

Flood Recovery Framework

1. What is the Flood Recovery Framework?

1.1 The Flood Recovery Framework ('The Framework') is a package of business and community recovery support from central government to help businesses and communities return to normal following a severe weather event with significant wide area impacts. The Framework was activated by government on 26th January 2024 in response to Storm Henk for impacts occurring between 2nd and 12th January 2024. The Council is a Lead Local Flood Authority (LLFA) establishing eligibility and reporting for the following five schemes.

1.2 The Department for Levelling Up, Housing & Communities (DLUHC) is responsible for:

- Community Recovery Grant,
- Council Tax Discounts,
- Business Rate Relief.

1.3 The Department for Business and Trade (DBT) is responsible for:

- Business Recovery Grant.

1.4 The Department for Environment, Food & Rural Affairs (DEFRA) is responsible for:

- Property Flood Resilience Scheme.

2. What is the aim of the Framework?

2.1 The aim of the Framework is to provide support as follows:

- **Community Recovery Grant**, £500 per household that has either been internally flooded or deemed to be "unliveable" for a period greater than 48 hours as a result of Storm Henk.
- **Council Tax Discounts**, 100% council tax discount for a minimum of three months if flood water entered the domestic property, or the domestic property was otherwise considered "Unliveable" for a period greater than 48 hours. The Government will also reimburse authorities for the cost of a 100% council tax discount on temporary accommodation for any household unable to return to their home.
- **Business Rate Relief**, 100% relief from business rates for a minimum of three months if flood water entered the property, or the flooding seriously impacted upon the businesses' ability to trade from the property

- **Business Recovery Grant**, grant funding up to £2,500 per eligible small-to-medium sized business.
- **Property Flood Resilience Scheme**, up to £5,000 per property to fund measures which improve a property's resilience over and above repairs that would normally be covered by insurance.

3. What are the main features of the Framework?

3.1 Applications will be accepted in respect of Community Recovery Grants, Council Tax Discounts, Business Rates Relief and Business Recovery Grants from 1st February 2024 until 18th March 2024. All eligibility must have been determined and eligible grants paid and reported to central government by 12th April 2024.

3.2 Only one award for each scheme may be made in respect of each household or business, even if a property is flooded more than once as a result of Storm Henk between 2nd and 12th January 2024.

3.3 Eligibility is assessed as per household or business. A household is defined as the lead claimant, their partner, spouse or civil partner if they have one, any other adults living in the property, and any dependent children.

3.4 Primary residence is defined as the location registered on the electoral roll, including accommodation such as static caravans, where this is the primary residence.

3.5 An eligible property is defined as:

- residential properties (including static caravans if they are an Owner's primary residence) if habitable internal areas of the premises have been seriously damaged by a flood necessitating drying out and/or repairs to the fabric of the building, which occurred as a result of the severe weather event. It should be remembered, second homes and empty homes may be counted as part of the total number of impacted properties, but are not eligible to receive support under the Framework schemes and
- business properties (including social enterprises and charities) if internal areas which are critical to the day-to-day operations (i.e. not storage sheds or warehouses) have been damaged by a Flood, necessitating drying out and/or repairs to the fabric of the building, occurring as a result of the specified severe weather event(s) to which this document refers. It should be remembered, empty business premises may be counted as part of the total number of impacted properties, but are not eligible to receive support under the Framework schemes.

4. Am I eligible for a Community Recovery Grant?

4.1 A lead claimant in respect of a claimant household must meet the following criteria:

- Whose primary residence within Leicester as a result of Storm Henk:

- flood water entered into the habitable areas of the residence rendering it unliveable; or
- flood water did not enter into habitable areas, but the local authority regards that the residence was otherwise considered unliveable for a period of time;

4.2 Instances where households might be considered unliveable could include:

- where access to the property is severely restricted (e.g. upper floor flats with no access)
- key services such as sewerage, water and power supplies are severely affected
- the adverse weather has resulted in other significant damage to the property such that it would be, or would have been advisable for residents to vacate the premises for a period of time, regardless of whether they do vacate or not
- flooded gardens or garages will not usually render a household eligible but there may be exceptions where it could be demonstrated that such instances mean effectively that the property is unliveable.

4.3 Second homes and empty homes will not be eligible.

4.4 Only one grant can be made in respect of any one household primarily resident in a House of Multiple Occupation (HMO) or block of flats, unless they are disaggregated for council tax purposes, in which case, each individual bill recipient will be eligible to receive the £500 community recovery grant provided they meet the criteria.

