



# Corporate Debt Policy

# Table of Contents

1. Introduction

---

2. What is a Corporate Debt Policy and why have one?

---

3. How the Council will collect and recover income?

---

4. Council Tax Recovery

---

5. Business Rates Recovery (including Business Improvement District)

---

6. Housing Benefit Overpayments Recovery

---

7. Sundry Debtors Recovery

---

8. Adult Care Charges Recovery

---

9. Parking Services Recovery

---

10. Civil Penalties in relation to Landlord Licenses & Housing Standards enforcement

---

11. Use of Enforcement Agents

---

12. Insolvency, Charging Order, Enforced Sales, Committal and Write Off

---

13. Data Sharing and Privacy Statement

---

14. Complaints and Appeals

---

15. Further Information and Advice

---

## 1. Introduction

Sefton Council raises a significant proportion of its total income through local taxes and charges and has a duty to recover sums outstanding.

At a time of significant financial pressure for the Council, income collection is now particularly important to ensure that valuable frontline services continue.

The management of this income is a key business area for the Council. This income comes from many streams, for example Council Tax and Business Rates. Some of the activity is governed by legislation whilst others by sound principles of financial management.

The majority of people and businesses in Sefton pay the Council on time. However, all Council service areas have to deal with people and businesses that get into arrears. For many it is simply an oversight. For others living on very low incomes, or where business owners are struggling in the current economic climate, keeping up with payments can present real difficulties.

The objectives of this Policy are cost effective income collection and recovery that is sensitive to the needs of people and businesses in our community.

Importantly, this Policy details the practical help, advice and support available that will enable those who are in debt to help themselves and become debt free sooner and help maintain the Council's cash flow.

This Policy will be shared with the Council's partners (for example, Southport Business Improvement District, Citizens Advice Sefton, Sefton CVS, One Vision Housing) and its debt enforcement agents.

This Policy does not prejudice any legal action that the Council may wish to take.

The Policy will be reviewed annually but also updated as and when legislative, technical or process changes need to be reflected within the Policy.

### Exceptions to the Policy

On rare occasions, it may be in the best interests of the Council or local residents for action to be taken in the collection or recovery of a debt other than in accordance with this Policy. On such occasions, a decision may be taken by an appropriate senior officer (Service Manager or above) to allow an exception to the Policy having considered the normal requirements of the Policy, the specific case and the interests of the Council and local residents.

Where such an exception is made to the Policy the decision and the reason for the decision shall be recorded in writing by the officer making the decision and should be open for audit/inspection.

## 2. What is a Corporate Debt Policy and why have one?

### 2.1 What is a Corporate Debt Policy?

The Corporate Debt Policy and Procedures is the Council's statement on how it works with its customers and partners to collect debt from both citizens and businesses. The document details the Council's policies on the billing, collection and recovery of money due to the Council.

### 2.2 Why have a Corporate Debt Policy?

The Council aims to achieve good practice in collecting all its income.

### 2.3 What is a debt?

For the purposes of this Policy a debt is defined as any payment expected by the Council that has not been paid by the due date. All Council bills and invoices will be raised as soon as practicable and will clearly include the following information: -

- What the bill or invoice is for
- When payment is due
- How to pay
- Who to contact for further information and advice

### 2.4 What types of debt are owed to the Council?

The Policy applies to the collection of

- Council Tax
- Business Rates (also known as non-domestic rates)
- Business Improvement District (BID) Levy
- Sundry Debts
- Housing Benefit Overpayments
- Health and Social Care Invoices
- Parking charges
- Civil Penalties in relation to Landlord Licenses & Housing Standards enforcement
- All other debts, for example unpaid fees and charges.

## 2.5 What does the Policy cover?

The Policy covers the processes and practices that the Council will take with regard to the following: -

- How people can access advice and support
- How ability to pay will be assessed
- How information may be shared
- How the Council uses collection and other external agencies
- How we will conduct personal visit to debtors
- What procedures are used
- The principles and processes that the Council will follow with regard to debt recovery
- The Council's Corporate Complaints procedures
- What discretionary payment arrangements are available for customers experiencing financial hardship

## 2.6 How will we operate this Policy?

This Policy will apply to all Council service areas.

Different types of income may have their own procedures and processes for the recovery of the debt largely due to Government Acts and legislation that govern recovery. The relevant processes are outlined in this Policy.

Some of our customers will have multiple debts with the Council and the Council will seek to work collectively to ensure that customers' needs are addressed. For example, we may consider collecting it corporately in one payment arrangement for all debts. Such an approach must be mindful of the different regulations that govern each debt and must compliment the Council's procedures rather than compromise.

## 2.7 Debt Recovery Principles

- Collect all monies owed to the Council
- Comply with all relevant Government legislation that governs the collection and enforcement of debt
- Comply with the Council's Financial Regulations and Standing Orders
- Apply best practice to debt collection

### 3. How the Council will collect and recover income.

To achieve best practice in income collection the Council will make paying bills as easy as possible by: -

- Encouraging early and regular contact with customers at every stage of the collection and recovery process.
- Make it easy to contact the Council through a range of options, encouraging use of the Council's website, via self-serve contact forms, web chat etc., where possible.
- Offering a range of payment options.
- Encouraging automated payment where possible. For example, Direct Debit which is the most cost-efficient method for the Council helping to keep bills as low as possible.
- Promoting - Pay on line for services on our website.  
<https://www.sefton.gov.uk/1837?view=pay>
- Raising awareness of the payment hotline which is available 24 hours a day 7 days a week 0151 934 4697.
- Providing advice on the bills on how to claim any discounts, reliefs, exemptions, reductions, financial support, welfare benefits or how to query or appeal against the amount due.
- Reminding people at the right times when payment is late.
- Requiring payment in advance for low level debts such as pest control, green bins.
- Providing information about what happens if payments are not received on time.
- Establishing the customers preferred method of communication, where known.
- Providing communication assistance, where possible.
- Ensuring all our communications are clear and simple to understand, by using Plain English in written letters and documents.
- Responding to all enquiries promptly and courteously.
- Identifying vulnerable persons and providing intervention at an early stage so that income collection is done in a sensitive manner.
- Providing proactive support to customers experiencing undue financial hardship by ensuring realistic payment arrangements are agreed upon.
- Encouraging people to get help from a range of sources.
- Providing information about who can give help and advice.
- Working in partnership with advice agencies, collection agents and other partners by promoting and signposting customers to sources of independent money and debt advice.

## 4. Council Tax Recovery

Your Council Tax ensures access to a range of services including adult & children's social care, access to our many community facilities including libraries, leisure centres, parks, green spaces, refuse collection, and access to our fabulous coastline. It helps protect our most vulnerable in Sefton, including children, adults at risk and older people, and contributes to the education of thousands of children across Sefton. These are just some of the vital services we provide for you. To see what else your Council does for you, go to [www.sefton.gov.uk](http://www.sefton.gov.uk)

### 4.1 Council Tax Demand Notice (Council Tax bill)

We will issue annual Council Tax bills in March each year after the Council has set its Council Tax for the forthcoming year. This ensures that payments will commence as early in April as possible.

