



**MANCHESTER**  
CITY COUNCIL

**Revenues and Benefits Unit**

PO Box 147  
Manchester City Council  
Manchester  
M15 5TU

**By e-mail only:**

"D.Gill"<request-18759-4bef3077@whatdotheyknow.com>

To reply please contact:

Miss J Price

Phone: 0161 219 6100

Fax: 0161 953 8226

Text phone: 0161 953 8301

Email: manchester.gov.uk

12 March 2010

FOI/COR/CTAX/6046 – 2, Supplemental

Dear Mr Gill

**Request for Information – Bankruptcy Proceedings - Reference Number:  
FOI/COR/CTAX/6046- 2 – Supplemental**

I refer to your e-mails dated 14 and 18 January 2010 raising supplementary requests following your receipt of the Council's response of 12 January 2010 to your earlier supplementary request.

I also refer to your further related request received by email on 21 January 2010 and I have taken the opportunity of answering all of these enquiries in this letter. I apologise for the delay in responding to these requests.

Please note that the Freedom of Information Act 2000 (FoIA) provides a right of access to information held by the Council. It does not require the Council to offer opinions, explanations or to create information that does not otherwise exist.

I have reviewed your correspondence and have summarised the information you are seeking as follows:

1. The qualifications, expertise and suitability of the staff employed in Council Tax involved in decision making in relation to bankruptcy proceedings (14/1 and 18/1/10).
2. Whether these staff have legal qualifications (18/1/10).
3. The guidelines applied in the decision making process (14/1/ and 18/1/10).
4. Whether the majority of bankruptcies involve home owners rather than tenants (14/1/ and 18/1/10).
5. What checks are/were undertaken to ensure that a person subject to bankruptcy action is not a vulnerable person, particularly in relation to council tax debt; and are any time limits applicable (21/1/10).
6. A list of circumstances where the Council would not pursue bankruptcy proceedings against a debtor (21/1/10).
7. In relation to questions 5 and 6, the information held over the last 6 year period (21/1/10).

Retaining the above numbering system, I have set out the Council's responses below.

Some of the information you are seeking is already in the public domain and may be accessed via this web page links: [Report to the Executive](#) and the [Minutes of the Executive](#) (Item Exe/09/139)

This sets out the Council's considerations and decisions in relation to a report of the Local Government Ombudsman on a specific case and provides relevant information on some of the issues you are raising. Information which is already publicly accessible is treated as exempt from disclosure in response to a specific request under section 21 of the FoIA as the information is already accessible.

1. During the period from 2004 to 2008 when significant numbers of cases were passed for insolvency proceedings to be taken, there were five Senior Recovery Officers in the Council Tax Service whose combined length of service in the role was around 40 years. Their average length of service in this role was eight. Job related qualifications were not a requirement but all five officers received training from a major law firm and an Insolvency Practitioner. These officers will have had a minimum of five years service within the Revenues and Benefits Unit prior to undertaking this role and were experienced in the legal processes for the recovery of unpaid Council Tax. In addition, advice was available from senior managers when necessary. The salary range for this role is currently £22,958 – £26,276 (Grade 6).

2. There is no job requirement for Senior Recovery officers to hold legal qualifications.

3. Copies of the revised 2009 policy and the earlier 2008 policy were provided to you in the Council's responses of 19 October 2009 and 12 January 2010. Although it is clear there is no legal obligation on the Council to have formal policy guidelines, it is and has been the Council's practice to consider each case on its own merits. Prior to and since the introduction of formal guidelines, background checks are carried out by Team Managers and the final decision to refer a case for bankruptcy is now taken by the Revenues Manager. The same approach is and has been followed in the recovery of miscellaneous income due to the Council. Please refer to the link provided above for further information on the Council's position.

4. A number of recovery actions are available to the Council once a liability order is obtained. Staff consider and select the most effective means of recovery. Insolvency proceedings are considered under the circumstances outlined in paragraph 2.3 of the revised 2009 policy. By the time bankruptcy is considered the debtor will have had several opportunities to come to an arrangement or challenge their liability to the debt. I confirm the figures previously supplied to you show that bankruptcy action has been taken mainly against property owners. This is not surprising as bankruptcy measures will tend to be most effective in those cases where the debtor has an asset.

5. Please see answer to point 3 above. I have already mentioned the revised 2009 policy guidelines supplied to you on 19 October 2009 and would respectfully refer you to the decision making criteria is set out in paragraph 2.5. This outlines the standard checks undertaken and approval process (paragraph 4). There are no specified time limits and this will depend on the circumstances of a particular case.

6. Please see answer to point 3 above. I have already mentioned the revised 2009 policy guidelines supplied to you on 19 October 2009 and would respectfully refer you paragraph 2.4 which outlines the special circumstances where the Council may consider withdrawing proceedings in favour of alternative enforcement measures. Prior to this policy, checks were undertaken on a case by case basis to identify any known reason not to continue with bankruptcy proceedings.

The Council believes that it has properly answered the information requests you have submitted and must point out that some of your supplementary requests now appear to be seeking the same information in a different way and imposing a burden of unnecessary duplication on the Council. This appears to suggest that whatever response is made it will not be satisfactory to you. In your email of 14 January 2010 you indicated your intention to persist in making information requests until you receive what you consider to be a thorough reply but I must caution you that any repetition will force the Council to review the procedural options available under the FoIA.

Please note if you are not satisfied with this response you may ask for an internal review. If you wish to complain you should contact Lynn Evans, Information Compliance Officer ([information-compliance@manchester.gov.uk](mailto:information-compliance@manchester.gov.uk)) in the first instance. Your complaint will be considered by a senior officer who has not already been involved with this response. If you require more information about the Council's access to information complaints procedure this can be downloaded directly from:

[http://www.manchester.gov.uk/site/scripts/documents\\_info.php?categoryID=200031&documentID=1322&pageNumber=3](http://www.manchester.gov.uk/site/scripts/documents_info.php?categoryID=200031&documentID=1322&pageNumber=3)

Alternatively, if you prefer a paper copy, please let me know.

If you remain dissatisfied after an internal review has been undertaken, you have a right to apply to the Information Commissioner for a decision. The Information Commissioner will normally expect you to exhaust the Council's complaints processes before considering your complaint.

The Information Commissioner can be contacted at:

Information Commissioner's Office  
Wycliffe House  
Water Lane  
Wilmslow  
Cheshire  
SK9 5AF

Please remember to quote the reference number above in any future communications.

Yours sincerely

Yours sincerely



Miss J Price  
Head of Revenues and Benefits

