



Tonbridge & Malling Borough Council Energy Bills Support Scheme Alternative Funding Policy



Department for
Energy Security
& Net Zero

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Definitions

The following definitions are used within this document:

‘Department for Energy Security and Net Zero (DESNZ) (or the Department)’; means the Government department responsible for the scheme and guidance;

‘Eligibility Criteria’; means the criteria defined within this scheme which will enable a payment to be made;

‘Eligible Households’; mean the households that are eligible to claim the EBSS Alternative Funding;

‘End Date’; the end date of the scheme is 31 May 2023. Applications must be made by that date;

‘Energy Bills Support Scheme Alternative Funding or EBSS Alternative Funding’ means the scheme as defined by this policy and operated jointly between the Council and the Department for Energy Security and Net Zero (DESNZ);

‘Sole or main residence’; means the residence determined by the Council as the applicants only or main residence;

‘Start Date’; the start date of the scheme is 27 February 2023

‘Subsidies’; means the Government’s subsidy scheme – the Department for Energy Security and Net Zero (DESNZ) is of the opinion that this will not apply to this scheme; and

‘Timeframe’; means the scheme timescale as shown within paragraph 2.5.

1.0 Purpose of the scheme and background,

- 1.1 The purpose of this document is to determine eligibility for a payment under the Energy Bills Support Scheme Alternative Funding (EBSS Alternative Funding).
- 1.2 The Government's Energy Bill Support Scheme (EBSS) provides a discount on energy bills of £400 for most households in Great Britain. This scheme is being delivered through domestic electricity suppliers in six instalments from October 2022 to March 2023.
- 1.3 There are, however, a number of households who pay for their electricity in a different way, such as through a commercial intermediary or supply, and so will not receive support through EBSS. The Energy Bills Support Scheme Alternative Funding (EBSS Alternative Funding) has been created to up to provide a direct payment to these households.
- 1.4 The EBSS Alternative Funding is a non-repayable one-off payment of £400 to eligible households who have **not** received the main EBSS payment automatically to help with their energy bills between 1 October 2022 and 31 March 2023 but are still facing increased energy costs.
- 1.5 The scheme is being delivered jointly by Government and the Council and individuals will need to apply for the EBSS Alternative Funding using a GOV.UK portal. The Council is responsible for distributing support payments to eligible applicants within its area.
- 1.6 The Department for Energy Security and Net Zero (DESNZ) expects eligible households to include those with a commercial landlord or an intermediary, such as park home residents and some housing association tenants. The EBSS Alternative Funding is also expected to reach a significant number of vulnerable people, including self-funding residents in care homes.
- 1.7 Government is expecting approximately 900,000 households in Great Britain (around 3%) to be eligible for EBSS Alternative Funding. No household will be eligible for both the EBSS payment and an EBSS Alternative Funding payment.

2.0 Role of the Council

- 2.1 Any household wishing to apply for an EBSS Alternative Funding payment will need to make an application via GOV.UK <https://www.gov.uk/apply-energy-bill-support-if-not-automatic> and follow the instructions.
- 2.2 All applications must be made via this central application route. There are **no** other routes for applications.
- 2.3 The Department for Energy Security and Net Zero (DESNZ) will then perform a number of verification and eligibility checks, before passing applications onto the Council to perform some final checks and distribute payments. Government will reimburse the Council for the cost of making the EBSS Alternative Funding payments through grants under section 13 of the Energy Prices Act 2022.

- 2.4 The Council will only receive funding for payments made within the strict start and end dates as shown below. Should the Council make a payments outside of these dates it will be responsible for funding.

