

From: Roger Gough, Leader

Barbara Cooper, Corporate Director of Growth, Environment and Transport

To: County Council - 10 December 2020

Subject: **EU Transition Preparedness – Update**

Summary: This report updates County Council Members on the work Kent County Council is undertaking, internally and with local and national public agencies through the Kent Resilience Forum, to prepare for EU Transition on 31 December 2020. This update builds on the County Council reports from July 2018, December 2018, March 2019, September 2019 and October 2020 and several Member briefings.

Recommendations:

County Council is asked to:

(1) Note the updated national and local preparations for the end of the EU Transition phase.

(2) Endorse Kent County Council's continuing focus on Government action needed to resolve final remaining risks and dependencies.

1. Introduction

1.1 The EU Transition period ends on 31 December 2020. Kent's position as the gateway to Europe means that the UK's readiness for the end of the EU Transition phase relies to a great extent, on Kent's readiness. Members have previously received reports on the County Council's preparedness; in July and December 2018; March and September 2019; and October 2020. This is alongside several Cabinet Committee reports, All Member briefings and a paper to Cabinet on 30 November.

1.2 Kent County Council (KCC) in partnership with our national and local partners is continuing to review and refine our preparations against an evolving landscape. This paper provides an update on the issues which have been resolved, and the outstanding risks and Government dependencies detailed in the October 2020 County Council paper.

1.3 KCC is also working with our partners to plan for the potential combined impacts of EU Transition, the continued response to COVID-19, and winter pressures. All Directorates are actively involved in ensuring that the Council

can meet its statutory obligations and Kent's services can continue to be delivered. Importantly, our EU Transition plans have been strengthened and tested by our response to COVID-19.

2. Infrastructure to Support New Border Controls

2.1 Update on Special Development Orders and Inland Border Facilities

2.2 The 'Super' [Special Development Order \(SDO\)](#) was laid before Parliament on 3 September 2020. The order covers the whole of England and is not site specific. Consultation on each site in Kent is currently being concluded, with site specific stakeholder events being held to feed back on the site Operational Management Plans (OMP) and Construction Management Plans for each site.

2.3 Inland Border Facilities (IBFs) are being sourced by HMG at Waterbrook and Sevington in Ashford, and Ebbsfleet. In addition, Manston will be available until July 2021. Negotiations are also continuing to purchase a site within the District of Dover, with completion expected by mid-December.

- From 1 January 2021, the IBF at Ebbsfleet and Sevington will be used by HMRC for customs checks for outbound freight (Sevington will also be used for inbound). Waterbrook will be available as a back up to Sevington. Manston will be used if Port of Dover Traffic is diverted when M20 Brock is nearing capacity.
- Sevington IBF will also be used by the Department for Transport (DfT) as part of the traffic management plan initially. In addition, the Driver and Vehicles Standards Agency (DVSA) will be on site to deal with non-compliant HGVs stopped en route to the ports. They will also carry out their normal core role of roadworthiness checks and driver's hours checks with powers to prohibit them returning to the road if necessary.

2.4 COVID-19 security on sites

2.5 Plans are being developed to manage the risks of COVID-19 on sites. All sites in Kent will be run by contractors procured by either DfT or HMRC. Government departments are currently drafting Operational Management Plans for each site which will cover all arrangements for the sites (and their buildings), including COVID-19 safety measures. Consideration for regular staff testing is also being assessed.

2.6 The Kent Resilience Forum (KRF), in collaboration with the Kent and Medway Health Protection Board, ran a COVID-19 stress test for an EU Transition site on 26 November to test how an outbreak amongst freight drivers or staff would be managed. The test identified where further work is required,

particularly in relation to the need for appropriate on-site medical and welfare services.

