


Please contact us if you would like a copy of this leaflet in Braille, large print or on audiotape.



**Important information and notes for guidance about
your summons and restrictions on Court attendance**



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If you would like more information please contact the Council Tax Service. It will also help you if you wish to dispute a liability.

Why have I been sent a summons?

You have been issued a summons because you have not paid the amount shown on your bill.

Do I have to appear before the Court?

No, although you have the right to do so. If you believe you have a valid defence against the summons after reading the enclosed Notice issued by HM Courts & Tribunal Service, you must contact the Council Tax Service a minimum of 5 days prior to your hearing to discuss your account and advise us you wish to appear. You will then be contacted by a member of staff to arrange how and when you are to appear before the Magistrates. You only need to appear if you wish to dispute the summons. If you cannot clear the full amount due prior to the hearing date, please contact the Council Tax Service to discuss a payment plan.

If I ignore my summons, what will happen?

The Council will ask Lavender Hill Magistrates' Court to issue a liability order against you. The magistrates will order you to pay costs.

What is a liability order?

It is a legal document that gives us the power to:

- Take what you owe directly from your earnings, your Income Support or Job Seeker's Allowance (Income Based).
- Ask enforcement agents to take some of your valuables and sell them off to pay off what you owe.
- Make you bankrupt.

I agree I owe the Council Tax but I cannot afford to pay, what should I do?

Contact the Council Tax Service before the hearing to make an arrangement to pay, you will be asked to provide employment details if you are working.

I would like independent advice, who can I ask?

Citizens Advice Richmond offer a debt counselling service and free legal advice. You can contact them on 020 8712 7800 or visit their website at www.citizensadvice-richmond.org.

The Council did not deal with me properly, what should I do?

You should first call the Council Tax Service to discuss the problem. If you are not happy after this call you should write to the Head of Council Tax.

Please turn over...

I do not think I owe the amount shown on the summons, what should I do?

There are two principal legal defences against the Council's application for a liability order.

- The sum has not been requested from you in accordance with the law. For example, we did not send you a bill and a reminder before the summons.
- You do not owe any Council Tax for the period stated. For example, you have paid in full or are not liable. If you got behind with your payments and did not bring the account up to date in time you will have lost your right to pay by instalments and the whole year is due.

In any case if you do not agree that you owe the amount shown on the summons for any reason, please call the Council Tax Service before the hearing to discuss the matter.

How will I appear before the Court?

You will be provided with a date and time to attend on the day of the scheduled hearing. Please note, you will appear on camera before the Court, and we ask you present yourself in the same manner you would as if you were attending the Court in person.

You can appear virtually from a location of your choosing if you don't wish to attend the Local Authorities' chosen location, but it will be your responsibility to ensure any such location is suitable for a court hearing, i.e. not in a public place or a location with high levels of background noise. You will also be responsible for ensuring the device you connect from has the relevant audio and video capabilities.

If I tell the magistrates that I cannot afford to pay will they issue a liability order?

Yes. This is because they can only consider whether or not you owe the balance shown on the summons. If the Court is satisfied you do, the magistrates will grant a liability order.

For more details you can:

- **Phone** us on 020 8891 1411 or if you have hearing difficulties and you have a Minicom phone, you can phone us on 020 8831 6001
- **Fax** us on 020 8891 7934
- **Email** us at: counciltax@richmond.gov.uk
- **Write** to us at London Borough of Richmond Upon Thames, Council Tax Service, PO Box 72388, London SW18 9PL
- **Visit our website:** www.richmond.gov.uk

By Direct Debit

This is the easiest way to pay and it has many advantages, such as:

- You can choose from two payment dates – 1st or 18th of the month.
- You stay in control, knowing in advance what you will be paying and when. You are free to cancel the arrangement at any time.
- It is secure, convenient, and once set up you do not need to remember to pay.
- It helps to keep the Council's costs down.

Please visit: www.richmond.gov.uk/online_direct_debit_instruction.htm to complete a Direct Debit instruction online or call us on 020 8891 1411.



By Online payment

You can make an online payment via a secure site using a credit/debit card 24 hours a day, 7 days a week. Please visit our website www.richmond.gov.uk/pay for details and to make a payment.

By Telephone

You can pay using a credit/debit card by phoning our dedicated line for payments 020 8045 1171. As this is an automated line, this service is available 24 hours a day, 7 days a week. You will be asked to enter your Council Tax Account number which is shown on the front of your bill.

Transfers from your bank

You can pay using your personal internet or telephone banking service. You will need to quote your Council Tax account number, as well as the Council's Bank account number 63459493 and sort code 60-22-03.

At a Post Office

You can pay, free of charge, by cash, cheque or debit card, at any Post Office. You must take your bill with you, as the Post Office will need to read the bar-code details printed on your bill. If you pay by cheque, please make your cheque payable to 'Post Office Counters Ltd'.

At a PayPoint

You can pay, free of charge, by cash, at any PayPoint. You must take your bill with you, as the PayPoint machine will need to read the bar code details printed on your bill.

At a bank

You can pay by cash or cheque at your bank. You must take your paying-in slip with you. Cheques should be made payable to LBRUT. Please Note: Some banks may charge you for this service.

Citizens Advice Richmond

If you are experiencing financial difficulties and require independent advice, you can contact Citizens Advice Richmond on 020 8712 7800 or visit their website at www.citizensadvice-richmond.org



HM Courts &
Tribunals Service

Notice

PLEASE READ this Notice; it sets out what you need to do, and what we are doing, to protect your health during Covid-19: DO NOT turn up to court without a timed appointment as you may not be allowed into the building



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

Richmond 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. These steps could include seizing goods or taking the money out of your wages or benefit.

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 agreement with the council about how you'll pay it (usually in instalments). If you make an agreement to pay with the council, they will still ask the court for a liability order. But if you stick to the agreement, they will not take any other steps (seizing goods etc).

To make an agreement you should contact Richmond Council immediately to talk about it, rather than waiting for the court hearing. If you do that, you will probably not need to attend the court hearing as the Council will ask the court to make the liability order in your absence. Then they'll collect the money as you and the Council have agreed. You can speak to the Council by calling 020 8891 1411 or emailing counciltax@richmond.gov.uk.

If you are thinking about arguing against the order (instead of paying – perhaps by instalments - or doing nothing) you should read the notes in this letter, now. They tell you what the council must prove to the court, and what defences you have.

Then, if you still want to argue against the liability order you MUST contact the Council on 020 8891 1411 in order to:

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

You will have this talk at the council's offices away from the courthouse on or before the day of the hearing. The Council will give you a time and tell you where you can go to speak to one of their officers. You might be able to reach an agreement with them. If you do not, the officer will allocate a time at which you can link into the court hearing remotely from the council office, or from your home and will explain to you how to do this.

OR:

5. Attend court by electronic means.

If, after reading the guidance notes, you believe you have a good defence and want to argue your case before the court, you must book a time to attend by link. To do this, you must contact the Council to book a time slot.

For further information please see the council website: www.richmond.gov.uk

Please remember that you should not attend court unless you have been specifically asked to do so. You may not be allowed to enter the court building unless you have proof of such a request. This is a safety precaution for you and other court users.



Challenging a Council Tax Liability Order

What the council must prove

In order for the court 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.

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 correct 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 right address according to 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 two 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 dwelling;
- whether you should pay the tax;
- whether the amount claimed is wrong;
- whether you should receive the means tested council tax reduction;
- whether your means tested council tax reduction 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.



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