

SCRUTINY COMMITTEE

Friday, 22nd January, 2021

10.00 am

Online

Members joining this meeting are asked to refer to the Budget report which was published on 6 January 2021.





AGENDA

SCRUTINY COMMITTEE

Friday, 22nd January, 2021, at 10.00 am
Online

Ask for: **Anna Taylor**
Telephone: **03000 416478**

Membership

- Conservative (9): Mr A Booth (Chairman), Mr J Wright (Vice-Chairman), Mr M A C Balfour, Mr P V Barrington-King, Mrs P M Beresford, Mrs R Binks, Mr G Cooke, Mr R C Love, OBE and Mr A M Ridgers
- Liberal Democrat (2): Mr R H Bird and Mrs T Dean, MBE
- Labour (2) Mr D Farrell and Dr L Sullivan
- Church Representatives (3): Mr D Brunning, Mr J Constanti and Mr Q Roper
- Parent Governor (2): Mr K Garsed and Mr A Roy

In response to COVID-19, the Government has legislated to permit remote attendance by Elected Members at formal meetings. This is conditional on other Elected Members and the public being able to hear those participating in the meeting. This meeting will be streamed live and can be watched via the Media link on the Webpage for this meeting. County Councillors who are not Members of the Committee but who wish to ask questions at the meeting are asked to notify the Chairman of their questions in advance.

UNRESTRICTED ITEMS

(During these items the meeting is likely to be open to the public)

A - Committee Business

- A1 Introduction
- A2 Apologies and Substitutes
- A3 Declarations of Interests by Members in items on the Agenda for this Meeting
- A4 Minutes of the meeting held on 27 November 2020 (Pages 1 - 4)

- A5 Minutes of the meeting held on 10 December 2020 (Pages 5 - 8)
- A6 Draft 2021/2022 Budget and Medium Term Financial Plan (Pages 9 - 10)
- A7 Local Lockdown Directions - Broadstairs Christmas Market (20/00125) and Pantiles Market (20/00131) (Pages 11 - 46)
- A8 Short Focused Inquiry - Farming Economy (Pages 47 - 88)
- A9 To note 2021/2022 Scrutiny Committee meeting dates
- Please note the dates and times of the Scrutiny Committee for 2021/22. All meetings will begin at 10am.

9 June 2021

8 July 2021

12 October 2021

26 November 2021

14 December 2021

21 January 2022

25 March 2022

8 June 2022

B - Any items called-in - NONE FOR THIS MEETING

C - Any items placed on the agenda by any Member of the Council for discussion - NONE FOR THIS MEETING

EXEMPT ITEMS

(At the time of preparing the agenda there were no exempt items. During any such items which may arise the meeting is likely NOT to be open to the public)

Benjamin Watts
General Counsel
03000 416814

Thursday, 14 January 2021

KENT COUNTY COUNCIL

SCRUTINY COMMITTEE

MINUTES of a meeting of the Scrutiny Committee held Online on Friday, 27 November 2020.

PRESENT: Mr A Booth (Chairman), Mr J Wright (Vice-Chairman), Mr P V Barrington-King, Mrs P M Beresford, Mrs R Binks, Mr R H Bird, Mr G Cooke, Mrs T Dean, MBE, Mr D Farrell, Mr R C Love, OBE, Mr R A Marsh (Substitute for Mr M A C Balfour) and Dr L Sullivan

ALSO PRESENT: Mrs C Bell (Cabinet Member for Adult Social Care and Public Health) and Mr M Whiting (Cabinet Member for Economic Development)

IN ATTENDANCE: Mrs B Cooper (Corporate Director of Growth, Environment and Transport), Mr A Scott-Clark (Director of Public Health), Mr D Smith (Director of Economic Development), Mr D Godfrey (Policy Advisor), Mr M Rolfe (Head of Kent Scientific Services and Interim Head of Kent Resilience Team), Mr B Watts (General Counsel) and Mrs A Taylor (Scrutiny Research Officer)

UNRESTRICTED ITEMS

15. Apologies and Substitutes

(Item A2)

Apologies were received from Mr Ridgers and Mr M Balfour. Mr A Marsh substituted for Mr M Balfour.

16. Declarations of Interests by Members in items on the Agenda for this Meeting

(Item A3)

No declarations were made.

17. Minutes of the meeting held on 6 October 2020

(Item A4)

RESOLVED that the minutes of the meeting held on 6 October 2020 were a correct record and that they be signed by the Chairman.

18. 20/00105 - Issuing Direction under Health Protection (Coronavirus, Restrictions) (England) (No.3) Regulations 2020 - Hop Farm, Paddock Wood

(Item A5)

Mr M Balfour, Member for Malling Rural East; Mrs C Bell, Cabinet Member for Adult Social Care and Public Health; Mrs B Cooper, Corporate Director Growth, Environment and Transport; Mr A Scott-Clark, Director of Public Health; Mr B Watts, General Counsel and Mr M Rolfe, Head of Kent Scientific Services were in attendance for this item.

1. Mrs Bell provided a verbal overview of the decision timeline and justification. Mr Scott-Clark outlined the public health requirements which had resulted from new government regulations. He contextualised Kent's Covid-19 position in early October, when the decision was taken.
2. Mr Scott-Clark summarised the work and cooperation which had taken place with the Hop Farm and event organisers to raise issues and seek assurances. He confirmed that adequate assurances had not been received prior to the decision.
3. Mr Watts outlined the public health regulations which had permitted the Cabinet Member's decision, the impact the regulations had on KCC as an authority and the subsequent Health Protection (Coronavirus, Restrictions) (England) (No. 4) Regulations 2020 which had come into force on 5 November 2020. He confirmed that the powers had been used and governed within the scope of KCC's existing urgent key decision governance framework.
4. The Chair asked whether local engagement with Tonbridge and Malling Borough Council had taken place prior to the decision. Mrs Cooper confirmed that there had not been direct engagement with Tonbridge and Malling Borough Council prior to the decision, the urgent nature and short timeframe for the decision-making process were highlighted. Mrs Cooper assured the committee that local engagement would be stronger before future decisions of the same nature were taken.
5. A Member asked how KCC had been made aware of the issue with the event organiser's public health measures. Mr Scott-Clark confirmed that Kent's district, borough and city councils had provided KCC with lists of licensed public events, the event in question had been highlighted through this means by Tonbridge and Malling Borough Council. He furthered that the Kent multi-disciplinary cross enforcement information cell had met and the Public Health advice to issue the order was given following the meeting. Mr Rolfe added that the multi-disciplinary cell was a component of the Kent Resilience Forum.
6. The consideration of Covid-19 case rates in the decision Risk Assessment was discussed. A Member asked how local rates in Tonbridge and Malling as well as the wider area had influenced the Risk Assessment. Mr Scott-Clark confirmed that rates in Tonbridge and Malling, adjacent areas in Kent and south London had been considered as the event had been judged to attract individuals from a wide area and that the transfer of the virus by cross community transfer was a core concern.
7. Clarification was sought by a Member regarding the decision to rescind the order. Mrs Cooper confirmed that KCC had continued to engage with the event operator following the imposition of the order and that once assurances were received the decision to rescind the order was taken. Mr Rolfe noted that both decisions were made based on the Public Health Risk Assessment exclusively.

8. A Member asked whether the regulations gave scope for the health and economic impact of orders to be considered. Mr Watts informed the committee that the regulations under which the Cabinet Member decision was taken concerned to public health risks exclusively, though he noted that the subsequent (No. 4) regulations considered economic and business risks to an extent.
9. Mr Scott-Clark was asked whether information derived from NHS Track & Trace had been used to inform the decision. He confirmed that NHS Track & Trace information had not been used, that the venue had not been implicated in an outbreak and that the key grounds for advising the order had been the venue layout.
10. The Chair recommended that Member briefings be offered to provide information on subsequent new regulations and powers which affect the County Council.
11. Members agreed that 'lessons learnt' should be actioned upon and included in future reports concerning similar decisions taken by Cabinet Members.

RESOLVED that the Scrutiny Committee note the report.

19. Response to Affordable Housing Select Committee implementation plan (Item A6)

Mr M Whiting, Cabinet Member for Economic Development; Mr D Smith, Director of Economic Development and Mr D Godfrey, Policy Advisor were in attendance for this item.

1. Mr Whiting provided a verbal overview of his written response to the Affordable Housing Select Committee's report and thanked Members for their recommendations. He noted the challenges highlighted in the report and agreed that encouraging the inclusion of information for each Kent district in the Growth and Infrastructure Framework echoed KCC's Infrastructure First policy.
2. Mr Godfrey informed the committee that responses to the Select Committee's report from the housing sector, notably developers and planners, had been overwhelmingly positive.
3. A Member highlighted the distinction made by the Select Committee, that genuinely affordable housing be encouraged, a difference in definition between the national definition of 80% of market value and a more affordable local rate was made. Mr Whiting acknowledged the distinction and noted that he had addressed the issue in his draft letter to the Secretary of State for Housing, Communities and Local Government. Mr Whiting stated further that the local adoption of a separate affordable housing definition, to the national definition, would leave planning authorities vulnerable to developer challenges.

4. When asked what could be done to support existing housing which had been built without adequate levels of infrastructure, Mr Whiting agreed that further infrastructure for pre-existing developments was necessary. Mr Godfrey added that community and health infrastructure, notably primary care facilities had been identified as an area for future focus.
5. A Member stated that there was a need to recognise a variety of affordable housing options in the future, which included shared equity, affordable housing of variable prices and rented accommodation. Mr Whiting assured the committee, with reference to Recommendation 1 of the Select Committee report, that the Kent Growth and Infrastructure Framework would consider a variety of housing options in its plans.
6. A Member asked whether KCC had consulted Kent's district, borough and city councils prior to its response to government concerning the 'Planning for the future' white paper. Mr Smith confirmed that the Leader of the Council had worked with all Kent districts and Medway Council to coordinate a response, though he noted that each authority made their own individual response submission to the Ministry of Housing, Communities and Local Government.
7. Mr Whiting was asked how KCC could help to support housing tenants who endeavoured to make home improvements. He agreed to meet with the Member privately to discuss the matter further.

RESOLVED that the Scrutiny Committee note the report.

POST MEETING NOTE: The Cabinet Member's letter to the Secretary of State of Housing, Communities and Local Government was finalised and sent following the committee meeting.

20. Any items placed on the agenda by any Member of the Council for discussion
(Item)

1. Mr Farrell moved and Dr Sullivan seconded a motion that **"An additional meeting of the Scrutiny Committee be held to discuss Coronavirus tiering in Kent and its implications."**
2. Members voted on the motion. The motion was won.

RESOLVED that an additional meeting of the Scrutiny Committee be held to discuss Coronavirus tiering in Kent and its implications.

POST MEETING NOTE: An additional meeting of the Scrutiny Committee was held on 10 December 2020.

KENT COUNTY COUNCIL

SCRUTINY COMMITTEE

MINUTES of a meeting of the Scrutiny Committee held Online on Thursday, 10 December 2020.

PRESENT: Mr A Booth (Chairman), Mr J Wright (Vice-Chairman), Mr M A C Balfour, Mr P V Barrington-King, Mrs P M Beresford, Mrs R Binks, Mr R H Bird, Mr G Cooke, Mrs T Dean, MBE, Mr D Farrell, Mr R C Love, OBE and Dr L Sullivan

ALSO PRESENT: Mr R W Gough, Mr P J Oakford and Mrs C Bell

IN ATTENDANCE: Mr B Watts (General Counsel) and Mrs A Taylor (Scrutiny Research Officer)

UNRESTRICTED ITEMS**21. Covid - 19 Policy Decisions Discussion**

(Item C1)

Mr R Gough, Leader of Kent County Council; Mr P Oakford, Deputy Leader and Cabinet Member for Finance, Corporate and Traded Services and Mrs C Bell, Cabinet Member for Adult Social Care and Public Health were in attendance for this item.

1. The Chairman introduced the Leader, Deputy Leader and Cabinet Member for Adult Social Care and Public Health and invited them individually to provide verbal overviews of their decisions taken and portfolio developments during the pandemic.
2. Mrs Bell outlined the public health developments which had occurred since the Director of Public Health's update at Cabinet, 30 November and noted the swift pace of change. She confirmed that there had been close and successful cooperation between KCC and care providers.
3. Mr Gough confirmed that Kent council leaders had met weekly to discuss Covid-19 specifically. He noted further that there had been a significant increase in Covid-19 cases across Kent during and following the second national lockdown and that rates were uncomfortably high and widespread.
4. Mr Oakford gave an overview of the central government Covid-19 grant funds received by the County Council. He confirmed that funding had been received under differing conditions which had included ringfenced and un-ringfenced grants as well as grants taken on behalf of care and other service providers. He confirmed that grants to the value of £176m had been received, £142m of which had been for direct use by KCC.
5. Mr Oakford noted that investments had been made in digital infrastructure and cited the adaption of working practices across the organisation, as a result of the pandemic, as the grounds for investment. Miscellaneous additional costs

to the County Council which included school and mortuary costs were detailed.

6. The Chairman asked Mr Oakford whether strategies had been developed to reduce operational business costs whilst retaining quality and innovative services. Mr Oakford confirmed that a centralisation of performance analytics across the authority had begun and that a strategy to streamline legal advice had been researched. Mr Oakford reassured the committee that the upmost caution would be taken to uphold the quality of services, especially when related to vulnerable people.
7. Mrs Bell was asked whether there had been new channels of cooperation and inter-service work with health partners in Kent. She confirmed that Adult Social Care and Public Health had worked closely with all Kent NHS Trusts throughout the pandemic and cited cooperation with the Kent Community Health NHS Foundation Trust on the redesigned hospital discharge process as an example.
8. Mr Gough was asked how KCC had worked with other local partners during the pandemic and what measures had been implemented or considered to support town centres across the county. He noted that, alongside the cooperation with districts laid out in his opening remarks, KCC had strengthened ties with Kent's universities and that Covid-19 rates amongst university students had been lower than originally anticipated. Mr Gough affirmed that support for town centres would manifest in cooperation with local districts and future infrastructure propositions which would consider housing infrastructure and the redevelopment of office space where necessary.
9. A Member asked what could be done to improve public health messaging and to what extent there were pressures on hospitals in Kent. Mr Gough affirmed that there were significant pressures on Kent's health system as a result of the high infection and case rates. He noted that the NHS were responsible for their own public communications and that public perception needed to be considered when providing key public health information. Mrs Bell added that a public understanding of the grounds for social restrictions was necessary for compliance. She noted that her understanding of the hospital situation was that hospitals had been extremely busy, not necessarily due to Covid, but on account of the effort to ensure services, which included elective surgery, were maintained to as great an extent as possible.
10. A Member asked what lessons had been learnt from the first national lockdown and how changes since that time had caused high case numbers in Kent. Mrs Bell identified schools remaining open as the foremost difference since the initial lockdown and acknowledged that the change may have contributed to an extent to the increase in case numbers across Kent. Mrs Bell noted that public complacency in the community may have also been a factor in the rate increase.

