

# PARLIAMENTARY DEBATES

HOUSE OF COMMONS  
OFFICIAL REPORT

Twenty-second Delegated Legislation Committee

DRAFT HEAVY COMMERCIAL VEHICLES IN  
KENT (NO. 1) ORDER 2019

*Tuesday 8 October 2019*

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**The Committee consisted of the following Members:**

*Chair:* DAVID HANSON

Bradshaw, Mr Ben ( <i>Exeter</i> ) (Lab)	† Pursglove, Tom ( <i>Corby</i> ) (Con)
† Caulfield, Maria ( <i>Lewes</i> ) (Con)	† Rashid, Faisal ( <i>Warrington South</i> ) (Lab)
† Charalambous, Bambos ( <i>Enfield, Southgate</i> ) (Lab)	† Shelbrooke, Alec ( <i>Elmet and Rothwell</i> ) (Con)
† Flint, Caroline ( <i>Don Valley</i> ) (Lab)	† Swire, Sir Hugo ( <i>East Devon</i> ) (Con)
† Fysh, Mr Marcus ( <i>Yeovil</i> ) (Con)	† Tredinnick, David ( <i>Bosworth</i> ) (Con)
† Green, Kate ( <i>Stretford and Urmston</i> ) (Lab)	† Warburton, David ( <i>Somerton and Frome</i> ) (Con)
† Heaton-Harris, Chris ( <i>Minister of State,</i> <i>Department for Transport</i> )	† Watling, Giles ( <i>Clacton</i> ) (Con)
Kinnock, Stephen ( <i>Aberavon</i> ) (Lab)	Peter Stam, <i>Committee Clerk</i>
† Maskell, Rachael ( <i>York Central</i> ) (Lab/Co-op)	† <b>attended the Committee</b>
Phillips, Jess ( <i>Birmingham, Yardley</i> ) (Lab)	

The following also attended, pursuant to Standing Order No. 118(2):

Elphicke, Charlie (*Dover*) (Ind)

## Twenty-second Delegated Legislation Committee

*Tuesday 8 October 2019*

[MR DAVID HANSON *in the Chair*]

### Draft Heavy Commercial Vehicles in Kent (No. 1) Order 2019

8.55 am

**The Minister of State, Department for Transport (Chris Heaton-Harris):** I beg to move,

That the Committee has considered the draft Heavy Commercial Vehicles in Kent (No. 1) Order 2019.

It is a pleasure to serve under your chairmanship, Mr Hanson. This instrument is the first in a series of three, along with the Heavy Commercial Vehicles in Kent (No. 2) Order 2019 and the similarly named Heavy Commercial Vehicles in Kent (No. 3) Order 2019. Although order No. 2 will be debated later today and No. 3 is subject to the negative procedure, the Committee should consider the whole package when looking at the first order. Together, the orders support the effective management of Operation Brock and strengthen the enforcement regime that underpins it.

As many members of the Committee are aware, the Government have supported partners in Kent to develop Operation Brock: a co-ordinated multi-agency response to situations of cross-channel travel disruption when capacity for heavy goods vehicles to leave the UK through the port of Dover or the channel tunnel is significantly restricted. We have, of course, been preparing to use Brock should cross-channel disruption occur because of the UK's departure from the EU without a negotiated deal, although it could be deployed as a result of disruption resulting from bad weather or industrial action. Brock replaces Operation Stack and has been specifically designed to keep the M20 motorway in Kent open in both directions, with access to junctions even in periods of severe and protracted disruption.

Operation Brock consists of three phases. The first—Brock M20—is a contraflow queuing system on the M20 between junctions 8 near Maidstone and 9 near Ashford. The contraflow system enables all other traffic to travel in both directions of the M20 on the London-bound carriageway when cross-channel heavy goods vehicles are stored on the coastbound carriageway. When the M20 queuing system reaches capacity, phase two—Brock Manston—would kick in, and cross-channel heavy goods vehicles bound for the port of Dover would be diverted to Manston airport. If needed, phase three—Brock M26—could be used as a last resort to store trucks heading to Europe via the channel tunnel.

