

Rother District Council

Report to	-	Council
Date	-	18 December 2023
Report of the	-	Audit and Standards Committee
Subject	-	Reference from the Audit and Standards Committee

The Council is asked to consider the recommendations arising from the Audit and Standards Committee meetings held on 2 October and 4 December 2023 as set out below.

AUDIT AND STANDARDS COMMITTEE – 2 October 2023

AS23/28. RISK MANAGEMENT UPDATE (9)

Consideration was given to the report of the Corporate Programme, Risk and Improvement Manager that provided a position update on Risk Management processes and the key strategic risks currently facing the Council. It was essential that the Council adopted a strong approach to Risk Management to ensure good governance, especially given the current backdrop of significant financial pressures.

The new Risk Management Policy was approved by the Audit and Standards Committee in September 2022 and reviewed on an annual basis and the risk appetite statements within it revisited and amended each year (where appropriate) to ensure that they continued to meet the Council's requirements.

The Senior Leadership Team (SLT) had reviewed the Policy and recommended an amendment to a risk appetite (target) score and associated risk appetite statement as detailed in the report, as well as a change in responsibility of the Risk Management Coordinator from the Audit Manager to the Corporate Programme, Risk and Improvement Manager.

The Corporate Risk Register (CRR), attached at Appendix A to the report, had also been reviewed and updated by the Corporate Management Team (CMT). No changes to the format of the risk register had been made. Several existing risks had been amended as stated on the register and these were detailed in the report. Two new risks had been added to the register at numbers 17 and 18. Both these risks concerned partner organisations.

Service Plans had recently been introduced, which required all Heads of Service / Service Managers to record and monitor their operational risks in a risk register. The Service based risks were reviewed by the SLT and formed part of the new draft Performance Framework and would be monitored at the new Performance Boards, which Boards met quarterly to monitor all aspects of performance with a particular emphasis on risk.

Members had the opportunity to ask questions and the following points were noted during the discussions:

- Members recommended and agreed that the Senior Leadership Team (SLT) be requested to review Risk 12 (Environmental / Climate Change), to take into account information from the Environment Agency's work on sea defences and that contained within the Rye resilience programme;
- Members recommended and agreed that SLT be requested to review Risk 2 (Social) and consider splitting the risk into three separate areas: Temporary Accommodation, Affordable Housing and Housing List Reduction;
- the five-year housing land supply needed to be disassociated from Risk 2 as this was a planning issue;
- Risk 14 (Partnership / Contractual) needed to be considered in more depth to ascertain the detailed impact of the failure of a neighbouring authority or other partner and would be taken to the CMT;
- the Corporate Risk Register had become a much more dynamic and live document;
- the Council's Monitoring Officer would also be consulted on Risk 18 (Legal / Compliance and Partnership); and
- Members recommended and agreed that SLT be requested to consider expanding Risk 4 (Economic / Financial) to include the Capital Programme, as all Capital Projects were being reviewed to ascertain their viability.

RECOMMENDED: That the updated Risk Management Policy be approved and adopted;

The Committee also **RESOLVED:** That:

- 1) the Corporate Risk Register be noted; and
- 2) the Senior Leadership Team be requested to give consideration to separating Risk 2 (Social) into the three areas of Temporary Accommodation, Affordable Housing and Housing List Reduction, expanding Risk 4 (Economic / Financial) to include the Capital Programme and reviewing Risk 12 (Environmental / Climate Change).

(Councillor Thomas declared a personal interest in this matter as Chair of Rother DC Housing Company Ltd, and in accordance with the Members' Code of Conduct remained in the room during the consideration thereof).

(Audit and Standards Committee Agenda Item 9)

AUDIT AND STANDARDS COMMITTEE – 4 December 2023

AS23/38. DISPENSATION POLICY

(7)

Following the adoption of a new Code of Conduct (CoC) in May 2023, a Dispensation Policy (DP) was required as the provisions for granting

dispensations were not included within the new CoC. At present, the Monitoring Officer was able to grant councillors or co-opted councillors a dispensation from the restriction on speaking and/or voting at a formal Council meeting, if that person had a Disclosable Pecuniary Interest (DPI).

The proposed DP was detailed at Appendix 1 to the report, which included an additional clause that stipulated that no Member would be granted a dispensation to speak to and/or vote on any regulatory matter in which they had a DPI e.g. their own planning / licensing application etc.

