

SURREY COUNTY COUNCIL**CABINET**

DATE: 15 DECEMBER 2020

REPORT OF: MR TIM OLIVER, LEADER OF THE COUNCIL

LEAD OFFICER: KATIE STEWART, EXECUTIVE DIRECTOR FOR ENVIRONMENT, TRANSPORT AND INFRASTRUCTURE

SUBJECT: SURREY LOCAL RESILIENCE FORUM UPDATE ON THE END OF THE EU EXIT TRANSITION PERIOD

ORGANISATION STRATEGY: GROWING THE ECONOMY SO EVERYONE CAN BENEFIT, TACKLING HEALTH INEQUALITY, CREATING A GREENER

PRIORITY AREA: FUTURE AND ENABLING RESILIENT AND CONNECTED COMMUNITIES.

SUMMARY OF ISSUE:

Surrey Local Resilience Forum (SLRF) partners and our communities continue to face multiple and complex challenges during the winter of 2020/21. This includes delivering an effective response to the ongoing Coronavirus pandemic, whilst also maintaining the ability to respond to other known risks, including winter flu season and the imminent end of the EU exit transition period.

A report to Cabinet in October provided a comprehensive overview of the Council's own organisational resilience in light of these challenges. This report will specifically provide an update in relation to the work that the Council is doing in collaboration with its LRF partners to plan for the imminent end of the EU exit transition period.

RECOMMENDATIONS:

It is recommended that Cabinet:

1. Note the SLRF's planning for the imminent end of the EU exit transition period, and the work being done to minimise risks to business continuity.

REASON FOR RECOMMENDATIONS:

Surrey County Council, partners and communities across Surrey continue to face a challenging period over winter 2020/21, requiring robust contingency planning to mitigate potential disruption. As a local authority providing critical services to communities, and in our capacity as a Category 1 responder under the Civil Contingencies Act 2004, we have a responsibility to prepare for threats to business continuity, such as the end of the EU exit transition period, and contribute to multi-agency planning and response.

Background

1. Surrey County Council (SCC) works alongside other partners through the Surrey Local Resilience Forum (SLRF) to coordinate an effective county-wide response to mitigate the impact of disruption to services on residents. The SLRF is a multi-agency partnership of Category 1 responders (Surrey Police, boroughs and districts and Surrey Fire Rescue Service) and Category 2 responders (Highways Agency and utilities companies) which supports the coordination of the planning for, response to and recovery from county-wide emergencies and incidents facing our communities.
2. The response to the Coronavirus pandemic and other identified risks, including exit from the EU, is being overseen by the SLRF Strategic Coordinating Group (SCG). The SCG is managing known risks and threats that have been identified and is being coordinated through a single operational plan under Operation Tarragon. This includes the ongoing response to the Coronavirus pandemic, seasonal health and weather risks, the ongoing threat around terrorism, and of course, the imminent end to the EU exit transition period – the latter being the specific focus of this report.

End of the EU exit transition period

3. Since the referendum result in July 2016, the SLRF has been preparing for the end of the EU exit transition period. Over the last four and a half years as the national picture of what the exit from the EU would look like has developed, the SLRF has been developing and continually refining contingency plans for how partners would accommodate what is expected to be a period of disruption to transport networks, supply chains and workforces as new rules for cross-border trade, communications, and flows of people are implemented.
4. Throughout this period of planning, the SLRF has been using the Government-provided Reasonable Worst-Case Scenarios (RWCS) to support the planning for the end of the EU exit transition period. These assumptions must be treated sensitively and not shared beyond those with a critical need to know in order to inform contingency planning. These assumptions have been amended several times as the national policy direction has evolved over the last few years and through the transition period.
5. With this in mind, it is important for Cabinet to note the ongoing challenge of planning with significant uncertainty about the final policy arrangements agreed by the UK Government with the EU once the transition period ends on 31 December 2020. The SLRF is in regular contact with central government departments, such as the Department for Transport and Ministry of Housing, Communities and Local Government (MHCLG), to try to ensure the SLRF has access to the information and modelling needed to plan effectively and minimise any negative impact on services.
6. Although the specific assumptions in the RWCS cannot be shared, an overview of the risks and contingency plans in place, based on the RWCS as understood at November 2020, is outlined below. These risks include:

Disruption in supply chains

7. Supply chains across a number of SLRF partners and services, including the Council's own services, face the potential for disruption following the end of the transition period – arising both from the legal ramifications of whatever arrangements

are agreed between the UK Government and the EU, but also potential transport network disruptions, should there be any issues at the border as HGVs transporting goods and services face potential delays from new arrangements at international ports.

