

**From:** Mike Hill, Cabinet Member for Community and Regulatory Services  
Mike Whiting, Cabinet Member for Planning, Highways, Transport and Waste  
Barbara Cooper, Corporate Director of Growth, Environment and Transport.

**To:** Environment and Transport Cabinet Committee – 28<sup>th</sup> November

**Subject:** Update on Preparedness to Respond to Brexit – Transport, Borders and Emergency Planning

**Classification:** Unrestricted

**Past Pathway of Paper:** N/A

**Future Pathway of Paper:** N/A

**Summary:**

This report provides an overview of the plans and work undertaken to date in preparation for potential changes to border arrangements following Brexit.

It focuses upon three key services:

- a. Trading Standards
- b. Highways and Transport
- c. Emergency Planning/Business Continuity

**Recommendation(s):**

The Cabinet Committee is asked to note and discuss the planning and preparedness of services set out in the report.

**1. Background**

- 1.1. The UK will leave the EU on 29<sup>th</sup> March 2019. This will result in a modification to border controls including custom checks. Initial indications have identified that this could materially affect the way KCC delivers its core services, the way Kent's roads function, and the way local businesses and residents go about their day to day activities.
- 1.2. It has been suggested that Kent may need to accommodate delays of around 12 hours on the key routes to the UK border, and the current best estimate is that Kent will need to cope with holding up to 10,000 HGVs on a routine basis.

- 1.3. Concerns remain around the likely changes to custom checks on passenger traffic and the need for trading standards to intervene on a more regular basis due to revised import/export requirements.
- 1.4. Since 2017, KCC has been engaged with Government departments along with local, regional and national partners to try to clarify the potential changes at the border to establish the potential impact across Kent.
- 1.5. Since early 2018, KCC has increasingly allocated resources to develop contingency plans and to identify the various activities necessary to mitigate the perceived and changing impact of Brexit.
- 1.6. All such plans have been focused on minimising the potential impact upon the residents and businesses of Kent arising from changes to border arrangements post-Brexit, and several mitigations have been developed.
- 1.7. We have identified to Government the works, people, facilities, costs and legal authority required to successfully deliver the various mitigations.
- 1.8. This report provides an overview of work to date by the following teams:
  - Trading standards – As the market surveillance authority, KCC's trading standards team is responsible for inspecting goods crossing the UK border in Kent which are referred to the team via UK Border Force and the national Single Point of Contact.
  - Highways operation and transport planning – As highways authority, KCC is responsible for maintaining the KCC-managed network, as well as working in collaboration with Highways England, DfT and other authorities to support resilience of the wider road network across Kent.
  - Resilience and emergency planning – As a Category 1 responder under the Civil Contingencies Act, KCC is responsible for working in collaboration with other Cat 1 responders to support the county's response to, and recovery from, incidents of the kind that is likely to occur from Day 1 of Brexit border arrangements coming into effect.

## **2. Progress to Date**

- 2.1. KCC officers have sought information from Government departments and its agencies to establish traffic volumes, custom control activities and new border rules under consideration. We have worked alongside key partners such as DfT, Kent Police, and Highways England to understand their plans and actions.
- 2.2. The KRF has been actively developing contingency plans and testing assumptions and proposals. Its membership has extended significantly with numerous Government departments, all Kent Districts and out-of-county (or neighbouring otherwise it sounds as if they are coming from all directions!!) police and county councils now participating.

- 2.3. A range of different scenarios and durations of disruption have been considered, including a worst-case scenario. This would entail a no deal scenario where full third country custom checks would be required at the border after 29 March 2019.
- 2.4. In August the planning scenario being proposed by national government was to plan for 6 weeks of significant traffic congestion across Kent, which would include 4 weeks of significant traffic disruption, followed by 2 weeks of recovery of the roads to normal.
- 2.5. Since August, the planning scenarios being considered by government include a worse-case scenario of 6 month of disruption, although this is considered extreme due to the high degree of uncertainty around the likely border arrangements.
- 2.6. It is clear, however, that any deal would entail some degree of disruption to border arrangements with associated traffic congestion. Any change in operation would be expected to lead to some teething problems, at least in the short term.
- 2.7. Work to date has mainly focused not on the detail of border arrangements, which are still to be determined, but rather the impact on traffic congestion likely to be seen as a result of changes at the border. These assumptions are based on an understanding of the capacity of Kent ports and roads.
- 2.8. Such congestion could exceed that of previous incidents experienced in Kent, including Operation Stack in 2015 which saw almost 7,000 HGVs contained on the M20 in Kent. Local Kent roads experienced significant gridlock and exceptionally high traffic volumes as a result.
- 2.9. In 2016, when customs checks became erratic due to weekend industrial action, the county saw significant delays at the UK border across all vehicle types (tourist and freight) and queues quickly formed across both strategic and local road networks. Delays of over 12 hours were experienced.
- 2.10. A dedicated freight traffic management plan, Operation Fennel, is being designed and contains the various mitigations (Dover TAP, Brock contra flow, Manston Airport and M26) available for deployment to mitigate the potential traffic disruption. Work remains ongoing to complete this operational plan and to develop plans for tourist traffic.
- 2.11. Other considerations include the impact upon Trading Standards, as an increase in border checks would have material impact upon this service. As reported to the Growth Economic Development and Communities Cabinet Committee in July 2018, the service has already seen an increase in referrals to inspect third country goods following a number of developments unrelated to Brexit – including the opening of a Fast Parcel Hub at Dartford and an increase in referrals from the Single Point of Contact.

