

From: Roger Gough, Leader
Clair Bell, Cabinet Member for Community and Regulatory Services
Neil Baker, Cabinet Member for Highways and Transport
Simon Jones, Corporate Director of Growth, Environment and Transport
Rebecca Spore, Director of Infrastructure
Haroona Chughtai, Director of Highways & Transportation

To: County Council, 07 November 2024

Subject: Entry / Exit System border checks - Kent County Council preparedness update

Classification: UNRESTRICTED

Summary: This report updates Members on the work Kent County Council (KCC) is undertaking internally, with the Kent & Medway Resilience Forum, and with central government to prepare for the introduction of new Entry / Exit System (EES) border checks.

Recommendation(s):

The County Council to consider the following proposal to:

1. note the national and local preparations for the introduction of EES border checks; and
 2. endorse Kent County Council's priorities for urgent Government action to resolve the outstanding issues as highlighted in this report.
-

1. Introduction

- 1.1 County Council Members have been engaged in planning for the introduction of Entry / Exit System border checks (from now on referred to as "EES checks") through the KCC EES Steering Group, which first met on 9 April 2024. Members have also been engaged on a one-to-one basis as requested, and all members received a briefing on EES on 13 September 2024.
- 1.2 EES checks were due to be implemented on 10 November 2024 by all member states of the European Union (EU) that are part of the Schengen Area i.e. the common travel area where all internal borders have been abolished. This will affect any country outside of this area (i.e. third countries), whose citizens will be required to undertake additional checks when entering a Schengen Area state.

- 1.3 It is anticipated that the extra checks will lead to delays at the border. For the majority of travellers from the UK, this will take place in the country of arrival. However, under the Treaty of Canterbury (1986), the Sangatte Protocol (1991), the Channel Tunnel (Miscellaneous Provisions) Order (1994), the Treaty of Le Touquet (2003), and the Nationality, Immigration and Asylum Act 2002 (Juxtaposed Controls) Order (2003), border controls for Eurostar (St Pancras), Eurotunnel (Cheriton), and Port of Dover are juxtaposed and take place in the UK. Therefore, delays are also anticipated at these locations.
- 1.4 Kent's position as the gateway to Europe means that the UK's readiness for EES checks relies visibly on Kent's readiness. KCC, as the lead agency for EES planning and response in Kent, is working with both national and local partners to prepare for all eventualities. Our preparations are driven by the objective to minimise disruption to local communities and to keep the county open for business. Our plans are being shaped by national planning assumptions and local modelling and are as robust as they can be against a continually evolving background. We are also working across directorates to ensure that the County Council can meet its statutory obligations and continue to deliver public services to our customers.
- 1.5 KCC has worked closely with colleagues from the Department for Transport (DfT), the Home Office, Border Force, and the Ministry for Housing, Communities, and Local Government (MHCLG), to address the potential issues that could arise as a result of congestion caused by delays across the 'Short Straits'.
- 1.6 Whilst KCC and local partners continue to review and refine preparations, there are still various strands of work to be delivered which are part of our ongoing dialogue with Government. These are detailed in Section 7. Following concerns raised by France, Germany and Netherlands in relation to the readiness of the IT systems, which are required to support the EES checks, on the 10 October 2024, the EU Commission made a statement confirming that the 10 November 2024 will no longer be the go live date for the new EES checks. At the time of writing a new go live date is unknown. However, it is essential, that central government, the KMRF, and KCC continue with preparations for when the checks are introduced.

2. Local Resilience and Preparedness

- 2.1 The Kent & Medway Resilience Forum (KMRF) and government departments continue to work together to ensure contingency plans and capabilities are in place to protect life, mitigate the risk of harm and minimise the impact upon communities, essential services, the environment, and the economy of Kent and Medway.
- 2.2 KCC is the lead agency for the KMRF in the planning phase of EES preparations. KCC staff chair the following planning groups:
- Strategic Planning Group (currently meeting fortnightly)

- Tactical Planning Group (currently meeting fortnightly)
- Media & Communications Group (currently meeting as required)
- Kent Traffic Management Group (currently meeting as required)
- Driver Welfare Group (currently meeting as required)

2.3 KCC staff also attend the Vulnerable People & Communities Cell (chaired by Dover District Council / Folkestone & Hythe District Council) and the Data and Analytics Cell (chaired by Kent Fire & Rescue Service staff on behalf of KCC).

2.4 A flexible command structure is being finalised by KMRF partners for any incidents arising from EES checks. Kent County Council will continue to act as Lead Agency, unless a situation arises where there is an immediate threat to life or a counter-terrorism risk, in which case the lead passes to Kent Police. In addition to this, preparations continue for the management of any potential winter related emergencies, such as heavy snow, or winter flooding.