8. The main risks posed by the end of the EU exit transition period to the supply of services, are the potential disruption to the following supply chains:
 - **Medicines and other medical supplies.** Such supplies are vital not only to health partners, but to the Council's own social care services as well, and this has come to light during the ongoing response to COVID-19. At a national level, the Department of Health and Social Care (DHSC) and the NHS are working together to ensure that the supply of medicines and other medical supplies is continued to be provided. To support this, the SLRF is working with regional and local partners to ensure a resilient supply chain.
 - **Personal Protective Equipment (PPE).** As Cabinet will be very aware, over the course of the response to the Coronavirus pandemic, the importance of PPE has risen dramatically, and it is vital that a robust supply chain is in place to support the increased demand for such materials. An SLRF Logistics Cell will remain in place for the duration of the Coronavirus pandemic with a prioritisation schedule ready should there be a long term shortage of PPE. In addition, the SLRF has secured a six-week supply of PPE to provide continuity in the supply of these critical materials should there be a disruption following the end of the EU exit transition period.
 - **Other supply chains.** Other supply chains are also being actively reviewed by the SLRF and the Council, given that these contractors play a vital role in our day to day service delivery. Services within the Council are actively working with SCC's procurement team to ensure that adequate contingencies are in place to provide continuity of service in the event of disruption following the end of the transition period.

Impact on information sharing

9. The normal flow of data from EU countries may be affected if the EU strictly implements third country controls.
10. The EU is conducting a data adequacy assessment of the UK. If the EU grants positive adequacy decisions by 1 January 2021, it would mean that personal data can flow freely from the EU/EEA to the UK, as it does now, without any action by organisations. The EU has yet to decide as to whether they accept that the UK's data protection regime is still adequate. This means there is a need to act now in order to keep personal data flowing lawfully and to work with EU/EEA organisations who transfer personal data to put in place alternative transfer mechanisms.
11. MHCLG has written to the council with interim guidance and the SLRF expects additional guidance to be provided very soon. The current advice is that from 1 January 2021, organisations may need to have an alternative transfer mechanism, such as Standard Contractual Clauses, in place with EU/EEA counterparts to ensure and organisations can keep personal data flowing lawfully from EU/EEA organisations. Therefore partners, including the Council, are working with services and suppliers to ensure that these contingency measures are in place to ensure continuity of data flow post the transition period.

12. There are currently no changes to the way you send personal data to the EU/EEA, Gibraltar and other countries deemed adequate by the EU.

Potential impact on travel, freight and borders

13. There may be customs delays for HGVs travelling to Europe, leading to delays in freight movements, and potential knock on impacts in the form of congestion emanating out from the ports.
14. The SLRF are continuing to engage with the Department for Transport (DfT) to ensure it has the most up to date estimates and modelling of the likely traffic scenarios arising in and around the ports in the counties bordering Surrey. This is to ensure that the county can prepare robust contingency plans to keep the county moving, should there be disruption post the transition period. The Council is working closely with the SLRF to push the DfT to support a more coordinated response to the potential impacts from such disruption, as well as engaging with Highways England (HE) to seek to coordinate this management of the network across Surrey's network and the HE's Strategic Road Network (SRN).
15. The SLRF have specifically requested the following information to enable this planning to be finalised over the coming weeks:
 - further detail concerning the Kent HGV Access Plans and any impact for Surrey;
 - an assessment of the impact on Surrey from freight movements to and from the ports (sea and air) and how this will be coordinated;
 - clarity around the Statutory Instrument that has been issued for Kent and whether this can be extended to Surrey for certain situations to support contingency planning; and
 - a shared contingency plan between central government and Surrey partners to respond to known risks.
16. For their part, HE has confirmed that during the Christmas and New Year period, their seasonal planning will come into force, including the management of any EU exit impacts. This will include a national communication campaign to promote the 'prepare for your journey' messaging. Where possible, road works will cease and the roads will be cleared, although where major schemes are being delivered, and it is safe to do so, the works will need to remain in place.

