



Bristol City Council - Brexit No Deal Scenario Assessment



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Contents

- Introduction 3
- Background 4
- In detail – Implications for Bristol City Council:
 - 1. Finance & Funding 6
 - 2. Civil Contingencies 10
 - 3. Workforce 16
 - 4. Legal & Regulatory 19
 - 5. Supply Chain 23
 - 6. Housing 26
 - 7. Key Operations
 - Social Care 30
 - Regulatory Services 33
 - 8. City Economy 36

Introduction



Brexit introduces many potential changes which could feasibly affect council services for better or worse.

This report considers the potential implications for Bristol City Council, focusing specifically on a ‘Hard’ or No Deal Brexit. **This is not an indication of the council’s anticipated outcome of Brexit negotiations.** It is a reflection of prudence in planning, because this is the scenario with the most variables.

In keeping with HM Government advice¹, we recognise that it is sensible to plan at this level with the ability to remove or scale actions back, rather than risk experiencing unplanned impacts should a No Deal scenario emerge.

The assessment is grouped according to the following eight areas of business focus:

- Finance & Funding
- Civil Contingencies
- Workforce
- Legal & Regulatory
- Supply Chain
- Housing
- Key Operations
- City Economy

This report assesses risk and identifies high-level threats and opportunities associated with each of these workstreams. It summarises what the council is doing, or could do, to ensure any potential adverse effects on our citizens and services are minimised whilst any opportunities are maximised.

Any urgent actions which have been identified will be fully considered in a No Deal scenario and would be likely to be progressed. Other actions will be incorporated into the forward plans of individual council service areas and, ultimately, the council’s annual Business Plan, which is published each April.

This assessment looks specifically at threats and opportunities to council services. It does not seek to offer commentary or opinion on Brexit.

By necessity this written assessment captures a point in time, but it should be noted that forward planning will continue as a live, dynamic process which responds to the latest information available to the council.

A draft of this assessment was published in December 2018 for consultation with key partners and councillors, and was presented to the Resources Scrutiny Commission on 6 December 2018. The feedback received has informed this final version, as has further engagement with multiple government departments as part of its national preparedness workshops for the local government sector.

This version of the assessment includes more detail on issues around housing, regulatory services and community cohesion, alongside revisions to content and scoring regarding the council’s Supply Chain, where the level of threat has increased.

¹ <http://www.gov.uk/government/publications/uk-governments-preparations-for-a-no-deal-scenario>

Background



On 23 June 2016 the United Kingdom voted to leave the European Union.

Nationally 52% of voters opted to leave. In Bristol there was a 62% vote to remain.

The UK Government invoked Article 50 of the Treaty of the European Union in March 2017, triggering a two year process, culminating in the UK formally leaving the EU on 29 March 2019 or at the end of any agreed transition period.

At the time of writing (10 January 2019), the draft Withdrawal Agreement, covering the terms of the UK's exit from the EU, is being considered by the House of Commons. If the Withdrawal Agreement – or an amended version of it – is not approved by MPs, the UK may feasibly leave the UK without a deal.

Since the referendum, Bristol City Council has been working to understand the social and economic impact of Brexit and to communicate the city's needs to central government. The Mayor of Bristol, Marvin Rees, established the Bristol Brexit Response Group (BBRG), made up of city leaders from the business, academic, voluntary, community and faith sectors immediately after the referendum.

The BBRG's initial report ², published shortly after the referendum outlined the issues at stake to Bristol, including:

- Citizens' rights
- Loss of European funding
- Community cohesion
- The impact on businesses and key sectors of the city economy

City leaders called on the government to respond to these concerns by moving to guarantee the rights of EU citizens, prioritise continued access to the single market and clarify the post-Brexit funding environment to ensure continued access to EU international cooperation projects and local growth and skills funds.

In February 2018 the Mayor of Bristol along with other Core Cities leaders met with Michel Barnier, the EU's Chief Negotiator, to outline the potential effect of Brexit on their cities and to discuss how the shared interests of their cities, communities and businesses can best be met in the approach to – and following - Brexit.

To date, the Government has published over one hundred technical notices³ on a wide variety of subjects. The Council has examined the relevant papers and used them to inform its ongoing assessment of the potential implications of a No Deal scenario.

² <https://www.bristol.gov.uk/documents/20182/0/Bristol+and+Brexit/14d0424f-9e6e-4adc-8577-0b74e6274d0e>

³ <https://www.gov.uk/government/collections/how-to-prepare-if-the-uk-leaves-the-eu-with-No-Deal>

The Withdrawal Agreement

The Withdrawal Agreement provides for:

- **A deal on citizens' rights** that protect the rights of EU citizens in the UK and UK nationals in the EU, ensuring they can continue contributing to their communities and their lives broadly as now.
- **A time-limited implementation period** that provides certainty to businesses and individuals and ensures they only have to adjust to one set of changes in line with the future relationship with the EU.
- **Arrangements on the financial settlement that** “represent a fair settlement of the UK’s rights and obligations as a departing Member State in accordance with its legal commitments and in the spirit of the UK’s continuing partnership with the EU.”
- **Governance arrangements** that provide legal certainty and clarity to citizens, businesses and organisations and respect the autonomy and integrity of both the UK’s and the EU’s legal orders.
- **A ‘backstop’ arrangement to avoid a hard border between Northern Ireland and Ireland.** This includes the continuation of the Common Travel Area arrangements and the ongoing protection of rights of individuals in Northern Ireland.

1. Finance & funding



Risk Title:
Finance & funding

Risk description:
The potential implications of a No Deal Brexit on the council’s finances and funding streams.

| Likelihood | Impact | Risk Rating |
|--------------------------------|----------|-------------|
| Threat Risk Rating | | |
| 4 | 5 | 20 |
| Opportunity Risk Rating | | |
| 2 | 5 | 10 |
| Tolerance Rating | | |
| 1 | 5 | 5 |
| Preparedness | | |
| Medium | | |

Key threat risks:

1. Potential impact on inward investment and council income.
2. Inflationary pressures caused by fluctuations in sterling value.
3. Loss of EU grant funding.

Key opportunity risks:

1. To shape the development of the UK Shared Prosperity Fund so that it is complimentary to devolution and local priorities.
2. Strengthen the case for devolution of powers and money to city regions in order to address regional inequalities and promote economic growth.
3. The UK may still have the ability to ‘buy-in’ to EU grant funding programmes.

Actions and performance:

| Actions and performance | |
|-------------------------|--|
| 1 | Engage with UK government to highlight the importance of ongoing access to core EU funding such as Horizon Europe, as well as appropriate successor regeneration and investment funding programmes. |
| 2 | Provide the government with the requested information to ensure it is able to put in place arrangements for underwriting existing EU funded projects, should a No Deal Brexit happen. |
| 3 | Develop partnerships bilaterally and via networks such as EUROCITIES to identify and bid for selected existing funding opportunities that are relevant to the corporate objectives of Bristol City Council. |
| 4 | Conduct a modelling exercise to best understand the level of the council's exposure and impact of changes to business rates income which could increase the council's resilience in the face of any potential changes to our funding base resulting from Brexit. |
| 5 | Work with partners to continue to support calls for devolved fiscal powers to local and combined authorities which could help address Brexit related risks to the council's finances. |

Overview

Funding

Membership of the EU currently allows UK actors, including the council, to fully participate in a range of funded programmes. This is broadly split into three categories:

- Those that come from the EU via national government, such as the European Structural and Investment Funds (ESIF).
- Those that are delivered at the EU level including grant funding for research and innovation via Horizon 2020 and for transnational cooperation via programmes such as URBACT, Erasmus + and Interreg and;
- Strategic investment funding and support delivered via the European Investment Bank (EIB).

The UK is one of the leading Member States in securing funding for research and innovation and various other projects, with around 14% (c.£11.2bn) of total funds allocated from the Horizon 2020 programme going to the UK .

From 2005 to 2017, Bristol City Council secured over £27m of funding across the different streams and partnered with over 100 European cities. Bristol's Universities have also undertaken over 300 research grants, totalling over £150 million.

By accessing around £5.5 million worth of the ESIF European Regional Development Fund (ERDF), the council was for example, able to support the development of Filwood Green Business Park. The council's largest current Horizon 2020 funded project, REPLICATE, is worth approximately £3m over a three year period and enables the deployment of smart

city solutions in selected districts. The £2 million European Local Energy Assistance (ELENA) has also been instrumental in enabling the council to develop its Energy Programme of grant funding received through the EIB's European Local Energy Assistance Programme.

The city's universities have contributed to discussion and planning via their own networks, primarily Universities UK around the impacts of Brexit on funding arrangements, as well as on student and workforce access.

From March 2019, whether there is a deal or not, the UK will cease to be a full member of the European Investment Bank (EIB). The bank is the largest multilateral lender in the world and the UK has benefited substantially from this relationship. In 2015 the UK received £5.6 billion from the EIB, which supported £16 billion of overall investment. In 2012 Bristol City Council received £2.5m from the EIB to support green energy initiatives.⁴ While Ministers have stated they aim to maintain some form of ongoing relationship with the bank, no agreement has been reached.⁵

Finance

This part of the workstream is particularly unpredictable as the specific financial impacts on Bristol City Council will depend on changes in the national economy as well as the city/regional economy, the likely extent of which is not fully known.

Any higher trade costs between the EU and UK will result in reduced economic output in cities, and the Centre for Cities have identified that southern cities with large shares of employment in private-sector knowledge-intensive-services are predicted to be most negatively affected by increased trade costs.

These and other relevant factors are discussed in more detail in the other workstreams including City Economy, Key Operations, Supply Chain, as well as in the Funding section of this workstream, but it is clear that any impact on the national and city economy will also affect the City Council's finances.

