



Cabinet
20 April 2020
**Audit and Standards Advisory
Committee**
5 May 2020

Report from the Chief Executive

Emergency Planning Response to COVID-19

Wards Affected:	All
Key or Non-Key Decision:	Non-Key
Open or Part/Fully Exempt: <small>(If exempt, please highlight relevant paragraph of Part 1, Schedule 12A of 1972 Local Government Act)</small>	Open
No. of Appendices:	3 Appendix 1 Schedule of service changes – Decisions Appendix 2 List of critical services Appendix 3 Financial Pressures
Background Papers:	0
Contact Officer(s): <small>(Name, Title, Contact Details)</small>	Chief Executive's Office Chief.executive@brent.gov.uk 0208 937 1007

1.0 Purpose of the Report

- 1.1 To inform Cabinet and the Audit and Standards Advisory Committee and the Audit Committee of the work that has been undertaken since Emergency planning and GOLD arrangements were stood up in the Council as a result of the pandemic flu virus COVID-19.

2.0 Recommendation(s)

- 2.1 That the Audit and Standards Advisory Committee comment upon the arrangements put in place, assure themselves that the governance is appropriate and that the decisions that are being made are sufficiently responsive.
- 2.2 That members of the Audit and Standards Advisory Committee consider the resource implications of the actions taken by the Council in response to the pandemic COVID-19.

3.0 Detail

- 3.1 The Council stood up its GOLD emergency planning response on 16 March 2020. This is covered under the Civil Contingencies Act 2004 and effectively means that emergency decisions can be made by the Chief Executive pursuant to the following provisions in Part 3 Paragraph 9.3.2. of the Constitution:
- “Exceptionally,.....notwithstanding anything in this Constitution, the Chief Executive shall be authorised to exercise either executive or non-executive functions where the matter is urgent unless this is prohibited by law.”*
- 3.2 The current situation in respect of the Coronavirus: COVID 19 is an exceptional circumstance. The decisions considered urgent in the current circumstances are because they concern actions taken during the current crisis due to extreme urgency and often in response to specific Government direction and guidance.
- 3.3 The meeting of GOLD has met daily throughout the period from that first date to the present. It is attended by all Strategic Directors or their substitute, HR, the Director of Public Health, Communications, Emergency Planning and the Operational Director for Customer Services. It is chaired by the Chief Executive or her deputy if she is working remotely.
- 3.4 Once an Emergency is declared then powers are automatically available to the Chief Executive to make urgent decisions. Officers continue to make decisions under their delegated powers but in view of the urgency of the situation some of these decisions have to be taken at speed and sometimes without the degree of consultation and debate that is usually considered desirable, because it is not currently practicable. A list of all such decisions is attached at Appendix 1 to this report. A process to enable the formal noting and agreeing of these decisions by the Chief Executive pursuant to a published report is under way and should be completed shortly.
- 3.5 The council’s initial response was to follow government guidance with regard to the scientific evidence and whilst services were reduced and increasing numbers of staff were working from home we did not shut down all services until the government instituted the lockdown on 23 March 2020.
- 3.6 Since that point the council has changed its modus operandi to one where staff are based at home working remotely and has retrenched to what we term critical services. The categorisation of critical services is attached at Appendix 2.
- 3.7 Members will see that much ‘Business As Usual’ (BAU) is happening from this list but many services by the nature of the public interface were closed down eg. Libraries and sports centres, recycling centre. Some services have been projected into greater prominence as a result of the shutdown, for example registrations, mortuaries.
- 3.8 The government awarded the council – £9.3m to cover additional expenditure as a result of the virus though there have been some conflicting messages from central government as to whether this was just for social care or for other areas of expenditure. It is clear however that this grant is not ringfenced and accordingly the council has worked on the basis that this covers all additional areas of expenditure. The Director of Finance report to Brent GOLD and Cabinet members on this matter is attached at Appendix 3. An additional £1.6bn

was announced for local councils by the government over the weekend of 18 April, but no specific allocation has been provided to Brent as of yet.

- 3.9 You will note the serious concern in relation to loss of income as a result of this outbreak which is currently estimated at over £11m and also our inability to

achieve the whole year of savings for 20/21. We do not as yet know whether Government will compensate local authorities fully. We will report regularly to members on this issue through the web cast meetings and Cabinet more broadly.