Scheme Timescales

- 2.5 The following key timescales have been set by Government and the Council will operate the scheme strictly in accordance with the dates given below:

Scheme 'go live'	27 February 2023
Scheme closes to new applications	31 May 2023
Final date for payments to be posted in the Council's financial system	30 June 2023
Final date for payments to be defrayed from the Council's bank account	7 July 2023
Final date for scheme reconciliation data to be sent by the Council to DESNZ	31 July 2023

3.0 Eligibility criteria

General Principles

- 3.1 The primary principle of the EBSS Alternative Funding scheme is to provide the equivalent support to domestic households who have not automatically received EBSS support as they do not have a domestic electricity supply contract.
- 3.2 The scheme targets households who are responsible for paying for energy used in their primary dwelling as part of a service charge, rent or other arrangement, for example via a commercial contract. Households who are not responsible for paying for their energy use are not in scope of the scheme.
- 3.3 In all cases, the dwelling for which support is being claimed must be the sole or main residence of the applying household and, to be eligible for the scheme, households must be able to provide sufficient proof of that to the Council. Households **must** be resident at the eligible premises on the date they apply for the scheme.
- 3.4 Only **one** payment will be made per eligible domestic premises and where an address comprises two or more separate eligible occupied domestic premises, **each** premises must demonstrate eligibility for an EBSS Alternative Funding payment.

Eligibility Criteria

- 3.5 To be eligible for EBSS Alternative Funding applicants must meet the following criteria on the date of their application:
- (a) The dwelling for which support is being claimed is the sole or main residence of the applicant;
 - (b) The applicant or resident is responsible for paying for energy used in the dwelling as part of a service charge, rent or other arrangement, and may, through these charges

increasing have the impact of increased energy bills costs passed on to them between 1 October 2022 and 31 March 2023;

- (c) The household is not already receiving EBSS payments, either through the main EBSS scheme or the EBSS Alternative Funding, in whole or in part; and
- (d) The household dwelling is;
 - (i) not a business premises or other form of non-domestic premises; and
 - (ii) is used wholly or mainly for domestic purposes, with the exception of businesses whose main business activity is to provide long term residential accommodation (landlords, care homes etc).

3.6 The above criteria apply to the address that is receiving payment. It is possible that an individual may move from an EBSS eligible address to an EBSS Alternative Funding eligible address. In this case, as long as the applicant meets the other eligibility criteria on the date of application for EBSS Alternative Funding, they will be considered to be eligible to receive the payment.

3.7 The Council will use its local knowledge, the definitions and criteria set out in this policy to assist in making a decision on eligibility of a household for this scheme.

4.0 Households Eligible for EBSS Alternative Funding

4.1 The following households **could** be eligible for EBSS Alternative Funding providing that they provide sufficient evidence to support their application to meet the eligibility criteria:

- park home residents;
- housing association, social and private tenants, and leaseholders, supplied via a landlord with a commercial meter;
- partly and wholly self-funded care home residents;
- households in house boats on residential moorings;
- households on a private electricity network, for example those supplied by a heat network;
- off-grid households;
- traveller households on authorised sites;
- households who live in a dwelling on business premises that is used wholly or partly for domestic purposes; and
- households in temporary or supported accommodation.

4.2 It will be the Council's decision as to whether the eligibility criteria is met in full.

Eligible Households on Business Premises

4.3 It should be noted that all businesses and other non-domestic premises are **excluded** from directly receiving EBSS Alternative Funding, except for households who live in a dwelling on business premises that is used wholly or partly for domestic purposes, including:

- Residents of businesses providing long term residential accommodation including landlords and care homes; and
- Wholly residential premises served by a commercial meter on a wider commercial site where the applicant is able to provide proof that the household dwelling is distinct and separate from any business premises that shares the supply.

- 4.4 Where a small part of a domestic premises is used by a home-based business (for example a bedroom used as an office) this will not exclude a household as eligible, provided the other eligibility criteria have been met.
- 4.5 Farmers living in domestic farmhouses on a farm could be considered eligible, subject to fulfilling the other eligibility criteria.