The Kent Resilience Forum, which comprises bodies such as the county council and the local police force, is responsible for Operation Brock plans. Any decisions relating to the activation and timing of the different phases of Operation Brock will be taken by Kent police as the gold command in consultation with the Kent Resilience Forum. Although we are undertaking significant activity to inform traders and hauliers of any new

requirements resulting from our departure from the European Union, there is a concern that widespread non-compliance could lead to serious congestion on Kent's roads, as was experienced in 2015 when Operation Stack was deployed for an extended period. That was down to strikes and weather. Almost a third of cross-channel HGVs avoided the traffic system, causing serious traffic problems on the local road network, with part of Kent becoming gridlocked.

The Department has held, and is continuing to have, regular discussions over the past year with the forum and other stakeholders in Kent who are very keen to see measures to strengthen the enforcement of Brock introduced. It is crucial, therefore, that these instruments are brought into force in time for a potential no-deal Brexit to ensure that the scheme operates as efficiently as possible and to reduce the impact on businesses and local communities in Kent.

**Kate Green** (Stretford and Urmston) (Lab): I am listening to the Minister with great interest. Have the Government made an environmental impact assessment of this new proposal?

**Chris Heaton-Harris:** May I come back to that in a second?

I am grateful that time has been found for these debates to take place quickly and also for the speed at which the Joint Committee on Statutory Instruments has scrutinised the instruments.

We consulted on the package of measures this summer and targeted all sorts of people, including key Kent stakeholders such as Kent County Council, the port of Dover and Eurotunnel. The responses received were broadly supportive while providing helpful points of detail that assisted us in drafting the orders as well as raising wider points on the deployment of Operation Brock. I thank everybody who took the trouble to respond.

I will set out the order we are considering today, as well as the other two orders. The No. 1 order confers new powers on traffic officers in Kent. That would enable traffic officers to require the production of documents to establish the vehicle's destination and readiness to cross the border; direct drivers to proceed to a motorway, removing the vehicle from the local road network; and direct drivers not to proceed to the channel tunnel or the port of Dover, except via a specified road or route. Document checks to help make sure a haulier has the right documents on the M20 will be carried out by temporary traffic officers contracted by Highways England and under its direct supervision. Broader traffic management and enforcement will be dealt with by permanent staff from the Driver and Vehicle Standards Agency and the local police.

The order also sets out the amount of the financial penalty deposit, which will be issued and taken immediately at the roadside by the police or staff from the Driver and Vehicle Standards Agency. If a driver cannot make the deposit, their vehicle will be immobilised. That does not mean it will be stuck in a queue forever; rather, it will be stickered and escorted away to a point out of the queue where further action will be taken. The amount of the deposit for breaching traffic restrictions introduced by the other two instruments, or for failing to comply with the traffic officer exercising the new powers, is set at £300.

To provide an overall perspective, I will briefly outline the traffic restrictions that the other two orders introduce. Order No. 2, which will be debated this afternoon, prohibits cross-channel heavy goods vehicles from using local roads in Kent other than those on the approved Brock route. Order No. 3, which has been laid using the negative procedure, prohibits cross-channel heavy goods vehicles from accessing the coastbound carriageway of the M20 between junctions nine and 13, unless the driver is displaying a permit. That permit will be used in the Brock queue between junctions eight and nine, enabling a driver to demonstrate they have followed the approved Brock route and have complied with any border document checks that may be undertaken in the queue. It also sets the amount of the fixed penalty for offences relating to this series of instruments at £300. We have provided that the new powers and traffic restrictions in the orders will cease to have effect on 31 December 2020, in a sunset clause. This coincides with the end of planning permission for Manston airport to hold heavy goods vehicles and it is important we have that in place until that time.

Crucially, these instruments introduce powers that allow for enforceable border readiness checks to be conducted. If a no-deal Brexit happens, the UK economy will become a third country to the customs authorities in EU member states, enabling them to introduce EU border and customs rules. Traders will need to complete processes for customs and provide documentation to their hauliers, who will need it when carrying goods to let those goods move smoothly across this new border. The border readiness checks would look to see if a haulier has those documents.

