

Cabinet – 16 June 2022

Questions from the Public

1 David Forman to Councillor James Leppard (Portfolio Holder for Finance):

Firstly, why has Harlow Council chosen to demand a copy of a bank statement for those not paying Council Tax by direct debit when writing to the Council Tax payer or Liable Person to invite a claim for the Government's £150 energy rebate payment?

"Secondly, given the requirements of paragraph 4.7 of Harlow Council's 'Council Tax Rebate Scheme 2022-23' to merely "obtain the necessary bank details" will the Council agree that demanding copies of bank statements is a gross intrusion of privacy?

"Thirdly, will the Council accept that less intrusive means could be used to satisfy paragraph 4.7 of the Council's policy, such as a copy of the bank card that displays the bank account number paying Council Tax, which then also would satisfy the Council's duty to uphold Article 8 (Right to respect for private and family life) of the Human Rights Act 1998?

"Fourthly, will the Council accept that future letters to Council Tax payers should be amended to ensure that citizens rights to privacy are not intruded upon and that any copies of bank statements related to authorised claims stored on council or external computers are permanently deleted?

Reply from Councillor James Leppard (Portfolio Holder for Finance):

The Council, in carrying out its duty to administer the Governments Council Tax Rebate Scheme, is required to undertake pre-payment checks prior to payment of any grant which is not awarded to a live direct debit holder. The guidance is clear that those checks should allow the Council to:

- a) Satisfy themselves that the person who is applying is entitled to payment; and
- b) Satisfy themselves that payment details provided, i.e. bank details belong to an entitled person and relate to the relevant address.

The Government has been clear that there is an urgency to this scheme and has stipulated that all Council Tax Rebate grants should be paid as soon as possible from April. The provision of a bank statement as part of the application process minimises delay and ensures payments are made as quickly and efficiently as

possible to our residents. As of today, the Council has paid out a total of £3,745,050 to 24,967 households. Of which, 19,911 were households which the Council holds direct debit information for, and 5,056 to households the Council doesn't hold direct debit information for.

Further, the Council is required to undertake verification checks through the government bank account checker (Spotlight) to support pre-award due diligence. The provision of the bank statement ensures that the exact details of name and address are available to match against the details held in Spotlight which can often be different to the details held in respect of Council Tax records.

I am aware that Harlow is not unique in asking residents to provide a recent bank statement in support of an application.

The Council's policy does state that we will collect bank details as a necessary part of undertaking the required due diligence before eligibility for the rebate payments can be agreed.

Residents can upload a redacted bank statement if they so wish so long as the name, address, sort code and account number are visible - these are the details that are of importance in carrying out the required checks under the Government guidance and through the spotlight system.

A copy of a bank card would not suffice as it does not provide all of the required details.

The government are clear that records of all evidence and checks undertaken must be retained for audit purposes, and Councils should retain a record of:

- i) all evidence provided as part of claims, and
- ii) all pre-payment checks undertaken.

All applications and any supporting evidence are held securely on the Council's network and will be held solely for the purpose for which it was provided.

I would add that if residents do not wish to supply a bank statement, they do have the option under the government guidance and the councils own policy to have the energy rebate payment credited to their council tax account. This has also been detailed in the letter sent to those considered eligible.

I would also draw attention to the answer Treasury provided in a written parliamentary question – (132237):

Question:

To ask the Chancellor of the Exchequer, for what reason local authorities are not able to make the £150 council tax rebate via residents' council tax bills rather than making a direct payment to council tax payers. (132237)

Tabled on: 01 March 2022

Answer:

Mr Simon Clarke:

In most cases the rebate will be delivered as a direct payment. This allows support to be provided up front rather than spread across the usual council tax instalments and means that households that don't pay council tax are not disadvantaged.

Councils can, however, offer the option of a credit to council tax accounts to non-direct debit holders as part of the claims process. This is intended to help speed up the claims process (and limit the administrative burden on local authorities), and in recognition that not all taxpayers will want to provide payment details where not already held.

The answer was submitted on 15 Mar 2022 at 14:21.

Supplementary question from David Forman:

Does Harlow Council agree or disagree with Information Commissioner John Edwards when he states in his June 2022 newsletter "that data protection is about human rights and dignity?"

Supplementary reply from Councillor James Leppard (Portfolio Holder for Finance):

The Council doesn't disagree and has been clear about why we hold information and for what purpose it is being used.