Households in Non-permanent Accommodation

- 4.6 Households in non-permanent accommodation (e.g., temporary accommodation or holiday parks), where they are responsible for paying utilities, and have been resident for over 1 month prior to application, may be eligible subject to fulfilling other criteria.
- 4.7 If the Council is aware that the address is likely to be non-permanent, then we will ask for additional proof that the household has been in residence for 1 continuous month.
- 4.8 Where the Council is aware that a household has already received an EBSS Alternative Funding payment at a previous temporary address, any second or subsequent application will be refused.

Exclusions to EBSS Alternative Funding

- 4.9 Any premises that have a primary domestic supply contract (or deemed contract) are eligible for funding through the main EBSS scheme and are therefore excluded from receiving EBSS Alternative Funding. This includes:
- where a landlord rather than a tenant holds the domestic electricity supply contract, and therefore the landlord is eligible for the EBSS payment (and should have passed the benefit through to their tenants); and
 - premises who have previously received one or more EBSS payments, including where a premises has multiple unrelated meter points which have been excluded from EBSS eligibility.
- 4.10 Second, holiday homes and empty dwellings are excluded from EBSS Alternative Funding. The dwelling must be the sole or main residence of the applicant.
- 4.11 Households who are not responsible for paying for energy used are not in scope of the scheme. Therefore, the following groups are **excluded**:
- (a) Students living in purpose-built student accommodation (PBSA);
 - (b) Seasonal workers living in associated accommodation;
 - (c) Service occupiers – such as security, building caretakers and property guardians; and
 - (d) Fully publicly-funded care home residents.
- 4.12 All of the above cases should be excluded from making an application through the GOV.UK portal.
- 4.13 As Government has determined that the payment is to be used for the purpose of energy, the amount will not be offset against any debt owed to the Council unless specifically requested by the applicant.

5.0 Application Process

- 5.1 An application for an EBSS Alternative Funding is required and the application process for this scheme will be jointly administered by Department for Energy Security and Net Zero (DESNZ) and the Council.
- 5.2 The initial application must be made via the GOV.UK online portal that has been made available by the Department for Energy Security and Net Zero (DESNZ). The portal will be used for the following purposes:
- To allow applicants to check their eligibility and make an application for the payment;
 - Allow applicants to upload documentation and evidence needed to support their application;
 - To allow the Council to have access to the applications and all related documentation; and
 - To allow the Department for Energy Security and Net Zero and the Council to share all relevant data and to review the status of the application.
- 5.3 Both the Department for Energy Security and Net Zero and the Council have developed privacy notices which comply with the minimum data reporting requirements. The privacy notice for the Department is shown on the application website. The Council's privacy notices are available on the Council's website.
- 5.4 Applications may be made and completed by a third part such as an individual with power of attorney.
- 5.5 Once submitted, an applicant will not be able to re-access an application via the portal. However, if an email is provided during the application process, an electronic notification will be provided. Where no email address has been provided, the applicant will be notified by post by Government.

6.0 Roles within the application process

Department for Energy Security and Net Zero

- 6.1 The Department for Energy Security and Net Zero is responsible for the initial application stages of the scheme. This will include establishing initial eligibility and the actual application process. No other process for making an application is available.
- 6.2 Where a customer experiences difficulties making the initial application, the Department provides freephone 'Assisted Digital' phone support on 0808 175 3287. The contact centre is open Monday to Friday, 08.00 to 18.00.
- 6.3 The application portal will close to applicants at 23:59 on Wednesday 31 May 2023 and final applications will be provided to local authorities by 23:59 on Friday 2 June 2023.
- 6.4 The Department is responsible for conducting initial verification checks and gathering all information for the scheme . The Department will check:
- (a) that the applicant has self-certified that they are eligible for the scheme;

- (b) that the applicant has not already applied for EBSS Alternative Funding or has an application in progress;
- (c) that the address is not eligible for an EBSS payment through the main scheme; and
- (d) bank account verification

6.5 Where the initial checks are made and the application meets those requirements, the relevant data will be passed to the Council.

6.6 Where applications fail the initial application process, the Department will notify applicants that they are not eligible for EBSS Alternative Funding and the reason why the application failed.

