

Nicola Hesketh  
Project and Information Co Ordinator

**Our Ref: FOI4041/NH/02**  
**Please ask for: Nicola Hesketh**  
**Direct dial: 01827 709 587**  
**E-mail: FOImailbox@tamworth.gov.uk**

[name redacted]

2<sup>nd</sup> August 2016

Dear [name redacted]

### **Freedom of Information – Request for Information**

With regards to your recent enquiry for information held by the Authority under the provisions of the Freedom of Information Act. Please find the information you requested below with reference in the box to your original enquiry for clarity where multiple answers are required.

#### **Details of Your Request**

*Please see attached document ref: FOI4041 Original Request*

**The response to your request as follows:**

#### **FOI Request Part 1:**

It is noted you request a response from each person receiving the request, in order to coordinate a response to your request, this will not be practical. In my qualified capacity of an FOI Officer, I will be collating & responding on behalf of Tamworth Borough Council.

**FOI Part 1 – This part of the request refers to information held on file regarding you, As that relates to your personal circumstances we are unable to disclose this under the Act and apply the exemption under Section 40(1) that allows us to withhold information from public disclosure that is considered personal, we believe this is the case.**

**Further guidance has been provided regarding obtaining personal information.**

#### **FOI Part 2 –**

- 1. This question refers to information relating to your personal circumstances, as such we are unable to disclose this under the Act and apply the exemption under Section 40(1) that allows us to withhold information from public disclosure that is considered personal, and we believe this is the case.**

**All individuals have the right to request information we may hold, subject to provisions of the Data Protection Act 1998, further information and guidance can be found using the following links:**

**<http://www.tamworth.gov.uk/data-protection-act>**

**<https://ico.org.uk/for-the-public/>**

- 2. The court officer attending a liability order hearing will have information regarding the liability order application. An individual's personal circumstances are not taken into account at the hearing. The purpose of the hearing is to determine whether bills have been issued in**

- accordance with statutory provisions and whether the person summoned is the liable person to pay the council tax.
3. The Magistrates will have a copy of the complaint authorised when the summons is issued and will be given a revised copy of the applications at the hearing.
  4. The Local Government Finance Act 1992 & Council Tax (Administration & Enforcement Regulations 1992 (as amended) can be found at [www.legislation.gov.uk](http://www.legislation.gov.uk) The council Constitution can be found on our website: <http://www.tamworth.gov.uk/publication-scheme> (Council Constitution)
  5. The Project & Information Co-Ordinator can be contacted by emailing [FreedomofInformation@tamworth.gov.uk](mailto:FreedomofInformation@tamworth.gov.uk) or by telephone 01827 709266 Further information is available at: <http://www.tamworth.gov.uk/freedom-information>
  6. Please see question 4
  7. No information found, the reason being, The Magistrates determine which courts we attend. Once a summons is issued this venue will not change.
  8. Please see question 7
  9. The following officers can represent the Council in the Magistrates Court, further information can be found <http://www.tamworth.gov.uk/publication-scheme> (Council Constitution)

Head of Revenues

Revenues & Systems Officer

Revenues Recovery Officer

Senior revenues Recovery Assistant

10. Please find attached details as requested
11. The Council is not a company nor is it a company with limited liability. It is a form of Government at local level, details of Local Government and Councils can be found on the government website at [www.gov.uk](http://www.gov.uk)
12. Tamworth Borough Council operates in terms of the Constitution and legislation

Under Council Tax (Administration & Enforcement) regulations 1992 summonses for non-payment of council tax are issued in accordance with Justices' Clerks Rules 1970 which allows for a clerk to consider a complaint and the use of a facsimile signature.

Council Tax is a tax and is not subject to the law of contract.

Council Tax was introduced by the Local Government Finance Act 1992 and procedures for collection are determined by the Council Tax (Administration & Enforcement) Regulations 1992 (as amended).

You have the right to contest the application for a liability order by attending the hearing and providing a valid defence. If you do not have a valid defence and the court is satisfied that the sum in question has become payable and has not been paid, then it is required to make a liability order in respect of an amount equal to the aggregate of the sum payable and the costs incurred by the applicant in obtaining the order.

If following the decision by the Court you are still aggrieved by the decision of the justices to issue a liability order, you can ask for a case to be stated for the opinion of the high court.

The application must be made within 21 days after the day on which the decision of the magistrate's court was made.

If the justices are of the opinion that an application is frivolous they may refuse to state a case.

13. Legislation is followed
14. Tamworth Borough Council does not trade as a company. As a local Authority any breaches of regulations are subject to local management using performance management or the Council's Conduct and Capability policy.

**The Conduct and Capability Policy follows guidance set out in the ACAS Code of practice in handling disciplinary situations. This would usually involve an internal investigation, but depending on the nature of the allegations, could also involve the police. The Council also has a Whistleblowing Policy to allow employees the opportunity and protections of being able to expose any unsafe or unlawful practices.**

- 15. The Council does not withhold any vital forms and/or paperwork to both the court and those it serves when dealing with Council Tax issues**
- 16. No information found, the reason being Tamworth Borough Council does not function with Shareholders or trade on the Stock Market**
- 17. No information found, the reason being The Council does not engage with dead or fictional entities.**

### **IMPORTANT NOTICE ABOUT USE OF INFORMATION PROVIDED UNDER THE FREEDOM OF INFORMATION ACT (FoIA)**

Most of the information that we provide in response to Freedom of Information Act 2000 requests will be subject to copyright protection. In most cases the copyright will be owned by Tamworth Borough Council. The copyright in other information may be owned by another person or organisation, as indicated on the information itself.

