

Report to the Leader of the Council

Subject: Property Flood Resilience Repair Scheme - Storm Babet

Date: 9 November 2023

Author: Interim Corporate Director

Wards Affected

All

Purpose

The purpose of this report is to seek approval to implement the Property Flood Resilience Repair Grant Scheme – Storm Babet 2023 (PFRRS), and to delegate administration and decision making under the scheme to the relevant Director in accordance with guidance issued by the Department for Environment and Rural Affairs (DEFRA).

The report also seeks delegation to Director level to sign the memorandum of understanding with DEFRA in relation to the PFRRS.

Key Decision

This is not a key decision.

Recommendation(s)

THAT the Leader of the Council:

- 1) Approves implementation of the Property Flood Resilience Repair Grant Scheme – Storm Babet
- 2) Delegates to the relevant Director, the authority to administer and determine all applications for grants under the scheme in line with DEFRA guidance at Appendix 1.
- 3) Delegates authority to Director level to complete the Memorandum of Understanding issued by DEFRA to enable participation in the Property Flood Resilience Repair Grant Scheme – Storm Babet

1 Background

- 1.1 In 2017, the Government produced a Flood Recovery Framework (FRF) which is a framework for use in a severe weather event with significant wide area impacts. The triggering of this framework is intended to provide local authorities with central support to help their communities and businesses return to normal. The Framework was updated in 2021 following impacts from flooding events in 2019 and 2020.
- 1.2 The Government's FRF was triggered on 25th October 2023 in response to severe flooding events which occurred following Storm Babet. On 3 November 2023, the Leader of the Council agreed to the implementation of three flood schemes in the borough, specifically the Community Grant Scheme, Council Tax Discounts and Business Rates Relief, all schemes administered by the Department for Levelling Up, Housing and Communities (DLUHC).
- 1.3 DEFRA have now issued guidance on the administration of the Property Flood Resilience Repair Grant as a result of Storm Babet (appendix 1). This scheme runs alongside the other DLUHC schemes but is again administered locally by districts. The PFFRS was previously implemented in the borough following the impacts of Storms Dennis and Ciara in 2019/2020.
- 1.4 As part of the PFFRS, DEFRA have issued a Memorandum of Understanding to be completed by the districts to confirm acceptance of the scheme.
- 1.5 In order to be eligible for the PFFRS local authorities must have been affected by Storm Babet between 19-25 October 2023. Lead Local Flood Authorities (LLFA) must have had 50 or more properties affected by internal flooding to be eligible to participate in the scheme. Nottinghamshire County Council are the LLFA for the borough, and this threshold of over 50 properties affected has been met across the County.
- 1.6 In order to claim under the PFFRS residential properties must have had habitable internal areas of the premise damaged by flooding during Storm Babet. For businesses, internal areas of the premise which are critical to the day-to-day operations of the business must have been damaged by Storm Babet.
- 1.7 Business and residential properties could be entitled to up to £5000 under the scheme to apply measures to the property that makes people and properties less vulnerable to the impacts of flooding in the future.

- 1.8 Applicants will be required to have a survey completed to identify appropriate flood mitigation measures, the cost of the survey can be recovered (up to £500) as part of the PFFRS but must be undertaken by a suitably qualified independent surveyor.
- 1.9 Any works undertaken following appropriate survey must be undertaken by a suitably qualified contractor and verified by the Council prior to any grant being paid. The level of grants under the PFFRS is £5,000 per property and is paid on satisfactory completion of the works. The scheme does permit cumulative applications from a number of properties where recommended flood resilience work spans a number of properties.
- 1.10 The PFFRS application process is currently being developed in line with DEFRA guidance at appendix 1 which sets out the more detailed guidance in relation to the scheme. It should be noted that if a property has benefited from grants under previous PFFRS, they may not be entitled to the grant under the Storm Babet scheme. Every application will be considered in line with the guidance on a case by case basis.

2 Proposal

- 2.1 It is proposed that approval is given to implement the PFFRS in the borough as the eligibility criteria, of over 50 properties flooded as a result of Storm Babet across the LLFA is satisfied.
- 2.2 It is proposed that the Leader delegates the authority to administer the PFFRS to Director level. The scheme is to be administered in accordance with the DEFRA guidance and decisions taken as to eligibility to be delegated to Director level.
- 2.3 It is proposed that delegation is given to Director level to complete the memorandum of understanding with DEFRA that enables the Council to access the scheme. This must be completed by 10 November 2023.
- 2.5 It is proposed that authority is given to Director level to complete a Memorandum of understanding between the Council and DLUHC.

3 Alternative Options

- 3.1 An alternative would be not to implement the scheme locally, however this would be contrary to Government expectation and recommendation and would not enable financial support to those households and businesses impacted by Storm Babet. Completion of the memorandum of understanding with DEFRA is required to access the PFFRS.

- 3.2 Administration and determination of the schemes could remain with the Executive, however it is considered for expediency that delegation to director level will ensure decisions are taken without overburdening the executive.

4 Financial Implications

- 4.1 Payment of the PFFRS grants are made by the Council on satisfactory completion of works and claimed back from DEFRA. Funding is released from DEFRA to authorities on a quarterly basis. Funds are provided as grants paid under s.31 of the Local Government Act 2003. DEFRA will only fund up to £5000 per property including survey fees of up to £500.
- 4.2 As with other flood schemes, the Council is acting as agent. In accordance with the Code of Practice on Local Authority Accounting, where a local authority acts as an agent, the transactions do not need to be reflected in authority's financial statements and therefore in this circumstance, a budget does not need to be established.
- 4.3 The administration of these schemes will create additional work for the Council's teams and at this stage it is not known whether any New Burdens grant will be available, therefore the work will be conducted within current resources.

5 Legal Implications

- 5.1 The legal implications and mechanisms for funding are detailed in the report. Where payments are made to businesses, advice should be obtained in respect of any potential subsidy, in line with UK Subsidy regime.

6 Equalities Implications

- 6.1 There are no specific equality implications arising out of this report. There may be applicants from different protected characteristics eligible for support under the various schemes. The amount of financial support is not based on any particular characteristic and is available to anyone impacted by the flooding in line with the scheme guidance.

7 Carbon Reduction/Environmental Sustainability Implications

- 7.1 There are no direct carbon reduction/sustainability implications arising from this report.

8 Appendices

8.1 Appendix 1 – Property Flood Resilience Repair Grant Scheme Storm Babet 2023 Guidance for Local Authorities.

9 Background Papers

9.1 None

10 Reasons for Recommendations

10.1 To ensure swift implementation of flood recovery schemes so that those residents and businesses impacted by Storm Babet can receive some financial support.

10.2 The delegations are requested in order to ensure that no unnecessary burden is placed on the Executive.

Statutory Officer approval

Approved by:
Date:

Chief Financial Officer

Approved by:
Date:

Monitoring Officer