



Department for
Communities
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An Roinn
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Depairtment fur
Commonities

LG 03/25 - SCHEME OF EMERGENCY FINANCIAL ASSISTANCE NON- FLOODING TO DISTRICT COUNCILS - STORM ÉOYWN

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, 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.”*

2. Article 29(1) of the Local Government (Northern Ireland) Order 2005 permits councils to plan for the eventuality of an emergency and take measures to mitigate its impact as follows:

29.—(1) A council may make arrangements, or enter into arrangements with other bodies or persons, for—

- (a) *preventing the occurrence of an emergency;*
- (b) *reducing, controlling or mitigating the effects of any emergency which may occur.*

Article 29(10) makes provision for the Department to support these plans and preventive measures:

(10) The Department may make grants to district councils or other persons for the purpose of, or in connection with, arrangements made or entered into under paragraph (1).

Framework

3. The Department of Finance and Personnel (now DoF) 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 Protocol.

Detail

4. The Minister for Communities has determined that he shall make funds available to cover council costs incurred when planning for or responding to an emergency or disaster not caused by heavy rain or tidal surge.

Emergencies Within the Scope of This Scheme

5. 'The Northern Ireland Civil Contingencies Framework' defines 'emergency' in the context of civil contingencies arrangements in NI as:

"An event or situation which threatens serious damage to human welfare, the environment or the security of Northern Ireland or the UK as a whole."

6. The Framework also sets out what is meant by damage in the context of this definition of 'emergency'.

"Damage" includes physical destruction, corruption of information, or loss of beneficial social phenomena (e.g. trust or affiliation). To determine whether damage is serious there are two tests (one of which must be met).

7. Damage would be "serious" if:
 - ☐ *the emergency would be likely seriously to obstruct an organisation in the performance of its functions;*
or
 - ☐ *if it is likely that the organisation:*
 - *would consider it necessary or desirable to act to prevent reduce, control or mitigate the emergency's effects, or otherwise take action, and*
 - *would be unable to act without changing the deployment of its resources or acquiring additional resources.*
8. The definition of a threat of serious damage to human welfare causes or involves:
 - loss of human life

- human illness or injury
- homelessness
- damage to property
- disruption of a supply of money, food, water, energy or fuel
- disruption of a system of communication
- disruption of facilities for transport
- disruption of services relating to health.

9. A threat of serious damage to the environment causes or involves:

- contamination of land, water or air with biological, chemical or radioactive matter, or
- disruption or destruction of plant life or animal life.

Activation

10. The Protocol may also be activated where there is a clear demonstration that:
- the requirement constitutes early-stage preventative action of one or more of the impacts as outlined above, and/or
 - the impact would meet the threshold when considered in terms of its cumulative impact on other sectors.
11. This Protocol will cover any emergencies as defined above which are not within the remit of the existing Scheme of Emergency Financial Assistance to District Councils in the Event of Flooding Following Heavy Rainfall or Tidal Surge.
12. Activation of the Protocol will occur via the following protocols:
- Activation of a Council's Integrated Emergency Management Planning Arrangements, and
 - Establishment of the Tactical Co-ordination and/or a Strategic Co-ordination Group (NIEPG, LGD or PSNI led) and
 - Request to activate the Northern Ireland Central Crisis Management Arrangements (NICCMA), using the NICCMA Activation Template, and/or
 - Significant damage incurred; and
 - DfC authorisation, following an assessment call.

Eligibility

13. Expenditure deemed eligible will be categorised under one or more of the following headings:
- direct costs incurred by councils; and
 - services contracted out (indirect costs).
14. Examples of types of costs covered by this Protocol are listed at Annex A. Examples of ineligible expenditure are listed at Annex B. Clarification should be

sought from the Department if there is any doubt as to eligibility of a cost after referring to these Annexes.

For the purpose of this scheme, the Minister has declared that the following costs will be eligible for reimbursement;

- Costs incurred due to the operation of Community Assistance Centres (CACs) i.e. staffing costs, opening of buildings;
- The cost of providing emergency supplies of food and other provision during the period of the emergency, including but not limited to;
 - Blankets;
 - Provision of hot meals at CACs and by delivery to the most vulnerable;
 - Transport to/from CACs and other Health & Social Care facilities;
 - Assessments; and
 - Washing facilities
- Reasonable mutual-aid staff costs in assisting with the clean-up operation.

This will include reimbursement to Voluntary & Community Organisations who have been working with councils to mitigate the effects of the emergency.

Claims for Reimbursement of Expenditure

15. Claims for reimbursement should be submitted to the Department using the Excel templates provided at Annex C. Where relevant, the following documentation, which is essential for audit purposes, should be forwarded in support of a claim: -
 - a record of council employees' overtime and mileage (using the Department's template) during the emergency period and outside normal working hours;
 - receipts/invoices for any other eligible costs directly incurred by the council; and
 - copy invoices in respect of other services which were contracted out. **For staff costs associated in the Voluntary and Community sector (VCS) this will include signed timesheets, travel claims and payslips as evidence of having worked on the emergency. All VCS costs must be paid by councils – the Department will not make payment to VCS organisations.**
16. 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.
17. Councils will need to ensure that only costs, 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 3.

18. Application forms seeking reimbursement of expenditure relating to recent incidents will be submitted to the Department, within three months of the incident occurring. Claims made outside of this period will not be eligible for reimbursement, unless in exceptional circumstances where prior agreement has been reached with the Department.

**Local Government & Housing Regulation Division
Department for Communities**

EXAMPLES OF EXPENDITURE WHICH MAY BE ELIGIBLE FOR EMERGENCY FINANCIAL ASSISTANCE

The following **may be eligible** for emergency financial assistance to councils:

- 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 Annex 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;
- expenditure incurred resulting as a consequence of the provision of mutual aid to assist the effective co-ordination of response and recovery to an incident; 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:

- 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)
- 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 the structure of a building which is due to a structural defect not caused by the incident itself;

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.