- 3.10 The main areas of heightened activity have been:

- Adult Social Care – ensuring hospital discharges happen quickly, supporting care homes and domiciliary care, getting PPE to carers and front line staff, testing of front line staff will be a future challenge;
- Regeneration and Environment – building additional mortuary capacity and working with funeral directors to ensure funerals happen as quickly as possible, enforcement of social distancing in parks and open spaces and high streets along with the effective monitoring of which shops should and should not be open, keeping the bins emptied given much higher levels of domestic waste;
- Customer and Digital Services – including the redeployment of staff to ensure that increased benefits and council tax enquiries are efficiently expedited and all calls answered, contacting all 4000 +NHS shielded residents and others referred to us as vulnerable and providing food and now medicines to those who are in need, Our ICT has coped exceptionally well with so much remote working;
- Finance – working on small grants to businesses and business rates relief and now sorting out how we will get ourselves back onto a sustainable financial footing;
- Assistant Chief Executive - have worked with the voluntary and community sector to provide support and indeed food and transport to foodbanks, to support the VCS in providing advice and support to residents and communications have constantly been responded to media enquiries and ensuring information is given to residents in the Borough through the web and other social media channels;
- Housing – have ensured that rough sleepers have been accommodated and provided additional accommodation for those that are in danger of becoming rough sleepers; emergency repairs have continued;
- Children and Young People have had to work very closely with schools in the borough to support with PPE and provide guidance and help co-ordinate in relation to the childcare commitment for key workers, accordingly schools have remained open in Brent including over the Easter holidays; and
- Human Resources information has constantly needed to be updated and sent to staff and as highlighted elsewhere on the Audit Committee's agenda we have needed to ensure that we are alert to any potential for fraud as a result of monies being distributed in response to COVID-19.

- 3.11 London wide arrangements have been in place throughout. The London Resilience forum was stood up and a Strategic Co-ordination Group has overseen the response of all our partners, NHS, PHE, Police, Fire, GLA, central

government. The Chair of the SCG was given powers by the government to direct public services throughout this crisis and every day we are duty bound to return a situation report to them outlining the resilience of all our critical services. They have also provided direction in relation to issues such as

shielding, PPE, testing, enforcement of social distancing and we have followed instruction where relevant.

- 3.12 The role of London Local Authority Gold throughout most of this period has been undertaken by Martin Esom, the Chief Executive of Waltham Forest. This has been executed by way of a sub-regional structure with Brent being in the West London sub-region along with Harrow, Hillingdon, Ealing, Hounslow and Hammersmith of Fulham. The sub regional response has been co-ordinated through Brent ie myself. This has ensured that all 6 local authorities have acted as much as possible in unison providing a uniformity of response where appropriate so that residents of different boroughs are not receiving wildly different levels of service. This structure has (in my opinion) worked much better than a whole London co-ordination which can quickly become unwieldy. Much of our response to adult social care has been done through our STP area which includes all 6 authorities along with Kensington and Chelsea and Westminster and has worked very well to date. However, what this governance demonstrates is that decision-making in relation to the emergency is largely taken at a London wide level, in consultation with all partners and government and that this is adapted operationally at an individual London Borough level.
- 3.13 Accordingly we have sought to provide weekly Member web cast briefings with questions and answers. Many Councillors have kept in touch through email and phone additional to the weekly webcast briefings and the very regular email briefings. Since the government changed legislation to enable virtual council meetings we are seeking to restore essential political decision making in this way with the cabinet meeting on 20th April being the first such meeting.
- 3.14 Staff have also been regularly briefed through their own line management, through weekly video messages from myself and last week we undertook a webcast question and answer session with colleagues.

4.0 Recovery

- 4.1 Whilst we know that the lockdown will continue for at least a further three weeks (and for those being shielded for at least another 9 weeks) the council is now operating stably in the “new normal”. It is therefore very important that we consider the various options open to the council once a lockdown (either partial or total) takes place. Recovery planning will need to cover both internal i.e. council and external i.e. community recovery and will probably have to be done in a phased way. It will be very important to ensure that all councillors and all staff are involved in this discussion as we move forward. At present we are working on the basis of ‘retain’, ‘reinvent’ and ‘restore’. It means that there are elements of what has happened in the past two months that we may prefer and wish to retain e.g. even more flexible working that is currently the case, quicker decision making and more generic roles for some officers, less traffic on the road and improved air quality, a stronger sense of communities looking after each other; some other area where we have to put things back in place as

before but that we now know we can do them differently and better so we reinvent and to restore those areas of work that we have to in the way that they were done before.

- 4.2 Councillors will need to let me know how they wish their involvement in Recovery to be undertaken.

5.0 Financial Implications

- 5.1 The financial implications to this report are set out within appendix 3.