11. Mrs Bell was asked to outline Kent's daily death and infection rates as well as the target rates required for Kent to enter Tier 2 local restrictions. She confirmed the target rate required and attested that the Covid-19 vaccination programme was the clear way out of high local infection and death rates. Mrs Bell reminded the committee that mass testing was due to start the following week and that the first vaccinations in Kent had been delivered.
12. It was commented by a Member of the committee that care and consideration be taken when circulating information on Covid-19 vaccines and vaccinations plans, to prevent public confusion.
13. A Member asked Mrs Bell what the greatest obstacle had been when working with the NHS on adult social care. She informed the committee that the greatest challenge had been managing hospital to social care transfers during the initial phase of the pandemic.
14. It was noted by a Member that a lack of public understanding of the pandemic remained and that they had been dissatisfied with the length of time it had taken to implement mass testing. Mr Gough confirmed that KCC had pressured central government on mass testing and had made a formal request for military logistical support.
15. It was asked whether authoritative data on hospitalisation and bed occupancy rates in Kent were available and whether there was a timetable for the vaccination programme. Mrs Bell noted that hospitalisation figures were held by and the responsibility of the NHS rather than KCC Public Health, she agreed to enquire regarding authoritative hospitalisation data. Mrs Bell confirmed that there was no overall vaccination timetable, she highlighted the vaccination priority list as the framework for its rollout and undertook to share information with colleagues on the vaccination programme as soon as it was available. Mr Gough emphasized that understanding the roles of KCC Public Health and the NHS were important to effective public messaging and compliance.
16. A Member commented that a constant development of Kent's public communications regarding Covid-19 statistics, advice and guidance should be considered to maintain higher levels of public awareness and engagement.
17. The Chairman thanked the Leader, Deputy Leader and Cabinet Member for their attendance.

RESOLVED that the Scrutiny Committee note the report.

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From: Peter Oakford, Deputy Leader and Cabinet Member for Finance, Corporate & Traded Services

To: Scrutiny Committee – 22 January 2021

Subject: Draft Capital Programme 2021-24 and Revenue Budget 2021-22

Classification: Unrestricted

Summary:

The Budget Report, published on 6 January and supplied to Members, sets out the background to and draft proposals for the 3 year capital programme and 2021-22 revenue budget. The report sets out the key strategic considerations underpinning the decisions to be taken by County Council to agree the budget at its Budget Meeting in February 2021.

Recommendations

Members of the Scrutiny Committee are asked to:

- a) NOTE the draft capital and revenue budgets including the responses to the budget consultation
- b) RECOMMEND any changes to the proposals in the draft capital and revenue budgets before they are presented to Cabinet on 25th January 2021 and full County Council on 11th February 2021

Contact details

Report Author(s)

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From: Andrew Scott Clark, Director of Public Health

To: Scrutiny Committee – 22 January 2021

Subject: 20/00125 – Local Lockdown Direction – Broadstairs Christmas Market
20/00131 – Local Lockdown Direction – Pantiles Market

Classification: Unrestricted

1. Introduction

- 1.1 On 4 September 2020, the Scrutiny Chairman confirmed with Scrutiny Committee Members that in instances where local lockdown decisions needed to be taken urgently any decisions, once taken, would be reported to the Scrutiny Committee at the next meeting of the Committee. The purpose of this was to allow the Scrutiny Committee to assess whether the use of these powers had been reasonable and proportionate to the situation and whether the decision achieved the outcome intended by it.

2. Urgent Decision

- 2.1 On 11 December 2020, the Cabinet Member for Adult Social Care and Public Health took an urgent decision to prohibit the Broadstairs Christmas Market from 11 December 2020.
- 2.2 On 18 December 2020, the Cabinet Member for Adult Social Care and Public Health took an urgent decision to direct the placing of requirements on the Pantiles Market event organised between 19/12/20 and 20/12/20. The record of decision and other decision papers are attached to this report.

3. Lessons Learned

- 3.1 At the Scrutiny Committee meeting held on 27 November 2020, Members discussed a decision to prohibit a circus performance event at the Hop Farm, Paddock Wood. Members agreed that “lessons learnt” should be actioned and included in future reports concerning similar decisions taken by Cabinet Member.
- 3.2 Following that meeting, officers have met to consider and implement changes to the decision-making processes to address concerns raised by Scrutiny Committee. These include:

Public Health and Event Organiser Involvement

- 1) Public Health officers are now more involved in the consultation process with the business. Public Health review the risk assessments and have direct communication with the business to see if there is any mitigation possible for the event. This provides greater clarity at the “formal” consultation in cases where the Director of Public Health has indicated the event should not go

ahead and the event organiser is asked if they will voluntarily close (requirement before a direction is issued).

- 2) Site visits are now conducted to review the risk assessments to help inform the public health consideration of the safety of the event. Trading Standards officers are available to conduct these visits with partners and provide feedback to Public Health officers. Mobile phones have been used to show the ground layout in real time to the Public Health officers if they are unable to physically attend.
- 3) During the consultation process there is work with the event organiser to reduce the risk around voluntary or directed closures. Some events require the organiser to contact customers who have booked to avoid crowds still attending and possibly increasing the risk of spreading the virus as a result. Working with the event organiser to manage the closure reduces the risk of a gathering and reduces the risk of spreading the virus.
- 4) Whilst Directions have been used to close events, they can be used to support events by providing guidance from the Director of Public Health on how best to deliver the event in a Covid secure way.

Event definition

- 5) The Enforcement cell has worked with partners to improve clarity around the definition of an event to support a more consistent approach from Safety Advisory Groups (SAG) and wider partners. .
- 6) There is now more information coming from the Kent Resilience Forum's enforcement cell to partners to advise on common issues such as Christmas markets in pubs, sleigh tours, football matches etc

Communications

- 7) There is now improved communication with district authorities and partners to provide for earlier notification that enables joint work and visits to feed into the review process by Public Health.
- 8) When the legislation first came in some events would have been approved months in advance because of the SAG requirements, and whilst this generally is no longer an issue, some events do seek approval at short notice, however improved communications between partners enables timely advise or guidance to establish if the event is Covid safe or not, and then take appropriate action.

Resources and knowledge

- 9) Increased support within the Multi Agency Information Cell (MAIC) and Enforcement cell will enable a better response when clusters of issues arise. Events tend to have a common date that can cause a bottle neck with large numbers of events to process in a short period of time. The additional resources coupled with more Trading Standards staff ready to support on the ground will reduce the time to respond to issues raised by event organisers.

10) More Trading Standards officers are now knowledgeable of the process and are available to assist when required.

4. Recommendation

The Scrutiny Committee is asked to note this report.

5. Background Documents

Broadstairs Christmas Market:

[Record of Decision](#)

[Appendix to Record of Decision](#)

[Decision Report](#)

[DPH Assessment](#)

Pantiles Market

[Record of Decision](#)

[Appendix to Record of Decision](#)

[Decision Report](#)

[DPH Assessment](#)

6. Contact details

Anna Taylor, Scrutiny Research Officer

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KENT COUNTY COUNCIL – URGENT RECORD OF DECISION

DECISION TAKEN BY:

Clair Bell – Cabinet Member for Adult Social Care and Public Health

DECISION NO:

20/00125

For Publication

Key decision: YES

Local Lockdown Direction – Broadstairs Christmas Market

Direct the prohibition of the Broadstairs Christmas Market organised by Market Square Group Ltd. between 11/12/2020 and the 13/12/2020 (inclusive)

As Cabinet Member for Adult Social Care and Public Health, I agree to:

Make a Direction to prohibit the event under Regulation 5 of the Health Protection (Coronavirus, Restrictions) (England) (No.3) Regulations 2020 (or any replacement or amended version of these regulations which may be valid and appropriate while this Direction remains in effect).

This Direction came into force on 11/12/2020 and further details of the Direction are listed in Appendix 1 of this Record of Decision.

- I delegate authority to the Corporate Director of Growth, Environment and Transport to undertake the review of this direction, required under s2 of the Regulations and the related authority to, subject to consultation with the Cabinet Member for Adult Social Care and Public Health and the Director of Public Health, to revoke this Direction as appropriate and to issue the relevant notices (including notification to all those consulted as part of this Key Decision). This review shall take place a minimum of once every 7 days while the Direction remains in effect, in accordance with s2(2)(a) of the Regulations.
- I also delegate authority to the Corporate Director of Growth, Environment and Transport, in consultation with the Corporate Director of Finance, the Monitoring Officer and Cabinet Member for Adult Social and Public Health, to take necessary actions, including but not limited to entering into contracts or other legal agreements, as required to implement and enforce this decision.

In making this decision, I confirm that the conditions set out for the making of such a Direction in regulation 2 of the Health Protection (Coronavirus, Restrictions) (England) (No.3) Regulations 2020 have been met and that this direction is necessary and proportionate. I can also confirm that I have read and considered the KCC Urgent Decision Local Lockdown Guidance.

Reasons for decision:

The decision is required for the implementation of a necessary public health response, as permitted under the Health Protection (Coronavirus, Restrictions) (England) (No.3) Regulations 2020.

Taking into account advice from the Director of Public Health, and referring to relevant data and risk

assessments, the conditions for making a Direction to give effect to 'local lockdown' arrangements are met and necessitate a Key Decision.

The detailed rationale for this decision is set out in the associated Decision Report which references advice from the Director of Public Health.

Background:

Provisions for appealing this direction to a magistrates' court or making representations to the Secretary of State are contained within the relevant regulations and outlined in the Direction.

Reason for Urgency:

It is necessary to implement the restrictions outlined in the Direction immediately due to the events being held from 11th December 2020

Therefore it is not possible follow the normal decision timeframes as required under the KCC and legal governance arrangements, requiring it to be progressed under the urgent decision provisions as set out in the Constitution and the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012.

The Direction comes into effect immediately when issued, notice of the intention to seek a direction having already been issued; and

Will cease to be in effect on 14/12/2020 unless revoked earlier as a result of the mechanism set out in the Decision and may only be extended beyond this time and date by the issuance of a new Direction.

Member and other consultation:

No Cabinet Committee consultation possible due to urgency process.

The Chair of the Scrutiny Committee, in addition to agreeing that the decision could not be reasonably deferred provided the following comments:

Mr Booth supported the decision.

The Group Spokespeople of the Scrutiny Committee provided the following comments:

Comments will be added in due course.

The Chair and Group Spokespeople of the Health Reform and Public Health Cabinet Committee provided the following comments:

Comments will be added in due course

The Local Member provided the following comments:

Comments will be added in due course

Any alternatives considered and rejected:

Voluntary cancellation of the event in the light of the Public Health advice was sought but rejected by the event organisers

Any interest declared when the decision was taken and any dispensation granted by the Proper Officer:

None



11 December 2020

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signed

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date

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Direction issued under regulation 5 of the The Health Protection (Coronavirus, Restrictions) (England) (No. 3) Regulations 2020

Kent County Council, in its capacity as an upper tier local authority, hereby directs that Broadstairs Christmas Market being organised by Market Square Group Ltd. of registered office 98 Culley Court Orton Southgate, Peterborough, Cambridgeshire, United Kingdom, PE2 6WA at Victoria Parade, Broadstairs from 11th December 2020 until and including 13th December 2020 is prohibited.

Date and time of issue 11th December 2020 – 19:00

Appealing against this direction

A person on whom this direction imposes a prohibition—

(a) appeal against the direction to a magistrates' court by way of complaint for an order and the Magistrates' Courts Act 1980 applies to the proceedings, and

(b) make representations to the Secretary of State about the direction.

An appeal, or representations (as the case may be), must be made within the period of 28 days beginning with the day on which the direction was issued.

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From: Barbara Cooper, Corporate Director, Growth, Environment and Transport

To: **Clair Bell, Cabinet Member for Adult Social Care and Public Health**

Decision No: 20/00125

Subject: The Health Protection (Coronavirus, Restrictions) (England) (No. 3) Regulations 2020 and Broadstairs Christmas Market

Classification: **Unrestricted**

Electoral Division: Broadstairs

Summary: Market Square Group Ltd. has proposed to hold a Christmas Market event at Broadstairs on 10th to 13th December 2020.

A Public Health specialist has reviewed the risk assessment prepared by the event organiser. Their professional view is that the event represents a serious and imminent threat to public health and should not go ahead as planned.

The event organiser has rejected this advice and therefore KCC is seeking to make a Direction under Regulation 5 of the Health Protection (Coronavirus, Restrictions) (England) (No.3) Regulations 2020 to cancel the event to protect public health.

Recommendation(s):

The Cabinet Member for Adult Social Care and Public Health is asked to:

Make a Direction under Regulation 5 of the Health Protection (Coronavirus, Restrictions) (England) (No.3) Regulations 2020 (or any replacement or amended version of these regulations which may be valid and appropriate while this Direction remains in effect) specifically to:

Prohibit the event.

Delegate authority to the Corporate Director of Growth, Environment and Transport to undertake the review of this direction, required under s2 of the Regulations and the related authority to, subject to consultation with the Cabinet Member for Adult Social Care and Public Health and the Director of Public Health, to revoke this Direction as appropriate and to issue the relevant notices (including notification to all those consulted as part of this Key Decision). This review shall take place a minimum of once every 7 days while the Direction remains in effect, in accordance with s2(2)(a) of the Regulations.

Delegate authority to the Corporate Director of Growth, Environment and Transport, in consultation with the Corporate Director of Finance, the Monitoring Officer and Cabinet Member for Adult Social and Public Health, to take necessary actions,

including but not limited to entering into contracts or other legal agreements, as required to implement and enforce this decision.

1. Introduction

- 1.1 On 12 January 2020, it was announced that a new coronavirus had been identified. COVID-19 is highly contagious and the World Health Organisation has declared the risk and spread of the disease as a pandemic. Reacting to high infection rates across the UK, to protect public health and ensure the NHS had capacity to treat the expected high numbers of Covid-19 affected patients, the Prime Minister, Boris Johnson ordered a 6-week national lockdown from 16 March 2020
- 1.2 Post the lockdown period, under the Public Health (Control of Disease) Act, the Secretary of State for Health introduced regulations for use by Local Authorities enabling local action in response to a “serious and imminent threat to public health” due to the spread of Covid-19.
- 1.3 A local authority may give a direction under the regulations where the following conditions are met:
 - a) “that giving such a direction responds to a serious and imminent threat to public health,
 - b) that the direction is necessary for the purpose of preventing, protecting against, controlling, or providing a public health response to the incidence or spread of infection by coronavirus in the local authority's area, and
 - c) that the prohibitions, requirements or restrictions imposed by the direction are a proportionate means of achieving that purpose”.
- 1.4 Following a second period of national “lockdown”, on 2nd December 2020 The Health Protection (Coronavirus, Restrictions) (All Tiers) (England) Regulations 2020 came into force. Due to very high disease prevalence in Kent, the County was placed into tier 3 which has the most severe restrictions. The District of Thanet has particularly high prevalence.

2. Financial Implications

- 2.1 There are no financial implications arising from this report.

3. Report

- 3.1 Market Square Group Ltd. has proposed to hold a Christmas Market event at Broadstairs on 10th to 13th December 2020.
- 3.2 The event was originally proposed, and not objected to, in August when Kent was in the then tier 1 restrictions. The organisers submitted information in

relation to their plans for an event in a tier 3 area to Thanet District Council on 8th December. Officers from Thanet District Council have engaged with the organiser and have shared all information gathered with the Public Health Consultant. Thanet District Council officers are fully engaged with this process.

3.3 On 10th December, upon receipt of the advice of the Public Health Consultant, a KCC Trading Standards Officer engaged with a director of the organising company by telephone. A site visit was carried out by Trading Standards, Thanet District Council, and a Public Health Consultant on the morning of 11th December. Following that visit there remained no confidence that sufficient measures were possible to run a safe event.

3.4 A detailed assessment of the updated arrangements for the event has been carried out by a Public Health specialist. In summary the assessment concludes:

- a) that the event should not go ahead due to the following concerns:
 - The local area 7-day positive cases rate is 422.8 per 100000. This is likely to be an underestimate of the true infection rate as it only records those who have identified symptoms and have presented for a test.
 - The event is likely to encourage a large gathering more than 500 people.
 - The event risk assessment is basic and carries little or no detail in critical areas including whether there are sufficient controls in place to mitigate against the spread of Covid-19.
 - The risk assessment does not include travel to and from the event or the cumulative impact of this event against other local circumstances.
 - Within a tier 3 area it is advised that unnecessary travel should be avoided.