3. County Infrastructure and Traffic Management

Operation Fennel Update

- 3.1 The Operation Fennel plan outlines all of the plans that have been developed to ensure the M20 can be kept open to traffic and that disruption for local residents, businesses and other road users is kept to a minimum, in addition to plans for temporary traffic holding areas, under the Government's Reasonable Worst-Case Scenario.
- 3.2 The KRF is also planning for a wide range of other contingencies, including the welfare of those drivers and passengers who may be delayed in queues for long periods of time and communities that may be impacted as a consequence of the traffic management plans. Plans have considered concurrent incidents, including COVID-19 and severe winter weather.
- 3.3 A core part of Operation Fennel will be the Command & Control structure to come into operation for 1 January 2021. A strategic coordinating group will feed into various government departments and in turn a tactical coordination group will receive regular information from a number of 'multi agency cells' including a Transport cell which will monitor the state of the road network across Kent, which will help decisions regarding invoking various stages of the traffic management plan.
- 3.4 Traffic modelling has been carried out across the network and in the vicinity of all the sites to ensure the plan can be used to its full potential. It is essential that accurate data is available to the analytical cell to assess the impact on key junctions, such as M20 J10A, and local communities that may be affected by traffic en route to Manston. In addition, key routes from communities to the major hospitals in the county are being assessed to monitor the effect of increased local traffic.
- #### **3.5 The triggers for invoking the Traffic Management Plan**
- 3.6 There are a number of triggers involved with various stages of the Operation Fennel traffic management plan. The decision to invoke the stages will be made by Kent Police Tactical Commander:
- Over the weekend before 31 December, Highways England (HE) will install the Quick Movable Barrier (QMB) as M20 Brock between Junction 9 at Ashford and Junction 8 at Hollingbourne.
 - On Day One (1 January 2021) Freight will initially continue to use existing routes to the ports via M2/A2 & M20/A20. New IBFs will be open at Ebbsfleet and Sevington to enable any HMRC checks if required.

- The first trigger will be the requirement for TAP20 approaching Dover, which can hold up to 500 HGVs. All Port Traffic will be directed to use M20/A20.
- Port bound freight will use the coastbound carriageway between M20 J8 & J9 in 'free flow' within Brock.
- The second trigger will be when TAP20 is filling and/or Eurotunnel freight is likely to queue onto M20 at J11A; at this point Brock will become 'active' with HGVs held at traffic lights prior to J9, Eurotunnel freight on the hard shoulder and Port of Dover freight in lane 3 – allowing two free lanes for emergency vehicles. In addition, the IBF at Sevington can hold freight, total capacity for the two locations is around 3,200.
- If M20 Brock is reaching capacity, Dover bound HGVs will be diverted to Manston. Manston can hold 4,000 HGVs, with an additional 300 held at TAP256 at Whitfield.

3.7 KRF have been working with the Police and ports in Hauts-de-France to ensure the sharing of information on traffic flows on each side of the channel. This will enable an early heads-up on any issues that may initiate any of the above triggers.

3.8 Prioritised Freight

3.9 Scottish seafood and day-old chicks have been identified by the Government as Prioritised Freight.

3.10 HGVs will meet at Ebbsfleet IBF and be issued a specific permit, clearly visible for enforcement teams, and be allowed to travel through the M20 contraflow to avoid the Brock queue.

3.11 The KRF has strongly advised against any further goods being added to the prioritised freight process. In addition, the process will be strongly enforced.

3.12 Traffic Compliance and Enforcement update

3.13 A major component of the Traffic Management Plan is compliance and enforcement. To limit the impact on local communities, the local road network and key NHS locations, HGVs heading to the ports will only legally be allowed to use specified routes to the ports and the following measures will be in place:

- All freight heading to the ports must be border ready and have a Kent Access Permit (KAP). Automatic Number Plate Recognition (ANPR) cameras will be located on the M2 & M20 to monitor port bound freight. Any non-border ready freight can be stopped by Kent Police or DVSA and fined up to £300 per offence.

