



Department of the
Environment
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**SCHEME OF EMERGENCY FINANCIAL
ASSISTANCE TO DISTRICT COUNCILS
IN THE EVENT OF FLOODING
FOLLOWING HEAVY RAINFALL OR TIDAL
SURGE**

1 February until 31 March 2016

BACKGROUND

Legislation

1. Article 26 of the Local Government (Miscellaneous Provisions) (Northern Ireland) Order 1992 makes provision for a scheme of emergency financial assistance to district councils, as follows:-

(1) “In any case where:-

- (a) an emergency or disaster occurs involving destruction of or danger to life or property; and
- (b) as a result, one or more councils incur expenditure on, or in connection with, the taking of immediate action (whether by the carrying out of works or otherwise) to safeguard life or property, or to prevent suffering or severe inconvenience, in its district or among its inhabitants,

the Department may establish a scheme under this Article for the giving of financial assistance to those councils in respect of that expenditure.

(2) Financial assistance given pursuant to a scheme under this Article shall take the form of grants paid by the Department with the consent of the Department of Finance and Personnel and, subject to that, the terms and conditions of a scheme shall be such as the Department considers appropriate to the circumstances of the particular emergency or disaster concerned.

(3) Without prejudice to the generality of paragraph (2), a scheme under this Article may—

- (a) make the payment of grants conditional upon the making of claims of a description specified in the scheme;
- (b) make provision with respect to the expenditure qualifying for grant and the rates and amounts of grants; and
- (c) make provision in certain specified circumstances for the repayment of any grant, in whole or in part.”

Framework

2. The Department of Finance and Personnel (DFP) approved 'Guidance Notes for Applications for Schemes of Emergency Financial Assistance to District Councils' in August 2004. This guidance sets out the terms and conditions for the Department to establish a scheme to provide emergency financial assistance to councils under Article 26. This framework provides the basis for this Scheme.

Detail

3. The Minister of the Department of the Environment has determined that he shall make emergency funds available to cover council costs incurred when responding to the needs of householders across Northern Ireland in the event of any flooding following Rainfall or Tidal Surge, from 1 February until 31 March 2016. The Minister has activated this Scheme of Emergency Financial Assistance to District Councils which includes an immediate payment of £1,000 to householders as practical assistance; to those who have suffered severe inconvenience, to help make homes habitable as quickly as possible.

Eligibility

4. The Department will reimburse councils for expenditure incurred as a result of the taking of immediate action following an emergency situation. Expenditure deemed eligible will be categorised under one or more of the following headings:-
 - i payments to individual householders;
 - ii direct costs incurred by councils; and
 - iii services contracted out (indirect costs).
5. Individual householders will be eligible for the £1,000 payment where:-

- i they can produce evidence that the property for which assistance is being claimed is their main place of residence; and
 - ii they have notified district councils within 31 calendar days of the last recorded date of the flooding incident; and
 - iii. a senior official, e.g. an environmental health officer (EHO), has taken action and has obtained evidence that complies with the Scheme and the Department's guidance.
6. Assessments must be carried out on the basis of inspections by professional / technical officials only. Should a council engage the Northern Ireland Housing Executive to assist with the inspection of Housing Executive property, it is important that the terms and conditions of the Scheme are adhered to and the documentation is of the same standard as that of the council.
7. The £1,000 is an offer of practical assistance to those who have suffered severe inconvenience, to ensure homes are made habitable as quickly as possible. It is not a compensation payment. (Only in an exceptional case will more than one such payment be made to any individual household in any 12-month period.) An example of such a case might be where, following renovation and restoration to habitability of a dwelling, it was flooded again to the extent of causing severe inconvenience. Where the property has not been so restored, and/or the house was not re-occupied, an additional payment would not be paid.
8. Only in circumstances, such as those in the previous paragraph, where the householder has suffered flooding but is not entitled to a payment, and it is the householder's main residence, may the council provide dehumidifiers.
9. Severe inconvenience may be considered, where, it can be established that at the time, and as a result, of the incident, there was evidence of:-

- i. significant flooding of homes, including under-floor damage in the living areas;
 - ii. damage to septic tanks caused by flooding, resulting in facilities being temporarily out of order;
 - iii. damage to oil tanks, boilers, resulting in non-operation of heating systems;
 - iv. flooding of garages/sheds/utility areas where essential primary household utilities are installed (defined as cooker, refrigerator, freezer and washing machine only) and which have been damaged or are unusable;
 - v. for apartments, evidence of flooding of basements containing storage rooms where essential primary household utilities, as defined in (iv), are installed, and which have been damaged or are unusable;
 - vi. flooding of caravans, where these are the main place of residence (holiday caravans, vacant properties and second homes are excluded from the Scheme).
10. To help people make their homes habitable following an incident, a council will be entitled to financial assistance, where it has incurred direct or indirect costs, as follows:-
- i. overtime incurred in the carrying out of any duties relating to the emergency (limited to those who normally qualify for overtime);
 - ii. travel expenses of council staff both during normal working hours and overtime;
 - iii. collection, retention and disposal of damaged household contents;
 - iv. assistance to private householders to clean up their homes (de-contamination) and gardens (only if sewage contamination);
 - v. clean-up of paths (removal of silt);
 - vi. external clean-up of streets and other public areas;
 - vii. advice to householders by council staff on health and safety issues;

- viii. advice to householders by council staff of what support may be available from other agencies; and
 - ix. provision of dehumidifiers to dry out homes, where it is the main residence and where no payment to householder has been made.
11. The provision of dehumidifiers by councils, under paragraph 10 (ix), should as far as possible, be restricted to two weeks from the date of installation. In **exceptional** circumstances, this period may be extended up to a further two weeks. In such cases the Department will require evidence from the council that an extension was required and a record of further inspections.