- b) that a direction is necessary and proportionate to respond to a serious and imminent threat to public health and control the transmission of COVID-19 in Kent & Medway.

3.3 The Director of Public Health has considered the findings and assessed them against the provisions within the Regulations and has made the decision that the event should not proceed. The assessment and record of decision is as appendix 2.

4. Legal Implications

4.1 The decision is being taken under the Health Protection (Coronavirus, Restrictions) (England) (No.3) Regulations 2020 which came into effect on 18 July 2020.

4.2 The Director of Public Health, has assessed relevant risk assessments and has advised that the conditions for making a Direction to give effect to 'local

lockdown' arrangements are met and necessitate action to prevent a serious and imminent threat to public health.

5. Conclusions

- 5.1 Market Square Group Ltd. has proposed to hold a Christmas Market event at Broadstairs on 10th to 13th December 2020. Public Health Professionals have reviewed the risk assessment for the event and concluded that the event cannot go ahead due to it representing a serious and imminent threat to public health. The Director of Public Health has considered the assessment and in line with the Regulations has made the decision that the event should not proceed.
- 5.2 The event organiser has rejected the advice and therefore a direction to cancel the event is being sought.

6. Recommendation(s)

Recommendation(s):

The Cabinet Member for Adult Social Care and Public Health is asked to: .

Make a Direction under Regulation 5 of the Health Protection (Coronavirus, Restrictions) (England) (No.3) Regulations 2020 (or any replacement or amended version of these regulations which may be valid and appropriate while this Direction remains in effect) specifically to:

Prohibit the event.

Delegate authority to the Corporate Director of Growth, Environment and Transport to undertake the review of this direction, required under s2 of the Regulations and the related authority to, subject to consultation with the Cabinet Member for Adult Social Care and Public Health and the Director of Public Health, to revoke this Direction as appropriate and to issue the relevant notices (including notification to all those consulted as part of this Key Decision). This review shall take place a minimum of once every 7 days while the Direction remains in effect, in accordance with s2(2)(a) of the Regulations.

Delegate authority to the Corporate Director of Growth, Environment and Transport, in consultation with the Corporate Director of Finance, the Monitoring Officer and Cabinet Member for Adult Social and Public Health, to take necessary actions, including but not limited to entering into contracts or other legal agreements, as required to implement and enforce this decision.

7. Background Documents

- Draft Record of Decision
- Public Health Assessment
- Director of Public Health Assessment

8. Contact details

Report Author: Mark Rolfe, Interim Head of Kent Resilience Team.

Mark.rolfe@kent.gov.uk. 03000 410336

Relevant Director

Barbara Cooper, Corporate Director, Growth, Environment and Transport

Barbara.cooper@kent.gov.uk

03000 415981

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DPH ASSESSMENT

BROADSTAIRS CHRISTMAS MARKET 2020 Broadstairs Promenade 10th – 13th December 2020

The DPH is an officer who can recommend the issue of a Direction under The Health Protection (Coronavirus, Restrictions) (England) (No. 3) Regulations 2020 (“the Regulations”) which came into force on 18th July 2020.

Contact person:	Stephen D Cochrane stephen.cochrane@kent.gov.uk stephencochrane@nhs.net	Telephone number: 07961352234
Advising officer	The designated officer(s) who advised the Director of Public Health is <i>Stephen D Cochrane Specialist in Public Health (Registration Number UKPHR 336)</i>	
Legal powers	The Regulations give the power to the local authority to issue a Direction if the authority considers that the following conditions are met— <ul style="list-style-type: none"> a) that giving such a direction responds to a serious and imminent threat to public health, b) that the direction is necessary for the purpose of preventing, protecting against, controlling or providing a public health response to the incidence or spread of infection by coronavirus in the local authority's area, and c) that the prohibitions, requirements or restrictions imposed by the direction are a proportionate means of achieving that purpose. 	
	<p>I have read the advice and report of the designated officer, Stephen D Cochrane which is reflected in the following sections of my assessment. I have also considered the provisions within the regulations and advise accordingly to assist the Cabinet Member in taking a view as to whether to issue a direction.</p> <p>The rates of Covid-19 in the Thanet District, currently 422.8 cases per 100,000 (seven day rolling rate up to 05 December 2020) which are amongst the highest in the southeast and Kent, the event organiser has failed to evidence that sufficient resources are or will be provided to ensure that a Covid secure event can be delivered.</p> <p>Given the intended size of the market of at least 28 stalls, the significant number of people anticipated attending and the proposed level of resources to manage the event it is considered prohibition is the most appropriate and proportionate means of achieving the purpose.</p> <p>I recommend to the Council that a Direction Notice be served on this market in the event that the Market Square Group Ltd (Paul Kennedy Event Direct and Organiser) fails to cancel the event voluntarily.</p>	

<p>Reasons for the advice</p>	<p>Please include a brief statement of the reasons for the decision:</p> <p>The advising officer considers that the following conditions required under the Regulations are met—</p> <p>1: This direction responds to a serious and imminent threat to public health;</p> <p>The Christmas Market which is proposed is in an area where the rate of Covid prevalence in the Thanet District, which includes the area of Broadstairs, are amongst the highest in England. Rolling rate of cases 422.8 rate per 100,000 7 days rolling up to 05/12/20. Source: https://coronavirus.data.gov.uk.</p> <p>Attracting large numbers of people to this event poses a serious and imminent threat to public health. Given that the true rate of COVID in the local population will be higher and there is a greater risk where the public are coming into close contact with each other, the market represents a serious and imminent threat through the opportunity for the transmission of the virus.</p> <p>2: This direction is necessary for the purpose of preventing, protecting against, controlling or providing a public health response to the incidence or spread of infection by coronavirus in the Authority's area;</p> <p>The direction is necessary as the event organisation the Market Square Group has failed to evidence that sufficient resources are or will be provided to ensure that a Covid secure event can be delivered. This is based upon the submitted Event Management Plan – Broadstairs Christmas Market 2020 V2, Physical (Social) Distancing Plan – Broadstairs Christmas Market 2020 and Site Plan from the Market Square Group and the KCC/Medway Public Health Risk Assessment carried out by Stephen D Cochrane , Socialist in Public Health (Registration Number UKPHR 336) Kent County Council Public Health and a site visit completed on the morning of Friday 11th December 2020.</p> <p>The event organisers have failed to demonstrate that they are able to cope with the expected numbers over the weekend in a COVID secure way. The event management plan does not give me confidence that the event can be conducted with the likely numbers expected without the opportunity for the transmission of the virus. Given the significant number of cases already recorded within the locality of the event and in surrounding areas (who may also seek to attend), I regrettably conclude that the event on Saturday and Sunday must be stopped.</p> <p>There is the further risk of people carrying the virus asymptotically which could result in the further transmission of the virus both within the immediate geographic and more</p>

	<p>broadly across the region given the expected number of attendees.</p> <p>3: The prohibitions, requirements or restrictions imposed by this direction are a proportionate means of achieving that purpose</p> <p>Given the intended size of the market of at least 28 stalls, the potential number of people anticipated attending and the proposed level of resources to manage the event it is considered prohibition is the most appropriate and proportionate means of achieving the purpose.</p> <p>The event was not stopped on Thursday or Friday because the numbers did not reach a level of materiality and the event was able to proceed. Given the numbers expected over the weekend and the weather on Friday impacting attendance and possibly increasing numbers further on Saturday and Sunday, I believe the direction to be a reasonable and proportionate step if the event manager insists on proceeding.</p>			
<p>Equalities assessment</p>	<p>Kent County Council already have data on diversity which has informed the assessment of impact on protected characteristics in the Thanet area by any prohibition, and also have considered the local contextual community factors which may interact and adversely impinge on any population protected characteristics.</p>			
<p>Details of consultation and DPH advice</p>	<p>Thanet District Council – Events Unit and Neighbourhood Directorate. Kent County Council – Trading Standards, Kent Resilience Team, Public Health Directorate (Strategic Commissioning), Kent PH Observatory, Multi Agency Information Cell (MAIC) Market Square Group Ltd - Company number 06774990</p>			
<p>Affected wards/areas</p>	<p>The Urban area of Broadstairs within the Thanet District Council area</p>			
<p>Approval of Advice</p>	<p>Authorised PH adviser¹ Andrew Scott-Clark</p> <table border="1" data-bbox="427 1664 1498 1901"> <tr> <td data-bbox="427 1664 1198 1901"> <p>Signature (<i>can be electronic</i>)</p>  </td> <td data-bbox="1198 1664 1498 1901"> <p>Date</p> <p>11/12/2020</p> </td> </tr> </table>		<p>Signature (<i>can be electronic</i>)</p> 	<p>Date</p> <p>11/12/2020</p>
<p>Signature (<i>can be electronic</i>)</p> 	<p>Date</p> <p>11/12/2020</p>			

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KENT COUNTY COUNCIL – URGENT RECORD OF DECISION

DECISION TAKEN BY:

Clair Bell – Cabinet Member for Adult Social Care and Public Health

DECISION NO:

20/00131

For Publication

Key decision: YES

Local Lockdown Regulations Direction – Pantiles Market

Direct the placing of requirements on the market event organised between 19/12/2020 and the 20/12/2020

As Cabinet Member for Adult Social Care and Public Health, I agree to:

Make a Direction to place requirements on the event under Regulation 5 of the Health Protection (Coronavirus, Restrictions) (England) (No.3) Regulations 2020 (or any replacement or amended version of these regulations which may be valid and appropriate while this Direction remains in effect).

This Direction comes into force on 19/12/2020 at the time indicated on the Direction, which is available as Appendix 1 of this Record of Decision.

- I delegate authority to the Corporate Director of Growth, Environment and Transport to undertake the review of this direction, required under s2 of the Regulations and the related authority to, subject to consultation with the Cabinet Member for Adult Social Care and Public Health and the Director of Public Health, to revoke this Direction as appropriate and to issue the relevant notices (including notification to all those consulted as part of this Key Decision). This review shall take place a minimum of once every 7 days while the Direction remains in effect, in accordance with s2(2)(a) of the Regulations.
- I also delegate authority to the Corporate Director of Growth, Environment and Transport, in consultation with the Corporate Director of Finance, the Monitoring Officer and Cabinet Member for Adult Social and Public Health, to take necessary actions, including but not limited to entering into contracts or other legal agreements, as required to implement and enforce this decision.

In making this decision, I confirm that the conditions set out for the making of such a Directions in regulation 2 of the Health Protection (Coronavirus, Restrictions) (England) (No.3) Regulations 2020 have been met and that this direction is necessary and proportionate. I can also confirm that I have read and considered the KCC Urgent Decision Local Lockdown Guidance.

Reasons for decision:

The decision is required for the implementation of a necessary public health response, as permitted under the Health Protection (Coronavirus, Restrictions) (England) (No.3) Regulations 2020.

Taking into account advice from the Director of Public Health, and referring to relevant data and risk assessments, the conditions for making a Direction to give effect to 'local lockdown' arrangements are met and necessitate a Key Decision.

The detailed rationale for this decision is set out in the associated Decision Report which includes advice from the Director of Public Health.

Background:

Provisions for appealing this direction to a magistrates' court or making representations to the Secretary of State are contained within the relevant regulations.

Reason for Urgency:

It is necessary to implement the restrictions outlined in the Direction immediately due to the events being held from 19 December 2020

Therefore it is not possible follow the normal decision timeframes as required under the KCC and legal governance arrangements, requiring it to be progressed under the urgent decision provisions as set out in the Constitution and the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012.

The Direction comes into effect immediately when issued, notice of the intention to seek a direction having already been issued; and

Will cease to be in effect on 21/12/2020 unless revoked earlier as a result of the mechanism set out in the Decision and may only be extended beyond this time and date by the issuance of a new Direction.

Member and other consultation:

No Cabinet Committee consultation possible due to urgency process.

The Chair of the Scrutiny Committee, in addition to agreeing that the decision could not be reasonably deferred provided the following comments:

Mr Booth supported the decision.

The Group Spokespeople of the Scrutiny Committee provided the following comments:

No Comments

The Chair and Group Spokespeople of the Health Reform and Public Health Cabinet Committee provided the following comments:

No comments

The Local Member provided the following comments:

No comments.

Any alternatives considered and rejected:

Consideration was given to prohibiting the event in view to the general risks of public gatherings, however the Director of Public Health was satisfied that arrangements could be put in place to allow the event to continue in a COVID compliant manner, with appropriate enforcement allowed via the issued Direction.

Imposing a Direction was considered by the organiser has indicated support for the Direction and welcomes the decision.

Any interest declared when the decision was taken and any dispensation granted by the Proper Officer:

None

Clair Bell

18 December 2020

.....
signed

.....
date

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Direction issued under regulation 5 of the The Health Protection (Coronavirus, Restrictions) (England) (No. 3) Regulations 2020

Kent County Council, in its capacity as an upper tier local authority, hereby directs that the requirements listed below are imposed on the market event being organised at The Pantiles, Tunbridge Wells from 19 December 2020 until and including 20 December 2020.

Requirements

- 1) That a one-way system of flow for visitors and participants is introduced and followed.
- 2) That stall holders and market staff are required to wear face coverings.
- 3) That the wearing of face coverings by visitors within the confines of the market is actively encouraged.
- 4) That flow of visitors through the market is maintained with no loitering or congregating into groups.

Direction Issued – 18 December 2020

Direction enforceable from 00:00 on 19 December 2020.

Appealing against this direction

A person on whom this direction imposes a requirement may—

(a) appeal against the direction to a magistrates' court by way of complaint for an order and the Magistrates' Courts Act 1980 applies to the proceedings, and

(b) make representations to the Secretary of State about the direction.

An appeal, or representations (as the case may be), must be made within the period of 28 days beginning with the day on which the direction was issued.

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From: Barbara Cooper, Corporate Director, Growth, Environment and Transport

To: **Clair Bell, Cabinet Member for Adult Social Care and Public Health**

Decision No: 20/00131

Subject: The Health Protection (Coronavirus, Restrictions) (England) (No. 3) Regulations 2020 and Broadstairs Christmas Market

Classification: **Unrestricted**

Electoral Division: Broadstairs

Summary: The event organiser has proposed to hold an outdoor Market event at The Pantiles, Tunbridge Wells on 19 and 20 December 2020.

KCC's Public Health department have reviewed the risk assessment prepared by the event organiser. Their professional view is that the event represents a serious and imminent threat to public health but that, with the appropriate measures in place, it can be held safely.

The direction sought will impose requirements on the event. These requirements represent the measures that the organiser has already put in place working alongside local authority and public health officials.

The purpose of this direction is to ensure that the appropriate legal infrastructure is in place to enforce those measures in support of the organiser and the marshals working the event. The organiser consents to and, indeed, welcomes this direction which is designed to support him and his staff delivering a safe event.

Recommendation(s):

The Cabinet Member for Adult Social Care and Public Health is asked to:

Make a Direction to place requirements on the event under Regulation 5 of the Health Protection (Coronavirus, Restrictions) (England) (No.3) Regulations 2020 (or any replacement or amended version of these regulations which may be valid and appropriate while this Direction remains in effect).

And;

Delegate authority to the Corporate Director of Growth, Environment and Transport to undertake the review of this direction, required under s2 of the Regulations and the related authority to, subject to consultation with the Cabinet Member for Adult Social Care and Public Health and the Director of Public Health, to revoke this Direction as appropriate and to issue the relevant notices (including notification to all those consulted as part of this Key Decision). This review shall take place a

minimum of once every 7 days while the Direction remains in effect, in accordance with s2(2)(a) of the Regulations.

