

NCC-041972-19 - Bailiff indemnities

Please find responses to question 5 and 7 below:

Question 5

Would you class a secret indemnity kept from the council which achieves a gain at the cost to the vulnerable victim a material breach of contract?

Response:

In the event that the Council became aware of such a secret indemnity a full investigation would be carried out and the matter dealt with appropriately under the contractual remedies.

Question 7

Would you employ enforcement agents that have fraudulently concealed information that could cause litigation to the council or serious damage to a protected party in the past?

Response:

the Council only engage bailiff services via its contract which is procured following a robust procurement process, issues such as previous fraudulent activity would be dealt with appropriately during the selection questionnaire phase of the process. Any seizure of goods must be approved by the Council after a full examination of the case.

Dear Requester,

Further to your request for information under the freedom of information act, please see below in response. We apologise profusely that we have not been able to provide this information to you within the recommended timescale and we still have yet to receive the data from the department for answers to Q-5/7 (To be confirmed -TBC), which I will forward to you as soon as I have them. Nottinghamshire County Council takes seriously its obligation under the FOIA and are working with departments to ensure that requests are met in the agreed timescales going forward.

1. Does your enforcement agent contract allow your enforcement agents to issue an indemnity against prosecution for themselves without the prior agreement of the council in cases where they have wrongfully seized when the customer is identifiably vulnerable?

- No

2. Have you ever allowed bailiffs to make their own settlement agreements where goods must be returned after 3 months?

- All settlement agreements are agreed by us with the Bailiffs before they enter into an agreement with the debtor.

3. Would you allow enforcement agents to breach the equalities act by achieving a gain whilst someone is under mental health treatment if it meant your business rates were collected, even if they didn't inform you?

- We are not involved with collecting business rates, however we would not refer a debtor to a Bailiffs if we were aware that they have treatment for their mental health.

4. How would you react if they did this without you knowing?

- Making a formal complaint, advising the Procurement to see whether a breach of contract.

5. Would you class a secret indemnity kept from the council which achieves a gain at the cost to the vulnerable victim a material breach of contract.?

- TBC

6. Must enforcement agents always report failed levies and a full report when dealing with vulnerable customers

- Yes, a report is received regarding failed levies for all debtors.

7. Would you employ enforcement agents that have fraudulently concealed information that could cause litigation to the council or serious damage to a protected party in the past? - TBC

8. Before a seizure of a person's assets does you make sure under human rights act that the bailiff has done a fair and balanced test with regards to whether the seizure is in the favour of the public interest

- The Bailiffs supply a report detailing the means of the debtor, and the goods to be seized.

We trust this now resolves your enquiry, however should you have any further queries please do not hesitate to contact me directly on the details below.

We suggest all requesters search under our publication scheme in advance of requesting information under the freedom of information act.

Nottinghamshire County Council regularly publishes previous FOIR, s and answers on its website, under Disclosure logs. (see link) <http://site.nottinghamshire.gov.uk/thecouncil/democracy/freedom-of-information/disclosure-log/>

You can use the search facility using keywords.

If you are unhappy with the service you have received in relation to your request and wish to make a complaint or request a review of our decision, you should write to the Team Manager, Complaints and Information Team, County Hall, West Bridgford, Nottingham, NG2 7QP or email complaints@nottscc.gov.uk .

Kind Regards

Complaints and Information Team

Nottinghamshire County Council

County Hall