

EXECUTIVE DECISION RECORD

EDR 503.22

A1 Service Area	Revenues, Benefits & Customer Contacts
A2 Title	Council Tax Energy Rebate Discretionary Scheme – Revised 10 November 2022
A3 Decision Taken By	Deputy Leader / Chief Officer
A4 Chief Officer	Please print name: Sal Khan Please sign name: Approval by email 111122
A5 Leader	Please print name: Cllr B G Peters Please sign name: Approval by email 111122
A6 Date of Decision	11 th November 2022

Confidentiality

A7 Is this Decision confidential by containing exempt information as described in Schedule 12A of the Local Government Act 1972?	No
A7.1 If yes, please state relevant paragraph from Schedule 12A LGA 1972.	N/A

Scrutiny

A8 Which Scrutiny Committee should this decision be submitted to? *(Please tick as appropriate)* ✓

Scrutiny (Audit & Value for Money Council Services) Committee

Scrutiny (Community Regeneration, Environment and Health and Well Being)

Committee ✓

B1 What is the Decision?	<p>To approve the recommendation shown in paragraph B2 for the Council's Council Tax Energy Rebate Discretionary scheme (CTER Discretionary) by:</p> <p>Approve top up Discretionary CTER payments of £150 to households where a Severely Mentally Impaired person resides and without the need for eligible households to apply;</p> <p>Approve the en bloc award of £23 top-up Discretionary CTER payments to Council Tax Support (CTS) claimants without the need for claimants to apply;</p> <p>Approve delegated powers to the Council's s151 officer to determine the final award of top up Discretionary CTER to CTS claimants.</p> <p>The closing date for applications remains as 14 November 2022 and that any applications received after that date will not be considered.</p> <p>Other than these recommendation, no other changes are made to the CTER Discretionary scheme as detailed in the approved EDRs of 28 April 2022</p>
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B2 What are the reasons for the Decision?

The Government issued guidance, covering the operation of the Council Tax Rebate and Discretionary Fund. The guidance gave billing authorities the authority to design and implement their own CTER discretionary scheme.

The existing qualifying criteria for the payment of £150 under the Council's CTER Discretionary scheme include:

- Households in bands E to H who are in receipt of Local Council Tax Reduction on or after 1 April 2022
- Households whose dwelling is valued in bands F to H subject to an alternative banding of E to G due to the award of a Disabled band Reduction
- Households in bands E to H where the Council Tax payer or partner are in receipt of any of the following means tested benefits on or after 1 April 2022. Applicants are required to provide evidence as to the receipt of a qualifying benefit
 - Universal Credit; Housing Benefit; Income-based Job Seeker's Allowance; Income-related Employment Support Allowance; Income Support; Pension Credit; Child Tax Credit; Working Tax Credit
- Households in bands E to H where the Council Tax payer or partner are in receipt of any of the following disability based benefits on or after 1 April 2022. Applicants are required to provide evidence as to the receipt of a qualifying benefit
 - Disability Living Allowance Care Element, any rate; Disability Living Allowance Mobility Element, any rate; Personal Independence Payment Daily Living Component, any rate; Personal Independence Payment Mobility Component, any rate; Attendance Allowance; New Style Employment Support Allowance; War Pension; Armed Forces Compensation Scheme; Industrial Injuries Benefit; Carers Allowance
- Households whose dwelling is valued in bands E to H on 1 April 2022 who manage to successfully appeal their band to D or lower, retrospectively to 1 April 2022 providing the review, proposal or appeal was lodged before 3 February 2022. Applicants are

required to provide evidence as to when the review, proposal or appeal was lodged with the Valuation Office Agency

- Households who move into a property later than 1 April 2022, and would have qualified for a mandatory payment but for the qualifying date, provided they have not received an Energy Rebate payment at another address. Applicants are required to provide evidence as to their address as at 1 April 2022
- Households where the energy bills payers are not liable for Council Tax e.g. homes in multiple occupation

Recommendations

The existing discretionary scheme gives the opportunity for households in disability groups to submit an application for £150 discretionary relief and for those that had a disabled band reduction to have their discretionary relief awarded automatically.

In recognition that severely mentally impaired residents may find it difficult to go through the application process we make the following recommendation:

Approve the automatic award of top-up payments of £150 where a resident of the household is Severely Mentally Impaired (as defined within Council Tax legislation) and that person is either exempt or disregarded for Council Tax purposes (as at 28 October 2022) and that the householder is not an incorporated body or where the household has already received a Discretionary CTER top-up payment under existing criteria. Eligible households need not apply.

Approve the award of a £23 Discretionary CTER top-up payment to 6079 CTR claimants and award the-up without the need for claimants to apply.

Approve delegated powers to the Council's s151 officer to determine the value of the final award of top up Discretionary CTER to CTS claimants.

Confirm the formal closing date for applications (where required) on 14 November 2022. Any

	applications received after this date will not be considered.
B3 What are the contributions to Corporate Priorities?	This decision contributes towards the Community Regeneration priority.
B4 What are the Human Rights considerations?	There are no Human Rights issues arising from this decision.