Delegate authority to the Corporate Director of Growth, Environment and Transport, in consultation with the Corporate Director of Finance, the Monitoring Officer and Cabinet Member for Adult Social and Public Health, to take necessary actions, including but not limited to entering into contracts or other legal agreements, as required to implement and enforce this decision.

1. Introduction

- 1.1 On 12 January 2020, it was announced that a new coronavirus had been identified. COVID-19 is highly contagious and the World Health Organisation has declared the risk and spread of the disease as a pandemic. Reacting to high infection rates across the UK, to protect public health and ensure the NHS had capacity to treat the expected high numbers of Covid-19 affected patients, the Prime Minister, Boris Johnson ordered a 6-week national lockdown from 16 March 2020
- 1.2 Post the lockdown period, under the Public Health (Control of Disease) Act, the Secretary of State for Health introduced regulations for use by Local Authorities enabling local action in response to a “serious and imminent threat to public health” due to the spread of Covid-19.
- 1.3 A local authority may give a direction under the regulations where the following conditions are met:
 - a) “that giving such a direction responds to a serious and imminent threat to public health,
 - b) that the direction is necessary for the purpose of preventing, protecting against, controlling, or providing a public health response to the incidence or spread of infection by coronavirus in the local authority's area, and
 - c) that the prohibitions, requirements or restrictions imposed by the direction are a proportionate means of achieving that purpose”.
- 1.4 Following a second period of national “lockdown”, on 2nd December 2020 The Health Protection (Coronavirus, Restrictions) (All Tiers) (England) Regulations 2020 came into force. Due to very high disease prevalence in Kent, the County was placed into tier 3 which has the most severe restrictions. Initially the District of Tunbridge Wells had relatively low prevalence, however that prevalence is currently increasing substantially.

2. Financial Implications

- 2.1 There are no financial implications arising from this report.

3. Report

- 3.1 The event organiser has proposed to hold a market event at the Pantiles, Tunbridge Wells on 19th and 20th December 2020.
- 3.2 The organiser has worked closely with officers of Tunbridge Wells Borough Council, KCC and Public Health to design and introduce appropriate measures to run a safe event. Those measures include appropriate stall spacing, a one-way system and the deployment, in partnership with the Borough Council, of Covid marshals at the event to manage visitor flow and behaviour.
- 3.3 Site visits by officers have been carried out and their observations have been fed back to the organiser.
- 3.4 A detailed assessment of the arrangements for the event has been carried out by a Public Health specialist. In summary the assessment concludes that on the basis that the measures set out by the public health specialist are implemented and managed in a sustained way then the Market can proceed as planned
- 3.3 The Director of Public Health has considered the findings and assessed them against the provisions within the Regulations and has made the decision that a direction placing requirements on the event is a necessary and proportionate action to support the safe operation of it. The DPH's assessment and record of advice is attached as appendix 1.

4. Legal Implications

- 4.1 The decision is being taken under the Health Protection (Coronavirus, Restrictions) (England) (No.3) Regulations 2020 which came into effect on 18 July 2020.
- 4.2 The Director of Public Health, has assessed relevant risk assessments and has advised that the conditions for making a Direction to give effect to 'local lockdown' arrangements are met and necessitate action to prevent a serious and imminent threat to public health.

5. Conclusions

- 5.1 It is possible for the market proposed by the event organiser to be held in the Pantiles, Tunbridge Wells to proceed in a Covid secure manner provided the measures agreed between the organiser and the Public Health specialist are delivered.
- 5.2 The proposed direction facilitates the safe delivery of the event by putting in place the appropriate infrastructure for enforcement partners to support the organiser and marshals.

6. Recommendation(s)

Recommendation(s):

The Cabinet Member for Adult Social Care and Public Health is asked to: .

Make a Direction to place requirements on the event under Regulation 5 of the Health Protection (Coronavirus, Restrictions) (England) (No.3) Regulations 2020 (or any replacement or amended version of these regulations which may be valid and appropriate while this Direction remains in effect). Make a Direction under Regulation 5 of the Health Protection (Coronavirus, Restrictions) (England) (No.3) Regulations 2020 (or any replacement or amended version of these regulations which may be valid and appropriate while this Direction remains in effect) specifically to:

And;

Delegate authority to the Corporate Director of Growth, Environment and Transport to undertake the review of this direction, required under s2 of the Regulations and the related authority to, subject to consultation with the Cabinet Member for Adult Social Care and Public Health and the Director of Public Health, to revoke this Direction as appropriate and to issue the relevant notices (including notification to all those consulted as part of this Key Decision). This review shall take place a minimum of once every 7 days while the Direction remains in effect, in accordance with s2(2)(a) of the Regulations.

Delegate authority to the Corporate Director of Growth, Environment and Transport, in consultation with the Corporate Director of Finance, the Monitoring Officer and Cabinet Member for Adult Social and Public Health, to take necessary actions, including but not limited to entering into contracts or other legal agreements, as required to implement and enforce this decision.

7. Appendices

- Director of Public Health Advice

8. Background Documents

- The Health Protection (Coronavirus, Restrictions) (England) (No. 3) Regulations 2020

9. Contact details

Report Author: Mark Rolfe, Interim Head of Kent Resilience Team.

Mark.rolfe@kent.gov.uk. 03000 410336

Relevant Director
Barbara Cooper, Corporate Director, Growth, Environment and Transport
Barbara.cooper@kent.gov.uk
03000 415981

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DPH ASSESSMENT

Pantiles Market – Tunbridge Wells 19 December to 20 December 2020

The DPH is an officer who can recommend the issue of a Direction under The Health Protection (Coronavirus, Restrictions) (England) (No. 3) Regulations 2020 (“the Regulations”) which came into force on 18th July 2020.

Contact person:	Stephen D Cochrane stephen.cochrane@kent.gov.uk stephencochrane@nhs.net	Telephone number:	07961352234
Advising officer	The designated officer(s) who advised the Director of Public Health is <i>Stephen D Cochrane Specialist in Public Health (Registration Number UKPHR 336)</i>		
Legal powers	The Regulations give the power to the local authority to issue a Direction if the authority considers that the following conditions are met— <ul style="list-style-type: none"> a) that giving such a direction responds to a serious and imminent threat to public health, b) that the direction is necessary for the purpose of preventing, protecting against, controlling or providing a public health response to the incidence or spread of infection by coronavirus in the local authority's area, and c) that the prohibitions, requirements or restrictions imposed by the direction are a proportionate means of achieving that purpose. 		
	<p>I have read the advice and report of the designated officer, Stephen D Cochrane which is reflected in the following sections of my assessment. I have also considered the provisions within the regulations and advise accordingly to assist the Cabinet Member in taking a view as to whether to issue a direction.</p> <p>The rates of Covid-19 in the Tunbridge Wells Borough, currently 306.6 cases per 100,000 (seven day rolling rate up to 12th December 2020). The rate in this borough is increasing at for all age groups and case positivity rate is above above 5% and rising (currently 9%) and over 360 cases confirmed in the last seven days</p> <p>The event organiser has worked closely with local authority and Public Health staff to introduce appropriate conditions for this outdoor event to take place in a Covid secure manner.</p> <p>Given the intended size of the market, it is anticipated that significant numbers of people may attend and that it is therefore critically important that those measures introduced to prevent spread of the virus are fully and effectively enforced and that formal enforcement powwrs are available to support the organisers and marshals if</p>		

	<p>required.</p> <p>I recommend to the Council that a Direction Notice be served on this market to placing requirements on its operation and that those requirements are that a one-way flow of people through the market is established, that the wearing of face masks in the confines of the market is strongly encouraged and that the flow of people is maintained with there being no loitering or congregating into groups.</p>
<p>Reasons for the advice</p>	<p>Please include a brief statement of the reasons for the decision:</p> <p>The advising officer considers that the following conditions required under the Regulations are met—</p> <p>1: This direction responds to a serious and imminent threat to public health;</p> <p>The market event proposed is in an area of increasing disease prevalence within a recently confirmed tier 3 restrictions area. There is believed to be a new variant of the virus which may be transmitted more freely.</p> <p>Whilst this is an outdoor event which, if properly managed, could be undertaken with limited risk, it is necessary to put in place the proper infrastructure to be able to formally enforce the safety provisions which have been developed by the organiser to manage the risk.</p> <p>2: This direction is necessary for the purpose of preventing, protecting against, controlling or providing a public health response to the incidence or spread of infection by coronavirus in the Authority’s area;</p> <p>The direction is necessary to provide the proper support to the organisers and their staff in running a safe event along the lines that they have developed working alongside various officials. Without this direction there would, in my view, be insufficient powers and support to the organisers available to enforce the requirements for the safe and effective operation of the event.</p> <p>3: The prohibitions, requirements or restrictions imposed by this direction are a proportionate means of achieving that purpose</p> <p>The market organiser has indicated that he not only consents to this direction but, in fact, welcomes it as being the appropriate means of providing formal enforcement support should matters approach the point where the safety measures he has developed and introduced look like they are not being adopted by visitors and participants.</p> <p>This direction seeks only to put in place the formal infrastructure to support the organiser in delivering the safeguards he has put in place. It is being done with him, not to him.</p>

Equalities assessment	Kent County Council already have data on diversity which has informed the assessment of impact on protected characteristics in the Tunbridge Wells area by any direction, and also have considered the local contextual community factors which may interact and adversely impinge on any population protected characteristics.	
Details of consultation and DPH advice	Tunbridge Wells Borough Council – Chief Executive, Environmental Health and safer neighbourhoods. Kent County Council – Trading Standards, Kent Resilience Team, Public Health Directorate (Strategic Commissioning), Kent PH Observatory, Multi Agency Information Cell (MAIC) Market organiser – Julian Leefe-Griffiths	
Affected wards/areas	The Pantiles, Royal Tunbridge Wells, within the Tunbridge Wells Borough Council area	
Approval of Advice	Authorised PH adviser ¹ Andrew Scott-Clark	
	Signature (<i>can be electronic</i>) 	Date 18/12/2020

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From: Gaetano Romagnuolo, Research Officer - Overview & Scrutiny
To: **Scrutiny Committee – 22 January 2021**
Subject: Short Focused Inquiry – Farming Economy
Classification: **Unrestricted**

1. Introduction

- a) At its meeting of 23 June 2020, the Scrutiny Committee agreed that the work programme for the Short Focused Inquiries should include an inquiry into Kent's farming economy.
- b) Oral evidence was gathered from the following people/organisations:
 - David Smith, Director of Economic Development, KCC
 - Floortje Hoette, CEO, Produced in Kent
 - Stephen Betts, Managing Director, Laurence J Betts Ltd farm
 - Amanda Corp, Kent County Adviser, National Farmers' Union
- c) In addition, the Committee received written evidence from a variety of sources, including the following:
 - KCC Members, who provided feedback from their own division's perspective
 - Kent County Agricultural Society
 - Kent Farmers' Market Association
 - Hadlow College
 - National Institute of Agricultural Botany (NIAB) East Malling Research (EMR)
 - British Summer Fruit
 - Country Land and Business Association
 - BTF Partnership – land agents and rural surveyors
 - A number of farmers
- d) The recommendations and findings of the inquiry are set out in the report contained in Appendix 1.

2. Next Steps

- a) Once agreed, the report and recommendations will be submitted to the Executive.
- b) The Short Focused Inquiry process will conclude at this stage to coincide with the end of the Council cycle.

3. Recommendation:

That the Scrutiny Committee approve the Short Focused Inquiry Report into the farming economy, and that it be submitted to the Leader and relevant Cabinet Members along with a request for a formal response to the recommendations within two months.

4. Background Documents

None.

5. Contact details

Gaetano Romagnuolo
Research Officer - Overview and Scrutiny
Strategic and Corporate Services – Governance, Law and Democracy
03000 416624
Gaetano.romagnuolo@kent.gov.uk

Kent County Council

The Farming Economy Short Focused Inquiry (SFI) Report

DRAFT

January 2021



Headline Findings

- Agriculture in the UK provides half of the food we eat, employs almost half a million people and is a key part of the food and drink sector, which contributes about £120 billion to the economy. In Kent, the agricultural sector is highly concentrated and accounts for much of the country's soft fruit industry.
- The impact of Covid-19 on rural communities has been significant. The lockdowns have threatened the viability of many rural businesses through the loss of hospitality and food service markets, reduced capital investment and a decline in rural tourism.
- One of the most frequent concerns identified during this inquiry has been the impact of Covid-19 on restricting the labour supply, both nationally and in Kent.
- When the Brexit transition period comes to an end in December 2020, there are concerns that traffic delays could be very disruptive for exports, particularly for perishable agrifood destined for the EU.
- The impact of Covid-19 on the farming economy has highlighted the need for the Government to maximize domestic food production. As volatility in the food supply chain increases, food resilience and food security become even more important.
- Partly out of necessity during the first lockdown, many residents have supported the local farming economy by buying local produce. There is an opportunity for KCC to reinforce this trend.
- Apart from setting an example and providing direct support, it is also crucial that KCC continues to collaborate with local organisations whose objective is to promote Kent's food and drink produce.
- Many local farmers would welcome additional advisory support. Advice on how they might diversify would be particularly valuable because, for many farming businesses, diversification may be their only route to survival.
- As the country's economy begins to revive, the farming sector can play a pivotal role in rebuilding it in a more sustainable and environment-friendly manner. The new Agriculture Act will provide further incentives for agriculture to protect and improve the environment.

1.Introduction and Scope

1.1. Introduction

- 1.1.1. Past crises have highlighted the resilience and adaptability of the farming economy. The Foot and Mouth Disease (FMD) outbreak in 2001, and the associated rural shutdown, illustrated this as did the recovery from the 2007/8 financial crisis and recession. Some of the structural features of rural areas, notably their more dispersed population base and their already established tradition of home-based working, could well act as a source of resilience during this crisis.¹
- 1.1.2. Nonetheless, it would be wrong to assume that their resilience means rural communities can be left to fend for themselves. Capacities to withstand and adapt to periods of hardship and crisis are highly variable both between and within communities, and among different parts of the farming economy.
- 1.1.3. Agriculture in the UK provides half of the food we eat, employs almost half a million people and is a key part of the food and drink sector, which contributes about £120 billion to the economy.^{2 3} In Kent, the agricultural sector is highly concentrated and accounts for much of the country's soft fruit industry.⁴
- 1.1.4. The aim of this inquiry was to explore the impact of Covid-19 on the local farming economy, and to identify measures that KCC could take to mitigate this impact and to support its recovery.

¹ Newcastle University (2020) Centre for Rural Economy and Rural Enterprise UK, Briefing Note: Covid-19 and Rural Economies

² DEFRA (2019) The Future Farming and Environment Evidence Compendium

³ Food and Drink Federation (2020) Our Industry at a Glance, online, <https://www.fdf.org.uk/statsataglance.aspx>

⁴ Kent and Medway Economic Partnership (2020) Kent and Medway Economic Renewal and Resilience Plan: Economic Impacts Evidence Base, August 2020

1.2. Committee Membership

1.2.1. The membership of the inquiry consisted of most of the members of KCC's Scrutiny Committee:

Mr Andy Booth (Chairman, Conservative)

Mr John Wright (Vice-Chairman, Conservative)

Mr Matthew Balfour (Conservative)

Mr Paul Barrington-King (Conservative)

Mrs Rosalind Binks (Conservative)

Mr Gary Cooke (Conservative)

Mrs Trudy Dean, MBE (Liberal Democrat)

Mr Barry Lewis (Labour)

Mr Rory Love, OBE (Conservative)

Mr Alan Ridgers (Conservative)

1.3. Scope

1.3.1. The scope of the inquiry was:

1. To define and briefly set into context the farming economy.
2. To explore the impact of Covid-19 on the farming economy in Kent.
3. To identify measures that KCC could take to mitigate the impact of Covid-19 on the farming economy in Kent, and to support its recovery.

