

<b>Mayor and Cabinet</b>		
<b>Report Title</b>	London Borough of Lewisham's Brexit Preparations	
<b>Key Decision</b>	No	Item No:
<b>Ward</b>	All	
<b>Contributors</b>	Executive Director for Corporate Services	
<b>Class</b>	Part 1	Date: 10 October 2019

## Summary

1. Brexit has potentially significant implications for local authorities in terms of budgets, the local economy, the regulatory framework and service provision, as well as community cohesion. This report provides an update on how the Council is preparing for the United Kingdom's exit from the EU.

## Recommendation

2. Mayor and Cabinet are asked to note and comment on the findings of this report.

## Policy Context

3. Lewisham's Corporate Strategy 2018-2022 sets out the Council's vision for residents for the next four years. The Council's corporate priorities are:
  - Open Lewisham – Lewisham is a welcoming place of safety for all where we celebrate the diversity that strengthens us.
  - Tackling the housing crisis – Everyone has a decent home that is secure and affordable.
  - Giving children and young people the best start in life – Every child has access to an outstanding and inspiring education and is given the support they need to keep them safe, well and able to achieve their full potential.
  - Building an inclusive local economy – Everyone can access high-quality job opportunities, with decent pay and security in our thriving and inclusive local economy.
  - Delivering and defending: health, social care and support – Ensuring everyone receives the health, mental health, social care and support services they need.
  - Making Lewisham greener – Everyone enjoys our green spaces and benefits from a healthy environment as we work to protect and improve our local environment.
  - Building safer communities – Every resident feels safe and secure living here as we work together towards a borough free from the fear of crime.
4. Mayor and Cabinet will be aware that on 3 October 2018 full Council agreed a Motion to full Council setting out the full Council's views which included the following:

- If the UK leaves the European Union, our country will be permanently poorer, have diminished influence in the world and the greatest burden will fall on the poorest and youngest in society;
- For communities up and down the country, jobs and businesses are under threat and it is absolutely right for local authorities to be making a stand on their behalf;
- Any form of Brexit will damage the NHS; the Nuffield Trust projects the economic impact will translate into an annual £2.4bn shortfall in funding, but the economic impact is not the only area on which we need to be focusing;
- Since the referendum there has been a marked increase in hostile behaviour towards immigrants and an unpleasant and dangerous increase in nationalism and xenophobic attitudes in this country;
- That Councils already struggling as a result of the “austerity” policies of this government and the constituents they represent, will be hit hardest by the detrimental economic effects of Brexit.

## Background

5. On 23 June 2016, the UK voted in a referendum on whether the UK should ‘remain’ in or ‘leave’ the European Union. The UK as a whole voted to leave the EU with 52% of those registered voting in favour of leaving the EU. In Lewisham, 69.9% of those registered to vote voted to remain in the EU. On 29 March 2017, the former Prime Minister triggered article 50 and began the two-year countdown to the UK formally leaving the EU. While the UK was due to leave the EU on March 29 2019, the EU agreed for Article 50 to be extended twice – initially to 30 June 2019, and subsequently to 31 October 2019.
6. In July 2019, Boris Johnson became Prime Minister, pledging to leave the European Union on 31 October, with or without a deal in place. From July, the Government has been stepping up its plans to prepare for a no-deal Brexit scenario which is the central planning assumption in Whitehall.
7. The European Union (Withdrawal) (No.2) Act 2019 was enacted on the 9 September. The Act requires a delay to Brexit beyond October 31 unless a divorce deal is approved or Parliament agrees to leaving the EU without a deal by 19 October 2019. In August, the Prime Minister advised the Queen to prorogue parliament from 9 September to 14 October. However, on 24 September the Supreme Court ruled that this advice and the prorogation were unlawful. Therefore, Parliament was not prorogued on 9 September and the previous parliamentary session resumed on 25 September 2019.
8. On 2 August 2019, the Government’s ‘Operation Yellowhammer’ report was leaked to the press. The report was subsequently published by the Government in September 2019. The document identifies a series of ‘reasonable worst case assumptions’ for the impact of a no-deal Brexit on 31 October 2019. Operation Yellowhammer identifies the following planning assumptions:
  - Transport disruption due to immediate controls at the French border. This may last up to three months and will specifically impact Kent.

