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Your ref:
Our ref: IR4002
Please ask
for:
Website: www.chelmsford.gov.uk
Email: IR@chelmsford.gov.uk

24th August 2015

Dear Chris,

Request for Information: Safeguards on Councillor Declarations

I write in response to your request for information set out in your email of 30th July 2015. Your request has been considered under the Freedom of Information Act 2000.

You have asked for the following information relating to Safeguards on Councillor Declarations:

It has been stated that Councillors do not need to declare business interests, if they do not take a wage or gain financially from it. Could you please supply a copy of the policy that Chelmsford City Council operates to ensure that Councillors are monitored to ensure their declarations are correct. For example, if a Councillor has not declared a directorship as they state they do not take a wage, what safeguards are in place to monitor any changes in that circumstance?

Also if it is found that a Councillor has had a financial benefit from an undeclared business interest, what action is taken against them for non declaration?

Response

Section 30 of the Localism Act 2011 made it a requirement for Councillors to declare "disclosable pecuniary interest" (DPI) as set out in regulations made by the Government. The current regulations includes a DPI for any of the following that the Councillor has- "Employment office, trade, profession or vocation". The regulations also include a definition that these are only disclosable where they are "carried on for profit or gain".

The Monitoring Officer of the City Council is required under section 29 of that Act to establish and maintain a register of interests of members and co-opted members of the City Council and to ensure that it and those of the parish and Town Council's in the City's area are published on its website. These registers can be found at the following link to the Council's website-
www.chelmsford.gov.uk/complaints-about-councillors

It is the responsibility of the individual councillors to notify the Monitoring Officer of any changes to their interests. Failure to do so in certain circumstances is a criminal offence that may be investigated by the Essex Police. A copy of the protocol for doing so can also be found via the above link on the Council's website.

CORPORATE SERVICES

Chelmsford City Council

The Monitoring Officer is not responsible for checking that all interests are up to date, but if a discrepancy is brought to her attention it will be looked into and if appropriate may be referred to the police for investigation in accordance with the Complaints procedure and the protocol referred to.

The above all relates to the need to notify the Monitoring Officer of DPIs. There is in addition a need to declare these at any meeting, or within 28 days of it, where a decision is to be taken that affects that interest. Such members cannot vote or speak on an item on the agenda where they have a DPI, unless a dispensation has been granted in advance for them to do so. Details of the dispensation criteria defined in legislation and the process for dealing with them at the City Council is also available at the above link.

Failure to declare the interests is, if proved, a criminal matter dealt with under the protocol with the police mentioned above.

Right to Internal Review

If you are dissatisfied with this response or with the way your request has been handled under the Freedom of Information Act, you have the right to ask for your request to be independently reviewed by the Director of Corporate Services. You should set out your representations in writing explaining why you are dissatisfied with this response or the way your request has been handled and send to IR@chelmsford.gov.uk. The review will be conducted in accordance with the Council's internal review procedure which is published on its website at <http://www.chelmsford.gov.uk/node/33297>. You will be notified of the outcome of the review as soon as possible and in any event within 20 working days from receipt of your representations.

Appeal

If you should still remain dissatisfied following the outcome of the review, you may apply to the Information Commissioner for a decision by writing to:

Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow, Cheshire, SK9 5AF
Tel: 0303 1231113 or 01625 545745

Yours sincerely,



John Breen
Information Compliance Officer
Corporate Services