



**Oversight and Governance**

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## **Brexit, Infrastructure and Legislative Change Overview and Scrutiny Committee**

Wednesday 6 March 2019  
2.00 pm  
Warspite Room, Council House

**Members:**

Councillor Morris, Chair  
Councillor Fletcher, Vice Chair  
Councillors Buchan, Carson, Churchill, Cook, Mavin, Stevens and Wheeler.

Members are invited to attend the above meeting to consider the items of business overleaf.

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**Tracey Lee**  
Chief Executive

# **Brexit, Infrastructure and Legislative Change Overview and Scrutiny Committee**

## **1. Apologies**

To receive apologies for non-attendance submitted by Councillors.

## **2. Declarations of Interest**

Councillors will be asked to make any declarations of interest in respect of items on the agenda.

## **3. Minutes (Pages 1 - 6)**

To confirm the minutes of the previous meeting held on 9 January 2019.

## **4. Chair's Urgent Business**

To receive reports on business which in the opinion of the Chair, should be brought forward for urgent consideration.

## **5. Visitor Plan (To Follow)**

This item will be considered at Cabinet on 5 March 2019.

## **6. Brexit and the Environment: (Pages 7 - 14)**

## **7. Plan for Homes (To Follow)**

This item will be considered at Cabinet on 5 March 2019.

## **8. Work Programme (Pages 15 - 18)**

## **9. Tracking Decisions (Pages 19 - 22)**

## **Brexit, Infrastructure and Legislative Change Overview and Scrutiny Committee**

**Wednesday 9 January 2019**

### **PRESENT:**

Councillor Morris, in the Chair.

Councillor Fletcher, Vice Chair.

Councillors Buchan, Churchill, Cook, Mavin, Stevens and Wheeler.

Apology for absence: Councillor Carson.

Also in attendance: Darin Halifax (Senior Policy Advisor), Ruth Harrell (Director of Public Health), Councillor Haydon (Cabinet Member for Customer Focus and Community Safety), Kevin McKenzie (Policy and Intelligence Advisor), Giles Perritt (Assistant Chief Executive), Jamie Whitford-Robson (Civil Protection Officer) and Helen Prendergast (Democratic Advisor).

The meeting started at 2.00 pm and finished at 4.00 pm.

*Note: At a future meeting, the Panel will consider the accuracy of these draft minutes, so they may be subject to change. Please check the minutes of that meeting to confirm whether these minutes have been amended.*

### **34. Declarations of Interest**

In accordance with the code of conduct, Councillor Stevens declared a personal interest in minute 38 as he was employed by Devon and Cornwall Police.

### **35. Minutes**

The Committee agreed that the minutes of the meeting held on 7 November 2018 are confirmed as a correct record.

### **36. Chair's Urgent Business**

There were no items of Chair's urgent business.

### **37. Emergency Planning**

Councillor Haydon (Cabinet Member for Customer Focus and Community Safety), Ruth Harrell (Director of Public Health), Giles Perritt (Assistant Chief Executive), Jamie Whitford-Robson (Civil Protection Officer), Darin Halifax (Senior Policy Advisor) and Kevin McKenzie (Policy and Intelligence Advisor) provided an overview of the Council's approach to planning for a 'no deal Brexit' and highlighted the issues which could potentially need to be addressed, either through emergency planning procedures, or where risks were known and could be mitigated through the normal risk management process. The key areas of the report included -

- (a) the withdrawal agreement which the UK Government had negotiated with the European Union would be subject to a meaningful vote in Parliament in the week commencing 14 January 2019; currently it was likely that Parliament would reject the agreement; the default position if no deal with the EU had been agreed would be that the UK would leave without a deal in place on 29 March 2019 (11pm);
- (b) the EU did have the power to extend the Article 50 negotiations but if it refused to do so, the UK could withdraw notice unilaterally as confirmed by the European Court of Justice last week;
- (c) planning had commenced on two parallel work streams in the event of a no deal which included -
  - civil contingencies planning which was focussing on the immediate impacts of leaving the EU such as disruption to supplies and services (including medicine/medical supplies), travel, borders, information and data sharing, demonstrations and disorder, community tension and business continuity;
  - implementation planning which aimed to develop the Council's proactive response to identified risks which included information, advice and guidance, economic shock and community cohesion;
- (d) the political position in seeking an agreement within Parliament, the withdrawal agreement and the corporate work being undertaken including risks and opportunities and no deal risks.

