



Department of the  
**Environment**  
[www.doeni.gov.uk](http://www.doeni.gov.uk)

# **SCHEME OF EMERGENCY FINANCIAL ASSISTANCE TO DISTRICT COUNCILS**

## **FLOODING – 2009 / 2010**

## 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 under which the Department would normally establish a scheme to provide emergency financial assistance to councils under Article 26. This framework provides the basis for the 2009/2010 Scheme.

## **Detail**

3. Following a spell of extremely heavy rainfall during the latter part of August 2009, Mr Edwin Poots, Minister of the Department of the Environment announced, on 2 September 2009, that the Scheme of Emergency Financial Assistance to District Councils should be re-activated. The Minister explained that his Department will administer the Scheme and stated that the Finance Minister, Mr Wilson appreciates the hardship faced by those affected and has indicated he will be supportive of any request for additional funding at the Executive if request is made by the DOE Minister. Ministers agreed that householders who have suffered severe inconvenience should receive an immediate payment of £1,000 and that every effort should be made by councils to ensure that homes are made 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 a £1,000 payment where:-
  - i they can produce evidence that the property for which assistance is being claimed is their main place of residence;

- ii they have notified district councils within 21 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 immediate 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 being carried out 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.)
8. Severe inconvenience would be considered, where there is 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, resulting in non-operation of heating systems;
  - iv flooding of garages/utility areas where household utilities are installed and which have been damaged or are unusable (but excluding motor vehicles);
  - v for apartments, evidence of flooding of basements containing storage rooms; or

- vi flooding of caravans, where these are the main place of residence (holiday caravans, vacant properties and second homes are excluded from the Scheme).
9. 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 during normal working hours or during 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 de-humidifiers to dry out homes.
10. The provision of de-humidifiers to dry out homes should, as far as possible, be restricted to two weeks from the date of installation. In **exceptional** circumstances, this period may be extended by 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.**

11. 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**

12. 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.
13. A declaration will be included, confirming that the council can not 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.

14. Application forms seeking reimbursement of expenditure relating to recent incidents will be submitted to the Department, **within three months** that is by **1 December 2009**. Claims made outside of this period will not be eligible for re-imburement.

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

**2 September 2009**

## **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, and 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 21 calendar days of the last date of the flooding incident; and
- losses associated with homes flooded as the result of a previous incident.

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

**SCHEME OF EMERGENCY FINANCIAL ASSISTANCE**

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

Reference number (for office use only) .....

1. 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"/>
		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 officers 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.”

Environmental Health Manager

Print Name:		Date:
Signature:		

For Finance Department use only

Authorised for payment

Print Name:		Date:
Signature:		