4.5 Student accommodation is not eligible.

5. Am I eligible for a Council Tax Discount?

5.1 The Council will grant discounts as follows:

- 100% discount provided for a minimum of 3 months, or while anyone is unable to return home if longer, for primary residence where, as a result of Storm Henk:
- Flood water entered into the habitable areas of the property; or,
- the Council regards that the residence was otherwise considered unliveable (see 4.3 above) for a period greater than 48 hours.
- 100% council tax discount on temporary accommodation for anyone unable to return to their home, in parallel with the discount on their primary residence where applicable.

5.2 Second homes and empty homes will not be eligible.

6. Am I eligible for Business Rate Relief?

6.1 The Council will grant relief as follows:

- 100 per cent rate relief for a minimum of three months, or until the business is able to resume trading from the property if longer, up to UK subsidy control regime limits, for those Hereditament which meet the following criteria:
- For any day, the hereditament was directly impacted by the relevant weather event - 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 relevant weather event, and no alternatives were available, and
- on that day business activity undertaken at the hereditament was adversely affected as a result; and
- on that day the rateable value of the hereditament was less than £10 million.

6.2 In considering whether the business activity has been adversely affected, the Council will consider the impact of the flooding in the full context of all business activities undertaken at the hereditament. Very small or insignificant impacts should not be considered for the purpose of this scheme.

6.3 Before applying Business Rates Relief in respect of Storm Henk, the Council will first apply all other forms of eligible relief.

6.4 This relief will be calculated ignoring any prior year adjustments in liabilities which fall to be liable on the day.

6.5 Ratepayers that occupy more than one property may be granted relief within the scheme for each of their eligible properties.

6.6 Where a new hereditament (i.e. a new property which becomes liable to rate) is created as a result of a split or merger from a hereditament which for the day immediately prior to the split or merger met the criteria for the scheme, relief will be given for the remaining balance of the 3 months.

6.7 Relief will continue to be given following a change of ratepayer. In other words, the relief should run with the property rather than the ratepayer.

6.8 The scheme does not cover relief for any hereditament which was empty at the time it was flooded as there was no business activity on the premises at the time. Where a hereditament becomes empty after the flood then it will receive the normal 3 or 6 months (as applicable) empty property rate free period or will continue to receive the balance of the flooding relief.

6.9 Where a property is eligible for Enterprise Zone relief, that relief should be granted, and this will be funded under the rates retention scheme by a deduction from the central share. If a property in an Enterprise Zone is not eligible for Enterprise Zone relief, or that relief has ended, Flooding Relief may be granted in the normal way, and this would be reimbursed by grant under section 31 of the Local Government Act 2003.

Local authorities should not claim funding for Flooding Relief on properties which would otherwise qualify for Enterprise Zone government funded relief.

6.10 Seriously damaged property may be taken off the ratings list. Where a property is removed from the rating list the ratepayer is not liable for business rates. Once the property returns to the list it may be eligible for any remaining period of flood relief. For example, a property that was taken out of the list for a month would be eligible for a minimum of 2 months flood relief.

7. Am I eligible for a Business Recovery Grant?

7.1 A business must satisfy all the following conditions to be eligible to receive grant support:

- The business must be a Small and Medium Sized Enterprise (SME) at the point of grant award – the criteria that must be satisfied for a business to be a SME are defined by the UK Government in the SME Action Plan as follows:
 - have fewer than 250 employees; and
 - have a turnover of less than €50m or a balance sheet total less than €43m
- The business must have been trading at and/or from the premises at the point that the premises was impacted by Storm Henk. For the purposes of this grant scheme, a business is trading if it is engaged in business activity. This should be interpreted as carrying on a trade or profession or buying and selling goods or services to generate turnover. Fully constituted businesses in liquidation, dissolved, struck off or subject to a strike-off notice are not eligible under these conditions.
- The business must have been either:
 - Directly impacted by Storm Henk – for instance the business suffered flood damage to the premises, or
 - Indirectly impacted by Storm Henk – for instance access to the business premises is severely restricted as a result of flooding, including restricted access for customers, suppliers or staff.

8. Am I eligible for the Property Resilience Scheme?

8.1 Further information regarding eligibility, when and how you can apply will be published in due course.

9. How do I apply?

9.1 You can apply yourself at <https://www.leicester.gov.uk/your-environment/flooding-and-watercourses/after-the-flood>

9.2 The relevant application form will prompt regarding required evidence, but this will include:

- For the Community Recovery Grant, evidence of your residency if you are not named as liable for Council Tax at the property, for example a tenancy or license agreement,
- For the Business Recovery Grant, evidence of your insurance policies or evidence that you have attempted to obtain insurance after January 2023.

