

# Strategy and Resources Committee 29 September 2022 – Energy Rebate Payment - Confirmation of decision taken under urgency powers (Standing Order 35)

Report of: Mark Hak-Sanders - Chief Finance Officer (Section 151)

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Purpose: To note the decision taken under urgency powers in accordance with Standing Order 35 of the Constitution to approve the Energy Rebate Payment Discretionary Scheme

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Publication status: Unrestricted

Wards affected: All

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## Executive summary:

As part of the Government's ongoing support to rising fuel costs, on the 3rd February 2022 the Government announced the £150.00 Energy Rebate Payment for most households in Council Tax Bands A to D plus Band E properties in receipt of a Disabled Band Reduction. The Government also announced the Discretionary Energy Rebate Scheme of up to £150.00.

In respect of the discretionary scheme, it was up to each individual Local Authority to decide who to pay and the amount, but any property in Band A to E getting the main £150.00 energy rebate would not be eligible for the discretionary scheme. This paper sets out how we used the discretionary funding which due to the timings was a decision under urgency powers.

The Council received £284,850.00 to cover the discretionary scheme.

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## This report supports the Council's priority of:

Supporting economic recovery in Tandridge

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## **Recommendation to Committee:**

That the decision taken under urgency powers in accordance with Standing Order 35 of the Constitution to approve the Energy Rebate Payment Discretionary Scheme be ratified.

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## **Reason for recommendation:**

This grant was to support residents within Tandridge who were struggling to meet the ever-increasing cost of energy.

Guidance states that payments should be paid out as soon as possible from the beginning of April 2022. The main scheme to deliver £150 to houses in band A-D is almost complete. Focus then had to turn to administering the discretionary scheme as attached as detailed below. In order to launch the scheme and pay out funds quickly, the decision was taken under urgency powers and this report represents ratification of the decision.

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1. This policy sets out the guidelines under which residents in the District qualified for the discretionary Energy Rebate Payment of £150.00.
2. As part of the Government's ongoing support to rising fuel costs the Government on the 3rd February 2022 announced the £150.00 Energy Rebate Payment for most households in Council Tax Bands A to D plus Band E properties in receipt of a Disabled Band Reduction. The Government also announced the Discretionary Energy Rebate Scheme of up to £150.00.
3. It was up to each individual Local Authority to decide who to pay and the amount but any property in Band A to E getting the main £150.00 energy rebate would not be eligible for the discretionary scheme.
4. The Government guidelines for the Energy Rebate Payment scheme are available at <https://www.gov.uk/government/publications/the-council-tax-rebate-2022-23-billing-authority-guidance/support-for-energy-bills-the-council-tax-rebate-2022-23-billing-authority-guidance>.
4. This document provides a summary of the Council's policy and delivery of the discretionary energy rebate payment. The Council received £284,850.00, covering up to 1,899 households. These guidelines were published on our website. Officers also wanted to make residents aware of how the discretionary energy rebate payment of the £150.00 support package would be delivered, e.g. through providing information on our website and social media to be led by the in-house Communications Team.

## **Underpinning principles**

5. The principles of the Council's Policy for £150.00 Energy Rebate Payment scheme are as follows;

All qualifying households must normally be liable for Council Tax at the 1<sup>st</sup> April 2022, with certain exemptions as outlined in these guidelines;

- Payments of £150;
  - No payment to anyone in Band A to D getting the main energy rebate of £150;
  - No payment to anyone in Band E getting the main energy rebate of £150 due to the disabled reduction;
  - The following households are eligible:
    - Those whose houses were occupied on 1 April 2022 but not on Valuation List on the 1 April 2022 but subsequently receive an A to D assessment before the 30<sup>th</sup> September 2022.
    - All households in receipt of Council Tax Support (excluding Council Tax discounts) during April to September 2022 in Council Tax Bands E to H;
    - Households in Council Tax Bands F to H qualifying for the disabled reduction;
    - Households in Council Tax Bands E to H qualifying for Severe Mental Impairment Exemption;
    - Households in Council Tax Bands E to H that qualify for a Carers Discount;
  - Any case that does not meet the above principles that Specialists consider exceptional, will be referred to the Chief Finance Officer for review.
  - Payments to be made for main residences and excludes second homes
  - No more than one payment will be made to any household and these principles remain whilst funds allow.
6. The Council will primarily use their council tax records to verify applications for the energy rebate payment.
  7. The discretionary energy rebate payment should be paid by the end of November 2022. The application process was open until 15<sup>th</sup> November 2022. Successful applicants have had their Energy Rebate Payment paid quickly after they applied, if they are eligible during the 2022/23 financial year. Payments have been made by BACS.
  8. The Council will maintain a record of rebate payment expenditure under this scheme, through the council tax system and their own local support mechanisms.