We have produced a short video if you have difficulty understanding your Council Tax bill <https://www.sefton.gov.uk/council-tax.aspx>

Where a Council Tax payer's circumstances change during the year, for example a change of address or an award of Council Tax Reduction, we will send a revised Council Tax bill (known as an adjustment notice) as soon as practicable after the liability is known with payment(s) being due on the earliest date(s) allowed by legislation.

All Council Tax bills include a monthly instalment arrangement.

We offer several different payment methods and dates for customers to pay their bills. We offer instalment dates of the 7th, 11th, 13th and the 15th of the month to all non-direct debit payers.

We promote payment by direct debit, as it is the most efficient payment method. It also helps customers avoid missing instalments and being subjected to recovery action.

To encourage customers to pay by direct debit, we offer a choice of 8 instalment dates: 2nd, 5th, 11th, 15th, 18th, 22nd, 25th and the 28th of the month. We promote the setting up of Direct Debit online via the Council's website <https://forms.sefton.gov.uk/ddcounciltax/>

If a customer pays regularly, but fails to do so by the instalment date, we will still take recovery action, as payments are late.

In line with Council Tax legislation customers can request payments over 12 monthly instalments. If possible this request should be made before 1st April to allow us sufficient time to adjust the payment plan over the whole period. Where this request is made part way through the year, instalments are reduced accordingly. Where applicable, when a customer clearly demonstrates they are struggling to pay over a 10-month payment plan this 12-month payment option should be made known to them.

Where a Council Tax customer cannot pay on the set instalment date, the Council can use its discretion to vary the instalment dates. Such arrangements will only be considered where

customers can demonstrate sufficient reason why they cannot pay on the instalment date given. The final instalment date must be before 31st March of the financial year in question unless there are extenuating circumstances. If a customer does not pay on the dates agreed, no further amendments to instalment dates are allowed in that year.

## 4.2 Council Tax Reminder/Final Notice

If payment is not received by the payment date we will issue a reminder. The reminder gives 7 days for the customer to bring their account up to date.

If the overdue instalment is paid, but the customer misses a future instalment, we will issue a second reminder. We will tell the customer that we will not issue any further reminders and that they must bring their account up to date within 7 days and maintain future instalments on the due date or a summons will be requested from the Magistrates' Courts.

If a customer misses a third instalment a Final Notice will be sent. This means the annual charge will become due in full immediately, otherwise a summons is issued.

We will not issue more than three reminders in a financial year - a maximum of two instalment reminders and one final notice.

## 4.3 Council Tax Summons

If the customer does not pay as the reminder, or final reminder, instructs we will request a summons to be issued from the Magistrates' Court. The summons gives details of when the customer must attend court to explain why they have not paid their bill. The cost of sending the summons is added to their bill.

Once a summons has been issued, the full amount of Council Tax as well as the summons cost is due.

If the customer pays the full amount of the summons, including costs, before the hearing date, the customer does not have to attend court.

If the customer makes a payment arrangement with us before the hearing, they do not have to attend court. However, we will ask the Magistrates' Court to grant a "liability order" to secure the debt (explained below). Providing the customer keeps to the payment arrangement, we will not take any further recovery action.

At the court hearing, we must satisfy the Magistrates' Court we have followed correct procedures. If the Magistrates' Court are satisfied with the evidence we present they will grant a liability order and costs.



## 4.4 Do I have to attend court?

You do not have to attend court: -

- If you do not dispute that you owe the amount due.
- If the total amount due, including costs is paid before the date of the hearing.

## 4.5 If you are unable to pay the full amount on the summons?

If you are having difficulty paying the full payment, you must contact us as soon as possible with your proposed payment arrangement by completing a Special Payment Arrangement form on our website <https://forms.sefton.gov.uk/specpayct/>

All Special Payment Arrangements must be made with the agreement of the Council and can only be accepted by Direct Debit, that way we can enter a formal arrangement on your account and make sure that no further action is taken as long as you keep to the agreed payment arrangement.

The Council will still apply for a Liability Order but undertake not to take any further proceedings if you make the payments as agreed.

## 4.6 What if I dispute the debt?

If you dispute that you owe the amount due or that you are not responsible for the property contact the Council immediately.

The Council will attempt to resolve any dispute before the court hearing date.

If the dispute cannot be resolved, your right to ask the Magistrates to consider your case is unaffected.

## 4.7 Attending Court

If you want to attend the court hearing, the Magistrate will ask if you have a valid defence which will stop a liability order being granted.

A valid defence that the Magistrate will take into account are:

- You have paid your bill, including summons costs
- You are not responsible for the dwelling during the period you have been summonsed for
- Bankruptcy or liquidation proceedings have commenced
- The application for the liability order was made more than six years after the first demand notice was issued

If any of the above apply to you, it is very important that you contact the Council prior to the

court hearing to try to resolve the matter before appearing before the Magistrates.

The Magistrates will not consider issues such as outstanding valuation appeals or your ability to pay.

#### 4.8 Recovery process after a Liability Order is obtained.

At all stages, including following the issue of the Liability Order, the customer will be given an opportunity to pay by instalments. The Council will issue a notification of issue of Liability Order and Request for Information to each customer after court. This gives the customer an opportunity to supply their personal details so that consideration may be given to making an arrangement or determining the next course of recovery action.

The Request for Information will ask you to supply details about your income and expenditure. You have two weeks to complete it and return it to us. This letter also provides details of what happens if your account is issued to one of the Council's contracted Enforcement Agent Companies for them to collect the outstanding debt from you.

If you do not complete and return the Request for Information form within two weeks, we can take legal action against you. This may result in a fine of up to £500 and a criminal record. If you knowingly supply false information you are liable to a fine of up to £1,000.

A Liability Order gives certain powers of recovery to the Council. These include the following: -

- Attachment of Earnings – This results in weekly or monthly deductions being made directly by the customer's employer and then paid over to the Council. The amounts that may be deducted are set out in legislation.
- Deductions from Income Support/Job Seekers Allowance/Employment Support Allowance/Universal Credit. This results in deductions being taken directly from state benefits and then paid over to the Council. The amounts that may be deducted are set out in legislation.
- Taking control of goods – Use of Enforcement Agents – Enforcement Agents contracted by the Council will be required to comply with the Taking Control of Goods Regulations 2013, the Tribunals Courts and Enforcement Act 2007 as well as maintaining the terms of a code of practice issued by the Council
- Bankruptcy/Liquidation – If sufficient assets exist to meet the outstanding debt and all other reasonable routes of recovery have been exhausted the Council may petition for Bankruptcy/Liquidation
- Charging Orders – An order may be placed on a debtor's property through a County Court process. The Council has the option to enforce the sale of the property or await a voluntary sale prior to the charge being repaid
- Committal to Prison – In exceptional circumstances the Council can make an application to the court for Committal to Prison
- Attachment of Members Allowances – Deductions can be made from elected member's

allowances in the event of non-payment.

