

Public Report

Birmingham City Council

Report to Cabinet

11 December 2018



Subject: BREXIT

Report of: CORPORATE DIRECTOR, ECONOMY

Relevant Cabinet Member: Councillor Brigid Jones – Deputy Leader of the Council

Relevant O &S Chair(s): Councillor Tahir Ali – Economy and Skills

Report authors: Lloyd Broad: Head of European and International Affairs:
Email: Lloyd.broad@birmingham.gov.uk Tel: 0121_303 2377

Are specific wards affected?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No – All wards affected
If yes, name(s) of ward(s):		
Is this a key decision?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
If relevant, add Forward Plan Reference:		
Is the decision eligible for call-in?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Does the report contain confidential or exempt information?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
If relevant, provide exempt information paragraph number or reason if confidential :		

1 Executive Summary

- 1.1 This report provides an update on the progress of the work undertaken by the Brexit Commission.
- 1.2 The City Council commissioned a report to analyse the potential impact of Brexit on the West Midlands economy. The executive summary highlights eleven key areas of concern to the Council.
- 1.3 This report sets out the next steps of the Brexit Commission and, in particular, its plans for further resilience and contingency planning.

2 Recommendations

- 2.1 Notes the content and key findings presented in the 'The Impact of Brexit on the West Midlands' report.
- 2.2 Notes the proposed further work of the Brexit Commission, particularly around resilience and contingency planning for a 'No Deal' Brexit. Thematic workstreams have been established and internal officers identified and confirmed to contribute to these.
- 2.3 Notes that this further analysis will be reported back in the first quarter of 2019, acknowledging that the fluid nature of the Brexit position will dictate the timing of this.

3 Background

3.1 Establishment of Brexit Commission:

- 3.1.1 Since the Brexit referendum in June 2016 the City Council has taken local leadership in developing an initial 'Brexit Advisory Group' bringing together key stakeholders from across the city and subsequently a 'Brexit Commission', chaired by the Deputy Leader, bringing together a higher level and broader geographical spread of stakeholders to include the Metropolitan Local Authorities of the West Midlands Combined Authority (WMCA), the three West Midlands Local Enterprise Partnerships, University of Birmingham, Aston University, Birmingham City University, Centre for Brexit Studies and Chambers of Commerce.
- 3.1.2 The aim of the Brexit Commission is to provide strategic oversight for Brexit matters and engage with the key partners to collate research and analysis on the potential Brexit implications for the West Midlands and agree on how best to respond to risks, threats and opportunities presented in this analysis.
- 3.1.3 The Brexit Commission aims to identify the potential economic and social impacts of Brexit on the region. It will look at a range of issues including trade, business, employment, funding and public service to help ensure the city is best prepared and best positioned to respond to any negative social and economic impacts.
- 3.1.4 Through a competitive process, the West Midlands Economic Forum was selected by the City Council and commissioned to undertake desk research and develop a report which brings together a range of existing academic and governmental analysis already undertaken and present the collective findings in a West Midlands context. The West Midlands Economic Forum (WMEF) is a neutral independent forum designed to bring together representatives of the public, private and voluntary sectors to evaluate economic trends in the local economy.
- 3.1.5 The final report was approved by the members of the Brexit Commission at its meeting on 12 November 2018 and this is attached at Appendix1.

3.2 The Brexit Context: State of Play

- 3.2.1 Appendix 2 provides a summary of the Brexit process. The UK and the EU have been engaged in a process of negotiation since March 2017, with the intention of agreeing the terms of the UK's withdrawal and a "Future Framework" which will outline the terms of the future relationship. It has been agreed that a transition period will last from March 2019 to the end of 2020 and that the details of the future relationship will not be negotiated until that period.
- 3.2.2 Whilst clarity and certainty are lacking, it is an inescapable fact that Brexit will have economic implications. After decades of aligning and intertwining our laws, the UK will become a "third country" in EU terms and the complex set of regulations, laws, agencies and procedures that govern our trade and other relationships with the 27 EU member states will be altered. The scale of the impact will obviously be determined by the nature and structure of any final agreement reached.
- 3.2.3 The Government has brought forward several Bills during 2017 and 2018 to facilitate the Brexit process: Bills on EU withdrawal, sanctions, road haulage, nuclear safeguards and customs have been passed and the Trade Bill is on course for ratification before 29 March 2019. However, there is less certainty that Bills on Agriculture, Fisheries and Citizens' Rights will be passed by the withdrawal date. The Government also needs to amend a wide range of secondary legislation, depending on the nature of the Withdrawal Agreement and whether there is a "no deal" Brexit. Much of this legislative change needs to be supported by practical arrangements, some of which will need to be put in place very quickly in the event of "no deal". Parliament will vote on the final deal on 11 December 2018.
- 3.2.4 On 14 November 2018 the Prime Minister announced that a 'Technical Deal' and joint Political Statement had been agreed with the EU. This will be subject to further internal scrutiny and debate in the UK before being presented to parliament for ratification. This will also require the ratification of the European Parliament and European Council.

