

POLICY AND RESOURCES COMMITTEE MEETING

Date: Thursday 28 April 2022
Time: 9.00 am
Venue: Town Hall, High Street, Maidstone

Membership:

Councillors Mrs Blackmore, Brice, Burton (Chairman), Cooke, Cox, English, Harper, Khadka, Kimmance, Munford, Parfitt-Reid, Perry (Vice-Chairman), Mrs Ring, Round and de Wiggondene-Sheppard

The Chairman will assume that all Members will read the reports before attending the meeting. Officers are asked to assume the same when introducing reports.

AGENDA

Page No.

1. Apologies for Absence
2. Notification of Substitute Members
3. Urgent Items
4. Notification of Visiting Members
5. Disclosures by Members and Officers
6. Disclosures of Lobbying
7. To consider whether any items should be taken in private because of the possible disclosure of exempt information.
8. Minutes of the Meeting Held on 23 March 2022 1 - 9
9. Questions and answer session for members of the public (if any)
10. Questions from Members to the Chairman (if any)
11. Discretionary Energy Rebate Scheme 10 - 23

INFORMATION FOR THE PUBLIC

In order to ask a question at this meeting, please call **01622 602899** or email committee@maidstone.gov.uk by 5 p.m. one clear working day before the meeting (i.e. by 5 p.m. on Tuesday 26 April 2022). You will need to provide the full text in writing.

Issued on Wednesday 20 April 2022

Continued Over/:

Alison Broom

Alison Broom, Chief Executive

If your question is accepted, you will be provided with instructions as to how you can access the meeting.

In order to make a statement in relation to an item on the agenda, please call **01622 602899** or email committee@maidstone.gov.uk by 5 p.m. one clear working day before the meeting (i.e. by 5 p.m. on Tuesday 26 April 2022). You will need to tell us which agenda item you wish to speak on.

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To find out more about the work of the Committee, please visit www.maidstone.gov.uk.

Should you wish to refer any decisions contained in these minutes to Council, please submit a Decision Referral Form, signed by **five** Councillors, to **the Mayor** by: **27 April 2022**.

MAIDSTONE BOROUGH COUNCIL

POLICY AND RESOURCES COMMITTEE

MINUTES OF THE MEETING HELD ON WEDNESDAY 23 MARCH 2022

Present: Councillors Mrs Blackmore, Brice, Burton (Chairman), Cooper, Cox, English, Harper, Kimmance, Munford, Naghi, Parfitt-Reid, Perry and Round

Also Present: Councillor T Sams

205. **APOLOGIES FOR ABSENCE**

Apologies were received from Councillors Cooke, Khadka, and Mrs Ring.

206. **NOTIFICATION OF SUBSTITUTE MEMBERS**

Councillor Cooper was present as Substitute Member for Cllr Cooke.

Councillor Naghi was present as Substitute Member for Cllr Khadka.

207. **URGENT ITEMS**

There were no urgent items.

208. **CHANGE TO THE ORDER OF BUSINESS**

The Chairman intended to take Item 9 – Presentation of Petitions immediately prior to Item 13 – Public Sector-Led Garden Community Update due to the related subject matter.

209. **NOTIFICATION OF VISITING MEMBERS**

Councillor Tom Sams was in attendance for Item 13 – Public Sector-Led Garden Community Update.

210. **DISCLOSURES BY MEMBERS AND OFFICERS**

There were no disclosures by Members or Officers.

211. **DISCLOSURES OF LOBBYING**

Councillors Blackmore, Brice, Burton, Cox, English, Harper, Kimmance, Naghi, Perry and Round had been lobbied on Item 17 – Archbishop's Palace – Expressions of Interest and Item 19 – Exempt Appendices (Item 17 – Archbishops Palace – Expressions of Interest) – Balfour Hospitality Proposal and AB Team Proposal.

212. EXEMPT ITEMS

RESOLVED: That all items be taken in public as proposed, but if the Committee needed to discuss the detail in the exempt appendices for Items 16 and 17 then the Committee would resolve to go into private session due to the possible disclosure of exempt information.

213. MINUTES OF THE MEETING HELD ON 9 FEBRUARY 2022

RESOLVED: That the Minutes (Part I and II) of the meeting held on 9 February 2022 be approved as a correct record and signed.

214. QUESTIONS AND ANSWER SESSION FOR MEMBERS OF THE PUBLIC

There were three questions from members of the public.

