

The LCC Energy Bills Rebate Scheme 2022/23

1. What is the Energy Bills Rebate?

1.1 This scheme helps to support households in Leicester with a £150 non-repayable Council Tax Energy Rebate in Council Tax bands A to D, and a Discretionary Energy Bill Rebate to support vulnerable households in need (jointly referred to as “the Energy Bills Rebate Scheme / the Scheme”).

1.2 This Policy is subject to change. Should any amendments or additions be required, the updated Policy will be republished here. All applications received the day following any published amendments to the Policy will be assessed in accordance with that updated Policy.

2. Why was the Scheme introduced?

2.1 The Scheme is part of a package of support to help households with rising energy bills. The government recognises that many households will need support to deal with the rising cost of household bills in 2022-23, driven by increasing energy bills. While these rising costs will affect most households across the country, they are more likely to disproportionately affect those on lower incomes, who tend to spend a higher proportion of their income on utility bills.

3. What are the main features of the Scheme?

3.1 The Policy aims to operate the Scheme under guidance published by the Department for Levelling Up, Housing and Communities in order to award Council Tax Energy Rebates for all residents who make a valid claim during the operation of the Scheme and satisfy the full eligibility criteria outlined in section 4 below.

3.2 Successful Council Tax Energy Rebate claimants will be awarded £150. Eligibility is assessed as individual, but only one Rebate may be awarded per eligible household. Council Tax Energy Rebates are not limited by budgetary constraints.

3.3 The Council may decide to make an alternative Discretionary Energy rebate, provided that the claimant can meet all criteria outlined in section 5 below. Successful claimants will be awarded up to £150.

3.4 Discretionary Energy rebate payments are limited by a budget allocated by government grant of **£836,250** and the Council will not be able to fund payment once this has been spent. Successful claimants will typically be awarded up to £150, this may vary dependant on circumstances.

4. Am I eligible for an Energy Rebate?

4.1 In order to be eligible for a Council Tax Energy Rebate, a claimant must be a liable council tax charge payer (or a person who would otherwise be liable where the property is exempt) in respect of an eligible property in Leicester on 1st April 2022.

4.2 An eligible property for the purpose of the Council Tax Energy Rebate is defined as:

- valued in Council Tax Bands A to D, including 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; and
- someone's sole or main residence; and
- is a chargeable dwelling, or in exemption classes N, S, U or W; and
- the person who is liable to pay the council tax (or would be if the property is not exempt) and is not a non-resident landlord, a local authority, a corporate body or other body such as a housing association, the government or governmental body; and
- in respect of which no Council Tax Energy Rebate has already been awarded, regardless of the number of occupants or liable council taxpayers.

4.3 This means that:

- 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.

This list is not exhaustive and the Council may use their judgement in consideration of the aims of the scheme, which is to support households with domestic energy costs.

4.4 For the purpose of the Council Tax Energy Rebate, a household is defined as a person or group of persons occupying a single dwelling, as defined in section 3 of the Local Government Finance Act 1992.

4.5 Council Tax Energy Rebate eligibility will be determined based on the position at the end of the day on 1st April 2022. Where the Council has reason to believe that the information we hold about the valuation list, liable taxpayer(s) or resident's circumstances in respect of 1st April 2022 is inaccurate, we will withhold the payment and take reasonable steps to determine the correct information.

4.6 Where records relating to the liable taxpayer(s) or residents' circumstances in respect of 1st April 2022 are retrospectively updated, the Council will take reasonable steps to pay or clawback payments.

4.7 If more than one individual is responsible for energy bill payments in your household, your Discretionary Energy Rebate award may be reduced – for example, a payment of £75 if two people are liable for payments.

4.8 Where the property band recorded on a valuation list is amended retrospectively to 1 April 2022, for example as a result of a successful appeal made to the Valuation Office Agency ('VOA') that concluded after this date, the Council is not required to pay or clawback payments. The exception is where a property is a new build and awaiting an official banding from the VOA. In these cases, eligibility will be determined based on the official band subsequently allocated by the VOA, where this has an effective date before or on 1st April 2022.

4.9 Be part of a household meeting Council Tax Energy Rebate eligibility criteria following a VOA decision made following a review, proposal or appeal made before 3rd February 2022. Where a review, proposal or appeal pre-dating the announcement on 3rd February 2022 is successful after 1st April 2022 and as a result, a property would have been eligible for the rebate, the Council will be able to provide support using the Discretionary Energy Bill Rebate.

4.10 If a household does not tell the authority their preferred payment method by 31 July 2022 when asked to do so, or does not cash in a post office voucher within the permitted time, the authority will take this as an indication that the household wishes to receive the support as a council tax account credit. We will inform the charge payer which council tax account year the money has been credited to. The council can choose whether to allocate this to the financial year 2022-23, or any year(s) where a council tax charge is in arrears.

