

FOI 521/2015

REQUEST AND RESPONSE

Please confirm the following in regards to Council tax enforcement

1. The Liability orders for council tax debt are 'issued' - can you confirm if they are issued by Colchester Magistrates Court or Tendring District Council? **Granted by Colchester Magistrates' Court.**
2. Can you confirm if the liability orders issued - exist as a 'physical piece of paper'? If not - please confirm in what way and means they are 'issued'? **A schedule of Liability Orders granted is signed by a Magistrate and a Notification sent to each debtor.**
3. Can you confirm if the liability orders issued - are sent out to each alleged debtor? **See answer to question 2.**
4. Can you confirm that the issuing of the liability orders is a judicial or administration function? **Judicial.**
5. Can you confirm that a 'justice of the peace' must sign each Liability order? **The schedule is signed by a Magistrate.**
6. Can you confirm that under current legislation the Justice of the Peace must be identifiable when they sign? **Please confirm what you mean by identifiable?**
7. Can you confirm that the identifiable, justice of the peace, who signs the liability orders actually work for the council or do they work for the court? **Not employed by either.**
8. Can you confirm if Tendring District Council has [or has had] a 'Court Officer' title or role? **No.**
9. If so can you confirm if this was a judicial appointment or a title given to an employee by Tendring District Council? **Not applicable.**
10. The hearings for Liability orders in Magistrates courts are civil procedures; can you confirm that these hearings are heard and run under HMCTS / CPR rules and jurisdiction and that they apply in these hearings? **You will need to contact the Magistrates' Court regarding this.**
11. Can you confirm if the hearings for council tax liability orders are heard under the authority of the Queen's Privy Council or the Kings? **Again you will need to contact the Magistrates' Court.**
12. As council tax is a civil matter; which is enforced in a criminal venue [magistrates court] - can you confirm where exactly the 'conversion' occurs for non payment of council tax; enabling the Council [a corporation] to put a man [human being] in Jail for non payment of a civil alleged debt? **Once a Liability Order has been obtained the Council can enforce the debt by the most appropriate method available based on individual circumstances, i.e. Enforcement Agent, Attachment of Earnings Order, Deductions from Benefit, Bankruptcy or Charging Order against a property owned. However, should these prove unsuccessful or not applicable the Council can return to Court to apply for committal.**

13. Please confirm if someone wanted to appeal against an issued Council Tax liability order; they would need to get the permission of the Council first before doing so? **No.**

14. Are the council or court obligated to anyone to notify them of the judicial route of appeal for a council tax liability order? **No.**

15. Can you confirm if there is a yearly 'contract' for Council Tax? **No there is not.**