Question from Kate Hammond to the Chairman of the Policy and Resources Committee

'Following Lenham Parish Council's invitation to all councillors to a visit of the Heathlands site earlier this month, Alison Broom wrote to councillors advising them against attending on grounds of potential bias and "to avoid a situation where they do so with only representatives of 'one side of the argument' present". Could you explain who at the Heathlands public engagement event was offering councillors an alternative view to the one-sided opinion of Homes England and MBC officers on Heathlands?'

The Chairman responded to the question.

Ms Hammond asked the following supplementary question:

'Kent County Council Cabinet Member for Communications and Engagement remarked: 'I've never heard of anything more ridiculous'. Do you agree with him that this is ridiculous?'

The Chairman responded to the supplementary question.

Question from Ms Gail Duff to the Chairman of the Policy and Resources Committee

'Can you confirm how much has been spent by Maidstone Borough Council and Homes England on the services of PR firm "We are Fabrik" to promote the Heathlands project since July 2021?'

The Chairman responded to the question.

Ms Duff asked the following supplementary question:

'In view of the fiasco over the leafleting and the fact that nearly every resident who attended the community exhibition was highly dissatisfied at the lack of concrete information available, do you think you received value for money?'

The Chairman responded to the supplementary question.

Question from Mr Heeley to the Chairman of the Policy and Resources Committee

'Many residents from Lenham and surrounding villages were deeply angry and upset with the poorly organised and promoted public engagement events for Heathlands. They contacted the Chief Executive to let her know of their dissatisfaction. Mrs Broom responded to residents that contacted her with an identical 1,120-word response. The word "sorry" was not mentioned once. Do you think it would have been appropriate for Mrs Broom to have offered an apology on behalf of Maidstone Borough Council in her response to aggrieved residents?'

The Chairman responded to the question.

Mr Heeley asked the following supplementary question:

'I take your point about there being some identical responses but not all of them. There's quite a lot of residents were very angry that they actually spent quite a lot of time putting together a response to the Chief Executive and just got an identical response back; a standard carbon copy. Will the Chief Executive be offering a more public apology to the residents of Lenham and surrounding villages other than the one that's hidden in tonight's committee paper because as you know very few people read the committee papers?'

The Chairman responded to the supplementary question.

The full responses were recorded on the webcast and made available to view on the Maidstone Borough Council website. The question-and-answer session took place between 7:09 and 14:37 of the recording.

To access the webcast, please use the link below:

[Policy and Resources Committee Meeting - 23 March 2022 - YouTube](#)

215. QUESTIONS FROM MEMBERS TO THE CHAIRMAN

There was one question from a Member to the Chairman

Question from Councillor T Sams to the Chairman of the Policy and Resources Committee

'We are pleased you attended the Councils jointly organised event run by We are Fabrik and with representatives from Homes England and William Cornall on behalf of MBC last week. What did you learn from the event that you did not appreciate before?'

The Chairman responded to the question.

Councillor T Sams asked the following supplementary question:

'Given the issues uncovered in the report and in hindsight of residents complaints. Was this good public engagement?'

The Chairman responded to the supplementary question.

The full responses were recorded on the webcast and made available to view on the Maidstone Borough Council website.

The question-and-answer session took place between 14:38 and 17:25 of the recording.

To access the webcast, please use the link below:

[Policy and Resources Committee Meeting - 23 March 2022 - YouTube](#)

216. COMMITTEE WORK PROGRAMME

RESOLVED: That the Committee Work Programme be noted.

217. PRESENTATION OF PETITIONS

Mr Heeley addressed the Committee on behalf of the Save Our Heathlands Action Group to present the petition.

In presenting the petition Mr Heeley highlighted the strength of feeling of Lenham residents with regard to the existing Lenham railway station and that it needed to be retained. The petition of over 3100 signatures demonstrated this strength of feeling and it was felt that the only people saying the options were deliverable were the private consultancy that the Council hired without confirming its acceptability to anyone else, including network rail.

Two of the four options contained within the January 2022 report on the matter were felt to be unacceptable to local people. The Committee were requested to make it clear, through a motion, that if the Heathlands Garden Community Proposal proceeded it was not acceptable to sacrifice the existing station through its closure.

RESOLVED: That the petition be considered alongside the report on the agenda relating to the Public Sector-Led Garden Community Update.

218. PUBLIC SECTOR-LED GARDEN COMMUNITY UPDATE

Ms Kate Hammond addressed the Committee on behalf of Save Our Heathlands Action Group.

The Director of Regeneration and Place introduced the report outlining the level of engagement there had been through the recent public engagement events. It was noted that Homes England had contributed five staff to the events. There had been 350 attendees across the four events, with the significant majority attending the event in Lenham. Further events were planned in May as there were local residents who had

not been aware of them and an apology was included in the report for the failures in notifying residents. Lessons had been learned and it was recognised in the report that the Council needed to establish a link with the local parish and set objectives for future events.