2. Background

2.1. Definition

2.1.1. Farming is a vitally important part of the UK's overall economy as well as meeting most of the country's domestic food consumption needs. Overall, agriculture contributes around £10.4 billion of Gross Value Added to the UK economy, with a farm output of about £27.3 billion.⁵

2.1.2. Collectively, the agri-food sector is worth about £120 billion - the equivalent of 6.3% of the UK's total GVA. This is larger than car and aerospace manufacturing combined. 13% (4 million) of all UK employees work in the sector.⁶

2.1.3. In this inquiry, the term "farming economy" includes all agricultural activities that contribute to Kent's economy, including those relating to crops, livestock, horticulture and viticulture, as well as diversified farming businesses such as venue lettings.

⁵ National Farmers Union (2020) State of the Farming Economy

⁶ Ibid

2.2. National and Local Context and Impact

National context

- 2.2.1. Agriculture accounts for around 0.5% of the UK's economy, but provides half of the food we eat, employs almost half a million people and is a key part of the food and drink sector.^{7 8} 71% of the UK's land is managed by farmers and land managers.⁹
- 2.2.2. The UK agriculture industry is made up of 218,000 farm holdings, using 17.4 million hectares of land (about 70% of the UK land total).¹⁰
- 2.2.3. In 2019 the UK's Total Income from Farming (TIF) (that is, the gross value added minus the depreciation of farm assets, payment of wages, rent, interest and taxes, and in addition of farm subsidies) was £5.3 billion. England was the largest contributor accounting for 75% of this total, with Scotland contributing 14%, and Northern Ireland and Wales 5% each. In the UK in 2018, the total profit of all farm businesses (Total Income from Farming) was £4.7 billion.¹¹
- 2.2.4. About 60% of the value of the UK's agricultural production comes from livestock (£14.7 billion in 2019), of which Dairy, Beef and Poultry are the largest sectors (about £4.4 billion, £2.7 billion and £2.6 billion respectively).¹²
- 2.2.5. The overall output of crops value in 2019 was £10 billion, a rise of £562 million (6%) from 2018. A key contributor to this increase was wheat, whose value rose by about £330 million (16%) to over £2.4 billion.¹³
- 2.2.6. The output value of barley was about £1 billion, while those of oilseed rape and sugar beet were £585 million and £208 million respectively. The output of vegetables was £1.48 billion (an increase of £55 million (3.9%) from 2018), and that of potatoes was £776 million. The value of fruit in 2019 rose by £90 million from the previous year to £887 million, driven almost entirely by a 12% increase in price.¹⁴

⁷ DEFRA (2019) The Future Farming and Environment Evidence Compendium

⁸ Food and Drink Federation (2020) Our Industry at a Glance, online, <https://www.fdf.org.uk/statsataglance.aspx>

⁹ DEFRA (2019) The Future Farming and Environment Evidence Compendium

¹⁰ Ibid

¹¹ DEFRA (2020) Total Income from Farming in England, first estimate for 2019

¹² Ibid

¹³ Ibid

¹⁴ Ibid

2.2.7. Sales of fresh meat, milk and vegetables have decreased in the UK in the last 30 years, but we are buying more fruit and more meat in ready meals; this might be driven by trends in convenience and health, and by fluctuations in food prices.¹⁵

Local context

2.2.8. In Kent, 85% of land is classified as rural, and 62% of the land area is farmed.¹⁶ The total area of farmed land in the county is 224,535 hectares.¹⁷

2.2.9. In 2019 there were over 2,400 food and drink production enterprises in the county. This has grown by 3.7% over the last five years. Farming enterprises account for 88.8% of food and drink production enterprises.¹⁸

2.2.10. In 2018, the total output for agriculture and horticulture in the county was about £350 million.¹⁹

2.2.11. In 2018 there were an estimated 15,500 jobs in the local food and drink production industry, two thirds of which (about 11,000) were in crop and animal production.^{20 21}

2.2.12. The latest available figures show that, in 2016, there were 2,714 agricultural holdings in Kent. Ashford district had the highest number of holdings in the county (537), covering almost 45,000 hectares and employing over 1,700 workers.²²

2.2.13. Five Kent districts – Ashford, Dover, Folkestone and Hythe, Swale and Tunbridge Wells - have a higher proportion of food and drink production enterprises than the national average of 4.5%. The highest concentration is in Ashford (430 enterprises accounting for 6.7% of all enterprises in the district).

¹⁵ DEFRA (2019) The Future Farming and Environment Evidence Compendium

¹⁶ SELEP (2015) South East Local Enterprise Partnership, Rural Strategy 2015-21

¹⁷ Kent County Council (2020) Farming Economy Inquiry, written evidence

¹⁸ Kent County Council (2020) Strategic Commissioning Statistical Bulletin, Food & Drink Production Industries in Kent

¹⁹ Kent and Medway Economic Partnership (2020) Kent and Medway Economic Renewal and Resilience Plan: Economic Impacts Evidence Base, August 2020

²⁰ Ibid

²¹ Kent and Medway Economic Partnership (2020) Kent and Medway Economic Renewal and Resilience Plan: Economic Impacts Evidence Base, August 2020

²² Kent County Council (2020) Strategic Commissioning Statistical Bulletin, Food & Drink Production Industries in Kent

2.2.14. Swale and Dover have some of the highest proportions of employees in food and drink production in the country (5.9% and 5.2% respectively – the Kent and national averages are 2.5% and 1.9% respectively).

National Impact

2.2.15. Although statistics that quantify the precise impact of Covid-19 on the farming economy are still generally unavailable, there is considerable evidence that the farming economy has been negatively affected by the pandemic.

2.2.16. While the UK's food supply system has generally responded well to the unprecedented shift in demand away from food service (such as restaurants) into retail, some **food supply chains** – such as those supplying the catering industry - have been greatly affected, because whole markets have disappeared, leading to significant losses.^{23 24}

2.2.17. The shifting of some commodities – such as eggs - from food service to retail and supermarkets proved logistically too challenging. One reason for this was specific supply chain pinch points, such as the unavailability of retail packaging at egg-packing stations for the wholesale or food service market.²⁵

2.2.18. Other issues included the lack of capacity to process milk destined for the food service market into retail orientated processing facilities. This also had an impact on producers who specialised in supplying high-end restaurants with premium goods and led to food waste.²⁶

2.2.19. In terms of **food production**, the National Farmers' Union (NFU) has warned that there is a risk that lasting structural damage will

²³ UK Parliament (2020) Effects of Covid-19 on the Food Supply System, online, <https://post.parliament.uk/effects-of-covid-19-on-the-food-supply-system/>

²⁴ House of Commons Environment, Food and Rural Affairs Committee (2020) Inquiry on Covid-19 and Food Supply (July 2020)

²⁵ Ibid

²⁶ Ibid

be caused in some agricultural sectors with “a long tail of impacts”. For example, the UK fresh produce sector (fruit, vegetables and salads) faced severe impacts from the **loss of access to seasonal migrant workers** due to restrictions on international travel. The Office for National Statistics (ONS) estimates that the UK agricultural sector employs 64,000 seasonal migrant workers; the majority of abattoir workers are from overseas and most abattoir vets are from the EU (75% and 90%, respectively); and an additional 121,000 EU27 citizens are employed in food manufacturing.²⁷

2.2.20. The rapid closure of the UK catering sector left many of the UK’s 10,000 dairy farms operating at a significant loss. There is also a risk to the continuity of the global supply of animal feed, supplements and veterinary products, through disruption caused by export bans to protect supply and by drops in demand resulting from the impacts on meat and dairy production of global restrictions on the catering sector.²⁸

2.2.21. While the Government has put in place measures to mitigate economic hardship to businesses, these schemes are not necessarily well suited to agricultural production, as **farms cannot be furloughed when animals and crops need to be managed.**²⁹

2.2.22. Profits in the horticultural sector are comparatively low, with an average farm income of about £52,000. Land prices in the UK remain high and increases in labour costs, and loss of productivity from inexperienced labour, may reduce profitability further. A report jointly funded by the NFU, British Apples and Pears, British Summer Fruits and the British Growers Association concluded that Covid-19 has resulted in labour costs increasing by up to 15%. This is in addition to a 34% rise in labour costs over the past 5 years.³⁰

2.2.23. In terms of **trade**, although disruptions of the global trade in food have been minimal so far, the World Trade Organization (WTO) has forecast that trade in agricultural products will contract. An analysis by the UN Food and Agriculture Organization has suggested that high import dependency could expose countries to Covid-19 disruptions of international supply chains, such as a lack of personnel at critical connection points for trade. For example, UK food imports are heavily reliant on the Dover Strait maritime route.³¹

2.2.24. In terms of farm specialisation:

²⁷ Ibid

²⁸ Ibid

²⁹ Ibid

³⁰ Ibid

³¹ Ibid

Horticulture, dairy, arable and ornamentals

- 2.2.25. The Coronavirus lockdowns have affected the farming industry in several ways. The closure of coffee shops and hospitality outlets left an excess supply of milk, and put dairy farmers under severe financial pressure.
- 2.2.26. The closure of garden centres and florists at their busiest time of the year (before and during Easter) affected ornamental growers who lost sales.
- 2.2.27. Potato growers were affected by the closure of restaurant chains, fish and chip shops and takeaways.
- 2.2.28. Hop growers continue to be concerned about the closure of pubs and the surplus stock of lager and ale, as they will not be able to sell their 2020 crop. The imposing of a second lockdown to the hospitality sector, and limiting the sale of alcohol to takeaway businesses, will hit the agricultural sector again. This could lead to British hop and malting barley growers leaving the sector altogether and could affect Britain's oldest brewery, Shephard Neame based in Kent.³²

Livestock

- 2.2.29. Carcase balance – the demand for some cuts of meat has fallen, especially high value cuts that would have gone to restaurants. Retailer promotions, the weather, and some food service outlets reopening caused the beef carcase balance issue to improve.
- 2.2.30. Demand for beef mince rose – these are the cheaper cuts that go into retail.
- 2.2.31. Lamb export demand has dropped and is less able to bridge into retail.
- 2.2.32. The 2-metre social distancing rules have affected processing capacities causing a backlog of stock.³³

Poultry

³² Kent County Council (2020) Farming Economy Short Focused Inquiry, written evidence

³³ Ibid

- 2.2.33. The retail demand for both poultry meat and eggs has increased significantly. It has been reported that the demand for eggs has increased by as much as 100% in some supermarkets.
- 2.2.34. Demand for poultry meat has reportedly grown by nearly 75%. There is, however, a significant fall in demand in the food service sector, where events have been cancelled, restaurants closed and hotels have been empty.
- 2.2.35. The wholesale poultry meat sector has been significantly affected since additional measures were introduced in March 2020 to contain the spread of Covid-19. Cutting-up operations in this sector have closed, partly from staff shortages and partly a lack of demand following the closure of restaurants and butchers' shops. This has impacted on the independent processors who reported that sales were down by 50% on pre-Covid-19 levels.
- 2.2.36. Surplus eggs from the food service sector have been re-allocated, where possible, into the retail sector but this has put the availability of packaging under pressure.
- 2.2.37. Some of the biggest concerns throughout the sector relate to the availability of labour, not only on farms, but throughout the supply chain including hatcheries, catchers, feed mills, processing and packing centres.³⁴

Additional Costs

- 2.2.38. Farm businesses, food processors and food suppliers, like many businesses in the UK, have faced extra costs because of the pandemic. These include: purchasing PPE and other safety equipment; having to alter workers' hours and shifts to meet social distancing regulations; and costs to ensure their premises are Covid-19 compliant. This put extreme pressure on productivity in March 2020, when local food was in high demand. Horticultural businesses, poultry farms, food processors, dairy farmers and meat processors have all suffered from a shortage of available labour.³⁵

Local impact

³⁴ Ibid

³⁵ Ibid

2.2.39. It appears that the strongest, negative effect has been on the availability of labour. Fewer migrants were able to come to work on UK farms, and those who came were often required to quarantine for two weeks. This was particularly challenging for some of Kent's fruit and vegetable farms because of their high reliance on migrant labour. Some larger businesses managed to charter flights to bring in their workers but this was not possible for small farmers.^{36 37 38}

2.2.40. Social distancing had to be enforced on farms, making it more difficult to manage staff and increasing costs. This impact was particularly felt by vegetable/fruit growers, especially if they had workers living in farm accommodations that had to create "bubbles".^{39 40}

2.2.41. Farms selling on contracts to supermarkets have not been particularly disrupted, but those (normally smaller farms) selling products to the hospitality sector have suffered. For example, the closure of pubs and restaurants had a spillover effect on the demand for hops and cider apples.⁴¹

2.2.42. In terms of farm specialisation:

Top fruit

2.2.43. A moderate impact overall, although greater care was needed in managing the arrival of workers and keeping sites secure from the virus. There were also some problems relating to the availability of drivers to transport the produce.⁴²

Soft fruit

2.2.44. Infection rates amongst growers were low, but have been higher in the larger packhouses. The cost of putting in place Covid-19 measures, including lots of Personal Protective Equipment and screens, were not offset by higher prices and, in some cases, reduced profits. A report (June 2020) commissioned by British Summer Fruits looked into the cost implications of Covid-19. It showed an extra £15 million of costs for strawberry growers alone, 20% of whom are in Kent.⁴³

³⁶ Kent County Council (2020) Farming Economy Short Focused Inquiry, 13 November 2020

³⁷ Kent County Council (2020) Farming Economy Short Focused Inquiry, 18 November 2020

³⁸ Kent County Council (2020) Farming Economy Short Focused Inquiry, written evidence

³⁹ Kent County Council (2020) Farming Economy Short Focused Inquiry, written evidence

⁴⁰ Kent County Council (2020) Farming Economy Short Focused Inquiry, 18 November 2020

⁴¹ Kent County Council (2020) Farming Economy Short Focused Inquiry, written evidence

⁴² Ibid

⁴³ Ibid

2.2.45. Growers of fresh produce supplying larger events, such as Wimbledon and The Open Golf Championship, suffered considerable losses.⁴⁴

Arable

2.2.46. The extremes of weather over the last 12 months have compounded problems for some farmers. The national wheat yield was considerably reduced because the wet autumn meant postponing drillings until the spring, when drought made crop establishment difficult.⁴⁵

Ornamental horticulture

2.2.47. Ornamental horticulture was saved by the opening of garden centres; some nurseries managed to increase sales via farm shops and other channels.⁴⁶

Dairy

2.2.48. The dairy industry was particularly affected by the dramatic fall in domestic demand due to the closure of restaurants and coffee shops. Dairy farming suffered at the beginning of the first lockdown when staffing issues at dairy processors (purchasers) meant they could not process the milk and did not have the staff to bulk collect from farms. This meant that many dairy farms in Kent had to pour milk away which was heart-breaking for those farmers. There was also a long delay before these farmers received the money owed them by the processors/dairy; this was put down to the processors not being paid by the supermarkets. Some dairy farmers had payments delayed by up to 4 months which caused them major cash flow problems.⁴⁷

Viticulture

2.2.49. Revenue was lost from the cancellation of tours, tastings, events, and the closing of hospitality outlets. For those supplying the large supermarkets, sales have surged, as have orders from local retail and online orders. The more commercially minded producers have coped better than the artisan producers. This year's harvest was exceptionally good.⁴⁸

Hops

⁴⁴ Kent County Council (2020) Farming Economy Short Focused Inquiry, written evidence