## 4.9 Exceptional Hardship Payment Fund

If you are suffering financial hardship as a result of exceptional circumstances, we will consider reducing your Council Tax with a discretionary award using our hardship fund.

Each case will be decided on its individual merits, but you must meet some or all of our qualifying criteria.

This means we will look at whether:

- There is evidence of exceptional financial hardship or personal circumstances that justifies a reduction in your Council Tax liability.
- You satisfy us that you have taken all reasonable steps to resolve your situation prior to applying.
- You have applied for localised Council Tax support (Sefton Council's Council Tax Reduction Scheme).
- You have already applied for and been awarded any other discounts or reliefs you are eligible for.
- You have access to other assets which you could use to pay your Council Tax.
- You have investigated all other legitimate means of resolving your situation.
- Our finances allow for a reduction to be made.
- Your situation and reason for your application are outside of your control.

To apply please complete the application form on our website

<https://forms.sefton.gov.uk/dhpehpform/>

## 5. Business Rates Recovery (including Business Improvement District Levy -BID)

Business Rates is a local tax collected by local authorities and contributes towards the cost of local services. For more information about Business Rates visit our website

<https://www.sefton.gov.uk/business/business-rates.aspx>

### 5.1 Non-Domestic Rate Demand Notice (Business Rate bill)

Business Rate payers are entitled to pay their current year's bill in instalments. If you receive a bill at the start of the financial year you will be given 10 instalments. Where bills are issued later in the year, the number of instalments you can pay over will be reduced. Every customer has the right to make a request for their payments to be extended for up to 12 months (i.e. April to March). Payments should be made by the due dates shown on the bill and it is important that

payments are received by the Council by that date.

## 5.2 Business Rate Reminder/Final Notice

If you miss an instalment, or pay less than the amount due, you can expect the following action:

- We will send a reminder notice for any unpaid instalment shortly after it is due.
- The overdue amount must be paid within 7 days.
- If the overdue amount is not paid, you will lose the right to pay by instalments after a further seven days. No further reminders will be sent and a summons will be requested from the Magistrate's Court.
- If you bring your account up to date within 7 days of the reminder you can still continue to pay by monthly instalments as shown on your bill.
- Further non-payment will result in a final notice being used. This means that your right to pay by instalments is withdrawn and the full amount outstanding on the notice must be paid within 7 days.
- If the overdue amount is not paid a summons will be requested from the Magistrate's Court.

## 5.3 Business Rate Summons

If you do not pay as the reminder/final notice instructs, we will request a summons to be issued from the Magistrates' Court. The summons gives details of when you must attend court to explain why you have not paid your bill. The cost of sending the summons is added to the bill.

Once a summons has been issued, the full amount of Business Rates, as well as the summons cost is due.

If you pay the full amount of the summons, including costs, before the hearing date, you do not have to attend court.

If you make a payment arrangement with us before the hearing, you do not have to attend court. However, we will ask the Magistrates' Court to grant a "liability order" to secure the debt (explained below). Providing you keep to the payment arrangement, we will not take any further recovery action.

## 5.4 Do I have to attend court?

You do not have to attend court: -

- If you do not dispute that you owe the amount due.
- If the total amount due, including costs is paid before the date of the hearing.

## 5.5 If you are unable to pay the full amount on the summons?

If you are having difficulty paying the full payment, you must contact us as soon as possible with your proposed payment arrangement or by completing the online Special Payment Arrangement form on our website <https://forms.sefton.gov.uk/specpaybr/>

All Special Payment arrangements must be made with the agreement of the Council and can only be accepted by Direct Debit, that way we can enter a formal arrangement on your account and make sure that no further action is taken as long as you keep to the agreed Special Payment Arrangement.

The Council will still apply for a Liability Order but undertake not to take any further proceedings if you make the payments as agreed.

## 5.6 What if I dispute the debt?

If you dispute that you owe the amount due or that you are not responsible for the property contact the Council immediately. The Council will attempt to resolve any dispute before the court hearing date.

If the dispute cannot be resolved, your right to ask the Magistrates to consider your case is unaffected.

## 5.7 Attending Court

At the court hearing, we must satisfy the Magistrates' that we have followed correct procedures.

If the Magistrates' Court are satisfied with the evidence we present they will grant a liability order and costs to the Council.

If you attend the court hearing, the Magistrates will ask if you have a valid defence which will stop a liability order being granted.

A valid defence that the Magistrate will take into account are:

- You have paid your bill, including summons costs
- You are not responsible for the property during the period you have been summonsed for
- Bankruptcy or liquidation proceedings have commenced
- The application for the liability order was made more than six years after the first demand notice was issued.

If any of the above apply to you, it is very important that you contact the Council prior to the court hearing to try to resolve the matter before appearing before the Magistrates.

The Magistrates will not consider issues such as outstanding valuation appeals or your ability to

pay.

## 5.8 Recovery process after a Liability Order is obtained

A Liability Order gives certain powers of recovery to the Council. These include the following: -

- Taking control of goods – Use of Enforcement Agents – Enforcement Agents contracted by the Council will be required to comply with the Taking Control of Goods Regulations 2013, the Tribunals Courts and Enforcement Act 2007 as well as maintaining the terms of a code of practice issued by the Council
- Committal to Prison – In exceptional circumstances the Council can make an application to the court for Committal to Prison
- Bankruptcy/Liquidation – If sufficient assets exist to meet the outstanding debt and all other reasonable routes of recovery have been exhausted the Council may petition for Bankruptcy/Liquidation
- Civil court proceedings for recovery of the debt and subsequent enforcement action

Further costs may be incurred if any of these actions are taken.

## 5.9 Business Rates Hardship Relief

The Council has a discretionary power to reduce or remit the amount a business ratepayer is liable to pay if it is satisfied that: -

- The ratepayer would sustain hardship if it did not do so, and
- It is reasonable to do so having regard to the interests of its Council Tax payers.

Hardship relief is available to ratepayers whose circumstances have become so severe that not granting relief may cause unnecessary hardship, either financially or otherwise. It is expected that businesses will take prompt action to mitigate any factors giving rise to hardship, for example seeking business advice, offering discounts and promotions, reviewing pricing, extending the range of stock or services, negotiating with creditors, etc. Applicants must be able to demonstrate that reasonable steps are being taken to alleviate the hardship.

You will be required to provide the following information to support your application: -

- Full details of why the business is experiencing hardship.
- A comprehensive recovery action plan outlining how you intend to return the business into profitability and how any discretionary financial support from Sefton Council will help achieve this.
- The past three years' audited accounts, or, in the case of a new business, an estimate of annual income and expenditure and cash flow forecast for a minimum of the next twelve months.
- Details of the impact of not granting relief on the business and the local community.