That is important because, without the right documentation, drivers may not be able to complete their journey in the European Union. The UK port might turn them away because they do not have the required documentation. For example, some of the customs documentation needs to be scanned at the Eurotunnel check-in before the vehicle can board a train or they may be blocked from progressing through an EU port by a member state customs authority. Vehicles could be delayed or fined or returned to the UK, or goods could be destroyed, so that is vital.

**Kate Green:** I hope that the Minister is going to come back to my question on environmental assessment, but I want to ask him another question. Will those checks, particularly in respect of what might be needed at the EU port or subsequently, include checks on whether the driver has the appropriate European driving licence?

**Chris Heaton-Harris:** I was coming back to that, but I will answer both questions at the same point.

Highways England has undertaken the environmental assessment for the M20 Brock as well as individual sites such as Manston—so yes, environmental assessments have been concluded. I am sorry: I have forgotten the hon. Lady's second question.

**Kate Green:** Will there be checking on this side for European driving licences?

**Chris Heaton-Harris:** Yes, there will. Currently, there are more than 50. A host of pop-up sites has already gone up, giving documentation out to hauliers and others to tell them what the checks might be. Yes, they

will need a driving licence and a passport, and obviously some documentation for customs declaration. All that is highlighted in the documentation they are receiving now. They should be able to check that they are border-ready well before they get to the border.

**Kate Green:** I am sorry to interrupt the Minister again and I am grateful for both his answers. Has the environmental impact assessment carried out by the Highways Agency been published and is it possible for us to see it—or to have it placed in the Library, if not?

**Chris Heaton-Harris:** I believe it is. I will find it and try to repeat that in my concluding remarks so that it is on the record, if that is okay.

I was talking about the various checks and why we need to ensure that our hauliers are border-ready. If the Brock queues are stationary, we propose conducting border readiness checks on the M20 and at Manston airport. A haulier deemed ready to cross the border will be given a permit that allows them to go to their port. Unready hauliers, who try to go to the port without a permit, will be stopped, directed to the back of the Brock queue and receive the proposed on-the-spot £300 fine issued by the police or DVSA.

The orders are of vital importance to allow sensible traffic management in Kent. They help demonstrate to the public and business that Operation Brock will be ready, fully operational and enforceable on day one, should it be needed, to deal with the impact of cross-channel disruption. I commend them to the Committee.

9.6 am

**Rachael Maskell (York Central) (Lab/Co-op):** It is a pleasure to serve under your chairmanship, Mr Hanson, as we debate this order. I look forward to debating further episodes in this trilogy. I also welcome the Minister to his place.

The Government are not shying away from taking us off a cliff edge with a no-deal Brexit, and I note that at this eleventh hour they are still bringing forward legislation to try to prevent chaos at our borders and far deeper into Kent. The delay in bringing forward the legislation does not just predict chaos in Kent but highlights chaos in Government in not being well prepared for their no-deal Brexit.

In the light of the risks already highlighted under Operation Brock, further legislation is before us today to highlight extended powers of traffic officers to direct traffic through congestion. Operation Brock provides for a contra-flow queuing system on the M20 at junctions 8 and 9, a lorry park at Manston airfield and, if necessary, holding traffic on the M26.

Paragraph 2 of the order forms the essence of this instrument, where a traffic officer may require a person driving a heavy goods vehicle to provide documentation of the origin and destination of their journey, as well as documentation relating to the goods on board. That must all be visibly displayed. That is a form of border check at a non-border. In addition, the traffic officer can then direct the vehicle to a specific route or waiting area and guard against the routes it is meant to travel along, unless it is local traffic or the lorry is refuelling.

[*Rachael Maskell*]

That is clearly to stop the minor roads of Kent from snarling up and to enable non-HGV traffic to flow on major routes. Through that process, officers will also determine whether certain consignments proceed to the channel tunnel or ports, or not. That highlights how consignments of food or medicines could be seriously compromised should the powers in this statutory instrument be required. Manufacturers of goods should also be concerned that goods could be seriously delayed at the borders.