- Increased immigration checks for UK citizens travelling to and from the EU.
  - Disruption to the supply of medicines and medical supplies.
  - Decreased supply of certain fresh foods, reducing the availability and choice of products.
  - Disruption to the flow of personal data from the EU where an alternative legal basis for transfer is not in place.
  - Protests and counter-protests across the UK as well as a potential rise in public disorder and community tensions, potentially absorbing a significant amount of police resource.
  - Disruption of fuel distribution to London and the South-East.
  - Low income groups will be disproportionately affected by any price rises in food and fuel.
  - Growth of the “illegitimate economy”.
  - Adult Social Care provider failure from 2 months after no-deal Brexit due to increased inflation leading to increased staff and supply costs. Winter pressures may exacerbate challenges facing social care providers.
9. The lack of clarity around the specifics of the UK’s exit from the European Union has created considerable uncertainty for the country and local government. While Operation Yellowhammer provides some clarity about the government’s planning assumptions, there is still a high degree of uncertainty about the longer term impacts of a no-deal Brexit on local services. The Council’s Brexit preparedness planning began in early November 2018. Working on the government’s central planning assumption at the time, Lewisham’s preparations were focused meeting the original exit date from the EU on 29 March 2019. Subsequent work has been focused on updating risk assessments and addressing new government guidance as it is published.
10. The constantly shifting position with regards to Brexit also leads to changing potential implications for local government to consider. The government plans to publish an updated version of Operation Yellowhammer to reflect its current planning assumptions and a recent National Audit Office (NAO) report has found that there is “still significant work to be done” around securing medical supplies in the event of a no-deal Brexit.

## **London Borough of Lewisham Preparations for Brexit**

11. Brexit has potentially wide-ranging implications for local authorities in terms performance of functions, provision of services as well as impacts upon the local community. This section of the report provides an update on specific issues arising and action being taken as Lewisham prepares for the United Kingdom’s exit from the EU.
12. The Council’s preparations to date have included:
- assimilating a wide range of national guidance from government departments into local planning;
  - participation in, regional co-ordination across local government and weekly submissions to the London Resilience Forum and London Councils;
  - engaging with partners through the Local Resilience Forum,
  - meeting with the police and coordinating with health partners through the South East London Sustainability and Transformation Partnership;

- providing direct support to EU nationals both residents and staff;
- communication initiatives to increase awareness of EU Settled Status (EUSS);
- assessing impact on the Council's finances;
- evaluating Council service risks,
- testing business continuity plans for a variety of Brexit related scenarios informed by government guidance and Operation Yellowhammer.

## Lewisham Brexit Coordination Group

13. Established in November 2018, Lewisham's Brexit Coordination group coordinates the Council's Brexit preparation activities, oversees a cross-directorate action plan and disseminates national guidance across the organisation. The Group comprises of representatives from each of the Council's four directorates, officers for key corporate services such as Human Resources, legal and finance and the Chair of the Local Resilience Forum. At the time of writing, the Brexit Coordination Group meets weekly and works in liaison with the London-wide regional co-ordination arrangements for Brexit planning.
14. The Council's Brexit Action Plan has been refreshed to reflect the extended Brexit deadline of 31 October. The Action Plan is regularly updated to reflect progress against actions. All directorates are preparing their services to support business continuity arrangements.
15. The Group is also monitoring the demand for key services, such as schools, children's social care, housing and homelessness to establish if there is evidence of an increase in demand as we move towards Brexit on 31 October and beyond. The Council has been in contact with the operators of local food banks to assess current levels of demand for food. Over the school holidays, there were increasing numbers attending food banks and there is concern that any potential adverse economic impact of Brexit will significantly increase demand for food, while at the same time reducing contributions from donors.

