

# Possible Effects of Leaving the EU

**Scrutiny Committee**

**Date: 10<sup>th</sup> December 2018**

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Author:	Leader of the Council, Cabinet Member for Economic Prosperity and Head of Strategic Growth and Place
Wards:	All
Parishes Affected:	All

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## **1. Purpose and Reasons**

- 1.1 The report sets out in broad terms the issues identified so far for the Council in light of the departure of the United Kingdom from the European Union (“Brexit”) on 29<sup>th</sup> March 2019. It also addresses the Council’s response to Brexit through both its inward investment and business retention and expansion programmes.
- 1.2 The report is required following Scrutiny Committee’s request for an update at its meeting on 12<sup>th</sup> September 2018 along with a subsequent Council resolution on 20<sup>th</sup> September 2018.

## **2. Recommendations**

The Committee is recommended to:

- 2.1 Note the contents of the report,
- 2.2 Put relevant questions to the Leader of the Council, the Cabinet Member for Economic Prosperity, and the Head of Strategic Growth and Place, and
- 2.3 Invite the Scrutiny Committee Chair and Cabinet Member for Economic Prosperity to report the outcomes from the discussion to the Growing the Economy Overview and Scrutiny Committee and Council.

## **3. Detail**

Background

- 3.1 In the referendum on 23<sup>rd</sup> June 2016, 61,745 electors (54.7%) in Swindon voted for the UK to leave the EU and 51,220 voted to remain (45.3%) with a 75.8% turnout. For the UK as a whole, 51.9% voted to leave and 48.1% to remain.
- 3.2 Following discussion of the annual Question and Answer report for Councillor Donachie, the Cabinet Member for Economic Prosperity, on 12<sup>th</sup> September 2018, Scrutiny Committee resolved “(3) To agree the addition of an item providing an update on the impact of Brexit in Swindon to the 2018/2019 Work Programme.” (Scrutiny Minute 25, 2018/19 refers).
- 3.3 On 20<sup>th</sup> September 2018, Council resolved that: “The Cabinet member for Economy bring a report to O&S outlining the Council's response to Brexit through both its inward investment and business retention and expansion programs

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Further information on the subject of this report can be obtained from Douglas Chanda-Campbell, 0776 989 1673, docampbell@swindon.gov.uk.

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ensuring the Borough is well placed to exploit any economic opportunities that may manifest in the future. (Council Minute 41, 2018/19 refers). In addition to Members' requests, there was an ongoing management need to understand more fully the effects of leaving the EU.

- 3.4 This is a dynamic process and the report could easily be overtaken by events between submission for publication and the meeting itself. At the time of writing this report, the Prime Minister had announced the agreement with the EU negotiators on a Draft Agreement on the withdrawal of the United Kingdom of Great Britain and Northern Ireland from the European Union and the European Atomic Energy Community. It is to this text that any references below are made (<https://www.gov.uk/government/publications/progress-on-the-uks-exit-from-and-future-relationship-with-the-european-union> accessed 15th November 2018). It will be referred to as "the Treaty" for brevity. The Prime Minister had also agreed the draft Political declaration with EU Leaders on 22<sup>nd</sup> November 2018. EU Leaders endorsed the draft Treaty and the Political declaration on 25<sup>th</sup> November 2018. Having also received the UK Cabinet's support on 14<sup>th</sup> November, the next stage is for the government to secure Parliamentary approval for the Treaty.
- 3.5 Alongside the negotiations the European Union (Withdrawal) Act 2018 (the Withdrawal Act 2018), which received Royal Assent on 26<sup>th</sup> June 2018, repealed the European Communities Act 1972 and saved all current EU-derived domestic legislation. This provides some certainty for the Council's routine operations such as procurement, health and safety, and planning. The Treaty contains further provision to preserve current arrangements for public procurement during the transition period (Article 76). However, the Institute of Government has identified a further 10 Bills related to departure of which only five have received Royal Assent as well the need for the Government to table around 1,000 Statutory Instruments.
- 3.6 While the debate about Brexit continues, the Council has to continue to discharge its statutory duties, especially in providing personal care services, as well as to deliver the refreshed Vision Priorities and the Swindon Programme.
- 3.7 The greatest issue for the Council remains the uncertainty about whether Parliament will approve this Draft Treaty or, if it does not, what could happen next. This report seeks to set out immediate, medium-term, and long-term possible effects on the Council by comparing a possible worst-case scenario with the draft Treaty. It will focus primarily on those issues as they relate to the local council.

