

A COUNCILLOR BRIEFING

Planning for a no-deal Brexit

Making sure that Parish Councillors can mitigate the risks and capture the opportunities

Grimley Parish Council

DRAFT document. LStevens 08/08/2019

This is a draft training document, intended to prompt Cllrs thinking and should not be taken as a statement of Parish Council intent.

Parish councils have the legal power to take action, but they have very few duties and a great freedom to choose what action to take. They can play a vital part in representing the interests of the communities they serve and improving the quality of life and the local environment. Furthermore they influence other decision makers and can, in many cases and if need be, deliver services to meet local needs. In theory Brexit, particularly 'no-deal', may change those local needs and Councillors need to spend an appropriate amount of time considering **how/if** the Parish Council can help (admittedly this could encompass an infinite number of scenarios!).

'Essential needs/services' for local residents could broadly be covered by the following:

- food; shelter; warmth (utilities); medical; transport.

Government advice is that of these 'food' and 'medical supplies' are the most likely to be affected by a no-deal Brexit.

Scenario for reflection: The Parish Council has no requirement to provide any of the above, but it is not inconceivable that some sort of informal 'post Brexit neighbourhood emergency procedure' could be implemented in order to assist vulnerable residents with accessing difficult to find food/medical supplies (eg travel to pharmacy). Parish Council insurance would not cover this activity, so any such procedure would need to be voluntary and all parties made aware of this (eg a traffic accident).

Government advice is that fuel/water/internet availability will not be affected, nor will short term provision of electricity or gas.

Government advice is also that supplies/equipment/machinery/products will not be impossible to obtain, merely that the run time to obtain them might be longer. The local primary school and local charities (eg Nora Parsons) therefore should not (in theory) need Parish Council assistance.

Scenario for reflection: Councillors might wish to consider the following example as part of Brexit deliberations. Whether financial assistance would be possible if the school found it difficult to continue provision of free school meals (eg on the basis of product substitution, if one food product is not available, is an appropriate alternative locally available at a price that the school can afford?). In theory emergency financial assistance would be applied for by the school to higher tier councils, but a short term loan from the parish council to the school might be a necessary consideration.

Statutory duties

Consideration is here given on whether a no-deal scenario in the negotiations to leave the EU, threatens any of the parish council statutory duties (duties that MUST be carried out).

Table 1 – Statutory Duties that a Parish Council must carry out and a brief assessment of risk that Brexit poses:

Duty	Does a no-deal Brexit threaten the ability of the Parish Council to carry out this duty?	Action required
Annual and monthly meeting obligations, including publication of agenda, minutes and documents in relation to Transparency Code.	Yes, in theory. The Clerk lives some distance from the parish and, for example, a fuel shortage (not anticipated) might prevent her travel to meetings in the short term.	Cllrs may need to be flexible and prepared to reschedule. Online payments of invoices is possible, if all invoices are correctly advertised throughout the parish well in advance. A parish council must hold an annual meeting and at least three other meetings in a year. Clerk can publish documents online in relation to transparency code. Adequate communication with the parishioners is crucial here.
comply with its obligations under the Freedom of Information Act 2000, the Data Protection Act 1998 and the Equality Act 2010	No threat	Parish clerk ensure a suitable amount of printer ink is obtained prior to October.
comply with employment law	No threat	
consider the impact of their decisions on reducing crime and disorder in their area	No threat, although after the last referendum an increase in County and National 'hate crime' was recorded.	Vigilance and prompt reporting to PCSOs, particularly after end of October 2019.
have regard to the protection of biodiversity in carrying out their functions	No threat, although guidelines might be somewhat blurred, as the pre-Brexit EU regulations may differ from any that the UK impose from the point of no deal?	Additional liaison with local experts and Natural England. Touch base more often and due diligence in applying for necessary licences.
consider the provision of allotments if there is demand	No threat.	

for them from local residents and it is reasonable to do so		
decide whether to adopt a churchyard when it is closed, if asked to do so by the Parochial Church Council.	No threat.	
Co-option and election procedures	Threat – we currently have three vacancies. Public ‘spirit’ could be said to be low and conflicted and the PARISH Council is already having difficulty filling vacancies. Applicants for co-option need to be appropriately briefed in order that they understand that a Parish Council is not the place for aggressive pro/anti EU political views.	Proper co-option procedures should mitigate any problems. The difficulty continues to be to attract any interest at all.

None statutory duties

Parish councils can provide and maintain a variety of local services including allotments, bridleways, burial grounds, bus shelters, car parks, commons and open spaces, community transport schemes, community safety and crime reduction measures, events and festivals, footpaths, leisure and sports facilities, litter bins, public toilets, planning, street cleaning and lighting, tourism activities, traffic calming measures, village greens and youth projects. These existing powers were strengthened by the 2011 Localism Act, including the extension of the "General Power of Competence" to eligible local councils.

Of these none statutory duties, none are likely to be significantly affected by a no-deal Brexit. It is conceivable that there may be some disruption to parish PSCO services/bus services/ litter bin emptying in the event of general, wider civil disorder. It is also conceivable that there may be a decrease in legitimate planning applications but an increase in the number of those less savoury applications that try to slip through the net during times of uncertainty. Parish Cllrs will need to be vigilant on all accounts.

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