DECISION-MAKER:		CABINET			
SUBJECT:		UPDATE ON PLANNING FOR BREXIT			
DATE OF DECISION:		15 OCTOBER 2019			
REPORT OF:		LEADER OF THE COUNCIL			
	CONTACT DETAILS				
AUTHOR:	Name:	Felicity Ridgway Service Lead - Policy, Partnerships and Strategic Planning	Tel	023 8083 3310	
	E-mail:	felicity.ridgway@southampton.gov.uk			
Director	Name:	James Strachan Service Director – Customer, Digital and Policy	_	023 8083 3436	
	E-mail:	james.strachan@southampton.gov.uk			

#### STATEMENT OF CONFIDENTIALITY

N/A

#### **BRIEF SUMMARY**

Following the 2016 referendum, the UK has agreed to leave the European Union (EU). Between January and March 2019 the UK Withdrawal Agreement was voted on a number of times by the House of Commons and rejected. At a Special European Council which met in April 2019, the UK and EU agreed to extend the date on which the UK is due to leave the EU to 31 October 2019, unless a withdrawal agreement is ratified by both parties before this date.

Negotiations between the UK and EU are ongoing, and Parliament will continue to debate the process of leaving the EU. This report therefore reflects the position at the time of writing and any changes to the UK's position will be outlined verbally at the Cabinet meeting on 15 October 2019.

At the time of writing, the current legal default position remains that the UK will leave the EU on 31 October 2019. As Parliament has not yet passed the Withdrawal Agreement or any alternative into law, the council is continuing to plan for all scenarios, including a 'no-deal Brexit', which is the legal default position.

This paper outlines the potential impacts that could be seen in the event of a no-deal Brexit on Southampton and the wider region, as well as the steps being taken to mitigate the risks of the most disruptive potential impacts.

There continue to be a number of unknowns about the process for leaving the EU, contingent on negotiations and decisions with the EU and within Government and Parliament. The nature and extent of any impacts will be influenced by the outcomes of these negotiations and any decisions taken by the UK Government to respond to any disruptive impacts in the event of a no-deal Brexit. The council's planning, preparations and response will continue to adapt as more information becomes available.

RECON	RECOMMENDATIONS:				
	(i)	To note the current position of Southampton City Council's planning in relation to UK's exit from the European Union.			
REASO	NS FOR	REPORT RECOMMENDATIONS			
1.	(includi	ure that Cabinet is aware of the potential impacts of a no-deal Brexit ng the potential most disruptive impacts) and the steps being taken to and mitigate any risks.			
ALTER	NATIVE	OPTIONS CONSIDERED AND REJECTED			
2.	None				
DETAIL	(Includ	ing consultation carried out)			
3.	Following the result of the 2016 Referendum, the UK agreed to leave the EU on 29 March 2019. Between January and March 2019 the UK Withdrawal Agreement was voted on a number of times by the House of Commons and rejected. After an initial agreement to extend the exit date and agree a way forward by 12 April 2019, the UK and EU agreed to extend the 'Article 50' notice period until 31 October 2019.				
4.	The most recent legislation (EU Withdrawal Act No.6) requires the Government to request a further three-month extension to Article 50 by 19 October, unless a deal has been agreed or Parliament has agreed to leave the EU without a deal. Parliament was suspended on 9 September in advance of a new Queen's Speech. This was appealed to the Supreme Court, which on 24 September ruled that the suspension was unlawful, and Parliament resumed on 25 September.				
5.	With the outcome of any request to extend Article 50 being uncertain, the legal default position at the time of writing is that the UK will leave the EU on 31 October with no deal. Southampton City Council is continuing to plan for all scenarios, including specifically a 'no-deal' scenario.				
6.	into bus team is this plan • H • F • G • L	ig is being led by a core team of officers, as well as being embedded siness as usual continuity planning across the organisation. The core led by James Strachan (nominated Brexit lead officer). Supporting nning, officers are also working with:  Hampshire and Isle of Wight Local Resilience Forum (LRF)  The Leaders and Chief Executives of neighbouring councils including Hampshire, Isle of Wight and Portsmouth.  Regional networks, led by Becky Shaw, Chief Executive of East Sussex County Council, who has been asked by Ministry of Housing, Communities and Local Government to act as the lead Chief Executive in the South East region for Brexit co-ordination.  Local partners and stakeholders, led by Southampton Connect, oringing together leaders from the public, private and third sectors across the city to consider a citywide approach to Brexit.			
7.	detailin	vernment has published some details of 'Operation Yellowhammer', g its planning assumptions for a no-deal scenario. These ptions have been built into local planning. Headline scenarios include:			

