

26 March 2021

In accordance with the powers granted by the Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority and Police and Crime Panel Meetings) (England and Wales) Regulations 2020 this will be a virtual meeting.

**Executive**

A meeting of the Executive will be held on **Wednesday, 7 April 2021 at 10.30 am as a Virtual - Online Meeting via Microsoft Teams** for the transaction of the business set out on the attached Agenda.

Access to the meeting is as follows:

Members of the Executive and officers of the County Council supporting the meeting will access the meeting via Microsoft Teams.

Members of the public and the press may access the meeting via the following link: <https://lincolnshire.moderngov.co.uk/ieListDocuments.aspx?CId=121&MId=5753&Ver=4> where a live feed will be made available on the day of the meeting.

Yours sincerely



Debbie Barnes OBE  
Chief Executive

**Membership of the Executive**  
**(8 Members of the Council)**

Councillor M J Hill OBE, Executive Councillor for Resources and Communications (Leader of the Council)

Councillor Mrs P A Bradwell OBE, Executive Councillor for Adult Care, Health and Children's Services (Deputy Leader)

Councillor C J Davie, Executive Councillor for Economy and Place

Councillor R G Davies, Executive Councillor for Highways, Transport and IT

Councillor E J Poll, Executive Councillor for Commercial and Environmental Management

Councillor Mrs S Woolley, Executive Councillor for NHS Liaison and Community Engagement

Councillor C N Worth, Executive Councillor for Culture and Emergency Services

Councillor B Young, Executive Councillor for Community Safety and People Management



**EXECUTIVE AGENDA  
WEDNESDAY, 7 APRIL 2021**

<b>Item</b>	<b>Title</b>	<b>Forward Plan Decision Reference</b>	<b>Pages</b>
<b>1</b>	<b>Apologies for Absence</b>		
<b>2</b>	<b>Declarations of Councillors' Interests</b>		
<b>3</b>	<b>Announcements by the Leader, Executive Councillors and Executive Directors</b>		
<b>4</b>	<b>Minutes of the Meeting of the Executive held on 2 March 2021</b>		5 - 10

**NON KEY DECISIONS - ITEMS TO BE RESOLVED BY THE EXECUTIVE**

<b>5</b>	<b>Draft One Council Commissioning Framework</b> <i>(To receive a report from the Executive Director – Commercial which seeks approval of the One Council Commissioning Framework, as set out in Appendix A)</i>	<b>I021971</b>	11 - 20
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**KEY DECISIONS - ITEMS TO BE RESOLVED BY THE EXECUTIVE**

<b>6</b>	<b>Local Flood Incident Response</b> <i>(To receive a report from the Executive Director – Place which seeks approval for the enhanced provision of temporary flood resilience measures in the event of local flooding incidents)</i>	<b>I021886</b>	21 - 30
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**CONSIDERATION OF EXEMPT INFORMATION**

In accordance with Section 100 (A)(4) of the Local Government Act 1972, agenda item 7 has not been circulated to the press and public on the grounds that it is considered to contain exempt information as defined in paragraph 3 of Schedule 12A of the Local Government Act 1972, as amended. The press and public may be excluded from the meeting for the consideration of this item of business.

<b>7</b>	<b>Re-Procurement of Coronial Post Mortem and Mortuary Contracts</b> <i>(To receive an exempt report from the Executive Director – Resources on the Re-Procurement of Coronial Post Mortem and Mortuary Contracts)</i>	<b>I022045</b>	31 - 40
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### **Democratic Services Officer Contact Details**

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**Please Note:** for more information about any of the following please contact the Democratic Services Officer responsible for servicing this meeting

- Business of the meeting
- Any special arrangements
- Copies of reports

Contact details set out above.

All papers for council meetings are available on:

<https://www.lincolnshire.gov.uk/council-business/search-committee-records>



**EXECUTIVE  
2 MARCH 2021**

**PRESENT: COUNCILLOR M J HILL OBE (LEADER OF THE COUNCIL)**

Councillors Mrs P A Bradwell OBE (Executive Councillor for Adult Care, Health and Children's Services) (Deputy Leader), C J Davie (Executive Councillor for Economy and Place), Mrs S Woolley (Executive Councillor for NHS Liaison and Community Engagement), C N Worth (Executive Councillor for Culture and Emergency Services) and B Young (Executive Councillor for Community Safety and People Management).

Councillor R B Parker (Chairman of the Overview and Scrutiny Management Board) was also in attendance.

Officers in attendance:-

Debbie Barnes OBE (Chief Executive), Andrew Crookham (Executive Director Resources), James Drury (Executive Director Commercial), Cheryl Evans (Democratic Services Officer), Glen Garrod (Executive Director - Adult Care and Community Wellbeing), Michelle Grady (Assistant Director – Finance), Andy Gutherson (Executive Director Place), Heather Sandy (Executive Director of Children's Services), Jasmine Sodhi (Performance and Equalities Manager) and Nigel West (Head of Democratic Services and Statutory Scrutiny Officer).

**52      APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillors R G Davies (Executive Councillor for Highways, Transport and IT) and E J Poll (Executive Councillor for Commercial and Environmental Management).

**53      DECLARATIONS OF COUNCILLORS' INTERESTS**

There were no declarations of interest at this point in the meeting.