3.3 Planning for a 'No Deal Brexit

- 3.3.1 Withdrawal from the European Union is governed by Article 50 of the Lisbon Treaty. Under the Article, the date for the UK to leave the EU is two years from the date on which those provisions were activated – 29 March 2019. This date has also been written into UK law by the European Union (Withdrawal) Act 2018. However, notwithstanding the announcement of the 'Technical Deal', if the negotiations for a Withdrawal Agreement do not reach a conclusion by the beginning of 2019 then the UK will leave the EU with "No Deal". This means that there will be no treaty agreement on the terms of

Brexit and how existing regulatory and trading arrangements will operate after that date. See Appendix 2 for a summary of the Brexit process.

3.3.2 The Government has published a number of “Technical Notices” which set out the implications of a ‘No Deal’ scenario for a wide range of issues, from travel to trading standards, customs, environmental regulation and security. Council officers alongside colleagues in the Brexit Commission have begun assessing the Technical Notices and summarising the importance of the issues they cover to the Local Authority and the West Midlands economy. A ‘No Deal’ scenario analysis for the West Midlands is attached at Appendix 3.

3.3.3 The Brexit Commission has applied a Red, Amber, Green (RAG) rating to the issues and provide an assessment of priority, based on the significance of the issue and the ease with which mitigation can be achieved by March 2019.

3.3.4 An early review of the Technical Notices has already identified some areas for further analysis. These include:

- EU Funding;
- Trading Standards – including health and environmental concerns;
- Regulatory and legal issues – procurement, state aid, contracts etc;
- Workforce issues where there is significant employment of non-UK EU nationals;
- Resilience and security issues – including EU police and security co-operation;
- The wider economy and business – trade, travel and regulation;
- Cascading government information and communications within the region.

3.3.5 Steps have been taken to ascertain a detailed understanding of these issues and ensure that contingency plans are put in place for local authority functions and that businesses and citizens are provided with the information they need to respond. The Chambers of Commerce and the Local Enterprise Partnerships are also providing support to businesses, along with regional offices of the Confederation of British Industry and the Institute of Directors.

3.4 The Impact of Brexit on Birmingham and the West Midlands

3.4.1 As stated above, the West Midlands Economic Forum (WMEF) were commissioned to independently undertake desk research and develop a report which brings together existing research and analysis and present the collective findings in a West Midlands context. The summary report is presented as Appendix 1. A full version of the report is available via the supplied [link](#).

3.4.2 This piece of work has been developed through an independent lens and is intended to present research and analysis prepared by key academic and government specialists rather than provide opinion or political commentary.

3.4.3 The initial scope of the report sought to examine potential impact and consequences against the issues linked to trade, business, employment and skills and funding. The findings of the report do however identify wider reaching implications.

3.4.4 In summary the report's key findings identified the following areas of concern:

- **Trade**

The impact of the future relationship with the EU, notably customs arrangements, tariffs, regulation, freight and borders on the regional economy. Particularly in key sectors important to the region such as Advanced Manufacturing.

- **Infrastructure & Investment**

The impact of Brexit on continued investment into transport infrastructure, broadband, housing and business investment, given the need to sustain international competitiveness;

- **Key Employment Sectors**

Key sectors which are particularly vulnerable to Brexit, including: automotive plus those in the wider supply chain; health and social care with 1 in 10 social care nurses being non-UK EU nationals; the broader impact of a general economic downturn/compression in growth;

- **Productivity and Skills**

The recruitment and retention of skills, especially maintaining access to technical, proficient labour, such as currently provided by EU nationals and addressing skills shortages;

- **Just in Time Impacts**

Challenges to businesses relying on rapid transport of goods across the EU. There are also implications in sectors such as energy and on a range of current supply chains due to the impact of longer lead times, for example in the manufacturing sector;

- **Fiscal, Financial & Economic**

The overall impact of a range of Brexit outcomes on economic growth over time, possibly leading to an increase in pressure on Local Authority services. The impact of volatile interest rates and markets and the associated impact on servicing debts;

- **Business Adaptability**

The preparedness of business to deal with the Brexit outcome (especially Small/Medium Enterprises which make up 95% of enterprises in the WMCA)

notably the need to increase awareness of the new conditions of trading with Europe, potentially under WTO auspices;

- **EU Funding**

Birmingham alone has benefitted from over £1 billion in EU funding in the last 30 years and the inability to access such a resource in the future will have an impact on key priorities for local government such as jobs and skills and inclusive growth. The Government has made commitments to the completion of the current round of spending and to existing funded projects and programmes. Beyond 2020, the proposed new UK Shared Prosperity Fund will be critical in filling this funding gap;