- Up to 85% of HGVs crossing to France from Kent ports may not be ready for French customs, with HGVs not ready being turned back prior to reaching ports and the process of crossing the border taking up to two and a half days, with consequent traffic impact;
- Displacement to other ports including Portsmouth, exacerbating their own customs problems, with consequent traffic impact;
- Temporary arrangements to 'wave through' EU imports ie not impose new checks on consignments coming into the UK from EU countries.
   Official controls on third country imports will be business as usual;
- · Significant electricity price increases;
- Some impact on supplies of medicines and fresh foods;
- Potential protests, counter-protests, public disorder and community tensions, absorbing police capacity;
- No legal basis for data transfer between the UK and the EU.

## **Funding**

8. Southampton City Council has been awarded the following funding to plan for the potential impacts of Brexit. These funds can only be used to plan and prepare for Brexit:

## **Funding for Local Authorities**

£105K 2018/19

£105K 2019/20

https://www.parliament.uk/business/publications/written-questions-answers-statements/written-statement/Commons/2019-01-28/HCWS1279/

£104,984 allocated in August 2019 (19/20)

https://www.gov.uk/government/news/government-readies-whole-nation-for-brexit-with-every-council-to-have-a-designated-brexit-lead

## Funding distributed by Government to Local Authorities in Port areas

£136,362 (Southampton General Port)

£136,362 (Southampton Container Port)

https://hansard.parliament.uk/Commons/2019-02-

20/debates/19022042000009/LocalGovernmentBrexitFundingLocalPorts

## Additional funding for Local Authorities in Port Areas announced August 2019

£150,000

https://www.gov.uk/government/news/9-million-announced-to-get-ports-and-local-areas-ready-for-brexit

#### Total:

£737,708

9. In 2018/19 the council spent £4,589 on Additional Official Veterinary Surgeon hours in the Port Health Service (102 extra hours in 2018/19 @ £44.99 per hour). When the extension to Article 50 was confirmed, the

remaining funding was 'rolled over' to 2019/20 in order to support planning at the point of leaving the EU.

- 10. Funding in 2019/20 is being allocated to:
  - Staff costs to deliver planning activity in relation to Brexit (existing staff diverted to new duties)
  - Dedicated project management resource
  - Additional Veterinary and Port Health Staff in the Port Health Service
  - Additional Business Support staff in the Port Health Service
  - Communications to support residents and businesses to prepare for Brexit
  - Reserve to subsidise medicine costs within substance misuse and open access sexual health services (council delivered services) in the event of any shortages and price rises
  - Laptops to support flexible and mobile working for some business critical teams, including Emergency Planning Team
  - Temporary variable message signs on key routes in the city

Funding in 2019/20 is being allocated to:

Allocated Costs	
Staff costs to deliver planning activity in relation to Brexit (existing staff diverted to new duties)	110,000
Additional Veterinary Surgery Hours in Port Health Service	30,000
Additional Port Health resources	88,000
Emergency Planning Equipment	3,000
Reserve to subsidise medicine costs within substance misuse and open access sexual health services (council delivered services) in the event of any shortages and price rises	
	70,000
Highways - temporary variable message signs	10,000
Communications budget	20,000
TOTAL	331,000

This leaves £400,000 unallocated. Additional funding is being considered to support communications (including travel alerts and business preparation) and additional equipment to enable flexible working. Any remaining funds will be held as a contingency to cover unexpected costs or requirements.

### **Potential identified impacts**

11. Southampton City Council published a report to Cabinet in February 2019, outlining the key risks associated with a no-deal Brexit, and the steps being taken to mitigate these risks. Since then, the risks to Southampton and the wider region remain broadly the same, and this update therefore reiterates

many of the messages from the previous report in February. The additional activity undertaken since February has allowed the Council to become more resilient in some areas, and the time-specific risk linked to the Millbrook roundabout works previously reported is no longer applicable.