## Short-Term

- 3.8 To ensure there is a proper response to any short-term issues, Swindon Borough Council continues to be an active member of the Local Resilience Forum (LRF) chaired by the Chief Constable of Wiltshire. This body is already undertaking appropriate preparations with "blue light" services, local authorities, and relevant

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central government departments and agencies to account for a wide range of scenarios. The Council's Business Continuity Manager is leading the core LRF task group and senior officers are being kept informed about any pressures as they emerge. There are contingency plans for a number of eventualities that could be activated if the need arises that would minimise and disruptions, were they to occur.

## Effect on the Economy

- 3.9 There could be risks to services caused by interruptions to the complex multi-national supply chains, which could affect anything from medicines to vital parts for machinery. If there is no Treaty and there are no transitional arrangements, some industries could immediately lose access to essential supplies or registrations for their products.
- 3.10 However. In mitigation it is noted that EU states are also dependent on the UK as a destination for exports as well as for some goods manufactured in Swindon and other parts of the UK. Therefore, there could be pressure on EU states to preserve an efficiently functioning trade relationship with a post-Brexit UK.

## Consequences for EU citizens

- 3.11 If the systems allowing EU citizens to apply for settled status do not perform as expected, there could be a departure of key workers from the public sector. The sudden loss of staff could both undermine service delivery, with immediate adverse consequences for service users, as well as further increasing the budgetary pressures if there is a steep rise in the cost of contracts and commissioning as the council's providers struggle to obtain the necessary staff.
- 3.12 Article 11 of the Treaty sets out how the rights of EU citizens working and residing in the UK, along with their families, would remain unchanged during the transition period. The government has outlined how EU citizens will be able to remain in the UK (<https://www.gov.uk/settled-status-eu-citizens-families>) and announced that the application process would be fully open from March 2019 with Article 15 recommending similar rights for UK citizens already living in the EU. The cost in the UK will be £65.00 per adult and £32.50 per child under 16.
- 3.13 To provide some certainty, the government opened the application for settled status for those EU citizens already in the UK who work in the health or social care sectors from 29<sup>th</sup> November 2018. Council Officers have participated in briefings about how the pilot testing phase could be introduced here. However, the pilot schemes do not extend to spouses, partners, or families.

## Medium-term

- 3.14 A large body of EU regulation has been "saved" into UK law. This means that until Parliament legislates otherwise, there will be no change to procurement or

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similar regulations. Individual service areas will monitor any changes to these as they would any other periodic updates from central government. Other possible medium/long-term effects are set out in Table 1 below. The issues are not ranked in any particular order and the references to the Treaty assume that it has been approved.

Table 1 Possible Effects of Leaving the EU

<b>Issue</b>	Uncertainties about the economic future after Brexit.
<b>Effects</b> <b>Potential Negative effects</b>	There is a reduction in business confidence and investment and may even result in redundancies or closures. Reduced business rate and Council Tax income. Increased demand for benefits and other Council support services. Rise in Council Tax debt/housing arrears.
<b>Potential Positive effects</b>	The economy could be unaffected or grow; business rate and council tax increase. High employment reduces the demand for Council Tax support as well as helping to ensure tenants pay rent.
<b>Service area(s) affected</b>	Revenue and Benefits and Housing, but possibly the whole Council.
<b>Issue</b>	Uncertainty in the supply chain.
<b>Effects</b> <b>Potential Negative effects</b>	Some firms may move away from "Just in Time" or reliance on imports. Loss of employment land for high-skilled employment opportunities and pressure on sites that are needed for housing. Pressure on the Local Plan/Neighbourhood Plans to accommodate more land for storage. Higher costs/longer delivery times. Delays in obtaining key parts for repairs. Local factories do not win contracts for new work because they cannot apply the just-in-time production model.

