

**WELWYN HATFIELD BOROUGH COUNCIL
ENVIRONMENT OVERVIEW AND SCRUTINY COMMITTEE – 12TH SEPTEMBER 2016
REPORT OF THE DIRECTOR (GOVERNANCE)**

FLOOD RESPONSE FUNCTIONS

1 Executive Summary

- 1.1 This report summarises the Council's role in connection with preparing for, responding to, and recovering from flooding incidents within the borough. It is presented from the resilience and public health perspectives and therefore does not cover the wider flood risk management functions of the Council in respect of planning, enforcement, riparian ownership, landlord functions and the regulation of ordinary watercourses.

2 Recommendation(s)

- 2.1 That Members note the contents of this report, the Council's responsibilities, preparations and the work to date.

3 Explanation

- 3.1 The Civil Contingencies Act 2004 was introduced to address gaps identified in national resilience arrangements and the response to incidents, including flooding, the fuel protests and the foot and mouth disease outbreak.
- 3.2 The Act designated certain organisations as either "Category 1" or "Category 2" Responders, with duties conferred upon them accordingly. Category 1 responders include the Fire, Police and Ambulance services, local authorities (Districts/Boroughs and Counties), the Environment Agency and certain NHS bodies. Category 2 responders have a duty to co-operate with category 1 responders and include utility, telecommunications and transport operators, as well as the Health and Safety Executive.
- 3.3 The duties on Category 1 responders are to:
- Assess the risk of emergencies occurring and use this to inform contingency planning
 - Put in place emergency plans
 - Put in place business continuity management arrangements
 - Put in place arrangements to make information available to the public about civil protection matters and maintain arrangements to warn, inform and advise the public in the event of an emergency
 - Share information with other local responders to enhance co-ordination
 - Co-operate with other local responders to enhance co-ordination and efficiency

- Provide advice and assistance to businesses and voluntary organisations about business continuity management (local authorities only)

3.4 The Act also provides a statutory definition of ‘emergency’, which is:

"An event or situation which threatens serious damage to human welfare in a place in the UK, the environment of a place in the UK or war or terrorism which threatens serious damage to the security of the UK."

3.5 More usefully there is also an agreed definition of ‘major incident’; a major incident being characterised by:

- A major incident is beyond the scope of normal operations or business-as-usual;
- A major incident is likely to involve serious harm, damage or risk to human life or welfare, essential services, the environment or to the security of the UK;
- The severity of impacts associated with a major incident are likely to constrain or complicate the ability of emergency responders to manage the incident;
- A major incident is likely to require a multi-agency response, rather than just a single-agency response, which may include multi-agency support to a primary responding agency.

3.6 Key staff receive ongoing training to enable them to plan for and work within the command structures that would be put in place across all agencies in response to a major incident (or emergency).

3.7 Following the major flooding during summer 2007, Sir Michael Pitt was commissioned to undertake an independent review (“the Pitt Review”) and make recommendations on improving the UK’s flood resilience. His report made several recommendations, including some around resilience, information gathering and sharing, protection of infrastructure and the roles of the agencies involved. This far reaching review has had significant impacts on the way the UK addresses flood risk, including legislative change in the form of the Flood and Water management Act 2010. A further review is awaited - National Flood Resilience Review, to be chaired by Oliver Letwin year.

3.8 Flooding therefore has the potential to be considered both an emergency and/or a major incident in accordance with the definitions cited here. It is usual for a major incident to be declared by one of the three blue light emergency services.

3.9 The following paragraphs set out what WHBC does in relation to these CCA duties, with particular regard to flooding.

3.10 In terms of the CCA duty to assess risk, the risk of flooding in Welwyn Hatfield remains low overall. There are several main rivers within the borough, along with many miles of ordinary watercourses, but these only rarely result in the potential for property flooding as most are primarily in rural areas. Flooding from rivers and watercourses is known as fluvial flooding. The highest risk area was around the Mimms Brook at North Mymms (Warrengate Road), but in recent years this has been mitigated by investment in a flood defence wall and barriers erected by the Environment Agency, which has lowered the risk further.