2.5 A multi-agency exercise (including participation by Government departments), Exercise Bute, was held on 4 September 2024 at Detling Showground. This exercise incorporated learning from previous exercises and experience and identified priority areas to be addressed going forward. These included data availability, driver welfare, how EES works in practice, and sharing information about vulnerable people and communities.

2.6 All partners have been encouraged to ensure that their response staff are trained, and several strategic, tactical, and operational command training courses have been run by the KMRF as part of the annual KMRF Training and Exercising Programme. KCC staff have attended these courses where applicable to ensure that we have the capability to respond as needed.

2.7 KCC and KMRF partners have worked to define redlines for service provision i.e. services that must continue to be delivered. Partners have collectively agreed a number of activities (including some provided by KCC) where multi-agency support may be required to enable them to continue, including:

- To ensure emergency services can access congested areas to protect life and minimise harm;
- To ensure health services and social care support can be provided in acute, community, residential, and domestic settings to protect life and minimise harm;
- To ensure any other provision of welfare support by agencies to communities is maintained;
- To ensure access for staff to maintain critical infrastructure (e.g. flood defences, tunnels) and critical services (e.g. NHS 111);
- To minimise disruption to the death management pathway;
- To minimise disruption to environmental services (e.g. waste collection) that could impact on public health.

3. Infrastructure to Support New Border Controls

3.1 At the channel ports:

- **Eurotunnel** – GetLink have redesigned the layout of the terminal at Cheriton with new structures built to house the kiosks where passengers will complete the EES process.
- **Port of Dover** – due to space constraints, the port have agreed with the French Ministry of Interior (MOI) and Police aux Frontières (PaF) that coaches will be processed at the Western Docks, sealed, and driven round to the Eastern Docks to complete check-in and boarding. At present, the only place to process car traffic remains in the buffer zone at Eastern Docks, so a canopy has been erected to allow for staff with tablets to process passengers in their vehicles. The port is in discussion with MOI and PaF about alternative long-term solutions in the port where these checks could be carried out, in order to prevent delays in the buffer zone (which will quickly extend back onto the road network).

3.2 In Kent:

- Options for contingency sites for tourist traffic are being developed by the DfT, supported by the KCC Highways Strategic Resilience Team. These sites would be used to manage flows of tourist traffic at peak times to reduce the risk of queuing on the road network, creating disruption for communities and businesses in Kent. Passengers would have access to welfare facilities at these sites. These sites were planned to be available for the first peak of traffic post-EES implementation, at Christmas. It is understood that although the date of when EES checks go live has been delayed, DfT are working to ensure that these sites will be available for the peak times associated with EES.

3.3 Outside of Kent:

- There are no plans for any infrastructure relating to the channel ports outside of Kent.

4. County Infrastructure and Traffic Management

4.1 Operation Fennel

Operation Fennel is the Kent & Medway Resilience Forum's (KMRF) suite of plans for managing traffic disruption arising from issues at the border. It includes the following plans:

- **Dover Traffic Access Protocol (TAP)** - freight traffic management.
- **Op Brock** – freight traffic management (forecast incidents).
- **Op Brock Zero** – freight traffic management (no-notice incidents).
- **Brenley Corner compliance processes** – freight traffic management.
- **Op Kantion** – tourist traffic management.

- 4.2 Strategic leadership for Operation Fennel is provided by Kent County Council in the planning and response phases. KCC Highways Strategic Resilience team lead the Operational Traffic Management group with KMRF partners to manage traffic management plans relating to border issues, along with supporting Strategic & Tactical traffic management groups.
- 4.3 Op Fennel is complemented by the **KMRF Driver Welfare Plan**. This identifies the forms of welfare that can be provided, and how / when they may be delivered to drivers. It works on two main principles – that drivers must come prepared for delays (promoted via the communications plan) and that welfare will only be delivered to locations where drivers would be unable to otherwise help themselves (i.e. the motorway).
- 4.4 Traffic Compliance and Enforcement
All previous traffic enforcement and compliance powers to manage freight traffic remain in place. This involves the use of Statutory Instruments to compel port-bound freight traffic to use the M20 corridor when Op Brock is in operation.
- 4.5 There is no legislation to direct non-freight traffic. This increases the risk of non-freight traffic using smaller roads to access the channel ports during periods of congestion. The government have indicated that they have no immediate plans to introduce such legislation.
- 4.6 Haulier Permits
Whilst there are Statutory Instruments in place to compel EU bound freight to only use the M20 and A20 to the portals, non-compliance has been a concern. During Summer 2024, the KMRF trialled a permit system. All freight heading to the Port of Dover had to collect a permit at the front of the Op Brock queue. Checks were carried out on approach to Dover and if no permit was presented, the vehicle was sent back to the Op Brock queue. The trial showed an increase in compliance and the system will be used going forward.
- 4.7 In addition to the EU Permit system, there is the Local Haulier Permit. To prevent locally based hauliers seeking to cross the channel from having to go to the back of the Brock queue, KCC Highways have supplied East Kent hauliers who have a European O-Licence with permits unique to their fleet.

