

From: Roger Gough, Leader
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To: County Council, 22 October 2020

Subject: **EU Transition Preparedness – Kent County Council Update**

Summary: This report updates Members on the work Kent County Council (KCC) 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 and September 2019.

**Recommendation(s):
County Council is asked to:**

- (1) Note** the national and local preparations for the end of the EU Transition phase.
(2) Endorse Kent County Council's priorities for urgent Government action to resolve the outstanding issues as highlighted in the paper.

1. Introduction

- 1.1 County Council Members have previously received reports on Kent County Council's EU Transition preparedness in July and December 2018 and March and September 2019, alongside several Cabinet Committee reports and all Members' briefings on 5 August and 13 October 2020.
- 1.2 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 heavily on Kent's readiness. KCC, working with both national and local partners, has worked hard to prepare for all eventualities. Our preparations for 1 January 2021 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 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 Kent's public services can continue to be delivered.
- 1.3 KCC has worked closely with colleagues from the Government's Border and Protocol Delivery Group (BPDG), Department for Transport (DfT), Her Majesty's Revenue and Customs (HMRC) and the Department for Environment, Food and Rural Affairs (Defra), to address the potential issues that could be realised as a result of congestion caused by delays across the 'Short Straits'.

- 1.4 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 9.

2. Local Resilience and Preparedness

- 2.1 The Kent Resilience Forum (KRF) and government departments continue to work together to ensure contingency plans are in place to manage and mitigate any disruption to local residents, communities and businesses.

The Coronavirus pandemic and the Government's acquisition of a new site at Sevington in Ashford has led to significant changes being incorporated.

- 2.2 A single Command and Control structure to manage both the ongoing response to the Coronavirus pandemic and the response to the end of the EU Transition period has been agreed. Kent Police, Kent Fire & Rescue and Kent County Council share the strategic lead for this structure, each providing a strategic commander. In addition to this, preparations continue for the management of any potential winter related emergencies such as heavy snow or winter flooding.
- 2.3 A multi-partner (including participation by Government departments) exercise, Exercise Lundy III, was held in September 2020 using an innovative combination of a small number of partners physically gathered in a COVID-19 secure environment alongside a remote platform so that over 90 other partners could learn and contribute. This exercise incorporated learning from previous exercises and experience and identified priority areas to be addressed going forward. Further training and exercising for specific aspects of the plans is scheduled for October and November.
- 2.4 As well as preparing for the potential impact of the end of the transition period in January, preparations are also underway to manage the timetable for the introduction of import checks from 1 July 2021.

3. Trader Readiness

- 3.1 On 23 September 2020, the Chancellor of the Duchy of Lancaster, Michael Gove, gave a statement to the House of Commons outlining the Reasonable Worst Case Scenario (RWCS) planning assumptions for the 'Short Straits' at the end of the EU Transition period. The assumption is that from 1 January 2021, 30-50% of trucks traveling via Port of Dover and Eurotunnel might not be ready for new border requirements, when taking into account empty trucks that will not have the same border requirements. This could reduce flow across the Channel crossings to 60-80% of normal levels, and lead to queues of up to 7,000 trucks in Kent.

- 3.2 It is recognised that trader readiness is key to avoiding significant congestion and that levels of readiness are not currently where Government had hoped they would be. The Government has a programme of business and trader readiness activity – including direct e-mail contact with over 200,000 VAT registered businesses, phone contact with 10,000 EU-only high value traders (who account for 92% of the value of EU trade), one-to-one follow up interventions with unready traders, a programme of webinars aimed at both UK and EU traders, and targeted action on key sectors.
- 3.3 The Government has published the document '[The Border with the European Union: Importing and Exporting Goods](#)'. This sets out the core model that all importers and exporters will need to follow from January 2021. This is a live document which will be updated on an ongoing basis.
- 3.4 The Government has developed a haulier communications campaign which will start in October 2020. This will include direct messaging to the haulage sector. In addition, from November 2020, 45 Information and Advice sites will be launched. These will be used to raise awareness of the new border requirements and the 'Check that an HGV is ready to cross the Border' service. In advance of Transition, these sites will be used to raise awareness and train hauliers on the use of the system. From January 2021, these sites will pivot to delivering advisory border readiness checks and re-routing unready hauliers who cannot make their loads border-ready. In parallel, Government is continuing to deliver their haulier outreach programme to UK and EU hauliers at events, exhibitions and via targeted webinars and industry-led events.

