COUNCIL TAX COLLECTION POLICY

Bradford Council recognises that some households are experiencing financial pressure through reduced income and increasing inflation and energy costs.

This will inevitably lead to difficulties in the collection of Council Tax, however all Council Tax payers can be assured that Bradford Council will seek to maximise the collection of Council Tax by:

1. Providing clear and prompt information about bills and liabilities

The Council will issue bills and adjustment notices promptly and in accordance with Council Tax (Administration and Enforcement) Regulations 1992. All correspondence concerning Council Tax will be in plain English and contain details of how to pay, when payment is required, how to access the Council’s website for more information and how to contact the Council if assistance is required.

2. Providing relevant and timely information on the Council Tax Reduction Scheme and other discounts and exemptions and encouraging take up.

Information will be provided, through a variety of means, on the Council Tax Reduction Scheme, discounts and exemptions, and where possible net bills will be produced.

3. Always acting in accordance with the relevant legislation covering Council Tax Administration and Enforcement.

Council Tax was introduced by the Local Government Finance Act 1992, with effect from 1st April 1993, and it is collected in accordance with the Council Tax (Administration and Enforcement) Regulations 1992. Bradford Council will collect Council Tax in accordance with the Guidance to Local Councils on good practice in the collection of Council Tax arrears (Department for Communities and Local Government June 2013) and will act in accordance with the Taking Control of Goods National Standards for Enforcement Agents and creditors who use their services.

4. Offering flexible payment solutions and payment dates.

The preferred method of payment is by Direct Debit and the Council encourages all Council Tax payers to pay using this method.

Alternative payment methods for those who prefer not to pay by Direct Debit include:-

- On-line via the Councils website www.bradford.gov.uk/pay
- By phone using the 24 hour payment line 0845 1450071
- By Internet banking (see details on the bill)
5. Working with partners, for example Advice Agencies to offer timely support and guidance to those experiencing difficulties in paying their Council Tax.

For those experiencing difficulty in paying their Council Tax, the Council may refer to non fee paying Advice Agencies for advice and support (see our list of advice agencies).

The Council will work with these Agencies and the Council Tax payer, in specific cases, and will be willing to negotiate payments at any point in the process and/or withhold action for a short period of time to allow for an affordable and sustainable payment plan to be arranged.

You can also choose the best provider of debt advice that suits you: www.moneyadviceservice.org.uk.

6. Distinguishing between those who will not pay and those who are experiencing difficulties in paying, tailoring any further action accordingly

The Council will try to take individual circumstances into account before proceeding with action against Council Tax payers and those, identified by the Council, as requiring the maximum time available to pay e.g. those in receipt of Council Tax Reduction, will be given this.

If a Council Tax payer is experiencing difficulty in paying, they should seek assistance immediately by contacting the Council. Council staff are trained in obtaining the relevant information to make realistic arrangements in line with an individual’s circumstances. Only in exceptional circumstances and for a limited period would the Council accept an offer of payment below the monthly amount of Council Tax on a property, to avoid arrears building up on a Council Tax account.

For Council Tax payers who are able to pay but refuse to do so or fail to engage, the Council will implement the enforcement procedure – Please see “What can happen if I don’t pay my Council Tax” page on www.bradford.gov.uk/counciltax.

7. Taking prompt action in cases where payment is not made or is late, to prevent arrears occurring

Enforcement is a necessary and important part of the Council’s activity as every penny of Council Tax that is not collected could result in a higher Council Tax for the Council.
Taking enforcement action, not as a punishment for non-payment, but as a means of securing payment in the fairest and most effective and efficient way.

Where, following a reminder or final notices, payment of Council Tax is not brought up to date, and kept up to date, the Council will ask the Magistrates Court to issue a summons for non-payment. This will incur costs of £57.50 which will be added to the Council Tax account.

Where payment in full or an affordable arrangement, including costs, is made prior to the hearing then attendance at Court will not be required however it should be noted that costs will still be payable.