**54      ANNOUNCEMENTS BY THE LEADER, EXECUTIVE COUNCILLORS AND EXECUTIVE DIRECTORS**

Councillor C J Davie, Executive Councillor for Economy and Place

It was reported by the Councillor C J Davie, Executive Councillor for Economy and Place, that as part of the County Council's Support for Businesses Programme, there had been 411 applications requesting just over £3 million. These applications were being processed with the aim of the first payments being made to businesses during the following two weeks. As a number of businesses had made a loss, but had not met the 30% criterion for losses, the

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**EXECUTIVE**

**2 MARCH 2021**

scheme would re-open between 4 and 6 March, to allow small businesses which had made any loss to apply, provided that all other criteria could be met.

Three further funding schemes would be launched as part of Support for Businesses Programme: (1) to enable businesses to enhance their digital offer; (2) to enable businesses to expand and grow; and (3) to provide support specifically for businesses in rural areas, enabling them to purchase capital equipment to respond to the challenging training environment caused by Covid-19. All the schemes were intended to give local businesses support so that they can thrive and grow.

Councillor C J Davie also reported that in December 2020 the Prime Minister had announced plans for the UK government to reduce carbon emissions by 68% by 2030, on a baseline of 1990. On 19 February 2021, Lincolnshire County Council had adopted the green masterplan, which contained a target of zero carbon by 2050. Following the Prime Minister's announcement, the County Council would be adopting a target of a 68% reduction in its emissions by 2025.

Councillor M J Hill, OBE, Leader of the Council and Executive Councillor for Resources

It was confirmed by the Councillor M J Hill, OBE, Leader of the Council and Executive Councillor for Resources, that the county council elections would proceed on 6 May 2021, with recent guidance having been issued by the Government.

The Leader of the Council also reported that the Covid-19 vaccination programme in Lincolnshire was progressing well, with the target of 15 April 2021 for the offer of a first vaccination to all people aged over 50 likely to be met. The testing arrangements for coronavirus locally were continuing, with the rates of infection falling.

**55**      MINUTES OF THE MEETING OF THE EXECUTIVE HELD ON 2 FEBRUARY 2021

RESOLVED

That the minutes of the meeting held on 2 February 2021 be signed by the Chairman as a correct record.

**56**      PERFORMANCE REPORTING AGAINST THE CORPORATE PLAN PERFORMANCE FRAMEWORK - QUARTER 3

A report was submitted, which presented an overview of the Council's quarter 3 (October – December 2020) performance. The report indicated that based on the key activities and performance indicators the Council was on plan to achieve its four Corporate Plan ambitions. Of the 34 activities reported in quarter 3, 22 were either on or ahead of plan, with twelve activities behind plan. Seven of the twelve activities were behind plan owing to the impact of the pandemic. Details on all the exceptions had been set out in the report.

The Overview and Scrutiny Management Board had considered the report on 25 February 2021, and the Chairman of the Board presented the Board's comments to the Executive. The Board had accepted the rationale for the delayed implementation of *Business World On!* until 1 November 2021, and would be considering this further at its meeting in June 2021. Following the concerns raised by the Board that the *fixmystreet* app was recording incomplete service as complete, the Chief Executive had undertaken to review the operation of the app.

After comments from the Executive, the following points were noted:

- Although the interface between *fixmystreet*, a national app, and the Council's own systems had improved, work was continuing on aligning the coding used by the Council's system to the coding used by *fixmystreet*, to improve the quality of information available to the public. A new app would be made available to councillors over the coming months with specific information on highway repairs and similar activities in their local division. There was a request for information on neighbouring divisions also to be made available to each councillor.
- The revised start of 1 November 2021 for *Business World On!* was on course to be met. Testing would be commencing to verify background data; and training of staff, particularly in finance and human resources, would be undertaken prior to the revised implementation date.

RESOLVED

That the quarter 3 performance for 2020/21 be noted.

57     REVENUE BUDGET MONITORING REPORT 2020/21 - QUARTER 3 TO 31 DECEMBER 2020

A report was submitted to the Executive on Revenue Budget Monitoring for quarter 3 of 2020/21. An underspend of £15.4 million (excluding schools and Covid-19) had been forecasted for 2020/21, with the key variants detailed in the report. A forecast underspend on capital financing charges of £7.9 million had not been included in the £15.4 million forecast, as it was proposed to earmark this sum to manage fluctuations in the capital financing budget.

The report assumed that the Council's forecasted Covid-19 position might not be contained within the Government emergency grant, forecasting a deficit of £2.2 million. Included in this forecast was an estimated additional grant of around £4.2 million to cover losses of income. It was anticipated that general reserves at the end of the year would remain within the target range of 2.5% to 3.5%.

The Leader of the Council referred to the overall strength of the Council's financial position, owing to the prudent management of the Council's budgets over several years. The County Council had responded effectively to the Covid-19 pandemic through its financial management.

The Overview and Scrutiny Management Board had considered the report on 25 February 2021, and the Chairman of the Board presented the Board's statement to the Executive on two points of clarification and referred to the volatility and uncertainty of the budgetary position in the future.

Following discussion by the Executive, the following points were noted:

- Because of the impact of the pandemic certain procurement activity did not take place during 2020/21 and the anticipated savings from procurement had not been realised, so as part of the budget monitoring process this had been recorded as an increased cost.
- Some impacts from the pandemic, for example a potential for increased demand for certain services, were not yet known, so there was a need for continued vigilant monitoring of the demand for services and increased costs, and their overall budgetary impact, to be prepared for any volatility in the future.
- The report authors were thanked for the clarity of the written report and their presentation.

RESOLVED

That position on the revenue budget be noted.

58 CAPITAL BUDGET MONITORING REPORT 2020/21 - QUARTER 3 TO 31 DECEMBER 2020

Consideration was given to the Capital Budget Monitoring Report 2020/21 - Quarter 3 to 31 December 2021. The current forecasted position was an underspend of £18.6 million, which comprised block schemes at £5.2 million and specific schemes at £13.4 million. The main variants from plan had been detailed in the report and were highlighted to the Executive.

