

CABINET
23 SEPTEMBER 2025

PART 1 – PUBLIC DOCUMENT

TITLE OF REPORT: POSITION STATEMENT IN RELATION TO FLOODING

REPORT OF: Director- Resources and Director - Environment

EXECUTIVE MEMBER: Resources and Environment

COUNCIL PRIORITY: SUSTAINABILITY

1. EXECUTIVE SUMMARY

The Council is a Category 1 responder under the Civil Contingencies Act 2004. Amongst other requirements this means that the Council (with other responders) is required to have plans for emergencies, respond to an emergency when it happens and support the recovery from an emergency. Whilst this places obligations on the Council, there are still options available in relation to the level of support that is provided when emergencies occur. This report considers the options in relation to flooding.

2. RECOMMENDATIONS**That Cabinet:**

- 2.1. Approve that the Council does **not** provide flood defence items or funding to residents to protect or reinstate their property against or following flooding.
- 2.2. To note that the Council would provide support to residents which would include providing information and guidance (including online, in-person and by phone). This would include support for anyone who is made homeless.

3. REASONS FOR RECOMMENDATIONS

- 3.1. The report sets out various practical and financial reasons for not providing residents with flood defence items or funding to residents to protect or reinstate their property against or following flooding.
- 3.2. The Council will fulfil its role as a Category 1 responder, as set out in the Civil Contingencies Act 2004, and provide support to communities affected by flooding.

4. ALTERNATIVE OPTIONS CONSIDERED

- 4.1. The Council could choose to provide flood defence items and support with recovery/reinstatement. If it did decide to do this then the following would need to be considered:
- What would be provided? E.g. sandbags or an alternative.
 - When would it be provided? There would be a balance between deploying too early and it turning out that it was not needed, versus providing too late so that the impact of the flooding had already happened?
 - How would they be provided? E.g. for sandbags would empty bags and sand be provided with the expectation that residents fill them. How would those less physically able be correctly identified and supported? HCC may be able to support with identifying those that are vulnerable but that may add a delay that would make the response less effective.
 - Where would the items be stored, or would they just be purchased when needed? The risk being that it might not be possible to obtain in a timely manner, especially out of working hours.
 - What would the criteria be for supporting residents with the clear-up of their property? E.g. making sure that adequate insurance cover is the default measure.

5. CONSULTATION WITH RELEVANT MEMBERS AND EXTERNAL ORGANISATIONS

- 5.1. A report went to the internal informal Political Liaison Board of the Executive and the Leadership team, in January 2025 and July 2025, and it was supported for consideration by Cabinet. At the earlier meeting it was requested that Appendix A was added to provide detail of the support that we would provide in the event of flooding.

6. FORWARD PLAN

- 6.1 This report contains a recommendation on a key Executive decision that was first notified to the public in the Forward Plan on the 20 June 2025.

7. BACKGROUND

- 7.1. At the end of September there was flooding in the Woolgrove Road area of Hitchin. This was caused by very intense levels of rainfall causing the River Purwell to burst its banks and flooding 45 homes.
- 7.2. As there was no agreed position in place, a decision was taken by Herts County Council (HCC) and North Herts Council to deploy sandbags (specifically sand and empty bags to be filled on site) as a barrier to help prevent damage to further properties. These were put in place by the Fire Service (part of HCC) and Ringway (HCC contractor). They were mainly funded by Herts County Council. North Herts Council provided a small number of sandbags (via our Grounds Maintenance contractor) and used our waste contractor to support the clear-up of the used sandbags. The sandbags were also made available to residents to protect their own properties. There was no specific evidence that the sandbags were effective. The primary response by the Fire Service was to try and pump the water away.

- 7.3. There is a separate detailed ongoing joint (with HCC) plan in place for the village of Kimpton, which is susceptible to groundwater flooding. The current plan (subject to update by HCC) would see the deployment of sandbags (or similar) by HCC Highways department to create a channel for the water to flow through the village to help protect the highway and minimise the damage caused. The channel could be in place for several weeks. Kimpton residents will be expected (under both the current plan and any updated plan) to have put in place measures to help protect their individual properties and sandbags (or similar) for individual properties will not be provided.
- 7.4 The chance of flooding (across the whole District and beyond) is getting higher as we are impacted by more extreme weather events, e.g. spells of exceptionally heavy rainfall.