You are free to use any information supplied for your own non-commercial research or private study purposes. The information may also be used for any other purpose allowed by a limitation or exception in copyright law, such as news reporting.

However, any other type of re-use, for example by publishing the information in analogue or digital form, including on the internet, will require the permission of the copyright owner. For information where the copyright is owned by Tamworth Borough Council details of the conditions on re-use can be provided on application to the contact below.

For information where the copyright is owned by another person or organisation you must apply to the copyright owner to obtain their permission.

This council also believes in transparency of information, this includes requests made under the Freedom of Information Act and the Environmental Information Regulations and we reserve the right to publish these requests in our Disclosure Log along with the response, the requestors name and/or company where the information is requested on a regular basis. Care shall be taken not to publish your email address or physical address where it is considered personal information as defined under the Data Protection Act 1998.

Project and Information Coordinator,  
Tamworth Borough Council,  
Marmion House,  
Lichfield Street,  
Tamworth,  
B79 7BZ

Details of Tamworth Borough Council's internal review and complaints procedure are attached, in accordance with the provisions of the Act.

Yours Sincerely

Nicola Hesketh  
Project and Information Coordinator

## **F.O.I request. Part one**

[Redacted, Personal Information Considered]

## **F.O.I request. Part Two.**

It is a concern to me that the officials, representatives and the employees have been instructed to divert any correspondence from myself to a customer service employee so as to cause delay or detriment to myself and to make an unfair advantage in favour of Tamworth Borough Council.

My questions are not fully answered or are snipped short of all answers given.

As public servants you have a duty to those you serve to respond in clarity and fully to these questions contained in this email. So I take this opportunity to remind you all that should you not do so. I must take it that you are being vexatious and obstructive.

Should all concerned fail to reply directly to this email. You risk action against you. I am sure that the residents of Tamworth and the surrounding Borough would not take kindly to being miss informed of any avoidance of your statutory obligations.

**Under the F.O.I request I would like answers to the all the enclosed questions within this email; in depth and not stock shortened answer format.**

And the statements contained here-in which have as yet not now been dealt with fully.

- 1) Does Tamworth Borough Council and its acting officers deny me my right to full disclosure of my account file?

If so, Why?

2) Whilst acting as a court officer, does that court officer have all the individual data and case file to hand so as to fairly present an individual's circumstances to any magistrate for due consideration of that individual's circumstances?

3) Is there a record set on file at the magistrates court records and if not why not?

4) Does the council abide by any official guidelines when dealing with council tax, specifically any government issued amended guide such as a written constitution, if so. I want to see this constitution in its entirety so I might avail myself of where I appear to be making mistakes when querying Tamworth Borough council who will not give me answers to my questions!

5) When asking for information is it best to write to a particular officer who is tasked to deal with these matters? Who might that be? Would it be the Information commissioner?

6) Besides the Constitutional document issued to councils are there any other individual requirements for council to adhere to as yet not publically available documents?

7) Does the council deliberately change court venues without notifying those who are summonsed by Council not a court?

8) Is there any requirement by Council to inform summonsed individuals prior to any venue changes?

9) Please supply the names, job title / description and legal capacities of those said to be able to present evidence in court on behalf of the council.

10 Please supply me with Tamworth Council's indemnity insurance details.

11) Is Tamworth Borough Council operating under civil legislation? It Does have a company structure with Directors C.E.O and employees, so is it a company with limited liability?

Just how is Tamworth Borough Council known in Company terms, What is it's designated commercial position?

12) Tamworth Council uses contracts in every aspect of its daily function. So, It has to abide by civil and contract legislation does it not?

Why is council tax exempt from contract? This tax is presented as a bill with a demand to pay. Therefore is subject to civil contractual offer, and conditional acceptance. Again this is contractual terms. So again why is council tax exempt from contract legislation?

13) Does the collection of council tax under directives ever not get followed to the constitutional requirements and known statute legislation?

14) If legislation is adhered to whilst trading then how does the C.E.O of Tamworth Council deal with breaching legislation regulations by its own employee's?

15) Do The Collections department withhold vital forms and or paperwork to both the court and those it serves when dealing with Council tax issues and what form of action can rectify any transgressions Tamworth Council make?

As you can see by the content of this email there are a lot of questions as yet only a broad term answer has been given to relatively few of them. Now I would like the council to carefully consider these and give proper answers in full.

Does Tamworth Borough Council function with shareholders and trade on the Stock market?

Does Tamworth Borough Council Revenues Department engage dead entities and fictional individuals treating them as corporations and not Man or Woman? If so please state how this business is conducted and to what laws are the (WO)Man bound by?