

TONBRIDGE & MALLING BOROUGH COUNCIL



EXECUTIVE SERVICES

Chief Executive

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NB - This agenda contains proposals, recommendations and options. These do not represent Council policy or decisions until they have received proper consideration through the full decision making process.

Contact: Democratic Services
committee.services@tmbc.gov.uk

27 July 2022

To: MEMBERS OF THE CABINET
(Copies to all Members of the Council)

Dear Sir/Madam

Your attendance is requested at an extraordinary meeting of the Cabinet to be held in the Council Chamber, Gibson Drive, Kings Hill on Thursday, 4th August, 2022 commencing at 7.30 pm.

Members of the Cabinet are required to attend in person. Other Members may attend in person or participate online via MS Teams.

Information on how to observe the meeting will be published on the Council's website.

Yours faithfully

JULIE BEILBY

Chief Executive

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MEMBERSHIP

Councillor M D Boughton, (Leader)
Councillor R P Betts, (Environment and Climate Change)
Councillor V M C Branson, (Economic Regeneration)
Councillor M A Coffin, (Finance, Innovation and Property)
Councillor D A S Davis, (Strategic Planning and Infrastructure)
Councillor D Keers, Community Services
Councillor P J Montague, (Technical and Waste Services)
Councillor K B Tanner, (Housing)

Members of the Council who are not members of the executive may attend meetings of the Cabinet. With the agreement of the Leader, any such Member may address the Cabinet on any item on the agenda but may not vote.

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GUIDANCE ON HOW MEETINGS WILL BE CONDUCTED

- (1) All meetings of the Borough Council will be livestreamed to YouTube here, unless there is exempt or confidential business be discussed:

<https://www.youtube.com/channel/UCPp-IJISNgoF-ugSzxjAPfw/featured>
- (2) There are no fire drills planned during the time a meeting is being held. For the benefit of those in the meeting room, the fire alarm is a long continuous bell and the exits are via the doors used to enter the room. An officer on site will lead any evacuation.
- (3) Should you need this agenda or any of the reports in a different format, or have any other queries concerning the meeting, please contact Democratic Services on committee.services@tmbc.gov.uk in the first instance.

Attendance:

- Members of the Committee/Advisory Board are required to attend in person and be present in the meeting room. Only these Members are able to move/ second or amend motions, and vote.
- Other Members of the Council can join via MS Teams and can take part in any discussion and ask questions, when invited to do so by the Chairman, but cannot move/ second or amend motions or vote on any matters. Members participating remotely are reminded that this does not count towards their formal committee attendance.
- Occasionally, Members of the Committee/Advisory Board are unable to attend in person and may join via MS Teams in the same way as other Members. However, they are unable to move/ second or amend motions or vote on any matters if they are not present in the meeting room. As with other Members joining via MS Teams, this does not count towards their formal committee attendance.
- Officers can participate in person or online.
- Members of the public addressing an Area Planning Committee can participate in person or online. Please contact committee.services@tmbc.gov.uk for further information.

Before formal proceedings start there will be a sound check of Members/Officers in the room. This is done as a roll call and confirms attendance of voting Members.

Ground Rules:

The meeting will operate under the following ground rules:

- Members in the Chamber should indicate to speak in the usual way and use the fixed microphones in front of them. These need to be switched on when speaking or comments will not be heard by those participating online. Please switch off microphones when not speaking.
- If there any technical issues the meeting will be adjourned to try and rectify them. If this is not possible there are a number of options that can be taken to enable the meeting to continue. These will be explained if it becomes necessary.

For those Members participating online:

- please request to speak using the 'chat or hand raised function';
- please turn off cameras and microphones when not speaking;
- please do not use the 'chat function' for other matters as comments can be seen by all;
- Members may wish to blur the background on their camera using the facility on Microsoft teams.
- Please avoid distractions and general chat if not addressing the meeting
- Please remember to turn off or silence mobile phones

Voting:

Voting may be undertaken by way of a roll call and each Member should verbally respond For, Against, Abstain. The vote will be noted and announced by the Democratic Services Officer.