The Kent Access Permit

- 3.5 The Government is clear that it wants to deter unready trucks from entering Kent. In essence, the Government does not want hauliers to attempt to cross the Short Straits if traders have not completed the necessary EU formalities to ensure their goods can successfully cross the border. Automating readiness is a key plank of the Government's plans. The Government is developing a digital service – 'Check that an HGV is ready to cross the Border' (previously known as 'Smart Freight Service') – that will help to automate the process of establishing the border-readiness of an HGV.
- 3.6 The Government expects this service to be operational for January and it will be mandatory for freight using the Short Straits. The service will be staged:
- a) An HGV driver or haulier will use a web portal to answer questions about whether they have the correct documentation needed to cross the border.
 - b) If the HGV driver/haulier has declared that they have the correct documentation, and they intend to cross the border via Port of Dover or Eurotunnel, the web portal will issue them with a Kent Access Permit

(KAP) and instruct them to proceed on their journey. If the HGV driver/haulier does not have the correct documentation, the web portal will instruct them not to proceed with their journey and will provide guidance on how they can become border ready.

- c) Department for Transport will define through the Statutory Instrument process the roads in Kent which freight access will be conditional on having a KAP (which will reflect the traffic management plan). The KAP is issued digitally from the Government's new online system to an HGV, based on self-declared information regarding whether the driver has all the documentation they need to take goods across the Short Straits.
- d) On arrival in Kent, enforcement agencies can use an operator app to scan a vehicle registration number (VRN) to determine whether an HGV is border ready and has been issued with a KAP.
- e) If an HGV is using the conditional roads in Kent without a permit, enforcement agencies can fine the driver up to £300.

4. Infrastructure to Support New Border Controls

4.1 New infrastructure is required to facilitate exports from 1 January 2021 and full import controls from 1 July 2021, which is as follows:

- **For January 2021** - to support movements under the Common Transit Convention (CTC) and for traffic management purposes. Common Transit allows goods to move more quickly between the United Kingdom and Europe for customs declarations and duties, and some customs processes can be completed away from the border.
- **For July 2021** - to support customs compliance checks and checks on Sanitary and Phytosanitary goods at Border Control Post facilities.

4.2 **In Kent** - Transit infrastructure will be in place at: Ashford Sevington Inland Border Facility (IBF), and Ebbsfleet Common Transit Convention (CTC) and (on a contingency basis) at Ashford Waterbrook and Manston. Ashford Waterbrook provides a contingency option for the Sevington site. The site will be used for CTC checks and provide contingency capacity for traffic management. Manston would be used for traffic management (4,000 HGVs). The Government is also seeking a further CTC site near Dover, to be ready for July 2021.

4.3 **Outside of Kent** - there will be inland sites located at North Weald, at Warrington, for a CTC, and Birmingham, and at a small number of information and advice sites.

4.4 Traffic management facilities will be at Ashford Sevington, with Manston as a contingency (subject to commercial agreement). Ashford Sevington will be

capable of holding up to 1,700 HGVs. Ebbsfleet will also be used on a contingency basis as a 'mustering' point for prioritised outbound freight.

5. County Infrastructure and Traffic Management

Operation Fennel

- 5.1 Operation Fennel is the Kent Resilience Forum (KRF) strategy for EU Exit related planning and response. Several strategic, tactical, and operational contingency plans and arrangements support this overarching strategy including traffic management plans for both freight and passenger traffic in Kent.
- 5.2 Strategic leadership for Operation Fennel is provided by Kent County Council in the planning phase and this will transfer to Kent Police in the response phase.
- 5.3 The Operation Fennel Strategic Group considered the latest traffic management plans for Kent at its meeting on 28 September. These plans have been developed in line with Government's 'reasonable worst case scenarios' of 7,000 freight delayed in Kent for up to two days and the sites that have been procured by Government including Sevington and Waterbrook sites in Ashford, Ebbsfleet and at Manston. It is also contingent on further work being completed (see section 9 for more details).
- 5.4 The current Traffic Management Plan involves the following phases; however it is recognised there will be a degree of flexibility in phasing to take account of circumstances at the time:
 - Initial disruption will be managed through the Port of Dover Buffer Zone, holding capacity on approach to Eurotunnel, and for Dover traffic the TAP20 (total capacity c. 2,000 HGVs).
 - Use of Sevington for freight checking
 - Deployment of Operation Brock contraflow (M20 J8-J9: 2,100 HGVs). Highways England will use the new Quick Removable Barrier (QMB) between M20 Junctions 9 & 8, which will enable two lanes of traffic in each direction on the London bound carriageway should the coastbound carriageway be used to hold freight. This will take two nights' closures to implement, as opposed to six weeks previously to install the fixed metal barrier.
 - Deployment of holding capacity at Sevington (1,400 to 1,700 HGVs).
 - Directing Port of Dover traffic to Manston (4,000 HGVs).
 - TAP256 will be used in conjunction with Manston and will hold 300 HGVs, however, if required, a maximum of 440 HGVs can be held.