5. Am I eligible for the Discretionary Energy rebate?

5.1 In order to be considered for the Discretionary Energy rebate, a claimant must be an energy bill payer occupying a property in Leicester as a sole or main residence and not part of a household eligible to receive a Council Tax Energy Rebate.

5.2 Prior to inviting applications, the Council will first seek to award Discretionary Energy Rebates to the following vulnerable households identified in 2021/22 as meeting at least one of the following conditions:

- In Band E, or
- In Bands F-H and having received Council Tax Support and/or Council Tax Discretionary Relief (including pensioners); or
- In Bands F-H and containing at least one adult classed as Severely Mentally Impaired; or
- In Bands F-H and receiving a relevant exemption/discount, e.g. Disabled Band Relief, “granny annex”, Single Person Discount (due to likelihood of increased bills per adult); or
- A household including a Care Leaver under the age of 25; or

- A household participating in the Homes for Ukraine scheme (in 2022/23); or
- A household identified by Adult Social Care or Education (Early Help & Supporting Families) as vulnerable and/or in need of support for health or other needs.

5.3 Discretionary Energy Rebate claimants must meet one of the following criteria:

- Be part of a household otherwise meeting the criteria of an eligible property in section 4.2 on a date on or after 2nd April 2022 but before 15th November 2022; or
- Be an energy bill payer in respect of a non self-contained property with a non-resident landlord (also known as a House in Multiple Occupation).

5.4 In order to be considered for the Discretionary Energy rebate **you must not:**

- be an individual from a household that has already received a payment under the Council Tax Energy rebate, unless the circumstances in Section 5.2 apply;
- Be occupying a property with a Class M Council Tax Exemption (halls of residence);

5.5 No further awards can be made when funding has been exhausted. All applications must be made together with any required evidence by 15th November 2022.

6. How do I apply?

6.1 If you are liable for a property eligible for the Council Tax Energy Rebate and are making payments by Direct Debit, **you do not need to make an application** - an automatic payment will be made as early as possible in the 2022-23 financial year, as long as the name on your bank details matches a liable party for Council Tax. Where multiple residents of an eligible household are jointly and severally liable for council tax, and the Council holds live direct debit instructions for that household, the full £150 payment will be made to the direct debit account.

6.2 If you do not pay by direct debit, we will send you an alternative voucher which can be redeemed for cash at any Post Office. **You do not need to make an application.**

If this is unclaimed after three months, we will return this credit to your Council Tax account. If you pay by direct debit and we are unable to match your account details, we will write to you to confirm your payment preferences.

6.3 Rebate payments are made on the basis that you were a liable council tax charge payer (or would have been if the property were not exempt) and that the property met the criteria set out at paragraph 11 on 1 April 2022. If this is not the case, the grant may be liable for recovery. The grant is being provided to support all residents of the household.

6.4 If you have not received an automatic award and wish to apply to the Discretionary Energy rebate and meet the criteria, you will need to apply using the online form on our webpage.

6.5 If you are unable to complete the online form, please ask for your family or friends to do so on your behalf. Alternatively, email energyrebate@leicester.gov.uk, or contact customer services on 0116 454 1019 between the hours 9.30am to 4pm Monday to Friday to assist you to complete the form.

6.6 Applications may be made by a claimant; someone else on the claimant's behalf; or, by their representative with authority to act on their behalf i.e. Power of Attorney; Appointee; or any other authorised third-party representative such as housing officers and social workers.

7. What do I need to provide with my Discretionary Energy Rebate application?

7.1 If you need to make an application for the Discretionary Energy Rebate as outlined in section 6, and are not a liable party on your bill, you will need to provide a recent (within three months) energy bill showing your name. Electronic copies are acceptable.

7.2 You can choose to have your payment issued by the Post Office. You will need to select which post office to collect the payment from in the City and provide ID when collecting. For more details how we pay via Post Offices please see the advice

provided in the 'Frequently Asked Questions' at <https://www.leicester.gov.uk/your-community/council-tax/council-tax-rebate-to-help-with-your-energy-bills/>

7.3 If it is subsequently identified that a payment under the Scheme has been awarded as a result of false or fraudulent information, including the claiming of duplicate awards, the Council reserves the right to withdraw the award and recover the resulting sum due.

8. How will I be notified of the decision?

8.1 The Council will provide a notice of awards on the following basis:

- a. The rebate into the bank account for payments by Direct Debit is the notification. The entry will show 'Council Energy Rebate LCC' and the value of the rebate.
- b. The rebate payment onto the chosen council tax account will receive a revised council tax for the relevant year(s) showing the credit adjustment. The entry on the billed account will show 'Council Energy Rebate LCC' and the value of the rebate.
- c. The rebate via the post office will be notified by letter.

Discretionary energy rebate recipients will receive:

- a. a summary of the factors considered in reaching the decision, provide details of how to request a review or obtain more information about the decision.
- b. provide details of how the award (if any) will be made.