The key areas of questioning from Members related to –

- (e) whether the generic plan that had been published by the Government for Local Authorities would need to be adapted with the council's civil and business contingency plans;
- (f) which multi agencies would be involved in a 'no deal' contingency exercise;
- (g) whether the Government had appointed a regional Tsar to cover contingency issues in the event of a 'no deal Brexit';
- (h) what measures would be put in place to control the movement of livestock through the city's port;

- (i) whether there had been any indication of the potential increased activity at the ferry port;
- (j) whether more detailed information would be released with regard to the increase in vet inspections required, hygiene checks, etc;
- (k) whether highways were also part of the planning process with the anticipated increased level of additional freight using the port;
- (l) whether the council had entered into discussions with the supermarkets regarding the potential disruption to food chain supplies;
- (m) what measures were in place for the long term emergency planning;
- (n) whether the Council would be reimbursed by the Government for the work undertaken on the planning for Brexit;
- (o) what had been the cost to the Council, to date, in planning for Brexit;
- (p) whether there was a communication strategy in place.

The Committee noted the report.

The Committee recommended that Cabinet consider lobbying Government for reimbursement of the work being undertaken on Brexit planning.

The Committee requested a briefing report on the port issues, following the meeting with Brittany Ferries at its March 2019 meeting.

The Committee requested that all Councillors were involved with the Brexit communication plan.

38. **Community Cohesion**

Councillor Haydon (Cabinet Member for Customer Focus and Community Safety), Giles Perritt (Assistant Chief Executive), Darin Halifax (Senior Policy Advisor) and Kevin McKenzie (Policy and Intelligence Advisor) presented the overview of community cohesion in the city and related issues arising from the decisions of the UK to leave the European Union. The key areas highlighted were –

- (a) Plymouth had seen a significant influx of migrant workers and their families from the European Union between January 2004 and December 2016;

- (b) between these dates the free movement restrictions on the A8 accession countries (Czech Republic, Estonia, Hungary, Latvia, Lithuania, Poland, Slovakia and Slovenia) had been lifted;
- (c) a total of 14,119 National Insurance Numbers (NINOs) had been issued to EU nationals who were resident in Plymouth, of these 7963 were men and 6159 were women, 76% were aged between 25 and 44; the increase had been primarily as a result of EU enlargement as only 20% came from countries that were EU member states in 2001;
- (d) the Plymouth City Survey had been distributed to 8000 households in partnership with Marketing Means; 2296 (28%) of valid surveys had been returned; the headline cohesion rate was 17.3% below the most recently recorded national figure;
- (e) in 2017 there was a total of 443 hate crimes and incidents reported in Plymouth which was a small decrease on the figures reported for 2016;
- (f) the key issues that needed to be addressed included -
  - the need to promote community cohesion in the 'left behind white communities';
  - encourage social mixing (sports, arts and cultural events were ideal as language was much less of a barrier);

The key areas of questioning from Members related to –

- (g) the ability to be able to compare the number of hate crimes reported in 2017 to previous years;
- (h) whether the 'cohesion rates by Council ward' could also plot diversity and deprivation within each ward;
- (i) what was the proportion of non-English speaking residents;
- (j) whether a copy of the Integrated Communities Green Paper could be made available;
- (k) the interruption of the specific question used to measure community cohesion within the Plymouth City Survey ('my local area is a place where people from different backgrounds get on well together');

- (l) the impact of placement through social housing on community cohesion and the effect on communities that had a lot of social housing;
- (m) the provision of better facilities and funding to facilitate bringing communities together;
- (n) concerns that Plymouth was not viewed as a ‘welcoming city’ which was one of the Council’s strategic objectives;

The Committee noted the report.

39. **Work Programme**

The Committee noted its work programme for 2018/19 and agreed to include the following items –

- (1) air quality/pollution (March 2019)
- (2) community cohesion following the UK leaving the EU to be scheduled for a future meeting.

40. **Tracking Decisions**

The Chair drew Members’ attention to the appendix attached to the tracking decisions which detailed the Cabinet’s responses to the Committee’s recommendations relating to the impact of Brexit on higher education.

The Committee noted the progress of its tracking decisions.

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**PLYMOUTH CITY COUNCIL**

**Subject:** Brexit and the Environment  
**Committee:** Brexit, Infrastructure and Legislation Overview and Scrutiny Committee  
**Date:** 6 March 2019  
**Cabinet Member:** N/A  
**CMT Member:** Giles Perritt - Assistant Chief Executive  
**Author:** Kevin Mckenzie - Policy Advisor  
**Contact details** T: 01752 304318  
E: kevin.mckenzie@plymouth.gov.uk  
**Ref:** BILCO/002/19  
**Key Decision:** No  
**Part:** I

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**Purpose of the report:**

The report provides an overview of environmental issues arising from the decision of the UK to leave the EU.

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**Corporate Plan**

The Brexit, Infrastructure and Legislation Scrutiny Panel will hear evidence on the subject. This responds to our Corporate Plan values of being democratic and cooperative. The recommendations made by the panel will inform the development of our Corporate Plan priority - a green sustainable city that cares about the environment.

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**Implications for Medium Term Financial Plan and Resource Implications:  
Including finance, human, IT and land**

None.