Alternatively, votes may be taken by general affirmation if it seems that there is agreement amongst Members. The Chairman will announce the outcome of the vote for those participating and viewing online.

Apologies for absence

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Declarations of interest

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TONBRIDGE & MALLING BOROUGH COUNCIL

CABINET

04 August 2022

Report of the Director of Finance & Transformation

Part 1- Public

Executive Non Key Decisions

1 HOUSEHOLD SUPPORT FUND

A report seeking approval of the Council's approach in use of the current grant of Household Support Fund for the Borough.

1.1 Background

1.1.1 Government established the Household Support Fund initially as part of the covid recovery financial package. It now forms part of the national cost of living support package to support those most in need across England with the cost of food, energy (heating, cooking, lighting), water bills (including sewerage) and other essentials.

1.1.2 In Kent, the fund has been allocated to Kent County Council. KCC decided to distribute a proportion of the fund to district councils to target support in their areas, on conditional agreement of the direction of spend meeting national and local criteria.

1.2 Grant Award for Tonbridge & Malling Borough

1.2.1 The Council was granted a total of £326,896.00 in the form of two allocations:

- **Allocation A:** To support pensioners with energy bills **£262,710.00**
- **Allocation B:** To support vulnerable households in line with wider Government guidance **£64,186.00**

1.2.2 The level of allocation A was based on numbers of pensioner households receiving local council tax reduction, the means tested scheme to help households pay council tax. Allocation B was calculated using population and deprivation measures.

1.2.3 Our agreement with KCC commits us to, '*...to use Allocation A to support pension age residents with their energy bills. You are asked to use Allocation B to focus on a range of the most vulnerable households, particularly those unlikely to be known to the County Council.*'

1.2.4 The grant is to be used in the period 1 April 2022 to 30 September 2022. Unspent grant cannot be rolled over into October, beyond honouring any expenditure committed to before the end of September. KCC did not provide details of the grant awards and agreements until mid to late June 2022, building the urgency in agreeing and administering our approach, hence the need for this additional meeting.

1.2.5 The KCC Policy and Funding Framework document supplied with the grant agreement states:

“A key principle is that KCC staff will, with our statutory and voluntary sector partners, and other organisations including utility companies, collectively identify families, households and individuals in financial hardship and target funds at them, rather than encouraging people to apply, other than via existing routes. This is because application processes are expensive to run, require effort on the part of those applying at a time when they are struggling, and a proportion of people will apply and be turned down because they don’t meet the eligibility criteria. Also, because this fund is time-limited and will only last for four months, it does not make sense to put in place significant new infrastructure to distribute the resources.”

1.3 Proposed use of Grant

1.3.1 Allocation A – Direct awards / payments of £100 to all pensioner households in receipt of local council tax reduction during the grant period. This number will be approximately 2,500 households.

1.3.2 The residual balance to be used to assist individual pensioner households in hardship through rising energy costs on referral from Council services or supporting agencies.

1.3.3 Allocation B – To be distributed on negotiation to the network of foodbanks across the Borough, having regard to those areas with highest demand.

1.3.4 Cover of reasonable costs based on the time and direct costs incurred by the Revenues & Benefits Service and supporting services in administering the fund.

1.3.5 The proposals are set out in the draft Scheme document set out at **[Annex 1]** entitled ‘Tonbridge & Malling Borough Council Household Support Fund Scheme’. As part of this report, Members are asked to approve the Scheme.

1.4 Resource Implications

1.4.1 Members may be aware that this is the 3rd round of similar grant allocations, starting in September 2020. Previously we have worked with our local foodbanks, Citizens Advice and Tonbridge Baptist Church to deliver assistance with food and fuel vouchers. A further round of Household Support Funding was announced by

Government in May 2022, effective from October 2022 although details are likely to coincide with the timing of the next rise in energy price cap in September.