- The potential most disruptive impacts that could be seen in Southampton following a no-deal Brexit have been identified as follows:
  - Traffic disruption arising from delays at the Port of Portsmouth and extending along the strategic road network;
  - Simultaneous train network disruptions further affecting staff travel;
  - Staff travel problems linked to road and traffic disruption;
  - New Port Health IT system not being operational;
  - Availability of essential supplies (e.g. medicines/vaccines or food) and/or public perception of supply shortage;
  - Community tensions;
  - Lack of preparedness among local exporters, particularly small businesses unfamiliar with the need for export certificates;
  - Other effects such as a lack of legal basis for data flows and the possibility of a mutual aid requirement under which public service staff such as police officers would be redeployed to Kent.
  - Potential for workforce shortages for both SCC and contracted services

## 13. Traffic disruption linked to Portsmouth International Port:

The Local Resilience Forum (LRF) has identified traffic disruption linked to delays at the Port of Portsmouth as a high risk. This is because, like the Port of Dover, Portsmouth is a roll-on roll-off port. HGV exports from Portsmouth could be delayed because of additional checks required if the UK is treated as a 'third country' in the case of a no-deal. The Government has predicted that up to 85% of HGVs will be turned away before entering the port at Dover due to not having the correct paperwork, and therefore similar difficulties could be seen in Portsmouth. In combination with potential delays in ferry turnaround at EU ports causing delays to scheduled departures, this could lead to severe congestion on the road network leading into/out of Portsmouth. In addition, HGVs may opt to use Portsmouth due to the expected severe disruption at the Port of Dover, further compounding any congestion problems.

It is possible that traffic for the Port of Portsmouth could be seen queuing along the M275, and onto the M27 possibly as far as Whiteley if significant disruption is experienced, affecting critical routes for the city of Southampton and disrupting council staff travel.

The council is working closely with Portsmouth City Council and the LRF to address these risks through agreed 'stacking' arrangements in Portsmouth and near Winchester, which will reduce road congestion through a managed HGV queueing system.

## 14. Train network disruptions:

At the time of writing, planned engineering works are due to take place on main commuting route between Southampton and Portsmouth, further exacerbating any impact on travel between the two cities caused by traffic disruption linked to Portsmouth International Port. The routes affected are GWR and Southern between 26 October and 3 November 2019.

## 15. Staff travel problems linked to road and traffic disruption:

With potential disruptive impacts regarding transport networks as set out above, there is a risk that some council staff may be unable to travel into offices or meet with customer/service users, or may be delayed if they do travel into, out of or across the city. This in turn could create risks to the delivery to key frontline services including social care.

Since February 2019 when Cabinet were previously updated, the council has continued its rollout of the Smarter Ways of Working programme, providing more staff with remote access equipment including laptops and mobile phones. At the time of writing, more than 500 new laptops have been rolled out to staff as part of the Smarter Ways of Working Programme (although some of these staff may already have had some remote working capacity). This has helped the organisation to become more resilient and flexible in the case of transport disruption, enabling more people to work from home where appropriate and minimising the risks of service disruption.

Existing business continuity plans are being reviewed to understand the potential impact on specific services and ensure that frontline and essential services will not be disrupted should some staff be unable to travel into the city.

#### 16. New Port Health IT system

At the time of writing, the Port Health authority are still using the Europe wide TRACES system. If the UK leaves the EU on 31 October with no deal, the authority will switch over to the new IPAFFS system which has been developed by the Department for Environment, Food and Rural Affairs (DEFRA).

Training was carried out with Port Health staff by DEFRA on the IPAFFS system in the lead up to the previous exit date. Port Health staff will be undertaking further training with DEFRA on 9 October 2019. Local import agents are also invited to this training session. However, there remains a risk that if there are issues with this system there could be service disruption.

To mitigate any risks of disruption, the service has hired additional veterinary staff. This was carried out well in advance of the current October 31 exit date, due to the length of time it takes to train new members of staff in this area. Additional funding has also been agreed for an additional Import Control Assistant and an additional Business Support Officer to support customs procedures. As a result, the service has in place the necessary

staff required to deal with any increase in trade or any disruption arising from issues with the new IPAFFs system.

