

**Name of meeting:** Cabinet  
**Date:** 25<sup>th</sup> February 2020  
**Title of report:** Kirklees Flood Recovery Support Scheme

**Purpose of report:**

This report seeks approval for the Council to create a local Flood Recovery Support Scheme for businesses and householders in light of the serious flood event which occurred across the district on 9<sup>th</sup> February 2020 and the potential for further flood events in the near future.

<b>Key Decision - Is it likely to result in spending or saving £250k or more, or to have a significant effect on two or more electoral wards?</b>	Yes  The proposals are likely to result in spending of more than £250,000 and have a significant effect on more than two electoral wards.
<b>Key Decision - Is it in the <u>Council's Forward Plan (key decisions and private reports)?</u></b>	<b>Key Decision - Yes</b>  <b>Private Report/Private Appendix - No</b>
<b>The Decision - Is it eligible for call in by Scrutiny?</b>	Yes
<b>Date signed off by <u>Strategic Director</u> &amp; name</b>  <b>Is it also signed off by the Service Director for Finance?</b>  <b>Is it also signed off by the Service Director for Legal Governance and Commissioning?</b>	<b>Karl Battersby - 17 February 2020</b>  <b>Eamonn Croston - 17 February 2020</b>  <b>Julie Muscroft - 17 February 2020</b>
<b>Cabinet member <u>portfolio</u></b>	<b>Councillor Shabir Pandor – Leader of the Council and holder of the Leaders Cabinet Portfolio</b>

**Electoral wards affected:** All wards

**Ward councillors consulted:** Due to the nature of this emergency, Ward councillors have not been consulted.

**Public or private:** Public.

**Has GDPR been considered?** Yes.

**1. Summary**

- 1.1 On Sunday 9 February 2020, Storm Ciara made landfall across the UK. The subsequent flood event was the worst experienced in Kirklees since the Boxing Day floods of 2015 with Mirfield, Ravensthorpe and other communities severely affected. The Council, West Yorkshire Fire and Rescue and West Yorkshire Police initiated emergency response measures.
- 1.2 This report seeks Cabinet approval to put in place a package of financial and other measures to support households, businesses and charitable organisations to meet the immediate costs associated with cleaning up their premises. This will include a free bulky waste collection for residents affected by flooding.

**2. Information required to take a decision**

**Background**

- 2.1 On Sunday 9 February 2020, Storm Ciara made landfall across the UK. The Met Office issued a number of National Severe Weather Warnings for strong wind and heavy rain including an Amber Warning for much of the UK on 9<sup>th</sup> February. The Environment Agency issued more than 12 flood warnings for the River Calder and River Colne. It was reported that Huddersfield experienced its highest ever rainfall level of over a single 12-hour period and some rivers in the district reached their highest recorded levels.
- 2.2 The subsequent flood event was the worst experienced in Kirklees since the Boxing Day floods of 2015 with Birkby, Marsden, Milnsbridge, Mirfield, Ravensthorpe and other communities severely affected. The Council, West Yorkshire Fire and Rescue and West Yorkshire Police initiated emergency response measures, closing roads where necessary, inspecting bridges and other structures and supporting vulnerable residents. The Council received an unusually high volume of phone calls, with 1146 being received on 9 February, in contrast to a figure of 135 for the previous Sunday.
- 2.3 As of 13 February, 47 residential properties and 19 business premises had notified the Council that they had experienced internal flooding.

**Government Flood Recovery Framework**

- 2.4 The Council's proposed package of local support measures has been developed in accordance with the Government's Flood Recovery Framework, published by the then Department for Communities and Local Government on 1 December 2017. The framework allows Ministers to trigger support measures for households and businesses including grant support for flood recovery, Council Tax Discounts and Business Rate Relief.
- 2.5 To date, this support has yet to be made available by the Government to households, businesses and charities in Kirklees. As a result, to ensure that support is provided rapidly to those in need, it is proposed that the Council now directly funds and implements these measures, in accordance with the principles set out in the Flood Recovery Framework.
- 2.6 The Ministry of Housing, Communities and Local Government has activated the government's emergency Bellwin scheme to reimburse the Council for any immediate, uninsurable costs incurred in response to the flooding, above a defined threshold.

