

BREXIT UPDATE

Legal and Democratic Services Advisory Committee - 19 March 2019

Report of Chief Executive

Status For Information

Key Decision No

Portfolio Holder Cllr. Anna Firth

Contact Officer Margaret Carr Ext. 7341

Recommendation to Legal and Democratic Advisory Committee: That 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 is the sixth report updating Members of the Legal and Democratic Services Advisory Committee 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 to 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 role of local government within this.

UK-EU Negotiations

- 3 Since the last report, the "Meaningful Vote" promised to Parliament took place in January 2019, having been postponed from the original date of 11 December 2018. The Government lost this vote; the principle issue with the Withdrawal Agreement (WA) and Political Declaration (PD) is with the status of the "backstop" in relation to avoiding a hard border between the Irish Republic and Northern Ireland.
- 4 On Tuesday 29 January a series of votes in the House of Commons resulted in support being given to the Prime Minister to seek to amend the current

Withdrawal Agreement on the issue of the backstop, in order to secure a deal to exit the EU.

- 5 The Government's position remains that their priority is to leave with a deal on 29 March. At the time of writing, the Prime Minister has promised a fresh vote on the Brexit deal on or before 12 March.
- 6 If this is rejected, the Prime Minister has promised to bring forward a second motion for debate on 13 March, which would ask MPs if they support "leaving the EU without a withdrawal agreement and a framework for a future relationship on 29 March."
- 7 If the Commons rejects this, then a motion will be brought forward for debate on Thursday 14 March. This motion would propose a "short extension" of Article 50's two-year negotiating period.
- 8 The outcome of this vote is (as with the "no-deal" debate) not legally binding.

Local Government

- 9 The Ministry for Housing, Communities and Local Government (MHCLG) continues to engage with local government on the issues that will affect all regions and those that are specific to individual regions and councils. The Secretary of State for Housing, Communities and Local Government wrote to Council Leaders on 31 January making it clear that it was "essential" for councils to ensure they were "all undertaking the necessary local planning and preparations" in the event of no-deal.
- 10 Following this correspondence, the Ministry has released information on a £56m fund to support councils with this preparation and he has committed to further funding from across Whitehall if necessary. The funding will be distributed across all County, Unitary and District Councils. Like all other Districts, Sevenoaks DC will receive £17,500 in 2018/19 and a further £17,500 in 2019/20. The Council has no immediate plans to spend this money but it will be held for the purpose of preparing for exiting the EU should it become evident that it is required.
- 11 In addition to the funding announced the Secretary of State also announced that the EU Exit Local Delivery Board which he chairs and is a cross-departmental committee, will now increase the frequency of their meetings to monthly.
- 12 Details have been released on the creation of the Local Authority Information Network comprising of nine senior officers across all regions of England to support with implementing no deal plans at a local level. The South East is represented by the Chief Executive of East Sussex Council, Becky Shaw. According to the government, it is expected that these nine will "engage with councils in their region to share information on preparations to support an orderly exit. Simultaneously, the chief executives

will be kept well-informed on national policy on EU exit that could have implications for local services, businesses and residents.”

- 13 MHCLG is also proposing some themed events, together with an updated partnership pack: ‘Preparing for changes at the UK border after a no deal exit’ released on 6 February 2019. This gives guidance and links to help businesses prepare for changes to cross border activity between the UK and EU.
- 14 Officers have been engaging with the Kent Resilience Forum as appropriate regarding preparations for a no deal scenario and there is now a single portal on gov.uk website for local authorities on Brexit as referred to in the report to Members on 22 January 2019.
- 15 Government has also been clear that the UK will be leaving the EU on 29 March 2019 and that elections for the European Parliament will not therefore be taking place in May.

Commentary

- 16 The next Meaningful Vote will have taken place by the time of the Advisory Committee meeting on 19 March 2019. It is hoped that will provide more certainty about the UK’s exit from the EU.
- 17 Council Officers are continuing to engage on ‘no-deal’ scenario planning being co-ordinated by the Kent Resilience Forum and are continuing to monitor advice and guidance from Government departments.
- 18 Should the outcome of the votes in Parliament during the week of the 11 March have any implications for the Council or the District, Officers will provide a further verbal update at the Advisory Committee meeting.

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>

Report to Legal and Democratic Services Advisory Committee, October 2018

<https://cds.sevenoaks.gov.uk/ieListDocuments.aspx?CId=325&MId=2288&Ver=4&J=1>

Report to Legal and Democratic Services Advisory Committee, January 2019

<https://cds.sevenoaks.gov.uk/documents/s36815/06%20Brexit%20Update.pdf?J=4>

Dr Pav Ramewal
Chief Executive