

7 March 2019

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| Report of | Assistant Director of Corporate Policy | Author | Dan Gascoyne |
| Title | Brexit – governance and business continuity | | |
| Wards affected | Not applicable | | |

1. Executive Summary

- 1.1 This report gives an update on the Council's governance and business continuity arrangements for Brexit.
- 1.2 The UK's withdrawal from the European Union creates a number of uncertainties for the Council, our communities and businesses. There are different potential risks depending on the eventual exit arrangements. The Council is continuing to monitor the Government's announcements on the implications of the exit from the EU and to bring them to the attention of decision makers at the appropriate level. This includes the potential implications of a 'no deal' Brexit.
- 1.3 Council officers are in regular contact with Government departments, other local authorities and partner organisations to understand and prepare for Brexit and, where possible, mitigate risks. The Essex Resilience Forum is coordinating preparation and communications in the event of a range of scenarios in terms of civil contingencies. Essex Chief Executives are discussing Brexit planning at the county-wide level. The Council is contributing to information gathering, reports and county-wide planning events.

2. Recommended Decision

- 2.1 To note the report's content and overview of the current arrangements.

3. Reason for Recommended Decision

- 3.1 To provide an update on the current position.

4. Alternative Options

- 4.1 Not applicable.

5. Business continuity and local government

- 5.1 Councils have a key role in continuity planning across concerns which may have an impact on their communities. This sort of contingency planning is normal for councils, who do it every month of every year for issues as diverse as bad weather, major disasters or health crises like a flu pandemic. Brexit is one such area where councils aim to be as prepared as they can be in the light of 'what if' uncertainties.
- 5.2 Across Essex, local authorities and public services are working together and planning for leaving the EU. This includes participating in local resilience forums (LRFs). These are multi-agency partnerships made up of representatives from local public services, including the emergency services, local authorities, the NHS, the Environment Agency and others. The [Essex Resilience Forum](#) (the LRF for Essex) has been planning to mitigate any disruption that may be caused by the EU Exit since August 2018.
- 5.3 The Essex Resilience Forum looks at planning for a range of scenarios with the goal of keeping the county safe and running. Essex Police and our partners in the county are reviewing business continuity plans and engaging with government departments to ensure preparations for a range of outcomes are made.
- 5.4 The Council is also keeping abreast of updates, communications and information sharing from many sources including the Ministry of Housing, Communities and Local Government (MHCLG), the East of England Local Government Association (EELGA), as well as from 'subject-specific' professions and disciplines. The Local Government Association (LGA) represents the "voice of local government during the negotiations regarding the UK's exit from the European Union. We (*the LGA*) use our seat at the table to make sure councils can mitigate the risks and capture the opportunities". Councillor Bentley is Chairman of the [LGA Brexit Task Force](#).
- 5.5 The [Local government Brexit preparedness](#) web resource is also facilitating advance planning at national, regional and local levels for councils, partners and other agencies. It provides links to current government guidance to aid ongoing Brexit preparations, is organised into areas of responsibility, and is updated and added to regularly.

6. Business continuity and the Council

- 6.1 Whatever the issue is, the Council seeks to properly prepare, plan and implement as that is the best way to provide continuity for businesses, residents and employees.
- 6.2 The Council is preparing for a range of outcomes relating to Brexit. This will help us to continue delivering services both on a daily basis and over the longer term. Business continuity planning is key to this, and the Committee has the Council's Annual Review of Business Continuity on the agenda of this meeting.
- 6.3 It is currently difficult to predict what the impact will be due to the continuing uncertainties around Brexit. Some issues are already having implications for resources, for example the amount of information relating to preparation and the number of different scenarios. All district councils will receive £35,000 to help prepare for Brexit; this will be allocated to supporting resources when there is greater clarity around where this is most needed.

