



COUNCIL TAX SUMMONS - FREQUENTLY ASKED QUESTIONS

Q. Do I have to attend the Magistrates' Court?

A. No. You don't have to attend Court. You are only required to attend if you wish to dispute the granting of the Liability Order and believe you have a valid defence in law to do so. If you choose not to attend, the hearing will continue in your absence and your case will be dealt with in accordance to law.

The Court can only consider certain legally admissible defences against the granting of a Liability Order, these include:

- The Council Tax has not been demanded in accordance with the statutory regulations
- The amount has been paid in full
- You are not the person who is liable to pay the Council Tax that you have been summonsed for
- Insolvency proceedings have been initiated

The Court will **not** be able to consider other reasons such as financial difficulties, an outstanding appeal against your banding or an outstanding benefit application. If you feel you have a valid dispute against the issue of a Liability Order please contact the Council before the Hearing.

Q. Why have I been sent a Summons?

A. We have previously sent you a reminder that has not been paid on time. A reminder notice is not sent for every monthly payment that is not paid. The Council needs to send only one reminder notice and/or a final notice in respect of a council tax bill, and for the amount to remain outstanding, before issuing a summons. You have now lost the right to pay by instalments. If we receive the TOTAL AMOUNT DUE (which includes £60.00 costs) as shown on the summons before the Court hearing date no further action will be taken.

Q. What happens if I cannot afford to make payment in full?

A. If you cannot pay the TOTAL AMOUNT DUE before the hearing you should contact us. We may be able to discuss making a short-term arrangement but we may not accept your offer of payment if it will take too long to clear the amount owed. If we agree an arrangement, we will still ask the Court to grant a Liability Order (which will incur additional costs of £60.00). This is done to protect the Council's interests. All Costs incurred will be included in an arrangement to pay.

Q. What is a Liability Order?

A. A Liability Order grants the Council permission to recover the debt by various methods, including:

- Attachment of Earnings, Allowances or Benefits
- Use of Bailiffs
- Committal to Prison
- Bankruptcy
- Charging Order

Q. What happens if I do nothing?

A. Where an arrangement is not agreed before the hearing you will receive a letter shortly after the Court date. If you do not pay in full or contact us within 14 days from the date of that letter the Council will take further recovery action. All enforcement action is carried out under the Council Tax (Administration and Enforcement) Regulations 1992 (as amended).

Q. What if I disagree with the amount?

A. If you do not agree that you owe the amount shown on the summons, please contact us immediately.

Q. Will the Magistrates decide how much I can pay?

A. No. The Magistrates will only decide whether or not to grant a Liability Order.

Q. Why are there identical summonses for the other people who live with me?

A. Because you are jointly and severally liable to pay the whole amount outstanding with the other person(s) who has received the Summons. The full amount needs to be paid once.

Q. Will this Court action affect my credit rating?

A. As a Liability Order is issued at a Magistrates Court and not a County Court, your name will not appear on records that will prevent you from getting credit. However the Council can start bankruptcy proceedings to recover outstanding Council Tax and this will affect your credit rating.

Q. I'm on a low income. What should I do?

A.

- You may be able to claim Council Tax Benefit. We want everyone who would qualify for a reduction to claim the help they are entitled to receive.
- You may be able to claim Second Adult Rebate if you have someone living with you who is not able to help you to pay your full Council Tax.
- If you are the only adult living at the property you can apply to reduce your Council Tax by 25 per cent.
- If your home has been specifically adapted to meet the needs of a disabled resident you may be entitled to a reduction in the amount of Council Tax you have to pay.

Application forms can be obtained by telephoning 01233 331111 or you can make a Benefit claim online by visiting www.ashford.gov.uk

Q. Why have you sent me a summons when I have applied for Council Tax benefit / a discount or an exemption?

A. If you have been issued with a Council Tax bill you are required by law to pay the instalments even if you have applied for a reduction. You may wish to speak to us to check the progress of your claim.

Q. My debts are getting out of control and I cannot pay them all. What can I do?

A. Many organisations can give you advice about debt and money problems. The Citizens Advice Bureau (CAB) offers free, impartial and independent information and advice across a broad range of areas including money and debt. You can contact the CAB on 01233 626185 or online at www.adviceguide.org.uk or visit www.ashford.gov.uk/debtadvice to find out more.

Q. I have written to you about my Summons and not had a reply.

A. We make every effort to answer letters before the hearing but this is not always possible. Even if you have written to us about your summons, we will still apply for a Liability Order for any amount left unpaid at the date of the hearing.

Q. What if I have any other queries relating to my Council Tax?

A. Contact a Council Advisor who will be able to help you with any questions you may have.

HOW TO PAY AND WHERE:

- Direct debit is recommended, please contact (01233) 331111 for details
- Telephone 01233 330625 using your debit or *credit card (24 hours a day, 7 days a week)
- Pay via the internet at www.ashford.gov.uk using your debit or *credit card
- Send cheques and postal orders to Ashford Borough Council, Civic Centre, Tannery Lane, Ashford, Kent TN23 1PL. Post dated cheques are not accepted.
- Pay in person at the Civic Centre, Ashford Gateway Plus or Tenterden Gateway with cash, or debit / *credit card.

*1.5% will be added to the payment if you choose to pay by credit card

IF YOU HAVE ANY QUERIES:

- Contact the Call Centre on 01233 331111 (ABC Customer Services 8.30am to 4pm Monday to Friday).
- Visit us at the Ashford Gateway Plus, Church Road, Ashford (ABC Customer Services: 9am to 4pm Mon to Fri, 9am to 1pm Sat) or Tenterden Gateway, Manor Row, Tenterden (ABC Customer Services: 9am to 5.30pm Mon to Fri, 9am to 4pm Sat)
- Write to the Recovery Officer, Ashford Borough Council, Civic Centre, Tannery Lane, Ashford, TN23 1PL or email customer.care@ashford.gov.uk