The order would give powers to the traffic officers to inspect documentation. Failure to provide that, or being in breach of directions given, could result in the driver receiving a summary conviction with a penalty of £300. The legislation is due to come in, possibly by the day after 31 October, and it will remain law until December 2020. I seek clarification from the Minister that that date is to coincide with the end of the transition period, as it currently is in law.

The legislation is a fall-back position for times of severe disruption. Even the threat of that proves the scale of the risk that border chaos could cause. The vast majority of goods flow through Kent, but are similar provisions being made around other ports in the UK, including the enhanced powers of traffic officers? If so, which ports?

How will traffic officers police the process? How many more will be deployed in Kent to manage the process? Will new officers be recruited or will officers be transferred from other places?

The Minister also referred to DVSA staff. Will more DVSA staff be recruited? I know the service is already under severe staffing pressure. If traffic proves to be more severe than set out in the order, do the Government plan to bring forward further legislation? Again, that is unclear. The order highlights the serious risks associated with a no-deal Brexit, and for that reason Labour is focused on ensuring that the Government take it off the table.

9.10 am

**Mr Marcus Fysh** (Yeovil) (Con): May I ask a couple of questions? What processing capacity does the Minister expect for HGVs in the junction area of the M20 that he mentioned? I am concerned about whether that is enough.

Secondly, what facilities will be available at the places where the documents are being inspected so that HGVs with loads can become compliant and Brexit-ready by virtue of obtaining, for example, a transit accompanying document? Where they can offer the load up to be inspected, should HMRC wish it to be?

9.11 am

**Alec Shelbrooke** (Elmet and Rothwell) (Con): Much preparation is going on to prepare the haulage industry and business for the Brexit deadline. Does my hon. Friend the Minister have any indication or feedback on whether hauliers are taking that seriously, given that so many parties on the Opposition Benches are trying to prevent us from actually leaving the EU? Is that standing as a barrier to businesses being ready? They are perhaps getting the impression from this Parliament that it will do everything it can to stop a Brexit result.

9.12 am

**Charlie Elphicke** (Dover) (Ind): I thank my hon. Friend the Minister for bringing the order to the House. Representing Dover, which is literally on the Brexit frontline, I think it important that measures are taken to ensure an orderly Brexit.

I have a few questions for the Minister. First, what exactly is a traffic officer? It is important to ensure the orderly control and flow of traffic throughout Kent, not only on the A2/M2, but on the M20. If the Department and the Government as a whole are settled on trying to get people to Manston and to intermediate parks along the way, it is important not only that Kent police are designated as traffic officers, but that local authorities have traffic officer powers.

For example, let us say that a lorry has parked across a box junction in Dover—not a Highways England piece of road—and Kent police are busy elsewhere and do not have any officers available. It is advisable for the local authority to have traffic officer designation so that it can appoint people to be traffic officers to ensure that box junctions are kept clear and that the townspeople of Dover are able to get about their business, whatever the state of the main roads. That is important not just from the point of view of suppliers getting through, people getting to their jobs and emergency services getting access and so on; it is also important from the point of view of the orderly flow of traffic in the towns, and not simply along the main motorway arteries. I hope the Minister can give me some comfort on that.

The Minister will know that the leader of Dover District Council and I have written to the Secretary of State for Transport on the subject. I hope the Minister will be able to provide some comfort and perhaps even some level of direction and assurance. Perhaps he can even get the Department for Transport to focus on the issue to give the appropriate powers in due course.

The other key issue is that we know there are those who doubt that we can manage to leave the European Union. We know that the Opposition are strongly of the view that we should cancel Brexit and simply remain—they have basically said that time and again. We know what they are up to and we can see it. We also know that the transit convention that we extended in the event of no deal will mean that there is no need for any checks at Dover or Calais. There is no need for any “Project Fear” from the Labour party, which uses fear as a cloak for their true belief that we should remain under all circumstances, whatever the people voted for, scything, as they do, at the very foundation of our democracy.

**Alec Shelbrooke:** If Brexit were cancelled because of a fear of congestion, in leave parts of the world—I believe a great deal of the south-east was leave—there could well be demonstrations holding up the traffic and taking direct action, leading to the same congestion that is feared by the Labour party.