- KCC will work with local District, Borough & Parish councils to identify any non-compliant HGVs that may leave prescribed routes and try to use the local road network.
- We are seeking temporary powers, for up to six months, from the DfT to enforce against anti-socially parked HGVs in East Kent as well as Swale and Maidstone.
- Haulage companies based in East Kent and around Faversham and Teynham will be supplied a Local Haulage Permit (LHP) to enable them to travel directly to the ports, without having to travel in the wrong direction to then have to travel back through M20 Brock. LHPs are supplied by KCC to all local companies that have registered vehicles that are licenced to travel to Europe; however, they must be compliant with a KAP. The LHP will be unique to the individual HGV and must be placed in the windscreen to be clearly visible.
- Freight trading in Kent, but not crossing the Short Straits will be allowed to travel freely including the use of the contraflow at M20 Brock and the use of the M2/A2 corridor.

3.14 Engagement activity on EU Transition preparations

3.15 KCC's senior Growth, Environment and Transport (GET) officers leading on the preparations for the end of EU Transition have undertaken comprehensive briefings and engagement with KCC members as well as district and borough colleagues. Since October these include:

- All Member Briefings to KCC members (13 October and 1 December)
- Updates to Kent Council Leaders (8 October, 4 and 26 November)
- Briefings to District and Borough Council Members: Maidstone Borough Council (14 October), Thanet (5 November), Canterbury City Council (19 November), Dover District Council (25 November), Ashford Borough Council (26 November), and an upcoming briefing for Folkestone & Hythe District Council (16 December).
- Updates to Joint Kent Chiefs at their weekly meetings throughout October, November and December.

4. Trader readiness

4.1 Eurotunnel and Port of Dover ferry companies will not allow non-compliant freight to cross the channel. There is limited capacity currently for turn back at each port. It must be noted that even if a trade agreement is reached, a significant level of what is detailed for administrative processes will still be required. In light of this, the Government has increased its communications programme with the following national activity undertaken:

- The ‘Check an HGV is ready...’ service has been tested and is being updated following feedback. The service will be translated into the most commonly spoken languages. The service is planned to go live from mid-December, with traders able to request their KAP from that date.
- The DfT have published a Haulier Handbook which is available at <https://www.gov.uk/guidance/transporting-goods-between-great-britain-and-the-eu-from-1-january-2021-guidance-for-hauliers>
- Virtual industry days have been held both in the UK and in Europe with advice provided by many parties.
- 45 Information Sites have been set up around the UK and advice is available at <https://www.gov.uk/guidance/haulier-advice-site-locations>

5. Directorate Preparedness

- 5.1 A paper was presented to KCC Cabinet on 30 November setting out KCC’s preparedness for the end of the EU Transition period. The directorates’ key preparation activity is summarised below, and full detail is provided in the Cabinet paper which can be accessed through this [link](#).

Adult Social Care and Health (ASCH)

- 5.2 Building on extensive preparations for EU Exit during 2019/20, ASCH have reviewed and updated their capacity and demand management plan alongside the cold weather plan to reduce pressure and manage demand for critical services. They will also maintain a two-way flow of information between the directorate’s resilience group and its services and providers operating in the communities most likely to experience local transport disruption.
- 5.3 **Public Health:** Planning for EU Transition and the ongoing management of COVID-19 includes:
- Public Health England and local NHS input into supporting local operations related to EU Transition are COVID-19 secure, especially provision of Personal Protective Equipment (PPE) to workforce and hygiene installations for drivers when queued.
 - Accessibility to testing for COVID-19, especially for the key infrastructure providers such as the Port of Dover and Eurotunnel to maintain business continuity in the two critical operations, and we will be working with Central Government and the Department of Health and Social Care to have testing at the traffic management sites.
 - Working with the NHS to confirm the local infrastructure, such as the Queen Elizabeth The Queen Mother Hospital (QEQM) in Margate and near Manston, and the William Harvey Hospital in Ashford are protected from potential additional demands from the Inland Border Facility sites.

