

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 10 February 2021

Public Authority: Leeds City Council

Address: Civic Hall
Calverley Street
Leeds
LS1 1UR

Decision (including any steps ordered)

1. The complainant and his father submitted 9 requests for information to Leeds City Council between 22 October and 16 November 2019. These requests were made via the WhatDoTheyKnow website. The Council's internal review noted that it had received 40 FOIA requests from the complainant and 19 from his father, together with approximately 150 emails sent directly to the Information Governance Team and correspondence sent to senior council officers. On the grounds that the Council aggregated the complainant's requests, the Council determined that the complainant's requests were vexatious under Section 14 of the FOIA.
2. The Commissioner's decision is that Leeds City Council is entitled to rely on section 14(1) of the FOIA and it is not required to respond to the complainant's requests.
3. The Commissioner requires the public authority to take no further action in this matter.

Request and response

4. Between 22 October and 16 November 2019, the complainant and his father submitted 9 requests for information to Leeds City Council via the WhatDoTheyKnow website. These requests and their WhatDoTheyKnow

references are listed in the appendix of this notice together with the Council's response of 22 January 2020.

5. Following his receipt of the Council's response, the complainant wrote to the Council to request an internal review.
6. In its internal review the Council noted that it has expended considerable resources responding to the complainant's requests and that it had received 40 FOIA requests from the complainant and 19 from his father, all of which have been coordinated by the complainant.
7. The Council also noted that many of the complainant's requests had not yet been registered, including 19 emails it had received overnight. In total, the Council said it had received approximately 150 emails sent directly to the Information Governance Team and these did not include the complainant's significant contact and copious amounts of correspondence with other senior council officers.
8. The Council said, "Many of your requests contain a significant amount of questions, the latest one being 180 questions, and responding to your numerous requests has taken considerable effort". The Council estimated that it has spent well over 40 hours of information governance officer time and in view of the appropriate limit under the Freedom of Information Act, the Council advised the complainant that it has gone above and beyond what would reasonably be expected in undertaking work with regard to his requests.
9. The Council advised the complainant that his requests cannot be considered in isolation, as it is clear that he has also had a very considerable amount of correspondence with officers outside of the information access process which has included numerous emails and correspondence with council officers. The Council said it is clearly evident that it has sought to be transparent and reasonable in its dealings with the complainant and that its officers have endeavoured to assist him as much as possible. Nevertheless, the Council acknowledged that it has been unable to satisfy the complainant, and the numerous contact and appeals have evidenced this.
10. Additionally, the Council considered the complainant's correspondence to have often been unreasonable and therefore the Council determined that it should consider the complainant's requests as vexatious under Section 14 of the FOIA.
11. The Council referred the complainant to the Upper Tribunal's decision in the case of Information Commissioner v Devon CC & Dransfield and to the Information Commissioner's own guidance. It explained how the Tribunal had defined vexatiousness as the 'manifestly unjustified,

inappropriate or improper use of a formal procedure', with the Tribunal establishing that the concepts of proportionality and justification as being key to any consideration of whether a request is vexatious.

12. The Council told the complainant that it considers his numerous requests are unreasonably persistent and place a significant burden on the authority in view that he does not accept its response and each request is followed up almost immediately with another request or an appeal against our original response. The Council noted that nature of the complainant's requests was such as to appear to be a means to frustrate, pressure and disrupt the Council, and that his requests frequently ask for a view or an opinion, which is not covered by FOIA. The Council said, "You raise repeat issues and continue to challenge for alleged wrongdoing and do not accept any of our responses. You clearly believe there has been a wrong-doing, of which I am unable to comment, however I am able to confirm FOIA is not the correct legislation to pursue this matter".
13. Finally, the Council told the complainant that it would not respond to any of his current requests which have not been responded to or any future ones and that it would not respond to any requests involving the same matters as this information is exempt in accordance with Section 14 of FOIA.