**The Chair:** Order. Before the hon. Member for Dover replies, I should say that a number of points have been made that go beyond the scope of this No. 1 order—into No. 2 or No. 3 orders, or the general debate about Brexit. We really have to focus on the No. 1 order.

**Charlie Elphicke:** I appreciate that, Mr Hanson. My hon. Friend the Member for Elmet and Rothwell tempts me to talk about the importance of making sure that the traffic flows, even when there are demonstrations. That is part of the reason why we need these traffic officers. If someone comes to Dover and glues themselves to the roads, as the Extinction Rebellion people did the other day, it creates a problem. We want to have the powers for people to ensure that the roads are kept open and free.

The key point that I am trying to make about traffic officers is that we will need fewer traffic officers and fewer powers provided that we make sure that we are entirely ready for a smooth Brexit, using the transit convention and making sure that HMRC has done its bit. To conclude, the ideal would be that clearances were done at the factory floor, which is possible, using the transit convention and making sure that HMRC is fully ready, rather than checks at Manston.

My other concern is that the Government's idea of using Manston is problematic. Let us say that Stanislav from Krakow is driving a lorry—many lorry drivers are from eastern Europe and do not have the best grasp of English, but they know where the port of Dover and the M20 are. They will head there come hell or high water. The problem is how on earth we are going to tell them to go somewhere else. How on earth can we tell them that they should sit at Manston and be there, potentially, for days on end?

**Mr Fysh:** My hon. Friend makes an excellent point. I, too, have very serious concerns about the idea of Manston featuring at all in a solution to this, which is why the capacity issue for the processing en route is so important. I think there is a serious danger that if EU hauliers—after all, 80% to 85% are from the EU—find that inconvenient and get fined £300 unless they go to Manston, and that completely upsets their schedules and working time allowances which will get them to a certain point in Europe, they may abandon the route entirely.

**Charlie Elphicke:** That is my prime concern—to make sure that the traffic is free-flowing. The focus really ought to be on making sure that HMRC is ready to give the clearances from the factory floor, rather than on producing a situation at Manston. I am concerned, as are many colleagues in Kent, that if the procedures aimed at directing lorry drivers to Manston are implemented, it will be very hard to persuade lorry drivers for whom English is not their first language to go elsewhere. That is my one concern about this.

I broached this subject because I want Brexit to succeed—unlike the Labour party, which wants to cancel it and to remain under all circumstances. I want Brexit to succeed, so we have put forward solutions to make the best advantage of the transit convention and avoid the need for quite so many traffic officers.

9.18 am

**Chris Heaton-Harris:** I thank hon. Members for their contributions and questions. I will try to take on all of them. If the hon. Member for York Central does not mind, I will start with my hon. Friend the Member for Dover, whose constituency would be more affected than that of anyone else in this room, were Operation Brock

to stand up. He has rightly been very helpful in raising legitimate questions of the Department about the powers that might be required by individuals. He has also represented his constituents, who should expect—and, I hope, if Brock is stood up, can expect—that even though their life will be slightly different, business and life will continue, basically, as normal.

My hon. Friend mentioned using transit. The common transit convention is used for the movement of goods between member countries, and that includes the EU27 and European economic area states. In the CTC, customs declarations are not required at each border, duties are paid only at the final destination, and some procedures can be completed away from the border. So, obviously, it is very sensible for big hauliers or big traders to ensure that they use transit, and we are communicating with them all to try and persuade them that using the transit procedures is the best way to go.

My hon. Friend spoke wisely about getting hauliers, and the traders that use them, border-ready—compliant—way before they start. We are looking at all the ways we can do that, including from a simple communications campaign point of view, to ensure that every single driver who uses the short straits crossing, or another UK crossing, understands what the new processes will be.

I talked about pop-up sites appearing at motorway service stations, at ports and on ferries—and, indeed, at sites in the European Union where we know that many such drivers commence and finish their journeys. The whole point of such sites is to talk to those drivers. We have documentation being translated into 11 different languages. The hauliers' handbook has been not only translated into those languages but road-tested by different road haulage associations—the Road Haulage Association and the Freight Transport Association—to ensure that it works for the people it is aimed at. It is in, not simple language, but the language that people use in their everyday jobs, so that they know what they are expected to do.

