Use this fact sheet to:

- understand what a council can do to recover a council tax debt;
- deal with bailiff action;
- help you negotiate with the council about the debt; and
- make a complaint about bailiff or council behaviour.

Council tax is a priority debt

This fact sheet is about how your local council may try to collect council tax arrears. Council tax is a priority debt because the council has strong powers to make you pay. This means you should pay council tax before paying non-priority debts such as credit cards or unsecured loans.

Who pays what?

The amount of council tax you pay is based on the value of your home and the number of adults that live in it.

Only people over 18 can be made to pay the bill. If there is more than one person over 18 living in your home, the owner will normally have to pay the bill if they also live there.

If you are married, live with your partner or live together in a same-sex civil partnership, both you and your partner will be potentially responsible for paying all of the bill. This is known as 'joint and several liability'. If joint tenants, joint owners or partners are named on the original council tax bill they are jointly and severally liable.

You cannot be asked to pay council tax if you are not named on the bill. However, if a joint tenant, joint owner or a member of a couple is not named on the bill, the council can send out another bill adding their names. Once the council has done this they can ask can anyone named on bill to pay.

In some circumstances, you can be liable for council tax even if you do not live in the property. This may be, for example, because you own a property that no-one currently lives in, or it is classed as a house of multiple occupation (HMO).

If you are not sure who is responsible for the bill, contact us for advice.

Reducing your council tax bill

Depending on your circumstances, you may be entitled to a reduction to, or discount on, your council tax bill. This could mean that you do not have to pay all, or part, of your council tax bill.
We have listed some of the help that may be available. For more information and to make an application, contact your council.

**Council Tax Reduction**

If you are on a low income, you may be entitled to Council Tax Reduction (also known as Council Tax Support). Each council in England and Wales can create their own local Council Tax Reduction scheme. This means that the rules and amount of reduction you may be entitled to can vary from council to council.

**Disability reduction**

You may get a reduction to your council tax bill if someone living in the house has a disability.

**Discounts**

You may be able to get a discount to reduce your council tax bill if:

- you are the only adult in the property: or
- you share your house only with people who are not counted for council tax purposes.

Examples of people who are not counted include:

- a full-time student or student nurse;
- an apprentice or someone on a youth training scheme (only certain ones apply); or
- someone with a mental disability who is getting certain disability benefits.

**Second Adult Rebate**

If you live in England, you may be able to claim the Second Adult Rebate if you share your home with another adult person who:

- is on a low income;
- is not liable to pay the council tax bill; and
- does not pay rent to you.

The rules for the Second Adult Rebate are complicated, but you can check whether you are eligible with your local council.

**Discretionary reduction**

The council also has the discretion to reduce your council tax bill (or previous debt) in part or in full. They can consider a discretionary reduction if you are liable for the council tax and there are exceptional circumstances, such as severe financial hardship. If you think you could be eligible for a discretionary reduction to your council tax, contact us for advice.
Council tax liability order

If you fall behind with council tax payments, the council may apply to the magistrates’ court to make a ‘liability order’. This is a court order that states that you owe council tax but have not paid it. The council will also add on any court costs they have had to pay.

The council can ask for a liability order to be made against the person that they sent the original bill to. If another person is also responsible for paying the bill, the council can ask for a liability order against both people.

Extra advice:

don’t just stop paying

If you are having trouble keeping up with your council tax payments, don’t just stop paying. Contact your council and explain you are having difficulty. They may be able to agree a new payment plan with you. If you do this quickly, the council may not apply for a liability order.

Important:

tell the council you have applied for help

If you have applied for help with your council tax bill, make sure the council is aware of this. They may be willing to wait until your claim is dealt with before applying for the liability order.

Once the council has obtained a liability order, there is no time limit for enforcing it. However, if the council took a long time to get the liability order, or a long time to ask you to pay, then you could complain. Contact us for advice.

What can a liability order lead to?

If the council gets a liability order and you do not pay the amount stated, they can ask you to give them certain information. The council can use this information to decide how to recover the unpaid council tax.

They can also take further action against you. This is called enforcement action and can include:

- using bailiffs to try and take your goods;
- making deductions from earnings;
- making deductions from benefits;
- charging orders (where the debt is secured on a property you own);
- bankruptcy; and
- imprisonment.

Information request

The council must ask you for this information in writing. They can ask you to tell them:

- the name and address of your employer;
- about your earnings or what you expect to earn;

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information about certain deductions taken, or expected to be taken, from your pay (such as an attachment of earnings order);

- the work or identity number used by your employer;

- about any other income you get (such as pensions or benefits); and

- whether anyone else is also liable for the debt.

You have 14 days to give the council these details. It is a criminal offence not to respond or to provide false information. If the council has sent you an information request, but you do not have the information available contact us for advice.