It was highlighted that whilst Homes England had 40% of the 822 acres of land required for the development under option, it was expected to be close to 75% by the end of March 2022.

In addition, the Local Plan Review statement of common ground was being prepared to be in place between the Council and Homes England as the promoters, and the Local Planning Authority. This would set out the workstreams that were the focus until the examination in public. Amongst other areas this included nutrient neutrality, minerals, highways, AONB setting, employment and the railway station.

The Committee expressed disappointment in the issues with the delivery of leaflets to residents. In considering what action to take moving forward, it was accepted that the delivery of the leaflets had been sub-contracted out to a private delivery company and a full refund for that activity was to be received. It was noted that the Council were putting in place further events, had apologised in the report and lessons had been learned.

Reassurances relating to the land under option of 40%, rising to 75% were sought and it was confirmed that 75% was realistic as a number of agreements were waiting to be engrossed.

The committee also requested further information relating to the railway options and other workstreams. It was highlighted that the Council's local plan submission on 31 March 2022 would include a road map for future pieces of work, and that officers would ensure that there was transparency and information sharing through the new governance arrangements from May 2022.

In considering the petition and the issues raised, the Committee noted that the Councils preferred options were for the existing station to be retained but that the other options could not be ruled out at this stage with Network Rail who required all options to be assessed. The Committee wanted to place on record its support for a new station whilst retaining the existing Lenham Station.

RESOLVED: That

1. The Committee's support for a new station whilst retaining the existing Lenham station be recorded; and
2. The report be noted.

219. FURTHER DEVELOPMENT OF THE LOCKMEADOW LEISURE COMPLEX

The Director of Finance and Business Improvement presented the report. The report outlined a request for further investment in developing

Lockmeadow, in accordance with the agreed approach when purchasing it in 2019. The food hall and play area had been the second phase of development, but the focus was now on two areas. These were the Market Hall and under-croft, and further developing the play area which had been very popular since it had opened.

The aims were to upgrade the Market Hall and under-croft to improve utilisation and to provide more equipment in the play area for older children in order to drive footfall. The conservative estimate was that the investment would pay back within 10 years.

In supporting the proposals the Committee requested that support for children with Special Education Needs was provided through investing in specialist play equipment. The committee also requested that consideration be given to diversifying the catering offer in the Market Hall.

RESOLVED: That

1. The proposals for improvement works be supported;
2. The requested capital spend be approved;
3. Authority be delegated to the Director of Finance and Business Improvement to undertake a procurement process and award such contracts for delivery of the works in line with financial procedure rules and applicable public contracts regulations and principles; and
4. The Head of Mid Kent Legal Services be authorised to complete the necessary contract documentation and agreements associated with the works.

220. MAIDSTONE TOWN CENTRE STRATEGY

The Interim Local Plan Director introduced the item. The Committee had considered workstreams for the Maidstone Town Centre Strategy in September and October 2021, and reports had been taken to relevant service committees. Appendices 1 and 2 to the report provided an overview of the revised scope.

The decision before the committee was to consider approval for the updated scope and agreement to an outline governance structure. The governance structure ensured a clear lead by the Executive and Member on the Executive with input from the relevant Policy Advisory Committee.

The scope demonstrated the early work that would be necessary to deliver the strategy and the proposed community engagement plan.

The Committee supported the proposal in the report, stressing the need for a bi-partisan approach to ensure a robust strategy to deliver for the next ten to twenty years. They highlighted that flexibility in the governance arrangements was key, noting that the decision-making responsibility would rest with the Executive with other 'anchor institutions'

having an input, including other public sector organisations like Golding Homes, County Council, Mid Kent College, and the police; who invest and provide services in the town centre.

An ambitious approach that actively promoted the Town Centre, and leveraged Maidstone's cultural capital, was endorsed and encouraged by the Committee.

RESOLVED: That

1. The updated scope and core workstreams of the Town Centre Strategy as set out in appendices 1 and 2 to the report, be agreed;
2. The proposed governance structure at paragraph 2.5. of the report, be agreed; and
3. The principles of the proposed engagement strategy described in paragraph 2.13 and within appendix 3 of the report, be agreed.

Note: Councillor Cooper left the meeting after this item.

221. ADJOURNMENT OF MEETING

The Committee adjourned for a short break between 8.06 p.m. to 8.16 p.m.

222. MAIDSTONE HOUSE - NEXT STEPS

The Director of Finance and Business Improvement introduced the report which set out the management approach for Maidstone House and requested approval for investment in the property consistent with the business case that supported the decision to purchase the building.