The Overview and Scrutiny Management Board had considered the report on 25 February 2021, and the Chairman of the Board presented the Board's statement to the Executive, which welcomed the establishment of the capital review group and stressed the role of overview and scrutiny committees in monitoring substantial capital schemes, with the financial training of councillors in the new council term suggested as a priority.

Following discussion by the Executive, the following points were noted:

- The Leader of the Council looked forward to the involvement of overview and scrutiny committees in monitoring large capital schemes in the new council term. Future reports to the Overview and Scrutiny Management Board and Executive would identify where and when schemes had been reported to the relevant overview and scrutiny committee.
- Financial training for newly elected councillors would be included in the councillor induction programme, with the aim of giving new councillors the confidence to challenge both the financial and delivery elements of capital schemes.

- It was confirmed that the scheme for the delivery superfast broadband across Lincolnshire was on target at 95% coverage. The contract had included a provision requiring the contractor to rebate an element of its profit, which would arise from the installation of superfast broadband, to the Council. It was considered that this contractual provision had been unique to Lincolnshire and in turn had provided funding for further investment in broadband.

RESOLVED

That the position on the capital programme be noted.

The meeting closed at 11.25 am.

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**Open Report on behalf of James Drury, Executive Director - Commercial**

Report to:	<b>Executive</b>
Date:	<b>07 April 2021</b>
Subject:	<b>Draft One Council Commissioning Framework</b>
Decision Reference:	<b>I021971</b>
Key decision?	<b>No</b>

**Summary:**

This Council has an opportunity to set out its ambition for commissioning, enabling us to fulfil the expectations of our communities through delivering our Corporate Plan.

Our One Council Commissioning Framework outlines our definition of commissioning and our vision, aim and principles.

This report provides the draft One Council Commissioning Framework in Appendix A, following extensive engagement with officers across the Council and feedback from the Corporate Leadership Team (CLT) and senior members.

**Recommendation(s):**

That Executive approves the One Council Commissioning Framework, as set out in Appendix A.

**Alternatives Considered:**

Retain the existing approach to commissioning with no change.

The advantages would be;

- It is reasonably well understood.

The disadvantages would be;

- It denies us the opportunity to add to and improve our approach.
- It prevents us from more closely reflecting the Corporate Plan in a One Council approach.

**Reasons for Recommendation:**

The proposed new Commissioning Framework creates a vision and an ambition for Council commissioning closely aligned to the Corporate Plan and puts residents at the centre of what we do. At the same time it retains the key strengths of the current approach and benefits from consideration of the approaches taken by other authorities.

**1. Background**

- 1.1 In 2020, the Council undertook a piece of work with external consultants, Impower, to review the current commissioning model and overall approach in use across the Council to consider how current commissioning practices could be more effective. This was partially in response to the Peer Review in December 2019 which found that commissioning activity within the Council could be improved by placing it in a 'One Council' corporate context. The Impower work also noted the scope for having a consistent and common ambition for and approach to commissioning.
- 1.2 Currently the Council has a definition of what commissioning is and some principles which underpin it have not been reviewed for a number of years. There is no commissioning vision or overall objective and it does not reflect the Council's Corporate Plan.
- 1.3 An officer Strategic Advisory Group on commissioning was set up with a senior representative from each Directorate. Each Directorate representative also established a Working Group of officers to enable cross Council engagement in the project.
- 1.4 The Strategic Advisory Group was asked to propose a new commissioning framework and reviewed the work of other Councils who had looked at commissioning recently and found some common themes including:
  - The continued use of the Analyse, Plan, Do, Review model.
  - A focus on outcomes and evidence based decision making.
- 1.5 A One Council Commissioning Framework has been drafted to set an inclusive ambition and to establish a commissioning vision and overall objective and core principles and is attached at Appendix A.
- 1.6 The Framework retains some of the existing Council approach such as the four stages of commissioning (Analyse, Plan, Do, Review) and relevant elements from other authorities. However the biggest influence has been the Council's Corporate Plan and the proposed new commissioning framework closely mirrors that with an increased emphasis on listening, collaboration and partnership, supporting local business and the environment.

## 2. Legal Issues

### Equality Act 2010

Under section 149 of the Equality Act 2010, the Council must, in the exercise of its functions, have due regard to the need to:

- Eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act.
- Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it.
- Foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

The relevant protected characteristics are age; disability; gender reassignment; pregnancy and maternity; race; religion or belief; sex; and sexual orientation.

Having due regard to the need to advance equality of opportunity involves having due regard, in particular, to the need to:

- Remove or minimise disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic.
- Take steps to meet the needs of persons who share a relevant protected characteristic that are different from the needs of persons who do not share it.
- Encourage persons who share a relevant protected characteristic to participate in public life or in any other activity in which participation by such persons is disproportionately low.

The steps involved in meeting the needs of disabled persons that are different from the needs of persons who are not disabled include, in particular, steps to take account of disabled persons' disabilities.

Having due regard to the need to foster good relations between persons who share a relevant protected characteristic and persons who do not share it involves having due regard, in particular, to the need to tackle prejudice, and promote understanding.

Compliance with the duties in section 149 may involve treating some persons more favourably than others.

The duty cannot be delegated and must be discharged by the decision-maker. To discharge the statutory duty the decision-maker must analyse all the relevant material with the specific statutory obligations in mind. If a risk of adverse impact is identified consideration must be given to measures to avoid that impact as part of the decision making process.