Types of enforcement action

The council can decide which type of enforcement action to use. However, they can only use one type of enforcement action at a time. In later sections of this fact sheet we describe each type of enforcement action.

You can make an offer of payment to the council at any time before they use enforcement action. This could stop the action from happening. Use your budget to work out an affordable offer of payment to the council and contact the council as soon as possible.

Although there are different types of enforcement action, most councils prefer to use bailiffs or deductions from earnings to try to recover unpaid council tax.

Council tax bailiffs

Council tax is usually collected by a private firm of bailiffs on behalf of your local council. They try to take your goods away and sell them, usually at auction, to raise money to pay the debt. The council can instruct bailiffs to act once they have got a liability order against you. The process the bailiffs have to follow is called ‘taking control of goods’.

The bailiff must be ‘certificated’. This means that they must have a certificate from the County Court allowing them to act as a bailiff. You can check if a bailiff has a current certificate by searching the Certificated Bailiff Register at www.justice.gov.uk.

The bailiffs should give you seven clear days’ notice that they are due to visit you. This is sometimes known as an ‘enforcement notice’. ‘Clear days’ do not include Sundays, Christmas Day or bank holidays.

Do I have to let the bailiffs in?

You do not have to let the bailiffs into your home. The bailiffs should not force their way into your home unless:

- you have let them in on a previous visit;

- they took control of your goods and you have broken the agreement you made with the bailiffs; and

- they have given you two clear days’ notice.

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Important:
changes to bailiff law

On 6 April 2014, the law on bailiffs changed. The information in this fact sheet is based on our understanding of the new rules. Some bailiffs may interpret the new rules differently. It is not fully clear how the new rules will be applied in practice. If you are unsure whether a bailiff’s actions are legal, contact us for advice.

Bailiffs are also commonly known as enforcement agents. In this fact sheet we use the term bailiff.

Remember:
changes to bailiff law

This is our understanding of the new rules on bailiffs from 6 April 2014. Some bailiffs may argue that under the new rules, they can go anywhere they like to take control of your goods. They may say that this allows them to come into your home even if they have not been in before and that you should not refuse them entry. If a bailiff says things like this to you, contact us for advice.

What if the bailiffs have already been inside my home?

If you have already let a council tax bailiff into your home, it is important to bear in mind the following points.

The bailiff will not usually take away goods on their first visit.

They may ask you to sign a ‘controlled goods agreement’. This allows you to keep using the items listed on the agreement. However, if you break the terms of the controlled goods agreement, the bailiff can return and take the goods by breaking in if necessary. Remember, they should give you two clear days’ notice before doing this. If you don’t sign the agreement, the bailiffs may remove the goods straight away. Alternatively, they may lock up the goods on your premises. Contact us for advice.

A bailiff may not be able to take goods that are worth more than you actually owe. If they threaten to do this, contact us for advice.

Council tax bailiffs should not take:

- clothing, bedding, furniture and basic household items that are necessary for the basic domestic needs of you and your family;

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Extra advice:

exempt goods

Goods that bailiffs are not allowed to take include the following.

- A cooker or microwave.
- A refrigerator.
- A washing machine.
- A dining table and chairs for you and your household.

This is not a complete list of the goods that bailiffs should not take. If you are unsure whether an item is exempt or not, contact us for advice.

Can bailiffs take goods belonging to someone else?

The bailiff can only take goods belonging to the person (or people) named on the liability order. They should not take goods that belong to other people, including rented goods. If they threaten to do this, explain that the goods do not belong to you. Show a receipt or credit agreement as proof. If the owner hasn’t got a receipt, they can provide a sworn statement called a ‘statutory declaration’ instead. Contact us for advice.

If a bailiff takes good belonging to a third party, the third party can write to the bailiff to show that they own the goods and that they should not have been taken into control. The bailiff should then pass this onto the creditor. The creditor will decide whether to accept or reject the third party's claim.

If the creditor rejects the claim, the third party can apply to court to get the goods back. However, they will need to pay the court a deposit. The size of the deposit depends on the value of the goods that have been taken. Contact us for advice.

Bailiffs can take goods that are jointly owned by you and your partner, but if you are the only person named on the liability order, they are only entitled to your share of the goods.

Can bailiffs take goods on hire purchase or conditional sale?

There are different legal views about whether bailiffs can take control of goods on hire purchase or conditional sale agreements. If a bailiff threatens this, contact us for advice.

What if there are no goods to take?

If the bailiffs come into your home, they may decide that your goods are not worth enough to cover the cost of them coming with a van to remove and sell them. If this is the case, the bailiff may return at a later date to try and take control of your goods. They have 12 months from the date of the enforcement notice to take control of your goods. If you agree instalments on the debt with the bailiff and you do not pay, the 12 months will not start until the arrangement has been broken.