- Details of additional financial support that you have sought from other sources to alleviate your current hardship.
- All relevant factors affecting the ability of the business to meet its rate liability.
- An outline of how the business contributes to the economic growth / regeneration of the local area.
- A state aid declaration

Please note whilst your application is being processed, your current rates are due and payable.

Once a decision has been made we will write to you to confirm this. If relief is awarded an amended rates demand will be issued with new payment instructions. This will take account of any payments you have already made.

To apply please complete the application form on our website <https://forms.sefton.gov.uk/brhr/>

An application will only be considered when you have fully completed the form and provided all required supporting information and evidence.

## 5.10. Business Improvement District

Bills for properties within the Business Improvement District are issued annually and payable in one lump sum. If an account is overdue, a reminder notice will be issued.

To pay on line via the Council's website visit

[https://www.civicaepay.co.uk/Sefton/Webpay\\_Public/Webpay/Default.aspx?fund=16](https://www.civicaepay.co.uk/Sefton/Webpay_Public/Webpay/Default.aspx?fund=16)

If payment is not made within 14 days of the Reminder Notice, an application will be made to the Magistrates Court for a summons to be issued.

If payment is not received then we will seek to obtain a Liability Order. This allows us to ask enforcement agents to recover the debt outstanding.

## 6. Housing Benefit Overpayment Recovery

### 6.1 How an overpayment may occur

An overpayment occurs when you have received Housing Benefit that you were not entitled to. Overpayments of Housing Benefit can occur due to various reasons, such as: -

- You move home.
- Someone else moving into or out of your home.
- You, or a member of your household, may have started work.
- You, or a member of your household, may have had an increase in income or capital.

If you have been paid too much Housing Benefit you will normally be asked to pay back the overpayment to the Council, this is known as a recoverable overpayment.

## 6.2 When an overpayment occurs we will write to you, the letter will tell you: -

- The reason that you have received too much Housing Benefit.
- A breakdown of the overpayment, including the period it covers.
- The total amount of the overpayment.
- The decision if you have to pay back the amount.
- How the overpayment will be recovered.
- How you can appeal if you think the overpayment is incorrect.

## 6.3 Recovery of the overpayment

We will look at who has caused the overpayment and to whom the Housing Benefit has been paid and then make our decision if the overpayment is recoverable and, if so, who to recover it from.

Overpayments are usually recoverable so long as they have not been caused by the Department for Work and Pensions (DWP error) or the Local Authority (LA error). However, if it's reasonable to assume that the claimant was aware that they were being overpaid at the time the payments were made, the overpayment will remain recoverable.

An overpayment can be recovered from both the claimant and the person to whom the overpaid housing benefit was paid, normally a landlord or managing agent.

For claimants, an overpayment will either be recovered from the ongoing entitlement to Housing Benefit you still have in the form of claw-back deductions, or you will receive an invoice for the total amount of the overpayment, if you no longer qualify for benefit.

If you wish to reduce the amount of any claw-back that is being taken from your ongoing entitlement to Housing Benefit, you can request this by contacting the Council's Housing Benefit Overpayment Team on 0151 934 4348. If you wish to make arrangements to pay an invoice received, then you should contact the Council's Accounts Receivable Team on 0151 934 4147.

A reminder is issued if a balance remains outstanding, unless there is an agreed instalment plan or notification has been received that the invoice is in dispute.

If a debt remains after the reminder has been issued, a final notice will be sent.

If we are unable to recover the overpayment we will approach the Department for Work and Pensions and seek recovery through an attachment from your allowable state benefits.



We can also contact your employer directly and use current legislation to instruct your employer to make deductions directly from your earnings (known as a Direct Earnings Attachment).

If you are the Landlord/Managing Agent and you are receiving Housing Benefit payments from the Council for other tenants, deductions will be taken at the earliest possible time from these payments. Where possible the overpayment will be recovered in one lump sum.

Alternatively, where the Landlord/Managing Agent is no longer receiving benefit for any tenants, an invoice will be issued.

A reminder is issued if a balance remains outstanding, unless there is an agreed instalment plan or notification has been received that the invoice is in dispute.

If a debt remains after the reminder has been issued, a final notice will be sent.

If the invoice remains unpaid we will refer the overpayment to a contracted debt collection agency for collection.

## 6.4 What if I do not agree with the overpayment?

If you disagree with the Housing Benefit overpayment you must write to the Council within one calendar month of the date on the decision letter. Your full appeal rights will be shown on the overpayment letter and the decision letter.

For further guidance please follow the link below: -

<https://www.gov.uk/government/publications/housing-benefit-overpayments-guide>

## 6.5 Council Tax Reduction Scheme Overpayment

If we find out you have been given more Council Tax support than you were entitled to under the Sefton Council Local Council Tax Reduction Scheme we will send you a revised Council Tax bill (known as a Council Tax adjustment notice) and a letter explaining the amount of the overpayment and the period to which the overpayment relates. The revised Council Tax bill will show what additional payment is required and when. We will recover the amount overpaid in line with normal Council Tax recovery procedures - see section 4 Council Tax Recovery.

## 7. Sundry Debtors Recovery

Sefton Council collects general income known as Sundry Debt. The value of this income can vary from a few pounds to hundreds of thousands of pounds and therefore provides a significant source of income to the Council. Invoices are issued by the Council in respect of a range of services including, but not limited to, trade waste collection, home care and residential charges, hire of facilities for leisure centres, education and libraries and ground rent and chief rents.

## 7.1 Raising Invoices

The Council will ensure that invoices for goods and services are issued promptly.

The invoice will show:

- Customer name and full address including postcode
- Date services provided
- Full description of debt and period to which it relates
- Purchase order and/or any reference details
- Amount due including VAT, if applicable
- Methods of payment
- Payment due date
- Any supporting information where required
- Name and contact number of person/issuing department to contact in event of a query about the invoice
- Contact number should you wish to discuss alternative payment options.

## 7.2 Collection

Invoices are normally sent by post and are payable immediately.

A reminder will be issued if the amount is not paid by the due date shown on the invoice, unless there is an agreed instalment plan or the invoice has been disputed.

If no payment is received following the reminder notice, a final notice will be sent.

If no payment is received following a final notice, further recovery action will be taken which may include legal proceedings/referral to enforcement agents.

## 7.3 Recovery and Enforcement

If a debt remains outstanding following the reminder and/or final notice, single and multiple debts of under £500.00 will be referred to one of the Council's contracted debt collection agent companies to collect the amount due. Subsequent contact from the debtor will then be referred to the debt collection agent company dealing with the debt, except in exceptional circumstances.

The Council will commence legal action for single or multiple debts of £500.00 and over.

