

## **Important Information**

The costs shown on the Summons are the administrative cost of recovery actions. This includes the cost of sending reminder notices before sending the Summons. This action will be stopped if the **total amount** of the National Non-Domestic Rate **and Costs** is paid **before** the date of the Court Hearing. Please note that costs **will not** be withdrawn unless the Summons has been incorrectly served.

If the full amount of rates and costs is not received before the Court date, the Hearing will go ahead. The magistrates will be asked to grant the Council a Liability Order. If the Liability Order is granted, you will have to pay another £65.00 in costs.

### **Making Payments**

Payments by debit or credit card can be made using the Council's Automated Telephone Payment facility on 0345 359 1111. Touch-tone telephone keypads are required.

Alternatively you can visit our website [www.kingston.gov.uk](http://www.kingston.gov.uk) to make payment online, or view other ways to pay.

These services are available 24 hours a day, 365 days a year. You will need your account number when making payment.

### **Getting In Touch With Us**

If you need to contact the Council to discuss your account please quote your account number as shown on the front of this Summons. If you are writing to us please provide a contact telephone number.

Website	<a href="http://www.kingston.gov.uk">www.kingston.gov.uk</a>
Telephone	020 8547 5000 – 9am to 5pm Monday to Friday
Address	Revenues Department, Royal Borough of Kingston, Guildhall 2, Kingston upon Thames, Surrey KT1 1EU

# National Non Domestic Rate

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



**Important** – costs of £126.50 have been added to your Non Domestic Rates account because you have not paid in accordance with the Non Domestic Rates notices issued to you. If the Magistrates grant a Liability Order at the Hearing then further costs of £65 will be added. Costs added to your account cannot be withdrawn.

**You must now pay the full amount shown on the Summons including the £126.50 costs.**

**If you do not contact the Council before a Liability Order is granted then your account will be passed to the Enforcement Agents without further notice to you.**

**Disagree with the amount charged?**  
If you disagree with the amount charged contact the Council Tax and Business Rates Team immediately.

**Want to make an arrangement to pay?**  
If you want to make an arrangement to pay contact the Council Tax and Business Rates Team immediately.

**Contact us immediately—do not leave it until the day of the Hearing or the day before to contact us as we may not have time to make a decision.**

**Will costs be withdrawn?**  
Costs are payable in all cases including where applications have been made for reductions, there is dispute over receipt of notices, unable to pay and payment crossed in the post.

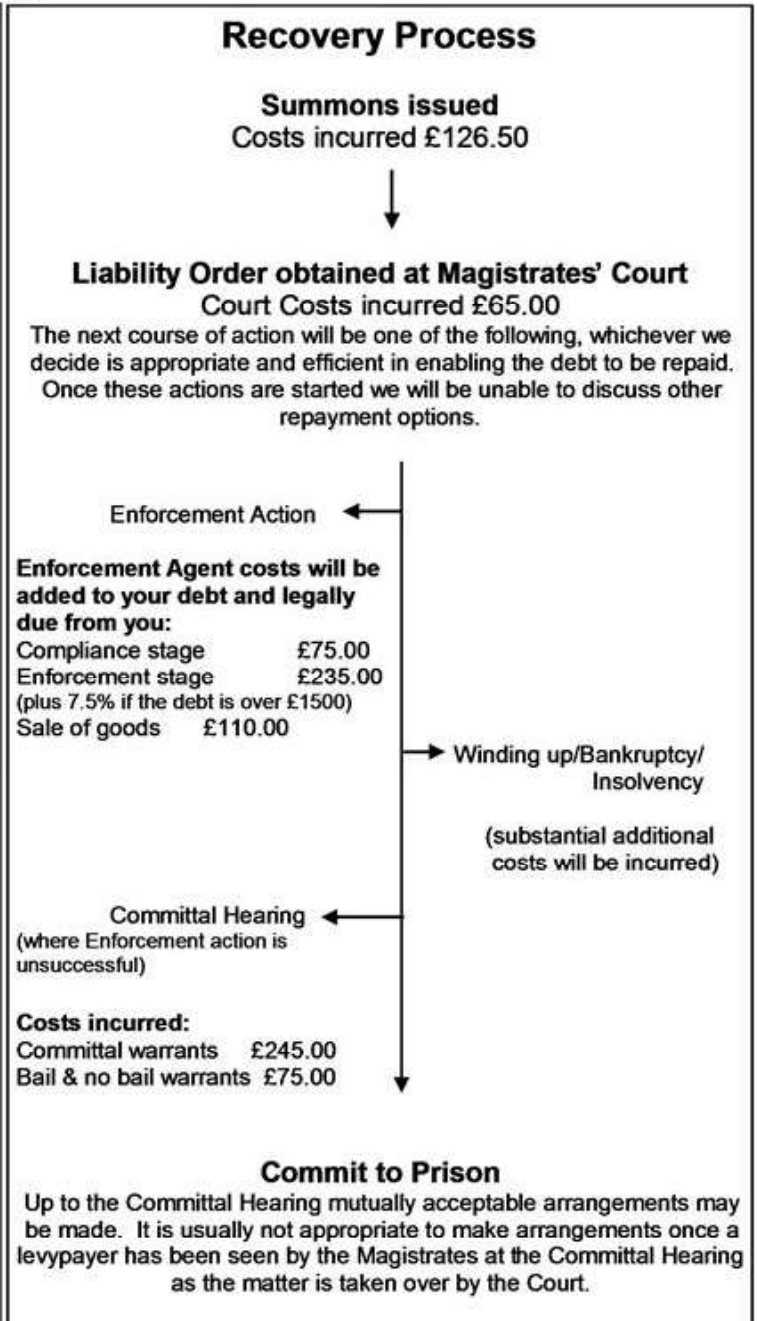
It is your responsibility to contact us to inform us of changes that affect your liability as soon as the change happens. It is your responsibility to ensure the Council receives payment in accordance with the notices sent to you.

