

CORPORATE RISK MANAGEMENT - QUARTERLY UPDATE

Governance and Audit Committee 27th September 2023

Report Author	Chris Blundell, Director of Corporate Services and Section 151 Officer
Portfolio Holder	Councillor Rob Yates, Portfolio Holder for Corporate Services
Status	For information
Classification:	Unrestricted
Key Decision	No
Ward:	All

Executive Summary:

This report provides the Governance & Audit Committee with a quarterly review of corporate risks.

Recommendation(s):

To approve the review of corporate risks and discuss annexed risks

Corporate Implications

Financial and Value for Money

The way in which the council manages risks has a financial impact on the cost of insurance and self-insurance. The council maintains reserves including a risk reserve, the size of which is commensurate with the financial impact of current and future risks. There are no specific financial implications arising from this report.

It is the role and responsibility of the Section 151 Office to have active involvement in all material business decisions to ensure immediate and longer term implications, opportunities and risks are fully considered.

Legal

Whilst the corporate risk register includes consideration of legal matters in as far as they relate to risks to the council, there are no legal implications for the recommendation required by this report.

Risk Management

As detailed in the body of this report.

Corporate

Governance & Audit Committee approved the revised Risk Management Strategy on 27 July 2022, which includes a requirement to provide regular corporate risk updates to G&A Committee.

Equalities Act 2010 & Public Sector Equality Duty

There are no equity and equalities implications arising directly from this report, but the council needs to retain a strong focus and understanding on issues of diversity amongst the local community and ensure service delivery matches these.

It is important to be aware of the council's responsibility under the Public Sector Equality Duty (PSED) and show evidence that due consideration has been given to the equalities impact that may be brought upon communities by the decisions made by council

CORPORATE PRIORITIES

This report relates to the following corporate priorities: -

- Growth
- Environment
- Communities.

1. Introduction

- 1.1. The Council monitors and manages its Corporate Risks through the Corporate Risk Register. The contents of the report highlight the high-priority corporate risks and show the arrangements in place to ensure these risks are monitored and managed appropriately. The Council is dedicated to a proactive methodology on Risk Management and interdepartmental cooperation on Risk Strategy to drive an improved and synergetic risk model and landscape.

2. Background and Current Progress

- 2.1. The strategy defines corporate risks as *'those which could impact across the whole council'*. Operational risks are identified from the 'bottom up', through service planning for the year ahead and through continuous review during the year. Operational risks may be escalated and considered Corporate level risks depending on the evaluation of the risk and through engagement with Senior Management.
- 2.2. The strategy prescribes that these risks should be assessed by the Corporate Management Team (CMT) and the Member Risk Management Champion and then reported to the Governance and Audit Committee (G&A) on a regular basis.
- 2.3. The Risk Management Strategy 2022 was approved at the G&A committee on the 27th July 2022. Consequently, the council is in the process of transitioning to

operating under the new risk management strategy and our associated new way of monitoring, evaluating and reporting risk. Substantial progress has been made during this risk reporting cycle, with nearly all of the service areas responding, representing a significant improvement on the previous reporting cycles.

- 2.4. As such, it is now possible to report our Corporate Risks to the committee in accordance with our updated Risk Management Strategy, This is most notably demonstrated in Annex 1, with the presentation of risks through the lens of Current / Emerging / Future risks from all service areas and their scoring which aligns to the risk matrix.
- 2.5. Future work is being undertaken in subsequent reporting to the committee to apply this framework to the High Scoring Corporate Risks shown at section 4 and also the addition of graphical illustration and tracking of risk scores once this methodology has been established.

3. Risk, Risk Management and Responsibilities

- 3.1. **What is risk** - Risk is defined as the uncertainty of outcome, whether positive opportunity or negative threat, of actions and events.