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<b>Potential Positive effects</b>	There are no significant changes to the supply chain; therefore, there are not additional pressures to established manufacturers. Existing goods and services, apart from live animals, would be accepted after the UK leaves the EU (Article 41). Manufacturers may seek new, local sources for key parts, boosting employment.
<b>Service area(s) affected</b>	Planning, Highways, Housing
<b>Issue</b>	Loss of current professional, skilled and semi-skilled workers, especially from construction, personal care, and the health services.
<b>Effects</b> <b>Potential Negative effects</b>	Difficulty recruiting or retaining staff to provide care for the elderly or for support roles at the hospital, with the ultimate concern that lives would be put at risk. Difficulty meeting house building targets putting pressure on the local plan. Additional cost to the Council if there are wage increases to address shortages. Additional cost to the Council if it chooses to pay for the settlement fees for council workers and their families. Difficulty maintaining core, visible services e.g. waste and recycling collection if the current pool of staff cannot be retained or replaced.
<b>Potential Positive effects</b>	There might be no change to the workforce or any losses are replaced by newly trained people/other migrants. EU workers' rights, including access to housing, are retained during the transition period (Article 24). Article 27 sets out the basis for continuing to recognise professional qualifications.  EU residents still would be able to access social security systems while

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	in the EU (Article 30). The Home Office will be running a pilot scheme for registering health and social care workers until 21 <sup>st</sup> December 2018 so many staff, but not their dependents, could already have secured settled status. SBC officers from Children's and Adults' Social Care were part of a briefing on 15 <sup>th</sup> November and will circulate material to relevant staff.
<b>Service area(s) affected</b>	Planning, Adult Social Care, Children's Services, Revenue and Benefits, Key partner organisations, especially the Clinical Commissioning Group, the Great Western Hospital, and private care homes for the elderly.
<b>Issue</b>	With renewed focus on non-EU trade by the government, International trade may increase; therefore, links to Heathrow and England's Economic Heartland would become even more important.
<b>Effects</b> <b>Potential Negative effects</b>	Pressure on transport infrastructure, especially the A420 and lack of direct service either to Oxford or to Heathrow. High demand for housing raises prices – risk of homelessness Air quality may deteriorate near the main roads.
<b>Potential Positive effects</b>	Higher rents make new developments more viable. Business growth may generate more business rates income.
<b>Service area(s) affected</b>	Highways, Planning, Housing, Economy, Revenue and Benefits, Public Health.
<b>Issue</b>	Pensioners returning to the UK because they cannot get their state pensions paid.
<b>Effects</b>	Increased demand for specialist housing and care support packages,

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<b>Potential Negative effects</b>	increased budgetary pressure on the Council.
<b>Potential Positive effects</b>	Current arrangements remain in place so UK citizens remain abroad. Fewer EU residents other than those in work could reduce demand.
<b>Service area(s) affected</b>	Adult Social Care, Housing
<b>Issue</b>	Tourism from other parts of Britain grows at a rate that exceeds any decline from the EU.
<b>Effects</b> <b>Potential Negative effects</b>	Additional pressure on the road network. Demand for additional hotels requires changes to the Local Plan/Town Centre Masterplan. Increase in the number of lower skilled service jobs.
<b>Potential Positive effects</b>	Economic benefits to the town centre, especially cafes and restaurants. Benefits to hotels and other related employers, resulting in stable or increased business rates revenue.
<b>Service area(s) affected</b>	Economy, Revenue and Benefits, Highways, Planning
<b>Issue</b>	Change in the number of unaccompanied minors entering the UK and becoming the Council's responsibility.
<b>Effects</b> <b>Potential Negative effects</b>	If the number increases or remains high, there is a significant financial pressure on the Council to find accommodation and foster parents. There could also be an increased risk if adults pretend to be minors in order to remain in the UK. There might be budget pressures, since the local authority would have to pay the fees for settled/pre-settled status.
<b>Potential Positive effects</b>	Renewed border controls reduce the number of unaccompanied minors and so eases the pressure.