- 1.4.2 Although the Scheme is relatively simple to administer, the Revenues & Benefits Service has also been charged with the administration of the council tax energy rebate scheme (£150 payments) which is currently ongoing. There has been no announcement thus far, but it is possible that a further energy rebate scheme may also be announced. After an initial government announcement in March, I am still waiting on details of the full funding we will receive for the council tax energy rebate scheme we have been running since April. This scheme alone has stretched resources and the lack of certainty over funding has made it difficult to resource. Temporary placements have been necessary in Customer Services to handle the increase in customer enquiries. I will monitor the progress of these schemes, along with the fundamental day to day activities of the service that it is crucial we do not lose sight of, to spot any adverse impacts as might arise and assess options to address any issues as and when.

1.5 Legal Implications

- 1.5.1 The Scheme complies with Government guidance and the agreement with KCC signed by our Chief Executive on 27 June 2022.
- 1.5.2 Use of data held by the Council has been approved by our Data Protection Officer in order to identify, target and pay households in line with the Scheme.

1.6 Financial and Value for Money Considerations

- 1.6.1 Reasonable administration costs incurred in operating this scheme may be met from the grant allocations. These costs may include:
- staff costs
 - advertising and publicity to raise awareness of the scheme
 - web page design
 - printing application forms and postage costs
 - small IT changes, for example, to facilitate MI production
- 1.6.2 With administration costs being met from the allocations it is imperative to run a scheme as efficiently as can be to maximise the level of financial support available to households. Together with a relatively small window of time to make payments, these factors further support the rationale to make direct targeted awards to households from allocation A using existing data, rather than an open and close individual application and assessment process.

1.7 Risk Assessment

- 1.7.1 Low risk of adverse feedback from targeting pensioner group, no individual application process and delays in payment since the national press reported on the Government announcement in April 2022. These risks can be mitigated through accurate, up to date information available on the Council's website and an informed customer services team.
- 1.7.2 Financial exposure is limited, the budget for the Scheme, including administration, is limited to the level of grant from KCC. Payment from KCC is retrospective and reliant on the provision of agreed monitoring and management information.

1.8 Equality Impact Assessment

- 1.8.1 Members are reminded of the requirement, under the Public Sector Equality Duty (section 149 of the Equality Act 2010) to have due regard to (i) eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Equality Act 2010, (ii) advance equality of opportunity between people from different groups, and (iii) foster good relations between people from different groups. The decisions recommended through this paper directly impact on end users. The impact has been analysed and varies between groups of people. The results of this analysis are set out immediately below.
- 1.8.2 Allocation A is targeted to pensioner households, directed by Government and on condition in our agreement with KCC generating disparity amongst age groups. The further sub-set within the cohort is selected on income level, regardless of any other protected characteristic group.
- 1.8.3 Allocation B will be used to support any residents across the Borough. In using local foodbanks we tap into services at a community level that have been established to meet local community needs.

1.9 Recommendation

- 1.9.1 Members are **RECOMMENDED** to approve the Household Support Fund Policy at **Annex 1**, granting authority for the Director of Finance & Transformation to establish an effective operational scheme to disburse funds in accordance with detail in that Policy.

Background papers:

Nil

contact: Andrew Rosevear
Benefits & Welfare Manager

Sharon Shelton
Director of Finance & Transformation



Tonbridge & Malling Borough Council Household Support Fund Scheme

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Definitions

The following definitions are used within this document:

‘the Council’; means Tonbridge & Malling Borough Council

‘Council Tax Rebate 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;

‘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

‘Pensioner household’; means any household in the Borough containing any person who has reached state pension age by 30th September 2022

‘Relevant support agencies’; means organisations operating across the Borough with the aim to assist households vulnerable to cost of living and energy rises. These may include Citizens Advice North West Kent, Tonbridge Baptist Church/Crosslight, foodbanks and other charitable groups.

‘the Scheme’; means the Tonbridge & Malling Borough Council Household Support Fund 2022 (1 April 2022 – 30 September 2022) determined by this policy.