- **Security**

The need to increase awareness of adherence to international treaty obligations and trading regime requirements to ensure compliance. Further local implications associated with public demonstrations and potential disorder or unrest which may arise from any significant downturn in the local economy or negative impact on local industry will need to be considered;

- **Data Sharing**

The impact of Brexit on current collaborative arrangements between EU and regional institutions and their ability to share information through existing Knowledge Transfer and Data Sharing Platforms. This may have implications for issues such as counter-terrorism, but also industries such as medicines and healthcare;

- **Local Authority Impact**

In addition to those areas identified above, there are a number of specific issues that will be of direct relevance to the Council and will require further analysis and contingency planning. This includes areas such as procurement, state aid, trading standards, legislation/regulation, environmental health, resilience and emergency planning, and workforce implications in key services such as adult social care.

3.4.5 Internally officers across the Council will continue to progress work in these areas and develop short and medium term plans to prepare the Council for mitigation of risks and exposure. Officers will also work with other West Midlands Authorities to develop regional plans where appropriate.

3.4.6 As presented earlier in the report, the Brexit Commission will work with the WMCA and other partners to examine these findings, alongside the Technical Notices and 'No Deal' analysis to assess potential consequences (including internal consequences for the Council), assess current resilience and preparedness to respond and identify initial and urgent risks and the further actions to take, particularly with regards to mitigation.

4 Options considered and Recommended Proposal

- 4.1 The report is for information only. There are no options to consider or recommendations to approve.

5 Consultation

- 5.1 The report is for information only but has been consulted on extensively with the Brexit Commission.

6 Risk Management

- 6.1 It is clear that Brexit carries a significant number of potential risks to the economy and the Council as highlighted in the Brexit report and the Government's Technical Notices. These are to be prioritised by the Brexit Commission and further work will be undertaken as described in para 3.3.4.

7 Compliance Issues:

7.1 How are the recommended decisions consistent with the City Council's priorities, plans and strategies?

- 7.1.1 Whilst this report does not seek a decision, the Council's response to Brexit will seek to support the delivery of the Birmingham City Council Plan 2018-2022, primarily in respect of Outcome 1: Birmingham is an entrepreneurial city to learn, work and invest in.
- 7.1.2 Due to the breadth of Brexit and its likely impact, it is expected that the Council's response will also contribute to the other Council priorities, namely Outcome 2: Birmingham is an aspirational city to grow up in, Outcome 3: Birmingham is a fulfilling city to age well in, Outcome 4: Birmingham is a great city to live in, and Outcome 5: Birmingham residents gain the maximum benefit from hosting the Commonwealth Games.

7.2 Legal Implications

- 7.2.1 None.

7.3 Financial Implications

- 7.3.1 There are no on-going financial implications as a direct result of this report.
- 7.3.2 The extent and nature of the impact of Brexit on the Council will be dependent on the final outcome and agreements reached between the EU and UK parliament. Any potential financial implications for the Council that are identified as the work on Brexit progresses will be the subject of further analysis and, where necessary, governance reporting where specific impacts and mitigations will be drawn out.

7.4 Public Sector Equality Duty

- 7.4.1 An Equalities Impact Assessment has not been completed at this stage but this will be considered as part of the ongoing work and will be influenced by the nature of the Brexit deal agreed.
- 7.4.2 Details with respect to the Equalities Act have been included at the end of this report.

8 Background Documents

- 8.1 List of Appendices accompanying this Report (if any):
 1. The Impact of Brexit on the West Midlands Summary Analysis Report
 2. Brexit implementation process
 3. Brexit 'No Deal' scenarios for the West Midlands

Equality Act 2010

The Executive must have due regard to the public sector equality duty when considering Council reports for decision.

The public sector equality duty is as follows:

- 1 The Council must, in the exercise of its functions, have due regard to the need to:
 - (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by the Equality Act;
 - (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
 - (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.
- 2 Having due regard to the need to advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it involves having due regard, in particular, to the need to:
 - (a) remove or minimise disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic;
 - (b) take steps to meet the needs of persons who share a relevant protected characteristic that are different from the needs of persons who do not share it;
 - (c) encourage persons who share a relevant protected characteristic to participate in public life or in any other activity in which participation by such persons is disproportionately low.
- 3 The steps involved in meeting the needs of disabled persons that are different from the needs of persons who are not disabled include, in particular, steps to take account of disabled persons' disabilities.
- 4 Having due regard to the need to foster good relations between persons who share a relevant protected characteristic and persons who do not share it involves having due regard, in particular, to the need to:
 - (a) tackle prejudice, and
 - (b) promote understanding.
- 5 The relevant protected characteristics are:
 - (a) marriage & civil partnership
 - (b) age
 - (c) disability
 - (d) gender reassignment
 - (e) pregnancy and maternity
 - (f) race
 - (g) religion or belief
 - (h) sex
 - (i) sexual orientation