Scope of the case

14. The complainant contacted the Commissioner to complain about the way his request for information has been handled.
15. The Commissioner advised the complainant that the focus of her investigation would be to determine whether Leeds City Council is entitled to rely on section 14(1) of the FOIA in respect of providing him with any further response to the requests submitted via the WhatDoTheyKnow website by the complainant or his father.

Background information

16. The Council has provided the Commissioner with information which it considers is relevant to her understanding of this case.
17. The complainant's requests have flowed from debt that was accrued, which resulted in the Council instructing a bailiff company (Marstons), to recover that debt. Ultimately, equipment was seized to the value of the

debt and the complainant was advised of how he could redress matters and have the equipment returned to him.

18. The complainant submitted a complaint to the Council which was investigated under stages 1 and 2 of the Council's complaint's policy. Additionally, the complainant referred the matter of the Local Government Ombudsman.
19. The Council has provided the Commissioner with the responses made to the complainant at stages 1 and 2 of its complaints procedure as evidence of the detail of information given to the complainant.
20. The complainant is seeking £4 million pounds in compensation from the Council, but he has yet to inform the Council of any legal action.

Reasons for decision

Section 14(1) – Vexatious requests

Section 14(2) – Repeat requests

21. Section 14(1) of the FOIA states that section 1(1) does not oblige a public authority to comply with a request for information if the request is vexatious.
22. Under section 14(2), a public authority is not obliged to respond to a request if the request is identical or substantially similar to a previous request from the same requester; if the authority has previously provided the information to the requester or confirmed that you do not hold it in response to an earlier FOIA request; and where a reasonable interval has not elapsed between the new request and its compliance with the previous request.
23. The term vexatious is not defined in the FOIA. The Upper Tribunal considered the issue of vexatious requests in the case of the *Information Commissioner v Devon CC & Dransfield*¹. The Tribunal commented that vexatious could be defined as the “*manifestly unjustified, inappropriate or improper use of a formal procedure.*” The Tribunal's definition

¹ <https://www.judiciary.uk/judgments/info-commissioner-devon-county-council-tribunaldecision-07022013/>

establishes that the concepts of proportionality and justification are relevant to any consideration of whether a request is vexatious.

24. In the Dransfield case, the Upper Tribunal also found it instructive to assess the question of whether a request is vexatious by considering 4 broad issues: (1) the burden imposed by the request (on the public authority and its staff), (2) the motive of the requester, (3) the value or serious purpose of the request and (4) harassment or distress of and to staff. The Upper Tribunal did, however, also caution that these considerations were not meant to be exhaustive. Rather it stressed the "importance of adopting a holistic and broad approach to the determination of whether a request is vexatious or not, emphasising the attributes of manifest unreasonableness, irresponsibility and, especially where there is a previous course of dealings, the lack of proportionality that typically characterise vexatious requests." (paragraph 45).
25. In the Commissioner's view, the key question for public authorities to consider when determining if a request is vexatious is whether the request is likely to cause a disproportionate or unjustified level of disruption, irritation or distress.
26. The Commissioner has identified a number of indicators which may be useful in identifying vexatious requests, these are set out in her published guidance². The fact that a request contains one or more of these indicators will not necessarily mean that it must be vexatious. All the circumstances of the case will need to be considered in reaching a judgement as to whether a request is vexatious.
27. The task for the Commissioner is to decide whether the complainant's request was vexatious in line with the approach set out by the Upper Tribunal. In doing so she has taken into account the representations of the Council and the evidence that is available to her. In this decision notice the Commissioner will also refer to her published guidance on defining and dealing with vexatious requests.

The Council's representations

28. The Council asserts that the complainant is relentless in his email correspondence with the Council. In the last 3 months of 2019, the Council says that the complainant contacted several members of its

² <https://ico.org.uk/media/1198/dealing-with-vexatious-requests.pdf>

senior leadership team with more than 10 emails per day and in addition he submitted many FOI requests.