- 3.11 The second type of flooding is fluvial flooding, arising from excessive rainfall. This comprises surface water flooding, ground water flooding and flash flooding. It is this which generally affects Welwyn Hatfield to a greater extent and there is little doubt that we are seeing an increase in such incidents as time goes by.
- 3.12 Our assessment of risk is informed by the county wide Community Risk Register (a statutory requirement under the CCA) along with our own evolving experience of flood incidents within the borough.
- 3.13 In relation to emergency plans, WHBC maintains its own generic emergency plan, which sets out the response arrangements that would be put in place for any incident occurring within, or affecting, the borough. While not specific to flooding, it captures the key risks contained in the Community Risk Register, and is a flexible and scalable plan.
- 3.14 The Council receives detailed information on potential weather events from the Met Office Public Service Advisor, and the Flood Forecasting Centre. We are also signed up to the Environment Agency's Flood Warnings Direct service, which enables us to receive flood alerts, warnings and severe warnings for predicted or actual flooding affecting main river catchments within the borough. Flood alerts (indicating that flooding is possible) are received regularly throughout the year, but these are generally advisory and require no action. We have not received flood warnings (flooding expected – take immediate action) or severe warnings (severe flooding – danger to life) in Welwyn Hatfield.
- 3.15 For more specific and county wide response arrangements, we also operate in accordance with the Hertfordshire Resilience Multi-Agency Flood and Reservoir Inundation Plan, which sets out the respective roles of responding agencies.
- 3.16 Within our response arrangements our primary roles are to set up reception centres for persons displaced by an incident (on request from the emergency services) and to contribute towards any multi-agency command and control structure that is set up. We would also employ Council staff and resources to support the response, for example providing advice and helping to return the community to normal. Like many authorities, the Council does not, despite widespread perception, provide sandbags, and this is covered separately below.
- 3.17 The Act also requires us, as far as is reasonably practicable, to carry on providing our critical services in an emergency. This does not mean 'business as usual' but rather a planned reduction in service provision to provide those activities that are deemed critical at that time.
- 3.18 The duty under the Act to make information available and to 'warn and inform' the public before and during an incident. We fulfil this by having a flood advice page on the Council website, with signposting to information sources, such as the Environment Agency. We are also able to utilise social media to enable pre-flood messages to be pushed out when severe weather is forecast.
- 3.19 During incidents, the out of hours control centre are able to deliver agreed messages to residents who call the emergency number and a similar arrangement can be invoked with the Council's contact centre during working hours. We are also adopting the Environment Agency's 'Extended Flood Warning' service. This gives up the ability to populate the Environment Agency's customer contact system with the answers to likely questions that residents might ask relating to flooding. During a flood event we can also dynamically populate

the system with incident specific information, for example the location of reception centres. We are the only district or borough Council in Hertfordshire to be using this system so far.

- 3.20 Following on from a flood event, we are able to visit those affected to offer appropriate advice, including for businesses who may, for example, have issues around stock loss or the contamination of foodstuff.
- 3.21 We have also used 'Life' magazine to offer information around flooding to residents, as well as related information such as how to sign up as a priority user with UK Power Networks.
- 3.22 A further warning and informing activity is our participation in the 'Crucial Crew' programme for year 6 pupils, where we work with the Environment Agency and HCC to deliver messages around flood water safety.
- 3.23 Throughout our planning and response activities, we share information with other responding agencies and also co-operate with them as part of the Local Resilience Forum. An example of information sharing would be helping to identify vulnerable people within the affected areas from data that we hold, so that they could, if necessary, be prioritised by the emergency services. On a day to day basis, the Council, along with other responders, input to planning across the county and also take part in exercises, some of which have included flood related scenarios.
- 3.24 The final CCA duty, unique to local authorities, is that of offering advice to businesses around business continuity. As already explained, this advice is generic, and covers a multitude of disruptive incidents, flooding being but one. We have developed a short, workshop based session for small businesses, which includes useful tips around flood resilience and this is now offered as part of the portfolio of courses offered by the Public Health and Protection Service.
- 3.25 As well as duties under the Civil Contingencies Act the Council is responsible for assisting with managing the health impacts of flooding. These health effects can be described as either direct or indirect.
 - Direct health effects are those caused by the immediate effects of flood water, including drowning and physical trauma.
 - Indirect health effects are the consequences of flooding and include the impacts from damage to infrastructure, water supplies, displacement and disruption to people's livesⁱ

Floodwaters can contain pathogenic (harmful) bacteria that remain when the water recedes. As a result, surfaces, equipment, clothing or food products that has come into contact with the flood water could potentially be contaminated and pose a risk to human health. The effective clean up of properties and the control of damaged or contaminated goods, such as food products is vital to reduce the risk of ill health or harm to our communities.

- 3.25 The Environmental Health Team is able to provide advice and guidance to our residents and businesses following floods. If necessary, there is also at our disposal, the potential to use various enforcement tools to ensure that the risk of ill health or harm is reduced. This includes powers to require mandatory cleaning and disinfection and also discretionary powers to assist owners, occupiers and

tenants with the clean up. Additionally the team can provide insurance condemnation certificates to help with claims made against insurance.

3.26 Unfortunately the team do not have the resources available to be able to physically assist in the clear up operation. However, the advice and guidance together with potential enforcement action will greatly assist in ensuring that an effective and efficient “clean up” operation can take place.

3.27 Listed below are some of the issues that the team may be required to deal with in the event of a flood and this may be by providing advice or by taking formal action:

- Cleaning up a property. This may include advice on suitable cleaning methods and chemicals for a wide range of environments and surfaces, the safe removal and disposal of contaminated material.
- Infection Control. This may include advice on the safe use of drinking water, the safe use of gardens or sports pitches following a flood.
- Food Safety. It is important to note that bacteria and water-borne infectious diseases can be transmitted in floodwater and contaminate food, food storage and food preparation areas. Furthermore, disruption to power supplies to fridges and freezers due to flooding can result in spoiling of perishable foods. Food that has been contaminated or spoilt must not be allowed to enter the food chain.