- 5.5 Ebbsfleet will be an HMRC Inland Border Facility. It will also be used as a Hub for prioritised freight. Should certain freight (including Scottish fish and day-old chicks) be prioritised, vehicles carrying this freight would be required to meet at Ebbsfleet where they will be issued a unique permit and directed to use the A2/M2 to junction 5, to then join the M20 and use the contraflow to the ports.
- 5.6 The traffic management plans will be refined and revised over the next weeks. However, it is important to note that whilst the plans will manage and mitigate freight congestion and keep the M20 traffic flowing in both directions, it will not completely prevent traffic congestion. Whilst the Traffic Management Plan can deal with 7,000 freight, it is expected that before capacity is reached the Government will act to divert and prevent further freight from entering Kent. In addition, in extremis should the road network be overwhelmed, or where specific circumstances dictate, then the previously deployed Operation Stack remains a viable and useable option.
- 5.7 The freight plan is complemented by a revised Operation Perch Plan that outlines the KRF response to driver welfare for tourist traffic.

Traffic Compliance and Enforcement

- 5.8 The Department for Transport (DfT) is leading on planning the appropriate compliance and enforcement plan for Kent working closely with Highways England, KCC and Kent Police. DfT has also recently consulted on secondary legislation for powers via Statutory Instrument (SIs) to enforce freight driver compliance and for freight to only use approved routes to the ports.
- 5.9 Traffic officers will have the power to stop and ask drivers of heavy commercial vehicles to produce any documents relating to the vehicle's journey and goods that are being exported. Traffic officers will be able to direct traffic to use certain roads including the KCC road network and be able to levy a fine of up to £300 for non-compliance. The KRF has urged DfT to properly resource the enforcement plan and to ensure that those resources are in place for 1 January 2021. One option put forward is for DfT to procure private contractors to undertake this work rather than rely on the local Police.
- 5.10 Work is also ongoing to ensure that the relevant Kent traffic authorities have the necessary powers to direct freight vehicles as required. As outlined in KCC's response to the secondary legislation consultation, KCC has asked DfT to consider extending the powers of enforcement and direction to key Kent County Council Highways Officers and explore the extension of traffic management tools such as a yellow box enforcement to relieve critical junction pinch points. DfT have indicated that this additional tool is unlikely to be agreed before late 2021 at the earliest.

Local Haulier's Permit

- 5.11 In addition to the Kent Access Permit (section 3), there will be a Local Haulier's Permit. This will be available to East Kent hauliers that have at least five vehicles that travel across the Short Straits. The permit will enable HGVs to head straight to the ports rather than being required to join the back of the Brock queue.
- 5.12 Domestic hauliers either remaining in Kent or making a journey ending in Kent (i.e. not using the Short Straits) will not require a KAP.

6. Business Readiness

Business support

- 6.1 KCC is supporting businesses to prepare for EU Transition and will support the national campaigns through actively signposting businesses to advice and guidance. Central Government is promoting a public information campaign – 'Get Ready for Brexit'. There is also a national programme of business readiness, the recently announced Business Readiness Fund, and help for exporters to prepare for, and capitalise on, new opportunities.
- 6.2 The County Council website signposts a range of information for businesses (<https://www.kent.gov.uk/business/trading-standards/trading-standards-business-advice/brexit-and-your-business>). In addition, both the South East Local Enterprise Partnership (SELEP)'s Kent and Medway Growth Hub (<https://southeastbusiness.org.uk/kent-medway/uk-transition/>) and the Kent Invicta Chamber of Commerce (<http://www.kentinvictachamber.co.uk/brexit-hub/>) provide information on EU Transition.
- 6.3 Through the Kent and Medway Economic Partnership (KMEP), KCC is actively engaged with assisting business through the [Kent and Medway Economic Renewal and Resilience Plan](#). KCC Economic Development also works with partners including Locate in Kent, Visit Kent and Produced in Kent, who provide bespoke support packages for Kent businesses. In addition to access to finance through our successful Kent & Medway Business Funds, our work with partners includes the Kent International Business programme to consolidate the support offer to businesses in Kent for exporting and the business advice provided through the Kent & Medway Growth Hub.