9.3 The Council reserves the right to withhold relief, discounts or payments where we have been unable to satisfactorily establish your eligibility or establish a viable method of payment.

10. How will I receive my award?

10.1 Council Tax Discounts and Business Rates Relief will be applied directly to your account.

10.2 Community Recovery Grants and Business Recovery Grants will be made by BACS transfer to the bank account details provided in your application. We will expect claimant details to match your bank account details to be eligible for payment.

10.3 If you have not received a decision within two weeks of your application, or the above payment methods are not viable, please contact floodrecoverygrant@leicester.gov.uk as soon as possible to explore alternative verification and payment methods.

11. How will I be notified of the decision?

11.1 The Council will provide a written notice to the claimant by email. The decision notice will set out:

- a summary of the factors considered in reaching the decision;
- details of how to request a review or obtain more information about the decision;
- details of how the award (if any) will be made.

12. What can I do if I want the decision to be reviewed?

12.1 A lead claimant who is refused an award under the Scheme or is awarded less support than requested may ask the Council to review the decision within one month of the date of the decision. Such a request should be made in writing to floodrecoverygrant@leicester.gov.uk

12.2 The review will be conducted by an officer who was not involved in the original decision.

12.3 There is no statutory right appeal against a decision not to award a grant, or against the value or composition of any grant. Complaints regarding the administration/service provided of the scheme should be made using the Council's complaints service at complaints@leicester.gov.uk. The only further recourse for referred households is through judicial review or a complaint to the Local Government Ombudsman.

13. How does the Council prevent fraudulent claims for the Scheme?

13.1 The Council will ensure that all applications are validated by proof of identity, including checking details submitted using our application form with data held by the Council, and for bank accounts where it is necessary to do so.

13.2 If you falsely declare your circumstances, provide a false statement or provide false evidence in support of your application, you may have committed an offence under the Fraud Act 2006.

13.3 Any actual, potential or perceived conflict of interest must be declared by the referring party. Failure to do so will result in the termination of referrals from the referring organisation and a referral to the Police.

13.4 Leicester City Council has a zero-tolerance approach to fraud and financial irregularity. All suspicions of fraud relating to this scheme will be referred to Leicestershire Police. In addition to any criminal action, the Council will seek to recover all fraud losses.

13.5 If it is subsequently identified that a payment under the Scheme has been awarded as a result of false or fraudulent information, including the claiming of duplicate awards, the Council reserves the right to withdraw the award and recover the resulting sum due.

14. Are the application form and this document accessible in other formats?

14.1 If you would like a hard copy or large print version please contact Leicester City Council on 0116 454 1006 or via email at SDIO@leicester.gov.uk or by post at the following free post address: Freepost RTRE-HTRJ-CSSJ, Service Improvement Team, Leicester City Council, Revenues & Benefits Department, York House, 91 Granby Street, LEICESTER, LE1 6FB.

14.2 The online form is accessible in relation to many forms of disability, including compatibility with read-to-user technology. Decision awards and notifications will also follow in this format.

14.3 Digitally excluded claimants are advised to contact one of the referring departments in section 5.1 above for support in completing their referral.

Appendix: Background and Legislative Framework

1. Finance and Monitoring

1.1 The Council will operate the scheme under Government guidelines.

1.2 The Council will undertake monitoring of the number and amount of grant awards.

1.3 The Council will also monitor cases where an application has been refused to ensure decisions are being made fairly and consistently. The Council is subject to the general equality duty.

1.4 This means that steps will be taken to monitor implementation of this policy to ensure no one is subject to disproportionate adverse treatment because they had a protected characteristic. The general equality duty requires that the Council has due regard to the need to:

- Remove or minimise disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic
- Take steps to meet the needs of persons who share relevant protected characteristic that are different from the needs of persons who do not share it
- Foster good relations.

2. Legislative framework & equality monitoring arrangements

2.1 The Council may use any evidence and information supplied to it in respect of the Scheme to check the eligibility of the applicant in respect of this scheme or any other welfare benefit, discounts or exemptions in compliance with its powers and obligations under Data Protection Act 2018 and other legislation. Our data sharing and fair processing detail can be found at the following web link: <http://www.leicester.gov.uk/your-council-services/council-and-democracy/key-documents/internet-disclaimer/>