

<p>Non-Executive Report of the:</p> <p>Standards Advisory Committee</p> <p>Thursday, 15 October 2020</p>	
<p>Report of: Corporate Director, Governance and Monitoring Officer</p>	<p>Classification: Open (Unrestricted)</p>
<p>Register of Interests - Member Addresses</p>	

Originating Officer(s)	Matthew Mannion, Head of Democratic Services Patricia Attawia, Democratic Services Team Leader (Civic and Members)
Wards affected	(All Wards);

Executive Summary

This report updates the Committee on the Elected and Co-opted Members' Register of Interests and the information published on the Council website, with particular reference to increasing requests to withhold Sensitive Interests.

Recommendations:

The Committee is recommended to:

1. Note the report.
2. Note the arrangements for the publication of personal information for Councillors including the exemptions for sensitive information.
3. Discuss the approach taken by the Council and whether this should be amended.
4. Agree to add a check to the six-monthly reminder for those councillors who have registered a concern to ensure that there is still a need for sensitive interests to be withheld

1. REASONS FOR THE DECISIONS

- 1.1 It its role as guardian of the Member Code of Conduct, the Committee is being asked to note and comment on the increase in requests from Members to have their residential addresses withheld from the register of interests as a 'sensitive interest' on the grounds of personal safety.

- 1.2 A sensitive interest is one which the Member and Monitoring Officer, who is responsible for the Register of Members' Interests, consider that disclosure of its details could lead to the Member, or a person connected to the Member, being subject to violence or intimidation.
- 1.3 Copies of the Register of Members' Interests which are available for inspection or published must not include details of a Member's sensitive interest, other than stating that the Member has an interest the details of which are withheld.

2. ALTERNATIVE OPTIONS

- 2.1 Not applicable.

3. DETAILS OF THE REPORT

- 3.1 The law set out in the Localism Act 2011 require a council to adopt a code of conduct for its Members and to have a Register of Members' Interests.
- 3.2 The code of conduct must comply with the seven principles of public life and set out how, in conformity with the law, Members will have to disclose pecuniary and other interests.
- 3.3 One of these principles is integrity – 'Holders of public office must avoid placing themselves under any obligation to people or organisations that might try inappropriately to influence them in their work'. They should not act or take decisions in order to gain financial or other material benefits for themselves, their family or their friends. They must declare and resolve any interests and relationships.
- 3.4 The registration of personal interests should be guided by this duty.
- 3.5 Members are required to complete a declaration of their interests within 28 days of their appointment and thereafter they must notify any changes to this within 28 days of becoming aware of the change.
- 3.6 The Declaration of Interests provided by Elected Members is published on the Council's website under the Councillor web pages, and a copy is available for inspection within the authority.
- 3.7 In a report to the Standards Advisory Committee 25 April 2019 on Publication of Candidates Home Addresses and Disclosure of Sensitive Interests, it highlighted that the review of intimidation in public life by the Parliamentary Committee recommended that Monitoring Officers ensure that Members (Councillors and Co-opted Members) required to declare pecuniary interests

are aware of the provisions relating to sensitive interests contained in the Localism Act 2011.

- 3.8 S.32 of The Act makes provision for the non-publication of the sensitive interests, where the Member and the Monitoring Officer consider that the disclosure of the details of the interest could lead to the Member or a person connected with the Member to be subject to violence or intimidation:

32 Sensitive interests

(1) Subsections (2) and (3) apply where—

(a) a member or co-opted member of a relevant authority has an interest (whether or not a disclosable pecuniary interest), and

(b) the nature of the interest is such that the member or co-opted member, and the authority's monitoring officer, consider that disclosure of the details of the interest could lead to the member or co-opted member, or a person connected with the member or co-opted member, being subject to violence or intimidation.

(2) If the interest is entered in the authority's register, copies of the register that are made available for inspection, and any published version of the register, must not include details of the interest (but may state that the member or co-opted member has an interest the details of which are withheld under this subsection).

(3) If section 31(2) applies in relation to the interest, that provision is to be read as requiring the member or co-opted member to disclose not the interest but merely the fact that the member or co-opted member has a disclosable pecuniary interest in the matter concerned.