There were objectives that it was proposed the Council pursue in the medium to long term. The first was to build on Maidstone House as a public sector hub, to enable relationships to be built with other public sector organisations. The second objective was to build on success of the Business Terrace, which had already been successful in promoting businesses.

The report put forward recommendations to support these ambitions in the short term with funding requested for improvements to the reception, including better signage, and to refurbish the lifts. £500k was requested in total.

The Committee welcomed the investment, recognising the need for the works and to proceed with them now. They also requested that the Director of Finance and Business Improvement look at a means of involving Members more directly in the bigger picture elements of the building, perhaps through some form of Member sounding board.

RESOLVED: That

1. The management approach for Maidstone House as set out in the report be approved;
2. Authority be delegated to the Director of Finance and Business Improvement, in consultation with the Chair of Policy and Resources Committee, to release capital programme funding for the projects set out in paragraphs 2.19 and 2.23 of the report, up to an overall limit of £0.5 million;
3. Authority be delegated to the Director of Finance and Business Improvement to undertake a procurement process and award such contracts for delivery of the works in accordance with financial procedure rules and applicable public contracts regulations and principles; and
4. The Head of Mid Kent Legal Services be authorised to complete the necessary contract documentation and agreements associated with the works.

223. ARCHBISHOPS PALACE - EXPRESSIONS OF INTEREST

The Director of Finance and Business Improvement introduced the report and outlined the previous consideration of the issue. This included a feasibility study based on the principles previously agreed by the Committee. The resulting options were then further considered and expanded upon by the Committee and subject to formal public consultation. Potential partners had been identified through formal routes, wide publicity and direct contact; however the responses received had been limited as the building did not fit into any recognised business model.

Two proposals had been received and were summarised in the report, with the Committee to consider and decide which proposal should be subject to an exclusivity agreement (EA) across a six-month period. The EA would allow for further work to be undertaken by the bidder on their proposal.

The bid received from Balfour Hospitality proposed a boutique hotel with 25 rooms but would require three new buildings within the palace's grounds. The bid received by an internal team of the Council envisaged significantly less change, with the site's primary use to be as a wedding venue.

The Committee felt that both proposals had positive elements they could support but felt that the Balfour proposal should be taken forward. In doing so the need to factor in climate change considerations was stressed, alongside the very difficult challenges and high planning hurdles that the Balfour proposal would need to meet. In response to questions the Committee were informed that the Gatehouse was no longer leased out and was vacant, and that the only information currently available in the

proposals, including as to how the public would continue to access the buildings, was contained in the proposals.

It was noted that the Balfour option relied on the three new buildings and proposed little change to the Archbishops Palace building itself. The Palace would only have very limited changes and would be used as a dining, training, wedding and conference venue. By entering into an exclusivity agreement further work would be completed by the bidder to demonstrate how the challenges of the site would be met and provide more detail.

The Committee recognised the importance and heritage of the Archbishop's Palace and the high planning requirements that created but felt that the Balfour proposal showed some real ambition for Maidstone. The potential alignment between the proposal, the Council's Economic Development Strategy and overall enhancement of the town's heritage was highlighted.

The Committee questioned whether 6 months was long enough for detailed proposals to come forward and thought it was important that a longer period could be granted if requested, but it was accepted that six months was an appropriate starting point.

RESOLVED: That the Council grant Balfour Hospitality the exclusivity period of 6 months, to be able to do some detailed work and come back with a convincing proposal.

224. EXEMPT APPENDIX A (ITEM 16 - MAIDSTONE HOUSE - NEXT STEPS) - TENANCY SCHEDULE

RESOLVED: That the Item be considered alongside Item 16 – Maidstone House – Next Steps.

225. EXEMPT APPENDICES (ITEM 17 - ARCHBISHOPS PALACE - EXPRESSIONS OF INTEREST) - BALFOUR HOSPITALITY PROPOSAL AND AB TEAM PROPOSAL

RESOLVED: That the Item be considered alongside Item 17 – Archbishops Palace – Expressions of Interest.

226. MINUTES (PART II) OF THE MEETING HELD ON 9 FEBRUARY 2022

RESOLVED: That the Item be considered alongside Item 8 – Minutes of the Meeting held on 9 February 2022.

227. DURATION OF MEETING

6.30 p.m. to 9.10 p.m.