8. RELEVANT CONSIDERATIONS

- 8.1 North Herts Council is a Category 1 responder under the Civil Contingencies Act 2004. Amongst other requirements this means that the Council (with other responders) is required to have plans for emergencies, respond to an emergency when it happens and support the recovery from an emergency. Whilst this places obligations on the Council, there are still options available in relation to the level of support that is provided when emergencies occur. This report considers the options in relation to flooding.
- 8.2 The primary response to a flooding incident would usually come from the Fire Service. They are able to help with moving people to areas of safety. They can access pumps to help with moving water, although the movement of any water needs to be done safely so it does not cause problems in other locations. The fire service would deploy sandbags (or similar) to protect a strategically important asset (e.g. an electricity sub-station) but there would not be a default response to provide sandbags beyond that.
- 8.3 North Herts Council would usually lead on providing and staffing a reception/ rest centre where residents can go if they are displaced from their homes. Depending on the time of day and demand this could be a community hall or a leisure centre. Whilst residents may make use of this for a short period, they would often choose to find their own more comfortable accommodation (e.g. with friends or family, in a hotel). Home insurance will often include alternative accommodation cover. For longer term homelessness (not covered by insurance cover) then requests will be considered in accordance with our homelessness policies. We also support with communications and supporting those affected. E.g. during the Hitchin flooding we provided details of support available and how to stay safe, kept in contact with residents on their situation and escalated concerns with Anglian Water. More details of this positive action is detailed in Appendix A.
- 8.4 Whilst Herts County Council (as a Category 1 responder and Lead Flood Authority) could choose to provide sandbags (or similar) for residents to protect their homes it would generally be a joint decision. If North Herts Council has a confirmed position statement that we would not provide sandbags (as per the decision in this report) , then the County Council would support that. The Fire Service (part of HCC) act as an emergency responder.
- 8.5 The reason for supplying sandbags to residents would be that it may help them to protect their property in the event of a flood, although this is not guaranteed. It is also a visible response.

8.4 Reasons for **not** proving sandbags to residents (these generally apply irrespective of whether the Council was looking at small or large scale provision):

1. The Environment Agency do not recommend the use of sandbags.
2. The responsibility for protection of property is with the owner of the property. Herts County Council provide advice on how owners can protect their property using bespoke interventions that are best suited to their property. This is more likely to be followed in areas where there has been a history of flooding. HCC have also provided some equipment to protect property in some flood prone areas, but this is not a universal offer.
3. It is possible that if the Council is involved in actively deploying sandbags and they are either ineffective or cause more flooding elsewhere, then the Council could be liable for any claims.
4. The cost of the sandbag and sand would be an unfunded cost to the picked up by all North Herts taxpayers.
5. The Council does not have anywhere that it could store sandbags. This would mean that it would be reliant on timely delivery in the case of an incident. Flooding is likely to happen in North Herts at the same time as flooding in a number of other areas.
6. The Council does not have its own means of transporting sandbags to where they are needed. So would be reliant on contractors (availability and cost).
7. Sandbags have to be used correctly to be effective, and even then are not completely effective.
8. Filled sandbags are heavy and would need to consider how less physically able residents could be supported with moving them.
9. Most Local Councils do not provide sandbags (see paragraph 8.6 below)
10. Once used, sandbags should be treated as contaminated and then they need to be disposed of as residual waste, which has negative environmental implications.

8.5 There are alternatives to sandbags (e.g. specialist plastic sacks that can be filled with water, gel-filled sacks that absorb water). These are more practical in terms of storage, transportation and use. For example, Fire and Rescue may agree to store and deploy them on our behalf. However, several of the reasons above (1, 2, 3, 4, 7, 8, 9, 10) still either partly or fully apply. There would also be the additional issue of determining what type of sacks would be required in advance, when flooding could happen in different areas with different impacts.