## Participation in regional and sub-regional preparations

16. Preparations for a no-deal Brexit have been coordinated across London since February 2019 through the London Resilience Forum and London Councils. Robust reporting arrangements have been in place to provide for two way communications on no-deal preparations being made. London boroughs are identifying key issues and communicating these to the London-wide coordination group on a weekly cycle. Issues are escalated to the Ministry of Housing Communities and Local Government as appropriate, highlighting to Government the key concerns of the sector. The Chair of Lewisham's Brexit Coordination Group also participates in regular teleconferences with the Secretary of State for Housing, Communities and Local Government.
17. The Chair of the Brexit Coordination Group, the Director of Public Protection and Safety and the Chair of the Local Resilience Forum meet fortnightly with the police to share intelligence and ensure coordination at a local level. The Coordination Group is also in contact with the South East London Chamber of Commerce to ensure coordination with local businesses who are also preparing for Brexit. Additional workshops are being organised for local companies setting out the possible impact of Brexit for their business, through the Council's European

Regional Development Fund Growth Programme. The borough's university, Goldsmiths, has been working closely with Universities UK to assess impact and readiness for Brexit. This includes speaking to European partners, communicating to staff and students about EUSS and liaising with relevant authorities about EU funding.

## Supporting EU nationals

### European Union Settlement Scheme (EUSS)

18. The European Union Settlement Scheme (EUSS) allows EU citizens to continue to live, work and study in the UK.
19. In May 2019, the Council launched a local service to help EU residents applying for Settled Status. The Customer Service Centre offers an in-person verification process for EU nationals who wish to have their ID documentation verified at the council. By September 2019, 222 people had used the in-house ID verification service.
20. Over 1.5 million EU nationals have applied for EU Settled Status in the UK. In Lewisham, there are 20,826 EU nationals on the electoral register. In Lewisham, 10,810 EU nationals have applied for settled status as of September 2019. The Council is committed to doing further work to promote the scheme.

### Employees

21. Since January 2018, Lewisham Council has collected nationality data for all new employees. The Council is currently aware of 22 of Lewisham employees who are EU nationals, however this figure does not include employees who joined the Council before 2018. Human Resources has put measures in place to improve the recording of this information in order to provide targeted support for EU nationals working for Lewisham.
22. An information event was held in March 2019 for EU national employees of the Council. The event was led by an experienced EU immigration lawyer and provided an opportunity for staff to find out more about applying for EU Settled Status. In total about 40 Council employees attended the event to find out more about the Settled Status scheme.

### Communications

23. The Secretary of State for MHCLG has advised councils to ensure clear communication to local residents and businesses to support their own preparations for Brexit. The Council has dedicated webpages about Brexit that went live on 16 January 2019. As at September 2019, there have been 8,365, visits to the [Brexit webpages](#).
24. The webpages are monitored to ensure that information is up to date. In August, the *Advice to EU citizens running a business* section on the webpage was changed to *Business and Brexit* and now includes links to guidance and the application process for businesses needing to import or export after the end of October.

25. Internal communications activity on Brexit has included a dedicated Intranet page for staff who are EU citizens, items on News for You and updates in the Chief Executive's newsletter. The Communications team continue monitoring for news on Brexit and further targeted work is to be done with staff who are EU Nationals.
26. The Council has developed a targeted marketing and communications campaign, using posters and leaflets in the borough's libraries, in Lewisham Homes properties as well as via social media and the website. A community engagement event is being planned to support Lewisham's EU nationals apply for EUSS.