The Council will issue a pre-action letter which outlines the actions a customer must take to avoid the matter being referred to the County Court.

If a judgement is obtained at County Court the collection of arrears may be made by making an application for a warrant of execution, to seize goods to the value of the debt, or for an attachment of earnings order, or an application for an oral examination as to means at the county court or charging order application, which may result in an enforced sale of property.

The Council will seek to levy and recover from the debtor costs/fees that are legitimately due from the debtor to the Council or its agents.

## 7.4 Payment difficulties

Customers may request an instalment arrangement for debts, which will be considered by the Council.

All requests to pay by instalments are considered on a case by case basis and are dependent upon the type of debt that is being repaid.

Where an instalment plan is agreed, the Council will seek to have the debt repaid in the shortest amount of time possible.

If an offer of payment is considered too low in proportion to the size of the debt outstanding, an income and expenditure form is sent to the debtor to assess their ability to pay. Each case will be assessed individually.

Instalment arrangements are regularly reviewed by the Council to see if they remain affordable to the debtor or if payments can be increased to shorten the payment plan.

Failure to pay as agreed will lead to the arrangement being cancelled and recovery action commencing without further notice.

## 8. Adult Social Care Charges Recovery

Adult Social Care provides a range of services to adults and vulnerable people, these include home care services, supported living, care home placements, day care services and community support. The social care assessment will determine eligibility and access to these services

### 8.1 Charges for services

The amount you pay for services will depend on your individual financial circumstances and the cost of the services that you receive. Whilst some services such as meals taken at day centres or respite breaks have a flat rate charge, other services are subject to financial assessment.

### 8.2 Financial assessment

As part of the Council's social care assessment a financial assessment will be offered to you. The financial assessment will determine how much you are required to contribute towards the cost

of your care services. Following a financial assessment, you may not have to pay for your care services at all, or you may be assessed as being able to pay either part or all of the cost of your services. If you do not wish to have a financial assessment then you will be charged the full cost of the services that you receive.

As part of the financial assessment the Council will also ensure that you are receiving all the benefits to which you are entitled, and will help you to claim any additional benefits.

If you are unable to deal with your own financial affairs and you have a representative who manages your finances we will liaise with them.

### 8.3 Residential Care

If you are a long-term resident of a care home which is funded by Sefton Council then any contribution that you have been assessed to pay towards the care home fees, you will pay directly to the care home. The Care Home administrator will be able to give you information on how to make these payments.

If you or your representative fall into arrears with your contributions then the care Home will contact Sefton Council for assistance with this. If you have a representative who is failing to act in your best interests in relation to your finances, then the Council may make a referral to its Safeguarding team, the Department for Work and Pensions or the Office of Public Guardian and ask them to investigate.

The Council has an obligation to pay care homes any arrears outstanding, and will then follow its debt recovery process with you or your representative.

### 8.4 Services in the community

If you live in your own home and have been assessed to pay a contribution for the services you receive, the Council will send you an invoice, every four weeks.

If you choose to receive a Direct Payment then your contribution will be deducted from the amount of the Direct Payment that you receive. You must then pay your contribution into your Direct Payment bank account or pre-payment card.

### 8.5 Methods of payment available

If you receive an invoice from the Council for the care that you receive, the invoice will contain the payment options available to you, these are:

- By standing order
- At any post office

- Via Sefton Council's website
- Using Cash, Cheque, Debit or Credit Card at the Council's One Stop Shops, by post or telephone.

## 8.6 Recovery action

After 14 days, if you or your Representative have not paid the invoice for care services, then a Reminder will automatically be sent. After a further 14 days if the invoice remains unpaid then a Final Notice will be issued.

If the invoice is still then Sefton Council will try to contact you or your Representative by telephone or letter to discuss any problems that you may be having with making payment, they will offer you a realistic repayment schedule to pay off your arrears.

If contact cannot be made with you or your Representative then a Revenues Visiting Officer will arrange a home visit. The Officer can liaise with the financial assessment team, and if necessary they will request a financial re-assessment, particularly if there has been a change in your circumstances. The Officer will also ensure that your full benefit entitlement has been granted, and if possible make an arrangement to pay off the outstanding arrears.

Ultimately, the Recovery and Enforcement procedures outlined in Section 7.3 can be followed. However, Council collection staff will take special care in pursuing debts for those who are vulnerable, and will work with Adult Social Care colleagues to assist those who are in arrears.

## 9. Parking Services Recovery

Sefton Council operates decriminalised parking enforcement under The Traffic Management Act 2004. This Act prescribes on the administration process of a Penalty Charge Notice (PCN).

A parking debt can remain live for a period of up to six years from the date of PCN issue and the Council are permitted under the above Act to continue to seek collection of the charge for this length of time.

### 9.1 Penalty Charge Notice (Parking Ticket)

A Penalty Charge Notice (PCN) can be issued by our enforcement contractor to any vehicle parked in contravention of any lawful parking restriction within the borough. In addition to this if a motorist drives off before issue, a PCN can be sent by post. A PCN, dependent on the type of contravention, can be either the lower rate of £50 or the higher rate of £70.

The statutory requirement of the processing of a PCN is as follows:

PCN Issued – Within 14 from issue option to pay at the discounted rate of either £25/£35, or make an informal representation against the issue of the PCN.

If no payment or representation received within the above timescale, after 28 days from issue a Notice to Owner will be sent to the registered keeper of the vehicle as per the information provided by the Driver and Vehicle Licensing Authority.

On issue of the Notice to Owner, the registered keeper has 28 days from issue to either make payment of the full standard rate of £50/£70 or make a formal representation against the issue of the PCN. It is only at this point if the representation is rejected the registered keeper has the opportunity to put the case forward for consideration by an Independent Adjudicator at the Traffic Penalty Tribunal service.

If neither payment nor representation is made within the permitted time, the Council will issue a Charge Certificate. At this stage, the opportunity to make further representations is lost and payment of the original full standard rate plus a 50% surcharge becomes due within 14 days of issue of the Charge Certificate.

## 9.2 Recovery of Parking Debt

After 14 days from issue of the Charge Certificate if no payment is received, the Council will apply to have the debt registered at the Traffic Enforcement Centre (TEC) at Northampton County Court Business Centre.

On registration of the debt an Order for Recovery will be issued, this process incurs a court registration fee inclusive of the PCN debt. Included with the Order for Recovery is a Witness Statement form.

Within 21 days of issue of the Order for Recovery the keeper has the option to either make payment of the amount due or file the Witness Statement and return this to County Court Business Centre.

If payment or Witness Statement is not received the Council will seek authorisation from TEC to issue a Warrant of Control.

This warrant enables the Council to transfer the debt to an Enforcement Agent to recover monies due on their behalf.

Once a debt is transferred to an Enforcement Agent the registered keeper must deal with them direct.

