

Derby City Council – Freedom of Information Response

Number 15140

Date 23/03/2021

1. Do your enforcement agents under your contract have a duty to disclose:  a. Failed levies where goods have to be returned	Removals normally take place where there is a degree of confidence that removal is the only option left available and there is no justifiable reason not to remove.  The council is involved and notified of any return of goods
b. Settlement agreements after goods have had to be returned	The council is involved and notified
c. Settlement agreements with vulnerable people in hospital where goods have to be returned	The council is involved and notified – note; goods are not removed from vulnerable people in hospital
2. If your answers are no given these then would be classified as fraud. Would you classify these as a material breach?	This is not a valid request because it is asking for Council's opinion. The Act entitles you to information held by the Council. Therefore, please clarify what information you require that may be held in electronic or paper records.
3. Would you terminate the contract of any enforcement agent who fails to disclose settlement agreements that may cause the public legal action at a later date?	This is not a valid request because it is asking for Council's opinion. The Act entitles you to information held by the Council. Therefore, please clarify what information you require that may be held in electronic or paper records.
<b>Applicant Clarification Requested:</b>  The below questions are not valid requests because it is asking for the Council's opinion.  - If your answers are no given these then would be classified as fraud. Would you classify these as a material breach ?  - Would you terminate the contract of any enforcement agent who fails to disclose settlement agreements that may cause the public legal action at a later date?	



The Act entitles you to information held by the Council. Therefore, please clarify what information you require that may be held in electronic or paper records.

For example, is the information you want for - How many incidents about bailiffs breach of contract were received during 2019/20?

The above is for guidance about how to word your question and does not mean the Council holds the information stated.

Therefore, as advised, please refine these questions by clearly describing the information you think the Council holds in electronic or paper records.

**Applicant Response:**

We do not believe they are opinion but we can say it would definitely be in the public interest to know if your contract does not make these no answers a material breach if they are not classed as a material breach they are not seen as important to the public purse etc

We will leave to you if you wish to answer but it offers transparency on what your bailiffs are allowed or not before they perform a material breach

**Please note, the following applies, if the response includes council officers (or other officers) names.**

If you are a company that intends to use the names and contact details of council officers (or other officers) provided for direct marketing, you need to be registered with the Information Commissioner to process personal data for this purpose. You must also check that the individual (whom you wish to contact for direct marketing purposes) is not registered with one of the Preference Services to prevent Direct Marketing. If they are you must adhere to this preference. You must also ensure you comply with the Privacy Electronic and Communications Regulations (PECR). For more information follow this Link [www.ico.org.uk](http://www.ico.org.uk)

For the avoidance of doubt the provision of council (and other) officer names and contact details under FOI does not give consent to receive direct marketing via any media and expressly does not constitute a 'soft opt-in' under PECR.