⁴⁵ Kent County Council (2020) Farming Economy Short Focused Inquiry, written evidence

⁴⁶ Ibid

⁴⁷ Kent County Council (2020) Farming Economy Short Focused Inquiry, written evidence

⁴⁸ Kent County Council (2020) Farming Economy Short Focused Inquiry, written evidence

2.2.50. The 2020 hop harvest is difficult to sell and the 2021 crop is also under threat with possible grubbing up due to the closure of pubs and the consequent drop in beer production. As yet, it is unclear how much hop will be planted for next year.⁴⁹

Fruit juice producers:

2.2.51. Under strain due to the closure of the hospitality sector and people rejecting sugary drinks for healthier options. Direct sales at markets and events have been lost. These products are heavy and expensive to sell online.⁵⁰

Farm diversification

2.2.52. The impact depended on the type of diversification that the farm chose and the timing. Farm shops did relatively well; bed and breakfasts and camping did poorly at the beginning of the lockdown but then experienced higher demand following the growth of 'staycations'. However, the stringent requirements for reopening tourist accommodations hit the smaller B&Bs, which stayed closed. In general, many farms broke even on their farming activities, but made a profit only through their (diversified) non-farming activities. Many of the diversified businesses benefited from national schemes for loans and furloughing.⁵¹
⁵²

Positive impacts

2.2.53. The impact of Covid-19 was not negative for all farm businesses. Born of necessity during the first lockdown, many people decided to stay fit through a healthier diet. They also wanted to support the local economy and protect the environment. The local food and drink retail, and farm shops in particular, experienced a significant increase in demand.⁵³

National policies and strategies

⁴⁹ Kent County Council (2020) Farming Economy Short Focused Inquiry, written evidence

⁵⁰ Kent County Council (2020) Farming Economy Short Focused Inquiry, written evidence

⁵¹ Kent County Council (2020) Farming Economy Short Focused Inquiry, 13 November 2020

⁵² Kent County Council (2020) Farming Economy Short Focused Inquiry, written evidence

⁵³ Kent County Council (2020) Farming Economy Short Focused Inquiry, written evidence

2.2.54. At least 16 ministerial departments - in addition to agencies, public bodies and advisory groups - are involved in food policy in England. They range from the Department for Environment, Food and Rural Affairs (DEFRA) to the Department for Business, Energy and Industrial Strategy (BEIS), the Department of Health and Social Care (DHSC) and the Department for International Trade (DIT).⁵⁴

2.2.55. The Government has put in place a number of measures to mitigate economic hardship as a result of the impact of Covid-19, including the following.

2.2.56. **The main intervention was the introduction of the Coronavirus Job Retention Scheme (CJRS).** The scheme helped employers to continue to pay part of the salary of employees who were otherwise at risk of redundancy. For employees designated as 'furloughed', HMRC reimbursed 80% of wage costs, up to a cap of £2,500 per month. On May 12th the Government extended the CJRS from its original end date (the end of June) until 31 October.^{55 56}

2.2.57. The **Job Support Scheme (JSS)**, which came into force in November 2020, is designed to protect viable jobs in businesses that are facing lower demand over the winter months due to Covid-19, and to help them to retain their workforce.⁵⁷

2.2.58. **The Coronavirus Business Interruption Loan Scheme (CBILS)** provides financial support to smaller businesses affected by the coronavirus. The scheme helps small and medium-sized businesses to access loans and other kinds of finance up to £5 million. The Government guarantees 80% of the finance to the lender and pays interest and any fees for the first 12 months. The scheme was open until 30 November 2020.⁵⁸

2.2.59. **The Bounce Back Loan Scheme (BBLs)** enables smaller businesses to access finance more quickly during the pandemic. It helps small and medium-sized businesses to borrow between £2,000 and up to

⁵⁴ Ibid

⁵⁵ All Party Parliamentary Group for Hospitality and Tourism (2020) Pathways to Recovery

⁵⁶ Gov.UK (2020) Changes to the Coronavirus Job Retention Scheme, online, <https://www.gov.uk/government/publications/changes-to-the-coronavirus-job-retention-scheme/changes-to-the-coronavirus-job-retention-scheme>

⁵⁷ Gov.UK (2020) The Job Support Scheme, online, <https://www.gov.uk/government/publications/the-job-support-scheme>

⁵⁸ Gov.UK (2020) Apply for the Coronavirus Business Interruption Loan Scheme, online, <https://www.gov.uk/guidance/apply-for-the-coronavirus-business-interruption-loan-scheme>

25% of their turnover. The maximum loan is £50,000. The Government guarantees 100% of the loan with no fees or interest to be paid for the first 12 months. Thereafter, the interest rate will be 2.5% a year. The scheme was open to applications until 30 November 2020.⁵⁹

2.2.60. Agricultural-specific packages have included the Countryside Stewardship and Environmental Stewardship bridging payments, and the Dairy Hardship Fund.

2.2.61. **Countryside Stewardship (CS)** payments provide financial incentives for farmers, woodland owners, foresters and land managers to look after and improve the environment.⁶⁰

2.2.62. The **Dairy Response Fund**, which was withdrawn at the end of September 2020, was a one-off payment to support dairy farmers in England who produced cows' milk.⁶¹

2.2.63. The EU's Common Agricultural Policy funding for British farmers will end. The recent **Agriculture Act 2020** provides the legislative framework for replacement agricultural support schemes.⁶²

2.2.64. The Act sets out how farmers and land managers in England will be rewarded with public money for "public goods" – such as better air and water quality, thriving wildlife, soil health, or measures to reduce flooding and tackle the effects of climate change - under the Environmental Land Management scheme. These incentives will provide a powerful vehicle for achieving the goals of the Government's 25-Year Environment Plan and its commitment to reach net zero emissions by 2050.⁶³

2.2.65. This new system will replace the Basic Payment Scheme subsidy system, which largely pays farmers for the total amount of land they farm.⁶⁴

Local policies and strategies

2.2.66. Although the Government introduced schemes to mitigate the impact of Covid-19 on businesses and workers, local authorities have

⁵⁹ Gov.UK (2020) Apply for a Coronavirus Bounce Back Loan, online, <https://www.gov.uk/guidance/apply-for-a-coronavirus-bounce-back-loan>

⁶⁰ Gov.UK (2020) Countryside Stewardship, online, <https://www.gov.uk/government/collections/countryside-stewardship>

⁶¹ Gov.UK (2020) Dairy Response Fund 2020, online, <https://www.carlisle.gov.uk/Residents/Grants-and-Funding/ArticleID/1230/Dairy-Farmers-Coronavirus-Hardship-Response-Fund>

⁶² Gov.UK (2020) Landmark Agriculture Bill Becomes Law, online, <https://www.gov.uk/government/news/landmark-agriculture-bill-becomes-law>

⁶³ Ibid

⁶⁴ Ibid

also played an important role in delivering much of the national support programme. In particular, they have been in the forefront of providing practical and essential support by delivering those Government measures that have been channelled through the business rates system.⁶⁵

2.2.67. For the mid term, amongst other initiatives, KCC has been involved in the development of a wide-ranging **Kent and Medway Recovery Strategy**, which considers the post-crisis response in relation to several other aspects of public services and community resilience, and works in parallel with the **Kent and Medway Economic Renewal and Resilience Plan**.

2.2.68. The Plan seeks to deliver against three key principles, focused on:

- Greener Futures (building a more sustainable, lower carbon economy)
- Open and Productive (supporting long-term productivity growth in an economy that welcomes investment and trade); and
- Better Opportunities, Fairer Chances (ensuring that people are supported through recession and stand to gain from a more resilient economy in the return to growth).⁶⁶

2.2.69. In order to deliver these ambitions, the Plan sets out five 'channels' of activity. These are:

- Communications, confidence and trust: providing better intelligence to inform our actions and ensuring collaboration and partnership to drive our activity.
- Open for business: taking action quickly to build confidence and demonstrate that our county and our towns are 'open'.
- Supporting businesses in the return to growth: practical measures to help firms grow, innovate and adapt to changing circumstances and markets.
- Enabling people to access work and develop skills to reach their potential
- Accelerate capital investment, where it will support a sustainable, lower-carbon recovery and local employment and supply chain growth.⁶⁷

2.2.70. A key initiative by the two local authorities was to provide funding to Kent Invicta Chamber of Commerce to deliver the **Kent and**

⁶⁵ Kent County Council (2020) Kent and Medway Economic Renewal and Resilience Plan

⁶⁶ Ibid

⁶⁷ Ibid

Medway Growth Hub Covid-19 Helpline. This offers businesses advice and support, including in accessing Government support schemes. Since March 2020, the helpline has taken over 8,000 calls, had over 1,800 webchat contacts, and delivered over 3,000 telephone advice sessions.⁶⁸

2.2.71. The Authorities will also establish a **Kent and Medway Employment Task Force** to promote and support employment and skills development. The key objectives of the Task Force are to:

- Identify and progress initiatives that will mitigate the extent and impact of unemployment, under-employment and economic inactivity - including temporary employment and employment subsidy schemes, jobs' brokerage and information, advice and guidance schemes, and additional training and re-training capacity.
- Secure resources to meet identified needs.
- Identify opportunities for innovation in addressing the employment crisis.
- Maintain an awareness of the current state of the labour market.
- Ensure that actions taken in support of future employment contribute to the three principles for Renewal and Resilience set out in the Plan (Greener Futures; Productive and Open; and Better Opportunities, Fairer Chances).⁶⁹

⁶⁸ Ibid

⁶⁹ Ibid

3. Key Issues and Recommendations

3.1. Introduction

3.1.1. Past crises have highlighted the resilience and adaptability of the farming economy. The Foot and Mouth Disease (FMD) outbreak in 2001 and the associated rural shutdown, and the recovery from the 2007/8 financial crisis and recession, illustrate this.⁷⁰

3.1.2. Nonetheless, it would be wrong to assume that their resilience means farming communities can be left to fend for themselves. Capacities to withstand and adapt to periods of hardship and crisis are highly variable both between and within communities, and among different parts of the rural economy.

3.1.3. The Covid-19 outbreak is having widespread effects on the farming sector, both nationally and locally. The pandemic has affected not only crops, livestock and labour, but it has also highlighted the need to maximise homegrown food production and to promote a local, diverse farming economy.

⁷⁰ Newcastle University (2020) Centre for Rural Economy and Rural Enterprise UK, Briefing Note: Covid-19 and Rural Economies

National Level Issues and Recommendations

3.2. Labour supply

3.2.1. One of the most frequent concerns identified by the Scrutiny Committee during this inquiry has been the impact of Covid-19 on restricting the labour supply, both nationally and in Kent.

3.2.2. There is considerable evidence that the UK fresh produce sector (such as fruit, vegetables and salads) has faced severe impacts from Covid-19, with the loss of access to seasonal migrant workers due to restrictions on international travel.^{71 72 73}

3.2.3. The NFU's data on the supply of seasonal labour is the only source that identifies the nationality of seasonal workers in agriculture. In its seasonal labour survey analysis (2017) it reported that, in the national horticultural industry, 99% of agency-sourced seasonal labour were EU nationals (67% from EU2 countries, such as Romania, and 32% from EU8 countries, such as Poland).⁷⁴

3.2.4. With the UK's exit from the EU, and the closure of national borders, there has been a significant reduction in the number of seasonal workers from the EU who have been able to work in agriculture in 2020. According to different estimates, the shortage of migrant labour supply ranged from about 65,000 to 80,000.^{75 76 77}

3.2.5. There have been attempts to fill this shortage. They have included chartering flights for migrant workers contracted in autumn of last year for the 2020 season. Although this initiative secured a core of workers with vital experience of horticulture, and knowledge of health and safety and food safety standards, it was insufficient and expensive, adding to already significant production costs.⁷⁸

⁷¹ UK Parliament (2020) Effects of Covid-19 on the Food Supply System, online, <https://post.parliament.uk/effects-of-covid-19-on-the-food-supply-system/>

⁷² Kent County Council (2020) Farming Economy Short Focused Inquiry, written evidence

⁷³ House of Lords (2020) House of Lords Briefing, Coronavirus: Food Supply and Food Security Debate, 14 May 2020

⁷⁴ House of Lords (2020) House of Lords Briefing, Coronavirus: Food Supply and Food Security Debate, 14 May 2020

⁷⁵ UK Parliament (2020) Effects of Covid-19 on the Food Supply System, online, <https://post.parliament.uk/effects-of-covid-19-on-the-food-supply-system/>

⁷⁶ Kent County Council (2020) Farming Economy Short Focused Inquiry, written evidence

⁷⁷ University of York (2020) Vulnerability of the UK's food supply chains exposed by Covid-19, online, <https://www.york.ac.uk/news-and-events/news/2020/research/vulnerability-uk-food-supply-covid/>

⁷⁸ House of Commons Environment, Food and Rural Affairs Committee Inquiry on Covid-19 and Food Supply (2020) Written evidence submitted by the National Farmers' Union (NFU)

- 3.2.6. The 'Pick for Britain' campaign, which was developed collaboratively by the farming industry and DEFRA and attempted to recruit domestic seasonal workers, was only partially successful. The challenges identified included the possible requirement of furloughed workers to return to their original employment at any time during the season, and students to go back to their studies, leaving businesses significantly short of the workforce they needed.⁷⁹
- 3.2.7. Other problems included the inability of many applicants to commit to a fixed length of contract, while others sought a level of part-time work that it was not always possible to accommodate. Some were unable or did not wish to travel to or live on a farm.⁸⁰
- 3.2.8. There are also concerns over attracting and retaining highly qualified researchers. The Royal Society, for example, maintains that it is crucial to keep highly skilled scientists from around the world working in the UK, as they contribute to the country's global, scientific competitiveness.⁸¹
- 3.2.9. The closure of national borders could affect institutions such as the locally-based National Institute of Agricultural Botany (NIAB) East Malling Research (EMR) station. The centre has a long tradition of welcoming overseas students and visiting academics, who assist with research into breeding, genetics, physiology, entomology and plant pathology.⁸²
- 3.2.10. In September 2018, the Government announced a new pilot scheme - the Seasonal Workers Pilot - for the employment of seasonal agricultural workers. It started in March 2019 and was planned to run until December 2020. It allows fruit and vegetable farmers to employ migrant workers for a period of up to six months. It was originally capped at 2,500 workers a year. In February 2020, it was extended to 10,000 workers.⁸³
- 3.2.11. Although the pilot offers a means of increasing the supply of seasonal labour for the farming economy, its current intake is not sufficient; the demand in Kent alone is for about 18,000 people.⁸⁴
- 3.2.12. As the evidence suggests, it is vital that the current Seasonal Workers Pilot scheme is extended both in terms of time and the number of participants.⁸⁵

⁷⁹ Ibid

⁸⁰ Ibid

⁸¹ The Royal Society (2020) Brexit and UK Science, online, <https://royalsociety.org/topics-policy/projects/brexit-uk-science/>

⁸² NIAB EMR (2020) About NIAB EMR, online, <https://www.emr.ac.uk/about-us/>

⁸³ Kent County Council (2020) Farming Economy Short Focused Inquiry, written evidence

⁸⁴ Kent County Council (2020) Farming Economy Short Focused Inquiry, 13 November 2020

⁸⁵ Kent County Council (2020) Farming Economy Short Focused Inquiry, written evidence

3.2.13. Having considered all of the above issues, the Committee makes the following recommendation.

Recommendation 1

KCC's Cabinet Member for Economic Development should write to the Secretary of State for the Home Department, and ask her to secure sufficient seasonal labour through extending and expanding the Seasonal Workers Pilot scheme.

