

CABINET – 15TH SEPTEMBER 2022

Report of the Chief Executive

ITEM 10 URGENT DECISION – CHARNWOOD DISCRETIONARY COUNCIL TAX ENERGY REBATE SCHEME

Purpose of Report

This is a report on the action taken by the Head of Customer Services made under urgency provisions.

Action Requested

To note the action taken by the Head of Customer Services made under urgency provisions.

Policy Justification and Previous Decisions

Under section 8.3 of the constitution which relates to the delegation of Executive functions there is provision for the Chief Executive, Strategic Directors and Heads of Service to take such action as is required in the case of an emergency or urgency subject to:

- (i) consultation with the Leader (or, in the Leader's absence, the Deputy Leaders);
- (ii) consultation with the Chief Executive and relevant Strategic Directors in each case; and
- (iii) report on the action taken being made to the next meeting of the Cabinet.

The decision taken by the Chief Executive being reported to this meeting of Cabinet is:

- DD117 – Charnwood Discretionary Council Tax Energy Rebate Scheme

The decision can be found in the Annex to this report.

Implementation Timetable including Future Decisions

As detailed within the report attached as an Annex.

Report Implications

As detailed within the report attached as an Annex.

Background Papers: None

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Annex

Report of the decision taken by the Head of Customer Services

Decision under Delegated Powers

Officer Making the Decision

Head of Customer Experience

Recommendation

That the policy for the operation of the Charnwood Discretionary Council Tax Energy Rebate Scheme be approved as set out in Appendix A.

Reason

To take action in relation to a matter which would otherwise have been submitted to Cabinet.

Authority for Decision

Delegation of Executive functions - (Section 8.3 of the Constitution states that the Chief Executive, Strategic Directors and Heads of Service can take such action as is required in the case of an emergency or urgency subject to:

- (i) consultation with the Leader (or, in the Leader's absence, the Deputy Leaders);
- (ii) consultation with the Chief Executive and relevant Strategic Directors in each case; and
- (iii) a report on the action taken being made to the next meeting of the Cabinet.

Decision and Date

K Barushaw 6/7/22

Background

On 3 February 2022, the Government announced a package of support known as the Energy Bills Rebate to help households with rising energy bills and including 2 elements to be administered by Charnwood Borough Council (CBC).

- A £150 non-repayable rebate for households in England in Council Tax bands A – D, known as the Council Tax Rebate; and
- £144 million of discretionary funding for billing authorities to support households who are in need but are not eligible for the Council Tax Rebate, known as the Discretionary Fund.

The Council has distributed the fund of the main scheme to all eligible households and now need to administer the discretionary element of the scheme in an efficient and effective manner.

The Councils policy in respect of Charnwood Discretionary Council Tax Energy Rebate scheme is set out at Appendix A as approved by dint of this decision.

Financial Implications

The cost of the both the main and discretionary Council tax Energy Rebate Scheme is fully funded by government. For the discretionary element the Council has been allocated a fixed amount of £231,300.00.

The government have also provided some new burden funding, £87,267.00 to cover the cost of administering both schemes.

Consultation with Leader and Deputy Leader

Following an informal briefing, a draft of this policy was used to consult with the Leader and Deputy Leader who confirmed that this could be used as the basis for the final policy. (There have been no changes for the draft to the final policy)

Consultation with Strategic Director – Environment and Corporate Services

The Strategic Director – Environment and Corporate Services, has confirmed his support of the policy and concluded that the recommendation of this report is both necessary and urgent.

Consultation with the Chair of the Scrutiny Commission

The Chair of the Scrutiny was consulted and gave her consent on 25th June 2022 to this matter being dealt with under Special Urgency provisions and exempted from the Call-in process.

Risk Management

There are unavoidable inherent risks within the discretionary Council Tax Energy Rebate scheme around prioritisation of different groups/types of households and the rationing of the payments, but there are no specific risks associated with this decision.