Mechanisms for how this will occur include through effects on business rates income, demand pressures, investments and borrowing, and pension funding – discussed in more detail below.

In Detail - Threats & Opportunities

Funding

The key threat around funding is that the UK will not be able to access successor funding arrangements, including the future ESIF, Horizon Europe (replacing Horizon 2020) and transnational cooperation funds, and EIB investments in the next EU multiannual financial framework, which will run from 2021-2027. This threat increases if the UK does not have the ability to domestically replicate the range and opportunities created by the existing funding mechanisms available.

In addition, Horizon 2020 in particular acts as a facilitator of collaboration with European counterparts, leading to the exchange of best practice and knowledge, driving innovation in the council and helping to secure new UK research grants or other follow-on funding. This is at risk.

Despite the existence of a UK government guarantee to underwrite the funding for all successful bids for competitive EU funding made by UK participants until the end of the current programming period, additional threats include the potential for Brexit to reduce the opportunities for the council to partner in consortia for currently available funding opportunities.

⁴ <https://news.bristol.gov.uk/news/10-000-grants-available-for-energy-projects-in-bristol-communities>

⁵ <https://www.theyworkforyou.com/wrans/?id=2018-07-17.165011.h&p=24807>

An opportunity around funding is the chance to develop the proposed Shared Prosperity Fund (SPF), a new regeneration funding programme, as the UK successor to ESIF, so that it is complementary to devolution and local priorities and better funds those areas that are most in need. It is also an opportunity to make the future funding programme more streamlined, devolved, more easily accessible and to address the issue of match funding (ESIF has a 50% match funding requirement).

Even as a non-EU Member State, the UK may also still have the ability to 'buy-in' to EU grant funding programmes for research and innovation and for transnational cooperation, enabling UK actors to continue to apply to participate and capitalise on the benefits they provide. A number of mechanisms exist to facilitate this for Horizon 2020, for example, including 'associated' status.

In addition, calls for a successor to the investment funding provided by the EIB should be enhanced.

Finance

Reform to local authority funding in England has placed increasing importance on the revenue raised from locally retained business rates. Accordingly, all councils' financial sustainability and the funding of service delivery will increasingly depend on their ability to retain and grow rate-paying businesses. This in turn makes councils more financially vulnerable to macroeconomic conditions, with any economic downturn likely to lead to an increase in empty units and a slowdown in development. A 1% reduction in the number of people paying council tax would equate to a fall in income of around £2.2m per year. The equivalent for business rates would be £1.8m per year, adding to the pressure on already stretched council resources.

Downgrades in the UK's credit rating have not yet led to higher borrowing costs, but this is a significant cost risk. It is also necessary to keep a close eye on the credit ratings of the limited number of deposit takers who meet the council's stringent investment criteria. Brexit also poses a threat of a downgrade to the council's own AAA credit rating, which could have an adverse impact on the council's pension fund.

The unpredictable effect of Brexit on demand for council services (as discussed in other workstreams) may complicate the management of necessary spending reductions in the years ahead. The longer term impact on demand will depend on the city's economic performance, but other factors may have impacts too. For example a temporary increase in reported hate crimes following the Brexit referendum necessitated a response from the council and our partners.

There is also a possible opportunity if devolved fiscal powers are released to local authorities and Combined Authorities. Although a significant next step, it would appear to be in line with Government priorities and progress made in so far in devolving powers and money to city regions in order to address regional inequalities and promote economic growth and productivity across the UK. The ability to raise local taxes has been championed by many local authorities and would allow for increased funding sources for the council.

Notwithstanding the risks discussed above, Bristol City Council remains in a relatively strong financial position when compared with many other local authorities. This should provide the council with resilience and flexibility to enable us to respond to both threats and opportunities post-Brexit.

2. Civil Contingencies



Risk Title:
Civil Contingencies

Risk description:

Brexit preparations are being undertaken as a multi-agency response via the Local Resilience Forum (LRF). As with all the council’s civil contingencies work, the LRF is working to coordinate and plan for potential emergencies and disruptions.

| Likelihood | Impact | Risk Rating |
|--------------------------------|--------|-------------|
| Threat Risk Rating | | |
| 2 | 7 | 14 |
| Opportunity Risk Rating | | |
| 4 | 3 | 12 |
| Tolerance Rating | | |
| 2 | 5 | 10 |
| Preparedness | | |
| Medium | | |

Key threat risks:

1. Those outlined in the Avon & Somerset Local Resilience Forum (A&SLRF) community risk register, including disruption to food and fuel supplies.
2. Failure of critical or essential services due to a lack of staff.
3. Port congestion leading to delays in the processing of goods and increased road traffic.

Key opportunity risks:

1. Civil Contingencies will take full part in A&SLRF Tactical and Strategic Coordinating Group meetings in the run up to 29 March.
2. Possibility of trade displaced from channel ports coming to Avonmouth / Portbury.

Actions and performance:

| Actions and performance | |
|-------------------------|--|
| 1 | The Local Resilience Forum (LRF) will produce both a Brexit 'Threat and Risk Assessment' assessing the impact of Brexit on risks listed on the Community Risk Register and any new, relevant risks identified. |
| 2 | Civil Contingencies to work with Avon & Somerset Local Resilience Forum (A&SLRF) and central government partners to understand the work that has taken place with ports of entry; Avonmouth, Royal Portbury Docks and Bristol International Airport. |
| 3 | Civil Contingencies to work with the A&S LRF partners to engage local ports of entry to ensure port plans and LRF plans are coordinated. |
| 4 | Public Health and Trading Standards teams to understand what BCC's options are should demand increase in these service areas as a result of a change in the customs regime. |
| 5 | Take part in the A&SLRF table-top scenario planning exercise is planned for January 2019 |
| 6 | In order to make the most robust plans possible, Bristol City Council will work with MHCLG Resilience and Emergencies Directorate (RED) teams to understand the national work undertaken with ports of entry. |
| 7 | Liaise with North Somerset Council regarding the possible impact on Bristol Airport and the Royal Portbury Docks and possible congestion around these sites. |
| 8 | Reintroduce proactive Tension Monitoring Group meetings between now and the end of March. |

Overview

As with all of the council's civil contingencies work, Brexit preparations are being undertaken as a multi-agency response under the auspices of the Local Resilience Forum (LRF). The LRF is the multi-agency vehicle for Category 1 and Category 2 Responders (as defined under the Civil Contingencies Act) to coordinate and plan for emergencies and disruptions.

This work is focussed on:

- Identifying civil contingency threats that may increase as a result of Brexit.
- Taking action to mitigate increased risks.
- Making plans for high and very high risks.
- Establishing command and control arrangements for the lead up to and following Brexit to manage any incidents that may occur.

There is an LRF for every police force area in England (arrangements differ slightly for the UK devolved administrations). Bristol City Council is part of the Avon and Somerset LRF (A&SLRF), which is chaired by Assistant Chief Constable Nikki Watson. Bristol City Council is represented on the Executive Group of the A&SLRF at an Executive Director level.

In Detail - Threats & Opportunities

The National Risk Register and Avon & Somerset Community Risk Register

The A&SLRF maintains a Community Risk Register, based on the Cabinet Office National Risk Register. A number of risks that appear on the National Risk Register and the A&SLRF Community Risk Register that may be affected by a No Deal Brexit have been identified. These are:

- Emerging infectious diseases (due to changes in port controls).
- Food supply contamination (due to changes in food inspection regimes at ports).
- Fuel supply.
- High consequence dangerous goods / transport accident (due to changes and likely congestion at ports).
- Influx of British nationals.
- Local accident on motorways and major trunk roads (due to congestion around ports).
- Major outbreak of exotic notifiable disease in animals including birds (due to changes in port inspection regimes).
- Public Disorder.

Re-assessment of risks in light of a No Deal Brexit

Initial re-assessment of these risks suggests that none currently will change significantly. This fits with similar re-assessments being undertaken by other LRFs across the country. However, the risks will be kept under review and changes may be made as understanding of the implications of a No Deal Brexit develops.

In relation to the supply of medicines and medical products, the Department for Health and Social Care has confirmed that this is

being managed centrally. The department has developed a UK-wide contingency plan with pharmaceutical companies and issued a directive to local providers not to stockpile.

New risks associated with a No Deal Brexit

The LRF is also identifying new risks that may arise as a result of a 'no-deal' Brexit. Primarily, these are:

- **Workforce risks** – the risk that a critical or essential service will fail due to a lack of staff following a No Deal Brexit. The sectors most at risk in the A&SLRF area are the health and social care sector, agriculture & tourism.
- **Port congestion** – the significant immediate impact of a No Deal Brexit is likely to be congestions around Ports of entry.

A&SLRF Engagement with Ports in Avon & Somerset

Significant central and local government resource and effort has gone into understanding the likely impact on the UK's big cross channel ports, such as Dover and Folkestone. This has included understanding how inspection regimes will change, the impact likely delays will have on supply chains and the subsequent traffic congestion around ports. The learning from this work has been shared with LRFs.

The Civil Protection Unit Manager attended a workshop in London with the senior police officer based at Bristol International Airport (BIA) to understand more about this work and how relevant it is to ports in Avon and Somerset. BCC Port Health teams have also been involved in meetings with DEFRA regarding the implications for Port Health inspection regimes.