We are really trying to get to everybody beforehand. That is why my hon. Friend will have seen signs on motorway gantries reminding people, especially hauliers, that the paperwork that they need may change on 1 November. It is not to make a fickle political point; it is for them to go back to their place of work, and to the traders that use them, and say, "I will need this to make my living—please ensure that you are ready," and to enquire as to how ready they are.

There is a big reason for pointing people in that direction. If traders complete the necessary process, and give hauliers the right paperwork so that they can take their goods over the border, that helps the flow of goods. Our measures are contingency measures, and if there are no problems at the border, as we hope there will not be because the whole campaign of communications and education will have worked, there will be no need to stand up any of these measures. However, as we saw in 2015, problems may occur whether or not we are in the European Union, so it is sensible to have such contingency measures anyway.

My hon. Friend also asked what a traffic officer was, and whether local authority staff could have powers. That is a genuinely interesting point. As someone who has struggled with traffic wardens in the past, I am not sure how much extra power I would like to give them, but a traffic officer is designated by the Secretary of

[Chris Heaton-Harris]

State to support the management and operation of the strategic road network. That is the definition. Highways England has recruited more staff for border-readiness checks. The Driver and Vehicle Standards Agency, the police and Highways England are sourcing staff from outside the south-east, which is obviously where Brock will be stood up and where any problems are most likely to occur. That answers the question by the hon. Member for York Central about why it is just for Kent. All modelling suggests that if there are problems, they will be in Kent. We have done modelling for all the other ports around the country.

**Charlie Elphicke:** My hon. Friend is giving some positive and excellent answers to my questions. I believe that under section 3 of the Traffic Management Act 2004, a traffic officer can be designated in relation to any relevant road in England if he is designated by or under the authorisation of the Secretary of State—not simply for the strategic road network. Highways England needs to think a little way beyond its own personal little interests in running motorways, to the towns with the roads that it does not manage, and the designation by the Department for Transport of traffic officers should be extended to local authorities to manage local roads.

**Chris Heaton-Harris:** My hon. Friend makes a fair point; I will get feedback from officials on the point of law. We are doing everything, but we are completely open; if he or other Kent MPs, or others from the Kent Resilience Forum, believe that there are other things that we can do to make the process simpler and more helpful and to keep things fluid within the county, we are completely up for looking at those suggestions, but we do believe that the contingency measures will be enough to deal with the levels of lorries, on which I have some numbers for my hon. Friend the Member for Yeovil in a moment.

Highways England has recruited staff for the checks and the DVSA will be deploying 130 officers, 60 of whom will come from outside Kent—there will be a lot of people surged into the Kent area for this process. I would very much like to think that that is welcomed by Kent.

**Rachael Maskell:** I thank the Minister for the clarity on the number of additional staff who will be deployed to Kent. Are those people being transferred from other functions and elsewhere in the UK or are they new, additional staff?

**Chris Heaton-Harris:** It is a bit of both. Some are new staff being recruited and some are being transferred from other functions across the United Kingdom.

I hope I have answered most of the questions; I will come back to my hon. Friend the Member for Dover on those I have not. We have a forum later today with Kent MPs and I will have the answers to any questions I have not answered.

My hon. Friend the Member for Yeovil asked me what we are doing to make lorries compliant. I hope I answered that in my comments on the comms campaign. We hope to be using the pop-up sites to tell drivers that they are border-ready. Currently, the message is about making sure that they understand what they need to do.

Where the sites are popular and being used properly, and when we get to 1 November, we hope to move on to messages around, “Yes, actually that is a border-ready document; you should move down to Kent and you shouldn’t have too much of an issue to maintain flow.”

I want to give hon. Members a rough idea of the numbers of vehicles that could be in the Brock process in Kent. The slip road at Eurotunnel has capacity for 450 vehicles. The holding area at the Port of Dover has capacity for roughly 1,100 vehicles. The capacity of Brock M20 will be up to 2,000. Manston airfield will hold around 5,800. The Dover traffic access protocol has capacity of about 300, and if we needed it, the Brock M26 would hold 1,700 or so vehicles.

