

25 September 2019

Our ref: 5589508

Thank you for your request received on 1 September 2019, for the following information:

### **Change of carriage Bankruptcy Proceedings**

- 1. Does your council billing authority or has it in the past, instigated bankruptcy proceeding against individuals by out sourcing this work to an external solicitor firm rather than carrying out this work in-house. For both council tax and business rates.**
- 2. Does your council or have they in the past, instructed a external solicitor or solicitors firm to serve a Statutory Demand and a Bankruptcy Petition, do they further instruct a Process Server on the council billing authority behalf, or is this local service carried out by your in-house team of lawyers to save costs.**
- 3. Does your council billing authority now or have they in the past changed the carriage of your petition to a different creditor.**
- 4. Has the change of carriage of your petition ever been taken over by your external solicitor as a creditor in their own right and if so has an order been made by the court as to the change in carriage.**
- 5. If your external solicitor has notified the council billing authority under The Insolvency (England and Wales) Rules 2016 s.10.29 of their intention to appear at a hearing and apply to the court for an order giving that person carriage of the petition in place of the original council billing authority petitioner, instead of prosecuting the original petition on your council's behalf. Please state the name of the person ("the relevant person") and how they became a creditor to the debtor, and if their debt was unsecured or secured. And whether their debt occurred due to appearing in court on behalf of the council billing authority in connection with the council instigating bankruptcy proceedings and instructing them to attend.**
- 6. Please state the occasions and dates that the council billing authority as a petitioner has failed to prosecute your petition etc under this section of the insolvency rules and the reason given.**
- 7. Please provide the date and the name of the court that made the order.**

Yours faithfully,

We have processed this request under the Freedom of Information Act 2000.

### **Response**

The council holds the information requested and the answers to your questions are below.

**1. Does your council billing authority or has it in the past, instigated bankruptcy proceeding against individuals by out sourcing this work to an external solicitor firm rather than carrying out this work in-house. For both council tax and business rates.**

Answer: Yes

**2. (A) Does your council or have they in the past, instructed a external solicitor or solicitors firm to serve a Statutory Demand and a Bankruptcy Petition,(B) do they further instruct a Process Server on the council billing authority behalf, or is this local service carried out by your in-house team of lawyers to save costs.**

Answer: (A) Yes (B) Carried out by external solicitor

**3. Does your council billing authority now or have they in the past changed the carriage of your petition to a different creditor.**

Answer: No

**4. Has the change of carriage of your petition ever been taken over by your external solicitor as a creditor in their own right and if so has an order been made by the court as to the change in carriage.**

Answer: No

**5. If your external solicitor has notified the council billing authority under The Insolvency (England and Wales) Rules 2016 s.10.29 of their intention to appear at a hearing and apply to the court for an order giving that person carriage of the petition in place of the original council billing authority petitioner, instead of prosecuting the original petition on your council's behalf. Please state the name of the person ("the relevant person")and how they became a creditor to the debtor, and if their debt was unsecured or secured. And whether their debt occurred due to appearing in court on behalf of the council billing authority in connection with the council instigating bankruptcy proceedings and instructing them to attend.**

Answer: Not applicable

**6. Please state the occasions and dates that the council billing authority as a petitioner has failed to prosecute your petition etc under this section of the insolvency rules and the reason given.**

Answer: Not applicable

**7. Please provide the date and the name of the court that made the order.**

Answer: Not applicable

## **Further information**

If you are interested in the data that the council holds you may wish to visit Open Barnet, the council's data portal. This brings together all our published datasets and other information of interest on one searchable database for anyone, anywhere to access. <http://open.barnet.gov.uk/>

## **Advice and Assistance : Direct Marketing**

If you are a company that intends to use the names and contact details of council officers (or other officers) provided in this response 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.**

## **Your rights**

If you are unhappy with the way your request for information has been handled, you can request a review within the next 40 working days by writing to the Information Management Team at: [foi@barnet.gov.uk](mailto:foi@barnet.gov.uk). Or by post to Information Management Team (FOI) London Borough of Barnet, 2 Bristol Avenue, Colindale, NW9 4EW

If, having exhausted our review procedure, you remain dissatisfied with the handling of your request or complaint, you will have a right to appeal to the Information Commissioner at: The Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF (telephone: 0303 123 1113; website [www.ico.org.uk](http://www.ico.org.uk)). There is no charge for making an appeal.