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**Other Implications: e.g. Child Poverty, Community Safety, Health and Safety and Risk Management:**

The report will cover Brexit impacts on our air quality management and our Port Health Authority role which could have health and safety implications for our residents.

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**Equality and Diversity**

Has an Equality Impact Assessment been undertaken? No - as no decision is being taken on which to base one.

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**Recommendations and Reasons for recommended action:**

Members of the panel are asked to note the report.

**Alternative options considered and rejected:**

None.

**Published work / information:**

Minutes of Council 26<sup>th</sup> March 2018.

**Background papers:**

Title	Part I	Part II	Exemption Paragraph Number						
			1	2	3	4	5	6	7

**Sign off: Not required as no decision is being taken.**

Fin		Leg		Mon Off		HR		Assets		IT		Strat Proc	
Originating SMT Member Giles Perritt													
Has the Cabinet Member(s) agreed the contents of the report? The view of the Leader has been sought in his capacity as the relevant Portfolio holder.													

## I. INTRODUCTION

- 1.1 This report sets out known and potential impacts of the UK leaving the European Union (Brexit) that relate to the natural environment and our Environmental Health regulatory role. Following discussion with the Chair of the Brexit, Infrastructure and Legislation Overview and Scrutiny Committee (BILCO) the report is focussed on areas of interest to the committee:-
- The broad direction of Government policy around the environment set out in the 25 year Environment Plan and the Draft Environment (Principles and Governance Bill) 2018.
  - The potential impact on planning policy and practice in relation to the environmental assessment of development projects and policies.
  - Changes to the current regulatory framework for air quality and related corporate work streams, e.g. the plan for trees and our policy around electric vehicles, and relevant pledges made by the administration.
  - The impact on our natural environment, in particular areas and species with protected status under EU law.
  - The impact of the delivery of our Port Health Authority functions and relevant Environmental Health regulatory functions, e.g. catch certificates and export health certificates.
- 1.2 The report is based on known changes to the legal framework at the time of writing we anticipate more than 600 statutory instruments will be laid before parliament in the coming months. There may therefore be changes in the near future that will have impacts we are unable to take into account.
- 1.3 The ongoing uncertainty about the outcome of the Government's negotiations complicate the picture significantly. The draft withdrawal agreement negotiated with the EU includes a principle of non regression in relation to existing EU environmental law. It is unclear whether this would be applied unilaterally in the event of a no deal outcome to the negotiations.
- 1.4 In the situation of a 'hard' (no deal) exit, then in accordance with the however, it will then be 'fixed' and will not be subject to any subsequent interpretations by the Court of Justice of the European Union and the only way to amend it will be through domestic measures.
- 1.5 In the situation of a 'soft' exit, characterised by the application of internal market / customs union requirements, then the majority of EU environmental law will continue to apply but not all of it. Importantly, the common fisheries and common agricultural policies will not, neither will the Birds, Habitats and Bathing Water Directives, which are not part of the single market settlement. Otherwise the current law will continue to apply as it stands on exit day until amended through domestic measures.

## 2.0 GOVERNMENT POLICY

*"A Green Brexit, seizing a once-in-a-lifetime chance to reform our agriculture and fisheries management, how we restore nature, and how we care for our land, our rivers and our seas. A new system of support for farmers will have environmental enhancement at its heart"*

- 2.1 A Green Future: Our 25 Year Plan to Improve the Environment was published in January 2018. The aims of the plan include:-
- Farmers will be rewarded for turning over fields to meadows and for transforming broader landscapes by connecting habitats into the larger corridors recommended by the Lawton review.
  - A new Northern Forest and review of National Parks and Areas of Outstanding Natural Beauty.

