	2	5	19	Ensure that corporate documents demonstrate that HTS (P&E) Ltd meets all Teckal tests including business plan trading. If trading with third parties looks like it will be a prominent part of HTS (P&E) Ltd's work consider setting up trading arm	1	3	6	1	3	6	None
HTSL EG15	If other providers of similar services challenge the direct award of the contract to HTS the Council will have to deal with a formal or informal procurement challenge				B Keane	3	5	22	Ensure that corporate documents demonstrate that HTS (P&E) Ltd meets all Teckal tests including business plan trading. If trading with third parties looks like it will be a prominent part of HTS (P&E) Ltd's work consider setting up trading arm. Publication of HDC's decision on website and publication of contract award notice will also help to mitigate against longer term risk of challenge.	1	3	6	1	3	6	None
HTSL EG16	If there is sufficient senior leadership capacity within HTS to provide strategic direction to the early months of the HTS set up then key decisions cannot be made	Need for strategic direction, and decision making	High until key positions are filled e.g. managing director and non exec chair	Delays in decision making, lack of strategy, costly decisions or changing decisions which increase costs	B Keane	4	5	24	Quick appointment to key posts.	3	4	18	3	4	18	Managing Director to identify start up resource requirements by summer 2016
HTSL EG17	If there is a failure to complete appropriate immigration status checks HTS (P&E) Ltd would be liable for financial penalties	HTS (the transferee) needs to ensure that the necessary checks are carried out within 60 days of the transfer - 28 days is the time in which employers without a sponsorship license are expected to apply for one, despite the fact that there are no provisions for pre-transfer disclosure of employees immigration status.	HTS will obtain the benefit of any statutory excuse acquired by Kier Harlow. However, if Kier Harlow did not conduct the checks correctly, HTS (P&E) Ltd would be liable for a penalty if an employee is later found to be working illegally.	Financial penalty	B Keane	2	5	19	Include immigration checks on the HTS (P&E) Ltd forward work plan to be carried out within 60 days of transfer	1	4	10	1	4	10	

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HTSL EG18	If there is a failure to set up Designated status of the LGPS for transferring employees then they cannot transfer into the LGPS under HTS	Demonstration of why/how the new body satisfies the criteria of being "under the control" for the purpose of this regulation e.g. that the definition of the relevant section of the Local Government and Housing Act 1989 needs to be satisfied.				B Keane	2	5	19	Needs to be 1)Submission of certificate of incorporation and memorandum and articles of association of the new body (in due course). 2)• Calculation of the employer contribution rate required. HC already have the actuary report for the employees concerned, although, we are likely to need to obtain a revised report once the staff levels are assessed nearer the transfer date. 3)Signing of a guarantee agreement between Essex County Council as administering authority, Harlow District Council as guarantor, and the LATC as designation body	1	5	15	1	5	15	Tabled for July Board meeting
HTSL EG19	If HTS (P&E) Ltd holds information prior to ICO registration it could incur penalties for breach of legislation	Once any data is held then registration with ICO is required, registration cannot take place however until processes and procedures for data holding, handling and sharing are in place	HTS will not hold any data for itself initially, but once workforce extends beyond MD it's possible that data will begin to be held, formally or informally, as set up actions begin to occur	Monetary penalties apply to any breach of data protection		J Phillips	3	4	18	Policies for data handing and protection to be put in place at earliest opportunity and HTS (P&E) Ltd registered with the ICO	2	3	9	1	3	6	Once employees in place a dedicated person be named to oversee adherence with HTS (P&E) Ltd data policies to be regularly reviewed and changed to legislation adopted within updated procedures.