The draft Commissioning Framework sets out the guiding vision and strategic ambitions for commissioning across the Council. It is expected to impact positively on people with a protected characteristic as set out below. No negative impacts on people with protected characteristics have been identified and this will be in part because of the overarching nature of the Framework. It is more likely that these will be identified as a result of specific commissioning activity under the Framework and at that time due regard to the Council's equality duties will be given.

The creation of a new One Council Commissioning Framework, establishing a vision, aim, key principles and defining commissioning in the context of the Corporate Plan will link commissioning more closely to delivery on the key strategic ambitions of the Corporate Plan, many of which are aimed at improving outcomes for older people and young people and those with a disability. At the same time under the proposed One Council Commissioning Framework the Council is committed to improving services to service users any of whom may have protected characteristics by:

- Listening more to its residents to better understand needs and aspirations and to shape services accordingly to improve outcomes.
- Maximising independence.
- Increasing integration in the commissioning of services to reduce gaps in services.
- Improving the way we commission services to help make public funding go further in the provision of services.
- 'Buying local' to support and strengthen the county's economy and those people with protected characteristics working in the local economy.

#### Joint Strategic Needs Analysis (JSNA) and the Joint Health and Wellbeing Strategy (JHWS)

The Council must have regard to the Joint Strategic Needs Assessment (JSNA) and the Joint Health and Wellbeing Strategy (JHWS) in coming to a decision.

The contents of the draft Commissioning Framework have had due regard to both the JSNA and the JHWS and will support delivery of the Corporate Plan which contains ambitions for the health and wellbeing of the Council's area and residents.

#### Crime and Disorder

Under section 17 of the Crime and Disorder Act 1998, the Council must exercise its various functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that it reasonably can to prevent crime and disorder in its area (including anti-social and other behaviour adversely affecting the local environment), the misuse of drugs, alcohol and other substances in its area and re-offending in its area.

Due regard has been had to crime and disorder matters. The Commissioning Framework will apply across the Council's services including those in the area of public protection which deal with crime and disorder reduction.

### **3. Conclusion**

3.1 The draft new One Council Commissioning Framework in Appendix A outlines our definition of commissioning and our vision, aim and principles. It is closely aligned to the Council's Corporate Plan and puts residents at the centre of what we do whilst seeking to build our locality.

### **4. Legal Comments**

The Council has the power to adopt the proposed Commissioning Framework.

The decision is consistent with the Policy Framework and within the remit of the Executive.

### **5. Resource Comments**

This report outlines our One Council Commissioning Framework and as such does not directly impact on the Council's resources. However, the application of the framework will impact on the Council's finances and it is expected that these impacts will occur through our normal budget and spend processes.

### **6. Consultation**

#### **a) Has Local Member Been Consulted?**

N/A

#### **b) Has Executive Councillor Been Consulted?**

Yes

#### **c) Scrutiny Comments**

At a virtual meeting on 17 March 2021, the Overview and Scrutiny Management Board considered the report and unanimously agreed to support the recommendation to the Executive.

The following points were confirmed:

- Current commissioning activity of other Local Authorities had been examined. The Local Authorities had been chosen because they had recently reviewed

their approach to commissioning and were Croydon Council; Kingston Council; Buckinghamshire County Council; Birmingham City Council; and Gateshead Council. Of the Local Authorities contacted, all five were still using the commissioning cycle; all of these were keen to be evidence based, such as having data to inform decision making and, where appropriate, consultation with service recipients and providers. Some had focused on a commercial approach to commissioning, particularly in relation to contract management and skilling up officers to carry out commissioning effectively. Consideration was also given to the right balance of contract enforcement and contract development with key suppliers.

- Developing skills for the workforce was work in progress. Part of the proposal included the creation of a Commissioning Hub with a small additional resource. The Commissioning Hub would carry out an analysis of skills required to produce effective commissioning. This would result in some development and training that could be implemented across the Council. Identifying existing skills within the Council would be undertaken at a later date, as the focus first was on identifying the skills and expertise that were necessary for delivering the new commissioning framework.
- In relation to the six principles in the commissioning framework there was no hierarchy with regards to priority. A commissioning wheel would be used to identify all the tasks that would form part of the commissioning process and reflect the principles. Tasks would also reflect that commissioning had to take into account budget and policy frameworks for example as well as any statutory requirements. As a result, the six principles might be constrained at times depending on certain circumstances.
- The Board was pleased to see the focus on working with residents. Central to the development of the commissioning tasks would be a needs analysis of Lincolnshire’s residents and communities which would rely on national and local data sets and consultation as appropriate, in conjunction with information from the contract management function where those services were delivered directly to residents. This would ensure that appropriate services were identified to meet those needs.

**d) Risks and Impact Analysis**

The equality impact is referred to above. There is a risk that the Commissioning Framework is developed and then "put in a drawer". This risk is mitigated by the high level of engagement with and from all areas of the Council in developing the Framework but it will continue to depend on strong management buy in.

**7. Appendices**

These are listed below and attached at the back of the report	
Appendix A	Lincolnshire County Council Draft One Council Commissioning Framework

## 8. Background Papers

The following Background Papers within section 100D of the Local Government Act 1972 were used in the preparation of this Report.

Document title	Where the document can be viewed
Lincolnshire County Council Corporate Plan	<a href="#">Link to Corporate Plan</a>
Lincolnshire County Council Corporate Peer Challenge Feedback Report September 2019	<a href="#">Link to Feedback Report</a>

This report was written by Sophie Reeve, Assistant Director - Commercial, who can be contacted on [sophie.reeve@lincolnshire.gov.uk](mailto:sophie.reeve@lincolnshire.gov.uk).