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<b>Service area(s) affected</b>	Children's Services.
<b>Issue</b>	Fewer native-speaking French, German, other European language teachers, or other EU teachers with specialist skills such as STEM.
<b>Effects</b> <b>Potential Negative effects</b>	Decline in school attainment. Reduction in skills available to local employers, making it harder for them to function here.
<b>Potential Positive effects</b>	Opportunity to adopt new languages such as Mandarin as well as new demand for Spanish and Portuguese. Recruit new professional teachers from non-EU nations.
<b>Service area(s) affected</b>	Education, Economy
<b>Issue</b>	Changes in central government funding and grants (to pay for EU commitments up to 2028 in the Treaty).
<b>Effects</b> <b>Potential Negative effects</b>	Fewer or no additional Free schools to meet pupil demand. Reductions in funding from the LEP to support regeneration. Less support for inward investment in the UK. Less support for demand-led services, especially for capital programmes or demand minimisation schemes.
<b>Potential Positive effects</b>	Government revenues improve so there are new or additional funding streams for capital programmes if not for revenue support. For example, funding for new schools, highways maintenance, independent living etc.
<b>Service area(s) affected</b>	Adult Social Care, Children's Services, Education, Highways, Economy
<b>Issue</b>	Local business confidence changes.
<b>Effects</b> <b>Potential Negative effects</b>	Further loss of trade for town centre shops and businesses, decline of

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	traditional town centre, loss of jobs.
<b>Potential Positive effects</b>	Accelerated conversion of shops to houses, leisure, or cafes. Continued evolution of town centres to adjust to new technologies.
<b>Service area(s) affected</b>	The Business Investment District, Revenue and Benefits, Planning
<b>Issue</b>	Changes to the way the police service would be able to work with EU counterparts.
<b>Effects</b> <b>Potential Negative effects</b>	Increased risk to residents of crime from EU criminals, lack of intelligence about those coming from the EU with criminal connections, ability of criminals to flee the UK's jurisdiction and take refuge in the EU.
<b>Potential Positive effects</b>	The Treaty provides for maintaining judicial cooperation in criminal matters for the transition period, including European arrest warrants (Articles 62 to 64).
<b>Service area(s) affected</b>	Public Safety
<b>Issue</b>	Disposal of recyclates, loss of the market for RDF/SDF fuel
<b>Effects</b> <b>Potential Negative effects</b>	A rise in storage and disposal costs for recyclates. A legal risk to the Borough as well as to its reputation for not meeting UK government recycling targets. A cost pressure if there is increased use of landfill or the gate price for the removal of RDF/SDF fuel.
<b>Potential Positive effects</b>	New technologies emerge or become viable to allow more recycling to occur locally e.g. the plastic recycling process and South Marston. New UK demand for SDF/RDF to replace EU customers.
<b>Service area(s) affected</b>	StreetSmart

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<b>Issue</b>	Ending of EU funding streams e.g. ESIF
<b>Effects</b> <b>Potential Negative effects</b>	Less investment in businesses for growth, R&D, and employment.
<b>Potential Positive effects</b>	The government has committed to fund all projects that the EU would have supported from 2014 to 2020. New funding streams may be developed. Article 152 of the Treaty would permit the UK to have access to the 11 <sup>th</sup> round of the European Development Fund.
<b>Service area(s) affected</b>	Business Retention and Expansion
<b>Issue</b>	Change in the financial conditions – inflation rates, availability of loans
<b>Effects</b> <b>Potential Negative effects</b>	There could be significant price and contract inflation if there is a shortage of goods or key workers. There could be difficulty obtaining loans, or those loans for capital works could become more expensive, if the money supply contracts as a result of leaving the EU.
<b>Potential Positive effects</b>	The general money supply and inflation rates remain unaffected. New sources of imports outside EU rules help reduce some prices. More skills-based international recruitment and training for UK workers means that there is no wage-led inflation.
<b>Service area(s) affected</b>	Finance initially but the whole Council in due course.