## 10.0 Housing Standards- Civil Penalty Recovery

Sefton Council have powers under the Housing Act 2004 s249a to serve Civil Penalty Notices for certain Housing offences instead of taking prosecutions. A Notice of Intent will first be served, allowing 28 days representation. At the end of this period the Council will decide whether or not to serve a Final Civil Penalty Notice. If a Civil Penalty Notice is served, an invoice will be included with the Notice, detailing how payment is to be made.

## 10.1 Recovery of Civil Penalty Debt – Housing Standards/ Licensing enforcement

After 28 days from the service of a Final Civil Penalty Notice (unless Notice suspended due to an appeal to the First Tier Tribunal), the Council will commence the sundry debt recovery process.

# 11. Use of Enforcement Agents

## 11.1 Council Tax and Business Rates

If we pass your case to our enforcement agents, a £75 fee will be added to your account immediately.

You should contact the enforcement agents straight away to discuss payment arrangements to avoid further fees being added to your account.

If you don't, an enforcement agent will visit you to remove goods to cover the amount you owe and an additional £235 enforcement fee will be added to your account, plus 7.5% of any balance owed over £1,500. You can make a payment arrangement with the enforcement agent at any stage, but you must sign the controlled goods agreement.

If you don't keep up your payments, they can remove goods and will charge an additional fee of £110 plus 7.5% of any balance owed over £1,500 - plus reasonable storage and auctioneer fees.

If you make payments to us after your case has been passed to the enforcement agency, your case will remain open with them and they'll proceed as normal for the remaining balance, including their fees.

Once your case has been passed to the enforcement agent it will remain with them until the full debt is cleared.

## 11.2 Sundry Debts, Housing Benefit Overpayments and small balance Council Tax and Business Rates.

For the above cases the enforcement agents collect these via debt collection methods of phone calls and visits. This will incur a commission charge that is paid by the Council.

## 11.3 Parking Services

If we pass your case to the enforcement agents, a £75 fee will be added to your account immediately.

You should contact the enforcement agents straight away to discuss payment arrangements to avoid further fees being added to your account.

If you don't, an enforcement agent will visit you to remove goods to cover the amount you owe and an additional £235 enforcement fee will be added to your account.

You can make a payment arrangement with the enforcement agent at any stage, but you must sign the controlled goods agreement.

If you don't keep up your payments, they can remove goods and will charge an additional fee of £110 - plus reasonable storage and auctioneer fees.

If you make payments to us after your case has been passed to the enforcement agency, your case will remain open with them and they'll proceed as normal for the remaining balance, including their fees.

Once your case has been passed to the enforcement agent it will remain with them until the full debt is cleared.

## 11.4 Sefton Council Code of Practice for Enforcement Agents

The Code of Practice has been drawn up in an endeavour to achieve the very best practice in the conduct that is expected of our Enforcement Agents. Failure to comply with the requirements of the Code of Practice and the relevant legislation may result in the Council terminating with the services of the firm of Enforcement Agents.

<https://www.sefton.gov.uk/council-tax/enforcement-agents-code-of-practice.aspx>

## 11.5 Collection of Council Tax Arrears in Sefton - Good Practice Protocol

The Protocol reflects best practice at local level and is intended to facilitate regular liaison with the Council, its Enforcement Agents and Citizens Advice Sefton on practices and policy concerning Council Tax collection.

In setting down clear procedures and keeping these regularly under review, all parties to the Protocol can ensure that arrears are dealt with appropriately whilst complaints are handled efficiently.

By signing up to the Protocol and adopting its practices all parties to the Protocol will work closely together to help Sefton's residents pay their Council Tax bills while accessing high quality debt advice when needed.

To view the Protocol please visit:

<https://www.sefton.gov.uk/council-tax/difficulties-paying-your-council-tax.aspx>



## 12. Use of Insolvency, Charging Order, Enforced Sales, Committal and Write Off

### 12.1 Insolvency (Bankruptcy and Liquidation)

#### 12.1.1 Legal requirements

The legal requirements are contained within the Insolvency Act 1986. Bankruptcy action can be taken against any debtor who owes in excess of £5,000 to creditors and who, for whatever reason, is unable to satisfy his creditor's claims in full.

In addition, a debtor may initiate action by petitioning for their own bankruptcy. Winding Up proceedings are used against Limited Companies.

Insolvency frees a debtor from overwhelming debts so they can make a fresh start, subject to some restrictions, and makes sure the assets belonging to the debtor are shared out fairly among all the creditors. However, the consequences can be severe and can involve the loss of the debtor's home or business and considerable legal and Trustee costs. The level of costs will reflect the complexity of the matters involved and the extent to which the debtor cooperates with the Trustee who is administering the estate.

Insolvency action takes place in the County Court or the High Court if the debtor resides in London.

#### 12.1.2 When will Insolvency Proceedings be considered?

Sefton Council will consider using insolvency proceedings under the following circumstances (the list is not exhaustive):

- Where the debt exceeds £5,000 and the debtor has sufficient assets or equity to ensure the debt is recoverable by the Official Receiver or the Trustee.
- Where the debtor is not making regular and mutually agreed payments that are sufficient to clear accruing debt and the arrears within an acceptable timescale.
- Where insolvency action is considered most effective in recovering from a particular debtor.
- Where the debt has arisen as a result of fraud.
- Where specific assets cannot be identified but there are indicators that the debtor is one of high material worth, for example, renting high value property/has a high salaried profession.
- Where bankruptcy action would encourage payment from specific groups of debtors where their credit rating is important to them, for example company directors, self-

employed people and those people needing finance.

- That the Council can justify to the Court that no other recovery options are appropriate.
- The debtor has received suitable warning to seek independent legal advice as to the implication of insolvency proceedings being made.

### 12.1.3 Special Circumstances

Particular care will be taken to substantiate or clarify the debtor's position before insolvency proceedings are considered, especially if there are vulnerability issues.

The Council will consider alternative enforcement action where the debtor falls into one or more of the following vulnerability categories:-

- Appears to be severely mentally impaired or suffering severe mental confusion.
- Has young children and severe social deprivation is evident.
- Is pregnant, or the spouse of the debtor is pregnant.
- Is in mourning, due to recent bereavement
- Is currently unemployed and provides proof that they are in receipt of Universal Credit, Income Support or Job Seekers Allowance (Income Based) payments from the Department for Work and Pensions (DWP).
- Has severe long-term sickness or illness including the terminally ill.
- Has difficulty communicating due to profound deafness, blindness or language difficulties.
- Is over 70 years of age.

### 12.1.4 Decision making

As part of the decision-making process we will seek to build a picture of the debtor and their circumstances and will achieve this in various ways, including some or all of the following activities. The list is not exhaustive.

- Demanding financial information in writing following a Liability Order being granted, whilst stating bankruptcy is an option to be considered.
- Requesting the debtor to disclose any vulnerability issues that we should be made aware of.
- Checking all appropriate discounts and exemptions has been awarded.
- Seeking an offer of payment from the debtor.