6.7 Applications which have passed Department's checks, will be passed to the Council in order for the final eligibility checks to be completed and where appropriate payment made.

Role of the Council

6.8 Once an application is received by the Council, it is responsible to complete a range of household eligibility checks **prior** to the award of any payment. All checks undertaken will be recorded using the Department for Energy Security and Net Zero's software system (Salesforce).

6.9 Government requires the following checks to be made by the Council:

Duplicate Application Check

6.10 The Council will check that there is no other record of a previous application being made by the applicant. Duplicate applications will not be processed. There may be occasions where the original application was cancelled by the Department. Where such situations occur, the Council will consider whether a payment is appropriate or not.

Address check

6.11 The Council is required to ensure that an applicant has their sole or main residence in the eligible property and will cross check information provided by the applicant against its relevant records including council tax.

6.12 Where the premises, or the applicant's residence at the property cannot be determined from the Council's own records, the Council will assess the evidence provided by the applicant at the application stage.

6.13 Where the Council is unable to verify the applicant's residence, the application will be cancelled and the applicant notified.

6.14 As part of the application process, all applicants will be required to scan or photograph a physical document, or a digital copy (but not a screenshot) of at least one of the following documents. These should have been uploaded by the householder together with the application:

- a valid UK driving licence (provisional or full driving licence);
- utility bill dated no earlier than 3-months before the application date (mobile phone bills and credit card statements will not be accepted);
- a benefit entitlement letter issued by the Council, His Majesty's Revenues and Customs or the Department for Work and Pensions within the last 6 months; or
- a current tenancy agreement - If an in-date agreement is not provided, the Council will request written confirmation that the tenancy is current (e.g., an email from the landlord or Managing Estate Agent confirming the tenancy).

6.15 For **permanent residents of a boat**, the Council will require a signed, dated (no earlier than 3 months before the application date) letter from a boat mooring provider that states the applicants name and address and that they live permanently on a long-term home mooring is also acceptable evidence.

6.16 For any application from a **care home resident**, the application must include a copy of an invoice in the name of the applicant for care home fees, or a letter on headed paper from the care home owner / management, to confirm the named applicant is partly or wholly self-funded. These documents must be dated no earlier than 3 months before the application date and include the name and address of the care home.

6.17 In the case of care home residents, the Council will only endeavour to use other evidence if the information provided together with the application is insufficient.

6.18 The Council is obliged to confirm to the Department for Energy Security and Net Zero where it has used other information to confirm the applicant's address where the information uploaded with the application is not used.

Primary residence (sole or main residence).

6.19 The EBSS Alternative Funding support is only payable to householders on their primary residence. Secondary, empty or holiday homes are not eligible to receive this payment.

6.20 The Council will undertake checks to ensure that it is satisfied that the premises are the applicant's sole or main residence. Council staff are experienced in determining the sole or main residence of taxpayers and as such will use that experience to determine whether the premises are the sole or main residence of the applicant.

6.21 Where this cannot be proven from information supplied by the applicant as part of the application process, the Council will make relevant enquiries. If at any time the Council is of the opinion that incorrect or false information has been provided by the applicant, or where the information conflicts with information previously provided by the applicant to the Council, no payment will be made and relevant action will be taken in line with this policy.

6.22 In such cases the Council will inform the Department for Energy Security and Net Zero of actions taken.

Empty Property.

- 6.23 The EBSS Alternative Funding support is only payable to properties that are the applicant's residence at the date of application. Empty properties are therefore not eligible to receive a payment.
- 6.24 Both the Council and the Department for Energy Security and Net Zero accept that there may be a delay in knowing that an applicant has taken up residence at an empty premises. Where the applicant can prove to the Council's satisfaction that they were in residence at the date of the application, the Council will take this into consideration.
- 6.25 In such case, and where payment is made, the Council is required to notify the Department for Energy Security and Net Zero.
- 6.26 If at any stage in the future the Council is made aware that property was unoccupied at the time of the application to EBSS Alternative Funding, then this will be treated as suspected fraud and action taken accordingly.