The Department will not reimburse councils in instances where contractors / EHOs have been unable to gain access to property to carry out additional inspections or where access to the property to collect de-humidifiers has not been possible. Reimbursement by the Department will be **strictly limited to a maximum period of 4 weeks.**

12. Where there is **any doubt** as to whether or not an item is covered by the Scheme, a council should refer to Annex A (eligible items) and Annex B (ineligible items). If this does not provide a clear answer, the council should contact the Department for clarification.

Claims for Reimbursement of Expenditure

13. Standard application and survey forms for use by householders and councils respectively are attached at Annex C. Claims for reimbursement should be submitted to the Department using the Excel templates provided at Annex D. Where relevant, the following documentation, which is essential for audit purposes, should be forwarded in support of a claim:-

- i complete database of householders (names and addresses, including postcodes) who qualified for and received the £1,000 immediate payment;

- ii confirmation of each householder's eligibility under the Scheme and the name and position of the officer who made the assessment;
 - iii a record of council employees' overtime and mileage (using the Department's template) during the emergency period and outside normal working hours;
 - iv receipts/invoices for any other eligible costs directly incurred by the council; and
 - v copy invoices in respect of other services which were contracted out.
14. A declaration will be included, confirming that the council cannot recover any of the expenditure incurred from grants or compensation from any government department or other public body and that the expenditure will not be recovered from an insurance claim.
15. Councils will need to ensure that only costs, (excluding householder payments), exceeding £1,000 per annum, based on the financial year, are claimed. Costs below this limit should be absorbed by the council as stated in the DFP Guidance paper mentioned in paragraph 2.
16. Application forms seeking reimbursement of expenditure relating to recent incidents will be submitted to the Department, **within three months** of the flooding incident occurring. Claims made outside of this period will not be eligible for re-imburement; unless in exceptional circumstances where prior agreement has been reached with the Department.
17. Councils need to ensure that they have an appeal process in place that enables a second inspection to be carried out by different senior official.
18. Councils need to ensure that adequate procedures are in place to ensure householders are made aware of the Scheme. It is suggested that this should include a link on the council's website to the NI Direct website for

flooding, information provided in councillor packs and where necessary include the use of local media. All officers involved in Environment or Emergency work should also be made aware of the Scheme.

**Local Government Policy Division
Department of the Environment**

EXAMPLES OF EXPENDITURE WHICH MAY BE ELIGIBLE FOR EMERGENCY FINANCIAL ASSISTANCE

The following **may be eligible** for emergency financial assistance to councils in schemes established by the Department under Article 26 of the 1992 Order:

- the cost of overtime worked by council employees on the emergency;
- the cost of overtime worked by council employees to catch up on work from which council employees were diverted as a result of the emergency;
- the cost of expenditure on additional temporary employees or contractors involved in the emergency work or who replaced permanent employees diverted from normal work;
- the costs of hiring additional vehicles, plant and machinery (i.e. not those already in use by the council) and incidental expenses;
- the cost of materials used for emergency repairs (but not for betterment – see Appendix B);
- the cost of setting up temporary premises (including temporary accommodation for victims, staff or others), including the costs of removal and any increased costs due to expenditure on rent, rates, communications, lighting, heating, cleaning and insurance;
- the costs of providing emergency supplies of food and other emergency provisions during the period of the emergency; and
- any legal, clerical and other charges incurred in relation to the above examples .

This is not a comprehensive list of items which may be eligible for emergency financial assistance.

EXAMPLES OF EXPENDITURE AND LOSSES WHICH WILL NOT BE ELIGIBLE FOR EMERGENCY FINANCIAL ASSISTANCE

The following **will not be eligible** for emergency financial assistance to councils in schemes established by the Department under Article 26 of the 1992 Order:

- the normal wages and salaries of the council's regular employees, whether diverted from their normal work or otherwise;
- nominal costs associated with time in lieu awarded to employees;
- the standing costs of the council's plant and equipment;
- loss of council income (e.g. from facilities closed as a result of the emergency) as this falls outside the scope of Article 26;
- any costs that the council would be entitled to receive by way of grants or compensation from any government department in respect of the emergency;
- the cost of any element of betterment (e.g. repairs to council buildings or amenities to a standard higher than their condition on the day before the incident);
- any costs that the council would be entitled to receive by way of its own insurance or that of another party;
- losses associated with damage to individual belongings;
- losses associated with rainwater ingress through the structure of a building (other than rising flood water) which is due to a structural defect not caused by the incident itself;

- losses associated with vacant properties;
- losses associated with holiday caravans or second homes, where these are not the main place of residence;
- losses associated with the business sector;
- losses associated with the farming industry, however, farmers as householders, would be eligible for assistance under the Scheme, should they meet the criteria set out in the guidance;
- losses associated with applications from private landlords, in respect of rented property;
- losses associated with late applications from householders, ie notified to district councils outside 31 days of the last date of the flooding incident; and
- losses associated with homes flooded as the result of a previous incident, within a 12 month period unless the conditions outlined in the Scheme are met.