A&SLRF have begun a process of engaging ports in Avon and Somerset; the Bristol Port Company (Avonmouth & Portbury) and BIA. The CPU manager has been involved in this engagement. Initial assessment of the trade passing through the ports suggests exposure to any potential negative impacts of Brexit is relatively small:

Water ports:

- Low quantity of perishable goods.
- Main goods: fuel, animal feed, aggregate, cars, road salt, Hinkley supply materials, fuel pellets.
- Proportion of goods from EU comparatively small.
- Plentiful storage space if goods get stuck, so effect on the road network should be minimal but may grow if disruption continues.
- Possibility of trade displaced from channel ports coming to Avonmouth / Portbury.

Airport:

- Almost zero freight
- Issues around stranded passengers are not considered a new risk for the airport which has successfully managed 'no fly' issues in the past

Highways:

Currently, the risk profile of Avon & Somerset ports is significantly lower than the big cross Channel ports. However, the LRF is trying to establish the likelihood of displaced trade increasing through A&S ports, increasing the risk of highway disruption. Because extra traffic at the ports is not currently judged to be high risk, the council's Traffic and Highways Maintenance Team has not undertaken any specific No Deal preparations. Should demand increase significantly the response would rely on existing traffic management systems, combined with close coordination with Highways England and neighbouring local authorities. The situation will continue

to be monitored via the LRF and at via regular meetings with Highways England.

LRF Plans

The LRF is likely to produce both a Brexit 'Threat and Risk Assessment' assessing the impact of Brexit on risks listed on the Community Risk Register and any new, relevant risks identified; and a multi-agency Brexit plan, detailing how the multi-agency community will manage any additional risks and how Command, Control and Coordination will be managed in the build-up to and following 29 March 2019.

Command, Control and Coordination

The Cabinet Office have stated their expectation that LRFs will 'stand up' their command, control and coordination systems in the build up to and following 29 March 2019. This will involve a regular meeting of a multi-agency 'Strategic Coordinating Group' (SCG) from January 2019.

It is currently expected that the SCG will meet weekly from January, with meetings becoming more regular as required. Meetings are expected to continue beyond 29 March, with the Cabinet Office advising LRFs to plan for up to 12 weeks of additional meetings from exit day, possibly longer.

Brexit Table-top Exercise

An A&SLRF table-top exercise is planned for January 2019. The exercise will use scenarios developed by the Ministry of Housing Communities and Local Government (MHCLG) Resilience and Emergencies Directorate (RED). These scenarios will be used by all LRFs in the UK. The exercise is aimed at the strategic officers likely to make up the Brexit Strategic Coordinating Group.

MHCLG 'RED' Teams

The Resilience and Emergencies Directorate of the Ministry of Housing Communities and Local Government has regional 'RED' advisers across the UK. The RED teams have recruited additional resilience advisers to support LRFs and Category 1 and 2 Responders to prepare for a No Deal Brexit. The RED team that covers Avon and Somerset are based in Bristol. The CPU Manager has been in close contact with RED Advisers to ensure both the A&SLRF and the council are aware of their advice. RED advisers are available to answer technical questions or escalate queries and concerns to relevant central government departments.

Community Cohesion

An increase in hate crime and deterioration in community cohesion is flagged as a risk in the Local Resilience Forum's No Deal assessment. A survey undertaken by the Local Government Chronicle (LGC) of 251 senior officers found that half of the respondents said that community cohesion in their area had worsened since the EU Referendum was held in June 2016.

While tension has increased nationally, no specific local concerns have been raised through the Tension Monitoring Group (TMG). However, the situation will continue to be monitored closely.

The LRF has highlighted the risk that the increasingly fraught and polarised public debate around Brexit, as well as the ramping up of rhetoric, may create a more permissive environment for hate crime. In urban centres, visible demonstrations by right wing groups and counter-protests by left wing opponents could fuel community tensions, with anger and perhaps violence directed not just at 'European' citizens, but at communities considered 'immigrant' and non-White British communities more generally.

The National Risk Assessment and the ASLRF Community Risk Register highlight the risk of large-scale public disorder at site(s) in a single city, or in multiple cities, occurring concurrently over several days. Disorder on this scale will significantly challenge both the emergency services and the government.

The following mitigations and actions have been outlined by the LRF:

- Monitor hate crime and community cohesion – convene Community Tension Monitoring Group as appropriate
- Engagement of support organisations
- Briefings to Key and Influential Networks (KINs) and influential community members
- Situational awareness across LRF partners
- Command and Control through SCG and TCG.

The council will reintroduce proactive Tension Monitoring Group (TMG) meetings between now and the end of March, probably continuing up to three months after Brexit, to temperature check community tensions and cohesion across the city and respond to any emerging trends around hate crime and extremism. Issues picked up through TMG will be fed directly into the LRF Tactical Coordination Group and inform the overarching Community Risk Register. We will consult with colleagues from across the council to ensure that anyone who may hold relevant intelligence about community tensions or cohesion issues can feed into the TMG.

Ongoing work led by the Neighbourhoods & Communities Service to build good relationships between different communities will be an important strand of our response to any No Deal Brexit. This work, set out in the council's Equality Strategy ⁶, aims to encourage community development and integration by supporting projects such as Everyday Integration, Inclusive Cities and City of Sanctuary. We are also working with partners in 10 neighbourhoods across Bristol to build communities – facilitating connections between neighbours and communities who may not otherwise come together to take action on shared interests. Should tensions escalate in the event of No Deal such initiative will be an important part of our efforts to defuse tension and maintain community cohesion.

Business Continuity Plans

An update on the business continuity work undertaken by the council over the previous 18 months was presented to the council's Audit Committee in November 2018.⁷ It sets out the processes in place to prevent disruptive events, including Brexit, from affecting the delivery of services. In summary:

- Following work undertaken with the Emergency Planning College, business continuity planning was extended from limited number of identified 'critical services' to all service areas within the authority. As part of a review of planning, services are now required to identify 'critical activities' the service will seek to maintain during disruptions.
- They must also set 'Recovery Time Objectives' – the time after which critical activities must be recovered. This information informs the planning of cross-cutting business support services such as IT and workplace support.
- Services must identify key staff, consider how disruptions would be managed and make plans for four headline scenarios:
 - Loss of staff
 - Loss of workspace
 - Disruption to IT services and systems
 - Loss of contracted / commissioned providers and suppliers

⁶ https://democracy.bristol.gov.uk/documents/s26754/Appendix%20A%20-%20Equality%20Strategy%20-%202018-2023_DRAFT%20PROOFv5.pdf

⁷ <https://democracy.bristol.gov.uk/documents/g3199/Public%20reports%20pack%2026th-Nov-2018%2014.30%20Audit%20Committee.pdf?T=10>

3. Workforce



Risk Title:
Workforce

Risk description:

The potential implications of a No Deal Brexit on the council’s workforce.

| Likelihood | Impact | Risk Rating |
|--------------------------------|----------|-------------|
| Threat Risk Rating | | |
| 2 | 3 | 6 |
| Opportunity Risk Rating | | |
| 2 | 3 | 6 |
| Tolerance Rating | | |
| 1 | 3 | 3 |
| Preparedness | | |
| Medium | | |

Key threat risks:

1. Negative effect on the council’s ability to recruit and retain EU citizens to its workforce.
2. A No Deal Brexit could create or exacerbate skills shortages.
3. A tightening labour market could result in an upward pressure on wages, bringing about additional costs to the council.

Key opportunity risks:

1. Provide reassurance to EU citizens in the council’s workforce through pro-active communication, offering advice and guidance on residency and employment rights in the event of No Deal.
2. Deliver targeted training opportunities to upskill existing staff.
3. Develop a more complete profile of the council’s EU citizen workforce.

Actions and performance:

| Actions and performance | |
|-------------------------|---|
| 1 | Implement the Mayor's commitment to fund the cost of any council employees who wish to seek EU settled status. |
| 2 | Ensure that long-term hiring strategies and workforce planning are aligned with business priorities. |
| 3 | Initiate a regular programme of communication to our EU workforce to make sure they are aware of their rights and understand how to access help and guidance. |
| 4 | Apply learning from the LGA / Home Office Settled Status pilot. |

Overview

The post-Brexit rights of EU citizens living in the UK and those of UK nationals living in the EU has been one of the key issues at stake in the negotiations over the UK's withdrawal.

If there is No Deal, the EU Settlement Scheme will continue to be implemented, enabling the 19,000 EU citizens who live in Bristol and their family members to secure their status and to continue to be able to work, study, and access benefits and services in the UK on the same basis after we exit the EU as they do now. The scheme will be fully open by 30 March 2019 as planned. As there will be no agreed implementation period under No Deal, the application deadline will be brought forward to 31 December 2020.

The Home Office will continue to look to grant status rather than refuse and – in line with the UK commitment to be more generous in certain respects than the draft Withdrawal Agreement – a person will not be refused status under the EU Settlement Scheme because, for example, they are not economically active or they do not hold comprehensive sickness insurance.

An application fee of £65 for adults and £32.50 for children will apply, with the fee for children in local authority care to be refunded by the Home Office. A soft launch took place in late 2018 and a dedicated website and app is expected to go live in March 2019. Bristol City Council took part in a successful LGA / Home Office pilot of the online application portal, aimed at health and social care workers. The learning from this pilot has been fed back to central government and will help inform how the council manages the Settled Status application process for employees and Looked After Children.

Funding the cost of Settled Status applications

In the State of the City Address 2018, the Mayor announced that the council would fund the cost of any council employees who wish to seek EU settled status.

We will also start a pro-active programme of communication with employees who are EU citizens to ensure that they are aware of their rights and the Mayor's offer. They will also be signposted to relevant official guidance – including the process for applying for Settled Status.

The Labour Market

Bristol has an above average dependence on workers born outside of the UK. 4.6% of the city's population are EU citizens, compared to the England and Wales average of 3.6%. Nottingham is the only English Core City to have a higher proportion of EU residents. A No Deal Brexit could exacerbate pre-existing recruitment issues across a number of sectors.