**Giles Watling (Clacton) (Con):** The plans for many thousands of lorries to be parked as part of Operation Brock are well and good, and I understand that the plans are for the worst-case scenario, as is much of Operation Yellowhammer. I recently made a trip to the continent and I have seen the lanes cut off for Operation Brock up and down the M20. If something goes wrong or something does happen, as happened to me on my way to France, all the traffic that would have been on the M20 will go through the lovely lanes of Kent. What is in place to prevent that happening across rural Kent?

**Chris Heaton-Harris:** Brock will be in place to stop that happening. The powers we are discussing today will be the powers that the police and the representatives of the highways authorities will be using to stop lorries from doing exactly that. That is why we are here today to examine this statutory instrument and the other two with which it is associated. There are powers that can be used in bits, but, realistically, this is the law that the Kent Resilience Forum and others have been calling for, to stop exactly what my hon. Friend has described in his intervention happening.

**Charlie Elphicke:** I thank my hon. Friend for giving way; he is being incredible generous.

My hon. Friend’s previous intervention makes exactly the point that I am concerned about. Highways England has a habit of thinking only about its motorway network; it does not think what happens when people duck off to go through side streets and rat-run through villages. It is not Highways England’s road network, so it is not interested. That is why we need designation of traffic officers or direction of Kent police to do their job properly in east Kent, because they do not always do it as well as one might want them to. In the case of Operation Stack and so on, we need that designation to ensure that there is enforcement of lorries that seek to rat-run, or that obstruct roads in towns and villages.

**Chris Heaton-Harris:** I understand my hon. Friend’s point. To answer his earlier point, and hopefully this point at the same time, he is quite right to say that designated traffic officers can work on local roads, but they are mainly meant to be relieving problems on the strategic road network. However, we are considering designating Kent County Council officers to support Brock in this circumstance—it is not Dover Council, which I think is where his question came from, but Kent County Council officers. I hope that is of some assistance to him.

I want to finish on a couple of additional points that the hon. Member for York Central raised. She made a point on the timing and asked why the plan was timed to end at the end of December 2020. It is actually nothing to do with the transition period; it is when the planning permission allowing us to mount the operation at Manston finishes. It is about planning; it is not about any transition period should we get a deal. Why is it so important that it is done in Kent? Well, 80% of the UK's freight goes through the Kent ports—a big percentage of our trade goes through them.

**Rachael Maskell:** If there is serious congestion at Folkestone and Dover ports, haulage companies will look to other locations through which to cross the channel or the North sea. Are discussions under way about contingencies in those areas, should they become the key route that traffic flows through in the future?

**Chris Heaton-Harris:** Yes. That is a legitimate question about what would happen should Folkestone and Dover get very busy. My personal belief is that if I was running a business—I used to import wholesale fruit and veg for a living, and I have used the short straits crossing a huge amount in the past for my business—and was worried about there being a problem, I would divert my route. That is why the Government have already announced that an extra £9 million is being made available to local areas and major ports, so that they are ready for us to leave without a deal. Some £5 million of that will be given to local councils that either have or are near major air, land or sea ports, to ensure that they can continue to operate effectively when we leave the EU. We have also done the traffic modelling and shared it with the local resilience forums in each of those individual areas, and we are working with them to ensure that they are completely ready for when we leave the European Union later this month. It is a completely legitimate and fair question, and I appreciate the hon. Lady's asking it, so that I could clarify that point.

My hon. Friend the Member for Elmet and Rothwell asked me a vaguely political question, but there was a sensible question within it: are hauliers taking this seriously? It is not that the political question was not sensible; I just do not want to be told off by you, Mr Hanson, tempted though I may be to leap in. I can honestly say that hauliers are taking this seriously. I have been in lots and lots of meetings with both business representatives and organisations of the freight and haulage industry, and indeed with big and small individual companies, and they all understand what impact this might have if it were to go wrong. They all understand that if they and everybody else get the paperwork right, there would not be the problem we are discussing and we would not need the contingency plan—Brock—because flow would continue. We need to continue—we will do this as a Government and, I hope, as individual Members—to say to anybody we meet from a haulage company, “Are you Brexit-ready?” The Government should have written to them a number of times through different Departments, Her Majesty's Revenue and Customs and so on. They should have seen the adverts that have been in the papers and on motorway gantries. There are pop-up sites up and down the country, and we are using the trade press. They have all sorts of opportunities to notice them. It is their living.

