



To: The Rt Hon David Gauke, Chair of the Independent Sentencing Review
Ministry of Justice
102 Petty France
London
SW1H 9AJ

22 January 2025

CC: Jim McMahon OBE MP (Minister for Local Government and English Devolution), Lord Timpson OBE (Minister of State), and Sarah Sackman KC MP (Minister of State for Courts and Legal Services)

Dear David,

Meeting request to discuss the case for ending imprisonment for council tax debt in England.

We write to you as a group of organisations seeking to reform outdated council tax regulations, encouraging you to use the welcome opportunities granted by the Independent Sentencing Review to set in motion the removal of the unjustified sanction of imprisonment for non-payment of council tax in England. Doing so would alleviate pressures on the sentencing system while improving outcomes for those living with problem debt.

Households continue to face challenging financial circumstances, a problem articulated by the fact council tax arrears in England alone reached £6 billion as of March 2024 – a 67% increase since before the pandemic.

Women, single parents, and those living with mental health problems disproportionately bear the brunt of this escalating affordability crisis. We've heard from many who, while trying to keep up with council tax, have missed other priority payments, taken on extra borrowing and cut back on essentials.

Yet instead of being met with empathy, those who fall behind on council tax face a system which is at best dated – and at worst, dangerous. These implications are acutely felt when it comes to the sanction of imprisonment for non-payment of council tax, which allows prison sentences of up to 90 days in prescribed circumstances of “wilful refusal” or “culpable neglect”. Critically, however:

- 1. There have been significant miscarriages of justice where the High Court has declared that the decision to commit certain people to prison was unlawful, with devastating impacts.** In a claim brought by a single mother with caring responsibilities, who herself was wrongfully imprisoned, Cardiff's High Court found that between 9.5% and 18% of jailings for debt in a 16-month period could be unlawful.
- 2. The threat of imprisonment is often overemphasised, and the perceived risk of this alone is enough to cause long-lasting, damaging consequences – for those who fall behind, and their loved ones.** Single parents, most often women, describe immense stress and pressure stemming from this threat as the only adult in their household, fearing what would happen to their children should this become their reality. One debt advice client – a single mother in her 50s – said the fact this could be done made her “very anxious and scared” and meant her children “both suffered from anxiety and got upset when anybody came to the door.”

3. **England is an anomaly as the only country in the UK where the option to commit people to prison for non-payment of council tax remains possible.** In Wales, this sanction was revoked in 2019, with its “outdated and disproportionate” nature recognised by the Welsh Government. Crucially, statistical analysis undertaken for the Welsh Government by Policy in Practice, together with findings from previous research, indicates that the removal of the sanction has not affected council tax collection rates in Wales.
4. **This sanction places an illogical burden on the public purse, while doing nothing to address the root causes of people’s debt problems or reduce the amount they owe.** The power to imprison people for council tax arrears has resulted in a small number of people entering the prison population, with more given deferred jail terms. Data shows that the average annual cost per prison place was £51,724 in 2022-23. Meanwhile, the average amount of council tax arrears faced by StepChange debt advice clients behind on this bill was £1,726 in 2023.
5. **Those committed to prison for council tax arrears are disadvantaged in several ways compared to those who have committed criminal offences** – from an expectation that they will serve every day of the term imposed unless the debt is repaid through to an absence of a requirement to contemplate “public interest” factors, which must be considered before a criminal case is brought before the court.

It is our view that the option to imprison people for – to put it simply – being in debt, belongs in a bygone era. This punitive approach drives concerning coping mechanisms and worrying health outcomes among disadvantaged groups – with implications for wider public services – while placing an unwarranted administrative and financial burden on an already stretched sentencing system.

We are therefore urging the Government to repeal Regulation 47 of the Local Government Finance Act 1992 to end imprisonment for council tax debt once and for all, bringing England in line with other nations.

Not only is revoking this sanction a relatively uncomplicated move, but it has clear implications for two of this Sentencing Review’s three core principles:

- **Firstly, to “make sure prison sentences punish serious offenders and protect the public, and there is always the space in prison for the most dangerous offenders.”** Those who fall behind on their council tax bills have not committed a crime, they do not present a danger to the public, nor can the sentence be lawfully issued as “punishment”. The continued existence of this sanction acts in direct contradiction to this ambition, and removing it would send a strong signal around commitment to reform.
- **Secondly, to “look at what more can be done to encourage offenders to turn their backs on a life of crime, and keep the public safe by reducing reoffending.”** As one debt advice client put it, poverty is not a crime. Imprisonment should not be an answer for debt in a modern society. Those who fall behind on council tax should be offered constructive support on the road to financial security, rather than have their liberty threatened.

We would warmly welcome the opportunity to meet with relevant Ministers and yourself in your capacity as Chair of the Independent Sentencing Review, to discuss this pressing issue at the earliest opportunity.

The best contact for your office is Emily Whitford, who can be reached at emily.whitford@stepchange.org.

We look forward to hearing from you.

Yours sincerely

StepChange Debt Charity

Christians Against Poverty

Debt Justice

Community Money Advice

Citizens Advice

Institute of Money Advisers

Money Advice Trust

**Money and Mental Health
Policy Institute**

Policy in Practice

AdviceUK