

## Recovery process

Where the Liability Order has been returned from the bailiffs as no effects (insufficient goods to cover the debt), the Council can consider further action:

1. Attachment to earnings or benefit.
2. Bankruptcy proceedings where the debt exceeds £750.00
3. Charging orders where the debt exceeds £1000.00
4. Committal to prison.

### Attachment to earnings

Should the Council set up an attachment to your earnings, the percentage deducted is dependant on the salary level and ranges from 3% for monthly earnings below £400 to 17% for monthly earnings exceeding £1,040. Attachments to benefits is at £2.80 a week.

### Bankruptcy

Should the Council proceed with Bankruptcy, you could:

1. Lose all major assets; Even if your home has no equity in it at present, the property will still be sold when it does attain a value;
2. You will normally lose the use of your bank and building society accounts;
3. Access to future credit will be affected;
4. Your employers may not be prepared to allow you to continue in your present job;
5. You must co-operate with the person appointed to administer the bankruptcy. Failure to do so will be contempt of court;

### Committal to prison

Should the Council proceed with committal, you will have to attend court to explain to the Magistrates why they should not commit you to prison for a period of up to 90 days for non-payment of council tax. They will examine your finances at the time the original Liability Order was granted and compare that with your current finances. Should they find wilful refusal or culpable neglect, they may impose a suspended prison sentence pending payments or an immediate prison sentence. If you do not attend court as required a Warrant for your arrest will be obtained.

### Charging Orders

The Council place a charging order on the property, should the property be sold, the Council will receive the amount direct from the sale prior to any other disbursements.

**The Council has no power to write off the council tax liability on the grounds of financial hardship.\***

For further advice please telephone the Council Tax helpline on **01784 446490**.

For independent advice on debt problems:

**Citizens Advice Bureau**

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

Staines office

Sunbury office

01784 444220

01932 765041

**Consumer credit counselling service**

[www.ccs.co.uk](http://www.ccs.co.uk)

0800 138 1111

**National Debtline**

[www.nationaldebtline.co.uk](http://www.nationaldebtline.co.uk)

0800 804 4000

**Christians Against Poverty**

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

01932 821 848

\*In **very** exceptional circumstances a discount may be granted to reduce the Council Tax but this is not based on purely financial grounds and would need independent reports i.e. doctor/social worker etc.



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# Council tax: What you need to know if you receive a Liability Order

This leaflet contains  
details on the  
collection of Council  
Tax following the  
issue of a  
Liability Order

## Collection of Council Tax

- It is the Council's aim to collect all instalments as they become due.
- The Council's recovery policy has been drawn up in accordance 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 consistently.
- All complaints are dealt with in seven days and depending on the nature of the complaint, recovery action may be suspended.

**Staines Magistrates Court have issued a Liability Order against you which gives the Council the power to recover the unpaid Council Tax in a number of ways. Unless you contact the Council within 14 days the Liability Order will be passed to the bailiffs without further notice. If this happens you will incur additional charges from the bailiffs. Detailed opposite is a table of charges connected with distress.**

This is your last opportunity to make an arrangement with the Council (if you have not already done so) before bailiff action is commenced. In particular if you want the Council to consider an offer of payment or to consider an attachment of your earnings or benefit as an alternative to bailiff action then complete and return the enclosed questionnaire without delay or contact the Recovery Team direct on either 01784 446208 or 446210 if you require further assistance or advice.

Please note that completion of the enclosed enquiry form is not optional: it is required by law and there are penalties if you do not complete and return it.

## Costs of Bailiff Action

<p>A. For making a visit to premises with a view to levying distress* (where no levy is made). (* Removing and selling of goods.) (i) Where the visit is the first or only such visit: <b>£22.50</b> (ii) Where the visit is the second such visit: <b>£16.50</b></p>
<p>B. For levying distress The lesser of <i>(i) The amount of the costs and fees reasonably incurred; or (ii) The relevant amount calculated under the current regulations.</i></p>
<p>C. For the first or only attendance with a vehicle with a view to the removal of goods (where goods are not removed): <b>Reasonable costs and fees incurred.</b></p>
<p>D. For the removal of and storage of goods for the purposes of sale. <b>Reasonable costs and fees incurred.</b></p>
<p>E. For the possession of goods as described in regulations. (i) For close possession (the man in possession to provide his own board) <b>£14.00 per day close possession</b> (ii) For walking possession <b>£11.00 walking possessions session</b></p>
<p>F. For estimating the value of an item distrained, at the request in writing of the debtor: <b>Reasonable fees and expenses of the broker appraising</b></p>
<p>G. For other expenses of, and commission on, a sale by auction (i) Where the sale is held on the auctioneer's premises: <b>The auctioneer's commission fee and out-of-pocket expenses (but not exceeding in aggregate 15% of the sum realised), together with reasonable costs and fees incurred in respect of advertising.</b> (ii) Where the sale is held on the debtor's premises: <b>The auctioneer's commission fee (but not exceeding 7.5% of the sum realised), together with auctioneer's out-of-pocket expenses and reasonable costs and fees incurred in respect of advertising.</b></p>
<p>H. Where no sale takes place by reason of payment or tender in circumstances referred to in regulations: <b>£20.00 or actual costs up to 5% of Liability Order</b></p>

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

### Bailiff Code of Practice

The Council has entered into an agreement with Chandlers Ltd and the Council have agreed the following standards with those bailiffs:

1. The Bailiff may call between 6.00am and 9.00pm Monday to Saturday.
2. The Bailiff will carry identity cards at all times, together with authorisation from Spelthorne Council.
3. The Bailiff will be smartly dressed, act politely and discreetly.
4. Arrangements are at the discretion of the bailiffs but no arrangement will go beyond nine months without the consent of the Council.
5. Correspondence (to the Bailiffs) where a written reply is required will be dealt with within 10 working days.
6. They will make an initial visit to the taxpayer within 15 working days of receipt of the Liability Order.
7. They will not distract upon goods belonging to children or remove any protected goods e.g. beds, washing machines, tools of the trade etc.
8. The bailiff will operate within the code of practice of The Enforcement Services Agency of England and Wales.
9. They will leave a signed copy of any goods where walking possession\* has been taken with the taxpayer and will provide a breakdown of fees where requested.\* (At the bailiff's discretion they may agree not to remove any goods listed by the bailiff where an agreement for payment is reached.)
10. They will issue a receipt for all monies received.