I used to work with the haulage industry, importing fruit and veg, and I know that, although hauliers put things off to the last minute because they do not want to take on board the extra expense, when they know that it is about their livelihood and those of the people who work for them—they might be a small operator with one or two rigs—they take notice. They do not want to be held up. There are not massive margins in the haulage industry, so delay costs could cost them business and therefore profit, or their living. I believe that they are absolutely taking this very seriously.

**Mr Fysh:** The Minister is being very generous in giving way. Was he going to come back to my question about whether there will be facilities for hauliers to undertake customs-readiness en route? My concern is that if the capacity fills up in Folkestone, Dover and Ashford—where there are customs processing facilities where they can get their documents right in the evenings when they fill up with the hauliers from Europe who want to stay the night—there will potentially need to be some en route capacity in the areas where the trucks are being held; otherwise, they will have to divert to different places, and they will not want to.

**Chris Heaton-Harris:** Although that is not necessarily part of this debate, I would like to answer it. I mentioned, but probably did not emphasise enough, that we are looking at changing the very popular pop-up sites that we have for this basic communications campaign—the ones where we get a huge amount of footfall—so they can check the paperwork, as my hon. Friend describes, and inform drivers about whether they are border-ready and have the appropriate paperwork. If they get into Kent, there are turnaround sites, which HMRC is setting up, on top of the numbers that I mentioned in my previous answer to my hon. Friend. For people who believe that they can get ready to cross the border within 24 hours, there will be facilities for them to do so.

I apologise for not addressing the question that my hon. Friend asked about facilities. He asked what the facilities will be for drivers and others if we are doing all this. There will be facilities—we will ensure that we look after drivers' welfare properly—that include toilets and food. At Maidstone, there will be things like access to the internet and printers, so if paperwork needs to be checked and changed, drivers have the ability to do that. We are very cognisant of the welfare of drivers in that industry, which is very important to our nation.

**Charlie Elphicke:** Before the Minister took the intervention of the hon. Member for Yeovil, he was touching on the heart of the matter: there need not be any problems at the border, and there need not be any traffic officers at all. We need them only against the risk of a punishment Brexit from the other side. Only the European Union, and those in this House that it consorts with on the drafting of Bills and legislation, could cause that kind of problem and undermine our nation and national interests, and act in a frankly unpatriotic way.

My second point, which is key, is that the Minister has kindly confirmed that Kent County Council will be designated to have traffic officers; that is great. Will KCC have the ability to give a sub-designation to local authorities at district council level, should it wish to do so?

**Chris Heaton-Harris:** As I hope I said, we are considering the point about Kent County Council officers. We will wait until we actually need to do that before we consider going to other local councils. On the hon. Gentleman's first point, a general election will come, and we will all be judged on what we did. The British public are not silly, and they will make judgments themselves. I hear what he said, and I will make my own political points in a more political meeting. I just want to ensure that everybody understands the purpose of what we are doing today with this statutory instrument.

I want to clarify for the hon. Member for Stretford and Urmston that when I was talking about drivers' licences, I was talking about them in the context of Brock—in other words, drivers going out of the country. We will not routinely check at the border for drivers' licences for people coming into the country; we will

maintain the checks that we have now. I think I made that point, but just in case I did not, I thought I should say that.

I hope I have managed to address all the points that were raised in the debate. These instruments are essential to ensure the effective management of traffic in Kent for the benefit of its residents and businesses in the event that we leave the European Union without a deal. I hope the Committee has found this debate informative and will support the order.

*Question put and agreed to.*

*Resolved,*

That the Committee has considered the draft Heavy Commercial Vehicles in Kent (No. 1) Order 2019.

9.41 am

*Committee rose.*