## Kirklees Flood Recovery Grant Scheme

- 2.7 It is proposed to put in place a package of financial support to help meet the immediate recovery needs of communities and businesses following the severe weather events of 9 and 15/16 February and to provide support in the event of further flooding during 2020. The grant scheme will support eligible households, businesses and community organisations that experienced damage caused by internal flooding of properties; or where the local authority considers that the property was unliveable.
- 2.8 The proposed Flood Recovery Grant scheme is intended to support immediate recovery/clean-up costs only and is not intended to be a replacement for flood insurance. It will provide funding to support the following activities:
- Clean up equipment – e.g. generators, dehumidifiers, lighting, brushes, power sprayers
  - Building and stock security
  - Costs associated with getting IT and electricity up and running
  - Essential fixtures and fittings
  - Temporary accommodation costs
  - Specialist advice.
- 2.9 Damage to the fabric of buildings, damaged stock or other items normally covered by property insurance, where available, will not be eligible for grant support.
- 2.10 The Council will make available a fixed grant of £750 per eligible household. These will be primary residences (as defined on the electoral roll), where, as a result of the relevant weather event:
- flood water entered into the habitable areas of the residence; or
  - flood water did not enter into the habitable areas, but the local authority considers that the residence was rendered *unliveable* for any period of time, for example where access to the property is severely restricted (e.g. where upper floor flats with no access); key services such as sewerage, draining, and electricity are severely affected; or where as a result of damage to the property it would be/would have been advisable for residents to vacate the premises for a period of time.
- 2.11 Second homes, empty homes and student accommodation will not be eligible for support. There will also be specific eligibility criteria associated with Houses in Multiple Occupation (HMOs). Flooded gardens will not usually render a household unliveable unless exceptional circumstances apply.
- 2.12 The Council will also make available a fixed grant of £3,000 per eligible business and community organisation. Eligible applicants will be small and medium sized businesses (SMEs) (see [https://ec.europa.eu/growth/smes/business-friendly-environment/sme-definition\\_en](https://ec.europa.eu/growth/smes/business-friendly-environment/sme-definition_en)) or registered charities (see <http://www.legislation.gov.uk/ukpga/2011/25/contents/enacted>) within flooded areas that are
- *directly impacted* by the weather event - for instance there was flood damage to the property, equipment, and/or stock; or;
  - *indirectly impacted by the weather event* – for instance the organisation has had no/highly restricted access to premises, equipment and/or stock as a result of flooding, restricted access for customers, suppliers and/or staff; and has directly suffered a loss of trade or activity as a result.
- 2.13 It is anticipated that grants will be paid against items that have already been purchased (after 9<sup>th</sup> February 2020) and items which the household/business/charity has not yet purchased. There will be a simple application process to ensure funding can be distributed quickly to those in greatest need.

2.14 The scheme will be administered in accordance with the Government's adopted Flood Recovery Framework (see overleaf) and as such it will be necessary for grant recipients to provide evidence of expenditure if required, in the event that the Government agrees to reimburse the Council in line with the framework. If approved by Cabinet, the Council will make full details of the application process available on its website.

### **Council tax and business rate discounts**

2.15 Local authorities have discretionary powers to grant council tax and business rates discounts, set out in Section 13A of the Local Government Finance Act for council tax: and Section 47 of the Local Government Finance Act 1988, as amended by the Localism Act 2011, for business rates. Ordinarily, the costs of providing such discounts are met by the local authority.

2.16 It is proposed that the Council awards council tax reductions and business rate discounts for those households, businesses and charities that have suffered internal flooding as a result of a severe weather event, in accordance with the criteria set out in the Government's Flood Recovery Framework:

- 100% council tax discount for a minimum of three months, or while anyone is unable to return home if longer for primary residences where, as a result of the flood:
  - flood water entered into the habitable areas; or
  - flood water did not enter into the habitable areas, but the local authority regards that the residence was otherwise considered unliveable for any period
- 100% parallel council tax discount on temporary accommodation for anyone unable to return to their home, in parallel with the discount on their primary residence where this applies;
- 100% business rates discount for a minimum of three months or until the business is able to resume trading from the premises if longer, up to state aid de minimus levels, for hereditaments which for any day:
  - the hereditament was directly impacted by the floods, for instance flood damage to the property, equipment and/or stock; or the business could not function due to lack of access to premises, equipment and/or stock as a result of the floods and no alternatives were available;
  - on that day business activity undertaken at the hereditament was adversely affected as a result;
  - on that day the rateable value of the hereditament was less than £10 million.