A bailiff should only take enough goods to cover the debt after they are sold. They should not take goods that are worth a lot more than you actually owe unless there is only one item that the bailiff thinks is worth taking, such as a car.
What if I hide things away?

If the bailiffs haven’t yet been in and you hide things by taking them somewhere else, the bailiffs may apply to court for permission to break into the place where you have put the goods. If the bailiffs have already been in and taken control of your goods, you are committing an offence if you remove goods that they have said they will take.

Bailiff procedures

If the bailiffs are collecting council tax arrears, there are certain procedures that they have to follow.

They must have identification and written authorisation from the council with them when they call. They should show you this if you ask.

Under the law, bailiffs have to leave you paperwork explaining what they intend to do or what they have done. For example, bailiffs should give you notice telling you:

- that they intend to visit you;
- when they have taken control of your goods; and
- when they intend to re-enter your premises after a previous entry.

There are strict rules about the information this paperwork must contain. If the bailiffs do not give you the correct paperwork, you can complain or consider taking legal action against them. Contact us for advice.

What fees can the council tax bailiffs charge you?

Council tax bailiffs can charge you the following fees if they start the type of action described.

- £75 for being instructed by the creditor, carrying out initial checks, investigations and receiving payments.
- £235 to cover visiting and entering premises and taking control of your goods.
- £110 to cover attending to remove your goods for sale, valuing them and arranging for them to be sold.
- The cost of storing goods which the bailiff has removed.
- The cost of hiring a locksmith, if one is needed.

If your debt is over £1,500 or if your goods are sold at auction, further fees can be charged. Contact us for advice.

The bailiffs should give you information about how much you owe before and after they visit you. If you think they have charged you too much, contact us for advice. You may be able to challenge the fees through the County Court.

How do I stop the bailiffs?

- Try to make an arrangement to pay the debt back at a rate you can afford. Send the bailiffs a letter with your budget and ask them to accept regular payments.
**Extra advice:**

**making payments**

Include the council tax reference number, the liability order number and the council tax year the debt relates to each time you make a payment. **Make sure you keep a record of all the payments you make.**

- It is usually easier to get the bailiffs to accept your offer if they have never been into your home or listed any of your goods to sell, such as your car. Even if the bailiffs refuse your offer, start making the payments. The bailiffs will add these to your account and it shows you are willing to pay. Always get a receipt for any money you pay.

- If a bailiff returns your payment to you, contact the council. Explain what has happened and ask the council to accept the payment.

- If you have made regular payments to your council tax debt and can show that you are paying the arrears off, you could ask the council to take the account back from the bailiffs.

- If you are in a vulnerable situation, for example, you are unwell, let the council know. Ask the council if they have a vulnerability policy, as they may need to be more flexible in how they ask you to pay the debt.

- It is very important to make an arrangement to pay the council if your account has gone back to them. If you do not, they may try other ways of recovering the money, such as taking money out of your wages or your benefits.

**Deductions from earnings**

This is when the council asks your employer to take regular deductions from your earnings to repay the debt you owe. It is called an ‘attachment of earnings order’. The deductions will be made from your ‘net income’ and are made on a sliding scale depending on how much you earn. This means income you have left after paying your tax and National Insurance. This type of enforcement cannot be used if you are self-employed.

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<td>£2,021 or more</td>
<td>17 for first £2,020 and 50 for remainder</td>
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</tbody>
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What can I do about an attachment of earnings order?

You may be able to agree with the council direct a fixed deduction from your wages. This avoids your employer having to do a separate calculation each pay day.

Some employers can be annoyed at the inconvenience of making the deductions. In some jobs, being in debt may be a disciplinary offence. If you are in a job handling money, a deduction from earnings could put your job at risk. Check your contract of employment. You may want to use this as a negotiation tactic. Explain to the council that if they do a deduction from earnings you may lose your job and then they will get even less money.

What if I owe more than one year’s council tax?

You can have a maximum of two attachment of earnings orders. Even if you owe a council several years of council tax, they can only have two attachment of earnings orders in place at a time. Normally payments are taken one at a time. If this will cause you hardship, you can ask the council to accept smaller voluntary payments instead. Explain to the council why you cannot afford the higher amount. The council does not have to agree to let you pay less, but it is worth trying. If the council does not agree, contact a local advice centre, your local councillor or contact us for advice.

Deductions from benefits

If you claim benefits, the council can apply for a third party deduction from those benefits once a liability order has been made. The benefits the council can deduct from are Income Support, Pension Credit, income-related or contribution-based Employment and Support Allowance, income-based or contribution-based Jobseeker’s Allowance or Universal Credit.

Charging orders

If the debt is for £1,000 or more, the council can apply to the County Court for a legal charge on the home on which you owe the council tax. The council can only do this if you own the property. This means the debt is ‘secured’ on your home like a mortgage, and so may put your home at risk. If the council threatens this, contact us for advice.