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 Household Support Fund (HSF). The initial tranche of funding relates to 1 April 2022 – 30 September 2022.
- 1.2 Government has provided funding to Kent County Council (KCC), initially relating to the period 1 April 2022 – 30 September 2022. It is anticipated that a further tranche(s) may follow. KCC has distributed part of their initial funding for 2022/23 to all district councils across Kent. [Decision - 21/00107 - Household Support Grant \(kent.gov.uk\)](#)
- 1.3 The Council's scheme has been designed based on general guidance issued by the Department for Work & Pensions [Household Support Fund \(1 April 2022 to 30 September 2022\): final guidance for county councils and unitary authorities in England - GOV.UK \(www.gov.uk\)](#) and an agreement between Kent County Council and the Council dated 27 June 2022.
- 1.4 The Scheme is part of a national and local package of support for households in hardship through rising energy costs and general rise in costs of living.

2.0 Funding

- 2.1 KCC has allocated 2 amounts of HSF funding to the Council totaling **£326,896.00** :
- 2.2 **Allocation A** to support pensioners with energy bills **£262,710.00**
- 2.3 **Allocation B** to support vulnerable households in accordance with wider Government guidance **£64,186.00**
- 2.4 This grant is to be used in the period 1 April 2022 until the end of September 2022. This includes payments made, or committed, between the period 1 April 2022 and 30 September 2022. There is no carry forward of this grant into October 2022 beyond honouring any expenditure committed before 30 September 2022. Funds must be used by 30 September 2022.

3.0 Administration costs

- 3.1 Reasonable costs incurred in administering the Scheme will be charged to the fund. These charges may include:
- staff costs
 - advertising and publicity to raise awareness of the scheme
 - web page design
 - printing application forms and postage costs

- small IT changes, for example, to facilitate MI production

4.0 Eligibility criteria and awards

4.1 KCC has asked districts to consider identifying appropriate households for support and making direct awards where possible owing to the relatively short timescale to use funds, urgency in demand and resource intensity of application processes.

4.2 KCC advise, 'the intention behind the grant is to meet immediate needs and help those who are struggling to afford food, energy and water bills, and other related essentials. Funding can also be used to support households who are struggling to afford wider essentials. In exceptional cases of genuine emergency, it can additionally be used to support housing costs where existing housing support schemes do not meet this exceptional need.'

4.3 The Council has decided that funds will be used in the following ways:

4.3.1 Allocation A: A single one-off payment of £100 will be awarded to any pensioner household with an active award of local council tax reduction on any day from 1 April 2022 to 30 September 2022, and

4.3.2 Any surplus funds following payments made in accordance with 4.3.1 above (subject to administrative deductions) will be used to make payments (at a level considered appropriate to each individual case) to pensioner households with or without awards of local council tax reduction, on the recommendation of relevant support agencies where remaining funds allow. Discretionary decisions will be made by an officer within the Revenues & Benefits Service experienced in making discretionary decisions of a similar responsibility.

4.3.3 Allocation B: to be distributed, in agreement with the Council's Director of Finance & Transformation and Chief Executive, amongst relevant support agencies in line with the objectives of each organization, to enable direct support of vulnerable households in the Borough.

Effective date

4.4 The effective date for the scheme to run is 1 April 2022 – 30 September 2022. Payments from the fund must be made or committed to be made by 30 September. Payments will not be made based on any new information received after the close of Scheme. No balances can be rolled forward.

Eligibility Disputes

4.5 The decision of the Council on any eligibility matter will be final. Should any householder 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.

5.0 How payments will be made

Allocation A

- 5.1** Letters will be sent to households identified as eligible for payment and where the Council holds bank account information used for council tax energy rebate payments, households will be informed that payments will be made using the details held on record unless information is provided otherwise.
- 5.2** Where the Council determines that all of the eligibility criteria are met in full, payment will be made to the household by direct credit to the bank account held on record or otherwise supplied.
- 5.3** Where support is agreed in accordance with 4.3.2 above, relating to surplus funds, payments will be made directly to the appropriate household by bank transfer using information confirmed by the relevant support agency.
- 5.4** Payments will be made as soon as practicable 3 weeks after issue of the letters.

