

PROPERTY FLOOD RESILIENCE GRANT 2020-22

TERMS AND CONDITIONS

1. Funding is provided at the discretion of Kirklees Council. The scheme is to be delivered in accordance with current Department for Environment, Food and Rural Affairs (DEFRA) Property Flood Resilience (PFR) scheme guidelines. A Grant of up to £5000 (inclusive of value added tax) including the cost of the property survey by a competent person is available subject to eligibility. Should an applicant choose to implement measures in excess of £5000, the cost will need to be met from self-funding or an alternative source.

2. For successful applications, up to £500 (as part of the £5000 PFR Grant) is available to fund the cost of an independent pre-installation survey (to develop the project plan) and post completion inspection of the completed work by a suitably qualified independent surveyor (will need to be a member of professional body like CIWEM, RICS, RIBA, ICE) together with a Property Flood Risk Report providing confirmation of the work undertaken for the benefit of insurers and purchasers. The cost of the survey work cannot be recovered if it's of poor quality, the survey recommends no works or Property Flood Resilience scheme is not installed.

3. Grant funding will only be awarded by Kirklees Council once all the installation work has been completed to appropriate quality standards and value for money. This has to be independently certified by a suitably qualified surveyor. Kirklees Council reserves the right to determine which items are eligible for grant funding on a case by case basis.

4. Ownership eligibility is determined as the applicant(s) being registered at the Land Registry as:
(a) the registered proprietor of the Freehold title to the Property; or
(b) the registered proprietor of the Leasehold title to the Property where the lease is for a term equal to or in excess of 21 years.

Where there are two more joint owners. All owners must sign and agree on matters related to the Grant application and scheme delivery.

5. All works will be based on an a property survey by an independent competent surveyor approved by Kirklees Council in advance to ensure they can meet the scheme requirements. Surveys and Works should meet the DEFRA guidelines, including Property Flood Resilience C790F Code of Practice and Environment Agency's Flood Risk Report guidance. All relevant planning permission, building control, listed building, electrical/gas safety or other applicable permissions, licences, consents or approvals needed to implement the scheme must be checked and in place.

6. Contracts for the work will be between the applicant (as Client) and the surveyor and contractor (installer). Kirklees Council may refuse to pay the Grant unless assured of the independence and competency of the surveyor in property flood risk surveys or the contractor in relation to the specific flood resilience or recoverability measures to be installed.

7. The Grant is intended only to fund measures that will improve the property's resilience and recoverability to flooding, over and above repairs that would normally be covered by insurance.

8. Properties that have received a recovery Grant following a previous flooding event are not eligible for further support except in exceptional cases. Where a survey suggests that extra resilience measures should be installed over and above what was previously installed under a PFR recovery

scheme and these are not insurable, the local authority can consider these on a case by case basis and at its absolute discretion.

9. The Grant is available to be pooled for collaborative applications to establish community level resilience and recoverability. Where this is the case it should be led by one surveyor representing all owners. Applicants should collaborate and cooperate with each to ensure satisfactory delivery.

10. The Grant is not available for a second home or a property that was empty or not occupied on a full-time basis at the time the flooding occurred. The Owner has not received other public or insurance funds for the same measures (i.e. no double funding). Businesses are required to comply with state aid requirements, by accepting these T&Cs, **you are confirming that your business has not received in excess of €200,000 (or sterling equivalent) of public funding over the past three years**

11. Grant claims can only be made once the installation has been fully completed and approval for the work has been signed off by an independent surveyor. Where further evidence is required (e.g. photos) this should be provided within 28 days. Failure to do so may prevent the Grant money being paid.

12. In order to ensure value for money, works above £1,000 you will require to submit 3 quotes. You are responsible for correctly reporting incurred costs and for correctly estimating future costs. If it is discovered that the amounts claimed do not reasonably represent expenditure, then Kirklees Council reserves the right to refuse the grant.

12. Applicants are required to provide and assist Kirklees Council with any queries, information (including photographs) or access (site visits) it or a surveyor requires in a timely manner. You are required to comply with any guidance given. Failure to do so may prevent the Grant money being paid.

13. Successful applications are expected to complete the works in 12 weeks. All Grant money must be claimed by no later than 17:00 on 31 March 2021. All invoices will need to be accompanied by an independent pre-installation survey and certification that works have been done to appropriate quality standards and a Flood Risk Report. Failure to do so will prevent the Grant money being paid. All payments will be made by BACS and the necessary bank details will need to be provided.

14. Kirklees Council may request evidence of expenditure at a later date, to ensure that the grant was paid in accordance with these Terms and Conditions. **You must retain any receipts and other proof of expenditure** and you must respond to Kirklees Council's request for evidence of expenditure within 28 days of the date of request.

15. Applicants will require to maintain and store PFR measures in accordance with the guidance provided by the installer/manufacturers. Act in accordance with the advice given in the Flood Risk Report. Failure to do so Kirklees Council may look to recover the Grant paid.

16. You agree that if the property is sold in the future, the Measures will remain with the property and pass to the new owner.

17. The details of your name and address, details of resilience and / or resistance measures installed and the outcome of any inspection visits will be shared with the Department for Environment, Food and Rural Affairs (Defra).

18. The measures you have chosen to fit to your property have been selected entirely at your own risk. Should the property flood again in the future, the Council maintains no liability for the selection or installation of the measures you have chosen.

19. The Council shall not be liable to the Property Owner or persons with a lease with repairing obligations for any action, claim, demand, cost or expense incurred in respect of any loss or damage, including for any negligence, breach of contract, property damage or personal injury (including death) including any consequential or indirect loss, which arises out of or in connection with the installation or use of the resilience and / or resistance measures

20. The Council shall not be responsible for removing any fixtures associated with the Measures if or when the Property Owner no longer requires them.

21. Ownership of the Measures shall vest in the Property Owner and the Council shall not be responsible for the repair or replacement of damaged or lost flood protection and resilience measures nor for the provision of any future measures.

22. Public funds must be protected and so the information you have provided on this form may be used to prevent and detect fraud. Should it be found that you have not used the grant funds to purchase and install the Measures identified in the attached Report, or that upon inspection the Measures are not found to be in place / available on site, or in an adequate state of maintenance, **you risk prosecution and recovery of all grant payments.**

22. We also reserve the right to turn down grant applications which may bring the scheme into disrepute.

Declaration

I confirm that I am the owner of the property (as defined in paragraph 4 of these Terms and Conditions) or have permission from the owner(s) of the property to sign this agreement on their behalf.

I confirm, to the best of my knowledge, the information in this form and all other information given in support of this application is correct.

I confirm that I understand the purpose of this form and the reasons for the collection of my/our personal data and that I agree to my/our personal data being used as stated.

I confirm I have read and understand the above terms and conditions.

I confirm that I understand the purpose of this form and the reasons for the collection of my / our personal data (to the extent that this form contains information which is personal data for the purposes to the Data Protection Act 1998) and that I agree to my/ our personal data being used as stated.

If any information changes I will inform Kirklees Council immediately.

Warning – if you knowingly or recklessly make a false statement to obtain Grant for yourself or anyone else you risk prosecution, and the recovery of all Grant payments.

By signing/checking or progressing this application you are agreeing that you have read and agree with the above declaration and accept the terms of the PFR Grant.