

REGISTER OF MEMBER'S INTERESTS
TREATMENT OF SENSITIVE INTERESTS

Report of the Assistant Director for Legal & Democratic Governance

1. INTRODUCTION AND PURPOSE OF REPORT

- 1.1 This report sets out the statutory scheme for recording member interests and invites the Committee to endorse the Monitoring Officer's approach under which councillors home addresses may be treated as sensitive interests.

2. BACKGROUND

- 2.1 Section 29 of the Localism Act 2011 provides for the compilation of and publicity for the register of members' interests. The register must be available for public inspection locally and be published on the authority's website.
- 2.2 It is for a relevant authority to determine what is to be entered in the authority's register (Section 29(2)) save that Disclosable Pecuniary Interests ("DPIs") are defined in secondary legislation, namely the Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012 (SI 2012/1464).
- 2.3 The Council has adopted the Local Government Association Model Code of Conduct ("the Code") which identifies all interests to be recorded on the Register of Interests and include as DPIs "any beneficial interest in land which is within the area of the council, any licence (alone or jointly with others) to occupy land in the area of the relevant authority for a month or longer and any corporate tenancies."
- 2.4 This in practice means that every member's home address, be they an owner occupier, or private or council tenant, should be included in their register of interests.
- 2.5 In recent years, elected members across the country have become increasingly subject to violence, threats of violence, verbal attacks and/ or harassment and intimidation. Where a member is subject to such threats, it has been highlighted that the publication of a member's home address on the register may lead to a heightened risk to them or their family's personal safety.
- 2.6 In response to these issues, in 2019 the government brought forward legislation to remove the requirement for candidates standing as local councillors to have their home addresses published on the ballot paper to 'avoid capable individuals being deterred from standing for office because they believe the process risks their safety or makes them vulnerable to abusive activity'. However, no changes were made to the provisions of the Localism Act that required candidates, once elected, to disclose their home address in the Register of Interests.

3. SENSITIVE INTERESTS

- 3.1 However, Section 32 of the Localism Act 2011 does allow for interests to be declared as 'sensitive' (whether or not Disclosable Pecuniary Interests) and therefore are not to be published if "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".
- 3.2 In these cases, the interest is registered but not published and the requirement for members to declare such interest under Section 31 becomes an obligation to declare merely the fact that the member has a disclosable pecuniary interest in the matter concerned but not the interest itself.
- 3.3 On 18 March 2024, the Minister for Local Government wrote to the chief executives of all local authorities in England requesting that councils advise their members of their right to request that their home address be withheld from the register as a sensitive interest under the provisions of Section 32 of the Act, and further that monitoring officers were asked to respond sympathetically to such requests. A copy of this letter is attached at Appendix A to the report which was sent by the Monitoring Officer to all 63 members by email on 19 March 2024.
- 3.4 The Monitoring Officer has, over the past 12 months, increasingly needed to respond to requests for home addresses to be declared as sensitive. In such cases, the Monitoring Officer has interpreted these requests in the context of the advice provided in the letter from the Minister for Local Government, and where there has been a heightened risk of a member being subject to violence or intimidation, has agreed to declare home address information as sensitive.
- 3.5 All such requests have been made on the basis that they will be subject to review after 12 months, at which point the member must demonstrate that there remained a risk of violence or intimidation. The 'not for publication' Appendix B to the report details those requests that have been agreed by the Monitoring Officer, and the point at which they will be subject to review.
- 3.6 In exercising powers under Section 32 of the Act, it is acknowledged that removing addresses from the register reduces transparency in the standards regime. However, this must be balanced against the threat of violence or intimidation which members are increasingly being subjected to.

4. CONCLUSIONS AND RECOMMENDATIONS

- 4.1 The Standards Committee is requested to note the report and endorse the Monitoring Officer's approach to sensitive interests.

BACKGROUND PAPERS

There are none

Anyone wishing to inspect the above background papers or requiring further information should contact Vicki Bates on 0161 474 3219 or by email on vicki.bates@stockport.gov.uk