- 3.2. **Risk Management -**

Risk can be a threat (downside) or an opportunity (upside)

- 3.3. **Responsibilities**

A local authority's purpose is generally concerned with the delivery of service or with the delivery of a beneficial outcome in the public interest. The delivery of these objectives is surrounded by uncertainty which both poses threats to success and offers opportunity for increasing success.

- 3.4. **What is risk management** - Risk Management was defined by the Audit Commission as:

*'Risk Management is the process by which risks are **identified, evaluated and controlled**. It is a key element of the framework of governance together with community focus, structures and processes, standards of conduct and service delivery arrangements'*

(Audit Commission)

The Government's [Orange Book](#) on risk management also states that:

Risk management shall be an essential part of governance and leadership, and fundamental to how the organisation is directed, managed and controlled at all levels.

*Each public sector organisation should establish governance arrangements appropriate to its business, scale and culture
(Source Orange Book - Gov.co.uk)*

3.5. Risk Evaluation

- 3.6. Risks have to be assessed in respect of the combination of the likelihood of something happening, and the impact which arises if it does actually happen. Risk management includes identifying and assessing risks and then responding to them. Risk is unavoidable, and every organisation needs to take action to manage risk in a way which it can justify to a level which is tolerable. The amount of risk which is judged to be tolerable and justifiable is the “risk appetite”.
- 3.7. The likelihood of a risk occurring is evaluated against the following criteria:
- 3.8. The possible impact on the council should the risk occur is then assessed across a range of categories. The risk score is determined by the highest scoring possible outcome against any of the risk headings

Rating	Score	Likelihood
Very Likely	4	<ul style="list-style-type: none">• More than 85% chance of occurrence• Regular occurrence• Circumstances frequently encountered
Likely	3	<ul style="list-style-type: none">• More than 65% chance of occurrence• Likely to occur within next 12 months• Circumstances have been encountered
Unlikely	2	<ul style="list-style-type: none">• 31%-65% chance of occurrence• Likely to happen within next 2 years• Circumstances occasionally encountered
Rare	1	<ul style="list-style-type: none">• Less than 30% chance of occurrence• Circumstances rarely encountered or never encountered before

Impact

Headings	Reputation	Strategic	Wellbeing	Service Delivery	Finance	Compliance
4 Severe	Council receives nationally adverse publicity perceived as failing in a significant area of responsibility	Failure to deliver council priorities / services / major corporate project	Significant staff dissatisfaction / long term absence / increased staff turnover including key personnel	Loss of service for a significant period	Financial loss or overspend greater than £500k	Breach of law leading to some sanction Litigation almost certain with some / minimal defence
3 Significant	Significant adverse local publicity	Possible impact on the delivery of council priorities	Declining staff dissatisfaction / loss of staff due to absence or turnover	Reduction in service performance / service disruption for 1 – 2 days	Financial loss or overspend between over £250k	Breach of regulation or responsibility or internal standard Litigation possible
2 Moderate	Minor impact on staff morale/public attitudes	Minor / adverse impact on Council priorities	Possible short-term staff dissatisfaction / likely impact on absence and turnover	Poor service / service disruption up to one day	Financial loss or overspend between £50k - £250k	Breach of internal procedure or policy Complaints likely
1 Minor	Unlikely to cause adverse publicity	No significant impact on the delivery of Council priorities	Loss of staff morale but unlikely to result in absence or turnover of staff	No significant difficulty providing a service or delivery of a project	Financial loss or overspend under £50k	Minor breach of policy or internal procedure Complaints Unlikely

- 3.9. The overall risk scores are then arrived at by multiplying the “likelihood” score by the “impact” score, where the maximum score for each is four, so the maximum total score is sixteen.