29. The Council has told the Commissioner that it responded to and answered 180 FOI questions which the complainant had submitted from late September 2019 to November 2019 and to a further 40 FOI questions on 22/01/20 [see Appendix].
30. To substantiate its claims, the Council provided the Commissioner with a list of all the questions asked by the complainant in a single month to demonstrate the volume of his requests. The Council says that this is a small snapshot of the level of contact the complainant has made in respect of his FOI requests.
31. The Council notes that many of the complainant's questions are requests for comment or opinion rather than being requests for recorded information. Nevertheless, the Council believes that it has satisfied its obligations under section 16 of the FOIA to assist the complainant. That said, the Council says that the complainant has not been satisfied with anything it provides in answer to his questions and that he simply sends more requests.
32. The effect of the complainant's 'targeted campaign' has led to the Council's staff feeling persecuted and intimidated by the nature and tone of his emails. To that end, the Council has drawn the Commissioner's attention to various emails where the complainant has alleged that staff look 'abusive and obstructive'; possibly 'trying to abuse him'; lacking in transparency, honesty and selfishness'; and exhorting them to 'go to hell'. Additionally, the complainant has accused the staff of deliberately avoiding requests that would 'prove [their] negligence' and of them having no moral compass.
33. According to the Council, some of its staff have been made ill due to the complainant's contact. The manager of the team responsible to the Council's Marston's contract, has in the past three months, been contacted by West Yorkshire Police due to the complainant's threat to commit suicide and film his death for publication on social media. This has led staff to feel incredibly threatened by this behaviour and the nature of the complainant's compulsive campaign against the Council.
34. The complainant's behaviour has resulted in the Council sending the complainant a letter which bans him from contacting staff by email. This was sent at the same time the Council issued the Section 14 refusal notice. Nevertheless, the Council has noted that the complainant recently sent four requests asking for internal appeals into this same issue.

35. The Council has declined to respond to these requests citing its Section 14 refusal from 7 February 2020. Additionally, the Council says that it has received other recent requests which it believes are from the complainant under a pseudonym. The Council says it is responding to these recent requests because it cannot confirm that they are from the complainant.
36. The Council has confirmed its reliance on sections 14(1) and 14(2) of the FOIA to refuse to respond to the complainant's requests.
37. The Council asserts that the complainant's requests meet all of the criteria which are indicative of them being vexatious: The Council argues that they show unreasonable persistence; are frequent; require disproportionate effort; place a significant burden on the authority; show intransigence; and are futile.
38. The Council also considers that the complainant's requests satisfy all of the criteria for its application of section 14(2) – repeat requests. It says, "We consider [the complainant's] requests to be substantially similar, the wording is different, but the scope of the request is the same and does not differ significantly for all requests. All attempts by the Council to respond, result in more requests of the same nature just worded slightly differently".
39. According to the Council, responding to the complainant is having a detrimental impact on its resources. This is due to the number of hours taken to deal with the volume of his requests. It is estimated that the Council's Information Management and Governance Team have taken at least 40 hours working on the requests, not including the time taken by staff working elsewhere. The Council says that, whilst it is very difficult to quantify, a conservative estimate would be at least 80 additional hours.
40. This has come when the Council is under a significant resource and financial pressure, where the implications of responding to the complainant has impacted on its ability to respond to the requests of others.
41. Whilst the Council holds that it could have relied on Section 12 of the FOIA, it considers that due to the number of the complainant's requests it was not considered appropriate.
42. The Council notes that it has responded to many of the complainant's requests. It says it has given him clear and concise information regarding bailiffs, the contract with Marstons and the process that has been followed. The provision of information has clearly set out the circumstances when bailiffs are used, and the Council says it has

explained that it does not engage bailiffs lightly. According to the Council, the size of the complainant's debt left it with no option as it is accountable and must justify spending money wisely.