Bank account checks.

- 6.27 Bank account checks will be conducted by the Department for Energy Security and Net Zero at the initial verification stage and the Council is not required to re-conduct these checks.
- 6.28 In some cases, evidence checks completed by Department for Energy Security and Net Zero will be unable to verify the bank account details provided and, in these cases, the Department will request the applicant to upload a bank statement from the past three months.
- 6.29 However, the Council **must** conduct a check to ensure that the name on the bank account matches the name on the application. Where names do not match, the Council will cancel the application and include that as the reason for rejection of the application. There are exceptions where a third party has completed the application on behalf of the applicant, for example where the applicant is a care home resident. In such cases the Council will need to have evidence of the fact that the third party is acting on the applicant's behalf. In those cases, full details of the third party's status with the applicant must be provided.
- 6.30 In all cases, the Council is required to confirm with the Department for Energy Security and Net Zero as to why it is satisfied that the required checks have been met.

7.0 Providing the Payment to Eligible Applicants

- 7.1 All eligible customers who meet all of the required eligibility criteria and checks will receive a single £400 EBSS Alternative Funding payment. No pro-rated or other amount will be paid.
- 7.2 The Council will endeavour to make payments within 30 working days of receiving the application from the Department for Energy Security and Net Zero.
- 7.3 Whilst the scheme closes on 31 May 2023, all payments must be made and posted to the Council's financial system by 30 June 2023. As any payments made after that date will not

be recompensed by the Government, the Council will ensure that all payments are made on time.

- 7.4 All payments will be made by the Council by bank transfer and only to bank accounts that are held within Great Britain. These must be a current or joint account. The EBSS Alternative Funding can currently only be paid by the Council into the verified bank account.
- 7.5 Where an applicant does not have a bank account, the application portal will advise the applicant that they open one in order to receive the support payment. If the applicant has previously attempted to open a standard current account but not been able to do so, the portal will signpost them towards opening a basic bank account as this does not have the same credit check requirements.

8.0 Communicating the Application Status

- 8.1 Applicants who are deemed ineligible at the initial application stage will be informed of that fact by Department for Energy Security and Net Zero.
- 8.2 Once processed by the Council, applicants will be informed in writing (paper or electronic) when an EBSS Alternative Funding payment has been provided or when an application has been rejected. These notifications will be issued centrally by Department for Energy Security and Net Zero.

9.0 Local Authority Pre- and Post- Payment Assurance

- 9.1 The Council is required to follow all guidance issued by the Department for Energy Security and Net Zero and provide the necessary assurance that;
- (a) all pre-payments and post payment checks have been made;
 - (b) all eligibility criteria have been undertaken; and
 - (c) the applicant is entitled to the payment.
- 9.2 The Council's Section 151 Officer will certify that the processes undertaken by staff fully meet the Department for Energy Security and Net Zero's requirements.
- 9.3 Where, at any time the Council established that payments have been made in error, full recovery of the amount from the applicant will be required.
- 9.4 Where fraud is suspected, the Council may undertake a full investigation and may look to prosecute the applicant with powers under the Fraud Act 2006.

10.0 Subsidies

- 10.1 EBSS Alternative Funding is intended to be delivered to households across Great Britain through local authorities.
- 10.2 Unlike EBSS or other energy bills schemes recently announced by Government, no businesses will be involved in either delivering or receiving this support. Therefore, the Department for Energy Security and Net Zero does not consider there to be subsidy control issues for EBSS Alternative Funding.

11.0 Scheme of Delegation

- 11.1 Officers of the Council will administer the scheme and the Section 151 Officer is authorised to make technical scheme amendments to this policy to ensure it meets the criteria set by Government through the Department for Energy Security and Net Zero's guidance.