## Lincolnshire County Council Draft One Council Commissioning Framework

### What do we mean by Commissioning?

*“Commissioning is the process for deciding how to use the total resources available to meet needs and improve outcomes in the most efficient, effective and sustainable way.”*

We are a local authority, offering our residents and communities the services they need, operating in a political environment with statutory obligations that we must fulfil, including supporting and safeguarding our most vulnerable residents. Our Corporate Plan demonstrates our ambition for Lincolnshire, the outcomes we aspire to achieve and our One Council approach – working consistently as one team for Lincolnshire. All commissioning takes place within this context.

Commissioning is an important part of what we do and shapes so many of our interactions with our residents and communities. It is the process by which the needs and demand of our residents and communities are analysed, plans are put in place, services are delivered and all outcomes are monitored.

The commissioning process enables the Council to decide how to use the total resources available (including finances, physical assets, data, providers, workforce, community assets and our residents) to meet needs and improve outcomes in the most efficient, effective and sustainable way. Public bodies achieve their objectives through a variety of routes, including delivering services themselves, purchasing from external organisations (contracting with our suppliers) or by influencing and working with partners as part of a Lincolnshire-wide approach or by enabling individuals to commission their own services for example through direct payments, or a combination of these. In broad terms this process can be described as ‘commissioning’.

The commissioning cycle is a continuous process that supports the development of new services and their ongoing improvement to meet the needs of service users. Commissioning comprises a range of activities across four key stages:

- **Analyse** – Understanding the type and volume of people's needs, identifying priorities and outcomes that are to be met, using forward-looking projections & modelling based on evidence, intelligence and analysis which provides insight into the consequences (both financial and in population outcomes) of commissioning decisions;
- **Plan** – Reviewing options for delivery based on known and future needs, to select the best way forward, designing and planning services to meet our intended outcomes and manage demand, choosing the best delivery model so that people's needs can be met in the most effective, efficient and sustainable ways;
- **Do** – Securing and implementing the chosen delivery model to achieve the desired outcomes, finding the right partners or suppliers if external provision is appropriate; and

- **Review** – Managing, reviewing and monitoring the service for customer experience, quality and value to evaluate the impact of the intervention and provide evidence informed reports to decision makers on how well needs and outcomes are being met over time and how these may be changing.

### **Our vision**

When we commission services, we will tailor services to the needs of our residents and communities, seeking to maximise independence, build resilience and enhance every individuals' strengths. We will use an intelligence informed approach which manages demand and maximises Lincolnshire's resources, through joining up services with partners where appropriate and possible.

### **Our overarching aim**

We will use the Council's purchasing power ethically and fairly to secure social value, promote economic productivity and local business growth, and support community needs and priorities so that people have the opportunity to enjoy life to the full and have high aspirations, whilst protecting the environment for the future.

### **Our principles**

- **Resident focused** – We will listen to residents and communities to better understand the needs and aspirations of Lincolnshire's people and to shape services accordingly.
- **Evidence based** – All aspects of commissioning will be forward looking and informed by robust evidence, analysis, intelligence, projections and modelling.
- **Working in partnership** – We will make best use of Lincolnshire's resources by co-commissioning and co-producing solutions with our partners, **communities** and suppliers, where opportunities present.
- **Delivering good value outcomes** – We will commission for sustainable and effective outcomes for Lincolnshire, offering safe, quality services and good value (*outcomes – the direct results or benefits for individuals, families, groups, communities, organisations, and/or systems*).
- **Championing Lincolnshire** – We will commission to build our local economy, local sustainability, local communities and to support our local environment.
- **Innovate** - We will design our services using technology to transform the way we meet customer and community need.

Our commissioning processes will be underpinned by the following principles:

- **Locally driven** – Councillors will be at the heart of shaping and making strategic decisions and ensuring commissioning delivers against the outcomes in our Corporate Plan.
- **Robustness** – Options appraisals will enable informed decision making and consider the best service delivery model from Council delivery in-house through to procuring external suppliers for delivery.
- **Performance** – All those delivering services will be held accountable for effective service provision that delivers the required outcomes and meets the needs of our residents and communities.
- **One Council** - the commissioning cycle will be managed consistently across the Council.

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**Open Report on behalf of Andy Gutherson, Executive Director - Place**

Report to:	<b>Executive</b>
Date:	<b>07 April 2021</b>
Subject:	<b>Local Flood Incident Management</b>
Decision Reference:	<b>I021886</b>
Key decision?	<b>Yes</b>

**Summary:**  
This report seeks approval of proposals for the enhanced provision of temporary flood resilience measures in the event of local flooding incidents.

**Recommendation(s):**  
That the Executive:-

- 1) approves the maintenance of a stock of 10,000 sandbags to be available for distribution in the event of a flooding incident;
- 2) approves the "Proposed new protocol for provision of sandbags" as set out in the report; and
- 3) delegates to the Executive Director – Place, in consultation with the Executive Councillor for Commercial and Environmental Management, authority to approve arrangements with district councils for the collection of contaminated sandbags for disposal.

**Alternatives Considered:**

1.	<p>Not to approve the maintenance of the proposed stock of sandbags or their distribution.</p> <p>Local communities and householders will not have as ready access to one means of protecting themselves and their properties from damage in the event of a flooding incident.</p>
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**Reasons for Recommendation:**

To clarify and formalise the Council's discretionary provision of sandbags during flooding incidents, and to set out the process for providing this resource.

