



## **Council Tax**

### **What you need to know if you receive a Summons**

This document contains details on the collection of Council Tax following the issue of a Summons

If you have difficulty reading this document because of a disability or because English is not your first language, we can help you. Please call our helpline on 020 8547 5757 or ask someone to call on your behalf.

## Collection of Council Tax

- It is the Council's duty to collect all instalments as they become due.
- The Council's recovery policy has been drawn up in compliance with current regulations but we try to be responsive to individual circumstances.
- Recovery Policy for Council Tax is agreed in advance and ensures that all taxpayers are treated fairly and objectively.

***It is important that you contact us immediately if you are experiencing difficulty in paying.***

## Summons

If you receive a Summons it is because you have not ensured that we have received payments in accordance with notices that have been sent to you (eg the Demand Notice and Reminder).

### **Do you dispute your summons?**

If you dispute the summons that has been issued to you, **you must contact the Council Tax Office immediately**. The aim is for us to make a decision on the dispute and notify you before the hearing day.

***Do not leave it to the hearing day to contact us as we may not have time to make a decision on the dispute.***

### **Do you want to make an arrangement to pay?**

If you want to make an arrangement to pay please contact us immediately.

***Do not leave it to the hearing day as we may not have time to agree an arrangement with you.***

***An outstanding appeal against your band value or liability is not a valid dispute against the granting of a Liability Order.***

Recovery action can only be stopped when payment is made in full, including costs, (see over) and must be received the day before the Court Hearing. Payment can be made by debit or credit card\*. You can pay this way over the telephone or via the Council's website at [www.kingston.gov.uk](http://www.kingston.gov.uk) or dial 0845 359 1111 for 24 hour automated telephone payments.

If you are paying by cheque, please make it payable to The Royal Borough of Kingston upon Thames and write your Council Tax account number on the back of the cheque. Note: post-dated cheques will not be accepted and payment cannot be made at the court.

If you elect to pay by Direct Debit we are usually prepared to spread any arrears over the remaining instalment period, unless a previous Direct Debit has failed. Please complete and return the Direct Debit Instruction enclosed and you will be advised of the arrangement which is acceptable to the Council. You will be given 14 days notice of the first Direct Debit payment request.

*\*However, in order for your payment to reach your account, payment using this method must be made by 3pm on the Friday before the Hearing.*

The Council will request a Liability Order at the hearing and you will be notified of this within a week (provided you have not previously made an arrangement to pay). Further costs (see below) will be incurred with the granting of a Liability Order.

Once a Liability Order has been granted, if you have not already entered into an arrangement to pay, the Council will decide the next stage of enforcement from the following:

- a) Attachment of Earnings – deducting directly from your wages an amount set by regulations. You must provide details of your employment when requested or you may face prosecution and receive a fine (maximum £1000);
- b) Attachment of Benefit – deducting directly from Income Support and Job Seekers Allowance. The deductions are pre-set by regulations;
- c) Bankruptcy proceedings commenced;
- d) Bailiff action is usually a course of last resort as Bailiff fees will be incurred. It is however, a requirement before the next stage of recovery. Once the Bailiffs have become involved any arrangement to pay must be with them.

The Bailiffs act on behalf of the Council to recover a debt, either by arrangement **or** by removing goods and selling them at auction. They do follow a code of practice agreed by the Council as follows:

- If you write to the Bailiffs and a reply is required this will be sent within 10 working days.
- They will make an initial visit to a taxpayer within 15 working days of receipt of the Liability Order.
- Visits will be between the hours of 6am to 9pm Monday to Saturday.
- Arrangements are at the discretion of Bailiffs but will not exceed 3 months in duration unless there are exceptional circumstances (Council's consent required).
- Notices are issued which include a breakdown of all legal fees incurred at each stage (see over for a breakdown of fees.)

If the debt still remains outstanding following Bailiff action the Council will issue a legal notice requiring you to attend a Committal Hearing at Kingston Magistrates Court.

## **Complaint Procedure**

We are committed to giving services that are excellent value for money and to providing the best possible service in a friendly and courteous manner. We realise that we do not always meet your expectations and things may go wrong. We see your complaint as a chance to put things right and improve how we do things in the future.

A complaint can be about the way we did something; failing to do something we should have done or doing something we should not have done. It can be from any person affected by a decision that the Council has made.

If you have a complaint you can phone, write, e-mail or call into the Council Tax office. Your complaint will be dealt with by a senior officer. You may expect your complaint to be dealt with within ten working days, unless it requires further investigation, in which case we will acknowledge it and tell you when you can expect a reply.

# Recovery Process

**The Demand** (payable by instalments)



**Instalment missed**



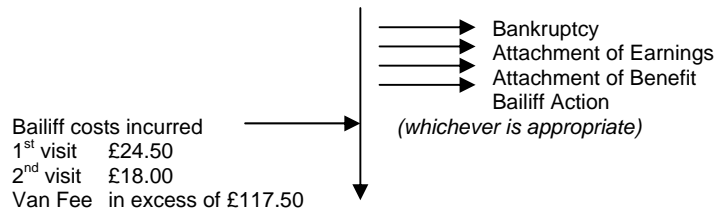
**Reminder** (maximum of 2 in a year)  
(Sent approx 2 weeks after instalment due)



**Summons issued**  
Costs incurred £80



**Liability Order  
obtained at Magistrates Court**  
Costs incurred £15



**Committal Hearing**

→ Costs incurred  
Bail Warrants £55.00  
No Bail Warrants  
Committal Warrants £80.00  
Charges in accordance with  
action taken



**Commit to Prison**

Up to the Committal Hearing mutually acceptable arrangements may be made. It is usually not appropriate to make arrangements once a taxpayer has been seen by the Magistrates at the Committal Hearing as the matter is taken over by the Court.