Children, Young People and Education (CYPE)

- 5.4 Many of the actions and solutions that were advised to schools in KCC briefings last year have already been put in place due to COVID-19, for example remote learning, and managing staff and student absenteeism.
- 5.5 CYPE has identified schools in the vicinity of the IBF sites, Manston, Ebbsfleet and Waterbrook sites - and remains ready to support these schools, and any others, should they be impacted by the escalation of Operation Fennel.
- 5.6 The Fair Access service is working with the Transport Integration Unit and Special Schools to ensure adequate transport provision for Special Educational Needs pupils. In addition, Integrated Children's Services are updating their guidance, including managing support to Unaccompanied Asylum Seekers, responding to Safeguarding and Child Protection cases, and coordinating teams to have a presence at Manston and Sevington.

Growth, Environment and Transport (GET)

- 5.7 **Highways and Transport:** In conjunction with all partners, full plans have been drawn up to ensure that all statutory services can continue with a phased approach to reducing non-essential services in the event of continued disruption, if required.
- 5.8 **Waste management** have liaised with District Authorities to understand their extended collection requirements and have conducted extensive preparation discussions with the Transfer Station operators, the Final Disposal Outlets, and waste off-takers. This will ensure continuity of service, with increased accessibility into the Transfer Stations and onward movement of waste during the evening, as well as the late-night acceptance of the materials at the end destinations.
- 5.9 **Kent Trading Standards (KTS)** have had a permanently staffed Ports Imports Compliance Team in Dover since April 2019. KTS has also been working directly with Government Departments on issues such as product safety, animal health and movement, and feeds. Further information on Trading Standards' preparations is provided in the paper that was presented to the Growth, Economic Development and Communities (GEDC) Cabinet Committee on 17 November 2020. The paper can be accessed through this [link](#).
- 5.10 **Kent Scientific Services (KSS):** COVID-19 secure facilities and work practices have been introduced to enable the KSS laboratory to continue to provide these services. KSS continues to maintain stocks and supplies sufficient to provide continuous operations beyond the reasonable worst-case disruption period envisaged.

- 5.11 **Business Support:** KCC is working with organisations such as the Federation of Small Businesses and the British Chambers of Commerce to cascade relevant information on preparing for the new arrangements to Kent businesses. Public Protection is implementing an End of Transition Campaign aimed at preparing exporters for the end of Transition, using social media channels for key messages to businesses and running events on Zoom with partners to provide specific regulatory advice to exporters.
- 5.12 **Community Safety:** If required, the Community Warden Service will provide targeted support to vulnerable and isolated residents. Emergency supplies, consisting of basic food and drink provision, can be utilised where wardens encounter residents who have been cut off from supplies. The service can then directly link them into local community/food hubs and services as appropriate.
- 5.13 **The Coroners service** will ensure that the service has a workflow for ongoing operational delivery in preparation for potential traffic disruption that could affect access to funeral directors' premises, scenes of death and mortuaries, leading to delays and a knock-on effect on mortuary capacity. The service is also carrying out work on its contractual arrangements with funeral directors and mortuaries to address potential risks.
- 5.14 **Libraries, Registration and Archives:** Staff will continue to work flexibly, as developed in response to COVID-19. Locations for registration of births and deaths will also be prioritised. Ceremonies could have timings disrupted, so the service will engage with external venues and manage arrangements in KCC's own Register offices to allow for flexibility if travel delays are an issue.