6.4 Some of the Brexit issues which are being considered by the Council include:

- **Community cohesion:** the potential impact on community cohesion, especially the impact on service delivery and wider resilience resourcing.
- **Community impact:** see section 12 including health, wellbeing and community safety.
- **Communications:** partnership working and signposting residents, businesses and employers to robust information which is continually updated.
- **Data protection:** the potential for extra measures needing to be put in place.
- **Environment:** immediate environmental consequences post 29 March 2019 are likely to be limited, although this could change over time so potential implications for the Council.
- **EU Funding:** see section 11 re potential new burdens and EU funding programmes.
- **Elections:** Current arrangements, in relation to EU nationals being registered and able to vote for local elections will continue, as will the ability for EU nationals to be able to serve their terms as councillors and stand as candidates in the 2019 local elections. A delay to Article 50 may mean EU elections go ahead in the UK.
- **Planning ahead:** as clarity around the 'actual v potential' of Brexit outcomes develops.
- **Procurement:** in practice, it is anticipated that there will be minimal short/medium term changes as EU procurement measures have already been incorporated into domestic legislation and, given the UK will want to access EU markets, the EU is likely to insist on the continuation of many of the regulatory measures.
- **Regulations and Statutory Instruments:** keeping abreast of these and other legal aspects such as the EU Exit Regulations 2019 and the EU Withdrawal Act.
- **Service delivery:** most EU law that governs local authority services has already been incorporated into domestic law and will continue to apply when the UK leaves the EU, regardless of the form that exit takes. On exit, the UK Parliament would then be able to amend or introduce new legislation that affects local government.
- **Watching brief:** being aware of potential risks and opportunities for the Council,

7. Equality, Diversity and Human Rights implications

7.1 The Council's existing Equality Impact Assessments are published on its website [here](#). These would be reviewed in the event of changes to policies, procedures and practices that have an impact on customers and employees.

8. Strategic Plan References

8.1 How the Council governs its business is an underpinning mechanism in the Council's Strategic Plan aims to set out the direction and future potential for our borough.

9. Consultation

9.1 There are no consultation references at this point.

10. Publicity Considerations

- 10.1 Individuals, organisations and employers can use the [GOV.UK website](#) as a 'one stop shop' for information about EU Exit including the article 50 process, negotiations, and announcements about policy changes as a result of EU Exit. It is the key reference resource, as it is continually updated and anyone can [sign-up for e-mail alerts](#). MHCLG is also launching radio and television advertising to highlight the availability of information on the [GOV.UK website](#) for anyone searching for Brexit updates.
- 10.2 Councils across Essex are working together on communications. This includes Essex County Council's [Brexit and you](#) web resource which has three sections - the Brexit process; residents; businesses and employers – offering a condensed 'snapshot' of key questions with links to relevant websites. Colchester Borough Council has added a 'quick link' to [Brexit and you](#) on the footer on each of its [webpages](#).

11. Financial implications

- 11.1 As a share of the £40 million [allocated](#) to local authorities to help prepare for Brexit, all unitary councils will receive £210,000; combined authorities will receive £182,000; county councils will receive £175,000 each; all district councils will receive £35,000.
- 11.2 The Government has said that it will assess and, if appropriate, fund any potential new burdens arising on councils as part of EU Exit work they are undertaking.
- 11.3 It has also secured the UK's participation in EU Funding programmes ([ESIF](#)) until 2020, and committed to a domestic fund, the UK Shared Prosperity Fund SPF, post 2020. to replace the money that local areas currently receive from the European Union.

12. Health, Health and Safety, Wellbeing and Community Safety Implications

- 12.1 The Government and the NHS have been making plans to ensure continued access to [medication](#), along with [operational readiness guidance for the health and social care system in England](#).
- 12.2 Wellbeing can include many factors such as planning, housing, licensing, environmental health protection, health and safety and economic development. Officers are keeping abreast of technical notices and guidance based on a range of potential scenarios.
- 12.3 The [Safer Colchester Partnership](#) consists of the Council, Police, Probation, Health and Fire Services. The partnership works to 'protect, reduce and address' community safety concerns and this includes anything that has the potential to raise any such concerns.

13. Risk Management Implications

- 13.1 The Annual Review of Business Continuity is an item on the agenda of this meeting. Every service within the Council has their own Business Continuity Plan. The Council also has an Incident Management Plan which covers the entire organisation. These plans would be activated by the Council's senior management team if needed.
- 13.2 The Council is taking part in relevant meetings and training. Recent examples include attending a Multi-Agency Information Cell (MAIC) Co-ordinator training session and being among 200 participants in Essex Resilience Forum's EU Exit exercise.