**1. Background**Context

During 23 and 24 December 2020 heavy rainfall led to a number of flooding incidents in the south of Lincolnshire. Because significant fluvial impacts had not been forecast and expected, and because the predicted rainfall was not unusual for the time of year, the event was not escalated to a multi-agency response and was managed using existing local incident response measures.

During localised incidents that do not trigger the multi-agency emergency threshold requests for assistance to Lincolnshire County Council are routed to the Highways Winter and Emergency Duty Officers, whether these originate through the County Council customer service centre, Police, or Emergency Planning. At this level the response available usually focuses on public safety of the highway, such as closing flooded roads and providing warning boards. Rescue and response to life threatening situations is provided by the Lincolnshire Fire and Rescue Service, which can undertake pumping operations.

The role of Lincolnshire County Council as Lead Local Flood Authority in these circumstances is to identify incidents of internal property and significant infrastructure flooding in order to investigate the cause and identify appropriate longer term measures for rectification. This is commenced as quickly as possible after the incident has been reported. The Fire and Rescue service provides Lincolnshire County Council's 'blue light' response to threats to property or to life. Other category 1 responders under the Civil Contingencies Act (2004) include the Police, District Councils, the Ambulance Service, some NHS organisations and others.

One learning point from the recent incidents was the need to enhance co-ordination during the event itself, especially if an unexpected event does not trigger the multi-agency arrangements that come into force during larger scale incidents. To this end, partner organisations have already trialled a local response co-ordination group within existing incident response protocols, co-ordinated and supported by Emergency Planning. The key elements of this approach include:

- mutual aid arrangements between local authorities;
- improved data sharing using the Resilience Direct website; and
- clarified identification of contact details for each partner organisation.

A more significant issue appears to have been a lack of clarity between partners on respective roles and resource availability in the event of an incident that falls below the well-rehearsed multi-agency emergency situation.

Sandbags are currently provided by the County Council as a discretionary service within the capacity of existing resources and in response to requests from members of the public and partner authorities. This provision is outlined in a draft Memorandum of Understanding initially prepared through the Flood Risk and Water Management Partnership in 2012, which also outlines the positions of each district council.

The status and visibility of these documents is not uniform across partner agencies. In addition, capacity of Lincolnshire County Council Highways to undertake this role is sometimes limited by ongoing pressure to fulfil statutory duties such as gritting during cold weather or other works to manage the public safety of the highways.

In response to the recent flooding events, there is an opportunity and need to precisely define the County Council's offer and to clarify linkages to existing district policies and stocks of materials. These improvements have been discussed with emergency planning officers and chief executives of the district councils, as well as with all partners engaged in emergency response in Lincolnshire.

#### Provision of Sandbags

There is a significant public expectation that in the event of a local or major incident, the County Council will, through the highways service, provide, fill and deliver sandbags both to members of the public and to partner organisations. This is a discretionary service, with the current approach being to provide these items within resources available, subject to pressures arising from statutory duties requiring prioritisation of these resources, primarily ensuring public safety of the highways network, for example gritting and implementing temporary road closures.

During recent years expectations of both numbers and speed of delivery have grown, evidenced both by increasing numbers of requests and an increasing number of incidents. Provision of sandbags is often considered a primary response by many members of local communities.

In these circumstances, it is proposed that Lincolnshire County Council's policy towards sandbags should be formalised and agreed so that all parties can be clear what level of resource can be expected and how this links into the responsibilities of all partners. At the same time, a longer term piece of work will involve communicating with partners and communities about the availability and suitability of alternative, new approaches which can be proactively secured by householders in advance of any potential incidents.

It is proposed that in combination with providing for stocks of salt at local level, provision is made of a stock of 5,000 sandbags, with an additional reserve stock of a further 5,000. This can be costed as follows.

Item(s)	Cost per item	Number	Total cost
Sandbags located at 4 depots across the county	£1	5,000	£5,000
Reserve stocks of sandbags	£1	5,000	£5,000
Stock of sand (300 tonnes)	£20	300	£6,000
<b>RSM (BB) operatives/gang rates</b>			
Three gangs to refill sandbags – estimated 10 days per year	£587.21	30	£17,616
Extend existing standby logistics from October – April to cover remainder of year to ensure transport of sandbags			c£20,000
Clean up costs	See below		See below
<b>Total cost</b>			<b>£53,616 (+ clean-up costs)</b>

Clean up costs will depend on the nature and extent of any flooding incidents in the year. As an approximate guide, materials exposed to flood water may be contaminated and require disposal in specialised sites. The cost of this per ton of material will range from £150-£250. Assuming a large scale, but localised, incident or number of incidents might lead to the issuing of 1000 sandbags, representing 30 tonnes of sand, this would mean that clean-up costs would be in the range £4,500 to £7,500.

#### Proposed New Protocol for Provision of Sandbags

The protocol for supply and distribution of this resource is proposed as follows.

Lincolnshire County Council will maintain a total stock of 10,000 sandbags and sand to fill them, equally distributed between the four highways depots. The bags will be stored empty (except for those detailed below) in order to prevent degradation of the materials should they remain unused for any significant period of time.

In anticipation of small-scale local need each depot will maintain a stock of 50 pre-filled sandbags. Pre-filling of additional sandbags will be undertaken in the event of severe weather forecasts predicting high likelihood of impacts.

Requests for sandbags can be made by parish and town councils, along with other organisations, to the County Council on behalf of local communities. It is expected that individual householders will also make such requests. The exact communication routes and protocols are detailed below. Requests will be prioritised so that stocks can be managed strategically, resources provided to those locations at greatest or most immediate need. Partners will be provided with a simple template to ensure that requests are as complete, realistic, consistent and clear as possible to expedite provision and delivery of requested resource. Where members of the public make contact and request

provision of sandbags directly, these details will be taken by the operator receiving the call.