5. KCC Readiness - Business Continuity Planning

5.1 Cross-Directorate Resilience Forum

KCC has a Cross-Directorate Resilience Forum in place, with over 20 senior representatives from across all four directorates. The Forum meets monthly, and principally feeds in and out of four Directorate Resilience Groups, whilst coming together to agree a common KCC oversight, preparation, planning and response. The work of the Cross-Directorate Resilience Forum is informed by, and in turn informs the KCC Resilience and Emergency Planning Service.

5.2 Resilience and Emergency Planning

KCC's business continuity planning for EES checks is being coordinated by the Resilience and Emergency Planning Service (REPS) and through the Directorate Resilience Group structures. Service-level Business Continuity Plans (BCPs) are maintained to ensure our services can meet their statutory responsibilities and identify dependencies across corporate services. REPS oversees these plans, ensuring plans are continually updated, and the latest BCP position will be reviewed at each of the four Directorate Resilience Groups, which are meeting regularly ahead of EES implementation. A bespoke KCC EES threat & risk assessment has been developed to assist risk monitoring and mitigation.

5.3 REPS and KCC Comms have worked to ensure timely and accurate communications have been shared with wider stakeholders, including schools and contracted providers. This is to provide reassurance of KCC's preparedness activities. It has also encouraged partners outside of the organisation to review their own Business Continuity arrangements, and undertake communication with their own service users, staff and parents, where appropriate.

5.4 REPS have developed a bespoke EES 'Exercise in a box', 'Exercise Barra' which allows services to test the Business Continuity arrangements against a worst-case scenario. This has been made available to all staff through KNet, with REPS Officers supporting staff to deliver this exercise within their teams to highlight the potential impacts of EES and identify mitigations to be put in place.

5.5 During July 2024, REPS ran three cross-directorate, in person table-top exercises, 'Exercise Jura', with staff from across the organisation. This gave opportunity for services to understand the wider impacts of ESS on the organisations and think about interdependencies that would need to be addressed through their business continuity planning.

5.6 The KCC Corporate BCP will ensure effective oversight of interdependencies across the organisation. Lessons learned and organisational change informed by local adaptation to the COVID-19 pandemic, have strengthened organisational resilience ahead of EES.

5.7 REPS, KCC Directorates and partners are currently liaising on winter preparedness planning. Rotas have been developed to enable staff to cover the County Emergency Centre (CEC) and to reinforce the 24/7 Duty Emergency Planning Officer (DEPO) function. KCC is co-ordinating with National Highways on contingencies for any impacts from severe weather on the highway network during the winter period. Contingencies addressing offsite emergency planning duties for key infrastructure sites, including pipelines, industrial facilities and reservoirs, have all been reviewed and updated ahead of winter, with any specific actions identified and acted upon.

6. Communications

6.1 The KMRF Media & Communications Group, led by KCC, aims to support communities, businesses, and the travelling public, through timely sharing of information, both in the lead up to EES implementation and thereafter. This includes linking into national government campaigns. Working closely with communication teams in both Dover and Folkestone & Hythe District Councils, there is a strong emphasis on warning, informing and reassuring communities and businesses in those areas.

6.2 The two key areas of KMRF and KCC communications to support the implementation of EES checks are:

- **Community messaging:** The primary promotion of awareness of EU EES Checks will be the responsibility of central government comms, and we await the toolkit which they have developed for their campaign. KMRF and KCC comms will then share that awareness campaign, using the national assets. In addition, KCC will supplement the awareness creatives with our own Check Before You Travel and Every Single Journey travel advice campaigns, which can be dialled up in the event of delays and disruption on the roads in Kent. KCC has created a webpage specifically to keep residents and businesses in Kent informed about [EES Checks](#). This links to both the Government advice (EU Entry/Exit System - GOV.UK (www.gov.uk), and the EU's web pages ([EES - European Union \(europa.eu\)](http://EES - European Union (europa.eu))). In the event of disruption in Kent as a result of EES checks, this page will be used to advise residents and businesses on the latest situation on the roads and any impact on KCC services. Regular communications, through district websites and contact lists, KALC, and a range of social media channels, will aim to give people living in the affected areas as much notice as possible of anticipated busy periods when disruption may occur, to allow residents to plan ahead.
- **Business messaging:** The KMRF Media & Communications Group has promoted business and trader readiness, particularly in the Dover and Folkestone areas. A centralised bank of messages directs businesses to national guidance and locally produced content via lead agency social media channels, which is shared and localised by KMRF partners and other appropriate business channels, including Kent Chamber of Commerce, Produced in Kent, and Visit Kent. The KMRF Media & Communications

Group will also support the Government's national campaign to promote and encourage hauliers to be border-ready before they enter Kent, and ensure that local hauliers are aware of the Local Haulier Scheme.