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3.3. Trade and perishable goods

3.3.1. The UK crossings from Kent are a major route for foodstuffs, but when the Brexit transition period comes to an end in December 2020, there are concerns that traffic delays could be very disruptive for exports destined for the EU.

3.3.2. In its “Reasonable Worst Case Scenario” document, the Government has outlined measures to deal with potential disruption to freight travelling between Britain and the EU from 1 January 2021. The assumption is that the EU will impose third country controls on UK goods at the end of the transition period. This will mean that all freight that travels to the border without the correct documentation will be stopped before boarding ferries in the UK or on arrival at EU member state ports. The Government has estimated that, in the worst-case scenario, 40% to 70% of trucks travelling to the EU might not be ready for the new border controls.⁸⁶

3.3.3. The evidence submitted to the Committee indicates that there are particular concerns with regard to perishable agrifood. Fresh produce, such as vegetables and fruit, may go to waste in heavy goods vehicles waiting to cross the Channel.^{87 88 89}

3.3.4. These concerns have been heightened since the Government set out new details of its Operation Brock - the traffic management strategy in Kent. The Department for Transport confirmed that only day-old chicks and seafood would be given priority status for travelling through Kent to reach the Short Straits; this may mean that fresh agrifood would go to waste in the event of lengthy hold-ups at the port of Dover.^{90 91}

3.3.5. In addition, small, local food and drink businesses rely on “just-in-time” service and will suffer losses if there are extensive road blockages. These could be exacerbated in 2021/22 with the growing popularity of domestic staycations.^{92 93}

⁸⁶ National Farmers’ Union (2020) NFU Calls on Government to Do More Following ‘Worst Case Scenario’ Border Announcement, online, <https://www.nfuonline.com/news/latest-news/nfu-calls-on-government-to-do-more-following-worst-case-scenario-border-announcement/>

⁸⁷ Kent County Council (2020) Farming Economy Short Focused Inquiry, 20 November 2020

⁸⁸ Kent County Council (2020) Farming Economy Short Focused Inquiry, written evidence

⁸⁹ National Farmers’ Union (2020) No Priority for British Food at Kent Ports, Government Confirms, online, <https://www.nfuonline.com/news/eu-exit/eu-exit-news/no-priority-for-british-food-at-kent-ports-government-confirms/>

⁹⁰ Kent County Council (2020) Farming Economy Short Focused Inquiry, written evidence

⁹¹ Kent County Council (2020) Farming Economy Short Focused Inquiry, written evidence

⁹² Kent County Council (2020) Farming Economy Short Focused Inquiry, 18 November 2020

⁹³ Kent County Council (2020) Farming Economy Short Focused Inquiry, written evidence

- 3.3.6. The consequences of traffic congestion after the transition period are concerning for the local and national farming economy; in 2019 alone, £10 billion worth of agri-food products crossed from Kent to the EU.⁹⁴
- 3.3.7. The NFU is lobbying the Government to ensure that fresh produce, such as vegetables and fruit, is given priority in the event of Operation Brock.⁹⁵
- 3.3.8. The Committee supports the NFU in this campaign, and recommends that KCC lobbies the Government to ensure that fresh, perishable agrifood is given priority in the event of traffic delays due to Operation Brock.

Recommendation 2

KCC's Cabinet Member for Economic Development should write to the Secretary of State for Transport and ask him to ensure that fresh, perishable agrifood is given priority in the event of traffic delays due to Operation Brock.

⁹⁴ Kent County Council (2020) Farming Economy Short Focused Inquiry, written evidence

⁹⁵ Kent County Council (2020) Farming Economy Short Focused Inquiry, 20 November 2020

3.4. Food security

3.4.1. Until early March 2020, about half of all food spend in the UK was outside the home. The lockdown closed this part of the UK food system abruptly. There were two major consequences: an increased demand for food through the retail channel, and an inability to move supplies destined for foodservice into retail rapidly, in order to meet the increasing demand.⁹⁶

3.4.2. This focused attention on the complexity of the domestic food supply chain, on the production vulnerability of a wide range of food and grocery products, and on the importance of the country's food security.⁹⁷

3.4.3. The Centre for Food Policy describes the food system as “the interconnected system of everything and everybody that influences, and is influenced by, the activities involved in bringing food from farm to fork and beyond”. It comprises a range of activities above and beyond producing, processing, packaging, retailing, storing and consuming food. **The complexity and connectedness of the food system means that it is vulnerable to a range of shocks and stresses; an action in one part of the system has consequences for other parts.**⁹⁸

3.4.4. The unprecedented impact of Covid-19 on the UK's food supply system has affected all agricultural sectors to some extent. While some agricultural supply-chains servicing retail have seen demand increase, those servicing the hospitality sector have, unsurprisingly, seen it decline severely.⁹⁹ The account provided by a local farmer indicates that, when the first lockdown was introduced and hospitality outlets were closed, he rapidly lost, as a result, about 30%-40% of his trade.¹⁰⁰

3.4.5. The Government has introduced a range of measures to mitigate economic hardship, such as the Coronavirus Job Retention Scheme, the Coronavirus Business Interruption Loan Scheme and the Small Business Grant Scheme. However, these schemes are not necessarily suitable in the context of agricultural systems and businesses. Farming systems are biological in nature: production on farms cannot be furloughed when animals and crops need to be tended.¹⁰¹

⁹⁶ House of Commons (2020) House of Commons Environment, Food and Rural Affairs Committee Inquiry on Covid-19 and Food Supply, Written Evidence Submitted by the National Farmers' Union

⁹⁷ Ibid

⁹⁸ UK Parliament (2020) Effects of Covid-19 on the Food Supply System, online, <https://post.parliament.uk/effects-of-covid-19-on-the-food-supply-system/>

⁹⁹ House of Commons (2020) House of Commons Environment, Food and Rural Affairs Committee Inquiry on Covid-19 and Food Supply, Written Evidence Submitted by the National Farmers' Union

¹⁰⁰ Kent County Council (2020) Farming Economy Short Focused Inquiry, 18 November 2020

¹⁰¹ Ibid

- 3.4.6. In addition, the requirement for social distancing has led to increased costs in different parts of the farming sector, for example in packhouses, egg-packing plants, meat processing plants and on farms. These have included: the costs of PPE, additional washdowns, slowing lines down to create the necessary distance between employees, and larger car parks.^{102 103}
- 3.4.7. The impact of Covid-19 on the farming economy has highlighted the need for the Government to maximize domestic food production. As volatility in the food supply chain increases, food resilience becomes even more important. It is vital that UK products have easy access to a range of markets and are able to manage market disruptions. The NFU warns that the country is experiencing a long-term decline in the UK's self-sufficiency in food, although it believes this trend can be reversed.¹⁰⁴
- 3.4.8. Kent farmers and growers are at the base of the domestic food chain. They supply a complex, dynamic food and drink industry that includes processing, wholesaling, distribution, retail, and catering.¹⁰⁵
- 3.4.9. While there are enormous benefits associated with the UK's food supply system, this faces volatility and several stresses and shocks - including those resulting from Covid-19, exit from the EU and climate change.¹⁰⁶
- 3.4.10. On 11 November 2020, the long-awaited Agriculture Act 2020 received Royal Assent. A key aim of the Act is to establish a new agricultural system, based on the principle of "public money for public goods" for the next generation of farmers and land managers. The NFU has described it as a "landmark moment for post-Brexit farming".¹⁰⁷
- 3.4.11. Amongst other things, the Act requires the Government to report to Parliament on food security every three years. However, Covid-19 has highlighted how fragile food security is in the UK, and the importance of domestic agriculture in achieving it. The NFU believes that scrutinising food security every three years is insufficient, and recommends that the Government should monitor, and report on, food security on an annual basis.¹⁰⁸

¹⁰² Ibid

¹⁰³ Kent County Council (2020) Farming Economy Short Focused Inquiry, written evidence

¹⁰⁴ Kent County Council (2020) Farming Economy Short Focused Inquiry, written evidence

¹⁰⁵ Kent County Council (2020) Farming Economy Short Focused Inquiry, written evidence

¹⁰⁶ Ibid

¹⁰⁷ National Farmers' Union (2020) Agriculture Act Marks New Era for British Food and Farming, online, <https://www.nfuonline.com/news/latest-news/agriculture-act-marks-new-era-for-british-food-and-farming/>

¹⁰⁸ Kent County Council (2020) Farming Economy Short Focused Inquiry, 20 November 2020

- 3.4.12. In addition, the organisation recommends that there should be clear requirements relating to the proportion of the nation's food security that is provided by domestic production, and a clear commitment to prevent any further decline in self-sufficiency.^{109 110}
- 3.4.13. The NFU argues that the planning system should make it easier for farmers to move to a sustainable intensification of land use, buildings, and operations, to create more effective and resilient food supplies. This would also help to maximise the use of less productive land for public goods, allow more farm diversification and support rural communities.¹¹¹
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- 3.4.14. The NFU believes that the Planning for the Future White Paper, and the strengthening of the National Planning Policy Framework, provide a timely opportunity to promote both food security and the protection of land, and climate change planning policies that protect rural communities and can help them thrive. Such a planning system would ensure that the objectives of the Agriculture Act, to create more resilient food supplies while protecting the environment, can be achieved.¹¹³
- 3.4.15. The Committee is concerned about the volatility of domestic food security, and recognises the importance of domestic agriculture in securing the country's food supply. The Committee agrees with the NFU that food security should be monitored every year, and that the planning system should be strengthened to promote food security.

Recommendation 3

KCC's Cabinet Member for Economic Development should write to the Secretary of State for Environment, Food and Rural Affairs, and recommend that food security is monitored by the KCC's Cabinet Member for Economic Development every year. KCC's Cabinet Member for Housing, Communities and Local Government, and urge the strengthening of the National Planning Policy Framework to promote both food security and the protection of land, as well as climate change planning policies that protect rural communities and help them thrive.

¹⁰⁹ National Farmers' Union (2020) The Agriculture Bill 2020: A Brief Ahead of 2nd Reading Debate

¹¹⁰ Kent County Council (2020) Planning Education and Reduced Inequality, 2020

¹¹¹ National Farmers' Union (2020) 'Planning for the Future' Needs to Work to Support Food, the Environment and the Rural Community, online, <https://www.nfuonline.com/cross-sector/rural-affairs/planning-and-local-authorities/planning-news/planning-for-the-future-needs-to-work-to-support-food-the-environment-and-the-rural-community/>

¹¹² National Farmers' Union (2020) Reform of Planning System Must Be Flexible and Support Rural Businesses, online, <https://www.nfuonline.com/news/latest-news/reform-of-planning-system-must-be-flexible-and-support-rural-businesses/>

¹¹³ National Farmers' Union (2020) 'Planning for the Future' Needs to Work to Support Food, the Environment and the Rural Community, online, <https://www.nfuonline.com/cross-sector/rural-affairs/planning-and-local-authorities/planning-news/planning-for-the-future-needs-to-work-to-support-food-the-environment-and-the-rural-community/>

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Local Level Issues and Recommendations

3.5. Promotion of the local farming economy

3.5.1. There are several, strong reasons for supporting and promoting the local farming economy.

3.5.2. Many local farming businesses are just managing to survive; without direct government support and business diversification, several would be operating at a loss.

3.5.3. In recent years, the one factor that has helped to keep the farming sector viable has been the direct subsidy support provided by the Basic Payment Scheme under the EU's Common Agricultural Policy. The NFU points out that the specific provisions of the Agriculture Act are still unclear and that, without direct support, 70% of national farm businesses would become unprofitable.^{114 115}

3.5.4. In order to survive, much of the agricultural sector has had to diversify its operations. Farmers have diversified into tourism, leisure, retail, catering, business centres and storage to supplement their businesses. Many would be at risk without this diversification. Indeed, it has been suggested that many farmers would welcome additional advisory support to help them to diversify.^{116 117}

3.5.5. Also, as mentioned earlier, farming is critical to domestic food security, and needs to be protected. The impact of Covid-19 on the farming economy has emphasised the need to maximize domestic food production, because the country is experiencing a long-term decline in its food self-sufficiency. Local farming should be promoted because the volatility of the food supply chain can be best managed with the support of a resilient agriculture sector.¹¹⁸

3.5.6. Because of the complex and interrelated nature of the food supply chain, if the local farming economy suffers, other sectors and the local

¹¹⁴ Kent County Council (2020) Farming Economy Short Focused Inquiry, written evidence

¹¹⁵ Kent County Council (2020) Farming Economy Short Focused Inquiry, written evidence

¹¹⁶ Kent County Council (2020) Farming Economy Short Focused Inquiry, 13 November 2020

¹¹⁷ Kent County Council (2020) Farming Economy Short Focused Inquiry, written evidence

¹¹⁸ Kent County Council (2020) Farming Economy Short Focused Inquiry, written evidence

community at large will suffer too. As Produced in Kent aptly put it, “Kent residents need to be made aware that unless they buy, eat and drink local, the sector will suffer irreparable damage which will negatively impact the local economy, the countryside, the availability of high-quality food, Kent’s culinary offering, tourism and the quality of life in the county”.¹¹⁹

3.5.7. Partly out of necessity during the first lockdown, many residents have supported the local farming economy by buying local produce. There is an opportunity for KCC to reinforce this trend, by encouraging the general public to buy local and to support Kent’s farming economy.¹²⁰

3.5.8. The Committee identified several ways in which KCC could support the local farming economy.

3.5.9. KCC could lead by example by re-establishing a strategic, outcome-driven Kent Rural Board.

3.5.10. A recent Parliamentary Select Committee on the rural economy concluded that rural England faces new and diverse challenges arising from Brexit, declining farm profitability, an ageing population, climate change and the pressure from piecemeal and inappropriate development. There are also new opportunities. In particular, the digital revolution has the ability, if properly managed, to transform the rural economy and improve the quality of life for those living in rural areas. The Select Committee argued that the first step to address these challenges more effectively, and to transform the national rural economy, was through the development of a comprehensive rural strategy.¹²¹

3.5.11. A Kent Rural Board would be well placed to address many of these issues at a local level. The primary role of this strategic rural partnership would be to bring together key organisations that oversee Kent’s economic, social and environmental rural agendas to raise awareness of key rural matters and work collaboratively to develop and implement solutions. A key task for the Board would be to develop a Kent Rural Strategy which clearly sets out Kent’s ambitions and objectives for local rural areas, and which would make it easier for the Authority to bid for rural funding.^{122 123}

3.5.12. To complement the re-establishment of the Kent Rural Board, the Committee recommends that a KCC Member should be given the

¹¹⁹ Kent County Council (2020) Farming Economy Short Focused Inquiry, written evidence

¹²⁰ Kent County Council (2020) Farming Economy Short Focused Inquiry, 16 November 2020

¹²¹ House of Lords (2019) Select Committee on the Rural Economy; Time for a Strategy for the Rural Economy, Report of Session 2017–19

¹²² Kent County Council (2020) Farming Economy Short Focused Inquiry, 13 November 2020

¹²³ Kent County Council (2020) Farming Economy Short Focused Inquiry, written evidence

responsibility of actively championing rural matters and promoting rural engagement within KCC and across the county.

