

BREXIT UPDATE

Legal and Democratic Services Advisory Committee - 20 June 2018

Report of Chief Officer Corporate Services

Status For Information

Key Decision No

Portfolio Holder Cllr. Anna Firth

Contact Officer Margaret Carr, Ext. 7341

Recommendation to Legal and Democratic Advisory Committee:

The Brexit Update report is noted.

Reason for recommendation: Assessing the impact of Brexit on the Council is part of an on-going role for the Legal and Democratic Services Advisory Committee and supports Members in identifying any preparation that might be necessary to meet the challenges and opportunities ahead.

Introduction and Background

- 1 This report is the fourth one Members of the Legal and Democratic Services Advisory Committee have received on Brexit. It aims to identify any actions or preparation that might be necessary for the Council and the District in order to meet the challenges, and maximise the opportunities of, the UK leaving the EU. Previous reports are available in the background papers to this meeting.
- 2 This report updates Members on the latest events in relation to the UK Government's preparations for Brexit, and the work of the LGA.

UK-EU Negotiations

- 3 The UK-EU negotiations are currently focused on what is known at the Chequers plan. In essence, this is a plan for Brexit which was agreed by the Cabinet at the Prime Minister's country residence, Chequers, on 6 July 2018. It includes: a "common rulebook" for all goods trade with the EU and a "facilitated customs arrangement" which aims to maintain frictionless trade in goods between the UK and EU whilst allowing Britain to develop an independent trade policy with the rest of the world. The plan would end free movement of people. By October there would not be a legal text but there would be a detailed politically binding agreement, with the aim of a formal trade treaty by March 2019.

- 4 Following the summer Parliamentary recess, the Prime Minister has reiterated her determination to stick with the Chequers plan, together with her commitment to avoiding a hard border between the Irish Republic and Northern Ireland.
- 5 It is this plan on which she is aiming to get agreement at the EU Summit on 18 October 2018.
- 6 In recent weeks the Government has published an Agriculture Bill, a proposed pilot scheme for Seasonal Agricultural Workers, and there have been announcements regarding mobile phone roaming charges in the EU for UK citizens post-Brexit.
- 7 On 18 September 2018 The Migration Advisory Committee published a report commissioned by Government on EEA migration, with a series of proposals that could shape Government immigration policy post-Brexit. The Government is now considering these proposals and intends to “put in an immigration system that works for the whole of the UK”.

Local Government

- 8 At the LGA Annual Conference in July 2018, the Secretary of State for Communities announced the formation of a Brexit Ministerial Local Government Delivery Board, which held its inaugural meeting shortly afterwards on Thursday 19 July.
- 9 The meeting, which was chaired by the Secretary of State for Communities, provided an opportunity for Government Ministers and local government sector representatives from the LGA, County Councils Network, District Councils Network and the Core and Key Cities Groups to share updates and views on latest developments.
- 10 Council leaders placed on record their concerns relating to the timely replacement for EU funding, the potential to review EU laws post EU-Exit and stressed the need for joined-up engagement across Whitehall to ensure that the issues and opportunities facing communities up and down the country are properly captured and considered by Government.
- 11 Since the last report to the Advisory Committee, there has been a further evidence session held for the Housing, Communities and Local Government inquiry into Brexit and local government. This took place on 28 July 2018 and focused on rural councils. Cllr Paul Carter, Leader of Kent County Council, was one of those called to give evidence, as was the District Councils Network. There have been no further oral evidence sessions.
- 12 On 5 September 2018, the Chair of the Housing, Communities and Local Government Committee (HCLG) wrote to the Secretary of State for HCLG, raising three questions as a result of the evidence thus far:
 - to ask if the Ministry has been a beneficiary of the £3m Brexit fund, announced by the Chancellor in the Autumn Budget 2017 to help with

Brexit contingency planning and transition, referring to concerns raised during the inquiry into the capacity challenges some councils are facing in preparing for Brexit

- To express concern regarding the representation of all tiers of local government and the geographical spread of engagement in the Brexit negotiations regarding the Brexit Local Government Delivery Board (as referred to above)
 - To indicate whether the Government intends to devolve skills funding post-Brexit, in response to consistent requests to do so heard at the inquiry evidence sessions.
- 13 The previous report to the Legal and Democratic Services Advisory Committee referred to the 'Post-Brexit England Commission' established by the LGA, with the aim of presenting solutions to issues raised by Brexit for Local Government and chaired by Mark Hawthorne, the leader of Gloucestershire County Council.
- 14 The Commission aims to evaluate the role of Local Government in England in the period following the transition phase. It will principally investigate issues surrounding skills and productivity challenges, and infrastructure pressures. In order to facilitate this, a series of regional roadshows has been taking place, with one planned for the South East on 18 December 2018 at Smith Square. The findings of the Commission will be published in Spring 2019.

Commentary

- 15 The EU Summit on 18 October will be a key date for the Brexit negotiations. The Prime Minister has indicated that it is either "her deal (Chequers) or no deal" and contingency planning (Operation Yellowhammer) is taking place should a no deal situation arise. The Government, however, remains committed and confident of being able to agree a withdrawal agreement within the necessary timescale.
- 16 The EU's chief negotiator has said negotiations must be complete before the end of October to give the 27 EU countries time to sign off the deal. MPs in the UK Parliament will also get to vote on the final deal. If a deal is not reached by October, there is a final EU summit on 13 December 2018; this is the fall back option if both feel they are close to an agreement.
- 17 Council Officers will continue to monitor the situation and report back as necessary.

Key Implications

Financial

There are no financial implications for this report

Legal Implications and Risk Assessment Statement.

There are no legal implications for this report

Equality Assessment

The decisions recommended through this paper have a remote or low relevance to the substance of the Equality Act. There is no perceived impact on end users.

Appendices None.

Background Papers Report to Legal and Democratic Services Advisory Committee, January 2018:

<http://cds.sevenoaks.gov.uk/documents/s32939/06%20Brexit%20Committee%20Report%20January>

Report to Legal and Democratic Services Advisory Committee, March 2018:

<http://cds.sevenoaks.gov.uk/documents/s33721/08%20Brexit%20Update.pdf?J=1>

Report to Legal and Democratic Services Advisory Committee, June 2018:

<https://cds.sevenoaks.gov.uk/ieListDocuments.aspx?CId=325&Mid=2287&Ver=4&J=2>

Jim Carrington-West

Chief Officer Corporate Services