12.0 Appeals, Objections and Complaints

- 12.1 The scheme is designed to limit the discretion that the Council is required to exercise. The application process will minimise applications from ineligible households and an automated check against a database of EBSS recipients will prevent those who have benefitted from that scheme from applying for the EBSS Alternative Funding.
- 12.2 Applications that pass this check and have confirmed they believe they are eligible through the GOV.UK portal will then be sent to the Council.
- 12.3 The Council is required to make decisions based on the information it has to verify these applicants. The circumstances of individual applicants will vary and some judgement may be required in certain cases, such as where the information held by the Council is not conclusive and additional evidence must be supplied by the applicant.
- 12.4 The Department for Energy Security and Net Zero considers therefore that such ambiguous cases should be decided by the Council.
- 12.5 Where there is uncertainty in relation to information passed to the Council to support an application, the Council is responsible for seeking additional information to resolve the uncertainty.
- 12.6 In such cases, where the Council makes a judgement, the Department for Energy Security and Net Zero will support the decision reached.
- 12.7 Any objections or queries that are related to the Council's validation, will initially be directed to the Department for Energy Security and Net Zero call centre to try, and resolve.
- 12.8 The call centre will be able to inform the user why they were rejected but not be able to change any status.

12.9 Where a complaint is made about how a decision is reached that relates to a decision made by the Council, this will be handled through the Council's standard complaints procedures and timescales which are available on the Council's website.

12.10 The Department for Energy Security and Net Zero is ultimately responsible for the overall policy of the scheme, and so any complaint submitted to a Council regarding criteria and objectives of EBSS Alternative Funding scheme will be referred to the Department for Energy Security and Net Zero.

14.0 Managing the risk of fraud.

14.1 Neither the Council, nor Government will accept deliberate manipulation of the schemes or fraud. Any applicant caught falsifying information to gain grant money or failing to declare entitlement to any of the specified grants will face prosecution and any funding issued will be recovered from them.

13.2 For the avoidance of doubt, the Council is required to undertake pre-payment checks and post-payment checks for all payments. This is a strict position and will include access to and cross-checking with Government data as well as data already held by the Council.

13.3 If, at any stage in the process, the Council detects any actual or suspected fraud related to a support payment from the EBSS Alternative Funding it must carry out the following minimum steps:

- It will take the lead in investigating fraudulent activity where the fraud is local (rather than organised, large scale, systematic or crosses local authority boundaries). The Council is expected to instigate the recovery of the support payment itself where a payment has been made in fraud/error;
- It must investigate the fraud in line with its own anti-fraud procedures and may wish to pursue referral of the case to local police, however referral is at the Council's discretion;
- It must instigate recovery of any grant paid; and
- It must notify the Department for Energy Security and Net Zero of the actual or suspected fraud.

13.4 It should be noted that debt recovery will not wait until the outcome of any fraud investigation.

14.0 Recovery of amounts incorrectly paid.

14.1 If it is established that **any** payment has been made incorrectly due to error, misrepresentation or incorrect information provided to the Council or the Department for Energy Security and Net Zero by an applicant or their representative(s), the Council will look to recover the amount in full.

14.2 Where assurance checks discover that payments have been made in error, non-compliance, or have been claimed as a result of fraud, initial recovery action will be undertaken by the Council and the Council will notify the Department for Energy Security and Net Zero.

15.0 Data Protection and use of data

- 15.1 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.
- 15.2 The Department for Energy Security and Net Zero's Energy Bills Support Scheme Alternative Funding data privacy notice is published online: at GOV.UK. It sets out how the Department for Energy Security and Net Zero will use the personal data collected from local authorities, consumers, contracted organisations, and the rights of consumers. It is made under Articles 13 and 14 of the UK General Data Protection Regulation (UK GDPR).
- 15.3 Local authorities, the Department for Energy Security and Net Zero and contracted organisations will share personal and non-personal data in the form of reporting data, necessary for the purpose of enabling monitoring and to enforce compliance. This data sharing is governed by a Data Sharing Agreement between DESNZ and local authorities.