Priority locations will be

- where there is a risk to life and or property;
- Vulnerable members of the community;
- critical infrastructure.

Logistics to fill and deliver sandbags during large scale emergency situations are covered by the use of existing tippers. However, there is greater risk during unforeseen, unplanned-for localised events, when existing vehicle capacity is limited to smaller vehicles with a maximum capacity of 20 sandbags only. Discussions are in progress with Balfour Beatty to arrange for extending existing standby winter provision (which currently costs a total of £37,000 per year) to cover the whole year, at an estimated additional cost of £20,000. This would allow for capacity to move larger quantities of sandbags at short notice.

The normal process for preparing for the potential need to deploy sandbags operates as follows.

Following discussion with the bronze highways duty officer and network resilience manager, as per the current incident response plan, the term contractor (Balfour Beatty) reactive manager is contacted to put resource on standby in anticipation of a flood event. Currently this takes place on receipt of an amber weather warning. Gangs would commence filling bags in readiness at this stage in highways depots.

Network resilience co-ordinates individual and organisational requests for the instructions, to the resource through the Confirm Connect system to send filled sandbags out to locations. These would be conveyed to site by Lincolnshire County Council, completed on site and photos taken on completion. In the case of a larger scale event that required additional resource than normal network resilience resources, then highways teams would be diverted to assist with co-ordination, and to provide detailed intelligence by maintaining a presence on site.

The process of requesting sandbags works as follows.

- Requests for sandbags and reports of flooding incidents can be made by organisations, such as district councils, and by individual householders. These requests can be made through the Police, Emergency Planning, the Fire and Rescue Service, the County Council's Customer Service Centre, the Fix my Street app, or the 24 hour floodline number (01522 782082).
- These requests are routed to the highways Winter and Emergency Duty Officer (WEDO), who logs the request or the incident. The WEDO number is an internal number, which is not publicly available, in order to ensure that the reporting and logging system is not overwhelmed by volume of calls. For this reason the numbers

mentioned above are used as the public interface for first contact. This number is manned 24/7 by a single operator, although if a significant event is expected such as high rainfall, high winds, snow and ice this resource can be expanded.

- The request is then threat-assessed, according to whether it is a threat to life and/or whether there is a threat of internal flooding of the property. If the person requesting the sandbags is vulnerable, they will receive priority. Under present arrangements, if there is no perceived threat then no sand bags will be issued. This may be reviewed if the Council wishes to do so. In this event, an instruction will need to be issued to change the threat parameters.
- Having threat-assessed the request, the enquiry and job are raised on the Confirm system, and issued to the term contractor (Balfour Beatty) who will be tasked to issue the bags. Again, at present, resource for delivery is assessed at this point.
- Confirmation is recorded once the sandbags have been delivered to site, and a confirmation report will be requested about any threat to property.

Requests for sandbags usually do not come in as single requests. Requests from householders are usually for 10, 20 or more filled bags at a time. There may also be multiple requests from different locations depending on the severity and extent of the weather event. Blue light services and other authorities usually make requests in the hundreds, ranging from 100 to 500 (the highest recorded request).

Where larger quantities of sand are required for specific communities, it may be more appropriate to supply sand and a quantity of unfilled bags to be filled on site by volunteers, organised through local arrangements between the Lincolnshire Resilience Forum and parish and town councils. This was the approach taken in response to the 2019 flooding event in Wainfleet. Assistance could also be available in this regard from emergency service personnel on site.

#### Collection and Disposal of Contaminated Sandbags

After flooding events, sand and bags that have been exposed to flood water are typically contaminated. The Environment Agency will require contamination levels to be tested prior to disposal in landfill. In previous events, as Waste Collection Authorities, District Councils have ordinarily arranged for and managed collection of the contaminated sand, with the County Council arranging for disposal.

Were the County Council to further develop and extend its provision of sandbags, agreement will need to be reached with district councils regarding safe collection of the sand and the contaminated bagging material, as well as an assessment of the resulting additional burden on the County Council arising from landfill disposal of the waste. This will vary significantly depending on levels of contamination. If relatively free of contamination, sand could be landfilled in County Council-owned facilities at a cost of around £125 per tonne. Heavily contaminated material will need to be routed to specialist sites, at a cost in the region of £250 per tonne.

Highways currently operate a collection system for recovery of materials, which could be followed in the case of materials not exposed to flood waters, and deemed recoverable and non-contaminated. The gang would select a status "TM left on site" which would then be picked up by business support to log as an enquiry. This would appear on the correct highways officer tablet for them to inspect and raise a follow up job for collection if the bags are no longer needed. As a matter of practicality, it would be more efficient if numerous local collection jobs could be grouped into one. An agreement would need to be reached all between Balfour Beatty and the district councils or the correctly licensed disposal points to remove the sand and materials as waste.

Discussions have taken place regarding overall incident management with partner organisations in the emergency flood cell, and with district council chief executives. At the date of this report final agreement has not been reached and accordingly recommendation 3 of this report seeks delegation of authority to conclude the necessary arrangements

The Lincolnshire Resilience Forum maintains links to external organisations that provide information and guidance on many additional forms of temporary flood resilience measures for homes. Where possible, partner organisations should seek to promote these links and empower communities to protect their own property throughout the year. It is proposed that this should form a distinct workstream, jointly to promote public awareness and take up of these measures.