We know that since the referendum large employers have been experiencing recruitment challenges, with 41% of firms surveyed by the Confederation of British Industry saying they had been negatively impacted⁸. This reflects Government figures which show that National Insurance Number registrations for EU nationals in the South West have fallen by 29% since the referendum.

Of the council's workforce of 6,300 employees, 92 employees have identified themselves as being from European Economic Area (EEA) countries (excluding Irish Citizens) – but data constraints mean the true figure is likely to be much higher. Extrapolating 2011 census data would indicate that approximately 280 directly-employed council staff are EEA citizens.

Our current assessment is that the impact of a No Deal Brexit on our directly employed workforce and service delivery are not significant at this stage. However the council will take steps to improve our monitoring systems to that if there is an adverse impact on our EU nationals we will be in a position to respond to any negative impacts as they emerge. As part of this process, all employees will be asked to ensure that their personal information on the council's HR systems is fully up to date.

The impact of No Deal on the social care sector, which is already suffering recruitment challenges, is likely to be more significant.

Bristol, North Somerset and South Gloucestershire CCG (BNSSG) has the highest vacancy rate (10.9%) across social care in the South West. Current estimates indicate 19%

of all care workers across BNSSG were non UK born, with 9% born in the EEA (non-UK). This sector is therefore particularly vulnerable to any fall in net-inward migration in the event of No Deal.

Commissioners of Adult Social Care services are already working with providers to seek to mitigate these risks but there is a high probability that the council's ability to ensure citizens receive the services they need could be adversely affected. This is threat is described in more detail in the 'key operations – social care' section.

Across a range of other sectors, there is a real risk that a No Deal Brexit will to create or exacerbate skills shortages. In the South West, the employment rate of EU citizens, at 79.5%, is around 5% higher than UK-born residents. According to the Chartered Institute of Personnel and Development, firms expect the biggest changes in the next three years to be tougher competition for well-qualified talent and the increasing difficulty in recruiting senior and skilled employees⁹.

As well as creating a more challenging recruitment environment, a tightening labour market could also result in an upward pressure on wages, bringing about additional costs to the council.

However, this could also present an opportunity to deliver targeted training opportunities to help upskill existing staff.

It will be important to ensure that long-term hiring strategies and workforce planning are aligned with business priorities. The council will continue to monitor the impact of Brexit so that it can inform its workforce forward planning and recruitment processes so that talent is hired not just for the skills that the council currently needs, but also for the skills that the council thinks it will need in six to 12 months. There should also be a focus on the development of current staff for succession.

⁸ <https://www.cbi.org.uk/cbi-prod/assets/File/FINAL-Brexit-preparedness-survey-write-up.pdf>

⁹ <https://www.cipd.co.uk/news-views/brexit-hub/workforce-trends>

4. Legal and Regulatory



Risk Title:

Legal & Regulatory

Risk description:

The potential legal and regulatory implications of a No Deal Brexit

| Likelihood | Impact | Risk Rating |
|-------------------------|--------|-------------|
| Threat Risk Rating | | |
| 3 | 5 | 15 |
| Opportunity Risk Rating | | |
| 3 | 5 | 15 |
| Tolerance Rating | | |
| 2 | 5 | 10 |
| Preparedness | | |
| Medium | | |

Key threat risks:

1. Failure to meet statutory duties due to providers of social care services being unable to recruit and/or retain sufficient staff due to immigration restrictions for EEA national or EEA nationals choosing to leave the UK.
2. Contract failure due to contractors / delivery partners being unable to recruit/retain sufficient staff due to immigration restrictions for EEA national or EEA nationals choosing to leave the UK.
3. Statutory powers and duties to EU nationals in relation to homelessness, housing allocation, social care are unclear- risk vulnerable people's needs not being met and of legal challenge.

Key opportunity risks:

1. Opportunities to make changes to new contract terms and conditions.
2. Opportunity to consider innovative ways to deliver statutory duties.

Actions and performance:

| Actions and performance | |
|-------------------------|---|
| 1 | Identify relevant legal duties and plan contingencies to meet these if there is provider failure – be clear as to the baseline duty below which there will be a risk of challenge e.g. Care Act statutory duties. |
| 2 | Seek legal/data protection advice on the risks of data transfer outside UK and take action as a result. |
| 3 | Identify key contracts at risk from provider failure and review relevant contract provisions. Plan contingencies and assess cost. |
| 4 | Seek further clarity from government and legal view on duties to EU Nationals and the position of EU nationals working in the UK if no deal and share with affected providers. |
| 5 | Meetings between Procurement and Legal teams to look at new contract terms. |
| 6 | Consider if specific contract terms required for new contracts running beyond April 2019 |
| 7 | Seek detailed guidance on implications of No Deal for state aid and data transfer. |

Overview

Many local government activities are affected by EU rules and regulations, including waste management, environmental standards, trading standards and procurement.

The EU Withdrawal Act 2018 ensures that there is legal certainty as both EU-derived Laws (ie UK legislation giving effect to EU laws) and Direct EU Legislation (ie EU rules having direct effect on UK without being subject to UK legislation) will continue to apply even under No Deal.

Under the terms of the draft Withdrawal Agreement, the UK would continue to be bound by the EU legal and regulatory framework (including the ECJ) until the end of the transition period – 31 December 2020.

Non-regression requirements in the agreement will also prevent the UK from bringing in lower standards on social, environmental and labour regulations. This reflects one of the demands made by the Bristol Brexit Response Group, which called for certain EU-derived laws, including non-discrimination and equal pay, occupational health and safety, fair working conditions and employment standards to be protected ¹⁰.

¹⁰ <https://www.bristol.gov.uk/documents/20182/0/Bristol+and+Brexit/14d0424f-9e6e-4adc-8577-0b74e6274d0e>

In Detail - Threats and Opportunities

Statutory Duties

There are numerous statutory duties placed on local government, set out in various Acts, Regulations and Statutory Guidance. In the context of a No Deal Brexit the key legal risk to the council is the failure to meet these statutory duties – for example, as a result of supplier/provider failure.

As set out later in the report, a key risk is in the area of Adult Social Care. If the council or its providers cannot recruit or retain sufficient staff or if providers simply fail, the council may fail to meet its statutory duties, creating the risk of legal challenge alongside the failure to meet the needs of our city's most vulnerable people. There is an emerging risk in respect of our statutory duties towards looked after children and this is still being quantified. This is in respect of retention of foster carers.

Procurement

Procurement rules will continue to apply under No Deal. The Public Contracts Regulations 2015 requires the publication of electronic versions of procurement documents for above threshold procurements on the Official Journal of the European Union (OJEU), via Tenders Electronic Daily. However if the UK withdraws from the EU without a deal, it is highly likely that UK public sector businesses will lose access to this platform.

Transparency of procurement opportunities is a key part of the government agenda. The government has confirmed that a UK-specific e-notification service will be made available to UK businesses and individuals if OJEU access arrangements are not finalised before the 29 March 2019. For those public sector bodies who place contracts on OJEU directly, they will be contacted closer to 29 March 2019 with further information about the new UK system.

This will not affect the requirement for relevant contracts to be advertised on domestic platforms such as 'Contract Finder' and 'Sell2Wales' which will continue.

State Aid

The UK committed to continuing the control of anti-competitive subsidies by creating a UK-wide subsidy control framework. The government has already stated that the Competition and Markets Authority (CMA) will take on the role of UK state aid regulator.

The UK proposes to maintain a robust state aid regime into its future economic relationship with the EU, with an upfront commitment to maintain a common rulebook with the EU on state aid, enforced by the CMA.

Competition

After the UK leaves the EU, the CMA will want to continue to work together with EU's Directorate General Competition, "building on their existing highly effective relationship". There are currently no strict requirements that apply to national competition regimes or requirements to have the same procedural rules. The UK has, however, kept in step with the EU's competition regime, and has gone further than EU minimum standards. The government notes that it will be important to ensure that competition decisions are compatible.

Employment law implications

The government proposes to maintain current UK employment laws, so that existing workers' rights enjoyed under EU derived law will continue to be available under UK law on the day of withdrawal. Much of UK employment law derives from EU Directives, including TUPE, collective consultation requirements, working time requirements (including holiday and time off), agency worker protection and discrimination.

The Withdrawal Agreement would commit the government to the non-regression of employment law standards.

Data protection

A draft 'Data Protection, Privacy and Electronic Communications (Amendments etc) (EU exit) Regulations 2019' has been put to Parliament, listing the key amendments to be made to UK data protection laws¹¹.

The UK will bring GDPR (General Data Protection Regulation) into national law with limited amendments to the current wording. The extra-territorial nature of GDPR means that many UK companies will also continue to be subject to GDPR after the 29 March exit date. Whilst the UK legislation will help ensure data subjects' rights are protected after Brexit, it will not be sufficient to maintain the free flow of personal data between the UK and the EU27 if the UK leaves without a deal.

Organisations have been advised to monitor the government's discussions with the EU on their adequacy decision to allow the flow of personal data from the EU to the UK. If this decision is not made, or the timeline is unfavourable, the government's advice is for organisations 'to consider assisting your EU partners in identifying a legal basis for those transfers'¹². The implications for councils are uncertain¹³ and further work is still needed to clarify this. Recent reporting suggests it is

extremely unlikely that an adequacy decision in relation to the UK will be made by the European Commission before the exit date¹⁴.

Product safety and consumer protection

The government has confirmed its commitment to maintain a robust programme of risk-based market surveillance to ensure that dangerous products do not reach consumers. To that end, it proposes the establishment of co-operation arrangements between UK and EU regulators complemented by exchange of information.

