

Cynulliad Cenedlaethol Cymru / National Assembly for Wales  
Y Pwyllgor Materion Allanol a Deddfwriaeth Ychwanegol / The External  
Affairs and Additional Legislation Committee  
Bil y Diddymu Mawr / The Great Repeal Bill  
EAAL(5) GRB 10  
Ymateb gan Gymdeithas Llywodraeth Leol Cymru / Evidence from the Welsh  
Local Government Association

## **UK Government's White Paper on the Great Repeal Bill and its implications for Wales consultation**

Following the Local Elections held on the 4<sup>th</sup> of May, we are currently awaiting the outcome of individual Local Authorities' Annual General Meetings prior to the WLGA AGM to be held on Friday the 23<sup>rd</sup> of June to determine our political make-up, including the nomination and approval of the Association's political leadership and spokespeople. Due to this, we wish to submit this brief officer response to this consultation highlighting the key issues for Welsh local government in relation to the UK Government's Great Repeal Bill White Paper.

We welcome the opportunity to respond to this consultation by the committee and look forward to further engagement with the committee on this, and other key aspects of the implications of Brexit for Wales.

As the sphere of government that implements around 60% of all EU legislation local government has a key interest in determining new arrangements, both at the UK and Wales level, that will need to be put in place as we exit the European Union. We are of the view that the following key principles should guide the process of repatriating powers from the EU:

### **Respect current devolution settlements across the UK**

- All EU legislation, policy and funding in all areas currently devolved to the Devolved Legislatures across the UK should automatically be devolved back to them rather than be centrally held by the UK Government on exiting the EU.

### **Greater devolution to local and regional levels**

- As powers return from the EU, there is an opportunity to determine which level of governance is best placed to retain competencies, in line with the subsidiarity principle i.e. that decisions need to be taken as close as possible to local people and communities.
- Responsibilities repatriated from the EU cannot be centralised in Whitehall, Cardiff, Edinburgh or Belfast but will need, where appropriate, to be devolved to local communities through local government.
- Brexit presents an opportunity to develop new legislative freedoms and flexibilities for local authorities so that residents, communities

and businesses benefit by decisions regarding how local services are run being taken closer to where people live.

### **Developing a new legal base for local government**

- Within the EU, local government has had to implement most of the legislation, operate within its legal and policy frameworks, and has played a significant role in drawing down available funding. The same will apply to new arrangements that will have to be put in place at the UK and / or Wales levels on exiting the EU. The UK and Devolved Governments therefore need to involve local government in the development of new frameworks, legislative, policy and funding arrangements in all the following areas:
  - Procurement
  - State Aid
  - Environment, Waste & Planning
  - Regulatory Services
  - Transport
  - Employment & Workforce
  - Finance & Data
  - Economic Development & Skills
  - Agriculture and Rural Development.

The Welsh Government has involved local government in the planning for new arrangements in the field of Environment, Agriculture and Rural Affairs via the Cabinet Secretary for Environment and Rural Affairs, Lesley Griffiths AM's roundtable discussions and working groups with key stakeholders. There have also been some initial discussions between the Cabinet Secretary for Finance and Local Government, Mark Drakeford AM, and key stakeholders such as local government on future Regional Economic Development Policy. However, we have yet to be approached for our input into arrangements for other key areas of interest for local government.

We are working closely with colleagues from other UK Local Government Associations (LGA, COSLA, NILGA) on the development of UK wide issues of interest for local government, and, through this, directly with the UK Government's Department for Exiting the EU. Through this work we have already highlighted to the UK Government the key policy areas above where local government needs to be centrally involved in developing new arrangements and have been invited by them to develop further details under each area for further discussions. We will be re-engaging with the UK Government to progress this area of work following the General Election on the 8<sup>th</sup> of June.

## **Involvement of local government in developing and scrutinising secondary legislation**

- The UK Government's proposals to give powers to Ministers to create and amend secondary legislation to convert EU laws into UK laws will have a big impact not only on the Devolved Parliaments across the UK but also on local government.
- We believe that this creates risks for both the National Assembly for Wales and Welsh Local Government, mainly that in the short-term powers will be centralised and held in Whitehall, pending a decision to keep/amend/delete legislation. The longer these powers, repatriated from the EU to the UK, remain in Whitehall the greater the risks are for ensuring that all powers relating to all devolved matters are devolved to the respective Devolved Parliaments across the UK and to local government where appropriate.
- **There must be maximum transparency and scrutiny of secondary legislation.** Under current EU legislative rules, the advice of local and regional authorities is formally sought via the EU Committee of the Regions. On exiting the EU arrangements will need to be in place to ensure that local and regional authorities are able to provide advice and scrutinise UK and Devolved Governments' Bills that impact on the day-to-day running of local authorities' services. This will be key in relation to all the areas listed above.

## **Place-based impact of Brexit**

- As the consequences of exiting the EU will impact differently on different places across the country there is a need to ensure that the planning for Brexit at the national UK and Wales levels recognises the impacts on different places and works with local government to shape different solutions to the challenges and opportunities of Brexit in different places.
- As a result, the WLGA is collating the impact of Brexit across our 22 Local Authority areas. We issued our first call for evidence to all local authorities to capture the anticipated local impact of Brexit in March and are currently analysing the results. We would be happy to share the evidence and intelligence gathered via this work with the Committee. This initial call for evidence focused on the impact on funding, local economic growth, local public services and legislation. Future calls are likely to focus on specific issues e.g. procurement, in order to inform our work in influencing the development of UK and / or Wales Frameworks in key areas of interests to local government.

We look forward to engaging further with the important work of your committee as the implications of Brexit for Wales become clearer as the negotiations intensify during the next two years.

Please let us know if you require any further information or clarification from us at this stage.