43. It is clear that the complainant fundamentally disagrees with the Council's original decision to engage bailiffs and it believes that his use of FOIA is a campaign to disrupt and undermine the Council.
44. The Council says it has followed the Commissioner's guidance in aggregating the complainant's requests which were received within a 60-day period. It also took the decision to reply directly to the complainant due to the volume of requests received from his personal email address and from the WDTK website.
45. When asked whether it considered the complainant's requests had any public interest merit, the Council said that it considers the provision of information to the public about its procedures and processes is important, particularly when the Council instructs the services of bailiffs. The Council considers it has provided the complainant with a significant amount of information which is clear and concise, and it explains such processes.
46. However, the Council argues that the complainant's repetition of his requests, which are similar in nature and scope, is not in the public interest. It says, '[The complainant] has a vendetta in this respect and any attempts by the Council to satisfy him are met with more requests and appeals', and it argues that the FOIA is being used as a tool to further this campaign.
47. The Council also points out that many of the complainant's requests are for opinion and not for recorded information. As such they are not covered by FOIA. Additionally, the Council asserts that it has dealt with the substance of the complainant's requests for information both through the FOIA process, his complaints and also through the Ombudsman process.

The complainant's representations

48. The complainant has told the Commissioner that he wants the Council to 'answer the same questions that over 100 other councils have answered under FOI'. He believes that that the Council's failure to answer his requests speaks volumes and it suggests that the Council has something to hide.
49. The complainant considers that holders of public office should answer his requests with honesty and integrity in order to serve the public interest. He says that according to 100 councils, if an action is a material breach of Council contracts, they would no longer work with that partner, yet

Leeds City Council is the only council to try and avoid answering his requests. He asserts that, 'They have clearly answered questions that they know they cannot be held accountable for but swerved those other councils with nothing to hide have answered in days not ten months'.

50. According to the complainant, the main questions for the Council are:

'Do you allow third party partners to take secret indemnities or financial gains against prosecution from customers with [sensitive personal data redacted] or in the case where errors regarding levy have taken place even though [the Council] contract states that is not allowed?'

'Would [the Council] deem it a material breach if secret indemnities are not shown to [the Council] at the time (aka fraud) this a material breach and fraud', and, 'if not why not?'

'If [the Council's] partners have admitted breaking theft laws/contract laws /equality in your investigation into the events and also proven to be infringing a vulnerable persons human rights would you allow that? would you deem this a material breach?'

The Commissioner's considerations and decision

51. The Commissioner has noted both the Council's and the complainant's representations. She has also noted the evidence which the Council has sent her in support of its position. The Commissioner notes that the Council's evidence is commensurate with the complainant's information and the information she has accessed on the WhatDoTheyKnow website.

52. Under section 50 of the FOIA, any person may apply to the Commissioner for a decision whether a request for information he or she has made to a public authority has been dealt with in accordance with the requirements of Part I of the Act.

53. In this case, the Commissioner is required to consider only whether Leeds City Council is entitled to rely on the provisions of section 14 of the FOIA, that is, are the complainant's requests vexatious and are they repeated requests.

54. The Commissioner makes clear her role is not to determine whether the Council's actions in recovering the debt owed by the complainant were correct or justified: The Commissioner's sole purpose in this case is simply to determine whether the complainant's requests are vexatious and/or repeat requests.

55. The Commissioner has made her decision by considering the well-established criteria referenced above.

56. Whether a public authority chooses to apply the provisions of section 14 to a set of questions or to a request, is a matter solely for that public authority.
57. It is not material that 100 other public authorities have answered the same or similar questions or requests: What matters is the effect those same or similar questions or requests has on each individual authority.
58. In this case, Leeds City Council appears to have properly considered the complainant's requests, the circumstances in which they were made and the effects those requests have had on itself. The Council is entitled to do this.
59. It is clear to the Commissioner that the complainant is particularly aggrieved by the actions of the Council in respect of the actions taken by Marstons. It is equally clear to her that the complainant is using the provisions of the FOIA to substantiate his position that some form or wrong-doing has occurred on the part of the Council or its agents.
60. The Commissioner is obliged to acknowledge the frequency of the complainant's detailed requests. These seek information or responses which go a great deal further than those few questions listed in his representations to the Commissioner.
61. The complainant has clearly been persistent in making his requests. The question for the Commissioner is does the volume, frequency and complexity of the complainant's requests, render those requests as vexatious?
62. The Commissioner is assisted in answering this question by referring to the judgment in the Dransfield case, where the concepts of 'proportionality' and 'justification' are key considerations.
63. Here, the Commissioner is clearly able to find that the complainant's requests are part of a persistent pattern of behaviour, and as such, when considered in their entirety - which the Council is entitled to do - those requests point to a real and significant burden on the Council. It is clear to the Commissioner that the complainant's request lacks both proportionality and justification.
64. The Commissioner accepts that the Council has provided significant information to the complainant and also that he is able to pursue his grievance via routes other than by making requests for information under the FOIA.
65. Being aggrieved about something is not sufficient a reason to submit the volume of requests to a public authority as the complainant has done in this case. This is particularly the case where there is no real prospect