2.12. In light of potential further increases from a change to the way that European goods are handled post-Brexit, the service is working as closely as possible with Government departments and agencies with a remit for border controls and checks to understand the likely changes to requirements for imports and exports post-Brexit, and as a result of this ongoing dialogue, is increasing its staff numbers to ensure sufficient capacity to handle the impact of any changes to border arrangements after 29 March 2019.

2.13. In order to help local authorities, businesses and communities across the country to better prepare, a series of technical notices have been published by Government to try to better articulate the new environment anticipated post-Brexit.

2.14. **Table 1** provides an overview of the progress to date in KCC engaging with and preparing for Brexit across the three services identified in Para 1.8.

**TABLE 1. Planning Progress to Date**

Area of responsibility	Planning
<p><b>Trading Standards</b></p> <p>Lead Director/ Officer: Katie Stewart Steve Rock</p>	<ul style="list-style-type: none"> <li>• Regular engagement of Government Departments through the Kent Border Steering Group (which is co-chaired by KCC and Government and includes a range of Government Departments and Dover District Council as Port Health Authority), and associated working groups, as well as National Trading Standards</li> <li>• Recruitment prepared for a Border Team of between 4 and 14 inspection officers to be based at Dover, managed by the Trading Standards Consumer and Product Safety Team. The exact number is being kept under review in consultation with Government departments and agencies to ensure as accurate an estimate of the likely required capacity as possible.</li> <li>• Seeking of external funds to cover the Border Team and associated costs – some of which are now to be covered by National Trading Standards</li> </ul>
<p><b>Highways and Transport Planning</b></p> <p>Lead Director/ Officer: Simon Jones</p>	<ul style="list-style-type: none"> <li>• Regular engagement with Government Departments through the Kent Strategic Freight Forum and Strategic Operation Fennel Group (which are chaired by KCC, and includes Highways England, Kent Police, DfT, Local authorities and industry) to shape Government's own contingency plans for the affected road network, as well as lobbying for the appropriate national contingency planning</li> <li>• Consistent lobbying of Government for the appropriate enforcement powers to enable traffic authorities in Kent to implement the contingency plans now being developed – and principally to ensure that freight vehicles can be effectively directed to the appropriate contingency locations</li> <li>• Exploration of a potential central location in which to base the operation of highways officers associated with managing the</li> </ul>

	<p>network from Day 1 – likely to be co-located with the emergency and resilience team</p> <ul style="list-style-type: none"> <li>• Direct engagement with Department for Transport to request a range of capital investment and revenue support required to manage Kent’s highways considering the potential transport impacts arising from Brexit.</li> </ul>
<p><b>Resilience and emergency planning</b></p> <p>Lead Director/Officer: Katie Stewart Fiona Gaffney</p>	<ul style="list-style-type: none"> <li>• Review of the Community Risk Register to identify and clarify risks facing Kent as a result of Brexit</li> <li>• Proactive delivery of Operation Fennel – Strategic and Tactical plans for Kent Resilience Forum partners, including transport planning. This includes the mobilisation of Op Fennel Strategic and Tactical Groups earlier this year to start reviewing and preparing the necessary plans.</li> <li>• Exercise, Equity, held on 30 October to discuss and shape the tactical plans developed to date for traffic management</li> <li>• Four additional exercises in early 2019 to test the partnership operation of the County Emergency Centre</li> <li>• Development of a Kent Resilience Forum Brexit Coordination Group</li> <li>• Employment of a Brexit Coordinator, Brexit Comms Officer, and a Brexit Project Officer to provide a dedicated team to coordinate the efforts of partners through the Op Fennel suite of structures and the associated exercises</li> <li>• A multi-agency communications group</li> </ul>

2.15. The above planning is highly resource intensive, and it is worth noting the impact that this resource pressure has on wider priorities and responsibilities in these areas.

2.16. For instance, in the resilience and emergency planning agenda, the resources of the Kent Resilience Forum have been largely refocused on Brexit border contingency planning, meaning that other previously identified resilience priorities, such as Op Quantity (i.e. the preparation of the county for a potential terrorist attack) and severe weather contingency planning (i.e. community resilience for flood events) have had to be reprofiled to later quarters.

### 3. Business Continuity

3.1. Whilst it is critical that the above three services are as prepared as possible for Brexit, it is also vital to recognise the indirect impact that the traffic congestion and other implications of changes to the border could have on KCC’s other services (for example, disrupted school transport, delayed waste movement, delays to highway maintenance, staff attending work).

3.2. Therefore, in addition to the work of the Resilience and Emergency Planning Service (REPS) to coordinate the response to a worst-case scenario, the

REPS team are also supporting services across KCC to test their business continuity plans against potential Brexit scenarios.

- 3.3. This programme will enable services to put in place contingency measures to cope with and to identify the impact on the services' ability to deliver services.
- 3.4. This business continuity planning and the associated arrangements will be in place up to April 2019 but also into the new financial year to ensure the impact of any new arrangement is managed and monitored appropriately.

#### **4. Post Brexit Business as Usual**

- 4.1. It is recognised that a new and different routine will follow Brexit in the medium to longer term. This will impact both those services directly involved at and around the borders but also on our wider service delivery.
- 4.2. Work is underway, but until the final Brexit arrangements are confirmed, it is difficult to establish the new normality of custom checks and traffic volumes.
- 4.3. The work will consider issues such as new infrastructure which may be required for services affected by revised traffic volumes and how to overcome the recruitment challenges for those areas of the business that have traditionally relied on staff from the European Union.
- 4.4. Consideration is being given elsewhere in the business to the impact of the loss of European funding and how replacement funding can be secured as a result.

#### **Recommendation(s)**

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The Cabinet Committee is asked to note and discuss the planning and preparedness of services set out in the report.

#### **Contact details**

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