Bankruptcy

The council can try to make you bankrupt if the debt is £5,000 or more. This is more likely if you owe council tax bills for lots of different years as they can add these together. You may be able to complain to the Local Government and Social Care Ombudsman (LGSCO) if the council has not considered other options. See Useful contacts at the end of this fact sheet. You will need to complain to your local council first. If the council threatens to make you bankrupt, contact us for advice.
**Imprisonment**

**If you live in Wales**

The law changed on **1 April 2019**. Councils in Wales can no longer start any action to ask the court to send you to prison for not paying your council tax.

**If you live in England**

If the council has used bailiffs and you still haven’t paid your council tax in full, councils in England can apply to the magistrates’ court to ask for you to be sent to prison. This is rare.

The court should not send you to prison if you cannot afford to pay. They should only do so if they think you have ‘deliberately refused’ or ‘neglected’ to pay when you could have done so.

The court must carry out a means enquiry before they decide to send you to prison. This is where they look at the reasons why you have not paid the council tax debt. The court will ask you questions about your situation, including your income, outgoings, debts and assets. Before the means enquiry, the court would need to issue a summons to attend the magistrates’ court, or issue an arrest warrant. If you receive a summons from the court, or have been threatened with prison, **contact us for immediate advice**.

Before you go to the hearing you should get legal advice. Contact a local advice agency, a law centre or a solicitor. Most magistrates’ courts have a duty solicitor scheme that may be able to help you. You may qualify under the Legal Help scheme for a solicitor to help you at the hearing depending on your income. When you go to the hearing take proof of your payments and copies of your letters to the bailiffs and the council where you have tried to negotiate an arrangement. **Contact us for advice**.

Normally the court will order you to pay an amount each month until you have paid the debt. If you do not pay this amount regularly, you will have to go to the court again and may be sent to prison for up to **three months**. If you find you can’t pay what the court has ordered, keep paying what you can afford and apply to the court to reduce the amount you have to pay. **Contact us for advice**.

In exceptional circumstances, the court may order the council tax debt you owe to be ‘written off’ so you do not have to pay the debt back.

**How do I complain?**

**Complaining about the council**

If the council has not behaved properly or followed proper procedures, you can make a complaint. You must complain to your local council first. Do this in writing. Set out clearly why you feel they have acted unfairly and explain what you want them to do to put things right. Keep a copy of your letter.

If you do not hear back from the council after **12 weeks**, or you are not happy with their response, then you may be able to ask the ombudsman to look at your complaint. You normally need to do this within **12 months** of realising that the council has done something wrong.

- If your complaint is about a council in England, contact the **Local Government and Social Care Ombudsman**(LGSCO).
If your complaint is about a council in Wales, contact the Public Services Ombudsman for Wales (PSOW).

See Useful contacts at the end of this fact sheet.

The LGSCO and PSOW have the power to investigate your complaint and decide if they think the council has acted wrongly. If the LGSCO or PSOW finds that the council has done something wrong they could ask them to:

- apologise to you;
- take action or make a decision they should have done before;
- look at a decision again that they did not consider properly in the first place; and
- make a payment to cover your costs or losses.

You could also ask your local councillor to take up your complaint with the council.

Complaining about bailiffs

Bailiffs must follow rules and behave properly when dealing with you. If they do not follow the proper procedures you can complain.

The Taking Control of Goods: National Standards are good practice guidelines that set out the rules and procedures bailiffs should follow. You can mention these in any complaints you make. You can find them on the GOV.UK website www.gov.uk or we can send you a copy.

Write a letter to the bailiff company. Set out clearly why you feel they have acted unfairly and explain what you want them to do to put things right. Keep a copy of your letter.

You can also complain to the council as the bailiffs are acting as their agent. If your complaint is not dealt with, you may be able to ask the ombudsman to look at your complaint. See the earlier section Complaining about the council. However, the ombudsman may not be able to look at a complaint if you can ask the County Court to look at it instead; for example, if there is a dispute about who owns the goods.

Complain to the court

You can complain to the court who granted the bailiff their certificate to be able to collect council tax. The court can cancel the bailiffs certificate or suspend it on conditions, for example, that the bailiff is re-trained.

Remember, the bailiff must be certificated. You can check if a bailiff has a current certificate by searching the Certificated Bailiff Register at www.justice.gov.uk. If you are dealing with a bailiff who is not certificated, contact us for advice.

You can also make a claim to the County Court for any loss you have suffered. You will need legal advice before doing this. Contact us for advice about finding the right legal advice for you.
Useful contacts

Local Government and Social Care Ombudsman (England)
Phone: 0300 061 0614 Advice Line: Mon – Fri 8.30am – 5.00pm
www.lgo.org.uk

Public Services Ombudsman for Wales
Phone 0300 790 0203
www.ombudsman-wales.org.uk

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