that the complainant will be able to demonstrate the wrongdoing he believes has happened.

66. The Commissioner considers that the complainant's requests lack any wider value, and she considers that a point has been reached where requiring the Council to comply with the complainant's requests only serves to add to the already significant burden on the public authority.
67. The Commissioner does not find any untoward motive behind the complainant's requests. She accepts that they have been made to substantiate the complainant's belief that the Council has committed some form of wrongdoing. The complainant's purpose may or may not be justified. However, the Commissioner cannot allow the complainant to continue to place an unwarranted burden on the Council as a result of his tenacious requesting behaviour.
68. Adopting the Tribunal's holistic and broad approach to this complaint, and in consideration of the combined effects of the complainant's requests, the Commissioner considers that the requests have imposed a significant burden on the Council. Their lack of true value and their disproportionate effects has resulted in the complainant's requests becoming vexatious.
69. It is for these reasons that the Commissioner has decided that the Council has correctly applied section 14(1) to the complainant's requests.
70. In view of her decision that the Council is entitled to rely on section 14(1), the Commissioner is not required to consider the Council's application of section 14(2).

Right of appeal

71. Either party has the right to appeal against this decision notice to the First-tier Tribunal (Information Rights). Information about the appeals process may be obtained from:

First-tier Tribunal (Information Rights)
GRC & GRP Tribunals,
PO Box 9300,
LEICESTER,
LE1 8DJ

Tel: 0300 1234504

Fax: 0870 739 5836

Email: grc@justice.gov.uk

Website: www.justice.gov.uk/tribunals/general-regulatory-chamber

72. If you wish to appeal against a decision notice, you can obtain information on how to appeal along with the relevant forms from the Information Tribunal website.

73. Any Notice of Appeal should be served on the Tribunal within 28 (calendar) days of the date on which this decision notice is sent.

Signed

Andrew White
Group Manager
Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF

Appendix

List of WhatDoTheyKnow requests made to Leeds City Council

https://www.whatdotheyknow.com/request/enforcement_agent_audit_2010#outgoing-962922

22 October 2019

"Under FOIA can you please provide a copy of the bailiff audit 2010/2011 which shows the number of failed levies and reasons for failure .

Please specifically send a copy of the audit related to the wrongful distress of pmt sales liability order 06052010 and the date it was reported to you as a failed levy.

Please send the reasons for the failed levy and the response you sent to pmt sales with regards to their complaint of wrongful and excessive levy on 12 august 2010."

https://www.whatdotheyknow.com/request/leeds_city_council_abuse_policie#incoming-1461609

3 November 2019

"Would any partner of Leeds City Council supplying any services have their contract terminated if they are found to have been financially abusive towards a vulnerable person.

Does Leeds City Council tolerate abuse towards people under their safeguarding?

Does Leeds City Council safeguard vulnerable people against their partners behaving unlawfully.

How does Leeds City Council audit the abuse by their bailiffs in pursuit of Leeds City Council debts?

When a complaint is registered against a third-party partner are any checks done by the council to make sure the claimant is not vulnerable or listed as using their services?

Would Leeds City Council ever approve of a written indemnity mechanism that saw to deprive a vulnerable person in mental health care of a legal remedy against an unlawful action committed by their partner?

Would Leeds City Council accept that the use of financial coercion is wrong when dealing with people within Leeds social care?

Who is accountable for cross divisional investigations that include both social care and revenues?

