



Customer Services  
Revenue and Benefits Section  
Town Hall, Castle Circus, Torquay, TQ1  
3DR

**Business Rates Final Notice**

Mr T Council and Mrs T Council  
Road  
Town  
County  
Postcode

Liability Address For Charge:  
Road  
Town  
County  
Postcode

Date: 01/01/2017

Dear Sir/Madam

**National Non-Domestic Rates Final Notice**

My records show that your Business Rates payments are not up to date, as detailed in your last Non-Domestic rates Bill

**You need to pay the outstanding balance within the next seven days.**

**Account Number**

**00000000**

**Balance Outstanding**

**For year ending 01/12/2017  
£0.00**

**To make a payment using a debit or credit card please call 0300 456 0506 or pay online at [www.torbay.gov.uk/pay](http://www.torbay.gov.uk/pay), available 24 hours a day. Other payment options are shown on the back of this notice.**

If you are unable to pay the amount in full, which is now due, and wish to negotiate a repayment plan please follow the link on the Council's website [www.torbay.gov.uk/business/business-rates/rearrange-business-rates](http://www.torbay.gov.uk/business/business-rates/rearrange-business-rates). **You will be expected to make an immediate payment if you wish to negotiate a new repayment instalment plan.**

**If you do not pay the outstanding balance in full, the Council may, after a further seven days, issue a summons for non-payment in the Magistrates Court. If the balance has not been paid in full, an application will then be made at the Court for a liability order.** This action will incur an additional £85.00 in Court costs, further information is enclosed.

**If you have paid the due instalments within the last four working days, thank you and please ignore this notice.**

Yours Sincerely,

John Howell  
Corporate Debt Manager

**This bar code enables you to make payments at the Post Office:**



## How Can I Pay My Bill?

### **Direct Debit:**

To pay by direct debit please visit <http://www.torbay.gov.uk/business/business-rates/pay-business-rates/>  
You can choose payment dates from either 1st or 25th of each month.

### **Telephone Payments**

These can be made by telephoning our 24 hour automated payment help line 0300 456 0506  
If paying by debit card there is no additional cost. Credit cards carry a 2% surcharge.

### **Online Payments**

Please go to <http://www.torbay.gov.uk/business/business-rates/pay-business-rates>.  
If paying by debit card there is no additional cost. Credit cards carry a 2% surcharge.

### **Bank Payments:**

Please quote your Business Rates account number and send payments to: National Westminster Bank, Castle Circus Branch; Sort Code 55-70-01, Account 06040411, Torbay Council. Standing Order payments need to be amended if your monthly instalments change.

### **Post Office payments:**

Please take your bill with you. If you pay by cheque they should be made payable to Post Offices Ltd, but not all branches accept cheque payments

## **If You Are Having Difficulty Paying or For Enquiries:**

Please visit the following link on the Council's website [www.torbay.gov.uk/business/business-rates](http://www.torbay.gov.uk/business/business-rates).

## **Data Protection Act 1998**

Any personal information you provide will be processed in accordance with the Data Protection Act 1998. Torbay Council and our partners will use it to deliver, improve services and fulfil statutory duties. We will not disclose any personal information to any third parties unless required to do so by law. To request a copy of this letter in another format / language, or make enquiries, please phone (01803) 207201. You can read more about how we use personal data in our Fair Processing/Privacy Notice at <http://www.torbay.gov.uk/yourpersonaldata.htm>

### **WHY HAVE I BEEN SENT THIS FINAL NOTICE?**

Our records show that you have not paid your Business Rates in accordance with your bill. This means you have **now** lost your right to pay by monthly instalments and the whole of the outstanding balance has become due and payable.

### **HOW DO I STOP FURTHER ACTION?**

You need to pay the outstanding balance shown on the notice within the next 14 days.

### **WHAT IF I HAVE PROBLEMS PAYING?**

If you have difficulty paying please visit [www.torbay.gov.uk/index/yourbusiness/businessrates](http://www.torbay.gov.uk/index/yourbusiness/businessrates) where there is advice on payment options, and advice on whether you are entitled to Business Rates exemptions or discounts on your bill. If you believe you are entitled to an exemption or discount please visit [www.torbay.gov.uk](http://www.torbay.gov.uk), telephone 01803 207201 for advice or email [corporatedebt@torbay.gov.uk](mailto:corporatedebt@torbay.gov.uk).

