

Department for Communities and Local
Government
Fry Building
2 Marsham Street
London
SW1P 4DF

Telephone: 030 3444 0000

Ms Andrea Pollard
Northwich Guardians
Via email

Date: **28 December 2016**

Dear Ms Pollard

Freedom of Information Act 2000 - 2932324

Thank you for your request for information concerning *Dear Department for Communities and Local Government,*

in the matter of Cheshire West and Chester Council & others -v- Robert Pickthall High Court [QB] 2015, and again in the matter of Cheshire West and Chester Council & others -v- Thomas William Dobbie [QB] 2015, the Council used its Legal Service department to assist its different privately hired barristers to bring its two different High Court claims to court.

Our understanding is the Cheshire Council cannot privately fund its two High Court claims and if this is correct then it cannot lawfully use any Council service to bring those private claims, including using its Legal Services.

Please identify and provide me copy of that legislation which permits the Cheshire Council to use its legal service department to bring a private claim against members of the public under the protection from harassment act 1997.

which we received on 25 November 2016 and processed under the Freedom of Information Act 2000. I can confirm that the information requested is held by the Department for Communities and Local Government and we are able to provide you with all this information. You appear to refer to the local authority using barristers, supported by the local authority's legal team. This is quite appropriate. Local authorities would not be expected to have barristers as members of staff but we would speculate that the local authority has relied upon section 111 of the Local Government Act 1972, or the General Power of Competence. Details of these are available in publicly available legislation, for instance at;

<http://www.legislation.gov.uk/ukpga/1972/70/contents>

You may wish to direct your question to the local authority in question if you want to determine exactly what power was used to enable this prosecution to take place. However, it is quite appropriate for a local authority to prosecute an individual, including for harassing council staff.

Complaints procedure

If you are unhappy with this response, we will review it and report back to you. (This is called an internal review.) If you want us to do this, let us know by return email within two months of receiving this response. You can also ask by letter addressed to:

Department for Communities and Local Government
Knowledge and Information Access Team
1st Floor NW, Fry Building
2 Marsham Street
London, SW1P 4DF

If you are unhappy with the outcome of this internal review, you can ask the independent Information Commissioner to investigate. The Information Commissioner can be contacted at email address xxxxxxx@xxx.xxx.xx or use their online form at ico.org.uk/concerns or call them on 0303 123 1113.

Yours sincerely

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