Trading Standards

- 6.4 KCC's Trading Standards Ports Team is based near the Port of Dover and comprises six Ports Import Compliance Officers. The team inspect consumer goods entering the UK through Kent and has been in place since March 2019.

- 6.5 There are three points of entry into the UK located in Kent: The Port of Dover, Eurotunnel, and the 'Fast Parcel Hub' in Dartford. At the end of EU Transition, a staged approach of compliance checks will mean that between January and July 2021, non-EU goods will continue to be examined at the Ports. However, by July these checks and the checks introduced on EU goods at that time, will be moved away from the Ports to at least one inland border control point.
- 6.6 With the establishing of a border control point in Kent, Trading Standards will be required to carry out checks on imported high risk animal feed. This is a wholly new duty requiring additional qualified staff. As yet the levels of checks required have yet to be determined but there will be increased demands, and officers are working on a business case to bid to Government for additional funding.

Kent Scientific Services (KSS)

- 6.7 Following the end of the EU Transition period, checks on food and animal feed coming into the UK from the EU will be introduced on a staged basis between January and July 2021. The majority of physical checks will not be introduced until July. There is likely to be at least one new border control point established close to the key Short Straits crossings at Dover and Eurotunnel. This new control point is likely to facilitate the importation of both food and feed of a high-risk nature via the Short Straits. Whilst it is not yet certain which local authority will be required to provide the port health service to this control point, KSS provides the Public Analyst service to all those likely to be involved.
- 6.8 During the introductory period of these controls, goods of a high-risk nature will need to enter the UK via an existing border control point. KSS, as part of the national infrastructure supporting the food and feed supply chain, continues to provide analytical services to the majority of the ports in the Southeast. COVID-19 secure facilities and work practices have been introduced to enable the laboratory to continue to provide these services at the capacity likely to be required in a safe and sustainable way.
- 6.9 KSS continues to maintain stocks and supplies sufficient to provide continuous operations beyond the reasonable worst case disruption period envisaged. The supplies are relevant to all aspects of KSS's work including that for the Kent Coroners.

7. KCC Readiness - Business Continuity Planning

Cross-Directorate Resilience Forum

- 7.1 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 and in turn informs the KCC Resilience and Emergency Planning Service.

Resilience and Emergency Planning

- 7.2 KCC's Business Continuity Planning (BCP) for EU Transition is being co-ordinated by the Resilience and Emergency Planning Service (REPS) within the Growth, Environment and Transport Directorate, and through the Directorate Resilience Group structures. Service level Business Continuity Plans are maintained to ensure our services are able to meet their statutory responsibilities and identify dependencies across corporate services. REPS is overseeing service BCP 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 every two to three weeks ahead of 31 December. A bespoke KCC EU Transition risk assessment has also been developed to assist risk monitoring and mitigation across each Directorate.
- 7.3 The Corporate Business Impact Analysis 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 EU Transition.
- 7.4 Seven EU withdrawal themed emergency planning exercises have been facilitated by the REPS team since 1 April 2019 and a 'virtual' EU Transition-exercise has been developed and is hosted on KNet. The exercise parameters were informed by the latest local and national risk assessment and addressed response and recovery, testing command and control structures and response personnel. The County Council contributed to the Kent Resilience Forum's Exercise Lundy III on 22 September, with the Resilience and Emergency Planning Manager leading the KCC cell, which comprised senior personnel from across key services.
- 7.5 REPS, KCC Directorates and partners are currently liaising on winter preparedness planning. Rotas have been developed to enable staff cover to deliver COVID-19 secure operation of the County Emergency Centre (CEC) and to reinforce the 24/7 Duty Emergency Planning Officer (DEPO) function. KCC is co-ordinating with Highways England 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.