Agenda Item 11

POLICY AND RESOURCES COMMITTEE

28 April 2022

Discretionary Energy Rebate Scheme

Final Decision-Maker	Policy and Resources Committee
Lead Head of Service/Lead Director	Mark Green, Director of Finance and Business Improvement
Lead Officer and Report Author	Zoe Kent, Interim Head of Revenues and Benefits
Classification	Public
Wards affected	All

Executive Summary

A mandatory scheme for payment of energy rebates to Council Tax Payers in Bands A - D has been introduced by the government and will run from 1 April 2022 to 30 September 2022. In addition, each council is required to have a discretionary scheme to energy bill payers who are not eligible under the terms of the core scheme, or to provide targeted 'top-up' payments to the most vulnerable households in bands A to D. This report sets out proposals for the discretionary scheme.

Purpose of Report

For decision.

This report makes the following recommendations to this Committee:

1. That Policy and Resources Committee agrees the distribution methodology for the Discretionary Energy Rebates Scheme set out in paragraph 2.7.
2. That the Committee approves details of the Scheme as set out in Appendix A.

Timetable

Meeting	Date
Policy and Resources Committee	28th April 2022

Discretionary Energy Rebate Scheme

1. CROSS-CUTTING ISSUES AND IMPLICATIONS

Issue	Implications	Sign-off
Impact on Corporate Priorities	We do not expect the recommendations will by themselves materially affect achievement of corporate priorities. However, it is appropriate for the Council to assist vulnerable households in dealing with the cost of energy.	Director of Finance and Business Improvement / S151 Officer
Cross Cutting Objectives	The report recommendations help to address Deprivation and Social Mobility.	Director of Finance and Business Improvement / S151 Officer
Risk Management	Already covered in risk section.	Director of Finance and Business Improvement / S151 Officer
Financial	The proposals set out in the recommendation are funded through central government grant. It is anticipated that the cost of implementing the recommendations, in terms of staff time and systems upgrades, will be covered by a government new burdens grant.	Director of Finance and Business Improvement / S151 Officer
Staffing	We will deliver the recommendations primarily using current staffing. However, if necessary we will recruit additional staff on short-term contracts, using new burdens funding.	Director of Finance and Business Improvement / S151 Officer
Legal	Adopting an appropriate scheme will provide compliance with guidance issued by the Secretary of State (DLUHC) to billing authorities in administering support for energy bills by council tax rebate 2022-23 and the associated discretionary fund for households.	Monitoring Officer
Privacy and Data Protection	The data will be held and processed in accordance with the data protection principles contained in Schedule 1 to the Data Protection Act 1998.	Director of Finance and Business Improvement / S151 Officer

Equalities	An Equalities Impact Assessment will be carried out if appropriate.	Director of Finance and Business Improvement / S151 Officer
Public Health	The recommendations potentially have a positive impact by making it easier for residents to afford adequate light and heating.	Director of Finance and Business Improvement / S151 Officer
Crime and Disorder	No impact.	Director of Finance and Business Improvement / S151 Officer
Procurement	Systems upgrades will be procured in line with financial procedure rules.	Director of Finance and Business Improvement / S151 Officer
Biodiversity and Climate Change	The implications of this report on biodiversity and climate change have been considered and in keeping with Action 2.2 additional information and support to 'Promote access to schemes to residents, landlords and housing associations, for retrofitting insulation to existing homes including ECO3, LA Flex and the Green Homes Grant Scheme' aligns with this report.	Biodiversity and Climate Change Manager

2. INTRODUCTION AND BACKGROUND

2.1 From 1 April 2022, households are entitled to a non-repayable energy rebate payment of £150, known as the Council Tax Rebate, to a liable council tax payer (or person who would otherwise be liable where the property is exempt) for every household that occupies a property which meets all of the following criteria on 1 April 2022 :

- i. It is valued in council tax bands A to D. This includes property that is valued in band E but has an alternative valuation band of band D, as a result of the disabled band reduction scheme;
- ii. It is someone's sole or main residence;
- iii. It is a chargeable dwelling, or in exemption classes N, S, U or W*

2.2 This payment is designed to support households with the costs of their energy utilities. To be entitled to the payment the following eligibility rules must also be met.

- Where the council is aware that the liable council tax payer does not occupy the property, they will not be eligible.
- Where a property is in exemption classes N (other than HMOs for council tax purposes), S, U or W and the council is able to contact an occupant, the occupant will be eligible for support.
- A property that meets all the criteria, but has a nil council tax liability as a result of local council tax support, will be eligible.
- A property that has no permanent resident and is someone's second home will not be eligible.
- An unoccupied property (for the purposes of calculating council tax) will not be eligible.

2.3 The mandatory scheme will run from 1 April 2022 to 30 September 2022. Such payments will be referred to, for the purposes of this report, as 'main scheme' payments.