Strategic and Corporate Services

- 5.15 **Infrastructure - Property:** Measures implemented to maintain business functionality during the COVID-19 lockdown will continue in order to mitigate any disruption to property operations, and contingency plans are in place to ensure that key property contractors can continue to deliver services, including devising logistics plans in the event of transport disruption.
- 5.16 **Infrastructure - Technology:** The service continues to support a remote workforce with approximately 6,500 staff regularly using systems from home or remote locations rather than from designated KCC buildings. The impact on data sharing between the EU and UK is being assessed. New contracts will need to be reviewed with data clauses reflecting the UK/EU Transition restrictions.
- 5.17 **Finance:** As the detail of the arrangements post-EU Transition are established, impacts could emerge for Government sources of income for KCC. The Government has provided grant to support authorities with the

additional costs associated with planning for EU Transition. The initial grant was paid as flat rate per authority in 2018/19 and 2019/20. The amount for each county council was £87,500. Further grants were announced in August 2019 which provided an additional £87,500 for each county council and a targeted allocation for authorities with major ports; KCC's share of this targeted funding for ports was £1million. In total KCC has received £1,262,500 in EU Transition grants plus the £293,387 for Kent Resilience Forum. Total spending on preparations was £458,400 in 2018/19 and £1,710,800 in 2019/20. Forecast spending in 2020/21 on preparations is £619,100. This results in an overall shortfall of £1,232,400 compared to grants received which would need to be financed from the Council's reserves.

- 5.18 **People and Communications:** Additional staff are being recruited to Kent Communications to support EU Transitions marketing and communication activity. A multimedia marketing campaign in partnership with the Kent Messenger Group is underway to extend the national *Let's Get Going* campaign. Recruitment and training of additional resources for Contact Point is underway to provide resilience if call demand increased.

6. An Enhanced County Emergency Centre (CEC)

- 6.1 To ensure optimal preparedness for impacts arising from COVID-19, EU Transition, and winter pressures there will be an enhanced level of corporate emergency planning availability and regular of review of service business continuity. This will include enhanced County Emergency Centre (CEC) operation, the introduction of a 24/7 Senior Duty Officer (SDO) function, increased frequency of situation reporting, and establishment of a corporate EU Transition/Pandemic/Winter Pressures Business Continuity Group.

- 6.2 The plans include:

- an enhanced CEC operation rota starting from 28 December 2020, which will operate, if required, until 31 March 2021. The rota identifies a REPS emergency co-ordinator as single point of contact for any urgent EU Transition, pandemic and winter pressures related issues.
- the CEC will operate between 08:00 and 20:00 from Monday to Friday and transfer to the Duty Emergency Planning Officer and proposed Senior Duty Officer overnight, at weekends and on Bank Holidays.
- the REPS emergency co-ordinator will be added to the established weekly Command Rota.
- a rota will be compiled by REPS and populated by key individual KCC services, identifying an on-call resilience single point of contact between 08:00 – 20:00 from Monday to Friday, with overnight, weekend and Bank

Holiday periods covered by routine/existing duty, standby and call out systems.

- 6.3 The REPS team currently collate data from individual services into weekly situation reports (Sit Reps) relating to COVID-19, EU Transition, and winter pressures. It is currently anticipated that for EU Transition, daily Sit Reps will commence the week beginning 28 December. This will be informed by the prevailing risk level and when the Kent Resilience Forum (KRF) 'stands up' and moves to daily reporting, and KRF/Government Common Operating Picture reporting requirements. The REPS team will ensure that any issues which arise are responded to appropriately and swiftly. These Sit Reps provide KCC's Corporate Management Team (CMT), KRF partners and Government Departments with an informed overview of KCC's current position and issues.
- 6.4 Daily meetings of the KCC EU Transition/Pandemic/Winter Pressures Business Continuity Group are being reinstated in December. Individual Directorate Resilience Groups will also establish increased meeting frequencies informed by individual operational requirements.