- Work with nature to offer valuable habitats by planting more trees and creating and sustaining more wetlands which reduce carbon dioxide levels and flood risk.
- 2.2 Leaving the EU also means taking back control of UK international waters.
- Developing a fishing policy that ensures fish stocks are replenished.
  - Extend the marine protected areas around our coasts to preserve our maritime heritage.
- 2.3 It sets out the Governments' intention to consult on plans for an independent, statutory body, to hold Government to account for a comprehensive set of environmental principles. It will be regularly updated to reflect the changing nature of the environment.
- 2.4 The draft Environment (Principles and Governance) Bill sets out how we will maintain environmental standards as we leave the EU and build on the vision of the 25 Year Environment Plan. Published in December 2018 the bill will make the statutory changes needed to implement our new approach, and enshrine in law a transparent series of checks and balances to map our progress towards our goal.
- 2.5 Key features of The Environment Bill includes: the precautionary principle, so far as relating to the environment,
- the principle of preventative action to avert environmental damage,
  - the principle that environmental damage should as a priority be rectified at source,
  - the polluter pays principle,
  - the principle of sustainable development,
  - the principle that environmental protection requirements must be integrated into the definition and implementation of policies and activities,
  - the principle of public access to environmental information,
  - the principle of public participation in environmental decision-making, and
  - the principle of access to justice in relation to environmental matters.
- 2.6 The final three are actually 'rights', not principles as they are related to the Aarhus requirements which are independent of EU membership as they exist by virtue of a Council of Europe Convention as a measure in Public International Law as ratified by the UK.
- 2.7 The Environment Bill will require the Secretary of State for the Environment to issue a policy statement in respect of each principle, and then for Ministers to have a duty to 'have regard to the policy statement' which many see as weak and open to legal challenge. Also, this currently means that anybody with environmental decision-making powers is not required to have regard to the Bill. There are also a number key exemptions including matters of defence, taxation and any other matter specified by the Secretary of State.
- 2.8 The Bill sets out to take three important steps towards reaching their goal:
- Establishment of a new environmental body, the Office for Environmental Protection (OEP) to champion and uphold standards as we leave the EU.
  - The introduction of a clear set of statutory environmental principles to guide policymaking.
  - The placing of the 25 Year Environment Plan on a statutory footing.
- 2.9 The OEP will replace the Commission's / CJEU's oversight and enforcement actions. However, as it currently stands, the OEP will lack the independence and rigour currently applied to environmental measures by the CJEU. The Bill proposes that the OEP should be created and managed by DEFRA and the Secretary of State and is therefore more of an ombudsman than an independent watchdog with teeth.

- 2.10 Under the current proposals, the OEP will have scrutiny and advice functions and whilst it will have the power to report on 'any matter' in respect of environmental law, it will not have the power to recommend a course of action.
- 2.11 The OEP will also be able to investigate formally and issue recommendations relating to a complaint regarding serious compliance issues, but these recommendations will not be legally binding.

### **3.0 IMPACT ON PLANNING POLICY AND PRACTICE**

- 3.1 The main influence of EU law on planning is through EU directives that require environmental assessment of development projects and policies. These are currently transposed into UK legislation by way of the Strategic Environmental Assessment (SEA) Regulations, the Environmental Impact Assessment (EIA) regulations, and the Habitats Regulations.
- 3.2 The SEA regulations – are given effect in UK law primarily through the Strategic Environmental Assessment Regulations. They require that the authority preparing a Local Plan must do so “with the objective of contributing to the achievement of sustainable development”. More specifically they require a local planning authority to carry out a sustainability appraisal of each of the proposals in their Local Plan during its preparation.
- 3.3 A sustainability appraisal is a systematic process that must be carried out during the preparation of a Local Plan. Its role is to promote sustainable development by assessing the extent to which the emerging plan, when judged against reasonable alternatives, will help to achieve relevant environmental, economic and social objectives.
- 3.4 The EIA regulations are given effect in UK law primarily by the Environmental Impact Assessment Regulations 2017. The regulations set out a procedure for identifying those projects which should be subject to an Environmental Impact Assessment, and for assessing, consulting and coming to a decision on those projects which are likely to have significant environmental effects.
- 3.5 The aim of Environmental Impact Assessment is to protect the environment by ensuring that a local planning authority when deciding whether to grant planning permission for a project, which is likely to have significant effects on the environment, does so in the full knowledge of the likely significant effects, and takes this into account in the decision making process.
- 3.6 The Habitats Regulations are given effect in the UK by The Conservation of Habitats and Species Regulations 2017. The Regulations transpose Council Directive 92/43/EEC, on the conservation of natural habitats and of wild fauna and flora (EC Habitats Directive), into national law.
- 3.7 The Regulations provide for the designation and protection of 'European sites', the protection of 'European protected species', and the adaptation of planning and other controls for the protection of European Sites. Under the Regulations, competent authorities i.e. any Minister, government department, public body, or person holding public office, have a general duty, in the exercise of any of their functions, to have regard to the EC Habitats Directive and Wild Birds Directive.

### **4.0 AIR QUALITY AND RELATED CORPORATE WORK**

- 4.1 Air quality is an important issue for which there is considerable EU legislation. There are two areas of work for which we are responsible for, one of which is also a responsibility of the Environment Agency.
  - 1) We regulate industrial processes which have the potential to pollute the air, and the EA have a wider remit of regulation of processes that have the potential to pollute air, land and water. Processes are split with regulation falling between the two enforcing bodies. Plymouth have a number of processes which we regulate including quarries, crematoria, solvent processes,

vapour recovery such as petrol stations and terminals, to name but a few. A fee is paid by these businesses to request an Environmental Permit and based on risk, they are inspected at a set frequency. An annual payment is made for a permit.

