

Appendix K

Somerset West and Taunton Council - Fees and Charges 2019/20

Court Fees

Background

Council Tax is a charge to owners and occupiers of domestic dwellings and Business Rates, sometimes known as non-domestic rates, is a charge on the occupation of a non-domestic property. The Council bills those liable and collects the monies due.

Should the bills not be paid in accordance with the instalments on the bill a reminder is sent. A second reminder (Council Tax only) and a Final Notice are also issued should the payments not be made. Sometimes, despite these reminders, the bill is not paid. In these cases the Council will issue a Summons and apply to the Magistrate's Court for a Liability Order. The Liability Order gives the Council additional recovery methods to aid repayment such as attachment of earning or benefits.

The costs of issuing the Summons from Final Notice to the day of the hearing is charged directly to the taxpayer and this amount is detailed to the customer when the Summons is issued.

Legal Authority

The Council Tax (Administration and Enforcement) Regulations (1992) and the Non-Domestic Rating (Collection and Enforcement) (Miscellaneous Provisions) Regulations 1990 are the two pieces of legislation surrounding the charging of costs incurred by the authority for the issue of a Summons.

Charges

Following a High Court Case (Nicolson v Tottenham & London Borough of Haringey) there is a requirement to evidence a detailed breakdown of how the costs are calculated. Whilst a charge for Summons and Liability is allowed it has been our decision to agree a single cost added upon the issue of a summons. As soon as the proposed costs are agreed by members this will take effect from the date the new Council, Somerset West and Taunton comes into existence on 1 April 2019.

	Current £ (2018/19)	Proposed £ (from 1 April 2019)
Court Costs	69.50 (TDBC) 58.50 (WSC)	67.00

Discounts

Discounts are not provided because we charge what it costs to issue a Summons from Final Notice stage up to the point of the actual court hearing. However, we do withdraw costs, in some cases. If for example the customer pays the amount due in full less the costs prior to the court hearing.

Budget Impacts

The number of court costs raised in the 2017/18 financial year were 3,375 and this figure provides us with a baseline number to calculate from.

The new Authority proposed court costs are £67.00 this would raise £226,125.

If we compare the £243,000 raised last year (based on a court costs of £72.00) this equates to a decrease in the level of costs raised by £16,875.

All numbers are based on normal recovery cycles. However, it should be noted that due to Transformation and the impact of new ways of working the amount of Summonses issued and court costs raised in 2019/20 is unknown.

Equality Impact Assessment

There has been no material change, the costs for summons/Liability Order application has shown a reduction based on economies of scale for the one Authority thus no Equality Impact Assessment is required.