

# Subject: Brexit: The Next Steps

Report to: EU Exit Working Group

Report of: Executive Director of Secretariat

Date: 28 March 2019

This report will be considered in public

## 1. Summary

- 1.1 This report provides background information for the EU Exit Working Group's meeting to discuss the next steps in the UK's withdrawal from the European Union (EU).

## 2. Recommendation

### 2.1 That the Working Group:

- (a) Notes the report as background to putting questions to invited guests;
- (b) Notes the subsequent discussion; and
- (c) Delegates authority to the Chair, in consultation with party Group Lead Members, to agree an output from the discussion.

## 3. Background

- 3.1 Article 50 of the Treaty on European Union provides for an EU Member State to leave the EU with or without a withdrawal agreement or 'deal'. The EU and the UK have reached agreement on the UK's terms for withdrawal (the Draft Withdrawal Agreement) and the framework for future relations, as set out in Outline Political Declaration. But at present there is no Parliamentary approval of the Withdrawal Agreement. On 14 March 2019, the House of Commons voted 412 to 202 to approve a motion to seek to extend the Article 50 period.<sup>1</sup>
- 3.2 On 20 March, the Prime Minister wrote to Donald Tusk, President of the European Council, to request an extension to the Article 50 period until 30 June. The Prime Minister is expected to attend the European Council meeting on 21 March 2019 to discuss the latest developments following the UK's request for the extension.
- 3.3 A statement issued on behalf of the President of the European Council on 12 March 2019 recorded that "the EU27 will expect a credible justification for a possible extension and its duration". The European Council has to approve an extension by unanimity, meaning it requires

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<sup>1</sup> The agreed motion can be found here: <https://www.parliament.uk/business/news/2019/march/house-of-commons-to-vote-on-article-50-extension/>

the agreement of the Heads of State or Government of the other 27 EU Member States. While Article 50 does not set out how this decision should be taken, and in theory the European Council could act by written procedure, to date it has taken all decisions under Article 50 in scheduled meetings.

### **Preparations for a no-deal continue**

- 3.4 The Government has stated that preparations for a “no-deal” scenario are part of its overall Brexit preparation strategy. Secondary legislation is being laid under the European Union (Withdrawal) Act 2018 that will preserve EU law in domestic law or convert it into UK law on exit day, 29 March 2019. If the UK leaves the EU without a deal, most EU law will still apply in the UK as domestic law (i.e. retained EU law or EU-based UK law) but there will be no reciprocity with EU Member States.
- 3.5 However, as highlighted in a recent report from the Institute for Government (IfG)<sup>2</sup> there is a legislative backlog. Some of the major bills still have not started their Lords stages”. Furthermore, the Government is also behind on secondary legislation. The IfG report states that “despite a major push from Government departments, only around 100 of the 600 statutory instruments required for a no-deal Brexit have made their way through Parliament. Almost half are yet to be tabled”.
- 3.6 Contingency planning continues across Government, led by the Department for Exiting the EU and across the EU and EU nations.
- 3.7 The EU Exit Working Group last discussed the pan-London contingency planning with the Deputy Mayor for Fire, Resilience and Emergency Planning and the Head of London Resilience and senior officers from the NHS at its meeting on 13 February.<sup>3</sup>

## **4. Issues for Consideration**

- 4.1 Members will put questions to invited guests across a number of areas including:
- The different possible scenarios following the PM’s discussions with EU leaders and any votes taken by Parliament; and
  - The latest update on the readiness of the London Resilience Forum and associated agencies, changes to the London risk register and next steps.
- 4.2 The following guests have been invited to the meeting and to participate in the discussion:
- The Mayor of London, Sadiq Khan (tbc);
  - Dr Fiona Twycross AM, Chair, London Resilience Forum;
  - John Hetherington, Head of London Resilience; and
  - Joe Owen, Associate Director, Brexit Programme, Institute for Government.

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<sup>2</sup> <https://www.instituteforgovernment.org.uk/sites/default/files/publications/brexit-two-months-to-go-final-web.pdf>

<sup>3</sup> <https://www.london.gov.uk/moderngov/documents/b18322/Draft%20Minutes%20-%20Appendix%201%20-%20Transcript%20of%20Item%205%20Wednesday%2013-Feb-2019%2015.00%20EU%20Exit%20Working%20Grou.pdf?T=9>

## 5. Legal Implications

5.1 The Assembly has the power to do what is recommended in this report.

## 6. Financial Implications

6.1 There are no financial implications to the Greater London Authority arising from this report

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**List of appendices to this report:** None.

<b>Local Government (Access to Information) Act 1985</b>
List of Background Papers: None.
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