# 17. Availability of essential supplies (e.g. medicines/vaccines or food) and/or public perception of supply shortage

Whilst no specific risks to have been identified indicating that Southampton would be at greater risk of disruption to supply chains for essential supplies, it is important to note the potential disruptive impacts on the council and residents if the availability of essential supplies reduces for any period of time. In the event of a no-deal Brexit, the Government has acknowledged that certain fresh food supplies could decrease, reducing choice and potentially increasing price. There is an additional risk that stockpiling or panic buying could disrupt food supplies further. Southampton has relatively high levels of deprivation with around 24% of children living in relative poverty and 19 Lower Super Output Areas within the 10% most deprived in England. This means that some residents in Southampton are more likely to be affected by any price increased than more affluent areas of the UK.

The Government's Operation Yellowhammer report noted that existing medicine shortages could worsen due to shipping transport delays, with a worst-case flow rate of 40% on day one of a no-deal Brexit. The Department of Health and Social Care has provided assurance that plans are in place to mitigate against any shortage. The NHS website has information for the public on getting access to medicines in the event of a no deal Brexit - <a href="https://www.nhs.uk/conditions/medicines-information/getting-your-medicines-if-theres-no-deal-eu-exit/Delays">https://www.nhs.uk/conditions/medicines-information/getting-your-medicines-if-theres-no-deal-eu-exit/Delays</a>

The council is responsible for delivering public health services including open access sexual health clinics and substance misuse services. The council is setting aside reserve funds to mitigate against any cost increases in medicines used within these services.

The Operation Yellowhammer report also noted that traffic disruption caused by border delays could affect fuel distribution in the Kent region. However, it also identified that customer behaviour could lead to shortages elsewhere in the UK.

## 18. **Community tensions**

It is possible that the final outcome of the Parliamentary process and negations with the EU could potentially escalate or aggravate community tensions. Tensions could also potentially increase hate crime and anxiety in a range of minority communities. A total of 707 hate crimes were recorded by police in Southampton in 2017/18 (latest data); an increase of 25% on the previous year. In the same period, national figures show an increase of 17%, and national mapping indicates a link between major events including Brexit and national/international terror incidents and hate crime. The Operation Yellowhammer report also noted that protests and counterprotests could take place across the UK, which would have an impact on Policing resources.

	The council is continuing to work with the police to monitor tensions including any potential rise in hate crime, and has systems in place to ensure that civil demonstrations are carried out in a safe way.
	Impacts on the Port of Southampton
19.	Council officers are working closely with Associated British Ports (ABP), owner of the Port of Southampton, to understand their assessments and preparation for Brexit. At the time of writing, the risk of any disruption to the Port of Southampton and therefore the traffic networks within the city is considered by ABP to be low.
20.	Southampton is mainly a cruise, automotive and container port and has almost no roll-on roll-off capacity of the type used in Portsmouth. As such ABP expects any additional freight being diverted from Dover to operate through the container port, meaning that the logistics and management of traffic dropping off or picking up containers can be managed. There is also some land available within the Port as a contingency.
	The vast majority of the Port's trade is non-EU so is currently subject to checks. In contrast, essentially all Dover and Portsmouth trade is of EU origin, so a very different level of checking currently takes place in those ports – hence the lower level of impact expected in Southampton if new checks on EU traffic are required.
21.	The Port and its wider supply chain is experienced in dealing with disruption, and as such will adapt to respond to traffic pressure arising from outside Southampton. In addition, the current works to Redbridge Roundabout are not causing the level of traffic disruption that was seen at the time of the Millbrook Roundabout scheme. Therefore, officers are not advising that any significant traffic disruption is likely to be experienced within the city linked to the Port and M271 in the event of a no-deal Brexit.
	Other Potential Impacts
22.	<b>Personal Data Flows:</b> Council officers have analysed data flows to EU/EEA countries and have provided assurances as far as possible that no data is hosted in EU/EEA countries, and at risk from Brexit.
	In the event of a no-deal Brexit, legislation will come into force that creates a UK version of the General Data Protection Regulation (GDPR), which will be subject to an adequacy decision to ensure that it offers the same level of protection to EU citizens as the current EU GDPR.
	Until the adequacy decision is made, the UK will be deemed to be a 'third country', and the transfer of personal data <u>from</u> the EEA to the UK will be restricted. This is unlikely to have an impact on the council, however, as there are limited data flows in this direction, and these would generally be ad hoc in nature, covered by an exception under the GDPR.
23.	<b>Elections:</b> There continues to be a possibility of a snap general election or second referendum. The council is preparing for all eventualities, but additional staffing pressures could be felt when organising and running elections at short notice.