Impacts on residents

17. The end of the EU exit transition period risks increasing food and energy prices, which will impact vulnerable residents the most. Meeting the physical and mental health needs of vulnerable residents, and protecting against financial hardship, remains a strategic priority for the SCG. In the short term, the Covid Winter Grant scheme will provide extra financial support for vulnerable families in Surrey.
18. There is also a risk of demonstrations and disorder, which is being proactively monitored by Surrey Police as part of their routine operations.

Impacts on SCC services

19. Finally, although covered in the October Cabinet report, it is worth emphasising and reminding Cabinet that SCC services have been working together to continually refine their business continuity plans in light of the above risks. The Council's Corporate Resilience Group (CRG) continues to provide strategic oversight to this planning, alongside which an Operational Group was stood up in February 2020 to coordinate the ongoing tactical response to the full range of business continuity risks identified in paragraphs 7 to 16. This Ops Group provides, and will continue to provide, a capacity to dynamically respond to specific threats to the ongoing provision of Council services to residents through to the end of the EU exit transition period.

CONSULTATION:

20. Partner organisations have been consulted through the SCG of the SLRF and the associated working groups as part of the Surrey Emergency Response Plan.

RISK MANAGEMENT AND IMPLICATIONS:

21. This paper is focused on the risks identified regarding the end of the EU exit transition period. However, SCC services are working together at CRG to ensure our business continuity plans are up to date and reflect the current risks, during an uncertain period. EU exit is one of a number of risks that we may see over the winter period, alongside the current response to COVID-19. The work underway to mitigate against these risks include:
- On behalf of CLT, the Executive Director for Environment, Transport and Infrastructure is leading on the organisation's corporate resilience and winter planning.
 - Procurement continue to provide a review of the resilience of the supply chain.
 - The CRG has overseen the exercising of service business continuity plans against given scenarios.
 - HR have continued to provide support to identified resource requests via the Mobilisation Team.
 - IT&D are continuing to monitor and defend our IT systems against any cyber threat to protect front line services and the ability of staff to work remotely.

Section 151 Officer Commentary

22. Although significant progress has been made over the last twelve months to improve the Council's financial position, the medium-term financial outlook is uncertain. The public health crisis has resulted in increased costs which may not be fully funded in the current year. With uncertainty about the ongoing impact of this and no clarity on the extent to which both central and local funding sources might be affected from next year onward, our working assumption is that financial resources will continue to be constrained, as they have been for the majority of the past decade. This places an onus on the Council to continue to consider issues of financial sustainability as a priority in order to ensure stable provision of services in the medium term.

23. To date, the activities and associated costs of the SLRF response to the pandemic have been met from existing budgets and government grants across the partnership. However, the future financial implications arising from this convergence of multiple challenges are unknown. Finance will continue to monitor the situation and to develop plans to manage financial implications as they emerge. These will be reported as and when appropriate.

Legal Implications – Monitoring Officer

24. The update and plans referred to in the body of the report are further to duties placed on the County Council and its partners in the SLRF under Part 1 of the Civil Contingencies Act 2004. to collectively plan for and respond as appropriate to civil emergencies in the region.

Equalities and Diversity

25. When there is clarity around the terms of exit from the EU, an Equality Impact Assessment will be undertaken to identify and mitigate any potential negative impact on protected groups.
26. Under the Equality Act 2010, race is considered a protected characteristic – this includes nationality. Exiting the EU will have a disproportionate impact on EU nationals so the council will need to understand the impact on affected residents and staff as the exit terms become clearer.
27. More widely, should any modifications need to be made to services as a result of any of the risks outlined in this report being realised, Equality Impact Assessments would be completed to ensure that the impacts of such changes on protected groups are understood and mitigated.

WHAT HAPPENS NEXT:

28. The Council, in conjunction with the SLRF, will:
- Continue to monitor and plan for risks associated with the end of the EU exit transition period.
 - Continue to seek information and clarification from DfT on the aspects contained in this report.
 - Continue to refine business continuity plans to ensure the readiness of services to respond to the end of the EU exit transition period.

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Consulted:

Consultation is ongoing due to the nature of the SLRF with partner organisations through the Strategic Coordinating Group and the associated working groups as part of the Surrey Emergency Response Plan.