- 2) We also have a responsibility for air quality monitoring and action planning, which is required where there is a breach of the air quality standards. Each local authority is required to assess air quality against guidance and if the air quality standards are breached to declare an air quality management area. Where this is declared, an action plan must be written setting out how the local authority intends to implement measures to reduce air pollution. We have an AQMA in Plymouth, and we have seen reductions in levels over the last few years. The AQMA in Plymouth relates to nitrogen dioxide. Most legislation is set out from EU regulation and the Government has been clear that it has no plans to change limit values and targets for air quality following Brexit. The Government's intention is that pursuant to the European Union (Withdrawal) Act 2018, law derived from the EU, including air quality legislation, would be converted into domestic law after Exit Day. Depending on the terms agreed of any future trading arrangements, once the UK has left the EU, the UK could then potentially amend air quality standards and review any deadlines for meeting them.
- 4.2 There has been considerable debate over the future of EU environmental principles and the loss of the role of EU institutions in monitoring and enforcing environmental law following Brexit. In response to concerns raised, the Government held a consultation on environmental principles and governance from May-August 2018. It proposed the creation of a new statutory independent environmental watchdog to hold government to account on its environmental obligations; and options for establishing environmental principles in the UK. The consultation applied to England only. Scotland and Wales are both considering governance arrangements, with further announcements from Ministers expected in coming months.

## **5.0 IMPACT ON OUR NATURAL ENVIRONMENT**

- 5.1 In the short term following Brexit, it is unlikely that there will be a significant impact on the natural environment of Plymouth as the current environmental restrictions will continue under their current guise. However, in the longer term, there are uncertainties on how the legislation is amended to reflect legal findings and jurisprudence following ECJ court cases.
- 5.2 Plymouth City Council will still be required to have regard to the designated European sites and species (including Plymouth Sound and Estuaries Special Area of Conservation and Tamar Estuaries Complex Special Protection Area) in all of its activities as required under the Environment Bill.
- 5.3 Similarly for the proposal to declare the waters off Plymouth as Britain's first National Marine Park; in the short term Brexit will not change the way in which the waters are managed as current legislation will continue to apply.
- 5.4 The Plan for Trees sets out how the Council will work with partners across the City to promote, protect, care and enhance trees and woodlands to ensure they deliver the maximum benefit for communities and wildlife. Under Brexit, it is not anticipated that there will be any impact on its delivery, as the Plan includes a commitment to source all trees from British-grown stock.

## **6.0 IMPACT OF THE DELIVERY OF OUR PORT HEALTH AUTHORITY FUNCTIONS**

- 6.1 Plymouth City Council's Port Health Authority is part of the Public Protection Service (PPS). The Port Health Authority has been advised to continue to plan for a 'no deal' situation. Government departments have been working to design customs and other control

arrangements at the UK border in a way which ensures goods can continue to flow into the country, and won't be delayed by additional controls and checks. However, the UK Government does not have control over the checks which member states impose at the EU border. The European Commission has made it clear that, in the event of a 'no deal' scenario, it will impose full third country controls on people and goods entering the EU from the UK.

- 6.2 Because the risk is not expected to change on day one, no new controls are envisaged in relation to imports of high-risk food and feed (with the exception of catch certificates for fishery products) from the EU for a time limited period after exit. To maintain high levels of food safety, the UK would require importers of high-risk food and feed to pre-notify the Food Standards Agency (FSA) of imports from the EU. A new online import notification system (IPATH) is being developed. This requirement would have no direct impact at the border or for port health authorities. Pre-notifications would be made electronically, in advance, by those introducing high-risk foods into the UK, and would be managed by the FSA. No additional controls would be introduced at the border.
- 6.3 The Port Health Authority has no further information about the 'time limited period' after Exit. Plymouth is not a Border Inspection Post (BIP), so on expiry of the time limited period, the meat, fish and dairy that is currently imported through the port will not be able to enter. This equates to approximately 1500 vehicles of freight per year which would have to be re-directed to a BIP. Southampton and Falmouth are currently the closest BIPs to Plymouth. It seems unfeasible to expect that high-risk food can continue to come into the EU with no checks indefinitely. Plymouth Port Health Authority is looking into the feasibility of Plymouth becoming a BIP in the medium to longer term.
- 6.4 Although Plymouth Port Health Authority is not expecting extra port checks (except catch certificates) on imported food and feed from day one, the Environmental Health Officers will be expected to continue to check traceability and food safety during routine food hygiene inspections and investigations inland, which may add time to each intervention.
- 6.5 Changes would apply to control requirements for imports of third country animal products and high-risk food and animal feed which move through the EU before arrival in the UK, from March 2019. Importers would need to notify UK authorities using the new import notification system (IPATH) and would be directed to an existing UK BIP where the relevant checks would take place. As Plymouth is not a BIP, the port should not expect to receive any of this cargo from day one. Available intelligence to date suggests that Plymouth currently receives very little cargo that has originated from outside the EU at the port.
- 6.6 There would be an increase in the number of consignments requiring import control checks at UK Border Inspection Posts as a result of the need to carry out checks on transit items that are currently carried out elsewhere in the EU. Plymouth has been identified as a port that will take extra ferries carrying cargo to help alleviate this extra pressure on the BIPs. Brittany Ferries have confirmed that the new contract will increase sailings by 40% and therefore there will potentially be 40% more cargo and passengers coming through the port.
- 6.7 EU fishery products landed to Plymouth from the lorries on the ferries will require the port health authority to issue Catch Certificates in accordance with illegal, unreported and unregulated fishing legislation (IUU). This is a new and onerous duty. It is estimated that between 80 and 200 vehicles per year arrive into Plymouth and will require certificates if we have a 'no deal'. This will be chargeable to the importer at full cost recovery but there is a significant impact on capacity in the Food Safety team.
- 6.8 Exports to the EU do not currently need any special documentation, so this is a new area that will require resource and training. There will be a significant increase in requests for Export Health Certificates to accompany food being exported from our Plymouth based exporters and the fish quay. The export certificates themselves will be calculated at full cost recovery, however, the resource required to issue them will have an impact on the Food Safety team.

