

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

**25 JULY 2020
UNTIL 25 AUGUST 2020**

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:-
 - i. “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.
 - ii. 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.
 - iii. 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 (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 Scheme

Detail

3. The Minister for the Department for Communities has determined that she 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 **25 July 2020** until **25 August 2020**. 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. Householders can use the Department's "Make the Call" service to ensure that they are getting all the money and supports that they are entitled to. The contact details are:

- **0800 232 1271 (lines are open Mon-Fri, (9am-5pm))**
- Or text **CHECK** to 67300
- Textphone users should call **0800 232 1715**

Advice is given **free** and **confidential**, and a friend or relative can make the call on someone's behalf.

5. 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)

6. 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 7 days 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

7. 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.

8. 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.

9. 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.

10. Where a property has been fitted with flood protection measures, under the Homeowner Flood Protection Grant Scheme, the homeowner will not be eligible to claim assistance under the Scheme of Emergency Financial Assistance to District Councils if the property suffers severe inconvenience as a result of internal flooding where they have failed, without good cause, to:

- i. maintain the equipment in accordance with the schedule of maintenance provided by the approved installation contractor;
- ii. replace any damaged or missing elements of the defence system;
- iii. install all temporary demountable measures, when there has been adequate warning of heavy rainfall or a potential flood event.

In circumstances where a property has been flooded but has been previously fitted with flood protection measures, under the Homeowner Flood Protection Grant Scheme, a DfI Rivers officer will accompany the council official to inspect the equipment and the maintenance schedule. The DfI Rivers officer will confirm if the applicant is eligible to be considered for assistance under the Scheme of Emergency Financial Assistance.

11. 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 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).
- 12.** 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 path (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.
- 13.** 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 dehumidifiers has not been possible. Reimbursement by the Department will be **strictly limited to a maximum period of 4 weeks.**

14. 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

15. 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 householders eligibility under the Scheme and the name and position of the officer who made the assessment;
 - iii. a record of council's 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.
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, (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.
18. 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.

19. 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.
20. 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 & 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 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 7 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.
- properties fitted with flood protection measures, under the Homeowner Flood Protection Grant Scheme where they have failed without good cause to comply with items (i-iii) of 9 guidance,

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

HOUSEHOLDERS APPLICATION FORM – Please complete in INK and BLACK CAPITALS

Reference number (for office use only)

Date of incident..... Date of Property Inspection.....

Approximate start time of incident

Householder’s Name

Address of Property 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.

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

If rented Name of Owner

Address of Owner

.....

.....

Number of occupants

If owned, is this your (a) Main residence

(b) second/holiday home

At the time of flooding was the property (a) occupied

(b) vacant

NOTE: vacant properties, second/holiday homes and landlords are all excluded from the Scheme

Do you have Insurance? (a) Buildings
(This will not affect your entitlement) (b) Contents

Do you have a bank account? Yes
No

Have you or anyone in your household received an immediate payment for emergency financial assistance within the last 12 months? Yes
No

Has the property been fitted with flood protection measures, under the Homeowner Flood Protection Grant Scheme? Yes
No

If so, were all temporary demountable measures installed? Yes
No

NOTE: the homeowner will not be eligible under the scheme if they have failed to maintain the equipment in accordance with the schedule of maintenance provided by the approved installation contractor, replace any damaged or missing elements of the defence system and/or install all temporary demountable measures, when there has been adequate warning of heavy rainfall or a potential flood event.

DECLARATION BY HOUSEHOLDER

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

I also confirm that I have read and received a copy of the Departments Finance Council Liaison Privacy Notice (Annex C(iii)) and agree to the details/terms therein.

Print Name..... Date.....

Signature.....

NOTE: Annex C (iii) should be detached and passed to the householder

SCHEME OF EMERGENCY FINANCIAL ASSISTANCE

ASSESSING or RELEVANT OFFICERS ASSURANCE FORM – To be completed by the assessing or relevant council officer in INK and BLOCK CAPITALS

Householder’s Name.....

Address of Property Affected.....

..... Post Code.....

Photographic ID produced, (*Please tick*);

A UK, Irish or EEA Driver’s License

A UK, Irish or EU passport

An Electoral Identity Card

Other, please specify below,

.....

.....

Proof of Residency produced, (*Please tick*);

Utility Bill

Bank Statement

HMRC Letter

Other, please specify below,

.....

.....

Declaration: I confirm that I have viewed documentation to verify that the Householder is resident at the affected address, according to Article 26 of the Local Government (Miscellaneous Provisions) (Northern Ireland) Order 1992.

(*Please tick*) Yes No

Assessing or Relevant council officer’s Name, (Please Print in BLOCK CAPITALS);

..... Date.....

Signature..... Job holder title.....

SCHEME OF EMERGENCY FINANCIAL ASSISTANCE

SURVEY FORM – To be completed by the Council’s Inspector in INK and BLOCK CAPITALS

Details of flooding.....
.....
.....
.....
.....

Depth of water (cms).....