2.17 Wherever possible, discounts will be awarded to qualifying households and businesses automatically without the need for a separate application. Information from applications for the Flood Recovery Grant will be used to determine entitlement to the council tax and business rates discounts as well as general information and intelligence on the flood impact being gathered by the Council.

2.18 The proposed package of support will also include a free collection of bulky waste items (for households only) by the Council. Normal arrangements will remain in place for the collection of commercial waste.

### **Options**

2.19 The Council could have considered waiting for the Government to trigger the package of measures set out in the Flood Recovery Framework overleaf. However, it remains open to Ministers to determine when and where this support will be made available and it has not yet been triggered in Kirklees.

2.20 This option is not recommended as it would not provide affected households, businesses and charities with the assurance that support will be made available to cover those costs that cannot be met through insurance. The proposals will ensure that those affected by the flooding will gain access to financial support as soon as possible through a locally administered grant scheme. The Council will continue to engage with Government to ensure that, if further support is released, this

complements the proposed package of measures and, where appropriate, the Council can seek reimbursement from Government.

### **Costs**

- 2.21 As highlighted overleaf to date 47 residential properties and 19 businesses have notified the Council that internal flooding of their property has occurred. As evidence of impact is being assembled it is not yet possible to precisely identify the costs of the proposed scheme, including the proposed bulky waste collection for households. In 2015, approximately 70 businesses benefited from the support put in place following the Boxing Day flooding.
- 2.22 The costs will be met through the Council's existing Adverse Weather Revenue Reserve. Council officers will manage the scheme to ensure that only eligible households/businesses/charities apply and that appropriate evidence of expenditure is provided. The operation of the scheme will be subject to regular review by the Council's Section 151 Officer.

### **Expected impact/outcome/benefits**

- 2.23 The outcomes/benefits of the proposals will include reducing the financial and other impacts of flooding on households, particularly in the district's most deprived communities. This could help residents to return to their homes earlier than would have been the case in the absence of the proposals. Implementing the scheme will also enable businesses to recommence trading earlier than would have been the case if the package of support was not in place, safeguarding local employment.

### **Risks**

- 2.24 There are a number of risks associated with the scheme, including:
- applicants may seek grant support for ineligible activity
  - need/demand may strip the funding available
  - reputational risks for the Council in relation to the amount of support available or the activities eligible for grant funding.
- 2.25 These risks will be managed and mitigated through the operation of the grant scheme. Council Officers will put in place appropriate mechanisms, to ensure that only eligible activities are funded and suitable evidence of expenditure is provided. It is considered that the positive reputational benefits of providing access to immediate financial support for affected householders, businesses and charities outweigh the negative reputational impacts of the proposals.
- 2.26 The proposals for free bulky waste collections for householders could have a negative impact on recycling rates as it will not be possible to recycle flood damaged or contaminated bulky waste. This will be monitored by the Council.

## **3. Implications for the Council**

### **Working with people**

- 3.1 The proposals will support the Council's efforts to work together with people and communities to find shared solutions. The Council has drawn on learning from the implementation of the support scheme implemented following the Boxing Day floods in 2015. The operation of the scheme will be kept under regular review in response to resident/business feedback.

### **Working with Partners**

- 3.2 The proposed package of support has been developed in response to feedback from businesses and other key stakeholders following the response to the 2015 severe weather event.

## **Place Based Working**

- 3.3 The allocation of resources will be in response to local need where residents and businesses have notified the Council that their property has been subject to internal flooding. Ward Councillors will be engaged in the process to encourage affected households, businesses and charities to apply for support

## **Climate Change and Air Quality**

- 3.4 There is strong evidence to link climate change with the increased prevalence of severe weather events. The Council has declared a Climate Emergency and, in addition to its own efforts to reduce carbon emissions and encourage individuals and businesses to do so, will continue to press Government for a step change in the funding available for flood defence schemes in the Calder and Holme Valleys. It will also continue to lobby DEFRA and the Environment Agency (EA) to accelerate delivery of flood defence schemes that are already in the identified EA project delivery pipeline.
- 3.5 The Council will also aim to ensure that sustainability is incorporated into any works or activities supported through the grant by, where possible, ensuring that they do not result in a net increase in emissions. Applicants will be provided with further guidance on this matter.