8. Communications

- 8.1 For the Kent Resilience Forum's multi-agency approach to communications across Kent and Medway, the KRF Communications Group will manage the parallel incidents of ongoing communications round COVID-19 and that of EU Transition. The Communications Group has three communications plans: EU Transition/Op Fennel, COVID-19 and for Outbreak and Local Lockdown. In the event of concurrent incidents, the KRF multi-agency emergency communications plan will be deployed. Partners in the Communications Group have been assigned roles to ensure timely messaging about COVID-19, EU Transition, Winter Pressures and Severe Weather. Any or all of these will be coordinated by the Group as directed by the KRF's Command and Control structure.
- 8.2 There are two key messaging strands to be progressed to support EU Transition:
- **Community Impact messaging:** this will include advising residents to allow extra time for journeys due to traffic congestion, advising people travelling to carry essential medications with them, consider avoiding non-essential travel, and encouraging residents to check on potentially isolated family and neighbours to ensure they are safe and well.
 - **Business messaging:** there will be a drive to promote business and trader readiness: a centralised bank of messages directing businesses to national guidance and locally produced content via lead agency social media channels and shared and localised by KRF partners with appropriate business channels. The KRF Communications Group will also support the Government's national campaign to promote and encourage hauliers to be border-ready before they enter Kent.
- 8.3 KCC's communications will largely mirror and complement those of the KRF, 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 COVID-19 communications. A prominent page on Kent.gov will give clear messages about EU Transition for residents and businesses which will be regularly updated with links to relevant Government information as it is released and KCC service delivery changes (informed by an internal EU Transition email address for KCC directorates to advise the Communications team of service changes). This will be supported with media releases and social media posts to reach residents across the county. KCC's Call Centre capacity will be reviewed and enhanced if needed.

8.4 For internal KCC staff communication, a full and comprehensive communications plan covering EU Transition, COVID-19 and other incidents 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 as required and will liaise closely with Human Resources/Organisational Development as required in case further guidance is required for managers.

9. Dependencies and future risks

9.1 Understandably there are some outstanding dependencies and issues in preparing for EU Transition in Kent, and it is accepted and understood by all partners that the Operation Fennel Plan will be developed further over the next four to five weeks. While KCC and the Kent Resilience Forum are working through a number of priority actions in order to finalise preparations, there are a number of national and Government dependencies that need to be addressed at pace, and these have been shared with the Chancellor of the Duchy of Lancaster and the Government's Ministerial Committee on EU Exit Operations ('XO Committee'). The key issues are:

9.2 **Traffic modelling** for the M20's Junction 10 and 10a as priority, but also required for Manston, Ebbsfleet and relevant Strategic Road Network junctions (for example, M2 Junction 7, M20 Junction 7 M2 Junction 5). The Department for Transport (DfT) must continue to provide accurate modelling analytical support to the KRF's analytical cell.

9.3 **Border readiness** in terms of maximising the readiness levels to reduce Kent congestion; a national communications plan for key consistent messages about the Port of Dover, Eurotunnel and local partners to be shared with customers, residents and businesses; and assurances that the online 'Check an HGV is Ready to Cross the border' service will be ready for 1 January 2021. The Government's Border and Protocol Delivery Group (BPDG) is leading on addressing these dependencies.

9.4 **The Traffic Management Plan** can only be finalised and become operational if the following is in place:

- Confirmation of the Special Development Orders (SDOs) for each of Kent's five sites by DfT and Ministry of Housing, Communities and Local Government (MHCLG) including the detailed operational plans for each site as well as the respective Command and Control Plans (DfT).
- Agree the final composition of the 'prioritised' freight that will be fast-tracked by the Department for Environment, Food and Rural Affairs (Defra).

- The Government's plans for dealing with levels of freight beyond Kent's capacity, upstream and away from Kent.

9.5 Agree resources to deliver the transition plans, which include:

- Decisions regarding the Port Health Authority use and resources at the Sevington site, and additional resources for Trading Standards staff at the inland Border Facility sites – to be agreed by the BPDG and Defra.
- Agree and procure resources for the compliance and enforcement plan by DfT, Highways England and the Home Office; this will underpin all phases of the traffic management plan.

10. Recommendations

Recommendation(s):

County Council is asked to:

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

(2) Endorse Kent County Council's priorities for urgent Government action to resolve the outstanding issues as highlighted in the paper.

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)