

Brexit end game?

As we listen to the ticking clock we are assured by the PM we will leave on 29 March this year. The question remains how.

It sounds from the government line and the line of Mrs May's helpers that they want to get Parliament to reconsider the Withdrawal Agreement which Remainers and Leavers united to defeat. They seem to think they can pose Remain MPs with the choice of no deal versus the Agreement where they might prefer the Agreement, whilst saying to Leave MPs it is Withdrawal Agreement versus No Brexit. The problem with this approach, as tried last time, is it is contradictory. The threat of No Deal issued to Remain supporters is exactly what many Leave voters now want.

It is not credible to say to Leave MPs Brexit will be cancelled if the Withdrawal Agreement is rejected again. The government would have to propose rescinding the Article 50 letter and embark on the repeal of the EU Withdrawal Act. Many MPs would realise this would destroy the trust of electors. It would lead to the loss of many seats as Labour and Conservative MPs who had won in 2017 on a clear promise to implement Brexit faced retribution from angry voters at the following election. It is difficult to see how Mrs May's leadership would survive any such attempted U turn on such an important issue, and questionable whether DUP support for the government could last either. There is every reason for MPs to stay loyal to the Conservative or Labour Manifesto and refuse to repeal the legislation.

To a Leave MP the Withdrawal Agreement was easy to vote against because it is not leaving. It is a further 21 to 45 months in the EU, accepting their new laws without any say on them, under their court, and paying large unspecified sums to their budget. With the backstop it might keep us in a customs union permanently. The Conservative Manifesto very clearly promised we would leave the EU, single market and Customs Union. The Labour Manifesto promised to leave the EU and set out a detailed trade policy that would be incompatible with Customs Union membership.

Mrs May might late in the day get some legal text offering reassurances about the backstop. It is unlikely to be a full rewrite of the Agreement taking the backstop out in the way Parliament requested through the Brady amendment. This should not be enough to lead to the successful passing of a motion in favour of the Agreement after all, and certainly not enough to give the government a majority for the complex legislation it will take to put the 585 page agreement into UK law. I see no way of avoiding a full debate on the complete agreement, whatever the draft Withdrawal Agreement Bill might say, allowing plenty of opportunity for doubts to be expressed about many features of this comprehensive lock up of UK sovereignty under a new and damaging EU Treaty.

Given this Remain may well seek delay instead. The issues this poses are two fold. Why would the EU consent to 3 to 9 months delay, given their view that the negotiations are over and the Agreement cannot be re opened? How would

this fit in with their timetable for European elections and a new Commission? Why would they want to prolong the exit of a country that is clearly going to leave and is refusing their expensive terms for an extension of membership?

Worse still is why would the UK want delay? It prolongs business uncertainty. It makes the UK look feeble and indecisive. It delays new trade deals and stops us spending the money saved on exit. It fails to take back control of our laws, our money and our borders.

I do not see how there are things we can get the EU to agree in April and May that we cannot get them to agree in February and March against the pressure of the deadline of our departure. The public want government and Parliament to just get on with it. That is also the best negotiating strategy. I still want a managed WTO exit with a UK offer of a free trade agreement which could avoid tariffs and other new barriers to our EU trade.

Government Action on Unauthorised Encampments

The government has put out the following statement:

The Government is aware of long-standing concerns raised by the public and colleagues around unauthorised encampments. These can cause settled communities significant distress and perpetuate a negative issue of the travelling community, the vast majority of whom are law-abiding citizens and amongst whom we see some of the worst life chances in our society.

Action is needed to address the sense of unease and intimidation residents feel when an unauthorised encampment occurs; the frustration at not being able to access amenities, public land and business premises; and the waste and cost that is left once the encampment has moved on. This week, the Government has published a response to a detailed consultation, which will take forward a comprehensive range of measures across government, and ensure fair play:

www.gov.uk/government/consultations/powers-for-dealing-with-unauthorised-development-and-encampments

Extended police powers to tackle trespassers

The Government will consult on proposals to amend the Criminal Justice and Public Order Act 1994 to:

- Permit the police to direct trespassers to suitable authorised sites located in neighbouring local authority areas;
- Increase the period of time in which trespassers directed from land would be unable to return;
- Lower the number of vehicles needing to be involved in an unauthorised

encampment before police powers can be exercised – changing this from six or more, to two or more; and

- Enable the police to remove trespassers from land that forms part of the highway.

Considering a new criminal trespass offence

The Home Office will conduct a review that will consider whether it should criminalise the act of trespassing when setting up an encampment. This will consider the financial and operational impacts that new legislation would have, investigate the effectiveness of similar legislation in Ireland and consider how such a power could work in practice. This could act as a real deterrent to such activity in the future, and it is therefore right that this option is explored fully.

Additional support for local authority enforcement activities

- New statutory good practice guidance to support local authorities use of powers to deal with unauthorised encampments; and a commitment to keep these powers under review, particularly in instances of deliberate and repeated breaches of planning.
- Further work to ensure that measures are in place to address issues around the clean-up costs which can occur following an unauthorised encampment.
- Up to £1.5 million of funding for local authorities to support planning enforcement through the next round of the Planning Delivery Fund, helping them deal with unauthorised development (i.e. where unauthorised sites are on land owned by travellers).
- Extending the period of time that a Temporary Stop Notice can be in place for.

Further reforms to the planning system to tackle unauthorised development and encampments

- New guidance making clear that the Communities Secretary will be prepared to review planning cases where concerns are raised that there is too high a concentration of authorised traveller sites in one location.
- Strengthening policy on intentional unauthorised development, helping to maintain confidence and fairness in the planning system.
- Make information on permanent and transit sites freely available in open data format so that local authorities have a single clear source of data on the availability of such sites.

