



# WARRINGTON

## Borough Council

Professor Steven Broomhead  
Chief Executive

Claire Harris  
Head of Finance

Quattro 5<sup>th</sup> Floor  
Buttermarket Street  
Warrington  
WA1 2NH

Mr S Perkins

Reply via:

[request-630443-b6d0adc7@whatdotheyknow.com](mailto:request-630443-b6d0adc7@whatdotheyknow.com)

27<sup>th</sup> January 2020

Our ref: **FOI/CORP/2982**

Dear Mr Perkins,

### **Freedom of Information Act Request: Enforcement Agent indemnities**

Thank you for your email of 27 December 2019 requesting information about Enforcement Agent indemnities.

Please see the response to your enquiry outlined below.

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?

The Council's stipulates in their Enforcement Agent contract that agents cannot issue an indemnity against prosecution for themselves.

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

The Council does not allow agents to make their own settlement agreements where goods have to be returned after 3 months.

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?

The Council does not allow agents to breach the Equalities Act.

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

Should the Council become aware of this, then a full report would be required to enable the Council to take any further action (if required).

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?

Any potential breach of contract would require the Council to fully investigate the matter, and potentially seek legal advice, before making a decision in regards of the contract in the future.

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

The Council requires a full report from all Enforcement Agent cases, including those involving vulnerable customers.

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?

The Council would require the full details of the incident before making a decision. If proven, the Council would not work with the Enforcement Agent in the future.

8. Before a seizure of a person's assets do 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

All Enforcement Agents must comply with all relevant legislation including Human Rights legislation as a condition of their contract with the Council.

If you are not satisfied with my response to your request for information, you may ask the Council for an internal review of this decision. You should write to Paul Clisby, Legal Services Manager, Warrington Borough Council, Quattro, Buttermarket Street, Warrington, WA1 1BN, giving details of your complaint. You should do this as soon as possible, or, in any case, within 40 working days of the date of our response to your request.

If, following the outcome of the internal review, you remain dissatisfied with the Council's response to your information request, you have the right under section 50 of the FOIA to appeal to the Information Commissioner at:

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

Telephone: 0303 123 1113  
Fax: 01625 545 510  
Email: [enquiries@ico.gsi.gov.uk](mailto:enquiries@ico.gsi.gov.uk)

Yours sincerely,



Claire Harris  
Head of Finance