## **Other (legal/financial/human resources)**

- 3.6 Financial matters are addressed in section 2 of the report.
- 3.7 The scheme will be operated in accordance with the Council's Contract Procedure Rules and State Aid guidance.
- 3.8 The proposed grant scheme will be administered by existing Council Officers. No additional resources will be required to support implementation of the scheme.
- 3.9 An Integrated Impact Assessment (IIA) has not been undertaken for the proposals as a result of the short timeframe for implementing the scheme in response to the 9 February severe weather event. An IIA will be undertaken during the first three months of implementation.

## **4. Consultees and their opinions**

- 4.1 Engagement with stakeholders including the Environment Agency and Ministry for Housing, Communities and Local Government will continue as the scheme is implemented and it will be shaped in response.

## **5. Next steps and timelines**

- 5.1 Subject to approval, the Flood Recovery grant scheme will be launched as soon as practicable after the Cabinet meeting on 25 February. The scheme will be in operation for the remainder of 2020 and cover any further severe weather events causing internal flooding of eligible properties.
- 5.2 The Council will publish detailed scheme guidance and application forms on its website as soon as the scheme is launched. The Council will put in place a streamlined process to ensure the rapid turnaround of applications for support.
- 5.3 The Council will keep the operation of the scheme under review, gathering evidence of the location and nature of flood damage to inform future policy and delivery in relation to flood risk management.

## 6. Officer recommendations and reasons

1. Cabinet notes the content of this report and approves the implementation of the proposed package of financial support measures for households, businesses and charities that are severely affected by flooding as outlined in section 2 of the report.
2. Cabinet delegates authority for implementation and monitoring of the Flood Recovery Grant scheme to the Strategic Director Economy and Infrastructure and the Service Director (Finance).
3. Cabinet delegates authority to the Service Director (Finance) to award Council Tax Reductions under s13A(1)(c) of the Local Government Finance Act 1992 in any case where properties have experienced internal flooding as defined in section 2 of the report, and that such reductions be limited to a maximum of three months.
4. Cabinet delegates authority to the Service Director (Finance) to award Business Rate Discounts under s47 of the Local Government Finance Act 1988, as amended by the Localism Act 2011, in any case where properties have experienced internal flooding as defined in section 2 of the report, and that such reductions be limited to a maximum of three months or until the business is able to resume trading from the premises if longer.
5. Cabinet delegates monitoring of the programme and development of further financial and other measures to support recovery from severe weather events to the Strategic Director- Economy and Infrastructure and the Service Director (Finance) in consultation with the Leader of the Council.
6. Cabinet delegates to the Service Director (Finance) negotiation with the Ministry for Housing, Communities and Local Government in relation to the recovery of any eligible costs arising from the implementation of the Flood Recovery Grant scheme, Council Tax and Business Rate Discounts; and the reimbursement of the Council's uninsurable costs under the Bellwin Scheme.

### Reasons

1. To enable Cabinet to approve a package of financial and other support than can be made available to households, businesses and charities as soon as practicable after the severe weather events of 9<sup>th</sup> and 15<sup>th</sup>/16<sup>th</sup> February 2020 and in response to future severe weather events.
2. To enable rapid implementation of the Flood Recovery Grant scheme and ensure the scheme is responsive to user/stakeholder feedback.
3. To enable Council Tax Discounts to be awarded in an efficient and effective manner in accordance with the Council's discretionary powers
4. To enable Business Rate Discounts to be awarded in an efficient and effective manner in accordance with the Council's discretionary powers.
5. To enable the identification and implementation of additional measures, where required, to complement the approved package of flood recovery support.
6. To ensure the Council achieves value for money for Kirklees taxpayers in implementing the proposals and optimises the attraction of external funding to support flood recovery.

**7. Cabinet Portfolio Holder's recommendations**

The Cabinet Portfolio Holder supports the recommendations, which have been developed as a matter of urgency at the request of Cabinet in order to enable actions to be put in place so that local households and businesses who have been adversely effected can be supported as quickly as possible.

**8. Contact officer**

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**9. Background Papers and History of Decisions**

Flood Recovery Framework – guidance for local authorities in England, DCLG December 2017 - <https://www.gov.uk/government/publications/flood-recovery-framework-guidance-for-local-authorities-in-england>

**10. Service Director responsible**

Angela Blake, Service Director Economy and Skills  
Sue Procter, Service Director Environment  
Eamonn Croston, Service Director Finance.