The government's No Deal technical notices on 'labelling products and making them safe'¹⁵ contain detailed advice on the implications of No Deal for local authorities.

The Government's Technical Notices state that there would be no change to food standards, but after a six month grace period minor labelling changes will be required. Tobacco labelling regulations will also remain the same – and will continue to be the responsibility of Bristol City Council's Trading Standards officers. In the event of No Deal Bristol City Council will ensure that relevant teams are briefed on the Government's Technical Notices so they understand the implications for enforcement and other regulatory activities.

¹¹ https://www.legislation.gov.uk/ukdsi/2019/9780111177594/pdfs/ukdsi_9780111177594_en.pdf

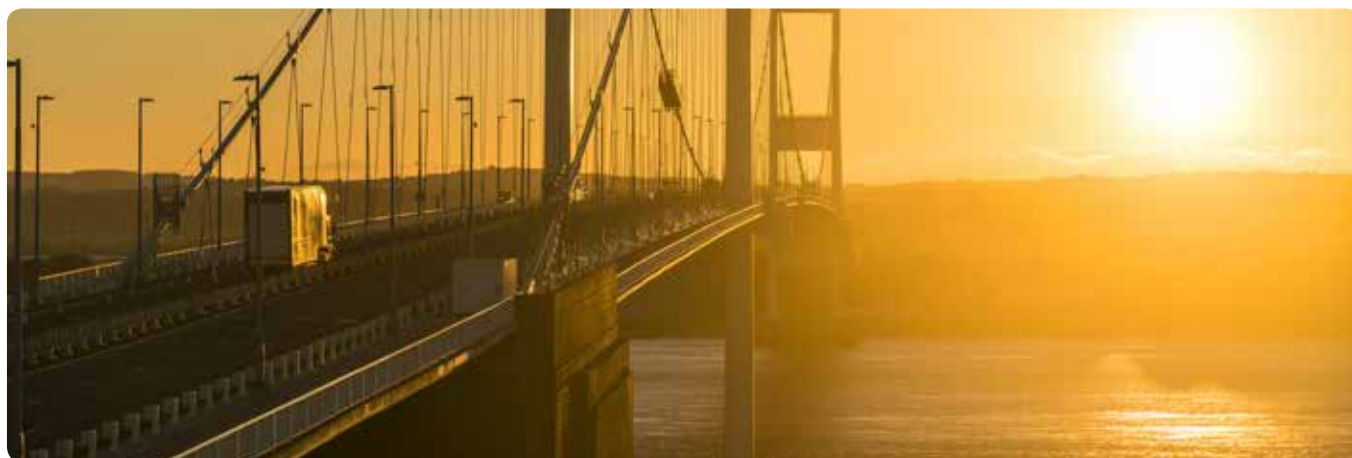
¹² <https://www.gov.uk/government/publications/data-protection-if-theres-no-brexIt-deal>

¹³ <https://www.local.gov.uk/sites/default/files/documents/Appendix%20-%20No%20Deal%20-%20Key%20Changes%20for%20Councils%202.pdf> p14

¹⁴ <https://www.burges-salmon.com/news-and-insight/legal-updates/no-deal-brexIt-and-data-protection/>

¹⁵ <https://www.gov.uk/government/collections/how-to-prepare-if-the-uk-leaves-the-eu-with-no-deal#labelling-products-and-making-them-safe>

5. Supply Chain



Risk Title:
Supply Chain

Risk description:

The potential impact of a No Deal Brexit on the council's supply chain.

| Likelihood | Impact | Risk Rating |
|-------------------------|--------|-------------|
| Threat Risk Rating | | |
| 2 | 7 | 14 |
| Opportunity Risk Rating | | |
| 2 | 3 | 6 |
| Tolerance Rating | | |
| 2 | 2 | 4 |
| Preparedness | | |
| Medium | | |

Key threat risks:

1. Impact of cost pressures on key suppliers / delivery partners.
2. Delays to the delivery of capital programmes.
3. Increased cost of dollar-denominated IT products and services.

Key opportunity risks:

1. Proposed changes to import VAT could drive down prices.

Actions and performance:

| Actions and performance | |
|-------------------------|--|
| 1 | Liaise with key suppliers to ensure that they are taking a managed approach to business continuity and ensuring plans are in place to deal with the potential impact of No Deal. |
| 2 | Devise a map of the supply chain in order to develop a clearer understanding of the key suppliers to the council, focusing on contract value and the criticality of the service provided. |
| 3 | Seek legal advice to deal with Contractors seeking to vary contracts. |
| 4 | Explore option to insert a provision within ICT and other relevant contracts to cover currency fluctuation and the council will also identify which current suppliers are non-UK businesses. |
| 5 | Consult with their legal colleagues to ensure any changes in legislative requirements post-Brexit reflect any changes in the finance industry and that these are captured in new contracts and / or in any variations to existing contracts. |

Overview

Bristol City Council spends approximately £600m per year on goods and services from around 10,000 suppliers. Whilst it is impossible to evaluate the impact of a No Deal Brexit across the full extent of the council’s supply chain, we are taking steps to assess the preparedness of key suppliers.

As part of existing supply chain management processes, the council is in regular dialogue with around 20 key suppliers – defined as those who deliver support to vulnerable residents, provide essential frontline services or those with the highest contract value to ensure that they are taking a managed approach to business continuity in the event of No Deal.

Suppliers are being asked to complete a short survey setting out what steps they have taken to assess:

- Risks to continuity.
- Dependencies and potential points of failure.
- Risks of disruption to workforce, recruitment and access to skills and specialist services.
- Whether the organisation’s financial standing and cashflow may be affected by No Deal.

Suppliers are also being asked to summarise key threats and opportunities, including whether they are stockpiling goods / supplies.

In Detail - Threats and Opportunities

In relation to service delivery in the face of a No Deal Brexit, any impact on the council's supply chain could have a knock-on effect on the council's ability to sustain the delivery of both statutory and non-statutory services.

A No Deal Brexit would mean the introduction of customs checks at the border, potentially creating delays in the processing of goods. There is also a threat that 'front loading' by suppliers may result in a lag in delivery timescales which could come at financial and operational costs to the council.

In relation to ICT, post-Brexit impact upon the technology and innovation sector largely depends upon what model the UK adopts for its relationship with the EU. If the UK remains in the EEA, the changes may be minimal. If the UK joins the European Free Trade Association, the landscape depends on the exact nature of that relationship. If the UK distances itself further from the EU, the changes may be more extensive.

Post-Brexit, if the pound's recovery takes longer it would make dollar-denominated IT products and services in the UK relatively more expensive for an extended period. This has already been seen with announcements of price hikes for PCs, mobile phones and servers. Moving forward, Bristol City Council should ensure that there is provision within contracts to cover currency fluctuation and the council should also identify which current suppliers are non-UK businesses.

There is the potential for reputational and financial threats due to delays in capital programmes. In relation to transport and construction, consultation will be needed with affected contractors in order to understand how they will support services going forward as well as how they will cover the loss of personnel. Specifically in relation to transport, more emphasis will have to be placed on the use of energy efficient vehicles as part of future contracts.

There are potential opportunities in relation to changes to import VAT; there are proposals that a government import delay on VAT could come into place. This could have a huge financial impact on cash flows of suppliers, as VAT will not have to be paid up front, potentially driving down prices.

6. Housing



Risk Title:
Housing

Risk description:

The potential implications of a No Deal Brexit on the council’s ability to achieve its housing delivery targets, and to manage/maintain our council stock.

| Likelihood | Impact | Risk Rating |
|--------------------------------|----------|-------------|
| Threat Risk Rating | | |
| 3 | 7 | 21 |
| Opportunity Risk Rating | | |
| 3 | 3 | 9 |
| Tolerance Rating | | |
| 3 | 4 | 12 |
| Preparedness | | |
| Medium | | |

Key threat risks:

1. If No Deal or the threat of No Deal leads to a slow-down in the housing market, this will deter developers and funders and reduce the number of new homes that can be delivered. This impact could affect both on-going projects as well as future projects.
2. Increased build costs due to cost inflation/exchange rates in the supply chain, potentially reducing the viability of developments
3. Labour shortage in the construction industry, could reduce the supply of new homes and increase build costs, reducing the viability of developments and thus the number of affordable homes delivered through the planning system
4. Negative impact on the Housing Revenue Account, caused by a reduction in rental income due to a potential rise in energy costs, ongoing impact of universal credit and pressure placed on tenants due to rising costs on every day essentials i.e. food, clothing, medicines etc.

Key opportunity risks:

1. Developers may be willing to 'off load' homes to registered providers to reduce their sales risk. This could result in additional affordable homes being delivered. Depending on numbers this could have a positive impact on reducing homelessness and meeting housing need
2. In a severe down-turn in the housing market, land may become cheaper to buy, therefore, being an opportunity for some organisations.
3. Tenants receive the appropriate level of support to help plan their finances and wellbeing to enable them to ensure that rent is paid and their tenancy is sustained.
4. Community Cohesion and Tenant Participation events and initiative to strengthen communities to work together.
5. Potential positive impact on the retention of a skilled labour force due to external uncertainty in the housing and construction labour markets.

