



Cabinet
11 March 2019

**Report from the Strategic Director
of Performance, Policy, and
Partnerships**

Risk assessment: Leaving the EU without a deal

Wards Affected:	All
Key or Non-Key Decision:	Non- Key Decision
Open or Part/Fully Exempt: (If exempt, please highlight relevant paragraph of Part 1, Schedule 12A of 1972 Local Government Act)	Open
No. of Appendices:	One: <ul style="list-style-type: none">Brent Council No Deal Brexit Risk Assessment
Background Papers:	N/A
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1.0 Purpose of the Report

- 1.1 To identify and mitigate the risks of a no deal Brexit

2.0 Recommendations for Cabinet

- 2.1 Note the contents of the Risk Assessment (appendix one)
- 2.2. Note the details of the EU settlement scheme campaign as set out in sections 3.5 and 3.6

3.0 Detail

- 3.1 As part of our preparations for Brexit, the possibility of leaving the EU without a deal is being considered. There are risks across different areas of the council if we leave the EU without a deal, and these are outlined in the risk assessment (appendix A) along with mitigations. It is important to note that this risk assessment is a dynamic document and will be updated weekly. It will be published on the council's website Brexit page.

- 3.2 A Brexit Co-ordination Group to monitor the changes and risks associated with leaving the EU has been established. This group comprises of senior officers from across the council, nominated by strategic directors. It meets weekly and considers new information both from central government and from local services.
- 3.3 The risk assessment has been divided into nine key areas, from guidance issued by central government, and from local Brent knowledge of the Brexit co-ordination group. These areas are:
- Workforce
 - Social Care
 - Children and Young People
 - Regulatory services
 - Supply chain
 - Local partnership working
 - Community engagement
 - Regional and local growth
 - Data and information handling
- 3.4 The London Resilience Forum (LRF) which ensures London's preparedness in the event of emergencies, requests weekly updates in a number of areas. These updates are used to inform the risk assessment. Within these updates, the LRF collects weekly or monthly figures in different areas which they have identified might be early indicators of issues relating to Brexit. These weekly and monthly figures have been included in the risk assessment.
- 3.5 The EU settlement scheme has been introduced so that EU nationals who currently reside in the UK can continue to live and work in the UK. Brent has an estimated 67,000 EU nationals living in the borough. This is the largest number in London. Our EU residents are integral to our society and contribute in many ways, not least in working across many different sectors, including the public sector, and the third sector. Raising the awareness of this scheme to our residents must be a priority to ensure, in the short term, continued stability in the borough.
- 3.6 EU citizens can apply to the pilot scheme now, but until 29 March, this will cost them £65 (although they will get this money back at a later date), and they will have to prove they have exercised their treaty rights. From 30 March, the scheme will be free, and EU citizens will have to prove they have lived here but will not have to prove they have exercised their treaty rights. As such we are currently promoting an information evening about the EU settlement to be held on 27 March 2019 giving residents the opportunity to ask questions about the scheme. From the beginning of April we will raise awareness of the EU settlement scheme through a communications campaign, which will include a targeted social media campaign as well as posters and leaflets across the borough, and a letter to all EU citizens registered to vote on the open register.
- 3.7 As more detail around leaving the EU emerges, it will become clearer what risks there are. The Brexit Co-ordination Group will continue to monitor and respond

as the situation changes. It is important to note that leaving the EU is likely to incur change regardless of whether we leave with or without a deal.

4.0 Financial Implications

- 4.1 There are still no final decisions about how the UK will leave the EU, and the cost to local government is still unknown. As such, there may be further costs to the council as a result of leaving the EU.

5.0 Legal Implications

- 5.1 When the UK leave the EU all EU law will transpose into UK law, following which the UK Government will be able to keep, amend or discard each law under the European Union (Withdrawal) Act 2018. Regulations to address legal issues arising from Brexit can be made under the Act. Other legislation is also being brought forward. Over recent months the UK Government has also published a series of Technical Notices which provide information to allow businesses and citizens to understand what they would need to do in a no deal scenario, so they can make informed plans and preparations.
- 5.2 If the risks identified in the risk assessment are not carefully managed the council may find itself unable to comply with some of its statutory duties

6.0 Equality Implications

- 6.1 Brent is committed to equality, diversity and inclusion; the council is determined to be an exemplar of good practice in equality, diversity and human rights and it is our policy to treat everyone fairly and with respect. We aim to ensure that all our current and future residents, staff and stakeholders are treated fairly and receive appropriate, accessible services, and fair and equal opportunities.
- 6.2 This commitment requires that equality considerations play a key role in our decision-making processes and that our policies are fully compliant with the duties placed on us as a public sector body by the Equality Act 2010. Equality Analyses (EAs) ensure that we follow through on our commitment to equality and they provide a method for clearly demonstrating the necessary legal compliance.
- 6.3 The Equality Act 2010 replaced the pre-existing anti-discrimination laws with a single Act. The legislation covers the exercise of public functions, employment and work, goods and services, premises, associations, transport and education. The act prohibits victimisation and harassment, and all of the following forms of discrimination: direct; indirect; by association; by perception; or discrimination arising from disability. Under section 149 of the Equality Act 2010, public bodies such as councils must, in the exercise of their functions, have “due regard” to the need to:
- Eliminate unlawful discrimination, harassment and victimisation
 - 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

6.4 The council will undertake Equality Analysis to understand how Brexit might affect residents differently based on their protected characteristics. Equality Analysis will be updated as further evidence of impacts become available, and unforeseen impacts emerge. The Brexit Coordination Group will keep up-to-date with the impact of Brexit on equalities legislation, for example changes to the Charter of Fundamental Rights of the EU.

7.0 Human Resources/Property Implications (if appropriate)

7.1 The UK leaving the EU is likely to have an impact all across the council. Investing time now will help us prepare for and mitigate against staffing risks. Brent Human Resources has plans in place to identify the EU citizens it employs, and raise the awareness of the settlement scheme throughout the council.

8.0 Proposed Consultation with Ward Members and Stakeholders

8.1 None

Report sign off:

PETER GADSDON

Strategic Director of Performance Policy and Partnerships