2.4 In addition to the 'main scheme', each council is required to have a discretionary scheme for energy bill payers who are not eligible under the terms of the core scheme, or to provide targeted 'top-up' payments to the most vulnerable households in bands A to D. This scheme is called the Discretionary Fund. This fund will run until 30 November 2022, or until funds are exhausted, whichever is the earlier. Maidstone Borough Council has been allocated £396,300 for its Discretionary Fund.

2.5 The options for targeting support towards the most vulnerable within the area, using readily available data and so enabling a scheme to be established and implemented promptly, are as follows:

	Client group	Amount of award	For	Against
1	Council Tax Support claimants in Council Tax bands E to H, as at 02.04.22	£150	<ul style="list-style-type: none"> • Easily identifiable • Helps those not receiving help via main scheme • Aligns with 'targeting support at the most vulnerable' 	
2	All those in receipt of a disabled band reduction on council	£150	<ul style="list-style-type: none"> • Easily identifiable • Helps those 	

	tax, in Bands F to H		<p>not receiving help via main scheme</p> <ul style="list-style-type: none"> Aligns with 'targeting support at the most vulnerable' 	
3	All those in receipt of CTS, in council tax bands A to D, to receive a 'top-up' award, to supplement their main scheme award.	Variable (to be decided – see options below)	<ul style="list-style-type: none"> Easily identifiable Aligns with targeting support at the most vulnerable 	<ul style="list-style-type: none"> Depending on budget, award may be so small as to make little difference to people Award value may mean budget exceeded

2.6 Given the available funding of £396,300, the following table sets out which options are feasible using red/amber/green scores.

Option and description	Cost	Notes
1. Pay all CTS households in Bands E - H £150, and top up CTS Bands A - D by £50	£530,450	
2. Pay all CTS households in Bands E - H £150 and top up CTS Bands A - D by £40	£439,930	
3. Pay all CTS households in Bands E - H £150, and top up CTS Bands A -D by £35	£394,670	
4. Pay all CTS households in Bands E - H £150, and top up CTS Bands A -D by £30	£349,410	It could be argued that £30 is too little to make any difference
5. Pay all households with a disabled persons reduction in Bands F - H on council tax, £150	£15,000	
6. Pay all CTS households in Bands E - H £150 and award the remaining funding through an application process	£77,850	Large amount of unspent funds left 'pending'

2.7 It is recommended that to provide funding to those most in need in a timely manner the following approach is adopted.

	£	Number of payments
Pay all CTS households in Bands E - H £150	77,850	519
Top up CTS Bands A -D by £30	271,560	9,052
	<hr/>	
Sub-total – corresponds to option 4 above	349,410	
Pay all households with a disabled persons reduction in Bands F - H on council tax, £150	15,000	100
Use Hardship Support Fund to distribute balance of funding on a discretionary basis	31,890	
	<hr/>	
	£396,300	
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If possible, the additional £30 for Council Tax payers in bands A-D will be paid at the same time as the £150 to which they are already entitled under the mandatory scheme.

3. AVAILABLE OPTIONS

- 3.1 Option 1 - Adopt the proposal set out in this report.
- 3.2 Option 2 - The discretionary scheme could be designed to only provide support through an application process. However, this would be likely to lead to funding not being awarded in a timely manner and the full allocation may not be used.

4. RISK

- 4.1 We are satisfied that the risks associated with this approach are within the Council’s risk appetite and will be managed as per the risk management policy.

5. CONSULTATION RESULTS AND PREVIOUS COMMITTEE FEEDBACK

- 5.1 Due to the timescales required for implementing the scheme it has not been practical to carry out a full consultation. Informal consultation on the scheme has taken place with leading members.
- 5.2 The scheme complements an initiative carried out earlier this year on behalf of Kent County Council to provide vouchers worth £49 each (£30 with effect from 1 April 2022) to residents on pre-payment meters, who are often those most vulnerable to fuel poverty. Revenues & Benefits identified 1,398 residents and distributed 3,182 vouchers, worth £65,272.
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6. NEXT STEPS: COMMUNICATION AND IMPLEMENTATION OF THE DECISION

- 6.1 The scheme will be implemented as soon as possible after making the decision recommended in this report.
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7. REPORT APPENDICES

The following documents are to be published with this report and form part of the report:

- Appendix A: Draft Discretionary Rebate Scheme

8. BACKGROUND PAPERS

None

The Discretionary Council Tax Rebate Scheme 2022-23

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Definitions

The following definitions are used within this document:

‘Chargeable Dwelling’; means any dwelling that appears on the Council’s Council Tax Valuation List on 1 April 2022;