Actions and performance:

| Actions and performance | |
|-------------------------|--|
| 1 | Engage with Housing Associations to try and use the Affordable Housing Grant Funding Programme to acquire additional affordable housing where possible |
| 2 | Engage with Housing Associations and Homes England to acquire sites for sale on the open market |
| 3 | Materials supplier has submitted a statement of assurance, and the position will be reviewed at contract management meetings. |
| 4 | Our procurement strategy is that we have a mixed approach to service delivery and have our own internal workforce who are able to deal with most urgent day to day repairs, able to make safe, if a contractor is unable to operate. |
| 5 | Work programmes kept under review, essential works covered by contractors we can use and internal work force. |
| 6 | Regular monitoring of contractors financial viability for advance warnings. Ensure contractors paid on time. |
| 7 | Identify and respond to those who need more support in terms of rent payment and planning, to minimise tenants getting into or further into financial trouble. Approach similar to managing the potential and current loss of rent income from tenants due to the introduction of Universal Credit |
| 8 | Continuous review/monitoring of the HRA capability to finance the Business Plan. |

In Detail - Threats and Opportunities

In October last year the council launched its own housing company, Goram Homes, to accelerate house building across the city and beyond. Goram is one of the ways Bristol is responding to the national housing crisis and will help the city surpass the target of building 2,000 new homes per year by 2020

The current uncertainty created by the Brexit process will undoubtedly have an impact on Goram. It is therefore important that we anticipate the threats and opportunities presented by Brexit and identify any necessary actions and mitigations.

The initial Business Plan approved by BCC's Cabinet in September 2018 is predicated on the development of Goram Homes' first two projects; Romney House, Locklease and the Baltic Wharf Caravan Club site. When the Business Plan was prepared (May / June 2018) reasonable assumptions were made on the likely achievable values and sales pace at that time.

As a result of current uncertainty, there is a growing and significant concern about the implications for the UK economy and housing market in particular. In a No Deal scenario there is very real concern of a major down-turn in the housing market. This means sales values may drop (by up to 35% in the worst case scenario, according to the Bank of England) and sales pace i.e. volume of sales per month may slow down significantly.

In terms of the broader housing delivery picture, if, as expected, No Deal or the threat of No Deal leads to uncertainty in the housing market, this will deter developers and funders from investing in residential led development creating a slow-down in the market. This will reduce the number of new homes delivered and in particular, the number of affordable homes delivered through the planning system.

Developers may delay bringing sites forward for development, leading to land banking,

In this scenario, the 'traditional' house-builder approach would be to slow down their production rates to match their sales rates (to control their financing and debt levels) and in severe cases to stop activity and moth-ball projects to reduce financial losses. However, the benefit of the Housing Company approach is that there are more alternative tenure options the Housing Company can employ. For example, by securing either grant funding from the council or Homes England there is the option to deliver more affordable homes on each site, as occurred following the 2008 financial crisis. There may be the option to also convert the tenure of some private sale properties to open market rented properties.

By employing these tenure changes it should be possible to maintain reasonable delivery levels.

By the time the Housing Company is at a stage to sign contracts and legally commit to the first two projects, there should be more certainty about the direction of Brexit. Therefore, Goram Homes can structure the tenure and financial arrangements for the delivery of homes with this knowledge of the housing market and in such a way that it does not become financially unviable.

A further impact of Brexit – and one likely to be compounded by a No Deal outcome - is increases in construction costs, as a result of disruption and delays within the supply chain. This will have an impact on both the council's housing delivery and housing management functions. The supply of materials required for repairs or maintenance may be subject to delay or disruptions – and the cost of these materials may rise too. In addition a lack of confidence in the sector may lead to fewer or no bids for works contracts and increase in prices to reflect risks.

It is estimated that 13% of the construction workforce in the South West are EEA citizens. If a No Deal Brexit accelerates a shortage of skilled labour this will also have an adverse effect on the speed of delivery outputs. However, this can be offset to some extent by a heavier reliance on off-site manufacturing where a low skill diverse workforce and factory production will help address some of these issues.

Scenario testing and revised financial modelling based on range of different reduced sales values (and increased build costs) are currently being assessed and will be covered in the 'deep-dive' session on the Housing Company Business Plan scheduled for January / February 2019.

Homelessness

It is difficult to predict the impact of Brexit on homelessness. Homelessness is driven by a range of macro economic factors as well as the personal circumstances of individuals and households. In Bristol home ownership and private renting are unaffordable for many households with house prices well above the national average and a buoyant private rented sector.

A house price correction and a reduction in private rented levels could improve affordability, however this would be countered by any increase in costs of living and unemployment.

There is a potential impact on EU nationals living in the UK who do not apply or who are unable to gain a new status. Some could find themselves without access to services and support that they currently rely on, or may need in the future leading to homelessness.

Increasing the supply of affordable housing is essential in tackling homelessness and meeting housing need, there are both risks and opportunities following a no deal Brexit

7. Key Operations – Social Care



Risk Title:
Social Care

Risk description:
The potential impact of a No Deal Brexit on the council’s social care services.

| Likelihood | Impact | Risk Rating |
|--------------------------------|--------|-------------|
| Threat Risk Rating | | |
| 4 | 5 | 20 |
| Opportunity Risk Rating | | |
| 3 | 3 | 9 |
| Tolerance Rating | | |
| 3 | 3 | 9 |
| Preparedness | | |
| Medium | | |

Key threat risks:

1. Pressures on workforce and supply chain could lead to disruption to services.
2. Impact on the timeliness / quality of care delivered in different settings (e.g. hospital discharge, residential and nursing homes, homecare, children’s residential care, foster care) due to shortages of care staff/ carers.
3. A tightening labour market leading to increased wage demands could lead to further cost pressures on providers.

Key opportunity risks:

1. Maintaining the existing strong focus on recruiting to care jobs in Bristol.

Actions and performance:

| Actions and performance | |
|-------------------------|--|
| 1 | Work with commissioned and in-house care provision to better understand risk/ contingency/ opportunity plans for Brexit. |
| 2 | Maintain the existing strong focus on recruiting to care roles in Bristol - this is already high priority in the ACE Directorate as it underpins BCC's ability to ensure sufficiency of supply of care and to meet statutory duties. |
| 3 | Map exposure to EU loans underpinning strategic new build plans in the Adult Social Care sector. |
| 4 | Support the LGA's calls for a secure and sustainable Adult Social care workforce and excellent care skills to be a priority for the Government in drafting a future Immigration Bill ¹⁶ . |
| 5 | Lobby Government to add care workers to the list of 'shortage occupations' exempted from the Government's proposed £30,000 minimum salary threshold for migrants seeking five year visas. |
| 6 | Continual focus on Delayed Transfers of Care (DTOCs) from hospital and how a lack of care staff plays into this. |
| 7 | Work closely with fostering households concerned about deportation. There may be a reduction in foster carers and potential foster carers if they consider their living situation to be precarious. Discuss with prospective foster carers at application stage / fostering panel and similarly for prospective adopters at assessment and panel stages. |
| 8 | In line with the commitment made in the Mayor's State of the City address the council will consider extending its offer of assistance with Settled Status application costs to commissioned providers to help stabilise their workforce. |

Overview

The Adult Social Care sector is already facing difficulties due to reductions in overall funding, whilst the challenge in delivery is already recognised at the national level. It is also a sector considered most vulnerable to changes in migration, thus exiting from the EU is adding an additional layer of risk to an already fragile sector.

In the Bristol, North Somerset and South Gloucestershire Clinical Commissioning Group area 19% of all care workers are non-UK born – 2,130 people. Of those 9% (1,206 employees) are EEA citizens.

The council foresees a proportionately higher impact for frontline care workforce, such as home care, given this is generally a lower level entry sector and the impact of changes to people's status will therefore have a greater impact.

¹⁶ https://www.local.gov.uk/sites/default/files/documents/12062018_EuropeanUnionBill_LGABriefing_v3.pdf

The council is already seeing challenges in regard to recruitment for nursing roles within its care homes where a significant number of nursing staff are from the EU and in the ability of commissioned providers to recruit to homecare roles. These predicted pressures for the provider supply chain will adversely affect areas such as delayed transfers of care from hospitals out to social care provision.

Commissioned providers may yet not be clear on the implications of No Deal on their own organisations and staff, whilst a tightening labour market could result in increased wages, adding further cost pressures to the sector. It therefore remains vital that the council's commissioned and in-house services are futureproofing their workforce plans for the coming period.

As part of Government efforts to reduce low-skilled migration post-Brexit, the Immigration White Paper proposes the introduction of a £30,000 minimum salary threshold for migrants seeking five year visas. The National Association of Care and Support Workers has warned that this could have a severe impact on the social care sector and further compound staffing shortages¹⁷. The threshold will be consulted on for 12 months. In line with the LGA's campaign for a secure and sustainable Adult Social Care workforce, we will actively lobby central government for the White Paper to better reflect the needs of the sector; specifically, that carers should be added to the list of 'shortage occupations' exempted from the cap.

In Detail - Threats and Opportunities

As a result of pressures on its workforce and supply chain, there is a significant threat that council services could fail to be delivered and that the council would therefore be unable to deliver its statutory duties, impacting on service users, families and citizens.

This could have a knock-on effect on other services as the council is forced to dedicate less resource to discretionary services.

