



# **MAJOR EMERGENCY PLAN**

## **Version 10.0**

### **Part 5.6**

# **Finance, Insurance and Legal Emergency Plan**

SEVENOAKS DISTRICT COUNCIL  
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## **Part 5.6 Finance, Insurance and Legal**

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**Note:**

For information on Disaster Appeal Funds, see Part 10, Section 5

## **1.0 - FINANCIAL PROCEDURES**

### **1.1 - Emergency Response Phase**

It is essential that accurate records are kept to account for expenditure related to the emergency, particularly if the incident is sufficiently large to warrant a claim under the 'Bellwin' Scheme.

'Blank' cost centres have been set up for expenditure relating to major emergencies and to business continuity incidents.

They are:

LPMAJOR	Major Emergency - 'Bellwin' eligible expenditure
LPMINOR	Major Emergency - Non-'Bellwin' eligible expenditure
LPMBUCO	Business Continuity Incident (only) expenditure

Authority to spend on the Major Emergency cost centres should be obtained from the Crisis Management Team, a Director or a Head of Service. This authority may be given once a major emergency has been declared.

Authority to spend on the Business Continuity Incident cost centre should be obtained from the Business Continuity Crisis Management Team or a director.

All the usual 'Agresso' account codes can be used with this. The codes that will commonly be in use are:

68200	Contracted Services - DLO Recharges
68300	Contracted Services - Other Contractor

Other account codes can be created by the Finance Team as required.

For emergency expenditure, there are nominated officers that hold Sevenoaks District Council credit cards. These officers are listed in Appendix 2 to this Major Emergency Plan - the *Emergency Directory*.

### **1.2 - Recovery Phase**

It is important that expenditure on any recovery activity is identified separately from expenditure on response activity.

As the start of the recovery phase lags behind the onset of the emergency phase, there should be sufficient time for the Finance Team to create a suitable cost centre and expenditure code structure for recovery activity.

Some expenditure may be claimable under the Bellwin Scheme (see below) as it may be eligible response expenditure spent during the recovery phase. See the Bellwin Scheme Guidance for eligible costs. This possibility should be reflected in the code structure.

### **1.3 - Bellwin Scheme**

The 'Bellwin' Scheme is a system by which local authorities can claim back expenditure incurred on a major emergency. If the claim is allowed, the government refunds 85% of eligible expenditure over a pre-defined threshold. For Sevenoaks District Council the threshold for the financial year 2009/10 is £30,317. A revised threshold for each authority is published annually by the Department for Communities and Local Government (DCLG).

The DCLG Bellwin index is at

<http://www.communities.gov.uk/localgovernment/localgovernmentfinance/bellwinscheme/>

## **2.0 - INSURANCE**

At an early stage in any emergency, it must be determined if the Council has suffered any insurable loss, as this will affect any claim under the Bellwin Scheme (see above) and there will be a need to involve the Council's insurers as soon as possible.

Consideration must be given to the insurance cover for emergency response personnel. It is understood that employees are covered in all foreseeable circumstances.

It is understood that volunteers acting under the command of another organisation, whether a Town or Parish Council or a voluntary organisation, will be covered by the insurance of that other organisation.

Care must be taken if individuals volunteer directly to the District Council as their insurance position must be determined before they are deployed in any way.

### **3.0 - LEGAL**

The main legislation covering emergency planning activity is

- *The Civil Contingencies Act 2004*

Supported by

- *The Civil Contingencies Act 2004 (Contingency Planning) Regulations 2005*
- *Emergency Preparedness - Guidance on Part 1 of the Civil Contingencies Act 2004, its associated Regulations and non-statutory arrangements*
- *Emergency Response and Recovery - Non statutory guidance accompanying The Civil Contingencies Act 2004*

Considerable flexibility is available under Section 138 of *The Local Government Act 1972*

**138.** Powers of principal councils with respect to emergencies or disasters.  
(1) Where an emergency or disaster involving destruction of or danger to life or property occurs or is imminent or there is reasonable ground for apprehending such an emergency or disaster, and a principal council are of opinion that it is likely to affect the whole or part of their area or all or some of its inhabitants, the council may—  
(a) incur such expenditure as they consider necessary in taking action themselves (either alone or jointly with any other person or body and either in their area or elsewhere in or outside the United Kingdom) which is calculated to avert, alleviate or eradicate in their area or among its inhabitants the effects or potential effects of the event; and  
(b) make grants or loans to other persons or bodies on conditions determined by the council in respect of any such action taken by those persons or bodies.  
(1A) .....  
(2) .....  
(3) Nothing in this section authorises a local authority to execute—  
(a) any drainage or other works in any part of a main river, within the meaning of Part IV of the Water Resources Act 1991, or of any other watercourse which is treated for the purposes of any of the provisions of that Act as part of a main river, or  
(b) any works which local authorities have power to execute under sections 14 to 17, 62(2) and (3) and 66 of the Land Drainage Act 1991, but subject to those limitations, the powers conferred by subsection (1) above in addition to, and not in derogation of, any power conferred on a local authority by or under any other enactment, including any enactment contained in this Act.  
(4) In this section “principal council” includes the Common Council and, until 1st April 1974, the council of an existing county, county borough or county district.  
(5) With the consent of the Secretary of State, a metropolitan county fire and civil defence authority and the London Fire and Emergency Planning Authority may incur expenditure in co-ordinating planning by principal councils in connection with their functions under subsection (1) above.  
(6) In this section “contingency planning” means the making, keeping under review and revising of plans and the carrying out of training associated with the plans.

None of the above legislation overrides any other statutory obligation, unless as a result of Emergency Powers under Part 2 of *The Civil Contingencies Act 2004*

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