Financial Implications

<p>B5 What are the financial implications?</p>	<p>The CTER Discretionary scheme is fully funded by the Government and the Council's allocation totals £208,800 and any unspent monies must be returned to the Government following the closure of the scheme on 30 November 2022.</p>
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Revenue	2022/23
<p>Under exiting criteria, currently 167 households have been identified as eligible for payment and a further 19 cases are awaiting assessment. Assuming all are entitled to payment, recipients under existing rules will total 186 and receive £150 each, equating to £27,900</p> <p>As at 28 October 2022, 285 households were identified where a Severely Mentally Impaired person is either exempt or disregarded for Council Tax purposes. Of these households, 11 are operated by incorporated bodies and another 5 where the household has already received a Discretionary CTER top-up payment under existing criteria. This reduces the potential number of eligible household to 269. Where the top-up payments is £150, this equates to £40,350.</p> <p>Assuming payments are made in respect of all cases identified above, it will leave £140,550 available to pay to 6079 CTS claimants. This equates to an estimated £23 top up payment.</p> <p>The value of the top up will be determined by the Authority's s151 officer under delegated powers.</p>	<p>Allocated Funds £208,800</p> <p>To be spent as follows: 186 existing criteria £ 27,900 269 SMI £ 40,350 6079 LCTS claims <u>£139,817</u> Unallocated Funds <u>£ 733</u></p> <p>Potential unspent funds (if rounded down to the nearest whole £) will total £733.</p>

<p>The finance section has been approved by the following member of the Financial Management Unit:</p>	<p>Please print name: Lisa Turner</p> <p>Please sign name: Approval by email 111122</p>
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Policy Framework

B6 Is the Decision wholly in accordance with the Council's policy framework?	Yes
B6.1 If No, does it fall within the urgency provisions (Part 3 of the Constitution)?	NA
B6.2 Has it got the appropriate approvals under those provisions?	NA
B7 Is the Decision wholly in accordance with the Council's budget?	Yes
B7.1 If No, does it fall within the urgency provisions (Part 3 of the Constitution)?	NA
B7.2 Has it got the appropriate approvals under those provisions?	NA

Equalities Implications

B8 What are the Equalities implications:
B8.1 Positive (Opportunities/Benefits): The scheme will enable the Council to support households that are most likely to be suffering hardship as a result of the rising cost of living and the majority of payments will be made automatically, without the need for an application.
B8.2 Negative (Threats):
B8.3 The subject of this decision is not a policy, strategy, function or service that is new or being revised. An equality impact assessment is not required
B8.4 [The equality impact assessment identified the following actions to be carried out:]

Risk Assessment

B9 What are the Risk Assessment implications: N/A
B9.1 Positive (Opportunities/Benefits):
B9.2 Negative (Threats):
B9.3 The risks do not need to be entered in the Risk Register. Any financial implications to mitigate against these risks are considered above.

Legal Considerations

B10 What are the Legal Considerations:
B10.1 The main legal issues arising from this decision are as follows: The Discretionary Scheme proposed is in accordance with the “Support for Energy Bills – the council tax rebate 2022/23 billing authority guidance”. Section 3(1)(c) of the Council Tax (Administration and Enforcement) Regulations 1992 permits the Authority to request information for the purpose of identifying the liable tax payer.

This section has been approved by the following member of the Legal Team:

Please print name: Glen McCusker – Locum Solicitor

Please sign name: [Approval by email 111122](#)

Sustainability Implications

B11 What are the Sustainability implications:
B11.1 The proposal would not result in an overall positive effect in terms of sustainability (including climate change and change adaptation measures). The positive/negative impacts are set out below (please refer to guidance notes).
B11.2 Positive (Opportunities/Benefits):
B11.3 Negative (Threats):

Health & Safety Implications

B12 What are the Health & Safety implications:
B12.1 A Risk Assessment has not been carried out and entered into Safety Media for all significant hazards and risks because there are no significant hazards or risks arising from this decision.
B12.2 [The significant hazards and risks have been identified in the Safety Media Risk Assessment numbered []. Any financial implications to mitigate against these hazards and risks are considered above.]
B12.3 [Control measures and an action plan have been identified for any significant hazards and risks identified in the risk assessment. The positive/negative impacts are set out below]
B12.3.1 Positive (Benefits)
B12.3.2 Negative (Threats)

Key Decision

B13 Is this a Key Decision? No

Note: A Key Executive Decision is one where:

1. **REVENUE** – Any contract or proposal with an annual payment or saving of more than £100,000
2. **CAPITAL** – Any capital project with a value in excess of £150,000
3. A decision which significantly affects communities living or working in an area comprising two or more wards.

B13.1 If this is a Key Decision, is this an urgent decision such that a delay caused by use of the Call-in Procedure would <u>seriously</u> prejudice the public interest?	NA
B13.2 If yes, has the Mayor or in his/her absence the Deputy Mayor or in his/her absence the Chair of the relevant Scrutiny Committee agreed that the decision will be exempt from Call-in?	NA

NOTE: If this decision is subject to the Call-in Procedure it will come into force, and may then be implemented, on the expiry of 3 working days after publication – unless 10 Members of the Council call in the decision.

Please send the original signed document to andrea.davies@eaststaffsbc.gov.uk