## Finance and EU Funding

27. As a member of the EU, the UK can currently participate in a range of funded programmes such as the European Structural and Investment Funds (ESIF), grant funding for research and strategic investment funding among other streams. Currently, the Council's DeK Business Growth programme receives £1 million funding from the European Regional Development Fund. The government has guaranteed to cover all EU-funded projects from 2014-2020. The government's 'Shared Prosperity Fund', a new regeneration funding programme, is the UK's proposed replacement for ESIF funding. However, as it stands the government's consultation paper on the 'Share Prosperity Fund' has not yet been published.
28. Local government is already facing considerable funding challenges which are likely to be exacerbated by the financial impacts of Brexit. The government's analysis (Yellowhammer) recognises that the possible impacts of Brexit will impact lower-income families most. Depreciation of the pound (raising the cost of imported goods such as food, clothing and fuel) and disruption to supply chains will increase the cost of living. In turn this is likely to increase pressure on Council services as levels of need rise and may impact the ability of residents to afford to pay Council Tax and Business Rates, upon which the Council is increasingly reliant as key funding sources. Moreover, although the recent one-year settlement provides local authorities with some certainty about budgets, councils await a long-term funding solution in order to plan more effectively for the longer-term. The financial situation with regards to Brexit is continually monitored by the Interim Chief Finance Officer.
29. In January, the Ministry for Housing, Communities and Local Government (MHCLG) announced that local authorities would receive a share of £56.5m to help support preparations for Brexit. The allocation of this money was split over two financial years, with £20m received in 2018/19 and £20m received in 2019/20. As a share of this £40m allocated to local authorities, London Boroughs and unitary councils were allocated a total of £210,000 each. In August, MHCLG announced a further £105,000 for London Boroughs to be used to support Brexit preparations. To date, a portion of this funding has covered staffing capacity for the ID verification scheme for EUSS applicants, communications activity and Brexit planning coordination work. The balance is being held to be allocated when there is a clearer picture of need across the borough.

## Council Services

30. Each of the key service areas below have identified that their service will potentially be directly impacted by Brexit. Work to understand and assess the risks and actions necessary in each area has been coordinated by the Brexit Coordination

group and the specific challenges for each area are outlined below.

## **Social Care**

31. Nationally, Social Care services are facing significant funding challenges and may be therefore particularly sensitive to any national economic downturn as a result of Brexit. The Department of Health and Social Care has produced guidance for adult and children's social care providers with regard to Brexit preparations. The guidance recommends that social care services and providers conduct risk assessments and review their business continuity plans to reflect Brexit risks. There is the potential for future staffing shortages if current EU nationals return to the EU or do not apply for EUSS. Currently, this risk is low but will continue to be monitored after 31 October to evaluate the ongoing impact of Brexit on staff retention.
32. Brexit preparations for health and adult social care are coordinated at a South East London level and joint planning mechanisms are in place across NHS England and the Association of Directors of Adult Social Services to coordinate Brexit preparedness. The South East London Sustainability and Transformation Partnership (OHSEL) is coordinating the South East London Brexit Oversight Group. This group includes six local authorities, Clinical Commissioning Groups, NHS Trusts and local health providers in South East London in relation to Health and Social Care.
33. There are a number of organisations providing social care services to adults in Lewisham. Local providers have been contacted seeking assurance that risk assessments have been carried out. All providers contacted have responded with assurances and have been asked to alert the Council if there are any changes to their situation. Providers have also been given advice and information to share with staff about applying for EUSS and have been advised to continually check government guidance for new information.

## **Schools and children's services**

34. The Council is responsible for identifying EU Looked after Children and Care Leavers and ensuring that they have applied to EUSS. The Council is working to identify all children and care leavers eligible for EUSS in order to support them in their application.
35. For schools in Lewisham, risks are a potential loss of teaching staff, disruptions to food supplies impacting on school catering provision and that a reduced demand for school places which would impact schools' funding and the delivery of capital projects such as school building. Lewisham's Education Services have contacted schools with an offer of support with applications to EUSS and are currently working with schools to mitigate any potential oversupply for school places. Lewisham has a coordinated school meals offer covering the majority of schools in the borough. The schools catering contractor source 86% of their produce from either UK producers or non-EU supply chains and is confident that they can sustain supplies and services to Lewisham Schools, and have adequate mitigation strategies in place.
36. For the Children's Social Care and Commissioning services, the range of risk areas

identified as a result of Brexit extend to Children-in-Need and children on Child Protection Plans with family members who are EU nationals, Children Looked After by the Council and Care Leavers. As at 30/09/19 there are 21 Children Looked After and 11 Care Leavers who have identified as EU nationals and will be require support to apply for British Citizenship. In addition, the service has recognised that there could be a further risk to children and young people as a result of shortages of medicines.