<ul> <li>24. Mutual Aid: Southampton City Council will continue to work with local partners to ensure a regional approach to preparing for Brexit. It is possible that this could require council staff to be diverted to support partners through a mutual aid approach. Unless mandated by Government, this will only be considered where it does not have a detrimental impact on essential local services.</li> <li>Southampton City Council has agreed, on a mutual aid basis, to accommodate staff from neighbouring local authorities to with within council premises in the event of regional traffic disruption.</li> <li>Wider and longer term impacts: Longer-term impacts of the UK's exit from the EU (in any form) in Southampton may include:         <ul> <li>The general effects of any potential economic disruption or downturn.</li> <li>Potential workforce shortages in some sectors as a result of any limitations into the UK for EU workers. This is likely to have the greatest impact in areas where there are existing challenges to recruitment, including social care providers and other technical specialisms.</li> <li>Potential positive impacts of greater commercial opportunities for the Port and local export businesses through new trade deals.</li> </ul> </li> <li>Southampton City Council is liaising with the Hampshire Chamber of Commerce, the Bank of England, the Ministry of Housing, Communities and Local Government, as well as key local agencies such as the Local Resilience Forum, in order to monitor any impacts on the local economy. Information and Advice</li> <li>The council's Brexit webpage provides links to advice and information from the government for business and employers. This includes the Employer toolkit and 'no-deal guidance notices'. The council's Communications Team are continuing to promote links to information for businesses and residents via social media, and will increase the frequency these messages as planning continues leading up to 31 October.</li></ul>
<ul> <li>premises in the event of regional traffic disruption.</li> <li>Wider and longer term impacts: Longer-term impacts of the UK's exit from the EU (in any form) in Southampton may include:         <ul> <li>The general effects of any potential economic disruption or downturn.</li> <li>Potential workforce shortages in some sectors as a result of any limitations into the UK for EU workers. This is likely to have the greatest impact in areas where there are existing challenges to recruitment, including social care providers and other technical specialisms.</li> <li>Potential positive impacts of greater commercial opportunities for the Port and local export businesses through new trade deals.</li> </ul> </li> <li>Southampton City Council is liaising with the Hampshire Chamber of Commerce, the Bank of England, the Ministry of Housing, Communities and Local Government, as well as key local agencies such as the Local Resilience Forum, in order to monitor any impacts on the local economy.         </li> <li>Information and Advice</li> <li>The council's Brexit webpage provides links to advice and information from the government for business and employers. This includes the Employer toolkit and 'no-deal guidance notices'. The council's Communications Team are continuing to promote links to information for businesses and residents via social media, and will increase the frequency these messages as planning continues leading up to 31 October.</li> <li>The council is working closely with Hampshire Chamber of Commerce to ensure information is shared with businesses and local business are planning for Brexit. This will include a programme of events and communisations in October 2019 to help businesses prepare. The council is also engaging with organisations across the public, private and</li> </ul>
the EU (in any form) in Southampton may include:  The general effects of any potential economic disruption or downturn. Potential workforce shortages in some sectors as a result of any limitations into the UK for EU workers. This is likely to have the greatest impact in areas where there are existing challenges to recruitment, including social care providers and other technical specialisms.  Potential positive impacts of greater commercial opportunities for the Port and local export businesses through new trade deals.  Southampton City Council is liaising with the Hampshire Chamber of Commerce, the Bank of England, the Ministry of Housing, Communities and Local Government, as well as key local agencies such as the Local Resilience Forum, in order to monitor any impacts on the local economy.  Information and Advice  26. The council's Brexit webpage provides links to advice and information from the government for business and employers. This includes the Employer toolkit and 'no-deal guidance notices'. The council's Communications Team are continuing to promote links to information for businesses and residents via social media, and will increase the frequency these messages as planning continues leading up to 31 October.  27. The council is working closely with Hampshire Chamber of Commerce to ensure information is shared with businesses and local business are planning for Brexit. This will include a programme of events and communisations in October 2019 to help businesses prepare. The council is also engaging with organisations across the public, private and
<ul> <li>The council's Brexit webpage provides links to advice and information from the government for business and employers. This includes the Employer toolkit and 'no-deal guidance notices'. The council's Communications Team are continuing to promote links to information for businesses and residents via social media, and will increase the frequency these messages as planning continues leading up to 31 October.</li> <li>The council is working closely with Hampshire Chamber of Commerce to ensure information is shared with businesses and local business are planning for Brexit. This will include a programme of events and communisations in October 2019 to help businesses prepare. The council is also engaging with organisations across the public, private and</li> </ul>
the government for business and employers. This includes the Employer toolkit and 'no-deal guidance notices'. The council's Communications Team are continuing to promote links to information for businesses and residents via social media, and will increase the frequency these messages as planning continues leading up to 31 October.  The council is working closely with Hampshire Chamber of Commerce to ensure information is shared with businesses and local business are planning for Brexit. This will include a programme of events and communisations in October 2019 to help businesses prepare. The council is also engaging with organisations across the public, private and
ensure information is shared with businesses and local business are planning for Brexit. This will include a programme of events and communisations in October 2019 to help businesses prepare. The council is also engaging with organisations across the public, private and
messaging and information to residents and local businesses.
The council's Registration Service offers additional help with the Settlement Scheme for those applying for Settled Status and Pre-Settled Status, for a small fee of £14. This service has supported more than 1,000 EU nationals since the scheme went live. The service can support applicants by scanning and officially verifying passports or biometric residence permits before the online application. Additional support for vulnerable applicants is being provided by Citizens Advice Southampton and EU Welcome.
RESOURCE IMPLICATIONS
<u>Capital/Revenue</u>
29. There are no immediate Capital implications directly relating to this paper. Revenue implications at this stage are mostly related to staff time, with