9. This assistance provided for the energy rebate payment will not affect the eligibility of recipients for other benefits including Council Tax Support.
10. Households will need to apply through an online claim form for the discretionary energy rebate. Help will be available for residents who struggle with the technology. No payment to be made without an application. This electronic form including the declaration must be fully completed with all the required evidence to be considered for an energy rebate payment.
11. The Council were keen to ensure that support is provided as quickly as possible to individuals who are eligible.
12. As this is a discretionary scheme there is no formal appeal against any decision.
13. This application process allows the Council to undertake pre-payment checks to confirm eligibility.
14. The Council will use their discretion in identifying the right households to potentially receive this funding, based on the application process.
15. The Council asked the household to complete a declaration as part of the application process, stating that by accepting the energy rebate payment, they have confirmed they are eligible under the energy rebate payment scheme.
16. As a condition of the funding the Council will expect the household applying to sign a declaration stating that they are not committing any fraud, as well as giving the Council permission to share data to check such compliance and that these guidelines are complied with. The Council will also have to share this data with the Government bodies to check such compliance and for monitoring purposes and by signing the declaration the applicant gives the Council permission to do this and allow Government bodies any access to the data for such checks.

### **Decision Making Process**

17. Applications will be determined by authorised Council Officers, in line with the guidelines.
18. Decisions to be made as soon as possible after all the required information is received, and after pre-payment assurance checks have been carried out.

## **Payments of the Energy Rebate**

19. These payments are Energy Rebate Payments and not loans and therefore will not require repayment, unless paid in error or where fraudulent activity is detected.
20. Energy Rebate Payments income received by a household is not subject to tax.
21. The Energy Rebate will not affect the amount of benefit an individual can or may receive.
22. The Council reserves the right to not award an energy payment if it appears payment should be made to someone else.

## **Managing the risk of fraud**

23. The Council will not accept deliberate manipulation and fraud. Anyone who dishonestly provides false or misleading information in communication with any Council, including verbal communication, will be committing a criminal offence contrary to the Fraud Act 2006 and will be subject to a criminal investigation and criminal proceedings may be taken against them.
24. All information is subject to internal and external audit checks, as well as Government bodies pre and post payment checks and will also be scanned for potential fraud with approved bodies.

## **Sharing Information**

25. By applying for an energy rebate payment all applicants give authority to the Council to share data for efficient system administration (including within their own Authority) and to protect the public purse, subject to Data Protection legislation. This will include sharing data with other local authorities.
26. The Council will be required to share data with Government Departments for monitoring, to protect the public purse and other reasons. By applying for a discretionary energy payment all applicants give authority for this.
27. The Council are also required to provide open data and be transparent about the use of public funding. In accordance with Data Protection Guidelines, this energy payment data may be subject to being published on the Council's website and subject to Freedom of Information requests.

## **Key implications**

### **Comments of the Chief Finance Officer**

The scheme was operated within the confines of funding provided by the Government by the Revs and Bens team. There are wider financial implications for the Council, other than the administrative burden which is being managed within budget.

### **Comments of the Head of Legal Services**

This report essentially sets out the Council's Energy Rebate Payment Discretionary Scheme. Government has also provided guidance entitled "*Support for energy bills – the council tax rebate 2022-23: billing authority guidance*" (hereafter referred to as the "February 2022 Government Guidance") which was issued on 23 February 2022 and that February 2022 Government Guidance covers, amongst other things, the operation and delivery of the discretionary fund, which consists of financial support which is provided by central government to local billing authorities to support households who are in need but are not eligible for the Council Tax Rebate. Paragraph 38 of the February 2022 Government Guidance states that once the discretionary scheme is considered appropriate by elected members, councils should publish their agreed guidelines setting out the eligibility criteria for their scheme to deal with the money it receives from government to operate and deliver the discretionary fund.

The scheme is consistent with the Government guidance in respect of the funding provided. Further, the scheme is consistent with relevant public law principles, in particular it is lawful, fair and rational.

### **Equality**

The process set out above ensures that a consistent set of criteria is used to determine who should receive the grant.

### **Climate change**

There are no significant environmental / sustainability implications associated with this report.