

6 September 2023		ITEM: 11
Standards and Audit Committee		
Publication of Councillors Home addresses on Register of interest		
Wards and communities affected: All	Key Decision: Non-Key	
Report of: Asmat Hussain, Interim Director of Law and Governance		
Accountable Assistant Director: n/a		
Accountable Director: Asmat Hussain, Interim Director of Law and Governance		
This report is: Public		

Executive Summary

This report informs the Standards and Audit Committee of the requirements relating to the publication of Member's addresses on the Declaration of Interests Register and sets out potential options as to how such matters could be approached.

1. Recommendation(s)

1.1 The Standard and Audit Committee note the content of the report.

1.2 The Standard and Audit Committee consider and approve one of the options set out in paragraph 3 relating to the approach to be taken to the publication of Members home addresses on the Register of Interests.

2. Introduction and Background

2.1 All Members of the Council should be supported in undertaking their roles as safely as possible and without fear of intimidation. In recent years the murders of two Members of Parliament have highlighted the risks to those in public life. The matter of personal safety of Councillors has also been highlighted in two reports by the Committee for Standards in Public Life, and the Local Government Association Census 2022, that an increasing number of councillors and candidates are being subjected to abuse, threats and public intimidation. One area of concern is in relation to the public disclosure of Councillors addresses and the associated safety concerns.

2.2 Members are required to notify the Monitoring Officer of their disclosable pecuniary interests so that the public, council employees and fellow councillors know which of a Member's interests might give rise to a conflict of

interest. Section 29 of the Localism Act 2011 requires the Monitoring Officer to establish and maintain a register of those interests.

- 2.3 The Register of Interests is published on the Council's website and Members home addresses are usually published in the Register of Interests. Provisions in the Localism Act 2011 require Members to disclose the address of any property they occupy as their residence which is owned or rented by them in Thurrock.
- 2.4 A number of Members have asked the Council not to publish their home addresses in the Register of Interests. Provisions in section 32 of the Localism Act 2011 provides the Monitoring Officer with the power to withhold publication of Members home addresses in the Register of Interests if the Monitoring Officer considers that its disclosure could lead to the Member, or a person connected to the Member being subject to violence or intimidation and be treated as a sensitive interest. This is dependent on the Member being able to demonstrate a risk of violence or intimidation,
- 2.5 The Committee on Standards in Public Life in their report Local Government Ethical Standards published in 2019, it was noted that the sensitive interest provisions are often only used when a member has already experience intimidation or harassment. It was recommended that councillors should not be required to register their home addresses as a disclosable pecuniary interest. The report also recommended Monitoring Officers to ensure members are aware of the sensitive interests' provisions in the Localism Act 2011. There has been no action by Government to enact this recommendation.
- 2.6 However, the Local Government Ethical Standards Report refers to authorities which have adopted a blanket provision to record Member's home addresses on the Register of Interests but omit them from the published version. The City of Westminster has adopted this approach.
- 2.7 The Local Government Association has published a report of the findings of the National Census Local Authority Councillors 2022. The 2022 Census collected data between January and February 2022. All 16,9301 councillors in England were emailed a unique link to the questionnaire. A total of 5,055 councillors responded, a response rate of 30 per cent. The result of the census was that over the last twelve months 10% of councillors who responded have experienced abuse or intimidation in their role as a councillor (2022)

3 Proposed Options

- 3.1 It is proposed that Standards and Audit Committee Members consider the following options which could be applied in relation to the requirement to register Members' addresses:
- 3.2 Option 1

Make no changes to the way the Council approaches the disclosure of Members' addresses on the Register of Interests. The Council to remind all members about the possibility of applying for their personal address details to be considered as sensitive interests by the Monitoring Officer. Where it is demonstrated there is a of risk of violence or intimidation towards the Member concerned the publication of the member's home address will be withheld. This option is in line with the approach of many Authorities across the country;

3.3 Option 2

Make no changes to the way the Council approaches the disclosure of Members' addresses on the Register of Interest's, but introduce a policy which removes the onus to demonstrate a risk of violence or intimidation in respect of applications made on a case-by-case basis. This option would allow Members to explicitly opt in or out of having their home address published. The Standards and Audit Committee may consider this is the preferred option which gives all Members a choice. The Monitoring Officer to provide a blanket dispensation to members who choose not to agree to the Council publishing their home address on the Register of Members Interests. The Council to remind all Members about the possibility of applying for their personal address details to be considered as sensitive interests under this option.