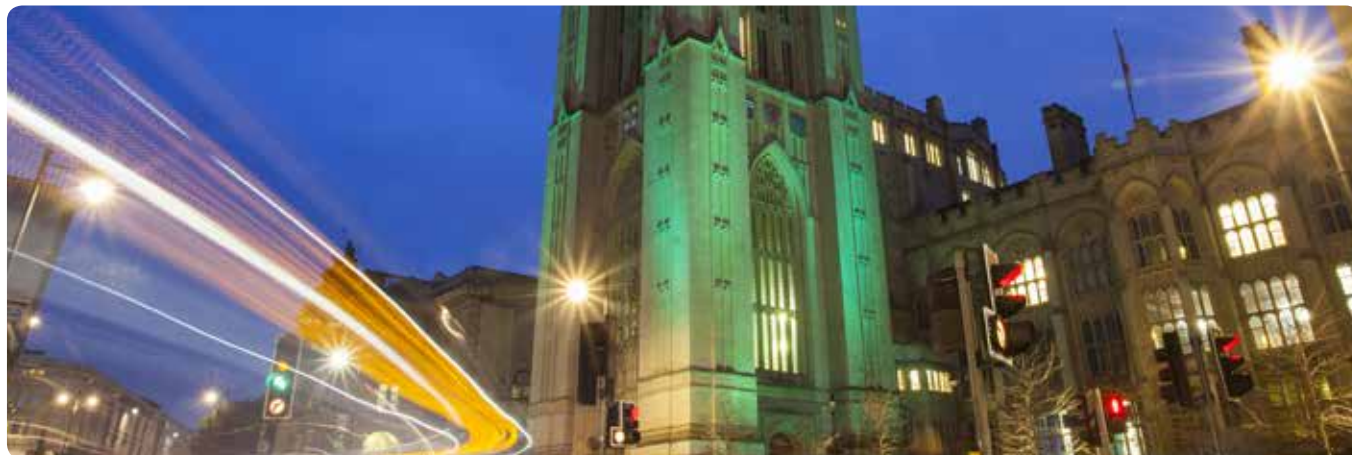
Local authorities will need to apply for Settled Status on behalf of Looked After Children, when the scheme opens in March. This may be a complex process, with the possibility that there will be gaps between the data we hold and the information required by central government. In preparation for the opening of the scheme, Children's Services officers have begun to obtain and analyse the relevant records to ensure information is complete and accurately recorded, including nationality and immigration status.

The extent of risk for council providers in regard to loans from the EU that underpin new builds and investments continues to be investigated, including the potential impact on strategic new build plans in Adult Social Care. This mapping exercise will continue in the coming weeks. Challenges in nursing recruitment, for example, would be an additional threat to Adult Social Care and providers' ability to deliver statutory requirements on placing service users in nursing care.

More broadly, exiting the EU could offer the opportunity to take innovation approaches to delivery of services. However when this relates to statutory services, there is an increased legal risk for the council associated with this. Collaboration across sectors is also a further opportunity; in particularly between local authorities and other local partners such as the Acute Trusts in the City and commissioned providers as organisations prepare to leave the EU.

¹⁷ <https://www.theguardian.com/commentisfree/2018/dec/19/carer-30k-immigration-rule-decimate-sector-post-brexit>

7. Key Operations – Regulatory Services



Risk Title:
Regulatory Services

Risk description:

The potential impact of a No Deal Brexit on the council's ability to carry out its trading standards, food inspection, port health and other enforcement and regulatory activities

| Likelihood | Impact | Risk Rating |
|--------------------------------|----------|-------------|
| Threat Risk Rating | | |
| 3 | 2 | 6 |
| Opportunity Risk Rating | | |
| 2 | 2 | 4 |
| Tolerance Rating | | |
| 2 | 1 | 2 |
| Preparedness | | |
| Medium | | |

Key threat risks:

1. Lack of Port Health and Trading Standards capacity
2. Change in government position on mutual aid, requiring the diversion of Port Health and Trading Standards resource to Channel ports
3. Food supply contamination caused by delays in transit

Actions and performance:

| Actions and performance | |
|-------------------------|---|
| 1 | Continue to assess resource implications of a No Deal Brexit. |
| 2 | Keep abreast of government advice regarding mutual aid. |
| 3 | Continue to engage with Avon & Somerset ports via the LRF to understand their expectations and plans so are well positioned to respond to any increase in demand. |
| 4 | Continue to support Lead Port Officer to attend National Cross Border Delivery Group and update as necessary. |

In Detail - Threats and Opportunities

Ensuring that the UK retains an effective product safety regime is a Brexit priority for the Department of Business, Energy & Industrial Strategy. In the event of No Deal, the government plans to maintain existing provisions to “ensure the safety and accuracy of products sold on the UK market”. The Government is in the process of transferring current EU Directives, covering 53 measures, into UK law through a statutory instrument. This will mean the product safety regime will remain operable even in the event of No Deal.

The Local Resilience Forum has highlighted the possibility of ‘mutual aid’ requests being made, resulting in Bristol Port Health and Trading Standards officers being drafted to provide staffing at the Channel Ports. We have sought assurances from MHCLG that national planning assumptions do not rely on a mutual aid scenario. While MHCLG have confirmed that there are no current plans to activate mutual aid networks in the event of No Deal, we are mindful that any change in guidance would have a significant resource implication. It has therefore been identified as a threat on the LRF risk register, and the LRF will continue to liaise closely with MHCLG Resilience and Emergencies Directorate (RED) teams.

Of the risks currently included within the National Risk Assessment and the ASLRF Community Risk Register, food supply contamination is considered to be particularly relevant to a No Deal Brexit.

Increased or displaced trade through the Port of Bristol (Avonmouth and Royal Portbury Docks) could create a sharp increase in demand for Port Health and Trading Standards services.

Delays in transit, changes to food labelling including technical rules around allergens, additives, nutritional and health information – and changes in inspection regimes for food products at ports could also increase the risk of contaminated foodstuffs entering the UK supply chain.

Managing these threats effectively will depend upon Port Health and Trading Standards teams having sufficient capacity and being fully briefed on the implications of No Deal for their enforcement and inspection activities. Overall our Regulatory Services teams have had good engagement from central government and are confident that we will be able to respond to any changes required in enforcement and inspection practices.

Our current assessment is that we are confident we have the initial resources in place to deal with any increased number of checks that we might need to undertake in a No Deal scenario for shipping arriving at our Border Inspection Post. As a contingency measure, if capacity issues emerge at the port, we have planned to temporarily move resources away from our Food Safety Inspection service in the short term (additional resources would be required on a longer term basis if the capacity issues became business as usual as the Food Inspection Service is also a statutory service).

The Government's No Deal technical notices highlight two issues of relevance to councils' Trading Standards/Food Safety teams. The first involves a slight tweak to the enforcement of tobacco regulations so that trading standards officers will have to ensure manufacturers use new picture warnings from exit day. The second involves the enforcement of new health marks on meat, fish and dairy products, as UK producers would be banned from using abbreviations that imply membership of the EU. The FSA says it has written to all local authorities to notify them of this change and provide guidelines on when it should be enforced.

In line with advice from the cross-governmental Border Delivery Group, we are also mindful of the cumulative impact of a series of low or marginal impact changes. Individually these may be insubstantial but collectively may amount to a significant additional resource burden. Through the LRF we will continue to work closely with the port to ensure that we understand their operating model assumptions, including transit volumes so we can ensure that any cumulative impact does not disrupt our processes,

The government has warned there may be a loss of access to key EU systems – especially TRACES (Trade Control and Export System), which is the EU's online management system for intra-EU trade. In the event of No Deal a UK equivalent will need to be in place and delivering this is a government priority. Doing so in time for 29 March 2019 is likely to be very challenging and could lead to further delays, with consequences for our Port Health and Trading Standards teams which rely heavily on the system to check goods and legislative controls that may apply to them.

8. City Economy



Risk Title:
City Economy

Risk description:
Considers the potential impact of a No Deal Brexit on the city economy.

| Likelihood | Impact | Risk Rating |
|-------------------------|--------|-------------|
| Threat Risk Rating | | |
| 3 | 5 | 15 |
| Opportunity Risk Rating | | |
| 3 | 3 | 9 |
| Tolerance Rating | | |
| 3 | 3 | 9 |
| Preparedness | | |
| Medium | | |

Key threat risks:

A period of negative or restricted economic growth, impacting upon trade, investment, business confidence, council funding and finance, the labour market and key sectors of the local economy.

Key opportunity risks:

Increased opportunities for UK-born workforce.

Actions and performance:

| Actions and performance | |
|-------------------------|--|
| 1 | Robust data analysis, shared amongst key partners and stakeholders to reach a common understanding of local economic conditions, leading to early identification of real threats and opportunities. |
| 2 | Achieving consensus with partners and stakeholders on strategic objectives for inclusive and sustainable economic growth, with effective action planning and monitoring, to avoid becoming distracted by poorly evidenced instinctive short-term measures. |
| 3 | Increased investment in skills training and ‘inclusion infrastructure’, directed at both employer and resident needs, to exploit potential for job insertion for residents in the wake of vacancies created by shortage of migrant workers. |
| 4 | Continue to make the case to Central Government to devolve more skills funding to local level. |

Overview

Bristol is one of the most successful cities in the UK, with a higher employment rate than other Core Cities and an economy that contributes approximately £14bn to the UK economy (ONS 2016 figures) every year. However, Bristol’s prosperity is not shared by all its citizens and many areas experience multiple deprivation, which could be compounded by a No Deal Brexit.

Economic Forecasts

Estimating the impact of a No Deal Brexit on Britain’s cities is fraught with difficulties – even predicting the national impact of Brexit has itself proved contentious. Not only do we not know what the precise Brexit will look like, studies of the national impact differ in what potential effects they incorporate (on trade, migration productivity, regulation, wages, financial markets, and the like), as well as in the types of models used.

Any negative or restricted economic growth as a result of No Deal is likely to have a negative impact upon investment, trade, business confidence and council finances (particularly lost business rate income) Work commissioned by Core Cities suggests a harder Brexit will lead to a worse impact on Core Cities. Regardless of the form of a final deal, all of the Core Cities are likely to experience a relative fall in GVA (Gross Value Added). Bristol’s GVA will fall by an estimated 2.5% relative to the previously projected growth forecast (based on a ‘Remain’ 2030 baseline).