6.0 Legal Implications

- 6.1 The Civil Contingencies Act establishes a new legislative framework for civil protection in the United Kingdom. It imposes a clear set of roles and responsibilities on those organisations with a role to play in preparing for and responding to emergencies. Local authorities are a Category 1 responder under the Act, and have a key role to play in respect in discharging their duties in the legislation.
- 6.2 The Act, and accompanying Regulations and guidance, delivers a single framework for civil protection in the United Kingdom capable of meeting the challenges of the twenty first century. The Act is separated into two parts: local arrangements for civil protection (Part 1) and emergency powers (Part 2).
- 6.3 Part 1 of the Act, the supporting Regulations and statutory guidance *Emergency Preparedness*, establish a clear set of roles and responsibilities for those involved in emergency preparation and response at the local level. Local responders are divided into two categories, with a different set of duties applying to each.
- 6.4 Category 1 responders are those organisations at the core of emergency response (e.g. emergency services, local authorities, NHS bodies). Category 1 responders are subject to the full set of civil protection duties. These include:
- assessing the risk of emergencies occurring and use this to inform contingency planning in the form of a Community Risk Register;
 - Put in place emergency plans;
 - Create business continuity plans to ensure that they can continue to exercise critical functions in the event of an emergency;
 - Make information available to the public about civil protection matters, and maintain arrangements to warn, inform and advise the public in the event of an emergency;
 - Share information with other local responders to enhance co-ordination
 - Co-operate with other local responders to enhance coordination and efficiency;
 - Provide advice and assistance to businesses and voluntary organisations about business continuity management (Local Authorities only).
- 6.5 Category 2 responders are required to co-operate and share information with other Category 1 and 2 responders to ensure that they are well integrated within wider emergency planning frameworks, and contribute their expertise on risks and essential services in the form of the Local Resilience Forums.

- 6.6 As indicated in the body of the report, the Chief Executive can exercise urgent powers pursuant to the following provisions in Part 3 Paragraph 9.3.2. of the Constitution in an emergency such as the current crisis’.

7.0 Equality Implications

- 7.1 The public sector equality duty, as set out in section 149 of the Equality Act 2010, requires the Council, when exercising its functions, to have “due regard” to the need to eliminate discrimination, harassment and victimisation and other conduct prohibited under the Act, to advance equality of opportunity and foster good relations between those who have a “protected characteristic” and those who do not share that protected characteristic. The protected characteristics are age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex, and sexual orientation.
- 7.2 Having due regard involves the need to enquire into whether and how a proposed decision disproportionately affects people with a protected characteristic and the need to consider taking steps to meet the needs of persons who share a protected characteristic that are different from the needs of persons who do not share it. This includes removing or minimising disadvantages suffered by persons who share a protected characteristic that are connected to that characteristic.
- 7.3 There is no prescribed manner in which the council must exercise its public sector equality duty but having an adequate evidence base for its decision is necessary.
- 7.4 Due to the urgency of the situation, formal assessments were not undertaken, in respect of the decisions in Appendix 2. Such formal assessments are not a requirement of the duty. Importantly, an underlying purpose of the decisions was regard to the protection of those with protected characteristics, i.e. those over 70 and those with underlying health issues by restricting the potential spread of the virus.
- 7.5 It is clear that the suspension of certain services, and deprioritisation of others, will affect other protected groups, e.g. the closure of playgrounds will disproportionately impact on children and young people. However, the Council’s primary consideration of protecting vulnerable groups (based on public health advice and guidance and government directions and guidance) were and are considered to outweigh any other adverse impacts on other protected groups.
- 7.6 Where possible services have identified actions to mitigate the impact of the decisions, e.g. moving to an online service where possible. The equalities impact of the decisions will be kept under review.

8.0 Consultation with Ward Members and Stakeholders

- 8.1 There may conceivably be exceptional cases where public consultation becomes possible notwithstanding the COVID-19 crisis. However, it is not considered in the circumstances that non-statutory public consultation is a

viable or reasonable option for the Council in taking the decisions which are the subject of this report, even if at other times it would have considered consultation with the public and / or stakeholders affected by the decision.

- 8.2 The Council will make reasonable efforts to communicate with and take on board the views of service users affected by decisions and informing residents and stakeholders about decisions as quickly as possible about any changes to service provision. Where appropriate and reasonably practicable, changes to the Council's decisions will be made following responses from service users and others.

9.0 Human Resources/Property/Environmental Sustainability Implications (if appropriate)

- 9.1 Covered within paragraph 3.10 of the report.

Report sign off:

CAROLYN DOWNS
Chief Executive