8.6 We have reviewed the published position of other Hertfordshire and our neighbouring Councils in relation to sandbags. These can be summarised as:

Broxbourne / St Albans / Watford	No specific information found
Dacorum/ East Herts / Stevenage/ Three Rivers / Welwyn Hatfield/ Uttlesford/ Luton	Do not supply. Point residents towards buying their own.
Hertsmere	Will keep a stock of sandbags during periods when flooding is likely and provide if available.
Central Beds	Do not provide sandbags. Recommend alternatives to sandbags that residents can source themselves.

South Cambs	A small supply of sandbags which they will try and get to vulnerable residents if flooding is imminent.
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- 8.7 Following the flooding in Hitchin we had one request for support with the recovery from the flooding, specifically providing a skip for flood damaged items. We think this was from someone renting their property and may not have had insurance cover. As we want to encourage all residents to get appropriate insurance coverage, then the recommendation is that the Council does not provide any specific recovery financial support. The Council will still support recovery with general advice and support and consider any appropriate community recovery, as we did with the Hitchin flooding.

9. LEGAL IMPLICATIONS

- 9.1. The Civil Contingencies Act states that Local Authorities are Category 1 responders and therefore must make arrangements to respond in emergencies. This report sets out the factors that the Council will consider when discharging this statutory responsibility.
- 9.2. Cabinet's Terms of Reference include (paragraph 5.7.1) "[t]o prepare and agree to implement policies and strategies other than those reserved to Council".

10. FINANCIAL IMPLICATIONS

- 10.1. There is no set budget for the Council to respond to emergencies, and any costs incurred would therefore be an overspend. If the Council incurred costs in excess of around £25k (on the immediate response, not recovery) on incidents during a year then the excess could be claimed from Government via the Belwin scheme (<https://www.gov.uk/government/publications/bellwin-scheme-guidance-notes-for-claims/bellwin-scheme-of-emergency-financial-assistance-to-local-authorities-guidance-notes-for-claims>).

11. RISK IMPLICATIONS

- 11.1. Good Risk Management supports and enhances the decision-making process, increasing the likelihood of the Council meeting its objectives and enabling it to respond quickly and effectively to change. When taking decisions, risks and opportunities must be considered.
- 11.2. The chance of flooding is getting higher as we are impacted by more extreme weather events, e.g. spells of exceptionally heavy rainfall. Except for Kimpton groundwater flooding, each event will have to be managed based on the circumstances at the time. Having defined policies helps Officers in managing that response. It is very important that policies are supported and followed as otherwise this causes uncertainty for Officers and residents.
- 11.3. The extent to which we (the Council and the District) adapt to climate change, also affects the impact of flooding (and other climate change) events,

12. EQUALITIES IMPLICATIONS

- 12.1. In line with the Public Sector Equality Duty, public bodies must, in the exercise of their functions, give due regard to the need to eliminate discrimination, harassment, victimisation, to advance equality of opportunity and foster good relations between those who share a protected characteristic and those who do not.
- 12.2. Our approach helps ensure that everyone is treated equitably according to their needs within the services we can provide. Our reception centre service and communications will be adapted to the needs of our communities including but not limited to people with physical disabilities or without digital means to access support.

13. SOCIAL VALUE IMPLICATIONS

- 13.1. The Social Value Act and “go local” requirements do not apply to this report.

14. ENVIRONMENTAL IMPLICATIONS

- 14.1. Flooding events are made more likely due to the effects of climate change. Providing (including transport) and disposal of sandbags (and to an extent other alternatives) has negative environmental implications. Where residents are taking their own flood prevention measures, then we would (subject to them being suitable) encourage them to choose more sustainable options.

15. HUMAN RESOURCE IMPLICATIONS

- 15.1 Where flooding (or other emergency event) happens, then the Council response (including reception centres) is from those Officers that have volunteered to undertake certain emergency roles. During working hours it may also be possible to redeploy staff, but that would affect the delivery of other work. Overall, we have very limited capacity and very reliant on staff goodwill. We continually try and get more volunteers and have had success in increasing the numbers.

16. APPENDICES

- 16.1 Appendix A- Examples of support provided during flooding incidents

17. CONTACT OFFICERS

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18. BACKGROUND PAPERS

- 18.1 None