37. Consideration has also been given to the risk arising from third party service provision such as foster carers who, as EU nationals, may decide to return to the EU (an action which may cause a reduction in available foster home placements). A similar issue could also impact residential provision staffed by EU nationals, who choose not to make a Settled Status application and decide to return to the EU.
38. The Children's Social Care and Commissioning Services are taking active steps to address the areas of risk highlighted above. All children who have been identified as EU nationals are being supported to remain – including, where necessary with legal support from a Department for Education funded programme delivered by Coram.
39. Arrangements are in place for social work staff to talk with parents and carers of Children-in-Need, those with Child Protection Plans, Children Looked After and our Care Leavers who have medication needs to ensure that they have adequate supplies for the coming months.
40. In addition to the above, it has been confirmed that there are no in-house foster carers who require support to remain in the UK. Furthermore, all contracted/external providers are being contacted to request either their Business Continuity Plans (including any Brexit risks) or a written statement on potential impact and mitigation of (no deal) Brexit.

## **Regulatory services**

41. Many local government services and activities are affected by EU rules including procurement, environmental health and trading standards. The European Union (Withdrawal) Act 2018 will end the supremacy of EU law in UK law, convert directly applicable EU legislation into domestic law at the moment of exit and will preserve legislation previously made in the UK to implement EU obligations. According to government guidance, the legislation will generally have the same effect as before the UK left the EU unless it is changed by Parliament, but some legislation has been amended by Statutory Instruments made under the European Union (Withdrawal) Act 2018. This is to ensure that legislation will work properly once the UK has left the EU.
42. Lewisham Council's Trading Standards service has conducted a thorough risk assessment and have identified a number of changes and challenges associated with Brexit. The lack of clarity for post-Brexit consumer markets is a major threat that cannot yet be quantified. It is likely that enquiries from businesses will increase significantly and Trading Standards will need to advise accordingly. There is currently no further information regarding the introduction of or access to new UK systems that are to replace current EU systems. The service is closely monitoring government guidance and technical notices and works closely with other boroughs

and the London Trading Standards Board which regularly liaises with central Government on a range of issues. Similarly, there is still uncertainty regarding the level of staffing and training required to comply with changes to import and export regulations in the event of a no-deal Brexit. Additional capacity and training is likely to be necessary in the case of a no-deal exit from the EU.

43. In the event of a no-deal Brexit, public procurement regulations will remain broadly unchanged after Brexit. The key difference for contracting authorities will be the need to send advertisement notices to a new UK e-notification service, Find a Tender (FTS), instead of the EU Publications Office. FTS will be deployed at 11pm on 31 October in the event of a no-deal Brexit. The Council's procurement rules are consistent with the guidance issued by government about post-Brexit procurement arrangements.

### **Housing, Homelessness and Capital Programme Delivery**

44. Under the Homelessness Reduction Act, the Council has an obligation to provide housing and homelessness advice to anyone who approaches us, to prevent homelessness or help homeless people find accommodation, regardless of housing eligibility status. Advice from government to date has indicated that EEA nationals will continue to be eligible for benefits and assistance as before. EEA residents will be supported to apply for EUSS by December 2020. All staff are receiving updated information summaries to ensure they are aware of current government advice as well as legal advice agencies that can support EEA nationals.