‘Council Tax Exemption or Exempt Dwelling’; means any chargeable dwelling which is determined by the Council as exempt from Council Tax as prescribed by the Council Tax (Exempt Dwellings) Order 1992 as amended;

‘Council Tax Rebate Scheme or Mandatory Scheme’; means the scheme announced by the Secretary of State for Levelling Up, Housing and Communities on 3 February 2022 as part of a package of support for rising energy costs;

‘Council Tax Payer or Liable Person’ means the liable person determined by the Council as being responsible for Council Tax under section 6 of the Local Government Finance Act 1992;

‘Council Tax Reduction (or Support)’ means any entitlement awarded under section 13A 1(A) of the Local Government Finance Act 1992;

‘Discretionary Scheme or Fund’; means the scheme determined by the Council in line with the guidance issued by the Department for Levelling Up, Housing and Communities announced on 3 February 2022;

‘Effective Date ; means the effective date of this scheme. The effective date shall be the situation as at the end of the day on 1 April 2022

‘Empty Dwelling (or premises)’ means any dwelling that is not deemed to be the sole or main residence of a person and are substantially unfurnished;

‘Liability for Owner’; means any dwelling determined to fall within the Council Tax (Liability for Owners) Regulations 1992, for example, House in Multiple Occupation or Residential Care homes;

‘Mandatory Scheme’; means the scheme determined by Government in line with the guidance issued by the Department for Levelling Up, Housing and Communities announced on 3 February 2022;

‘Second Home’ means any dwelling not deemed to be the sole or main residence of the liable person and which is furnished as defined by the Council Tax (Prescribed Class of Dwellings) (England) Regulations 2003 as amended; and

‘Sole or main residence’ means the dwelling determined by the Council to be the sole or main residence of a person.

1.0 Purpose of the scheme and background.

- 1.1 The purpose of this policy is to determine eligibility for a payment under the Council's Discretionary Council Tax Rebate scheme (the 'Discretionary Scheme').
- 1.2 The scheme has been designed based on general guidance issued by the Secretary of State for Levelling Up, Housing and Communities on 3rd February 2022. However, it is separate to the mandatory Council Tax Rebate scheme which is largely determined by Government
- 1.3 The Council's Discretionary Scheme is part of a package of support for households in respect of rising energy costs.
- 1.4 Government has determined that Councils can decide locally how best to make use of the discretionary funding to provide payments to other households who are energy bill payers but not covered by the mandatory Council Tax Rebate. However, Government has stated that occupants of class M (student halls) are unlikely to be eligible for discretionary support, unless they are exposed to rising energy prices in a similar way to other households and discretionary support should **not** be offered to occupants of property in exemption class O, where the Ministry of Defence will provide cost of living support.

2.0 Funding

- 2.1 Government has provided funding to the Council; however, all payments will have to be made prior to the 30 November 2022 which is the deadline for this scheme.

3.0 Eligibility criteria and awards

- 3.1 The Council has decided that the payments will be made provided the household has their sole or main residence in a dwelling and the following conditions are met:
 - A single one-off payment of £150 will be awarded to any household who resides in a dwelling with a Council Tax band E to H **and** are in receipt of Council Tax Reduction (support);
 - A single one-off payment of £150 will be awarded to any household who resides in a dwelling with a Council Tax band F to H **and** are entitled to a reduction under the Council Tax (Reduction for Disabilities) Regulations 1992; and
 - A single 'top up' payment of £30 (in addition to any mandatory payment) will be awarded to any household who resides in a dwelling with a Council Tax band A to D **and** are in receipt of Council Tax Reduction (support).
- 3.2 Households who are not liable for Council Tax but who are responsible for energy payments will be able to make a claim for assistance through the Household Support Fund run by the Council. Details of which are available on the Council's website.
- 3.3 For the purpose of the discretionary scheme, a household is a person or group of persons occupying a single dwelling, as defined in section 3 of the Local Government Finance Act 1992. No award will be made for any unoccupied premises or second homes.

Effective date

- 3.4 The effective date for this scheme is 1 April 2022. The Council will determine eligibility based on the position at the end of that day.

Alterations to liability or the Council Tax Band

- 3.5 Where the Council has reason to believe that the information they hold about the valuation list, liable taxpayer(s) or residents' circumstances in respect of 1 April 2022 is inaccurate, it will withhold the payment and take reasonable steps to determine the correct information.
- 3.6 Where records relating to the liable taxpayer(s) or the residents' circumstances in respect of 1 April 2022 are retrospectively updated, the Council will take reasonable steps to either pay the discretionary award or potentially reclaim any payment made.
- 3.7 In any case, where the Council Tax band of the chargeable dwelling is amended retrospectively after 1 April 2022, for example where a successful appeal is made to the Valuation Office Agency (VOA) that concluded after this date, the Council is not required either to pay any discretionary award or to reclaim any payment made.