	significant resource being required to address planning and preparation issues.			
30.	The £738K funding announced by the Government will be used to cover the costs of staff linked to planning and preparation for Brexit, as well as specific service level requirements.			
31.	In the event that the council is required to respond to an emergency scenario relating to the UK's exit from the EU, spending powers will be exercised as prescribed under the Southampton City Council Constitution.			
Proper	ty/Other			
32.	None			
LEGAL	IMPLICATIONS			
Statuto	ory power to undertake proposals in the report:			
33.	N/A			
Other Legal Implications:				
34.	Any legal implications relating to the UK's exit from the EU are being considered as part of the council's planning and preparation. The council will respond to any changing legal requirements in line with relevant legislation and the council's Constitution.			
RISK N	MANAGEMENT IMPLICATIONS			
35.	The risks relating to Brexit, including a potential no-deal Brexit, are being monitored and managed in line with the council's Risk Management framework.			
36.	The Council's risk log for Brexit planning has not been published at this stage, in line with a Public Interest Test decision.			
POLICY FRAMEWORK IMPLICATIONS				
37.	Any activity to prepare for Brexit and to respond to any emergencies arising will be considered in line with the council's Constitution and Policy Framework.			

KEY DE	CISION?	No	
WARDS/COMMUNITIES AFFECTED:			All
SUPPORTING DOCUMENTATION			
Appendices			
1.	None		

## **Documents In Members' Rooms**

1	1. None			
E	Equality Impact Assessment			
[	Do the implications/subject of the report require an Equality and No			
\$	Safety Impact Assessment (ESIA) to be carried out.			

Equality and Safety Impact assessments will be undertaken to support any decisions relating to preparing for Brexit as required, following agreement and clarification from Parliament on the process for exiting the EU.			
Data F	Protection Impact Assessment		
Do the implications/subject of the report require a Data Protection No Impact Assessment (DPIA) to be carried out.			
Other Background Documents Other Background documents available for inspection at:			
Title of Background Paper(s)		Relevant Paragraph of the Access to Information Procedure Rules / Schedule 12A allowing document to be Exempt/Confidential (if applicable)	
1.	N/A		