- 6.9 The Public Protection Service are currently anticipating approximately 8 days of update training for seven EHO's to deal with import and export legislation. The impact of all this training will have a knock-on effect on the planned food hygiene inspection programme and other statutory duties. There will be increased demand for business advice concerning imports and exports of goods.
- 6.10 Plymouth Port Health authority was awarded £34k from the Food Standards Agency for this financial year to help with preparation for food and feed Brexit-related issues. The bidding process for 2019/20 is now open and the authority will be bidding for more funding from the Food Standards Agency to include extra staffing to help with demand. The authority estimates that a 'no deal' Brexit will require between 1.00 and 1.75 FTE at Grade H for the food safety impact, plus 1.0 FTE admin support. It will be possible to recover costs from Export Health Certificates and Catch Certificates.
- 6.11 Plymouth City Council has two EU designated bathing water sites at East and West Hoe. The quality of the water is currently classified as 'Excellent'. It will be crucial for Plymouth City Council to continue to secure protection of these sites in the absence of EU protection.

## **7.0 IMPLICATIONS FOR PLYMOUTH CITY COUNCIL**

- 7.1 The broad direction of Government policy is to maintain much of the current framework of protection inherited from the EU. To replace the monitoring role currently carried out by the CJEU the government proposes to introduce the Office for Environmental Protection. It is at least arguable that this body will be less robust since it will be operated by DEFRA and the Secretary of state and will not therefore be fully independent, now will it have the same power to direct compliance.
- 7.2 Whilst the short term impact on planning policy may be limited UK legislation will no longer have to keep pace with EU legislation and the principal of non regression may suggest longer term relaxation of the current EU standards.
- 7.3 Air quality regulations will also be translated into UK law and regulations without amendment on exit. However there would be no obligation on the Government to maintain them, thereafter and should they seek to amend them, then in the absence of the existing EU regulatory bodies the OEP would be the only body with a remit to challenge any perceived downgrade in environmental protection.
- 7.4 In relation to our natural environment the government will no longer be obliged to have regard to the decision of the CJEU in relation to protected species and habitats.
- 7.5 Our Environmental Health Service have been forced to invest considerable resources in making contingency plans to manage operations at the port in the event of a no deal Brexit. Whilst the belated decision to operate a light touch regime for the early period we will have to invest in increased capacity to deliver Port Health Authority functions if no deal is the eventual outcome and this may also be true of a negotiated withdrawal depending on the content of the agreement. We should in these circumstances be pushing for a full new burdens assessment.

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<sup>i</sup> Rt Hon Michael Gove MP, Secretary of State for the Environment in the forward to the 25 year environment plan.



# Brexit, Infrastructure and Legislative Change Overview Scrutiny Committee

Work Programme 2018-2019



**Please note that the work programme is a 'live' document and subject to change at short notice. The information in this work programme is intended to be of strategic relevance.**

For general enquiries relating to the Council's Scrutiny function, including this Committee's work programme, please contact Helen Prendergast, Democratic Adviser on 01752 304022.