Can you confirm if both parties have representatives in charge of the complaint or it simply passes through a customer service team untrained in abuse legalities?

How long does it take Leeds City Council to deal with complaints of ongoing abuse caused by one of their partners?

Which team investigate abuse claims .who has the chief responsibility?"

https://www.whatdotheyknow.com/request/confirmation_of_vulnerable_person#incoming-1466151

11 November 2019

"Please confirm Leeds City Council has never allowed their enforcement agents subcontracted under the 1996 act to indemnify themselves against prosecution after a failed levy.

They have never allowed an enforcement agent to present to a person under mental health care an indemnity against prosecution after they have made a hugely unlawful, abusive and excessive failed levy.

Please confirm this has never happened and if it had it would be a clear breach of the agents responsibilities under their mutual contract.

Please confirm it would never be ok for a vulnerable person or any person to be economically and financially abused in this manner."

https://www.whatdotheyknow.com/request/indemnities_from_prosecution_violation#incoming-1466144

11 November 2019

"Under FOIA please confirm that Leeds City Council would not now or never allow an enforcement agent working on their behalf to issue an indemnity for themselves only (not Leeds City Council), that prevents a person under mental health care from pursuing legal action against the said agent after the agent has committed an unlawful act of distress and a hugely disproportionate levy"

https://www.whatdotheyknow.com/request/whose_more_important_the_people#incoming-1466195

11 November 2019

"Under FOIA please confirm who do Leeds City Council act for the public or their service partners?

At what point after multiple breaches of contract by a service partner will Leeds City Council take action against their partner?

Who is the final authority on the enforcement agents contract?

If an enforcement agent manufactures an indemnity against prosecution only for himself after his own error (at the risk to Leeds City Council) will this be deemed gross misconduct. if not, why?"

https://www.whatdotheyknow.com/request/deliberate_concealment_of_secret#incoming-1468998

14 November 2019

"Under FOIA please confirm if Leeds City Council have ever found out that a service provider has issued themselves an indemnity which does not cover Leeds City Council?

How long did the termination take thereafter?

Under section 42.2 of your contract, it states at all times the council should be covered from possible litigation regarding breaches of human rights or a poor service, etc.

Has it ever been brought to your attention that a partner has deliberately concealed secret deals done that may result in huge reputational and financial loss to the public purse?

Can you confirm all contracts of service partners will be terminated if it is found someone has found to have hidden a secret indemnity issued to a vulnerable person at a time that was contrary to the equalities act 2010 and the local govt act whilst not even respecting the contract he is assigned to serve."

https://www.whatdotheyknow.com/request/co_signed_leeds_city_council_in_d#incoming-1469012

14 November 2019

"Under FOIA can you confirm in the last ten years how many indemnities against prosecution you have co-signed after a failed levy for business rates?"

Can you confirm in the last ten years how many indemnities ap you have authorised after a failed or excessive levy?

Can you confirm how many indemnities ap have been served after a failed levy in the last ten years without you knowing ?

Can you confirm how many indemnities have been served ap after a failed levy to a person under mental health care without you knowing.

How did you deal with the consequences of the above?

How will you deal with the consequences of the above in the future?"

https://www.whatdotheyknow.com/request/mechanisms_of_hiding_contract_br#incoming-1469859

16 November 2019

"Under Leeds City Council's enforcement contract with Marston's Enforcement Agency, can you please point out the category that allows secret indemnities to be hidden from the council which can clearly lead to litigation and mechanisms that allow 2/3 month wrongful detention of a local persons goods to go unaudited.

Who is in charge of complaints and What training do officials dealing with enforcement have to undertake?

What studies of the laws of enforcement must they make?

Please confirm issuing a consent form to a person under care when a detention of goods has lasted nearly 3 months is an authorised mechanism for returning wrongfully taken goods.

Which person is in charge of authorising the issue of an indemnity that does not cover Leeds City Council and quite clearly breaks the equality act amongst others?

Under FOIA can you confirm that no enforcement agent has the right to detain a person's goods once he has proved either excessive or unlawful levy.