9. What can I do if I want the decision to be reviewed?

9.1 There will be no automatic right of appeal against a decision not to award a grant, or against the value of any grant. However, the Council may at its discretion reconsider any refusal or grant value if there is clear evidence that a significantly wrong decision may have been made. Claimants may request in writing that the Council looks again at the decision within one calendar month of the decision notice where:

- a) they have not been awarded a Energy Rebate or Discretionary energy rebate payment; or,
- b) they disagree with the recovery of payment made under the Scheme.

9.2 Requests for review must be:

- a) submitted in writing to EnergyRebate@Leicester.gov.uk or by post to York House, 91 York Street, Leicester LE1 6FB;
- b) addressed to the Head of Revenues and Customer Support;
- c) received at the Council offices within one calendar month of the date of the decision notice;
- d) signed by the claimant, their appointee or agreed third party representative;
- e) outline the reasons for review, providing any new evidence required.

9.3 Applicants will not have the right of review where:

- a) their request is received by the Council more than one calendar month after the date of the decision notice; unless good cause can be shown for the delay; or,
- b) the Council has already made a determination of a previous request for review in respect of the matter; unless significant new information is identified; that would have a direct bearing upon the original decision; or,
- c) there is no clear evidence that a significantly wrong decision has been made.

9.4 Any request for review of the decision under this scheme will be determined within one calendar month of receipt of the request.

9.5 No reviews will be considered after the Scheme has ended, or in respect of the Discretionary Energy Rebate after all available funds have been exhausted.

9.6 Any review will be considered on its own merits, in the light of all relevant circumstances at the time (as described in the eligibility guidelines in section 4).

9.7 The review request must give the reasons why the applicant considers the original decision should be amended and may include new or additional information relevant to the request to change the original decision. The Council may require further supporting evidence to be provided.

9.8 The reviewing officer (who will not be the original decision maker) will review the original decision, and each review will subsequently be considered by a panel including a senior officer, the operational officer for Policy and an operational leader. The outcome of the review request will be notified to the claimant within one calendar month of its receipt or the receipt of relevant supporting information.

9.9 The only further recourse available to applicants is a judicial review, which is the means by which the decisions of the Council under discretionary powers may be challenged. The High Court may be asked to consider whether the Council has acted within its powers.

10. How does the Council prevent fraudulent claims for the Scheme?

10.1 If you falsely declare your circumstances, provide a false statement or provide false evidence in support of your application, you may have committed an offence under the Fraud Act 2006.

10.2 Leicester City Council has a zero-tolerance approach to fraud and financial irregularity. All suspicions of fraud relating to this scheme will be referred to Leicestershire Police. In addition to any criminal action, the Council will seek to recover all fraud losses.

10.3 Bank account details provided as part of an application are verified to ensure payments are made to the correct bank account and to help prevent fraudulent activities.

11. Are the application form and this document accessible in other formats?

11.1 If you would like a hard copy or large print version please contact Leicester City Council on 0116 454 1006 or via email at EngeryRebate@Leicester.gov.uk or by post at the following free post address: Freepost RTRE-HTRJ-CSSJ, Service Improvement Team, Leicester City Council, Revenues & Benefits Department, York House, 91 Granby Street, LEICESTER, LE1 6FB.

11.2 The online form is accessible in relation to many forms of disability, including compatibility with read-to-user technology. Decision awards and notifications will also follow in this format.

Appendix A: Background and Legislative Framework

1. Finance and Monitoring

1.1 The Council will operate the scheme under Government guidelines. Funds available for Energy Rebate are not cash limited. Discretionary Payments are limited by government grant and cannot be increased.

1.3 The Revenues & Customer Support Service will undertake monitoring of the number and amount of energy rebate payments and discretionary payments in relation to the available relevant budgets. The purpose is to ensure the Discretionary Energy budget will not exceed the government fund throughout the period of the scheme.

1.4 The Council will also monitor cases where a request has been refused to ensure decisions are being made fairly and consistently. The Council is subject to the general equality duty.

1.5 This means that steps will be taken to monitor implementation of this policy to ensure no one is subject to disproportionate adverse treatment because they had a protected characteristic. The general equality duty requires that the Council has due regard to the need to:

- Remove or minimise disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic
- Take steps to meet the needs of persons who share relevant protected characteristic that are different from the needs of persons who do not share it
- Foster good relations.

2. Legislative framework & equality monitoring arrangements

2.1 The Council may use any evidence and information supplied to it in respect of the Scheme to check the eligibility of the applicant in respect of this scheme or any other welfare benefit, discounts or exemptions in compliance with its powers and obligations under Data Protection Act 2016 and other legislation. Our data sharing and fair processing detail can be found at the following web link:
<http://www.leicester.gov.uk/your-council-services/council-and-democracy/key-documents/internet-disclaimer/>