Date of meeting	Agenda item	Prioritisation Score	Reason for consideration	Responsible Cabinet Member / Officer
<b>6 June 2018</b>	Brexit Overview	5 (High)	Overview on Brexit (impact on Plymouth)	Councillor Evans OBE/Kevin McKenzie
	Fishing and Fisheries (Pledge 37)	(5 High)	Overview of Fishing and Fisheries (impact on Plymouth)	Councillor Evans OBE/Kevin McKenzie
	Transport Infrastructure (Pledges 12 and 22)	(4 Medium)	Update on current position with strategic transport schemes	Councillor Coker/Paul Barnard
<b>4 July 2018</b>	Brexit – Impact on Skills	(5 High)	Overview of labour market and skills related issues arising that may impact the City from the decision of the UK to leave the EU	Councillor Jon Taylor/Judith Harwood
	Mayflower 400 (Pledge 68)	(4 Medium)	Update on current position with Mayflower 400	Councillor Peter Smith/Charles Hackett
<b>5 September 2018</b>	Brexit – Impact on Higher Education	(5 High)	Overview of Higher Education establishments related to issues arising that may impact the City from the decision of the UK to leave the EU	Councillor Jon Taylor/Judith Harwood
	The Box (Pledge 83)	(4 Medium)	Update on capital programme and overall programme (Pre decision scrutiny)	Councillor Peter Smith/Gareth Simmons/Paul Brookes
	Visitor Plan Refresh 2020-2030	(4 Medium)	Scope and seek feedback on priority areas for the visitor plan covering the next 10 years	Councillor Peter Smith/Amanda Lumley/Patrick Knight
<b>7 November 2018</b>	EU Funding	(5 High)	Overview and Impact of EU Funding	Councillor Evans OBE
	Oceansgate (including general employment update) (Pledge 2)	(5 High)	Update on Council's flagship employment initiative and update on general employment within the City	Councillor Evans OBE/Patrick Hartop/Nina Salkaka

Date of meeting	Agenda item	Prioritisation Score	Reason for consideration	Responsible Cabinet Member / Officer
	Strategic Transport Schemes Update (Pledges 12 and 22)	(4 Medium)	Update on strategic transport schemes	Councillor Coker/Paul Barnard
<b>9 January 2019</b>	Emergency Planning	(5 High)	Overview of emergency planning in the event of there being a no deal Brexit	Councillor Hadyon/Ruth Harrell/Scott Senior
	Community Cohesion	(5 High)	Overview of the impact of Brexit	Councillor Penberthy/Darin Halifax
<b>6 March 2019</b>	Environmental Legislation	(5 High)	Overview of the impact of Brexit	Councillor Dann/David Draffan/Ruth Harrell
	Plan for Homes	(5 High)	Overview of the Plan for Homes Scheme (Phase 3)	Councillor Coker/Paul Barnard
	Visitor Plan Refresh 2020-2030	(4 Medium)	Review the refreshed Visitor Plan 2020-2030	Councillor Peter Smith/Amanda Lumley/Patrick Knight
<b>Site Visits 2018/19</b>				
<b>20 July 2018</b>	The Box		Visit to review progress, construction programme and exhibition design	David Draffan
<b>20 September 2018</b>	City Centre		Visit to include Drake Circus Leisure, House of Fraser, Derry's, Colin Campbell Court and Toys R Us	David Draffan
<b>22 October 2018</b>	Oceansgate		Visit to the Council's flagship employment initiative	Patrick Hartop
<b>October 2018</b>	City Bus Tour of Development/Employment Sites		Tour to include all development and employment sites, acquisitions and direct development programme (visit Langage phase 2/3, Plymouth International, Range, Woolwell and Weston Mill)	David Draffan
<b>Items to be scheduled 2018/19</b>				
	Plymouth and South West Devon Joint Local Plan			

Date of meeting	Agenda item	Prioritisation Score	Reason for consideration	Responsible Cabinet Member / Officer
<b>Select Committee Reviews</b>				
<b>22 August 2018</b>	Fishing and Fisheries (Pledge 37)	(5)	To work with Plymouth's fishing industry to launch a Plan for Sustainable Fishing to secure the industry's future in the City and to respond to the Government's White Paper on Sustainable Fisheries for Future Generations	Councillor Evans OBE/Anthony Payne/external witnesses
<b>Items to be Scheduled for 2019/20</b>				
<b>TBC</b>	Community Cohesion	(5)	Further look at Community Cohesion following the UK leaving the EU	Darin Halifax

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## Brexit, Infrastructure and Legislative Change Overview and Scrutiny Committee

Minute No.	Resolution	Target Date, Officer Responsible and Progress
<p>5 September 2018</p> <p>Letter to the Secretary of State for Housing, Communities and Local Government: Sustainable Communities Act 2007</p> <p>Minute 21</p>	<p>The Committee <u>agreed</u> that any responses received are circulated to all Committee Members.</p>	<p><b>Date: November 2018</b>  <b>Officer:</b> Helen Prendergast  <b>Progress:</b> A receipt acknowledgement had been received but no response to the letter.</p>
<p>9 January 2019</p> <p>Emergency Planning</p> <p>Minute 37</p>	<ol style="list-style-type: none"> <li>1. The Committee recommended that Cabinet consider lobbying Government for reimbursement of the work being undertaken on Brexit Planning.</li> <li>2. The Committee requested a briefing report on the port issues, following the meeting with Brittany Ferries at its March 2019 meeting.</li> <li>3. The Committee requested that all Councillors were involved with the Brexit communication plan.</li> </ol> <p><b>Complete</b></p>	<p><b>Date:</b> February 2019  <b>Officer:</b> Helen Prendergast  <b>Progress:</b>                      With reference to 1. this recommendation was subsequently made by Members of Budget Scrutiny. Cabinet agreed the recommendation at its meeting held on 12 February 2019.</p> <p>With reference to 2. information relating to the meeting held with Brittany Ferries will be included within the Brexit and Environment report under consideration at the Committee meeting scheduled for 6 March 2019.</p> <p>With reference to 3. this request will be actioned by officers.</p>