The Autumn Budget saw a revised set of growth forecasts, with GDP revised up slightly and unemployment forecasts lowered. However, all these forecasts are based on a Brexit deal. Should the UK leave without a Deal and therefore a transition period – the Office of Budget Responsibility states that:

A disorderly Brexit could have severe short-term implications for the economy, the exchange rate, asset prices and the public finances¹⁸.

¹⁸ <https://obr.uk/efo/economic-fiscal-outlook-october-2018/>

Subsequent official Government estimates suggest that a No Deal Brexit could see GDP growing by 8% less than would be expected were the UK to remain in the EU.

Impact of negative or restricted growth

In addition to recessionary pressures, or those of stagnant or very slow growth, a No Deal Brexit is likely to bring with it specific impacts upon the UK labour market, representing both threats and opportunities.

As described earlier, a reduction in the number of EU citizens has the potential for a range of impacts. This could include skills shortages, with the Chartered Institute of Personnel and Development (CIPD) pointing, out over a year ago¹⁹, that the UK ranks in the bottom four Organisation for Economic Cooperation and Development (OECD) countries for literacy and numeracy among 16-24 year olds. CIPD warn that with employers training less and investing less in skills than most other EU countries, the UK is “sleepwalking into a low-value, low-skills economy post-Brexit”.

While the available data makes it difficult to quantify Bristol’s vulnerability to skills shortages, it should be noted that the city has an above average number of working age residents qualified to degree level (48.5%) – with Bristol residents more highly qualified than all other core cities. However, at the other end of the scale over 15,000 working age residents of Bristol had no qualification and a further 25,000 were only qualified to the NVQ1 level, meaning over 40,000 residents are classed as ‘poorly qualified’.

In Detail - Threats and Opportunities

Increased unemployment, reduced household income and rising personal debt are common features of a weakening economy. Each has the potential for increased demand upon local authority services and impact upon council revenue streams through council tax and rent. Social costs, for example in respect of advice services, are also likely to increase. Reduced economic activity will have wider implications for a range of council income streams, from planning fees to Community Infrastructure Levy and parking fees.

There are 22,175 business units across the city. Any reduced level of development and an increase in empty retail units would see a further challenge for the local economy and council finances. There is a threat that if large companies reduced or ceased production in the UK, it would impact Bristol’s economy through lost jobs and flow down impact on the supply chain. The city’s business landscape includes 34 EU head quartered corporates and 2,639 foreign-owned businesses. Amongst the 24 businesses that have a £100m turnover, 9 of these are foreign-owned.

The preparedness of local business for No Deal is difficult to measure. However, a large-scale survey conducted by the British Chamber of Commerce suggests that 62% of businesses have not prepared for a No Deal Brexit. Extrapolating this national data to a local level would mean an estimated 14,000 Bristol-based enterprises have made no preparations for a No Deal Brexit.

Of all the UK’s regional cities, Bristol is the third most reliant on EU exports. With 66 per cent of the city’s exports going to the EU, compared to just 8 per cent going to the US and 2 per cent to China, Bristol is behind only Exeter and Plymouth in terms of its reliance on trade

¹⁹ <https://www.cipd.co.uk/about/media/press/170419-uk-skills-crisis>

within the European Union and the value of goods exported from the region as a whole is £20.4bn per year²⁰.

The potential adverse effect of No Deal on trade is not limited to the proportion of exports of a city or region that goes to the European Union. It also involves their supply chains and production networks, and the extent to which these are located in other cities and regions. There have already been examples of Bristol firms pre-emptively opening premises in other EU member states and this may accelerate as the uncertainty around No Deal continues²¹.

Manufacturing and construction are vital sectors to the area. Approximately 20.5% of national aerospace employment is currently located in the South West, with both Airbus and Rolls Royce employing 3,000 people at their Filton sites (just beyond the Bristol local authority boundary in South Gloucestershire).

Recent months have been marked by uncertainty and threats to jobs in the sector. In June Rolls Royce announced 4,600 redundancies, saying that although their Derby site would be hit the worst, some corporate and support jobs would go at its Filton Plant, Airbus has warned that should the negotiations between the UK and EU conclude without a deal, its site at Filton would be at risk²². The Chief Executive of Business West said he believes Airbus's warning should be taken seriously and "the role of Airbus as an employer and an anchor firm for our high-tech, advanced manufacturing and aerospace sectors is hard to overstate."

Between 2014 and 2020, the city region is to receive €68m in European Structural and Investment Funding and both the council and wider city are exposed to European Investment Bank (EIB) loans. The future of these is uncertain, which poses a potential threat to a number of city economy projects.

The withdrawal of non-UK born workers carries both threats and opportunities. Some threats, with direct relevance to the council's own workforce, have already been explored, in terms of recruitment challenges and skills shortages. But with this specific threat comes a potential opportunity for unemployed and economically excluded UK-born residents. Increased numbers of vacancies prompt employers to find ways of attracting and adapting to these residents who may have previously been overlooked.

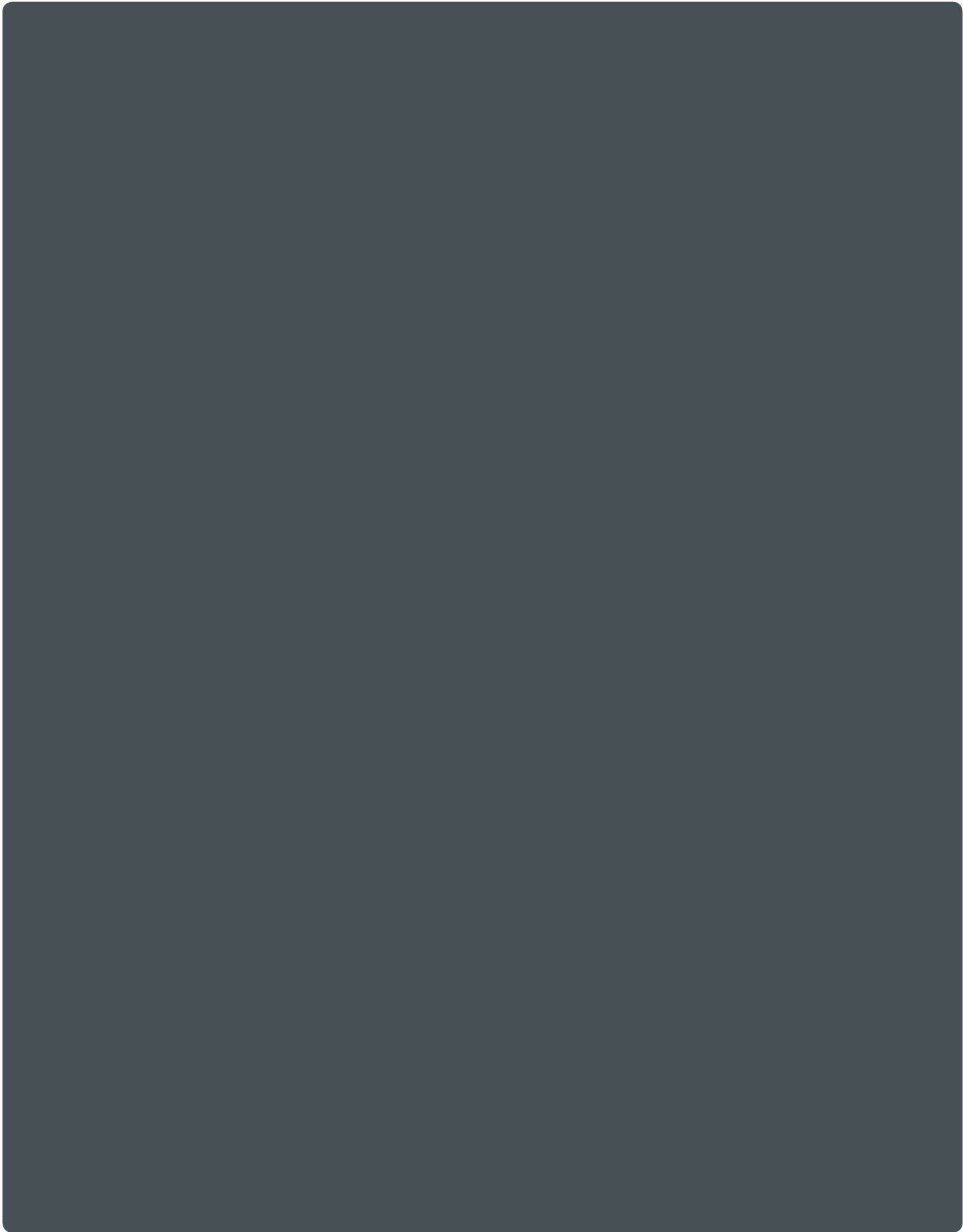
However, should an economic downturn outweigh the reduction in the readily available workforce, it could easily be that progressive labour market policies aimed at inclusive growth are pushed to one side in favour of a more prosaic and pragmatic focus upon any job rather than a quality job. A tight labour market aids attempts to foster inclusive growth, while the evidence shows that the opposite has a negative impact on diverse recruitment, skills development and utilisation, and the incentive for improved terms and conditions.

It remains important to maintain good economic intelligence, through the analysis of both hard and soft data, in order to have early notice of changes in the business environment and the local labour market. This should alert us to which of the potential threats and opportunities is manifesting locally, as well as identifying additional impact not previously assessed.

²⁰ <https://www.centreforcities.org/reader/cities-outlook-2017/uk-cities-export/>

²¹ <https://www.bristolpost.co.uk/news/business/bristol-sports-company-moving-europe-2343320>

²² https://www.google.co.uk/search?q=airbus+filton+No+Deal&rlz=1C1GCEA_



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