



Freedom of Information – Response to Request

Reference No. FOI ID966

Set out below are details of a request for information held by the Council under the provisions of the Freedom of Information Act 2000 and the Council's response.

EU Regulations - Bankruptcy Proceedings

Please provide the following information under the FOIA for all periods that information is retained.

1. Information as to whether the council billing authority instigates bankruptcy proceedings against its customer being a natural individual (not a company or trader) for non-payment of council tax under the EU Regulations or national law (Insolvency Act 1986 and Insolvency Rules).

Insolvency proceedings are issued under Insolvency Act 1986 and the insolvency rules 2016.

2. Clarify if the council files a bankruptcy petition under the EU Regulations what cross border element applies.

(a) Does this cross-border element apply to the council (local billing authority) or to your customer and state which EU Article and section applies that must be contained within the bankruptcy order.

The Council has not previously or currently have any ongoing cases which require cross border petition.

(b) If the cross-border element under the EU Regulations effects the council directly, please clarify where this legal entity is located and operates from.

N/A.

(c) State the court or hearing centre or office that receives and hears these petitions.

N/A.

3. National law also sets out the conditions for the opening of insolvency proceedings, including requirements relating to what notice should be given to your customer (debtor), both pre-insolvency and once insolvency proceedings have commenced.

(a) Identify who sends out these notices and if agents are used by the council in which capacity they act.

Process Servers are used to issue documents who will be an agent for the Council.

(b) Provide a copy of these notices and the information they must contain (customers detail redacted).

Please see attached.

(c) State the court or hearing centre or office that receives and hears these petitions.

Dependant on location of customer.

(d) Confirm where the court makes a bankruptcy order whether the following is contained within that order that the council obtains 'the order that the court is satisfied that the EU Regulations does not apply in relation to the proceedings'.

N/A.

4. Confirm what Data protection is in place for sharing your customers (natural individual person in contrast to a fictional entity) information and data in regard to the EU Regulation cross border element.

(a) And where no cross-border element is involved (national law).

Any sharing of data between the Council and its agents are in accordance with GDPR.

(b) State who is granted access and how this data and information is shared under national law, and where the EU Regulation cross border element applies.

See above.