3.4 Option 3

The Monitoring Officer to grant a blanket dispensation whereby all Members' addresses are treated as sensitive interests as a default position, without there being evidence of a risk of violence or intimidation. Members personal address details would be withheld from the Council's Register of Interest without the need for them to request on an individual basis that the publication of their personal address be withheld.

This approach has already taken by some authorities including City of Westminster Council. In each of those authorities a record of the sensitive interest is held by the Monitoring Officer and any resulting pecuniary interest is declared publicly but the details of the interest are not.

4. Issues, Options and Analysis of Options

4.1 The Council's current approach to the publication of Member's personal address details could remain unchanged. It would be a matter for the Member concerned to provide evidence of a risk of violence or intimidation and the Monitoring Officer to determine whether to treat a Member's personal address as a sensitive interest under S32(1)(b) Localism Act 2011.

Views expressed in reports by the Committee on Standards in Public Life and the LGA 2022 Census 2022, highlight the safety risks that Members face, therefore the Council's approach to the disclosure of Councillor's home addresses should be considered.

- 4.2 Members might be subject to abuse in their homes if their address is published. However, Members have the right to choose to publish their address. Giving members the choice means that they can make an informed judgement, mindful of the risks and benefits.
- 4.3 The introduction of a blanket dispensation removes Members right to choose to publish their address, but minimises the risk of Members being subject to abuse in their homes and removes the need for members to evidence risk of violence or intimidation.

5. Reasons for Recommendation

- 5.1 Member safety is important to the Council. In light of the views expressed by the Committee on Standards in Public Life in recent reports, past events and the LGA 2022 census concerning the safety risks that Members face, the Council's approach to the disclosure of Member's personal addresses should be considered. The proposed potential options will enable the Council to make an informed decision regarding the Council's approach to the publication of Members home addresses on the Register of Interests.

6. Consultation (including Overview and Scrutiny, if applicable)

- 6.1 None

7. Impact on corporate policies, priorities, performance and community impact

- 7.1 None

8. Implications

8.1 Financial

Will be met within existing resources in the Democratic Services budget.

Implications verified by: **Rosie Hurst**
Interim Senior Management Accountant

There are no financial implications arising from the recommendation in this report.

8.2 Legal

Implications verified by: **Gina Clarke**
Governance Lawyer & Deputy Monitoring Officer

The legal implications are contained in the report. It remains a requirement of the Code of Conduct, in line with the Localism Act 2011, for Members to

disclose property they own or rent in the register of interests. As set out in the main body of the report there are various options the Council may adopt relating to the publication of Members home addresses on the Register of Interests.

All information regarding Community Equality Impact Assessments can be found here: <https://intranet.thurrock.gov.uk/services/diversity-and-equality/ceia/>

8.3 Diversity and Equality

Implications verified by: (TBC)

There are no diversity and equality implications arising from the recommendation in this report.

8.4 Other implications (where significant) – i.e., Staff, Health Inequalities, Sustainability, Crime and Disorder, or Impact on Looked After Children

None

9. Background papers used in preparing the report (including their location on the Council's website or identification whether any are exempt or protected by copyright):

- Committee on Standards in Public life Intimidation in Public Life, December 2017
- Committee on Standards in Public life Ethical Standards January 2019
- Local Government Association National census of local authority councillors 2022

9. Appendices to the report

None

Report Author:

Gina Clarke
Governance Lawyer & Deputy Monitoring Officer