What is the threshold for proving correct ownership ?

What is the threshold for making a thorough investigation into a products value at seizure?

Do Leeds City Council in their best council plan make provision for the requirement of statutory declarations given the speed in which they can answer who is liable?

Given the risk to a vulnerable person would it be advisable to have all parties immediately sign a declaration of truth in order to speed up processes and save the public vital funds?"

https://www.whatdotheyknow.com/request/leeds_city_council_allowing_the_incoming-1469856

16 November 2019

"Please confirm under this element of the Equality Act protects those receiving care and the workers that provide it from being treated unfairly because of any characteristics that are protected under the legislation

Who was responsible for authorising your third-party partner Marston's enforcement delivery of an indemnity against prosecution after their failed levy to a vulnerable person in care?

Under FOIA can you confirm Leeds City Council did not issue this indemnity and therefor it is your partners who have delivered this and concealed it from you.

Under FOIA I would like to see your investigations into the charge of fraud against this partner who has clearly concealed this breach of the equality act in order to gain a financial advantage over a vulnerable person and a financial advantage over Leeds City Council when litigation happens."

The Council's response – 22 January 2020

1. Can you please post a copy of the expected code of conduct and permissions given to third party enforcement agents with regards to seizure of assets?

Copy of code of conduct attached

2. Can you confirm who regulates these partners

Enforcement Agents are regulated by the Ministry of Justice

3. What information regarding wrongful seizures are agents meant to provide the council?

Please see section 6 of the attached Code of Conduct

4. Can you confirm if business rate managers are given targets of debts to collect.

The annual collection rate for non-domestic rates is included in the Best Council Key Performance Indicators.

5. Can you provide confirmation that once goods are proven to have been taken illegally and in error they are to be returned at the cost to your agents or to Leeds city council?

The legislation does not specify who is responsible for the cost of returning goods where a levy has been found to be unlawful by the appropriate court, but it is likely that the Court would make an order in such cases.

6. Where can we find total payments made to enforcement agents

This information is not publicly available. However the total paid to Leeds City Council in respect of Non-domestic rates as a result of action by all enforcement agents since 2010/11 is £12.8m

7. Can you please post details of compensation paid by Leeds city council or their partners for wrongful seizure of goods

The Council have not paid any compensation for wrongful seizure of goods. The Council does not hold information on compensation paid by any partner.

8. can you please confirm the agreement made with your third party partners with regards to the amount of goods that are entitled to be taken in proportion to the debt 1 x 3 x 5 x .who is responsible for making sure these seizures are regulated and abide by the councils best council initiative?

The Enforcement Agents must act in accordance with the relevant legislation regarding the seizure of goods, currently The Taking Control of Goods Act 2013, and the associated National Standards. The Enforcement Agents are contacted with the council with relevant terms and conditions for ensuring that they comply with the legislation.

9. can you confirm under foi your agents have liability insurance for the forced closure of businesses treated unlawfully and outside of std and reasonable behaviour by your partners?

Under the terms of the current contract Enforcement Agents acting on behalf of the Council must maintain the following levels of insurance:

Employer's Liability Insurance £10m

Public Liability Insurance £5m

10. does this extend to mental health issues caused by badly trained and lawless employees of your partners

Details of the areas which the service provider is required to cover through insurance are set out in paragraph 42.7 of the attached terms and conditions

11. if an agent is sacked in the year after a complaint has been made do your agents have to report it .if not why not?

There is no specific requirement in the contract or Code of Conduct for Enforcement Agents to report such a matter, and to do so could constitute a breach of Data Protection laws. As part of the contract, we require all enforcement agencies to satisfy all the relevant checks, such as DBS and certification. All agents working for the agency must be certificated and we require the agency to monitor compliance with this.

12. Can you confirm all agents working for your partners are certified and regulated .

Enforcement Agents must be certificated as required under The Taking Control of Goods Act 2013 and the contract. The Certification process is regulated by the Ministry of Justice.

13. Can you provide a full list of all agents that have collected on behalf of Leeds city council over the last 10 years.

