

## **FREEDOM OF INFORMATION ACT 2000**

Your request for information has now been considered and the Council's response to your questions is shown below.

**You asked:**

**In reference to the Council Tax (Administration & Enforcement) Regulations 1992 (Reg 34. Application for liability order)**

**Please supply information to identify the £67.50 summons costs incurred by Leicester City charge payers in relation to Council Tax recovery (from a legal standpoint):**

**Q1. Has the approval of these costs by Leicestershire Treasurer's Association any legal authority?**

**(Would for example a group of friends in a pub carry any more or less weight in the eyes of the law if approved by them)**

The level of costs is approved by the Leicestershire and Rutland Magistrates' Court, Nick Watson (Justices' Clerk).

**Q2. Which Act of Parliament or Statutory Instrument provides for a pre-determined award of costs, agreed between the Council and Magistrates court, for issuing a summons in advance of the court hearing?**

Council Tax (Administration and Enforcement) Regulations 1992 (Statutory Instrument 613)

**Q3. If relating to court costs, are they Magistrates' court costs?**

The total costs are £67.50, of which £3.00 are Magistrates' Court Costs (fees).

**Q4. If Magistrates' court costs, which Act of Parliament or Statutory Instrument provides for the award of these?**

For the £3.00 (fee) – Magistrates' Courts England and Wales – The Magistrates' Courts Fees Order 2005 No.3444 (L.30).

**Q5. If the Magistrates' Court Act 1980, is s64 (Power to award costs and enforcement of costs) the appropriate section?**

Please see above – you may also want to refer to the Leicestershire and Rutland Magistrates' Court for any further clarification.

**Q6. On laying a complaint in the Magistrates' Court for the issue of summons, please specify whether the application is made under s1**

**or s51 of the Magistrates' Courts Act 1980.**

The application is instituted by making a complaint to a justice of the peace and requesting the issue of a summons directed to the liable person to appear before the court to show why he/she has not paid the sum which is outstanding - Regulation 34(2) Council Tax (Administration and Enforcement) Regulations 1992 (Statutory Instrument 613).

You may also wish to refer to the Magistrates Court for reference to the Sections and Act (or any other legislation) that authorises its function around this area and referred to in your question.

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If you are dissatisfied with the handling of your request please write to:

**Information Governance Manager**  
**Information and Support**  
**Leicester City Council**  
**FREEPOST (LE985/33)**  
**New Walk Centre**  
**LEICESTER LE1 6ZG**  
e-mail: [FOIA@leicester.gov.uk](mailto:FOIA@leicester.gov.uk)

Your request for internal review should be submitted to the above address within 40 (forty) working days of receipt by you of this response. Any such request received after this time will only be considered at the Council's absolute discretion.

You can also complain to the Information Commissioner at:

**Information Commissioner's Office**  
**Wycliffe House**  
**Water Lane**  
**Wilmslow SK9 5AF**  
**Telephone: 01625 545 700**  
[www.informationcommissioner.gov.uk](http://www.informationcommissioner.gov.uk)

Please be aware that the Information Commissioner does not normally consider appeals or complaints until the internal appeals and complaints processes of the public authority which is answering the request have been exhausted. You are therefore advised to complain or appeal to the Information Governance Manager before contacting the Commissioner.