- Conducting a personal visit to the debtor's home.
- Checking our Council Tax records to see if there is any reason bankruptcy would not be appropriate.
- Checking our Benefits records to ensure that all Council Tax Reduction due to the debtor has been posted to the Council Tax account and that their records do not indicate that the debtor lies within the criteria mentioned in Section 11.1.3
- Checking with Adult Social Care to see if there are issues known to them that would make bankruptcy action inappropriate.
- Checking with H.M. Land Registry to confirm property assets.
- Checking with a Credit Reference Agency for information on outgoings, requests for finance, mortgages and other financial information.
- Checking Companies House records for business information.
- Checking known or potential employment details.
- Checking all Corporate Debt records, such as Housing Benefit Overpayment records; Business Rates records and sundry debts for outstanding balances and including all debts in the bankruptcy action, if appropriate.
- Warning of bankruptcy action and encouraging contact by the issue of a letter including a guidance booklet "Guide to Bankruptcy" published by the Insolvency Service. This fully details the effects of bankruptcy action, the alternatives to it, a glossary of terms and where to go for help and advice. See <https://www.gov.uk/government/publications/guide-to-bankruptcy> where online copies are available to view and download.

## 12.1.5 Publicity

When a Bankruptcy Order is granted the administration of it lies with the Official Receiver (OR) or an Insolvency Practitioner (IP). The fact that the order has been granted is advertised in the London Gazette and in a local newspaper. The OR/IP will also notify other bodies such as local authorities, utility suppliers, land registry, National Savings and Investments etc. to give them an opportunity to submit claims of their own and to prevent illegal disposal of assets.

## 12.2 Charging Orders & Enforced Sales

### 12.2.1 Legal Requirements

#### Council tax debts

If the aggregated balances on Council Tax Liability Orders and statutory charges for a property is over £1,000 then an application may be made for a Charge to be placed on the same property, to secure the debt owed to the Council. If the debt is to be actively recovered then following a

Charging Order being obtained, an application has to be made to the Court for an Order of Possession and Order for sale.

## Sundry debts

If the debt due to the council is over £300, the council will consider making an application to the county court for a charging order be placed against a property owned by a debtor.

If the debt is to be actively recovered then following a charging order being obtained, and application for an order for sale and possession must be made.

Enforced Sales is a process where the Council will be exercising its legal powers under the Law of Property Act 1925, which gives the Council the statutory power to recover costs it has incurred by enabling the sale of a property to a new owner. Such costs normally result from enforcement actions and works in default relating to specified statutory powers that result in land charges against a property.

The procedure may be used to recover debt arising from the exercise of any statutory powers that: -

- Confer a charge on all the estates and interests in the property
- Confer Law of Property rights (i.e. grant the powers and remedies available as if the charge had been created by deed).

The current adopted Enforced Sales Procedures state:

Principally, the statutory powers that will enable the procedure to be used are: -

- Prevention of Damage by Pests Act 1949
- Housing Act 1985
- Building Act 1984
- Public Health Act 1936
- Public Health Act 1961
- Environmental Protection Act 1990

Actions in relation to the service of statutory notices under these provisions are most likely to have given rise to the relevant debt(s).

By adopting this Corporate Debt Policy and Procedures the Council is confirming it will extend use of its Enforced Sales Procedure by using the same powers to recover debts owed in respect of Council Tax Charging Orders. This means of recovery of Charging Order debt will most likely be utilised where the property is being considered for action under the Empty Homes Strategy.

For more details on the Enforced Sales procedure visit <http://smbc-modgov-01/mgIssueHistoryHome.aspx?IId=56334&Opt=0>

## 12.2.2 Decision Making

The number of cases is very small. Each case will be considered on its own merits being mindful of all the facts and the level of arrears.

## 12.3 Committal

### 12.3.1 Legal requirements

The legal requirements are contained within the Council Tax (Administration & Enforcement) Regulations SI 1992/613 (as amended) and Business Rates (Non-Domestic Rating (Collection & Enforcement) (Local Lists) Regulations SI 1989/1058.

### 12.3.2 Commencement of Committal Proceedings

Only after a Liability Order has been returned by an Enforcement Agent can committal proceedings be taken. The Enforcement Agent must sign a certificate, stating that the debtor has insufficient goods available to cover the outstanding debt.

Prior to the issue of a committal summons the debtor will be issued with a letter explaining that committal proceedings are shortly to commence and a letter of explanation is enclosed detailing what this means. The debtor is also encouraged at this time to contact the Council to discuss payment. The Council will allow at least 14 days from the issue of the warning letter before issuing a committal summons.

The Council will consider using committal proceedings in the following circumstances (the list is not exhaustive):

- Where the debt exceeds £1,000
- Where the debtor is not making regular and mutually agreed payments that are sufficient to clear accruing debt and the arrears within an acceptable timescale.
- Where a Charging Order or Bankruptcy are not considered viable options.
- The Council can justify to the Court that no other recovery options are appropriate.
- The debtor has received suitable warning to seek independent legal advice as to the implication of committal proceedings being made.

### 12.3.3 Committal Summons

If we're unable to collect an amount of outstanding Council Tax, for which a Court Order (liability order) has been issued by the Magistrates' Court using other recovery methods, including the use of Enforcement Agents, then the Council may apply to the Magistrates' Court for the issue of a Warrant of Commitment.

The Magistrates' Court will issue a Committal Summons requiring you to appear before the court, in order to enable an enquiry to be made regarding your means and whether your failure to pay is due to either your "wilful refusal" or "culpable neglect".

If you receive a committal summons you should

- Contact us immediately on 0151 934 4651
- Seek legal advice (from either a solicitor or a local advice agency) before your hearing.

### 12.3.4 Committal Hearing

The committal hearing is an enquiry by the magistrates into a debtor's means with a view to whether the failure to pay was due to "wilful refusal" or "culpable neglect". Such an enquiry can only be conducted in the presence of the debtor and if they fail to appear a warrant for their arrest will be applied for. This would normally be a warrant with bail to appear at the next available hearing date. This avoids the debtor being held for any length of time.

The court will request the debtor to complete a means enquiry form. At the hearing, the debtor will be asked to explain in front of the magistrates why the debt has not been paid.

If the magistrates are satisfied that the Council has complied with legislation and has also taken steps to try to recover the debt through taking control of goods they will consider the issue of whether payment has not been made through 'wilful refusal' or 'culpable neglect'.

'Wilful refusal' – examples, the debtor has made a conscious decision not to pay the outstanding debt; refuses to make any effort to clear the outstanding balance.

'Culpable neglect' – examples, the debtor has failed to pay as required; did have the means to pay but the debt was a lower priority.

