

What Do I Need To Do If I Cannot Pay In Full?

To make an offer of repayment or for an Attachment of Earnings or Attachment of Benefits to be considered, please go online and complete your income and expenditure details along with your proposal for repayment at:

https://kingston-self.achieveservice.com/service/Request_for_Council_Tax_or_Housing_Benefit_repayment_plan__Kingston_

This must be completed within 7 days from the date on your Summons. No arrangement will be considered without the form being fully completed.

If you are unable to access this digitally you can request a hard copy of the form. Failure to complete the form or contact the Recovery Team will leave the Council with no alternative other than to forward the Liability Order to our Enforcement Agents. Costs of £75.00 will be added for each Liability Order passed to the Enforcement Agents. Following this if you do not make an arrangement to pay, an Enforcement Agent will visit your home and a further £235.00 (plus 7.5% for debt over £1,500) will be added to your account and recoverable from you.

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 to make payment online, set up a Direct Debit or view other ways to pay.

These services are available 24 hours a day, 365 days a year. You will need your Council Tax 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 www.kingston.gov.uk

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



To: the person(s) named in the
attached summons

From: Wimbledon Magistrates' Court

Subject: Council Tax - Application for a Liability Order to be granted against you

The Royal Borough of Kingston upon Thames Council has summoned you to court for unpaid council tax. The summons is included with this letter. It means that they will ask the court to grant a **liability order** for unpaid council tax. A liability order means that the court agrees that you owe the money and that the Council can take steps to collect it.

You have five options:

1. Pay off the amount on the summons in full. That will end the case.
2. Do nothing. The Council will ask the court to make the liability order in your absence.
3. If you accept that you owe the money but cannot immediately pay in full, you can make an arrangement with the Council about how you'll pay it (usually in instalments). If you make an arrangement to pay with the Council, they will still ask the court for a liability order. If you keep up with the arrangement, the Council will not take any other steps to recover the debt.

To make an arrangement you should contact Kingston Council immediately, rather than waiting for the court hearing. If you do that, you will not need to attend the court hearing as the Council will ask the court to make the liability order in your absence. They will then collect the payment as you and the Council have agreed. You can contact the Council by calling 020 8547 5000.

If you are thinking about challenging the liability order you should read the notes provided with this letter. They tell you what the Council must prove to the court, and what defences you have.

If you still want to challenge against the liability order you have a choice of what to do:

4. Contact the Council to explain to them why you believe you are not liable. If you can't agree, you will be given a time to appear in court by electronic means on the date mentioned in the summons (see 5 below).

You can contact the Council by calling 020 8547 5000.

5. Attending court by Video Hearing.
If after reading the guidance notes and discussing your case with the Council, you believe you have a valid defence and want to challenge your case before the court, you must book a time to attend court by weblink. The Council will be able to provide details of the required weblink for the video hearing as well as the time and location from which you can attend.

To book this you must contact the Council on 020 8547 5000 before the hearing date on the summons.

Please note, you should not attend court unless you have been specifically asked to do so. We cannot prevent you from attending should you wish to, but please be aware that your case may be adjourned to another date.

Challenging a Council Tax Liability Order

What the council must prove

To make a liability order the council must give evidence that:

- There is a current entry for the property in the Council Tax Banding List.
 - It is not a valid defence to a liability order to say you do not agree with your council tax band.

But, you can appeal against your band to the Valuation Office www.voa.gov.uk If you are successful, you will receive a refund on your payment.
- The bill and reminder have been posted to the last known address.
 - It is not a defence to say that you did not receive it. The council just have to prove that they sent it to the last known address held on their records.
- 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 and use it to collect the costs

If the magistrates decide that it is likely that these things 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.

- the council has not done the things they are supposed to in the top bullet points above; or
- you have paid the amount in full, **including costs**.

Things which are not defences to a liability order

Magistrates cannot consider the following questions:

- whether the council was right to order you to pay council tax on your house;
- whether you should pay the tax;
- whether the amount claimed is wrong;
- whether you should get council tax support
- whether your council tax support has been worked out correctly.