Likelihood	Very Likely (4)	Moderate (4)	High (8)	Extreme (12)	Extreme (16)
	Likely (3)	Low (3)	Moderate (6)	High (9)	Extreme (12)
	Unlikely (2)	Very low (2)	Low (4)	Moderate (6)	High (8)
	Rare (1)	Very low (1)	Very low (2)	Low (3)	Moderate (4)
		Minor (1)	Moderate (2)	Significant (3)	Severe (4)
	Impact				

- 3.10. **Roles and responsibilities** - The primary member oversight on risk is provided by the Governance and Audit Committee. Cabinet also has a member Risk Champion (the Leader of the Council and Portfolio Holder for Corporate Performance and Risk) who promotes risk management and its benefits throughout the council.
- 3.11. At staff level, the high-level corporate risk register is regularly considered by the Corporate Management Team (CMT). G&A Committee considers changes to the corporate risk register, the reasons for the changes and the actions being taken to mitigate the likelihood and impact of those risks. A view is also taken regarding the extent to which the risks should be tolerated.
- 3.12. The Chartered Institute of Public Finance and Accountancy (CIPFA) Position Statement on Audit Committees (2018) sets out the key principles for audit committees operating in local government.
- 3.13. The statement sets out the key responsibilities of the committee to include:

*‘consider the **effectiveness** of the authority’s **risk management arrangements** and the control environment, reviewing the risk profile of the organisation and*

assurances that action is being taken on risk-related issues, including partnerships and collaborations with other organisations'

- 3.14. The report seeks to aid the committee to discharge these responsibilities

4. Corporate risk register

- 4.1. A summary of the highest scoring corporate risks on the register is set out in the table and the following narrative below, together with the comparative scores noted by the Governance & Audit Committee on 26th July 2023
- 4.2. The scores are arrived at by multiplying the “likelihood” score by the “impact” score, where the maximum score for each is four, so the maximum total score is sixteen.

Description	July 23 Score	Sept 23 Score	Change
Cyber Attack	16	16	No
Limited Resources	12	12	No
Economic Environment	16	16	No
Homelessness	16	16	No
Berth 4/5	12	12	No
Environmental Act 2021	16	16	No
EPC requirements	12	12	No
Net Zero Strategy	16	16	No

- 4.3. Each corporate risk is the responsibility of a member of CMT and they manage risk mitigation plans with the aim of reducing the likelihood and/or impact of each risk to a manageable level. As time moves on, the external environment changes and this can have an impact on the effectiveness of mitigating actions as well as on the likelihood and impact of a risk: hence the need to maintain vigilance in respect of mitigation plans as well as new and changing risks.
- 4.4. It is more difficult to take action to reduce the impact of a risk occurring, than it is to take action to reduce its likelihood. Hence in some cases, the scores after mitigation will remain relatively high.

Highest-scoring risks

- 4.5. **Cyber Attack (Impact 4, Likelihood 4) Future risk**

Reputation, Service Delivery, Strategic and Financial risk score 4

The Council is becoming more and more aware of cyber attacks across the local government sector.

At a time when some staff are working from home and on a hybrid basis, a much higher reliance on IT systems is needed and therefore the risk of disruption to Council services as a result of a Cyber attack is heightened.

The Council is mitigating the impact of any potential attack by ensuring IT systems are as robust as possible, but as we've seen globally, even the larger international companies are still susceptible to attack.

The Council did consider Cyber insurance as an mitigating action to protect itself against the financial impact that could be caused by such an event. Unfortunately the cyber market is now not conducive to our risk profile.

With that in mind officers have been liaising with our risk management partners through our insurers and are exploring other risk management solutions with them in lieu of Cyber Insurance.

Ransomware is one of the largest digital risks facing the authority and as such it has become increasingly important to protect our data and have readily available access to offline copies. To facilitate this the Head of ICT led a backup replacement project across the partnership, utilising £350,000 funding from the DLUHC to implement the new back up system, which is now in place and live.

The MHCLG made this funding available following post-incident reviews of cyber attacks against local government organisations. During some attacks backups were deleted to prevent their use, making it harder to avoid paying any ransom. Mitigating this change in tactics, for many councils, required a substantial investment in 'Offline' technology. The designed solution will install an identical set of backup appliances in each of three geographic locations.

