

## Freedom of Information Act 2000

Bailiff indemnities served to the vulnerable



Ref No: **FOI-1920-0911**

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**Q1:** Does your enforcement agent contract allow your enforcement agents to issue an indemnity against prosecution for themselves without the agreement of the council in cases where they have wrongfully/excessively seized goods to vulnerable people

**Response:**

Our Enforcement Agent:

Our contract clearly states when either party is liable to be indemnify and defend at its own expense. In this case stated, if they wrongfully/excessively seized goods then any costs or prosecution would be against Enforcement Agent.

**Q2:** Have you ever allowed bailiffs to make their own settlement agreements where goods have to be returned?

**Response:**

This has not occurred since I have been in post as Revenues and Benefits Manager (April 2015). I have checked with colleagues who have been in the service longer who confirm to their knowledge since our current Enforcement Agency in 2001 this have type of event has not occurred.

**Q3:** Would you allow enforcement agents to breach the equalities act by giving a protected party a disadvantage if it meant your business rates were collected?

**Response:**

No. An ethical Enforcement Agent would not engage in such activity.

**Q4:** How would you react if they did this without you knowing?

**Response:**

This is a hypothetical situation, whereby the answer would require the Council to provide an opinionated response. The Council would not be in a position to respond, as we can only provide specific recorded information in response to such requests. As such, this is not a valid request for information under the provisions of the Freedom of Information Act.

**Q5:** Would you class a secret indemnity which achieves a gain at the cost to the vulnerable victim a material breach of contract?

**Response:**

This is a hypothetical situation, whereby the answer would require the Council to provide an opinionated response. The Council would not be in a position to respond, as we can only provide specific recorded information in response to such requests. As such, this is not a valid request for information under the provisions of the Freedom of Information Act.

**Q6:** Must enforcement agents always report failed levies and a full report when dealing with vulnerable customers' thank you for your public concern in answering these questions ASAP.

**Response:**

The Enforcement Agent – will send a full report on all cases

**Q7:** If you knew a bailiff agency had hidden a secret indemnity and a failed levy from a large council for years knowing the victim was vulnerable and that the failed levy had caused insurmountable issues would this concern you?

**Response:**

This is a hypothetical situation, whereby the answer would require the Council to provide an opinionated response. The Council would not be in a position to respond, as we can only provide specific recorded information in response to such requests. As such, this is not a valid request for information under the provisions of the Freedom of Information Act.

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Service Director – Legal and Governance  
Southampton City Council  
Civic Centre  
SOUTHAMPTON  
SO14 7LT

Email: [legal@southampton.gov.uk](mailto:legal@southampton.gov.uk)

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Wycliffe House

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