You can appeal against these questions to the Billing Authority or a Tribunal. But you can't raise them in a liability order hearing.

Council Tax

What you need to know if you receive a Summons



Important – costs of £109 have been added to your Council Tax account because you have not paid in accordance with the Council Tax notices issued to you. If the Magistrates grant a Liability Order at the Hearing then further costs of £12 will be added. Costs added to your account cannot be withdrawn.

You must now pay the full amount shown on the Summons including the £109 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 of Council Tax charged contact the Council Tax Team immediately.

Want to make an arrangement to pay?

If you want to make an arrangement to pay contact the Council Tax 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 Council Tax and the costs of £109.00 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 Team before the hearing date.

If the full amount of Council Tax 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. When a Liability Order is granted, you will have to pay another £12.00 in costs. If you have not contacted the Council, your account will proceed to Enforcement.

Recovery Process

Summons issued
Costs incurred £109

Liability Order obtained at Magistrates' Court
Court Costs incurred £12

The next course of action will be one of the following, whichever we decide is appropriate and efficient in enabling the debt to be repaid. Once these actions are started we will be unable to discuss other repayment options.

Enforcement Agent costs will be added to your debt and legally due from you:

Compliance stage	£75.00
Enforcement stage	£235.00
(plus 7.5% if the debt is over £1500)	
Sale of goods	£110

Enforcement Agent

Attachment of Earnings
Attachment of Benefit
Bankruptcy
Charging/Sale Order

Committal Hearing (where bailiff action is unsuccessful)

Costs incurred

Committal warrants	£245.00
Bail & no bail warrants	£75.00

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.

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 Council Tax regulations and ensures that all taxpayers are treated fairly and objectively. A balanced and considered view is taken to those with special needs.

Help to pay your Rent and/or Council Tax

If you are finding it difficult to pay your Council Tax bill or manage your money, you may find the advice on our website at www.kingston.gov.uk useful. There is further information and advice available at www.moneyadvice.org.uk and www.gov.uk

If you live in the borough and you are on a low income you may qualify for Housing Benefit (HB) or a Council Tax Reduction (CTR), or you may qualify for both. Use our online benefits calculator and claim form to see how much HB or CTR you could get. You can find our online benefits calculator at www.kingston.gov.uk/benefits

The maximum reduction you can receive is 100% of your Council Tax liability but this depends on factors such as your income, savings and the size of your household.

If you rent a property or room from a private landlord, the amount of Housing Benefit you receive may be set by the Local Housing Allowance (LHA). This may be lower than your actual rent. The LHA is dependent on where you live as well as the size of your household. Please visit our website for more information at www.kingston.gov.uk/benefits

The maximum amount of HB you would receive will be restricted by the relevant LHA rate. The actual amount of HB will depend on factors such as your income, savings and the size of your household.

If you rent a property from Kingston Council or a Housing Association (also known as a Registered Social Landlord) the maximum HB you can usually receive will be 100% of the weekly eligible rent. HB cannot take service charges into account such as amounts towards heating, lighting and water rates. However, if you have more bedrooms than you need for your household the maximum amount of HB you can receive will be restricted. The actual amount of HB will depend on factors such as your income, savings and the size of your household.

If you are on a low income you may be able to claim benefits such as Jobseeker's Allowance, Income Support or Employment and Support Allowance. Please call Jobcentre Plus on 0800 055 6688 for more information. If you have reached State Pension Credit age you may be entitled to Pension Credit, please call 0800 99 1234 for more information. You can also find information about all of these benefits at www.gov.uk

If you are on a low income you may be entitled to Tax Credits. You do not need to have children to qualify for Working Tax Credit. Please visit www.hmrc.gov.uk or call 0345 300 3900 for more information. There is an online calculator which will estimate how much Tax Credit you may be entitled to.

For independent advice on debt problems

Citizens Advice Bureau

www.citizensadvice.org.uk

Advice line (England)

0800 144 8848

Debt Helpline

0800 240 4420

Step Change

www.stepchange.org

0800 138 1111

National Debtline

www.nationaldebtline.org

0808 808 4000