- 3.15 In case there is no agreement, Central government has provided guidance papers to allow businesses to start preparing for a “no deal” scenario, which officers in relevant departments are monitoring. These are available here: <https://www.gov.uk/government/collections/how-to-prepare-if-the-uk-leaves-the-eu-with-no-deal>. There are also briefings from the House of Commons library that can be found here: <https://www.parliament.uk/business/publications/research/eu-referendum/> The

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European Union has also produced preparedness notices on the assumption that there is no agreement that are available here:

[https://ec.europa.eu/info/brexit/brexit-preparedness/preparedness-notices\\_en](https://ec.europa.eu/info/brexit/brexit-preparedness/preparedness-notices_en).

- 3.16 The Swindon and Wiltshire Local Enterprise Partnership, through the Growth Hub has also published information to help businesses prepare for Brexit. They are available here: <https://growthhub.swlep.co.uk/topics/brexit>. Other Council actions are addressed below in the section on Next Steps.

## Swindon's current investment and business outside the EU

- 3.17 Prior to the referendum to leave the European Union, the Council's inward investment strategy was already focused on markets beyond Europe. Swindon's key sectors already have strong links with the Americas, Asian, and Pacific market. This already includes particularly the pharmaceutical and automotive industries as, for example, both BMW and Honda export extensively to the US market.
- 3.18 For companies in the digital technology, advanced manufacturing, life science, financial and professional service and clean energy, or which are deemed strategically important to the town (such as one of the major local employers), the Council either has or is developing strong relationships. Any changes with those businesses would prompt a direct approach and, where possible, support from Council Officers. Apart from firms working in key sectors, the Council, along with Switch on to Swindon and the Swindon and Wiltshire Local Enterprise Partnership, provides information and support for most businesses through the Swindon and Wiltshire Growth Hub.
- 3.19 A further policy concern is the range of trade tariffs the US is imposing on China and the EU. Alongside this, China has taken retaliatory measures, which may affect trade and global supply chains. Resolving these matters lies outside the capacity of local government.
- 3.20 Local employers have highlighted the need for a highly skilled workforce to keep Swindon competitive. In order to address this, the Council has already taken steps to promote apprenticeships and increase skills base within the town from existing schools and colleges.
- 3.21 In October 2017, Cabinet authorised the Cabinet Member for Economic Prosperity along with the Cabinet Member for Children's Services and School Attainment to become champions for the concept of Swindon: a Learning Town as part of the Swindon Challenge (Cabinet Minute 41, 2017/18 refers). As stated in the covering report, key objectives from this would be to Increase the number of students with higher-level qualifications and participation in Higher Education and to increase the number of young people with STEM (science, technology, engineering, and maths) qualifications and ensure a good understanding of the employment opportunities requiring STEM. Once the Council knows the full

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nature of Britain's departure from the EU, the Cabinet Members and relevant officers may wish to review this strategy.

## Possible effects on business – inward investment/business retention and expansion

- 3.22 As with the Council, the current issue is one of uncertainty, as businesses do not know what will happen to product licensing, supply chains, export controls, and employment to name but a few concerns. The July 2017 report "Brexit, trade and the economic impacts on UK Cities" from the Centre for Cities identified that Swindon could suffer a reduction in GVA per worker of between 1.4 and 2.4%. Nevertheless, independent of any work by the Council as set out in subsequent paragraphs, on 18<sup>th</sup> October 2018, Apple confirmed that it had signed a £460m deal with Swindon-based Dialog Semiconductors without any Brexit deal being in place. In addition, the Treaty contains extensive provisions for the transition period to protect the movement of goods (Article 51), upholding intellectual property rights (Article 54), and protecting databases (Article 58). These should minimise any short-term effects on the economy in Swindon.
- 3.23 This assumes that there is a treaty, in the event of a "no deal" Brexit the UK would be reduced to the status of a third party, with no guaranteed access to markets; no mutual recognition of products, classifications, or qualifications; no certainty over the supply chain. For example, Swindon-based firms could lose recognition from the European Medicines Agency for their products, which would prevent or impede their export.
- 3.24 The Council has a small team dedicated to inward investment and business retention and expansion, one of whom acts as the prime point of contact for the Department for Business, Energy, and Industrial Strategy. There is a weekly telephone conference with the Department to update local authorities. These officers spend most of their time with individual businesses, key networks such as Switch on to Swindon, and other business stakeholder groups. An additional post is being created in the team that will provide dedicated support to Switch on to Swindon.
- 3.25 Table 2 below illustrates some of the issues identified so far from contact with businesses and other sources.