### **HOW TO PAY?**

For Methods of payment please see details on Final Notice.

### **IF I DO NOT PAY – WHAT HAPPENS NEXT?**

If your payments are not kept up to date following the issue of this Final Notice a Magistrate's Court summons will be issued for the full amount outstanding.

**The Magistrates Court have no powers to agree a repayment arrangement, this can only be agreed with the council. The Magistrates are only required to consider whether:**

- Whether the Council has issued the required notices (they do not have to prove that you received them)
- Has the debt been paid in full prior to the Court date.
- And, none of the defences below apply.

**The Magistrates cannot enter into:**

- Whether you have the financial ability to pay the National Non Domestic Rate
- The property does not appear in the local rating list for the relevant period
- The amount due has not been requested in accordance with statutory provisions
- The amount due has been paid in full
- The amount due has not been calculated correctly in accordance with statutory provisions
- Where a person who was billed as jointly and severally liable to pay is not liable to pay at the time the debt was incurred
- They cannot consider whether the entry in the Rating List is incorrect or resolve outstanding appeals
- Whether a completion notice is incorrect

If the full amount owed has not been paid by the court date we will apply for a liability order in court. If we apply for a liability order you will be charged (currently the charge is £85.00).

**It may not be necessary for you to attend the Court. It is quicker, simpler and may save you and the Council time and money if you contact the Council prior to the Court date to resolve any issues.**

A liability order is a type of court order. It enables the council to recover any outstanding Business Rates Tax through a number of options, including:-

- Agreeing a repayment schedule with the Council instructing Enforcement Agents (formerly bailiffs) to remove goods to the value of the debt - **you will also have to pay additional fees direct to the Enforcement Agent, and the new fee structure is shown on reverse of this sheet.**
- beginning insolvency proceedings (you will also have to pay a significant charge to cover the cost of these proceedings)
- Or where there is a sole trader or partnership commencing proceedings for committal to prison for a period of three months.

**If you have any queries or require further information you can contact the Council without delay.**

## **Enforcement Agents and the New Fee Structure**

From 6 April 2014 due to a change in legislation Enforcement Agents have replaced bailiffs for the collection of outstanding Business Rates. Once the Magistrates Courts have granted a Liability Order against for unpaid Business Rates, then Torbay Council may instruct Enforcement Agents to take control of your goods. This means that Enforcement Agents can call at your usual place of business or your home to take control of your goods and to remove and, ultimately, sell them at public auction. Any revenue raised from the sale of your property will be used to clear the debt.

### **THE NEW FEE STRUCTURE**

| <b>STAGE</b>        | <b>COST</b>                              |
|---------------------|--|
| Compliance Stage    | £75 (per Liability Order)                |
| Enforcement Stage   | £235 (plus 7.5% of any debt above £1500) |
| Goods Removal Stage | £110 (plus 7.5% of any debt above £1500) |

**The fees involved are statutory amounts laid down in legislation and are charged at different stages throughout the process: These fees are prescribed by statute and are not negotiable and must be paid to the Enforcement Agent and not Torbay Council.**

#### **The Compliance Stage**

You become liable to pay this fee to the Enforcement Agent **and not Torbay Council** at the point the debt is referred for collection.

**You may at this stage make arrangements with the Enforcement Agent without the need for a visit to Take Control of Your Goods.** So if you receive a Notice of Enforcement then contact the Enforcement Agent without delay.

#### **The Enforcement Stage**

If you fail to make an arrangement or fail to maintain a payment arrangement made with an Enforcement Agent, then they may visit your property to take control of your goods, under a Control of Goods Order.

They may call between 6.00am and 9.00pm any day **(including Sundays)**. **You will become liable to pay the £235 (plus 7.5% of any debt above £1500) from the First Visit by the Enforcement Agent and this fee must be paid to the Enforcement Agent and not Torbay Council.**

#### **The Sale Stage**

Where goods are removed then you would become liable to pay the Enforcement Agent and **not the Council** £110 (plus 7.5% of any debt above £1500). There may be other costs relating to the sale of your goods.

If you have been sent a Notice of Enforcement or a letter warning of an impending Enforcement Agent visit, you are advised to contact them immediately to discuss your payment intentions. **You must make any payment arrangements with them and, also, make any payments directly to them.**