When the Magistrates Court grants a liability order the Council will, in accordance with the legislation, consider the most appropriate means of collecting the debt. This could involve recovering this money from ongoing benefits or earnings, asking an Enforcement Agent to visit to obtain payment or remove goods, or as a last resort placing charging orders on property, implementing bankruptcy proceedings or asking the Magistrates to send the debtor to prison.

Once a liability order has been granted the Council will request details of the Council Taxpayers income and employment or benefit details in order that the most efficient and effective way of collecting the debt can be identified. In cases where these details are not provided within 2 weeks of the request, the Council will, in accordance with the legislation, consider taking further Court action to obtain the information, which may result in a fine of up to £500. Additionally the Council may have no other option than to move on to the next stage of the recovery process.

Enforcement Agent action for recovering Council Tax arrears

The Council, in accordance with the legislation, will add extra costs when a case is referred to the Enforcement Agent but before this happens the Council will give advance notice, including what the costs involved will be, so that payment in full can be arranged to avoid paying the additional costs.

The Council’s Enforcement Agents or Enforcement Agents acting for the Council will ask for payment in full or make an appropriate arrangement and will act in accordance with the National Standards for Taking Control of Goods for Enforcement Agencies /
The Council recognise that, where they are aware a Council Tax payer is potentially vulnerable (see section 12), each case will be considered on their individual circumstances before referring to an Enforcement Agent. Where Enforcement Agent action has already started and the Enforcement Agent or Council are made aware a person is vulnerable, recovery will be put on hold for a minimum of 7 days to allow the Council Tax payer or their representative further time to engage with the Council and/or the Enforcement Agent acting for the Council.

9. Considering Bankruptcy / Liquidation, Committal and Charging Orders as “last resort” options.

The Council is committed to only considering the following options as a last resort, i.e. when all other efforts to collect the debt have been exhausted and the debtor has a history of failing to fulfill payment arrangements.

- The Council will consider a *charging order on a Council Tax defaulters property only* where the total debt exceeds £1,000.

*A charging order is placed on the property, owned by the defaulter, allowing the Council to enforce the sale of the property, to recover the outstanding council tax debt from the proceeds, or whenever the property is sold at a future date.*

- The Council will consider taking bankruptcy / insolvency action only where the total debt exceeds £5,000.

The Council will usually consider obtaining a Charging Order prior to commencing bankruptcy proceedings to recover a debt.

*Bankruptcy action is designed to protect a person from creditors and deal with debts that cannot be paid. Once in place there is an opportunity to sort out debts and once freed from bankruptcy make a fresh start.*

- The Council will only consider committal proceedings where all appropriate methods of recovery have been exhausted.

*Committal proceedings are where the Magistrates’ Court issue a summons to decide on whether non payment of Council Tax is due to ‘wilful refusal’ or ‘culpable neglect’. If a defaulter is found guilty then they may be sent to prison for a maximum of 90 days.*

10. Ensuring all Council staff, involved in the collection and enforcement of Council Tax, are polite, professional, helpful and fair at all times.

All Council staff under take a prescribed period of training prior to becoming involved in the collection and enforcement of Council Tax. This training includes dealing with customer enquiries. The Council expects all staff to be polite, professional, non-judgmental and helpful when dealing with enquiries from Council Tax payers. To ensure that this happens on an ongoing basis, the Council will monitor staff and carry out regular appraisals and reviews and provide regular support, advice and where appropriate, training.

Any Council Tax payer who experiences unprofessional or discourteous behaviour from a member of staff, or any agent acting on their behalf can make a complaint by
Debt Advice

If you’re struggling with debt, it can be hard to know where to turn. However You can get free, independent and trustworthy help from advice centres across the Bradford District that can help in a way that’s best for you: If you have a problem, Visit www.moneyadviceservice.org.uk. If you have a problem, don’t ignore it – get advice.