**Table 2 Inward investment/Business Retention and Expansion effects**

Issues	Effect(s)	Council's response
Uncertainty over the supply chain.  However, the Treaty makes provision to leave	Delays or higher costs in obtaining parts and materials, desire to increase	To be determined through the Planning process.

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Issues	Effect(s)	Council's response
existing customs union processes in place for the transition period (Article 47).	local storage.	
Loss of access to EU accreditation processes for key supplies and exports e.g. pharmaceuticals	Firms relocate from Swindon to the EU	To request Members raise this with the political parties in Westminster.
Possible loss of skilled employees from the EU/difficulty recruiting staff.  (The government has already announced its scheme to allow people to apply for settled status.)	Difficulty sustaining or increasing productivity, especially in high-skill sectors	Work with Switch on to Swindon's Business and Retention and Expansion service and the Swindon and Wiltshire growth hub.  Swindon : A Learning Town
Loss of business confidence because of uncertainty	Reluctance to make investment decisions	Place marketing by Leader, Cabinet and Switch on To Swindon
Delays in future investment plan because of uncertainty	Firms may expand plants abroad where the political and trade conditions are more stable	Work with Switch on to Swindon's Business and Retention and Expansion service to minimise risk

### Next Steps

- 3.26 Should there be no Treaty, Officers would need to ensure that full attention was being paid to the precise effects of leaving the EU as they emerged or were becoming more probable. While these are not quantifiable at this time, budget holders and service heads will be monitoring these spending patterns closely as part of the Swindon Programme. If significant pressures arise, service areas will have the responsibility of developing the mitigating actions to manage them within their existing budgets.
- 3.27 If there is a settlement, once the details are known officers would produce a full probability impact assessment. It would then be a matter for Cabinet Members and senior managers to agree on appropriate mitigating actions and report to Scrutiny and Council if they require any formal decisions.

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- 3.28 At the time this report was submitted for publication, Parliament had not voted on the Draft Withdrawal Treaty. The later a decision is made, the more organisational effort will have to be allocated to making the precise changes that are required and these would have to take priority. However, Swindon Borough Council, along with local government as a whole, has a reputation for being able to adapt at short notice to changes imposed from Whitehall.

## 4. Alternative Options

- 4.1 No further alternatives were considered as this report was intended to inform Members rather than to make recommendations.

## 5. Implications, Diversity Impact Assessment and Risk Management

- 5.1 There are no financial or procurement implications arising because of this report. Any expenditure arising because of an item on the Committee's Work Programme would be met by the Overview and Scrutiny Support budget, subject to the Committee's approval.

### Legal and Human Rights Implications

- 5.2 As this is not a decision-making report, there are no specific legal or human rights implications of which Members need to be aware.

### All Other Implications (including Staff, Sustainability, Health, Rural, Crime and Disorder)

- 5.3 There are no other direct implications arising as a result of this report.

### Diversity Impact Assessment

- 5.4 Since this is not a decision-making report, no diversity impact assessment (DIA) was required.

### Risk Management

- 5.5 Since this is not a decision-making meeting, there are no specific risk management issues.

## 6. Consultees

- 6.1 Given that this is not a decision-making report, Officers have chosen not to consult the Monitoring Officer (Interim Director of Law) or the Section 151 Officer (Director of Finance).

## 7. Background Papers

- 7.1 None.

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## 8. Appendices

8.1 None.