The security team within ICT continues to monitor vulnerabilities and these are reported within the report provided to the Corporate Information Governance Group (CIGG). Compliance tickets are raised and monitored to ensure that out of date devices and software are dealt with.

Regular meetings are held with the EKS Security Team and the council to review security risks and to discuss digital projects and preventative measures to be put in place for the authority.

The ITHC (IT Health Check) has been completed by an external company and they tested devices, external firewalls and external websites. The EKS security team is now reviewing the report. In summary across the partnership there was 51 Critical 157 High, 398 Medium vulnerabilities identified. This is much lower than previous scans where the critical vulnerabilities were in the hundreds. Tickets for the critical vulnerabilities are currently being worked on with the high ones being raised with each individual ICT team this week. (W/C 18th September).

Corporate Risk Lead Officer: Head of ICT (EKS)

4.6. Limited Resources (Impact 4, Likelihood 3) Current/Emerging/Future

Strategic, Financial Risk Score 4

The high score for Limited Resources reflects the fact that it is one of the few risks that could result in the council losing control of its own destiny.

As in prior years this means that the Council is restricted to setting a meaningful budget for only one year and although scenarios can be put forward through the Medium Term Financial Strategy (MTFS), a budget position can not be guaranteed due to the various factors outside of the Council's control.

To mitigate this risk the Council undertakes a rigorous approach to budget setting, exploring a wide range of opportunities to minimise spending pressures and maximise our income streams. For the 2024/25 budget setting process this will again include a Star Chamber process, where Service Directors are required to articulate and justify their budgetary requirements to a panel comprising the Leader, the Portfolio Holder for Finance and the Chief Executive and s151 Officer. This process will inform the shape and substance of next year's budget adjustments.

Due to the changing nature and composition of Local Government funding, authorities are becoming increasingly reliant on locally raised sources of funding such as Council Tax and Fees and Charges. Therefore, to mitigate the risk of 'Limited Financial Resources' and enhance our long-term financial sustainability and resilience, it is the view of the section 151 officer that it is essential to optimise these local raised income streams, whilst also considering the affordability constraints of our residents and service users.

In addition, the council has a range of budgetary controls in place to manage spending pressures in-year, including regular reporting of spending forecasts to the Corporate Management Team and Cabinet.

Corporate Risk Lead Officer: Director of Corporate Services & s151 Officer

4.7. Economic Environment (Impact 4, Likelihood 4) Current/Emerging/Future

Service Delivery, Strategic and Financial risk score 4

The UK economy continues to experience inflationary pressures, with the Consumer Price Index at 6.8% as at June 2023 (August inflation data is scheduled to be published on 20 September 2023, which is after the publication date of this report and as such a verbal update will be provided to the committee on the latest inflation estimates).

This has an impact on all items of goods and services that the council has to purchase and consequently presents a risk of overspending against a number of budget headings. Wherever possible this is being managed within the confines of

existing approved budgets, but inflationary pressures will be one of the key budgetary constraints to delivering a balanced budget for 2024/25.

This is particularly prevalent in the construction industry and could lead to a rationalisation of some of our capital projects, to ensure they are delivered within budget, or the potential for significant overspends.

The cost of living crisis is a significant issue for both the Council and all Thanet residents. It is likely to force more households to be homeless (see Homelessness risk below), force more into fuel poverty and have a direct impact on jobs in leisure/retail with households having less disposable income. The council continues to provide financial support and advice to residents where it can, for example via the administration of government funding (e.g. Household Support Fund, Council Tax Energy Rebate) or the provision of tools and information regarding [benefit entitlement](#) on our website and information channels.

The cost of living crisis and the impact of rising inflation continues to place pressure on staffing budgets. For 2022/23 the Council needed to reopen pay negotiations in order to consult on a revised offer. This revised offer resulted in an increase of 1% from 2% to 3% for 22/23, adding an additional cost pressure to be accommodated as part of the 23/24 budget setting process. A 4% offer was agreed with the unions for 2023/24.