Where the Council does not hold payment details for an eligible household

- 5.5** Where the Council does not hold bank details and no details are supplied following a letter to the household, it will make reasonable efforts to contact the household and obtain the necessary bank details, offer a payment voucher or ultimately credit a householder's council tax account.
- 5.6** In all cases, the Council will ensure that payments are made correctly and where appropriate, require households to verify 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 shall be made.

Allocation B

- 5.7** Awards to relevant support agencies will be agreed in consultation and made on condition of meeting Scheme criteria and agreement to provide required management information. Any assistance scheme operated by a relevant support agency must demonstrate compliance to the Council's equality duties.
- 5.8** The total fund to be distributed is limited to £64,186.00 or other amount should KCC alter the grant for Allocation B during the period the Scheme is running. Payments will be made promptly by bank transfer to each relevant support agency following agreement.

6.0 Scheme of Delegation

- 6.1** The Council's Cabinet authorise the Director of Finance & Transformation to establish the Scheme as set out in this policy.
- 6.2** This policy may be amended by agreement of the Leader of the Council, Cabinet Member for Finance, Innovation & Property, Chief Executive and Director of Finance & Transformation in order to accommodate further grants of Household Support Fund made either directly from Government or through Kent County Council.
- 6.3** Payments will be limited to the fund provided for these purposes by Kent County Council.

7.0 Notification of Decisions

- 7.1** HSF payments will be administered by the Revenues and Benefits Service.
- 7.2** Decisions of payment will be notified to the householder in writing or by email.

8.0 Reviews of Decisions

- 8.1** The Council will operate an internal review process and will accept a householder's request for a review of its decision. Any such request must be made by writing or email to the Council and should state the reasons why the householder is aggrieved with the decision of the Council. New information may be submitted to support the householder's review
- 8.2** A request for review will be reconsidered by a senior officer and the householder informed of the final decision.

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 householder's HMRC tax liabilities. All payees 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 found to falsify information to gain a payment will face prosecution and any amount awarded will be recovered.

11.0 Recovery of amounts incorrectly paid

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

12.0 Data Protection and use of data

- 12.1** All information used to make awards, including information provided by households shall be dealt with in accordance with the Council's Data Protection policy and Privacy Notices which are available on the Council's website.

13.0 Equalities

- 13.1** The Council sets this policy and will operate the Scheme having consideration to the impact of its equality duties. Eligibility to **Allocation A** funding has been set by Government and targets pension age households, further criteria to identify the target sub-set are based on financial vulnerability and hardship. Payments will be made to eligible households within the protected characteristic group. No information is held to identify other protected characteristics.
- 13.2** Consideration of equalities impact will form of consultations to establish partners to act as relevant support agencies to assist with the fair distribution of the **Allocation B** fund.

14.0 Monitoring and Management Information

- 14.1** Spend of the fund will be monitored and reported to KCC in accordance with the agreement between KCC and the Council. Monitoring and reporting, with required return dates will be agreed with relevant support agencies in order for the Council to report fully to KCC.

15.0 Further Funding

- 15.1** This policy may be subject to amendments as necessary in order to establish the use of further rounds of Household Support Fund made to the Council by Government or Kent County Council. Amendments will be made in accordance with 6.2 above.
- 15.2** Amendments to the Scheme must comply with criteria set by Government or Kent County Council and should complement other associated key policies of the Council.

Agenda Item 5

Any other items which the Chairman decides are urgent due to special circumstances and of which notice has been given to the Chief Executive.

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Agenda Item 6

The Chairman to move that the press and public be excluded from the remainder of the meeting during consideration of any items the publication of which would disclose exempt information.

**ANY REPORTS APPEARING AFTER THIS PAGE CONTAIN EXEMPT
INFORMATION**

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Agenda Item 7

Any other items which the Chairman decides are urgent due to special circumstances and of which notice has been given to the Chief Executive.

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