3.5.13. KCC could also help local farmers by exploring ways in which its own procurement policy could prioritise and maximise the purchase of local food and drinks. Kent farmers suggested that the Authority could also stimulate and expand this trend by encouraging other local, public bodies, such as schools and hospitals, to do the same.¹²⁴

3.5.14. Finally, KCC could provide direct support to local farmers by aiding their markets. The Kent Farmers' Market Association reports that many smallholder farmers were seriously damaged by Covid-19 when almost all markets closed (Spring to mid-Summer 2020) and they lost one of their main sales outlets. Even when these markets re-opened, there was a downturn in visitor numbers, and therefore no opportunity to recover lost income.¹²⁵

3.5.15. While the number of visitors has declined, the expense of running markets has increased because of the costs associated with PPE and social distancing regulations. All this is threatening the viability of farmers' markets.¹²⁶

3.5.16. The Committee believes that the survival of local farmers' markets is vital not only from an economic point of view. These markets help to promote the quality, seasonality and freshness of Kent's produce. Also, meeting and talking to farmers and food artisans offers consumers an invaluable opportunity to learn more about how and where food is produced. The Committee recommends that KCC explores ways in which it could assist farmers' markets with their expenses, in particular the waiving of costs for road closures.

3.5.17. Apart from setting an example and providing direct support, if KCC is to maximise its assistance to the local farming economy, it is also crucial that it continues to collaborate with local organisations whose objective is to promote Kent's food and drink produce.

3.5.18. Produced in Kent is a not-for-profit body that represents Kent's local independent food and drink sector, working on behalf of over 280 growers, producers, manufacturers, wholesalers, retailers and hospitality businesses. Its core activities include sector advocacy, promotion and

¹²⁴ Kent County Council (2020) Farming Economy Short Focused Inquiry, written evidence

¹²⁵ Kent County Council (2020) Farming Economy Short Focused Inquiry, written evidence

¹²⁶ Ibid

marketing of its members, networking facilitation and technical business support. Produced in Kent's annual Taste of Kent Awards is the county's flagship event for local food and drink, celebrating the finest products Kent has to offer.¹²⁷

3.5.19. Throughout the pandemic, Produced in Kent has promoted the "Buy Local" message through its successful campaigns Support Your Local and HelpKentBuyLocal, which reached 5.5 million people. Seizing the opportunity to encourage a green recovery, the organisation is putting sustainability at the core of its activities, by championing sustainable food and drink and helping our businesses to operate in an environmentally and socially sustainable way.¹²⁸ The Committee commends all the hard work of Produced in Kent in supporting the local food and drink sector.

3.5.20. It appears that statistical data on the local farming economy is limited, and that better data would provide an opportunity to secure funding and investment. The Committee believes that an organisation such as Produced in Kent would be well placed to develop, with KCC, a bank of statistics on the important role of the Kent food and drink economy in supporting the local economy, public health, countryside conservation and the environment.

3.5.21. The Committee also recommends that KCC encourages the body to market its logo more widely – as this denotes and guarantees the provenance of quality Kent produce. This would help to reinforce the Buy Local trend and further support Kent's farming economy.

3.5.22. The promotion of the local farming economy is vital to supporting Kent's farmers, as well as domestic food security and other local sectors involved in the food supply chain. The Committee believes that KCC should lead by example and take the following actions:

Recommendation 5

KCC should re-establish an outcome-driven Kent Rural Board. A key task for the Board would be to develop a Kent Rural Strategy which clearly sets out Kent's ambitions and objectives for local rural areas, and which would make it easier for the Authority to secure rural funding.

Recommendation 6

KCC should give a KCC elected Member the responsibility for actively championing rural matters and promoting rural engagement within KCC and across the county.

¹²⁷ Kent County Council (2020) Kent County Council Annual Report 2019-20

¹²⁸ Ibid

Recommendation 7

KCC should explore ways of maximising the purchase of locally produced food and drinks in its own procurement policy. The Authority should also encourage other local, public bodies, such as schools and hospitals, to do the same.

Recommendation 8

KCC's Cabinet Member for Highways and Transport should consider waiving the costs of road closures to local farmers' markets.

Recommendation 9

The Committee commends all the hard work of Produced in Kent in supporting the local food and drink sector, and recommends that KCC:

- Works with Produced in Kent to develop a bank of statistical data and evidence to quantify the important role of the Kent food and drink economy in supporting the local economy, public health, countryside conservation and the environment, and to help secure funding and investment.**
- Encourages the organisation to market its logo – which denotes quality Kent produce – more widely, as this could help to reinforce the Buy Local trend and further support Kent's farming economy.**

3.6. Advisory support

- 3.6.1. As well as benefiting from additional promotion, many local farmers would welcome additional advisory support.
- 3.6.2. There are organisations that offer general advisory support to farmers. The Farming Advice Service is a national helpline, funded by Defra, which helps farmers understand and meet the requirements of Cross Compliance, the Basic Payments Scheme and directives on both water protection and sustainable pesticide use.¹²⁹
- 3.6.3. The NFU's CallFirst Service is a helpline that provides the Union's members with information and guidance on matters concerning land, employment, planning, environment, transport, health and safety and taxation.¹³⁰
- 3.6.4. Nonetheless, there is evidence that Kent farmers would find local, one-to-one assistance valuable, especially to help them diversify their businesses and implement innovative ways of working.¹³¹ For many farmers diversification may be the only route to survival.^{132 133}
- 3.6.5. This guidance could help local farmers to take advantage of the subsidies available from the new "public money for public goods" focus of the new Agriculture Act.¹³⁴ Although direct payments from the CAP will be phased out, there will be subsidies to improve animal welfare and environmental management, and for initiatives to boost the production of high-quality food in a more sustainable way.¹³⁵

¹²⁹ Gov.UK (2020) Farming Advice Service, online, <https://www.gov.uk/government/groups/farming-advice-service>

¹³⁰ National Farmers' Union (2020) NFU CallFirst, online, <https://www.nfuonline.com/membership/your-nfu-member-services/nfu-callfirst/>

¹³¹ Kent County Council (2020) Farming Economy Short Focused Inquiry, written evidence

¹³² Kent County Council (2020) Farming Economy Short Focused Inquiry, written evidence

¹³³ Kent County Council (2020) Farming Economy Short Focused Inquiry, 13 November 2020

¹³⁴ National Farmers' Union (2020) Diversification Report; The Latest Trends, Insights and Analysis to Help UK Farmers Explore Opportunities for the Future

¹³⁵ Gov.UK (2020) Landmark Agriculture Bill Becomes Law, online, <https://www.gov.uk/government/news/landmark-agriculture-bill-becomes-law>

3.6.6. The Committee believes that KCC should explore whether it could provide assistance, or additional assistance, to local organisations that support Kent's farming community - such as Produced in Kent and Visit Kent – in order to offer one-to-one advisory support to local businesses in the farming economy. The financing of such an initiative could be identified through a channel similar to that of the Leader Programme.¹³⁶ This is a bottom-up, community-led approach to the delivery of the Rural Development Programme for England, which is funded in part by Defra.¹³⁷

3.6.7. Kent farmers may also need more support with mental health counselling.

3.6.8. Concerns about the mental health of UK farmers persist and are intensifying. In recent years they have faced devastation from flooding, intense media scrutiny of livestock farming, the constant threat of bovine TB and concerns about their future post-Brexit. While these factors remain key issues, the coronavirus pandemic has amplified the uncertainty and fragility of the conditions within which farmers operate.¹³⁸

3.6.9. Local evidence echoes these concerns; uncertainties over whether to seed crops to grow over the summer, and over the shortage of labour supply for the fruit-picking season, have added to farmers' mental stress.^{139 140 141}

3.6.10. There are organisations, such as the Farming Community Network charity, that help farmers and their families through difficult times, and that may benefit from additional support.^{142 143}

3.6.11. However, although problems of mental health can disproportionately affect rural communities - as these tend to be more

¹³⁶ Kent County Council (2020) Farming Economy Short Focused Inquiry, 16 November 2020

¹³⁷ Country Land and Business Association (2020) Leader Grant Funding in Kent, Surrey and Sussex, online, <https://www.cla.org.uk/community/your-area/south-east/rdpe-funding/leader-grant-funding-kent-surrey-and-sussex>

¹³⁸ The House (2020) Farmers Cannot be the Forgotten Heroes of the Coronavirus Pandemic, online, <https://www.politicshome.com/thehouse/article/farmers-cannot-be-the-forgotten-heroes-of-the-coronavirus-pandemic>

¹³⁹ Kent County Council (2020) Farming Economy Short Focused Inquiry, 18 November 2020

¹⁴⁰ Kent County Council (2020) Farming Economy Short Focused Inquiry, written evidence

¹⁴¹ Kent County Council (2020) Farming Economy Short Focused Inquiry, written evidence

¹⁴² Kent County Council (2020) Farming Economy Short Focused Inquiry, 18 November 2020

¹⁴³ The Farming Community Network (2020) What is FCN?, online, <https://fcn.org.uk/about-fcn/>

isolated and less able to maintain social contact while social distancing and shielding¹⁴⁴ - they are so widespread that the Committee feels that any support should not be confined to organisations helping the farming sector.

3.6.12. The British Medical Association reported, prior to Covid-19, that the country's mental health services were often unable to provide all patients with the level of care they required because of a lack of resources. The Association expressed concern that the increase in demand as a result of the pandemic could make that provision worse still, and advised urgent action.¹⁴⁵

3.6.13. Having considered the above issues, the Committee

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Recommendation 10

KCC should explore whether it can offer assistance, or additional assistance, to:

- **Local organisations that provide advisory support to the farming community.**
- **Local organisations that provide mental health counselling to the wider community.**

¹⁴⁴ Newcastle University (2020) Centre for Rural Economy and Rural Enterprise UK, Briefing Note: Covid-19 and Rural Economies

¹⁴⁵ British Medical Association (2020) The Impact of Covid-19 on Mental Health in England; Supporting Services to Go Beyond Parity of Esteem

3.7. Farming and the environment

- 3.7.1. The agriculture sector is well placed to deliver broad environmental improvements, while at the same time driving productivity and creating job opportunities.
- 3.7.2. The impact of Covid-19 on rural communities has been significant. The lockdowns have threatened the viability of many rural businesses through the loss of hospitality and food service markets, reduced capital investment and a decline in rural tourism. However, as the country's economy begins to revive, the farming sector can play a pivotal role in rebuilding it in a more sustainable and environment-friendly manner.
- 3.7.3. Agriculture is already contributing directly to net zero targets and improvements in biodiversity and water quality. For instance, 65% of farm businesses have a diversified activity with a fifth hosting solar energy, a tenth hosting other forms of renewable energy, and a significant proportion operating food processing, retailing, hospitality and leisure enterprises.¹⁴⁶
- 3.7.4. Total greenhouse gas emissions from agriculture have fallen by 19% since 1990. In the same period there has also been a significant increase in the richness of plant species in arable and horticultural land. Farmers have created around 37,000 km of grass margins, which help prevent water pollution and protect hedgerows from agricultural activities.¹⁴⁷
- 3.7.5. Industry-led initiatives like the Campaign for the Farmed Environment, Tried & Tested, the Greenhouse Gas Action Plan and the Voluntary Initiative have played a role in promoting good environmental practices on farms.¹⁴⁸
- 3.7.6. The new Agriculture Act, which received Royal Assent in September 2020, will further increase the potential of agriculture to improve the environment.¹⁴⁹

¹⁴⁶ National Farmers' Union (2018) United by Our Environment, Our Food, Our Future

¹⁴⁷ National Farmers' Union (2020) Farming and the Environment: Did You Know...?, online, <https://www.nfuonline.com/news/latest-news-rh-panel/farming-and-the-environment-did-you-know/>

¹⁴⁸ National Farmers' Union (2018) United by Our Environment, Our Food, Our Future

¹⁴⁹ House of Commons Library (2020) The Agriculture Act 2020, online, <https://commonslibrary.parliament.uk/research-briefings/cbp-8702/>

3.7.7. The Act introduces the Environmental Land Management Scheme (ELM), which focuses on the principle of “public money for public goods”. Under this new system, farmers will be able to receive payments for producing public goods, including: better air and water quality; thriving plants and wildlife; better soil health; and protection from environmental hazards including flooding and climate change.¹⁵⁰

3.7.8. This is set to play a central role in achieving the goals of the Government’s 25-Year Environment Plan and its commitment to net zero emissions by 2050. ELM is intended to encourage a boost to the agriculture sector by creating greater investment in new technology, maximising land potential and increasing productivity.¹⁵¹

3.7.9. The Act also requires the Government to report on UK food security to Parliament every three years: this will include an analysis of the impacts on food supply of the coronavirus pandemic, as well as a wide range of themes including the global availability of food, food safety and consumer confidence.¹⁵² As already indicated, given the importance and volatility of domestic food security, the Committee believes that it should be monitored and scrutinised on an annual basis.

3.7.10. **The Committee applauds the Agriculture Act’s commitment to supporting farming by focusing on positive environmental outcomes.**

¹⁵⁰ Gov.UK (2020) Landmark Agriculture Bill becomes law, online, <https://www.gov.uk/government/news/landmark-agriculture-bill-becomes-law>

¹⁵¹ Ibid

¹⁵² Ibid

- 3.7.11. A more specific, local environmental issue that was brought to the Committee's attention is that of fly-tipping.
- 3.7.12. During the pandemic and lockdowns local farmers have witnessed a significant increase in people visiting the countryside for walks, exercise, and leisure. While this has supported community wellbeing and boosted the local farming economy,¹⁵³ it has also exacerbated countryside issues such as thefts, hare coursing and fly-tipping in particular.¹⁵⁴
- 3.7.13. Farmers play a major role in providing public access to our landscapes. Farmland is the destination of 48% of visits to the natural environment in England. It accounts for about 4.1 billion visits every year and boosts local economies.¹⁵⁵
- 3.7.14. Farmers host and maintain a vast network of rights of way. Since 2006, more than 1,600 farmers have taken part in LEAF (Linking Environment and Farming) Open Farm Sunday, welcoming over two million people onto their farms. The value of educational visits to farmland across the UK is estimated at £1.86 million.¹⁵⁶
- 3.7.15. It is important that farmers continue to play a key role in making the landscape accessible, but fly-tipping remains a problem for them. Fly-tipped waste is costly and time-consuming to remove, dangerous to human health, wildlife and livestock, and in some cases can pollute watercourses and contaminate land.¹⁵⁷
- 3.7.16. Currently, when incidents of fly-tipping take place on private land, it is the landowner's responsibility to remove the illegally discarded waste - even though they have been the victim of a crime.¹⁵⁸
- 3.7.17. Evidence from the NFU and other sources suggests that it should not be the sole responsibility of landowners to deal with the aftermath of fly-tipping, and that more consistency is needed in the way that local authorities, the Environment Agency and the police engage with landowners on this issue.¹⁵⁹

¹⁵³ Kent County Council (2020) Farming Economy Short Focused Inquiry, written evidence

¹⁵⁴ Kent County Council (2020) Farming Economy Short Focused Inquiry, written evidence

¹⁵⁵ National Farmers' Union (2018) United by Our Environment, Our Food, Our Future

¹⁵⁶ Ibid

¹⁵⁷ Ibid

¹⁵⁸ Ibid

¹⁵⁹ Ibid

3.7.18. The Kent Resource Partnership is a joint venture between Kent's district councils and KCC which, amongst other things, looks at how waste management in the county can be improved. It is committed to delivering efficiency and quality in local waste services, with a focus on improving social, environmental and economic outcomes.^{160 161}

3.7.19. The Committee believes that the Kent Resource Partnership is well placed to explore ways in which farmers can be better supported with regard to rural crime and fly-tipping in particular.

Recommendation 11

KCC should encourage the Kent Resource Partnership to explore ways to better support local farmers with the management of fly-tipping.

¹⁶⁰ Kent County Council (2020) About the Kent Resource Partnership, online, <https://www.kent.gov.uk/about-the-council/partnerships/kent-resource-partnership/about-the-kent-resource-partnership>

¹⁶¹ Kent County Council (2020) Kent Joint Municipal Waste Management Strategy (KJMWMS) 2018/19 to 2020/21