45. The Housing and Homelessness Service monitors approaches to the service and will continue to monitor the status of approaches beyond October 2019. The service is ready to respond to any increased workload as a result of increased demand.

46. The service has ongoing relationships with neighbouring boroughs in homelessness and rough sleeping as well as with other boroughs via London-wide forums. Impacts of Brexit on homelessness and issues in regard to displacement of individuals are routinely monitored and discussed.

47. There is a risk around cost and material supply for housebuilding and repairs, as well as a possible shortage in skilled labour in the building trade. The Council is in ongoing discussions with contractors to ensure supply chain and labour is available to complete delivery of projects.

### **Data protection**

48. When the UK leaves the EU, the Data Protection Act 2018 would remain in place and a UK version of General Data Protection Regulations (GDPR) will be incorporated into UK law. In the event of a no-deal Brexit, the UK will be considered a 'third country'. Although the Data Protection Act ensures that personal information from the UK can flow into the EU, data from the EU flowing into the UK will be considered an international transfer and will not flow freely.

49. Lewisham's Information Governance Team have identified all data flows from an EU country into the Council, including all data hosted in an EU cloud. Only one

application is hosted in the EU which is used to carry out email communications with multiple email accounts. This is not a 'core' business application but the Council is working to mitigate any impact on business as usual.

## **Emergency Planning**

50. The Emergency Planning and Business Continuity Service within the Public Services Division of the Corporate Services Directorate is responsible for working across the organisation and alongside borough partners to develop and maintain arrangements to prepare, respond and recover from emergencies. The service also ensures the Council has business continuity management arrangements in place so that key services can continue to deliver critical services in any eventuality. The service has a long track record of successfully responding to incidents in the borough and in London.
51. The Council maintains robust and well-rehearsed arrangements for responding to emergencies. Selected officers are on call at all hours every day of the year and are trained to manage the Council's response to whatever may occur. The Council is also part of the London-wide emergency planning arrangements and has played a significant part in responding to some of the major incidents in recent years. It is these arrangements which will be used to manage any incidents arising from Brexit.
52. Any emergency or disruption as a result of Brexit is highly likely to be London wide if not country wide so the response and recovery will be centrally coordinated and locally delivered. Any emergency or disruption, other than civil disorder, is likely to emerge over days as opposed to immediately. This means that those coordinating and responding will have the opportunity to plan and manage resources.
53. The Emergency Planning and Business Continuity Service is undertaking a series of exercises with key service leads about their business continuity arrangements. These exercises will focus on some potential incidents that may arise as a result of Brexit, and are designed to test and strengthen the services' business continuity arrangements.

## **Financial implications**

54. As stated in section 5, there are potentially many varied and significant financial implications of Brexit, both for local citizens and businesses which may impact the Council and for the Council itself, which cannot be fully assessed and quantified at this stage. Central government has allocated £315,000 to Lewisham to prepare for Brexit of which some £60,000 has been earmarked to date for supporting work in respect of settled status, communications, and planning coordination. Should the costs to the Council of responding to the impact of Brexit not be covered by government they will need to be borne within existing service budgets where possible or, if not possible, funded from Council reserves until service costs can be brought back within budget.

## **Legal implications**

55. The legal implications of Brexit, particularly if there is a "no deal" Brexit are very wide ranging. They are dependent in part on precisely what form of Brexit may

occur and the steps taken by the UK and EU governments in such circumstances. Some of the potential legal implications for the Council are explained in the body of the report. Within the context of this report it is possible to give a summary only.

56. The European (Withdrawal) Act 2018 (EUWA) will end the supremacy of EU law in UK law on exit and will convert directly applicable EU legislation into domestic law. Legislation will generally have the same effect as before leaving the EU unless changed by Parliament. Some legislation will however have been amended by Statutory Instruments (SI's) to correct "retained EU law" to make it work properly once the UK has left the EU. Statutory instruments have already been made and are continuing to be made under EUWA.