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 **essential primary 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:

(e) Damage to septic tanks, resulting in facilities being temporarily out of order:

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 **ONLY** when a property has been fitted with flood protection measures, under the Homeowner Flood protection Scheme

To be completed by Dfl Rivers Officer

Has the property been fitted with flood protection measures, under the Homeowner Flood Protection Grant Scheme? **Yes/No**

If so, where all measures deployed or installed prior to flooding? **Yes/No**

Provide details (if yes, were defences breached? / if no, reason for not installing/utilising measures)

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

Have the measures been maintained in accordance with the schedule of maintenance provided by the approved installation contractor? **Yes/No**

If no, provide details

.....
.....

In your opinion is the applicant eligible to be considered for assistance under the Scheme of Emergency Financial Assistance? **Yes/No**

Comments:

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

Print Name Date

Signature

To be completed after inspection – by Council’s Inspector

In your opinion has the applicant been severely inconvenienced as a result of flood damage? **Yes/No**

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

Print Name..... Date.....

Signature.....

Time to complete inspection:hrsmins 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 £1,000 payment and ready to be processed by the Finance Department.”

OR

I can confirm that this application is **not eligible** for the £1,000 payment.”

Print Name..... Date.....

Signature.....

For Finance Department Use Only

Authorised for payment

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:

.....

.....

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.....

.....

.....

.....

.....

Print Name..... Date.....

Signature.....

Time to complete second inspection:.....hrsmins Total mileagemiles

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

“I certify that the 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 this application is **eligible** for the £1,000 payment and ready to be processed by the Finance Department.”

OR

I can confirm that this application is **not eligible** for the £1,000 payment.”

Print Name..... Date

Signature

For Finance Department Use Only

Authorised for payment

Print Name Date

Signature.....

Department for Communities

Finance Council Liaison - Privacy Notice

(to be detached and passed to householder)

Data Controller Name: Finance Council Liaison – Department for Communities

Address: Causeway Exchange, 1-7 Bedford Street Belfast, BT2 7EG

Telephone: 07789758184

Email: jeff.glass@communities-ni.gov.uk

Data Protection Officer

Telephone: (028) 9082 9200

Email: DPO@communities-ni.gov.uk

Why are you processing my personal information?

Information is retained and processed by Finance Council Liaison to enable the determination of the reimbursement of claims, received from local councils, by the Department for Communities (Local Government, Housing Regulation); the Department for Infrastructure (DfI Rivers) for the purpose of exercising its flood risk management functions and for the purposes of audit by the Northern Ireland Audit Office

The legislation governing the Scheme:

- a) Article 26 of the Local Government (Miscellaneous Provisions) (Northern Ireland) Order 1992 makes provision for a scheme of emergency financial assistance to district councils.
- b) Data Protection Act (DPA) 2018; and
- c) General Data Protection Regulations (GDPR).

If you want to look up the Article, further information is available from the Department for Communities website:

<https://www.communities-ni.gov.uk/articles/flooding-scheme>

What categories of personal data are you processing?

Categories of information processed include your full name, address, telephone number(s).

Do you share my personal data with anyone else?

DfC - Finance Council Liaison will retain all information provided by you on the application form; any additional information or evidence that you believe will assist your claim, submitted through the Council.

The Councils are acting as DfC's data processors and collect your data solely to process your claim for emergency financial assistance. Your data may also be shared with other key agencies and contractors to provide necessary support depending on your requirements.

DfC and our processors share responsibility for how your data is handled in line with data protection legislation.

The information detailed above, and any additional evidence you provide will be shared with the Department for Infrastructure (DfI Rivers) and the Northern Ireland Audit Office.

We may also share this information with enforcement agencies for the prevention or detection of crime/fraud in accordance with the appropriate legal authority to do so.

We may also share this information with translation service providers where the information is required to be translated into a different language, in accordance with our obligations under the Disability Discrimination Act 1995 and the European Convention Human Rights (ECHR).

How long do you keep my personal data?

We will only retain your data for as long as necessary to process your claim and in line with the Departmental Retention and Disposal Schedule:

<https://www.communities-ni.gov.uk/publications/dfc-disposal-records-schedule>

What rights do I have?

- You have the right to be informed (which we do in these pages);
- You have the right to obtain confirmation that your data is being processed, you also have access to your personal data;
- You are entitled to have personal data rectified if it is inaccurate or incomplete;
- You have a right to have personal data erased to prevent processing in specific circumstances;
- You have the right to 'block' or suppress processing of personal data in specific circumstances;
- You have the right to data portability in specific circumstances;
- You have the right to object to the processing of your personal data in specific circumstances; and
- You have rights in relation to automated decision making and profiling.

How do I complain if I am not happy?

If you are unhappy with how any aspect of this privacy notice, or how your personal information is being processed, please contact the Data Protection Officer at the above address.

If you are still not happy, you have the right to lodge a complaint with the Information Commissioner's Office (ICO):

Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF
Tel: 0303 123 1113
Email: casework@ico.org.uk
<https://ico.org.uk/global/contact-us/>