Furthermore, given the current economic environment, there is a heightened risk of a reduction in supplier base through mergers, business closure/insolvency, which could impact on our services and also make further procurement more difficult through depleted markets and lack of competition. This risk is addressed through the central management of our supplier base by the Procurement team, who scrutinise the rationale for supplier adoption and undertake a company credit check via Creditsafe.

Corporate Risk Lead Officer: Director of Corporate Services & s151 Officer

4.8. **Homelessness (Impact 4, Likelihood 4) Highest scoring mechanism is financial risk at 4 Current/Emerging/Future**

Service Delivery, Strategic and Financial risk score 4

During 2021, the Council experienced an increased requirement to provide temporary accommodation (TA) for homeless households, and this trend has continued during 2022.

- Increasing costs in the private rented sector, leading to more households struggling with their rent costs, whilst at the same time Local Housing allowance rates have continued to be frozen.
- Landlords leaving the market for sale or short-term letting alternatives.
- Increased demand for private renting in the district, leading to a reduction in the number of private sector lets that are affordable to households on low incomes.

Changing working patterns nationally, the lifting of the 2020/2021 evictions ban on 1 June 2021 and the current cost of living crisis are all compounding these pressures. Local housing allowances have fallen significantly behind average private sector rents as a result of rent inflation. Cases that were delayed as a result of the eviction ban are now progressing through the courts, resulting in additional service and financial pressures.

These pressures have made it much more difficult for the council to prevent homelessness and find suitable, affordable solutions for people facing homelessness in the private rented sector. This has resulted in an increased number of households living in temporary accommodation.

The pressures led to a budget overspend in 2022/23 of around £1.2m and the decision to include budget growth of £800k in the 2023/24 budget.

Corporate Risk Lead Officer: Corporate Director of Place

4.9. **Berth 4/5 (Impact 4, Likelihood 3): Current/Emerging/Future**

Reputation, Service Delivery and Financial risk score 4

The project was delayed whilst an environmental impact assessment was developed to inform planning and marine licensing consents. The original berth was taken out of service in November 2020 due to its deteriorated condition.

A Cabinet decision was made in July 2021 to increase budget provision for the project. The EIA was completed in January 2022. The Planning Prior Approval and Marine Licence were both granted in May 2022.

The berth installation works commenced in June 2022 and reached substantial completion at the end of September 2022. Electrical supply and service lighting installation work was completed at the beginning of August.

The berth is ready for service subject to the installation of an aggregates conveyor by Brett Aggregates. The timescale for the installation of the conveyor has not yet been confirmed.

The change in project programme following the notification that an Environmental Impact Assessment was required has resulted in a financial risk to the council due to extended berth outage and associated contractual costs. The final cost of the work element of the scheme has not yet been determined but is anticipated by the end of October 2023.

Corporate Risk Lead Officer: Director of Environment

4.10. Environmental Act (Impact 4, Likelihood 4) Current/Emerging/Future

Reputation, Service Delivery, Strategic and Financial risk score 4

The Environment Act became law on 9 November 2021. This includes fundamental changes in responsibility for waste and recycling, which will have implications for the way we deliver statutory household waste collections.

As a member of the Kent Resource Partnership, TDC responded to Government consultations in 2021 on consistency of household collections, the Extended Producer Responsibility and a Deposit Return Scheme. Changes affecting household waste as a result of the new act are likely to be implemented from this year. Whilst the act includes provision for new burdens funding and support to local authorities for the proposed changes, the implications for our vehicle fleet and resourcing, income associated with green waste and income from recycling and waste diverted from landfill are not yet clear.