- 6.3 KCC's communications will largely mirror and complement those of the KMRF and anticipates increased demand in three key areas: media, resident and business communications; website and social media updates; and an increase in Contact Centre call demands to both day and out of hours operations. An external communications management plan is in place and will run alongside existing EES communications and compliment the KMRF EES Communications Strategy. A dedicated MRX EES Teams channel will enable KCC directorates to advise the communications team of any service changes, so that these can be quickly added to the EES page on Kent.gov and, where appropriate, shared via other channels, including social media platforms. This will be supported with media releases and social media posts to reach residents across the county. There is potential for increased customer contact and, where possible, plans will be in place to increase resilience.
- 6.4 For internal KCC staff communication, a full and comprehensive communications plan has been developed and is regularly updated, encompassing scheduled and additional messages as required for all colleagues, with supplementary information for managers. The engagement team are ready to provide flexible *ad hoc* messaging and will consult closely with Human Resources / Organisational Development as required, in case further guidance is required for managers.

7. Outstanding issues and future risks

- 7.1 Understandably there are some outstanding issues remaining in preparing for the new EES checks in Kent, and it is accepted and understood by all partners that KMRF plans will be updated and revised as we respond to them and learn lessons (for the KMRF and for KCC) from those responses. Nevertheless, we are keen to ensure that under our leadership for this event, KCC and the wider KMRF are as prepared as possible for the introduction of the new checks.
- 7.2 The majority of these issues rely on other agencies, businesses, bodies, and governments to resolve them. Where this is the case, we continue to push for their resolution and escalate as needed. The situation is very fluid, and things change rapidly, but at the time of writing this report the key issues are:
- 7.2.1 Decisions on the tourist traffic contingency sites – this includes confirming the sites themselves, their operation, and their viability based on the engagement with Port of Dover and the ferry operators (P&O, DFDC, Irish Ferries).

- 7.2.2 Agreement from Government on **funding for KMRF partners** for costs associated with EES planning and response, including staff resources, new capabilities, additional equipment, and mutual aid. Without this funding, there is a financial risk to the agency(ies) making the bid, or a risk that planning and response required may not be delivered.
- 7.2.3 Liaison with the European Union and Police aux Frontières (PaF) to understand how the **precautionary measures mechanism** operates, and how the KMRF can influence the decision to activate it. This is the process where local border officials can reduce the checks, should excessive queues form.
- 7.2.4 Concerns about the technological solution for the Port of Dover, and EES as a whole.
- Due to the lack of space within the Port of Dover, the only solution is to use tablets rather than kiosks, and these have so far proven to be extremely unreliable. At the time of writing this report, the initial solution has been scrapped and we are unclear on its replacement. If the tablets do not work, then there is no alternative plan as drivers cannot exit their vehicle in the buffer zone to use an alternative input device.
 - There has yet to be a simultaneous EU-wide test of the EES system, which raises concerns as to whether it will be resilient (particularly at peak periods).
- 7.2.5 There are concerns as to whether KMRF partner agencies will be able to access the data they need from other agencies / organisations / government bodies to effectively plan, forecast, and then mitigate disruption arising from EES checks. Without data and information, intelligence cannot be developed, which will hinder the ability of partners to respond to incidents.

8. Next steps

- 8.1 KCC has been working across its services and with partners in the KMRF to support planning and preparedness for the EES implementation as set out in this paper. However, KCC and KMRF plans are designed to respond to traffic disruption at the border, ensuring that critical services are able to be delivered and prevent immediate harm to those that may be affected by the disruption. Partners in central government continue to hold the levers to ensure that mitigation measures are in place ahead of any new implementation date and in the long term in relation to border disruption.
- 8.2 The delay to the implementation date is welcome and allows further time in which the risks set out above must be addressed by central government. In the meantime, KCC and the KMRF will continue with its preparations and working with central government whilst a new date is determined.
-

Recommendation(s):

The County Council to consider the following proposal to:

1. note the national and local preparations for the introduction of EES border checks;
and
 2. endorse Kent County Council's priorities for urgent Government action to resolve the outstanding issues as highlighted in this report.
-

6. Contact details**Report Author:**

Andy Jeffery
Head of Resilience and Emergency
Planning
Telephone number: 03000 42 18 71
Email address:
andy.jeffery@kent.gov.uk

Director:

Rebecca Spore
Director of Infrastructure
Telephone number: 03000 41 67 16
Email address:
rebecca.spore@kent.gov.uk