The Council does not hold this information this will be held by the providers.

14. Under FOI has your agents ever reported to you incidents of wrongful seizures.

No

15. do you maintain a list and copies of all these complaints given the potential for legal cases of negligence in the future against the council.

N/A

16. How many partners have had contracts torn up in the last ten years?

No contracts with Enforcement Agents have been terminated before the expiry date in the last ten years.

17. Who decides if a contract should be torn up and cancelled

The Director of Resources & Housing,

18. Would any partner of Leeds city council supplying any services have their contract terminated if they are found to have been financially abusive towards a vulnerable person.

A contract could be terminated in such circumstances as part of the terms of conditions of the contract.

19. When a complaint is registered against a third-party partner are any checks done by the council to make sure the claimant is not vulnerable or listed as using their services?

A copy of the Council's Compliments and Complaints Procedure is attached

20. Who is the final authority on the enforcement agents contract?

The Director of Resources & Housing

21. please confirm who is the person that signed of the 2010 bailiff services agreement and the following ones thereafter .

The 2010 contact was signed by The Assistant Chief Executive (Corporate Governance) and The Chief Procurement Officer. The subsequent contract in 2018 was signed by The Procurement Manager and The Procurement and Commercial Solicitor

22. Under foia please confirm if Leeds city council have ever found out that a service provider has issued themselves an indemnity which does not cover Leeds city council?

The Council does not hold this information

23. How long did the termination take thereafter?

N/A

24. Has it ever been brought to your attention that a partner has deliberately concealed secret deals done that may result in huge reputational and financial loss to the public purse?

The Council does not hold this information

25. Please advise of the dates of the next public meetings where the best council strategy and plan will be discussed

Details of Council meetings are available at
<https://www.leeds.gov.uk/yourcouncil/councillors-and-democracy>

26. please advise of the next public meetings where governance and social care is open for discussion

Details of Council meetings are available at
<https://www.leeds.gov.uk/yourcouncil/councillors-and-democracy>

27. Please confirm how many foi requests were delayed within the last year

132 FOI& EIR requests have been responded to late between the period April 19 – December 19 during this time we have received 1937 requests

28. how many complaints were made

We have received 65 requests for internal review during the same time frame.

29. How many were forwarded to the lgo

We do not know how many may have been forwarded to the LGO, the LGO have not got in contact with us about an FOI in the last year.

30. how many did the lgo state should have been handled better or answered quicker by Leeds cc

N/A

31. can you confirm in the last ten years how many indemnities against prosecution you have co-signed after a failed levy for business rates

No such documents have been signed by the Council

32. Can you confirm in the last ten years how many indemnities ap you have authorised after a failed or excessive levy

No such indemnities have been signed by the Council

33. Can you confirm how many indemnities ap have been served after a failed levy in the last ten years without you knowing?

The Council has no record of any such indemnities have being served

34. Can you confirm how many indemnities have been served ap after a failed levy to a person under mental health care without you knowing?

The Council has no record of any such indemnities have being served

35. Who is in charge of complaints.

The Director Communities & Environment

36. What training do officials dealing with enforcement have to undertake.

All officers interacting with enforcement agents are trained on enforcement law and practice. Several senior officers are members of The Institute of Revenues & Rating (IRRV) through examination which includes enforcement law. Officers also attend training courses organised by the IRRV.

37. What studies of the laws of enforcement must they make

There are no compulsory studies, but several officers are members of the IRRV (see 36)

38. does your contract with enforcement agents allow them to conceal financial agreements made with vulnerable people outside of your authorisation?

No

39. please confirm which officer at Leeds cc decides whether the behaviour of enforcement agents is a material breach? please supply the email address of the person in charge of bailiff contracts and the highest signatory on bailiff appraisals and audits.

The decision as to whether a material breach of a contract has occurred would ultimately be the responsibility of The Director of Housing and Resources as advised by the City Solicitor.

40. please confirm who is in charge of reprimanding agents if they break equality law and your contract. please supply email addresses and phone numbers

As 39 above