

Enquiries to: Information Team
Our Ref: FOI6255214

request-715231-8b7f0739@whatdotheyknow.com



**Liverpool
City Council**

Dear Audrey O'Keefe

Freedom of Information Request 6255314

Thank you for your recent information request, details of which are as follows –

"Cllr Malcolm Kennedy my Councillor has stated on social media that he has sold his home in Liverpool and is moving permanently to Madrid Spain.

Of course Councillor Kennedy will be standing down resulting in a by-election as he cannot in-law run his constituency from Spain.

I require full documentation between Councillor Kennedy / Liverpool city council /city solicitor informing them of his decision."

Response

Liverpool City Council does not accept notification of changes to Register of Interest via social media. The content of third party social media publications are matters for the individual concerned and not for the City Council.

In relation to Councillor Kennedy's eligibility to stand or indeed remain as a Councillors, this is governed by the provisions of the Representation of the People Acts and associated legislation which govern the electoral processes of England and Wales.

Specifically, the criteria states that to be able to stand as a candidate at a local government election in England and Wales, at the point of nomination the individual must be at least 18 years old, a British citizen, an eligible Commonwealth citizen or a citizen of any member state of the European Union, and meet at least one of the following four qualifications:

- You are, and will continue to be, registered as a local government elector for the local authority area in which you wish to stand from the day of your nomination onwards.
- You have occupied as owner or tenant any land or other premises in the local authority area during the whole of the 12 months before the day of your nomination and the day of election.
- Your main or only place of work during the 12 months prior to the day of your nomination and the day of election has been in the local authority area.
- You have lived in the local authority area during the whole of the 12 months before the day of your nomination and the day of election.

In relation to Councillor Kennedy, at the point of nomination he satisfied two criteria required for nomination, these being –

- He was registered at as an elector for the area covered by Liverpool City Council and was the registered owner of a property within the same area. Councillor Kennedy has for the duration of his current and previous terms of reference been registered as an elector.

His new address was confirmed in the form of a request to update his Register of Interest entry and is 39 Hunslet Road, Liverpool L9 9AR, following the recent sale of the property at which he was previously registered. Due to the legislative timelines

associated with revisions to the Register, Councillor Kennedy's registration will only transfer from his old registered address to the new one indicated above on the latest Electoral Register when published in March 2021.

A copy of the notification of sale and request to update Councillor Kennedy's interest declaration are appended. Note that email addresses and third party personal data have been redacted in accordance with the provisions of Section 40 (2) Freedom of Information Act 2000.

- For the duration of the twelve months prior to nomination as well as on the date of nomination for his current term of office, Councillor Kennedy, by virtue of his ownership of 33 North Sudley Road, satisfied the criteria of occupation through ownership.

This criteria applies, as indicated within the legislation, for the twelve month period prior to the date of nomination as well as the date of nomination. This requirement does not continue once the nomination and election process has concluded. As this was satisfied at the point of nomination then his eligibility to hold the office of Councillor remains valid.

This concludes our response. As redactions have been applied under Section 40 (2) Freedom of Information Act 2000 this response also serves as a Section 17 Notice under the same Act.

The City Council will consider appeals, referrals or complaints in respect of your Freedom of Information Act 2000 and you must submit these in writing to Informationrequests@liverpool.gov.uk within 28 days of receiving your response. The matter will be dealt with by an officer who was not previously involved with the response and we will look to provide a response within 40 days.

If you remain dissatisfied you may also apply to the Information Commissioner for a decision about whether the request for information has been dealt with in accordance with the Freedom of Information Act 2000. The Information Commissioner's website is www.ico.gov.uk and the postal address and telephone numbers are:- Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire SK9 5AF. Telephone: 0303-123-113. Email – mail@ico.gsi.gov.uk (they advise that their email is not secure)

We trust this information satisfies your enquiry.

Yours sincerely
Information Team

Enc.

From: Malcolm Kennedy
Sent: 13 January 2021 11:09

Subject: Address

I am writing to confirm that I disposed of 33 North Sudley Road L17 0BE in December. Completion of the sale was on December 15th 2020.

My new address at which I am registered to vote is

39 Hunslet Road
LIVERPOOL
L9 9AR

Regards

Malcolm Kennedy