## **2. Legal Issues:**

### Equality Act 2010

Under section 149 of the Equality Act 2010, the Council must, in the exercise of its functions, have due regard to the need to:

- Eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act.
- Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it.
- Foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

The relevant protected characteristics are age; disability; gender reassignment; pregnancy and maternity; race; religion or belief; sex; and sexual orientation.

Having due regard to the need to advance equality of opportunity involves having due regard, in particular, to the need to:

- Remove or minimise disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic.

- Take steps to meet the needs of persons who share a relevant protected characteristic that are different from the needs of persons who do not share it.
- Encourage persons who share a relevant protected characteristic to participate in public life or in any other activity in which participation by such persons is disproportionately low.

The steps involved in meeting the needs of disabled persons that are different from the needs of persons who are not disabled include, in particular, steps to take account of disabled persons' disabilities.

Having due regard to the need to foster good relations between persons who share a relevant protected characteristic and persons who do not share it involves having due regard, in particular, to the need to tackle prejudice, and promote understanding.

Compliance with the duties in section 149 may involve treating some persons more favourably than others.

The duty cannot be delegated and must be discharged by the decision-maker. To discharge the statutory duty the decision-maker must analyse all the relevant material with the specific statutory obligations in mind. If a risk of adverse impact is identified consideration must be given to measures to avoid that impact as part of the decision making process.

The implementation of additional sandbag provision will not result in adverse impacts on people with protected characteristics. It will take protected characteristics as a key element in prioritising deployment of protective measures.

Joint Strategic Needs Analysis (JSNA) and the Joint Health and Wellbeing Strategy (JHWS)

The Council must have regard to the Joint Strategic Needs Assessment (JSNA) and the Joint Health & Well Being Strategy (JHWS) in coming to a decision.

By reducing the consequences of flooding, the proposed approach project will have a positive impact on the health and wellbeing of individuals.

The impacts of flooding on health and wellbeing are well understood. Literature and new work carried out with Public Health England data sets by the Environment Agency proves that there are higher rates of anxiety, depression and post-traumatic stress disorder (PTSD) after a flood has occurred. The costs associated with these illnesses include the treatment costs and the loss of employment. Co-morbidity (suffering from more than one condition at the same time) and the proportion of those seeking treatment have also been taken into account in producing cost figures.

## Crime and Disorder

Under section 17 of the Crime and Disorder Act 1998, the Council must exercise its various functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that it reasonably can to prevent crime and disorder in its area (including anti-social and other behaviour adversely affecting the local environment), the misuse of drugs, alcohol and other substances in its area and re-offending in its area.

Obligations and responsibilities under this act are not deemed applicable to this project.

### **3. Conclusion**

That the approach set out in the report to enhancing the Council's existing discretionary provision of sandbags should be approved.

### **4. Legal Comments:**

The Council has the power to make the sandbag provision proposed in the Report.

The decision is consistent with the Policy Framework and within the remit of the Executive.

### **5. Resource Comments:**

Funding for the proposed temporary flood resilience measures was approved as part of the Council's 2021/22 Revenue Budget by the transfer of funds from the Financial Volatility Reserve to the existing Flood and Water Risk Management Reserve.

### **6. Consultation**

#### **a) Has Local Member Been Consulted?**

n/a

#### **b) Has Executive Councillor Been Consulted?**

Yes

#### **c) Scrutiny Comments**

At a meeting on 16 March 2021, the Public Protection and Communities Scrutiny Committee considered the report and unanimously agreed to support the recommendations to the Executive.

The following points were confirmed:

- In response to a question about whether the even distribution of sandbags at each depot was the best scenario and whether they would be better distributed where flooding was more likely to occur, it was confirmed that the main stocks of sandbags would be evenly distributed across the four primary highways depots, though additional stock will be held in a further four (eight depots in total). This would ensure even coverage across the county, as flooding could occur anywhere in Lincolnshire. The protocol would increase the speed of response to localised incidents, particularly when the severity of the incident was expected to be high. Members of the public would contact the 24-hour flood line number which links into this system.
- Lincolnshire Local Resilience Forum (LRF) maintained links to alternative methods of flood prevention on its website. An important resource for these was the National Flood Forum which researched different technologies and approaches. The government was actively promoting the enhancement of resilience of local communities. There were regular reviews of alternative methods of flood prevention, in particular flood door barriers and inflatable bags. This was an active area of government research at present.
- The LRF was working closely with Parish and Town Councils with their local flood plans. Larger authorities had better capacity to manage major incidents due to the sheer logistics of deploying large amounts of materials.
- There was some concern that building on floodplains was still an issue. Due to recent adverse weather incidents some older properties were also now at risk from flooding. As the lead local flood authority, the Council provided advice on planning applications to local planning authorities. Flood risks were minimised by working with District Councils and partners through the Lincolnshire Flood Risk and Drainage Management Partnership to prepare in advance for when incidents happened and for adverse outcomes.
- Support would be given to elderly residents and vulnerable individuals with the provision and positioning of sandbags where needed. It was planned to deploy sandbags directly by the Council and partner organisations where appropriate, as well as promoting this capacity locally rather than leaving distribution of sandbags to communities. The LRF maintains plans for safeguarding vulnerable members of the community which was a key element to consider both at strategic planning and operational delivery.

#### **d) Risks and Impact Analysis**

Risk and Impact assessment is carried out within highways operational procedures, and can be found in the Highways and Flood Incident Response Plan, currently being updated in line with the proposed changes.

#### **7. Background Papers**

No background papers within Section 100D of the Local Government Act 1972 were used in the preparation of this report.

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# Agenda Item 7

By virtue of paragraph(s) 3 of Part 1 of Schedule 12A  
of the Local Government Act 1972.

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