7. Outstanding dependencies and future risks

- 7.1 Since the last update on EU Transition to County Council in October, several dependencies that had been highlighted have since progressed, as described in Sections 2, 3, and 4. However, as 1 January approaches, there are still a large number of national and Government dependencies outstanding, which must be addressed as a matter of urgency in order to ensure smooth operation of post-Transition arrangements within Kent; all of which have been raised directly with Government by both the Leader of the Council and the Corporate Director for GET as Chair of the KRF's Strategic Co-ordinating Group. They are as follows:

7.2 Traffic Management Plan:

- Whilst the KRF is able to plan for the reasonable worst-case scenario (RWCS) of 7,000 HGVs requiring to be held in Kent, there are still concerns as to whether the Government has a national plan to deal with levels of freight beyond the county's capacity, upstream and away from Kent if the numbers exceed the RWCS.
- The availability of a site in Dover for import controls for 1 July 2021 has still to be confirmed.
- The Operational Management Plans for each site are still being drafted by Government departments, and the sites' Command and Control Plans have yet to be confirmed. Furthermore, in light of the ongoing COVID-19 pandemic, KCC, the KRF and district colleagues have demanded that appropriate medical and welfare facilities be available at both the

Sevington and Manston sites in order to protect local communities and the local health infrastructure, particularly demand on local hospitals.

- The County Council is waiting for a decision from the DfT on whether temporary powers will be granted to KCC to enforce against anti-socially parked freight in East Kent, Maidstone and Swale.

7.3 Agree resources to deliver the EU Transition plans:

- Decisions regarding the Port Health Authority use and resources at the Sevington site have yet to be taken by Border and Protocol Delivery Group (BPDG) and Defra.
- Additional resources for Trading Standards staff at the Inland Border Facility sites have yet to be agreed by BPDG and Defra.
- Resources for the compliance and enforcement plan are still being finalised by DfT, Highways England and the Home Office, to underpin all phases of the Traffic Management Plan.

8. Conclusion

- 8.1 Together with our partners, Kent County Council is making good progress in our preparations for the end of EU Transition, through Operation Fennel, the Traffic Management Plan, the actions being taken by KCC services, and the contingency plans already in place in response to the COVID-19 pandemic.
- 8.2 With 22 days to go until the EU Transition period ends on 31 December, there is still much to do to complete the preparations. We are relying on Government to provide medical and welfare facilities at each of the key sites, to ensure that a fully tested 'Check an HGV service' online system is ready and functional for hauliers to be able to cross the Channel as smoothly as possible, and to grant KCC powers to enforce against anti-socially parked HGVs. We also we need Government to provide details of how it will deal with levels of freight that exceed Kent's capacity.

9. Recommendations

Recommendations:

County Council is asked to:

- (1) Note the updated national and local preparations for the end of the EU Transition phase.**
- (2) Endorse Kent County Council's continuing focus on Government action needed to resolve final remaining risks and dependencies.**

10. Contact Details

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11. Background Documents

- Brexit Preparedness - Kent County Council Position to County Council (July 2018)
- Business Preparedness for Brexit update to Growth, Economic Development and Communities Cabinet Committee (July 2018)
- Trading Standards update to Growth, Economic Development and Communities Cabinet Committee (September 2018)
- Brexit Preparedness - Kent County Council Update to County Council (December 2018)
- Preparations by HM Government and the European Commission for a No-Deal Brexit to Growth, Economic Development and Communities Cabinet Committee (January 2019)
- Corporate Risk Register in relation to Brexit to Policy and Resources Cabinet Committee (January 2019)
- Supporting Kent Exporters to Growth, Economic Development and Communities Cabinet Committee (March 2019)
- Brexit Preparedness - Kent County Council Update (March 2019)
- Risk Management: Growth, Environment and Transport Directorate to Growth, Economic Development and Communities Cabinet Committee (March 2019)
- Brexit: Strategic and Corporate Services Business Continuity Arrangements to the Policy and Resources Cabinet Committee (March 2019)
- Brexit Preparedness – Kent County Council Update (September 2019)
- EU Transition Preparedness – Kent County Council Update (October 2020)
- Trading Standards Activity and Preparations for the end of Transition - Growth, Economic Development and Communities Cabinet Committee (November 2020)
- EU Transition update – Cabinet (November 2020)