Members were fully supportive of the proposed DP and recommended that it be formally approved and adopted and incorporated into the Council's Constitution at Part 5, Codes and Protocols. Members also recommended that the wording 'and details of any dispensations obtained' be added to the Disclosure of Interests item on all Council Agendas.

RECOMMENDED: That:

- 1) the proposed Dispensation Policy be approved and adopted [attached at Appendix A to this report] and incorporated into the Council's Constitution at Part 5, Codes and Protocols; and
- 2) the wording 'and details of any dispensations obtained' be added to the Disclosure of Interests item on all Council Agendas.

Councillor Brian Drayson
Chair, Audit and Standards Committee

Rother District Council

Dispensation Policy

1. Where a Member is prohibited from voting on or participating in discussions on matters in which they have a disclosable pecuniary interest or other registerable interest or non-registerable interest, a Member may on written notice to the Monitoring Officer (by letter or email) request the grant of a dispensation to permit them to participate in the voting or discussions on such matters. A proforma is attached for this purpose.
2. Any written notice given by a Member to the Monitoring Officer in accordance with paragraph 1 above must:
 - (a) Be given:
 - (i) At least five working days before a meeting at which the relevant matter falls to be discussed; or
 - (ii) At least 24 hours before a meeting at which the relevant matter falls to be discussed, exceptionally, where circumstances require, and at the absolute discretion of the Monitoring Officer.
 - (b) Provide details of the matter to be voted on or discussed at a meeting and the nature of the Member's interest in that matter;
 - (c) Specify the grounds on which the dispensation is applied for in accordance with paragraph 3 below;
 - (d) Specify whether a dispensation is requested for a single meeting or on an on-going basis (up to a maximum of four years).
3. A dispensation requested under paragraph 1 may be granted only if, after having regard to all relevant considerations, the Monitoring Officer is satisfied that one of the following grounds for the grant of dispensations applies:
 - (a) Without the dispensation the number of persons prohibited from participating in any particular business would be so great a proportion of the body transacting the business as to impede the transaction of the business (quoracy); or
 - (b) Without the dispensation the representation of different political groups on the body transacting any particular business would be so upset as to alter the likely outcome of any vote relating to the business (political balance); or
 - (c) Granting the dispensation is in the interests of persons living in the authority's area; or
 - (d) Without the dispensation, each Member of the authority's executive would be prohibited by Section 31(4) of the act from participating in any particular business to be transacted by the authority's executive; or

- (e) Considers that it is otherwise appropriate to grant a dispensation.
4. For the avoidance of doubt, a dispensation will not be granted to any Member to speak to and/or vote on any regulatory matter in which they have a Disclosable Pecuniary Interest, such as their own planning / licensing application.
 5. A dispensation granted in accordance with this policy must:
 - (a) Specify the period for which it is granted which must not exceed four years; and
 - (b) Specify whether the dispensation allows the Member to take part in discussions on and/or vote on the matter in which they have a disclosable pecuniary interests or other registerable interest or non-registerable interest.
 6. Any Member who has been granted a dispensation must declare the nature and existence of the dispensation before the commencement of any business to which the dispensation relates.
 7. A copy of the dispensation shall be kept with the Register of Members' Interests and reported to the next Audit and Standards Committee meeting which considered standards-related matters.

Rother District Council

Application for a Dispensation

Councillor:			
Date applied:		Date / Meeting required:	
State the details of the matter / and nature of your interest:			
Specify the grounds you believe apply:	<p>I believe I should be granted a dispensation on the following grounds (delete those that do not apply):</p> <ul style="list-style-type: none"> (a) Without the dispensation the number of persons prohibited from participating in any particular business would be so great a proportion of the body transacting the business as to impede the transaction of the business (quoracy); or (b) Without the dispensation the representation of different political groups on the body transacting any particular business would be so upset as to alter the likely outcome of any vote relating to the business (political balance); or (c) Granting the dispensation is in the interests of persons living in the authority's area; or (d) Without the dispensation each member of the authority's executive would be prohibited by Section 31(4) of the act from participating in any particular business to be transacted by the authority's executive; or (e) Considers that it is otherwise appropriate to grant a dispensation - give reasons here: 		
Period:	<p>I would like the dispensation to apply (please delete):</p> <ul style="list-style-type: none"> (a) For the whole term of my current office (maximum 4 years); OR (b) For the meeting stated above only. 		