**What if I did not receive any other notices?**  
Our responsibility is to ensure that recovery notices are correctly issued and our records updated. The responsibility for delivery rests with Royal Mail.

**How can I stop the Court Hearing?**  
The action will be stopped if the total amount of Non Domestic Rates and the costs are paid in full before the date of the Court Hearing.

**Do I need to attend the Court Hearing?**  
No you do not need to attend the hearing but you must contact the Council Tax and Business Rates Team before the hearing date.

If the full amount of Non Domestic Rates and costs is not paid before the hearing date, the court hearing will go ahead. The Magistrates will be asked to grant the Council a Liability Order. If you have not contacted the Council, your account will proceed to Enforcement.



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 020 8547 5000 or ask someone to call on your behalf.

Our recovery policy is set in accordance with the regulations and ensures that all levypayers are treated fairly and objectively. A balanced and considered view is taken to those with special needs.

When you have read the notes and information sent in the documents regarding the application and/or spoken to the council, you may decide that you don't want to oppose the making of the liability order. If so, you do not need to attend court and the order will be made in your absence. Please contact your council to discuss how you'll pay.

**You have three options:**

1. **Pay in Full:** Pay the total amount listed on the summons, including any costs, before the hearing date. This will resolve the matter.
2. **Do Nothing:** If you take no action, the council will request the court to issue a liability order in your absence.
3. **Arrange Payment:** If you agree that you owe the money but cannot pay it all at once, contact the council to set up a payment plan. The council will still ask the court for a liability order, but if you adhere to the payment plan, no further action (such as seizing goods or deducting payments) will be taken.

**If an agreement is reached with the council, you do not need to attend the court hearing.**

Please read the notes on the next page which outline the reasons when you can challenge a liability order. If you still believe you have a valid defence, the court asks that you contact the council **at least 7 days** before the hearing date on the summons to try and reach agreement. After this discussion you may decide that you don't need to come to court to object to the order being made, or the council may agree with you and withdraw their application for a liability order.

If you and the council are unable to reach agreement, and you still want to oppose the order, the court will have to decide.

**Important – You must contact the Council to let them know you are contesting the case. They will inform the court, and the court will adjourn the case to another hearing. This will happen even if you attend court on the date on the summons.**

At this contested hearing, you don't have to attend in person. You can attend by video link through a mobile phone, tablet or computer, or simply by telephone (we call this live link). If you want a live link hearing, please let the council know and they will inform you what to do next.



## **Challenging a Liability Order**

### **[Council Tax or Non-Domestic Rates or Business Improvement District]**

#### **What the Council must prove**

To get a liability order, the council must show that:

1. There is a current entry for the property in the council tax banding or non-domestic rating list.
  - You cannot argue against a liability order just because you disagree with your council tax band or rateable value for your property. However, you can appeal your band or rateable value to the Valuation Office at [www.voa.gov.uk](http://www.voa.gov.uk). If your appeal is successful, you will receive a refund from the council.
2. The council has advertised the council tax in a local newspaper ***[not applicable for non-domestic rates/business improvement district]***.
3. The bill and reminder have been sent to the last known address.
  - It is not a valid defence to say you did not receive the bill. The council only needs to prove that they sent it to the last known address.
4. You have not paid the tax, or part of it.
  - If you have paid the tax but not the costs, the council can still ask for a liability order to collect the costs.

If the magistrates believe these points are true, they must make a liability order.

#### **Defences to a liability order**

There are only two reasons why a court will not issue a liability order:

1. The council has not done the things they are supposed to in the points above.
2. You have paid the amount in full, including costs.

#### **Things which are not defences to a liability order**

Magistrates cannot consider the following:

- Whether the council was right to charge you for council tax, non-domestic rates or business improvement district.
- Whether you should pay the tax.
- Whether the amount claimed is wrong.
- Whether you should get council tax support ***[not applicable for non-domestic rates/business improvement district]***.
- Whether your council tax support has been calculated correctly ***[not applicable for non-domestic rates/business improvement district]***.

## For independent advice on debt problems

### **Citizens Advice Bureau**

[www.citizensadvice.org.uk](http://www.citizensadvice.org.uk)

Advice line (England)

0800 144 8848

Debt Helpline

0800 240 4420

### **Step Change**

[www.stepchange.org](http://www.stepchange.org)

0800 138 1111

### **Business Debtline**

[www.businessdebtline.org](http://www.businessdebtline.org)

0800 197 6026