This is not a comprehensive list of items which are ineligible for emergency financial assistance.

NB: Normal working hours of officers are not eligible for reimbursement even if diverted to emergency work. However, as outlined in Annex A, the cost of overtime worked by council employees to catch up on work from which council employees were diverted as a result of the emergency will be considered for reimbursement.

SCHEME OF EMERGENCY FINANCIAL ASSISTANCE

HOUSEHOLDER’S APPLICATION FORM – please complete in INK and in BLOCK CAPITALS

Reference number (for office use only)

Date of incident Date of Property Inspection

2. Approximate start time of incident

3. Householder’s name

4. Property address affected

Post Code

Contact telephone number:

(to make arrangements for collection of a cheque if your application is successful)

NOTE: the applicant will need to present photographic identification and a recent utility bill before the cheque can be released.

5. Are you – (a) the owner of the property
OR (b) a tenant - private rented
- Housing Executive rented
- Housing Association rented
- Other (please specify type).....

6. If rented - Name of owner:

Address

Number of occupants

7. If owned - is this your - main residence
OR - second/holiday home

8. At the time of flooding was the property:
- occupied
- vacant

NOTE: Vacant properties, second/holiday homes and landlords are all excluded from the scheme.

9. Do you have insurance? - buildings	Yes	<input type="checkbox"/>
(This will not affect your entitlement)	No	<input type="checkbox"/>
- contents	Yes	<input type="checkbox"/>
	No	<input type="checkbox"/>
10. Do you have a bank account?	Yes	<input type="checkbox"/>
	No	<input type="checkbox"/>
11. Have you or any one in your household received an immediate payment for emergency financial assistance within the last 12 months?		
	Yes	<input type="checkbox"/>
	No	<input type="checkbox"/>

DECLARATION BY HOUSEHOLDER

I confirm that as a result of the flooding incident on..... I have suffered severe inconvenience.

Applicant

Print Name:		Date:
Signature:		

NOTE: Under the National Fraud Initiative, the information given on this application form may be provided to bodies responsible for auditing and administrating public funds for the purposes of preventing and detecting fraud.

SCHEME OF EMERGENCY FINANCIAL ASSISTANCE

SURVEY FORM – to be completed only by the Council’s Inspector

1. Details of flooding:

.....
.....
.....
.....

Depth of water (cms).....

2. Description of contamination and impact of contamination in the following areas:

a. Living areas: *Significant flooding of homes*

b. Under-floor areas:

c. Garage/utility areas: *where utilities are installed and have been damaged or are unusable (list all utilities)*

d. Storage areas where flooding has caused severe inconvenience as a result of damage to utilities:

3. Does the householder require further assistance with:

Making an insurance claim Yes/No

Contacting the Social Security Agency Yes/No

Other, please specify in space below, e.g. disability Yes/No

.....
.....
.....

To be completed after inspection:

In your opinion has the applicant been severely inconvenienced as a result of flood damage?

YES/NO

Comments:
.....
.....
.....
.....

Inspector

Print Name:		Date:
Signature:		

Time to complete inspection: ___ hrs ___ mins

total mileage: ___ miles

REVIEW AND APPROVAL – to be completed by Environmental Health Manager

“I certify that the details passed have been checked, signed off by the inspecting officer and added to the council’s database in relation to flooding.

I confirm that this application is eligible for the immediate payment and ready to be processed by the Finance Department.”

Or

I confirm that this application is **not** eligible for the immediate payment.”

Environmental Health Manager

Print Name:		Date:
Signature:		

APPEAL PROCESS (Where applicable)

To be completed after second inspection by a different Council Inspector:

In your opinion has the applicant been severely inconvenienced as a result of flood damage?

YES/NO

Comments:

.....

.....

.....

.....

Inspector

Print Name:		Date:	
Signature:			

Time to complete second inspection: ___hrs ___mins

total mileage: ___miles

REVIEW AND APPROVAL OF APPEAL– to be completed by Environmental Health Manager

“I certify that the appeal details passed have been checked, signed off by the second inspecting officer and added to the council’s database in relation to flooding.

I confirm that on appeal this application is eligible for the immediate payment and ready to be processed by the Finance Department.”

Or

I confirm that on appeal this application is **not** eligible for the immediate payment.”

Environmental Health Manager

Print Name:		Date:
Signature:		

For Finance Department use only

Authorised for payment

Print Name:		Date:
Signature:		