## Brexit, Infrastructure and Legislative Change Overview and Scrutiny Committee

Minute No.	Resolution	Target Date, Officer Responsible and Progress
<p>9 January 2019</p> <p>Work Programme</p> <p>Minute 39</p>	<p>The Committee <u>agreed</u> to include the following items on its work programme –</p> <ol style="list-style-type: none"> <li>1. air quality/pollution (March 2019)</li> <li>2. community cohesion following the UK leaving the EU to be scheduled for a future meeting.</li> </ol> <p><b>Complete</b></p>	<p><b>Date:</b> February 2019  <b>Officer:</b> Helen Prendergast  <b>Progress:</b>                      With reference to 1. this information will be included in the Brexit and Environment report under consideration at the Committee meeting scheduled for 6 March 2019.</p> <p>With reference to 2. this issue has been included on the Committee’s work programme.</p>
<p>30 and 31 January 2019</p> <p>Budget Scrutiny (Joint Select Committee Review)</p>	<p>The Select Committee during the two days of budget scrutiny made 11 recommendations to Cabinet for consideration.</p> <p>Attached are the recommendations and the Cabinet responses as appendix 1.</p> <p><b>Complete</b></p>	<p><b>Date:</b> February 2019  <b>Officer:</b> Helen Prendergast  <b>Progress:</b>                      The recommendations were submitted to Cabinet on 12 February 2019.</p>

**Cabinet Response to Recommendations**

a.	to continue to demand Central Government provide clarity on a long term, sustainable funding mechanism as we come to the end of the current multi-year deal;	<b>Agreed</b>
b.	to continue to lobby Government on a cross party basis to highlight severe pressures on local budgets in relation to Children's Services due to unprecedented demand and the escalating costs of placements; Adult Social Care due to the increase in the number of older people with ever increasing complex needs; and Public Health due to the ongoing reduction in the grant allocated to Plymouth.	<b>Agreed</b>
c.	that the council should support the Local Government Association (LGA) view to extend the supplementary funding for Maintained Nursey Schools into 2020/21 to ensure that local authorities are able to maintain service provision. Scrutiny will undertake to work with the Cabinet Member for Education, Skills and Transformation in the new municipal year to provide evidence for submission to the Government when planning the long term future for maintained nursery provision.	<b>Agreed</b>
d.	that Cabinet work with the Special Interest Group of Municipal Authorities and the LGA and lobby to ensure measures of deprivation are given sufficient weighting within the new consultation on Fair Funding proposals (other than solely population) when establishing the Foundation Formula Allocation for allocation of resources to Plymouth in future Local Government finance settlements.	<b>Agreed</b>
e.	to urge Government not to change but to improve, the allocation of New Homes Bonus to avoid a detrimental impact to the growth agenda within the city.	<b>Agreed</b>
f.	that Cabinet regularly monitor the Integrated Fund (Health and Social Care) and the risks related to the delivery of this critical area of spending.	<b>Agreed</b>
g.	to recommend to cabinet to demand an increased allocation from the Central Government funding to support preparations for Brexit, highlighting the importance of Plymouth both as a continental port and as one of the top three English fishing ports for both volume and value. The Cabinet is also requested to publish significant actions that will be required from the council for both a deal / no deal scenario.	<b>Agreed</b>

h.	to recommend that the Leader and Cabinet continue to work with partners to pressure the Government and Network Rail to publish a sustainable solution to the Dawlish stretch of line, making good on the Prime Minister's view that this improvement to the South-West's transport infrastructure is a national priority.	<b>Agreed</b>
i.	that Cabinet to join with upper tier local authorities and the LGA to pressure the government into publishing the green paper before the system of social care implodes due to increased demand and the lack of a sustainable funding settlement.	<b>Agreed</b>
j.	to request that the Cabinet Member for Customer Focus and Community Safety investigate ways in which those on low incomes can be supported by the Council to provide internments for family members and report back to the relevant scrutiny committee at a future meeting.	<b>Agreed</b> , subject to further investigation, and will be reported back to a future meeting of the relevant Scrutiny Committee.
k.	to recommend to Cabinet that a significant amount of negative demand through councillor casework enquires and the contact centre could be avoided if repairs and maintenance schedules for street services and highways could be published in a prominent area of the City Council's website and shared on social media platforms.	<b>Agreed</b> , subject to further investigation, and will be reported back to a future meeting of the relevant Scrutiny Committee.