- 3.9 As recently as 2019, the Local Government Minister wrote to local authorities encouraging the use of the provisions in the Localism Act 2011 in order to minimise risk to elected Members. This was following a review of intimidation in public life by the Parliamentary Committee on Standards in Public Life in 2018.
- 3.10 In such situations, the Members' Register of Interests will continue to be published on the website, however, the specific details of the interest will be withheld, and the item will reflect "Not shown on web site".
- 3.11 Copies of the Register of Interests that are made available for inspection and any published versions of the register, must not include details of the interest (but may state that the Member has an interest the details of which are withheld under section 32).
- 3.12 Over the past 12 months there has been an increase in requests from Councillors to withhold sensitive interests from the register through fears for their personal safety. Currently 21 are not shown on the website; 2 from 2018, 6 from 2019 and 13 this year.
- 3.13 It is difficult to establish a general threshold to measure a legitimate concern of abuse or intimidation. Where a Member expresses a fear for personal

safety or the threat of harm it appears the guidance suggests a sympathetic approach should be taken.

3.14 Where requests have been made for addresses to be withheld, it may be that the original concern is not an ongoing issue. Councillors are reminded to update their declarations of interests every six months but there is currently no specific requirement to confirm that the concern still exists. Adding such a requirement would ensure that only those addresses for councillors still experiencing fear or threat would continue to be withheld.

3.15 Current practices vary in other authorities as follows:

Camden, Barnet, Havering, Westminster, Waltham Forest – addresses withheld if a request is made to the Monitoring Officer and approved. Newham as above but message on website states; "The Monitoring Officer has agreed to withhold further details of these interests from the public register under s.32 of the Localism Act 2011 (to be reviewed in 3 months)". Ealing as above but a 'Sensitive Interest Form' must be completed by the Councillor, which the Monitoring Officer will sign if approval is given.

Merton - a request by a political group for all their Members' addresses to be removed was agreed by the Monitoring Officer, with the same being offered to the other groups. Councillors can still apply individually. Addresses are kept in a 'sensitive register of interests' file. The public register states, "An interest has been disclosed but is withheld under s.32 of the Localism Act and with the agreement of the Monitoring Officer".

Hackney – blanket removal of addresses. A report setting out a dispensation for all Councillors in respect of their home addresses, and the rationale for withholding this information, was considered by their Standards Committee on 2 July 2018.

4. EQUALITIES IMPLICATIONS

4.1 There is a danger that, should certain groups of people feel discouraged from standing as Councillors, this would reduce the diversity of Councillors standing, and elected, to serve the borough.

5. OTHER STATUTORY IMPLICATIONS

5.1 This section of the report is used to highlight further specific statutory implications that are either not covered in the main body of the report or are required to be highlighted to ensure decision makers give them proper consideration. Examples of other implications may be:

- Best Value Implications,
- Consultations,
- Environmental (including air quality),
- Risk Management,
- Crime Reduction,
- Safeguarding.

- Data Protection / Privacy Impact Assessment.

5.2 There may be considerations around transparency. Members of the public may challenge a Councillor withholding property interests as they will not be able to check the accuracy of claims or identify potential conflicts of interest.

6. COMMENTS OF THE CHIEF FINANCE OFFICER

6.1 There are no financial implications arising from this report.

7. COMMENTS OF LEGAL SERVICES

7.1 Section 30 of the Localism Act 2011 ('the Act') requires all elected and co-opted members of a local authority to notify the monitoring officer of any disclosable interests which they, their spouse, civil partner or partner may have, within 28 days of election or co-option, or within 28 days of their becoming aware of the disclosable interest. The Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012 define the interests which must be disclosed under this requirement and they include a beneficial interest in land within the local authority's area. This would clearly include a home address.

7.2 Sensitive interests are exempted from this requirement under Section 32 of the Act. Sensitive interests are defined as being interests which the member and the monitoring officer consider that the disclosure of them could lead to the member or a person connected with them being subjected to violence or intimidation. In these circumstances Section 32 of the Act requires only the disclosure of the existence of an interest in any published record of interests.

7.3 The matters proposed in this report comply with the above legislation.

Linked Reports, Appendices and Background Documents

Linked Report

- None.

Appendices

- None.

Local Government Act, 1972 Section 100D (As amended)

List of "Background Papers" used in the preparation of this report

List any background documents not already in the public domain including officer contact information.

- None.

Officer contact details for documents:

None.