Supporting law-abiding Gypsy, Roma and Travellers

The Conservative Government's ground-breaking Racial Disparity Audit identified significantly worse health and education outcomes for Gypsy, Roma and Traveller communities than the rest of society. The Government is funding projects across England to improve outcomes in the areas of educational

attainment, health and social integration, and to reduce the community's vulnerability. We will continue work across Government on a strategic approach to improve outcomes for Gypsies, Roma and Travellers, as well as the settled community.

We are also supporting the provision of more authorised sites, through the New Homes Bonus (paid to councils at the affordable housing premium rate) and through our Affordable Homes Programme. This locally-led approach is working, as the number of caravans on authorised sites has increased from 14,498 in July 2010 to 19,569 in July 2018.

Taken together, we believe that these measures will go a long way to addressing the issues which have been highlighted and informed by representations from colleagues and the responses to our consultation. We want fair and equal treatment for both travellers and the settled community.

Who is running Brexit policy and what is it?

If you listen to Sir Martin Donnelly, former Permanent Secretary at the Department of International Trade and friend and supporter of Ollie Robbins, senior civil servant negotiator for the UK, the UK has to accept that the Withdrawal Agreement is as good as it gets and sign it.

So we can guess there is a senior strand of advice and opinion within the current civil service which says the UK must seek to change Parliament's mind and get on with signing up to the Withdrawal Agreement they have negotiated. Doubtless they will help the PM get some clarification or side document to the Agreement over the backstop to try to secure its passage on a second attempt. That would sign us up to the 21 months or more of very expensive talks, submit us to the Irish backstop which looks like a device to get us to stay in the customs union, and place us at a huge disadvantage in trying to negotiate a so called future partnership.

Much of the civil service work as I understand it from press reports and Ministerial statements has been to map all the contours of our current relationship with the EU and try to replicate them whilst claiming we have in some technical sense left the EU. This of course has all been under the guidance of Ministers, and Ministers have to take responsibility for what the civil service does as soon as they sign the work off. There does not seem to have been any effort to design and table a Free Trade Agreement, and our best trade negotiator Crawford Falconer has been kept well away from all the EU talks.

This strand of opinion gains considerable support from the Chancellor and the Secretary of State for Business. They have expressed their continued regrets

at our departing the EU and have made clear their opposition to leaving without a Withdrawal Agreement. They have exuded hostility to WTO Brexit and do not look as if they are trying to smooth our passage in that eventuality. They keep in touch with a limited number of leaders of large international businesses and seem enthusiastic every time one of those speaks out about alleged dangers of leaving. Indeed we can read reports that they encourage businesses to accentuate the negative. Many of the scare stories say we will have trouble importing, yet the government has not set out just why and how it will mess up our ports.

Within government we also have figures like David Liddington, Deputy Prime Minister and Gavin Barwell, Chief of Staff at Number 10 with strong Remain pedigrees who wish to reach out to Labour to find a compromise across Parliament to delay or water down Brexit.

The Prime Minister herself seeks to balance these Remain forces with the much larger number of pro Brexit MPs on the government and DUP benches. She herself always rules out staying in the Customs Union and single market, as stated in the Conservative Manifesto and by both sides in the referendum. She says she does not want No Deal but it has to be there in case there is no agreement which is better. She never wavers in saying we will leave on 29 March.

She has also rubbed out the clear red line in the Manifesto that nothing is agreed until everything is agreed, and forgotten the promise to negotiate the future partnership in tandem with the withdrawal agreement to maximise leverage and read across.

The problem is the warring factions around the Cabinet table and in Whitehall, where it appears there are more who wish to delay or thwart the will of the people than there are believers in just leaving in March. Parliament has rightly decided the Withdrawal Agreement is a bad deal – or indeed no deal at all, as it does not relate to the future partnership. Most of the time the PM works with the big majority in her party to get us out of the EU on time. When she does she wins the votes. When she tries to reach out to the small Remain group of Conservative MPs and listens too much to those forces in government that still cannot be reconciled to a proper Brexit on 29 March, she stumbles and loses votes. She should now set out a vision of how we will spend the money, use the new powers and settle a new trade policy if we just leave on 29 March.

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- [Read more about John Redwood](#)

The Irish border

Attitudes to the Irish border sum up the differences between Leave and Remain.

To Leave there is no problem. The current Irish border is a complex international border, handled with the minimum of fuss. It is a Vat, Excise and currency border. These fiscal and financial requirements are handled away from the border, mostly electronically. If there are to be customs we could do the same with those.

It is a border requiring co-operation against smuggling, which already occurs. It is an anti terrorist border, without the need for border posts. There is action by police on both sides of the border to combat crime. We have a common travel area to ease the movement of people, which will continue after Brexit.

It will become a border for issues of quality and compliance for food and goods. As both sides currently meet the same standards and wish to do so after Brexit to sell to each other, we can continue with compliance checks away from the border with electronic manifests detailing what is on a truck and where it has been or will be tested.

To Remain it is a series of insoluble problems that require Northern Ireland to stay in the single market and customs union. To the Republic of Ireland and the EU it is an opportunity to advance the island of Ireland agenda for government of all matters commercial. They query a series of detailed and sensible proposals using existing technology and practices to avoid a more intrusive police and government presence at the border.

The UK government should repeat that after Brexit it will not impose watch towers and an army of inspectors on the border. It will use existing technology and practices to collect revenue and check goods, and will continue full co-operation with the Republic as now. The Republic can then work with the EU to decide how best to run their side of the border, knowing

the UK will be helpful and positive about ensuring a smooth outcome.