3.28 Finally, the negative effects of flooding on an individual’s wellbeing must not be underestimated and those at risk of repeated flooding may be particularly susceptible. The mental health impact of living through flooding of a home or a loss of livelihood can have a profound effect on a person’s well-being and this impact may persist for months or even years after a flood incident.

3.29 It is a common perception that in the event of a flood Councils will automatically deploy staff with sandbags to the flooded location. This is not the case for a number of reasons.

3.30 Sandbags are widely perceived to be an effective solution to prevent flood water ingress. They remain one of the main requests received during flooding incidents and there is still a widespread perception that Councils provide these, though there is no statutory obligation to do so. While it is true that some Councils do still provide them, many do not as the responsibility to protect against flooding is that of the householder. As a Council we consistently reinforce the message that we do not provide sandbags and it is part of the flood information on the Council’s website. We publicise the Blue Pages Directory, run by the National Flood Forum, which is an online directory of flood resistance and resilience product suppliers. Such products are far more effective than sandbags.

3.31 It is worth considering the well documented limitations of sandbags below:

- It takes two people to fill them (unless an expensive sandbag filling machine is used).
- They take time to fill (approximately one hour to fill 12 sandbags).

- They cannot be pre-filled as the bags can biodegrade and the sand goes solid. If they are pre-filled, they take up large amounts of storage space.
- It takes six bags to protect a standard doorway against 20cm of flood water, each bag weighing approximately 15kg. To achieve any measure of protection, bags must be properly placed and trodden into place – again a time consuming process.
- They can be difficult to handle and trucks and labour are required to distribute them.
- In a flood incident there would have to be prioritisation, meaning that many homes would still not receive them in time to be of any use
- It is difficult to place sandbags in water and particularly in running water.
- Sandbags do seep water even when well-stacked and trodden into place.
- Sandbags must be treated as contaminated waste as floodwater must be presumed to contain sewage.

3.32 In the event of a major incident relating to flood it would be necessary to invoke the Council emergency plan and for a command structure to be put in place. This would involve a number of specific service areas and also staff volunteers taking on specific roles. It may also become necessary for specific decisions regarding funding and support to affected members of the community to be taken in quick time by appropriate members in order to respond to the incident and help facilitate recovery and return to normality.

4 Legal Implication(s)

4.1 Local authorities have several legal duties and powers to deal with issues around flood risk management. This report does not address the detail of these, but they are set out below as an overarching summary to aid understanding and provide context:

- The authority may have 'riparian ownership' responsibilities as a landowner;
- The Flood and Water Management Act 2010 identifies district authorities as Risk Management Authorities, and county Councils as Lead Local Flood Authorities (LLFAs). This Act and the modifications it makes to the Land Drainage Act 1991 sets out the roles and responsibilities of district and borough Councils relating to ordinary watercourses and the powers to manage flood risk from these. The Local Flood Risk Management Strategy produced by the county Council as Lead Local Flood Authority (again under the 2010 Act) sets out the context for the exercising of those powers.
- There are a range of other provisions in the Land Drainage Act 1991 including the ability for district Councils to make byelaws relating to ordinary watercourses. The current WHBC Byelaw number 18 is in place, but outdated, and its future is under review;

- The county Council as LLFA has the regulatory function for ordinary watercourses. This gives the authority powers to give consent for works on ordinary watercourses, along with enforcement powers;
- The regulatory role is significant in relation to the development control function of the district Council as local planning authority.
- The Civil Contingencies Act 2004 (CCA) confers general duties on local authorities to plan for, respond to and recover from emergencies, including arrangements for co-operation, communication and information sharing;

4.2 As well as the specific legislation detailed above, it is important to note that there are a wide range of powers available to the authority which can be used to prevent the spread of infection and to reduce the risk of ill health to our residents following flooding. These powers are explored in more detail earlier in the report.

5 Financial Implication(s)

None directly arising from this report. There is budget in place for emergency planning, however in the event of a “major incident” it may be necessary to have discussions with Members regarding the need for any additional spend outside of the base budget, this could for example be in connection with assistance clean up and recovery costs.

6 Risk Management Implications

- 6.1 The risks related to this proposal are covered by the Council’s strategic risk of Corporate Resilience.
- 6.2 There are staff safety risks arising from work near flood water and the appropriate risk assessments are used to make sure staff are not put at risk.
- 6.3 There is a reputational risk to the Council if we were unable to respond to a major incident in a satisfactory way and in the most serious of cases this could be via a public enquiry.

7 Security & Terrorism Implication(s)

7.1 None directly arising from this report.

8 Procurement Implication(s)

8.1 None directly arising from this report.

9 Climate Change Implication(s)

9.1 As the climate changes, we are likely to see an increase in flooding events affecting the borough.

10 Link to Corporate Priorities

10.1 This report is linked to the Council priorities ‘maintain a safe and healthy community’ and ‘protect and enhance the environment’.