57. The Lawyers in Local Government (LLG) have noted that the following are the principal Brexit related SI's with EU exit local government implications to date :

- The Allocation of Housing and Homelessness (Eligibility) (England) (Amendment) (EU Exit) Regulations 2019 (SI 2019/861)
- The Environmental Assessments and Miscellaneous Planning (Amendment) (EU Exit) Regulations 2018 (SI 2018/1232)
- Environment (Amendment etc.) (EU Exit) Regulations 2019 (SI 2019/458)
- Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019 (SI 2019/579)
- The Childcare (Miscellaneous Amendments) (EU Exit) (England) Regulations 2018 (SI 2018/1116)
- The Jurisdiction and Judgements (Family) (Amendment etc) (EU Exit) (No.2) Regulations 2019 (Si 2019/836)
- The Social Security (Amendment) (EU Exit) Regulations 2019 (2019/128)
- The State Aid (EU Exit) Regulations 2019
- The European Structural and Investment Funds Common Provisions (Amendment) (EU exit) Regulations 2019 (SI 2019/785)
- The Local Government (Miscellaneous Amendments) (EU Exit) Regulations 2018
- The Data Protection, Privacy and Electronic Communications (Amendments etc) (EU Exit) Regulations 2019
- Public Procurement (Amendment etc.) (EU Exit) Regulations (Si 2019/560)
- The Employment Rights (Amendment) (Eu Exit) Regulations 2019 (SI 2019/535)
- The Employment Rights (Amendment) (EU Exit) (No.2) Regulations 2018
- The Recognition of Professional Qualifications (Amendment Etc.) (EU Exit) Regulations 2019 (SI 2019/312)
- The Health and Safety (Amendment) (EU Exit) Regulations 2018 2018 No.1370

Explanations of their effects can be found within an LLG paper at :

[https://www.lawyersinlocalgovernment.org.uk/news\\_articles/llg-publishes-guidance-on-eu-exit-statutory-instruments-with-local-government-impact](https://www.lawyersinlocalgovernment.org.uk/news_articles/llg-publishes-guidance-on-eu-exit-statutory-instruments-with-local-government-impact)

58. LLG have also noted that the main core policies held by a local authority which might be affected by EU Exit SI's are :

- Planning & Building Policy
- Planning Enforcement Policy
- HSAB Escalation Policy
- Local Plan

- Licensing Policy
- Environmental Enforcement Policy
- Recycling & Waste Policy
- Transport Policy
- Allocations Policy
- Housing Enforcement Policy
- Children Missing Education
- Safeguarding Adults Policy
- Foster Carers Delegated Authority Policy
- Local Housing Allowance Policy
- Equal Opportunities and Human Rights Policy
- Procurement, Tenders & Contracts Policy
- HR Policies- Pensions, Redundancies, Redeployment, Capability, Recruitment, Disciplinary, Whistleblowing etc.

59. Future decisions will, as those decisions arise, need to take into account the detailed consequences of changes in legislation on particular issues.

60. However, more generally in relation to a “no deal” Brexit, legal implications that would arise would include those relating to UK-EU trade in goods and services, UK-EU border issues, EU funding, the rights of UK citizens in the EU and EU citizens in the UK, EU-UK data transfer, UK trade with non EU countries and UK-EU future relationship negotiations. In the absence of agreements for pre-Brexit reciprocal arrangements to continue post Brexit, significant amendments are likely to be needed to UK law to remove references to the previous reciprocal regime; clarify the basis for the replacement UK regime and set out what will happen to UK procedures that straddle the two regimes.

61. Potential consequential effects as set out in the “Yellowhammer” documents have been noted above at paragraph 4.4. Were a no deal Brexit to occur, all consequential effects would need to be carefully monitored to ensure that the Council continues to comply with all its legal and statutory obligations from any consequences that may arise as a result.