If they find either present the following options available to them are: -

- Send you to prison for a period not exceeding 3 months
- Send you to prison for a period of not more than 3 months but postpone this on condition that you make a payment or regular payments.
- Refuse to send you to prison
- Remit or reduce all or part of the arrears

The Magistrates may decide to adjourn for a period requested by the Council in order to obtain

employment or benefit details so an attachment can be made.

The Magistrates may also adjourn a case if they feel they do not have enough evidence to make a decision and require further evidence to be provided by the Council or the debtor.

The Magistrates have the power to dismiss a case with or without finding “wilful refusal” or “culpable neglect”. If this is the case the Council may renew the application at a future date if the circumstances of the debtor change. (This is not the case of any monies remitted by the court).

### 12.3.5 Payment Order

Any payments made under an order must be made direct to the Council who will monitor them and report back to court if they fail to be paid as ordered.

The issue of warrant costs is £75 and the debtor will be liable for the costs incurred in obtaining and executing the warrant in addition to the upfront costs already paid by the Council.

### 12.3.6 Non-payment of Court Order

Where the court order is not maintained the Council will bring the debtor back before the Magistrates to seek immediate committal to prison.

### 12.3.7 Special Circumstances

Particular care will be taken to substantiate or clarify the debtor’s position before committal proceedings are considered, especially if there are vulnerability issues.

The Council will consider taking alternative enforcement action where the debtor, or a member of their household, falls into one or more of the following categories: -

- Appears to be severely mentally impaired, or suffering severe mental confusion.
- Has young children and severe social deprivation is evident.
- Is pregnant, or the spouse of the debtor is pregnant.
- Is in mourning, due to recent bereavement
- Is currently unemployed and provides proof that they are in receipt of Universal Credit, Income Support or Job Seekers Allowance (Income Based) payments from the Department for Work and Pensions (DWP).
- Has severe long-term sickness or illness including the terminally ill.
- Has difficulty communicating due to profound deafness, blindness or language difficulties.

- Is over 70 years of age.

### 12.3.8 Decision Making

The more information held about the debtor, the more efficient the decision making process will be in terms of selecting the most effective enforcement option. As part of the decision-making process the Council will seek to build a picture of the debtor and their circumstances and will achieve this in various ways, including some or all of the following activities. The list is not exhaustive.

- Requesting financial information in writing stating committal is an option to be considered.
- Requesting the debtor to disclose any vulnerability issues that the Council should be made aware of.
- Warning of committal and encouraging contact.
- Seeking an offer of payment from the debtor.
- Conducting a personal visit to the debtor's home.
- Checking all appropriate discounts and exemptions has been awarded.
- Checking all corporate debt accounts to see if there is any reason why committal would not be appropriate
- Checking our Benefits records to ensure that all Council Tax Reduction due to the debtor has been posted to the Council Tax account and that their records do not indicate that the debtor lies within the criteria mentioned in Section 12.1.3
- Checking H.M. Land Registry to confirm property assets.
- Checking with a Credit Reference Agency for information on outgoings, requests for finance, mortgages and other financial information.
- Checking known or potential employment/benefit details.
- Checking with Social services regarding vulnerability issues

## 13. Data Sharing and Privacy Statement

See our website <https://www.sefton.gov.uk/your-council/open-data,-transparency-and-foi/data-protection,-freedom-of-information-and-re-use-of-council-data/data-protection.aspx>

## 14. Complaints and appeals

At Sefton Council, we want to give you the best possible service we can. We welcome your feedback on our services, as it gives us the opportunity to see where we can make



improvements. The following link provides information about Sefton Council's complaints process and should be used to make your complaint online: -.

<https://www.sefton.gov.uk/your-council/consultations,-complaints-feedback/compliments,-comments-and-complaints.aspx>

## 14.1 Appeals for Council Tax

If you are the person liable for Council Tax, and you are not happy with decisions made in relation to your liability, you have certain rights of appeal, as follows:

- that a dwelling is a chargeable dwelling, or
- that you are the liable person for Council Tax, or
- that the dwelling is or is not exempt, or
- any decisions relating to the granting of discount, disability reduction, Council Tax Benefit or Council Tax Reduction.

In the first instance, such appeals should be made in writing to Sefton Council, PO Box 21, Bootle, L20 3US. Making an appeal does not allow you to withhold payment pending the outcome. If your appeal is successful, you will be entitled to a refund of any overpaid Council Tax.

## 14.2 Appeals for Business Rates

All appeals must be made to the Valuation Office Agency.

<https://www.gov.uk/government/organisations/valuation-office-agency>

A business ratepayer cannot withhold any payment pending the outcome of an appeal. Legally, the Council must bill you based on the rateable value that the Rating List shows at the time. You are legally obliged to pay in accordance with the demand sent to you.

The Valuation Officer can backdate amendments to the rateable value. Where this results in you having paid too much we will automatically refund any overpayment you have made. In addition, you are entitled to statutory interest on that overpayment. The Government sets the rate of interest payable each year.

If you do not pay as demanded, and we have to enforce payment, you could forfeit the right to receive interest on any subsequent overpayment.

## 14.3 Appeals for Parking Services

If you wish to challenge the issue of the Penalty Charge Notice, your appeal must be put in writing and can be sent either on line <https://forms.sefton.gov.uk/carparkfineappeal/> or by email [parkingcc@sefton.gov.uk](mailto:parkingcc@sefton.gov.uk)

For more information about parking appeals visit:-

<https://www.sefton.gov.uk/parking,-roads-travel/parking/appeals.aspx>

## 15. Further Information and advice

### National Policy/Guidance

- Council Tax Guidance to Local Councils on good practice in the collection of Council Tax arrears, visit <https://www.gov.uk/government/publications/council-tax>
- The Local Authority are obliged to participate in the Audit Commission's National Fraud initiative and to share certain limited personal information with other bodies responsible for auditing or administering public funds. The Council has a duty to protect the public funds it administers, and may use information held about individuals for lawful purposes, including and not limited to the prevention and detection of fraud. The Council will share information for the purpose of performing any of our statutory enforcement duties and will make any disclosures required by law. This may include sharing information with other bodies responsible for detecting/preventing fraud or auditing/administering public funds.

### Advice & Benefits

- You will find a range of advice and information as well as contacts of local and national organisations that may be able to assist further, visit <https://www.sefton.gov.uk/3119>

### Contact us

- Call **0345 140 0845** (Monday to Friday, 8am to 6pm, closed weekends and Bank Holidays)
- Visit Bootle One Stop Shop, 324 Stanley Road, Bootle, L20 3ET (Monday to Friday, 9am to 5pm)
- Visit Southport One Stop Shop, Cambridge Arcade, Southport (Monday to Friday, 9am to 5pm)
- Use our [online contact form](#) (this will be forwarded to the appropriate officer or department for a response which may take a few days).
- Contact your [local Councillor](#)
- Provide [feedback or make a complaint](#) online
- Write to us at [Bootle or Southport Town Hall](#)