Corporate Risk Lead Officer: Director of Environment

4.11. Change to EPC Requirements in 2023 (Impact 3 Likelihood 4) Current/Emerging/Future

Reputation, Service Delivery, Strategic risk score 3

On 1 April 2023, the next round of EPC Regulations came into force as part of the government's push to achieve net zero emissions by 2050 (under the Energy Performance of Buildings (England and Wales) Regulations 2012)

All rented commercial property needs to have an energy performance certificate (EPC) rating of band 'E' or better and failure to achieve this will see landlords face potential fines, and/or the inability to continue with current leases and/or enter into new lease agreements with potential tenants. This translates to the risk of additional costs or lost revenue to the authority.

There are a number of council tenanted properties that are at risk of not meeting these changes, either because their current EPC rating is below the E rating (i.e F or G) or there are no coherent records to evidence an EPC assessment has been undertaken. There is also a high probability that these properties will require some form of improvement works in order to achieve the required E rating (which is a

landlord cost). To establish a clear cost analysis, EPC assessments need to be undertaken as a priority.

The Estates Department has taken proactive measures to address the EPC assessments for council-tenanted properties. We have to date successfully completed assessments for 85.3% of the properties. To ensure ongoing compliance, we are implementing a robust system for compliance monitoring and management. This will ensure that recommended works are prioritised and included in our planned maintenance program (subject to policy and funding). For properties that require significant retrofitting to meet EPC regulations, we will explore strategies such as targeted disposal. This will enable the council to effectively manage risks, minimise revenue loss, and address any leasing limitations that may arise while also optimising the performance and sustainability of our property portfolio.

Corporate Risk Owner: Head of Property

**4.12. Climate change and Net Zero Strategy (Impact 4 Likelihood 4)
Current/Emerging/Future**

Service Delivery, Strategic and Financial risk score 4

The global attention on climate change and its impacts has never been more focused. The risk that climate change presents to the council and the wellbeing of its residents is stark and will potentially impact the council right across the risk spectrum; including financially, reputationally, in terms of service provision and the wellbeing of our staff and residents. For example, climate change presents an increased risk of extreme weather, such as the heat waves seen during the summer of 2022, which had consequent implications for service provision and also the wellbeing and welfare of our staff and residents.

The organisation has responded to these risks and challenges by declaring a climate emergency in 2019 and subsequently developing a Net Zero strategy, which was approved by the Cabinet on Thursday 2 March 2023.

The Net Zero Strategy shows how the council will meet its net zero pledge and is split into:

- addressing emissions in Thanet District Council's core carbon footprint to achieve net zero by 2030;
- addressing the wider council emissions that we have partial control over by 2050 at the very latest;
- supporting Kent County Council, government, business, industry and the community to reduce emissions generated across the district by 2050 at the latest.

The Net Zero Strategy shows how we will reduce emissions to 2030 and 2050 and will help to avoid the worst impacts of climate change.

As global temperatures have already increased by 1.2oC, some impacts of climate change are already baked in and so we will work with KCC and DEFRA to understand these and the steps we need to take to adapt to those unavoidable impacts.

The progress on the Net Zero Strategy and action plan will be evaluated this year and the risks to achieving our pledge will be set out in the next risk register.

Major risks to meeting our core pledge currently are the very old gas boilers in Cecil Street and the Kent Innovation Centre (KIC). If these are replaced by further gas boilers, instead of air or ground source heat pumps, we will not reach net zero by 2030. These decarbonisation projects will need to start as soon as possible and the decision over the future of the Cecil offices is a critical step in this. The Cecil and KIC gas boiler replacement projects have been added as capital bids and may be part funded by the Public Sector Decarbonisation Fund - which the council will apply for.

Corporate Risk Lead Officer: Head of Strategy & Transformation

5. Other risks

- 5.1. G&A meeting members requested to have oversight of all risks as part of the regular reports. This would however substantially increase the size of the report and so all risks scoring 8 or more after mitigation have been included within **Annex 1**.

Contact Officer: Chris Blundell (Director of Corporate Services)

Reporting to: Colin Carmichael (Interim Chief Executive)