62. The Equality Act 2010 (the Act) introduced a public sector equality duty (the equality duty or the duty) which replaced, broadened and expanded upon similar duties which already existed in relation to race, disability and sex. It covers the following nine protected characteristics: age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

63. In summary, the Council must, in the exercise of its functions, have due regard to the need to:

- eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act.
- advance equality of opportunity between people who share a protected characteristic and those who do not.
- foster good relations between people who share a protected characteristic and those who do not.

64. The duty continues to be a “have due regard duty”, and the weight to be attached to it is a matter for the Mayor, bearing in mind the issues of relevance and proportionality. It is not an absolute requirement to eliminate unlawful discrimination, advance equality of opportunity or foster good relations.

65. The Equality and Human Rights Commission has issued Technical Guidance on the Public Sector Equality Duty and statutory guidance entitled “Equality Act 2010
66. Services, Public Functions & Associations Statutory Code of Practice”. The Council must have regard to the statutory code in so far as it relates to the duty and attention is drawn to Chapter 11 which deals particularly with the equality duty. The Technical Guidance also covers what public authorities should do to meet the duty. This includes steps that are legally required, as well as recommended actions. The guidance does not have statutory force but nonetheless regard should be had to it, as failure to do so without compelling reason would be of evidential value. The statutory code and the technical guidance can be found at:
- <https://www.equalityhumanrights.com/en/publication-download/services-public-functions-and-associations-statutory-code-practice>
  - <https://www.equalityhumanrights.com/en/publication-download/technical-guidance-public-sector-equality-duty-england>
67. The Equality and Human Rights Commission (EHRC) has previously issued five guides for public authorities in England giving advice on the equality duty:
- The essential guide to the public sector equality duty
  - Meeting the equality duty in policy and decision-making
  - Engagement and the equality duty
  - Equality objectives and the equality duty
  - Equality information and the equality duty
68. The essential guide provides an overview of the equality duty requirement including the general equality duty, the specific duties and who they apply to. It covers what public authorities should do to meet the duty including steps that are legally required, as well as recommended actions. The other four documents provide more detailed guidance on key areas and advice on good practice. Further information and resources are available at:
- <https://www.equalityhumanrights.com/en/advice-and-guidance/public-sector-equality-duty-guidance>

## **Equalities implications**

69. Brexit has and will have an impact across all of the country however, particular vulnerable groups could be significantly affected if left unsupported. These groups include, but are not limited to, EU nationals and their families (particularly those who do not speak the English language), families on lower incomes, those in receipt of support from social services and people who are homeless.
70. Preparations around the EUSS are of particular note as people are required to apply to retain a right to live and work in the UK may not speak English or reside in hard-to-reach communities. The Council continues to promote the EUSS on the Council website and through work with our Voluntary and Community Sector partners, and provides direct support through our in house verification process.
71. The council has encouraged workers to apply through the EUSS to ensure they retain the right to continue living and working in the UK. The Council has made it

clear that staff are valued as employees and has taken steps in communications to reassure and support staff.

72. The Council is mindful of potential community tensions as the Brexit situation progresses, particularly as there may be an increase in community tension and hate crimes, as seen in the lead up to and aftermath of the EU referendum. The Council will monitor community tension and work with local partners across all sectors to promote cohesion and tolerance. Working with partners, including the police, the Council will take appropriate action to protect and ensure the safety and wellbeing of all communities and cultures.

## **Climate change and environmental implications**

73. There are no specific climate change and environmental implications that arise directly from this report.

## **Crime and disorder implications**

74. The lead up and aftermath of the EU referendum in 2016 saw an increase in hate crime and racist attacks across the London and the UK more widely. A series of pro and anti-Brexit protests have taken place in London and more campaigning activity. The government is planning for “protests and counter protests” taking place across the UK as well as a “rise in public disorder and community tensions”. The Council will continue to work closely with the police and voluntary partners to monitor and respond to any rise in community tensions.

## **Background papers**

75. [Corporate Strategy 2018-22](#)

## **Report author and contact**

76. Barrie Neal, Director of Corporate Policy and Governance. 02083149852.