Eligibility Disputes

- 3.8 The decision of the Council on any eligibility matter will be final. Should any tax payer feel aggrieved by any decision, then matters will be dealt with through the Council's complaints procedure. Full details are available on the Council's website.

4.0 How the Council Tax Rebate will be paid

- 4.1 Where the Council determines that all of the eligibility criteria are met in full, payment will be made to the household as defined within section 3 above. It should be noted that **only one discretionary payment** will be made per household, regardless of the number of occupants or liable Council Taxpayers.

Direct Debit payers

- 4.2 Where the Council holds a current direct debit instruction for a liable Council Taxpayer of an eligible household, payment will be made using the bank account details held. Payments will be made as soon as practicable.
- 4.3 The Council is required to verify that the bank details held are those of the eligible household and where multiple residents of an eligible household are jointly and severally liable for Council Tax, the full payment will be made to the account for which the direct debit is held only. Payment of the award, however, is for the benefit of the household as a whole.

- 4.4 No payment will be made where the name on the bank details does not match a liable party. Should the Council require additional information in order to establish the correct person to receive the payment, it is expected that the household provides all necessary details as soon as possible. Further details of how this request will be made and responsibilities to supply such information are detailed below.
- 4.5 It should be noted that the award will be paid on the assumption that the person receiving the payment is the liable Council Taxpayer (or would have been if the property were not exempt) and that the property meets the criteria on 1 April 2022 as defined with section 3 above.

Where the Council does not hold current a direct debit instruction for an eligible household

- 4.6 Where the Council does not hold a current direct debit instruction for an eligible household, it will make reasonable efforts to contact the household and obtain the necessary bank details.
- 4.7 Where the Council is unsuccessful in contacting the household but where it is of the opinion that the household meets the eligibility criteria, the discretionary award will be credited to the Council Tax account.
- 4.8 In all cases, the Council must ensure that payments are made correctly and where appropriate, require households to verify that that they are eligible for the payment. Where no such verification can be made or where a household fails to respond to the Council's request, no payment whatsoever shall be made.

5.0 Provision of information to the Council

- 5.1 Residents, owners and managing agents should note that the Council has powers available to it under Regulation 3 (1) (c) of the Council Tax (Administration and Enforcement) Regulations 1992, to request such information to determine the correct liable person for Council Tax purposes. Government has stated that these powers may also be used for Council Tax Rebate purposes.
- 5.2 Failure to respond to such a request, without a reasonable excuse, within 21 days could lead to penalties being imposed. The Council therefore encourages all such persons to provide any requested information as soon as possible.

6.0 Scheme of Delegation

- 6.1 The Council has approved this scheme. The Council's Section 151 Officer is authorised to make technical policy amendments to ensure the scheme meets the criteria set by the Government and the Council.

7.0 Notification of Decisions

- 7.1 All Council Tax Rebate payments shall be made by the Revenues and Benefits Service.
- 7.2 All decisions made shall be notified to the liable person either in writing or by email.

8.0 Reviews of Decisions

- 8.1 The Council will operate an internal review process and will accept a taxpayer's request for a review of its decision.
- 8.2 All such requests must be made in writing to the Council and should state the reasons why the taxpayer is aggrieved with the decision of the Council. New information may be submitted at this stage to support the taxpayer's review
- 8.3 The case will be reconsidered by a senior officer as soon as practicable, and the taxpayer informed in writing or by email of the decision. That decision shall be final.

9.0 Taxation and the provision of information to Her Majesty's Revenue and Customs (HMRC)

- 9.1 The Council does not accept any responsibility in relation to a taxpayer's HMRC tax liabilities and all taxpayers should make their own enquiries to establish any tax position.

10.0 Managing the risk of fraud

- 10.1 The Council will not accept deliberate manipulation of this policy or fraud. Any person caught falsifying information to gain a discretionary payment will face prosecution and any amount awarded will be recovered from them.

11.0 Recovery of amounts incorrectly paid

- 11.1 If it is established that **any** payment has been made incorrectly due to error, misrepresentation or incorrect information provided to the Council by a taxpayer or any other person, the Council will look to recover the amount in full.

12.0 Data Protection and use of data

- 12.1 All information and data provided by applicants shall be dealt with in accordance with the Council's Data Protection policy and Privacy Notices which are available on the Council's website.