Key Decision: Yes

Date included on Forward Plan

N/A. When twenty-eight clear days' notice cannot be given of the intention to take a decision which meets the Council Constitution definition of a Key

Decision, the Proper Officer is required to publish a special urgency notice.
This was published on 27th June 2022

Background Papers: None

Appendix A Charnwood Discretionary Council Tax Energy
Rebate Policy

APPENDIX A

CHARNWOOD DISCRETIONARY COUNCIL TAX ENERGY REBATE POLICY

1. Background to the Council Tax Rebate

- 1.1 On 3 February 2022, the Government announced a package of support known as the Energy Bills Rebate to help households with rising energy bills and including 2 elements to be administered by Charnwood Borough Council (CBC).
- A £150 non-repayable rebate for households in England in Council Tax bands A – D, known as the Council Tax Rebate; and
 - £144 million of discretionary funding for billing authorities to support households who are in need but are not eligible for the Council Tax Rebate, known as the Discretionary Fund.

2. The Discretionary Fund

- 2.1 On 23 February 2022, the Government published guidance for local authorities for the Council Tax Rebate which has now been updated 16 March 2022 which can be found here:
<https://www.gov.uk/government/publications/the-council-tax-rebate-2022-23-billing-authority-guidance>
- 2.2 The Council Tax Rebate for the Charnwood Borough Council is being managed by CBC, which is responsible for delivering payments to eligible households. The Council must follow the guidance set by the Government. The Council has authority to make these payments under Section 1 of the Localism Act 2011.
- 2.3 Local authorities are asked to make payments as quickly as possible to support struggling households. Once eligible households have been identified, CBC will progress these payments as a matter of urgency but recognise the need to undertake appropriate due diligence before payments are made.

Due to the very compressed timescales to meet the expectations of the Government and residents, CBC has not been able to consult on the development of this policy but has liaised with neighbouring local authorities to inform it. CBC has taken full account of the requirements of Government (as set out in the guidance received on the 23 February and 16 March 2022) and the issues and questions that have

arisen locally and nationally.

3. Total Funding Available

- 3.1 The Government has allocated £231,300.00 to CBC for the Discretionary Fund.
- 3.2 As per paragraph 37 of the guidance, Local Authorities can use this funding to support residents that do not qualify for the core scheme. As per question 15 of The Council Tax Rebate Frequently Asked Questions, Local Authorities can use this funding to provide additional support to residents that qualified for the main scheme.

4. Application Process and Timescale

- 4.1 Due to the scale of the Council Tax Rebate and the limited resources available to the Local Authority, there will be no direct application process for the Discretionary Fund.
- 4.2 Payments will be made to the following groups of residents likely to be in financial difficulty as identified from Council records.
Group 1
 - CTRS recipients in bands E to H.Group 2
 - CTRS recipients in bands A to H receiving 90% or more CTRS award.
- 4.3 The Council will where we hold Direct Debit details make automatic payments to the eligible bank account. Where Direct Debit details are not held, Customer will be emailed or sent a Post office Voucher to redeem for a cash payment at a local Post Office.
- 4.4 There will be no automatic right of appeal against a decision not to award a payment under the Discretionary Fund, or against the value of any award. However, CBC may, at its discretion, reconsider any refusal or award value if there is clear evidence that a significant and plainly wrong decision may have been made and assuming there is enough funding left to enable a new decision to be made. The only further recourse available to applicants is a judicial review, which is the means by which the decisions of CBC under discretionary powers may be challenged.

5. How will the value of award be calculated?

- 5.1 Eligible residents will receive a payment from the Discretionary Fund as follows:
 - Group 1: £150

- Group 2: A share of the remaining discretionary fund, to be distributed equally across all CTRS recipients.

5.2 Top up payments for residents from Group 2 in exceptional circumstances may be authorised by CBC's Section 151 Officer.

6. Managing the Risk of Fraud

6.1 The Council and the Government will not accept deliberate manipulation and fraud. Any person caught falsifying their records to gain a payment may face prosecution and any funding issued will be subject to clawback, by civil and/or criminal proceedings as necessary, as may any awards paid in error.

6.2 As per Question 16 of The Council Tax Rebate Frequently Asked Questions, the Council will put in place measures to detect and prevent fraud. These will include verifying the identity of recipients and delaying payment until direct debits have cleared where appropriate. There will also be joint working across councils and government departments in preventing fraud.

6.3 The Council also reserves the right to check against national records and databases to highlight any potentially fraudulent activity.

7. Policy Review

7.1 This policy has been written in line with Government guidance. It will be subject to dynamic review as circumstances dictate and in line with future clarifications and changes that may be announced by the Government.