

TRAFFORD COUNCIL

Report to: Executive
Date: 24 January 2022
Report for: Information
Report of: Monitoring Officer

Report Title

Publication of Members' Addresses

Summary

This report is brought to the Executive in the light of a number concerns raised by Members in relation to the requirements relating to the publication of Member's addresses on the Declaration of Interests Register. The report considers the current position and sets out a proposal to consult with members on a number of options as to how such matters could be dealt with in future.

Recommendation(s)

It is recommended that the Executive;

- a) Note the content of the report and;
- b) Note the proposal to consult with Members on the options detailed in the report.

Contact person for access to background papers and further information:

Name: Alexander Murray

Relationship to Policy	None
Framework/Corporate Priorities	None
Relationship to GM Policy or Strategy Framework	None
Financial	None
Legal Implications:	The legal implications are covered in the report.
Equality/Diversity Implications	None
Sustainability Implications	None
Carbon Reduction	None
Resource Implications e.g. Staffing / ICT / Assets	None

Risk Management Implications	None
Health & Wellbeing Implications	None
Health and Safety Implications	None

1.0 Background Information

- 1.1 The Standards Committee has considered various aspects in relation to the safety of Councillors several times in recent years and guidance being provided to support all Members to conduct their roles as safely as possible. One area of contention which has arisen time and again is in relation to the public disclosure of Councillors' addresses and the associated safety concerns.
- 1.2 Members are required to notify the Monitoring Officer of any disclosable pecuniary interests which they might have. Section 29 of the Localism Act 2011 requires the Monitoring Officer to establish and maintain a register of those interests. The Register is a public document and as such the Council is required to both make the register available for inspection and to publish the register on its website.
- 1.3 The legislation requires members to notify any disclosable pecuniary interest within 28 days of being elected as a member. The definition of disclosable pecuniary interests includes any beneficial interest they may have in any land within the Borough. This will necessarily require them to disclose the address of any property they occupy as their residence, where that property is owned or rented by them. The fact that these details will then be published and available to members of the public has given rise to safety concerns amongst some Members.
- 1.4 The Committee for Standards in Public Life have also raised concerns around the publication of Members' addresses within two reports detailed below.
- 1.5 Section 32 of the Localism Act 2011 provides a mechanism for sensitive interests to be withheld from the authority's register where the Elected Member and the Monitoring Officer consider such disclosure could lead to the Elected Member, or someone connected with them, being subject to violence or intimidation. Of course, this mechanism is dependent on the Member being able to demonstrate a risk of violence or intimidation, see section 2.3 below.
- 1.6 There are several Local Authorities across the Country who already use the provision within the Localism Act 2011 to not publicly publish the addresses of any Members. 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.
- 1.7 In light of the views expressed by the Committee on Standards in Public life in the reports referenced below and recent events highlighting the safety risks that Members face, it is felt the Council's approach to the disclosure of Councillor's home addresses should be considered. The report provides a list of potential options to be considered and it is proposed that members should be consulted on those options.

2.0 Committee for Standards in Public Life

2.1 The Committee for Standards in Public Life (“CSPL”) have published two reports in the last four years which consider the concerns related to the publication of Members’ addresses:

2.1.1 The first report was on Intimidation in Public Life which was published in December 2017. Recommendations 20 and 21 both related to the disclosure of Elected Members’ addresses. Recommendation 20 requested that the government remove the requirement for candidates standing as local councillors to have their home addresses published on the ballot paper. Recommendation 21 stated that Monitoring Officers are to ensure members are aware of the sensitive interests provisions in the Localism Act 2011. Recommendation 20 eventually led to the passing of the Local Elections (Principal Areas) (England and Wales) (Amendment) (England) 2018 which came into effect on the 2nd May 2019 and gave candidates the right to choose that the Council area that they live appear on the ballot in place of their home address.

2.1.2 The second report, on Local Government Ethical Standards published in January 2019 went further than the previous report with recommendation 2:

“the government should ensure that candidates standing for or accepting public offices are not required publicly to disclose their home address. The Relevant Authorities (Disclosable Pecuniary Interest) Regulations 2012 should be amended to clarify that a councillor does not need to register their home address on an authority’s register of interests.”

2.3 CSPL, in their Ethics in Local Government report, suggest that the current measures provide scope for Councils to not publish Member addresses but that this cannot be utilised without demonstrating evidence of intimidation or violence, which outlines the limitations of this measure in terms of protection “... We received evidence, however, that often these provisions (for not publishing sensitive information) would only be invoked after a councillor had experienced intimidation or harassment, in which case their address was already publicly available”.

2.4 The 2019 report references that there are authorities which have applied a blanket provision which allows them to record Member’s home addresses on the register of interests but omit them from the published version. The named example provided within the 2019 report is the City of Westminster’s guidance notes for members on the register of interests which are:

“In accordance with the arrangements for the placing of Register of Interests on the City Council’s website agreed by the Standards Committee details of members’ home addresses will be omitted from the version placed on the website.”

2.5 Since the publication of the 2019 report there has not been any action from the government to enact any of the recommendations and it is unknown if or when they are likely to be addressed.

3.0 LGA National Census of Local Authority Councillors 2022

- 3.1 The Local Government Association (LGA) has confirmed that it will be inviting all local authority councillors to take part in its National Census of Councillors in January 2022.
- 3.2 The questions will remain largely unchanged from those used in the last census conducted 2018, although the LGA has indicated that there will be some new questions focusing on areas which they believe are of particular interest to councillors, specifically councillor safety.
- 3.3 The LGA will publish a report of the census findings in spring 2022. Response permitting, they will also produce a summary of results for each local authority.
- 3.4 The results of the census will help the LGA and Local Authorities better understand the types of support needed by councillors and ay help to further inform the Council's approach to the to the disclosure of Councillor's home addresses.

4.0 Consultation Proposal

- 4.1 Ultimately, whether to treat an interest as a sensitive interest is a matter for the member concerned and the Monitoring Officer to determine (S32(1)(b) Localism Act 2011). It is therefore proposed that Members are consulted generally in relation to the potential options below in order to inform a decision on this which could then be recommended to the Council by the Monitoring Officer.
- 4.2 We are proposing to consult with members on the following options:

Potential Options for consideration

There are effectively three potential options which could be applied to the matter of the requirement to register members' addresses:-

- A. Make no changes to the way the Council approaches the disclosure of Members' addresses on the public register:
 - The Council could remind all members about the possibility of applying for their personal address details to be considered as sensitive interests by the Monitoring Officer; and
 - Where the Member and Monitoring Officer are able to demonstrate a risk of violence or intimidation towards the member concerned, the publication of the member's home address will be withheld;
 - Trafford's current approach in that respect is in keeping with the rest of the Greater Manchester Authorities and most Authorities across the country; or
- B. Make no changes to the way the Council approaches the disclosure of Members' addresses on the public register but introduce a blanket policy which removes the onus to demonstrate a risk of violence or intimidation in respect of application made on a case by case basis:
 - The Council could remind all members about the possibility of applying for their personal address details to be considered as sensitive interests by the Monitoring Officer; and
 - On the basis that the current climate places those in public life at increased risk of violence or intimidation, the Monitoring Officer could utilise the policy to agree to withhold publication of details of a

member's home address without requiring specific evidence of a risk of violence or intimidation towards that particular member; or

C. To introduce a blanket policy whereby all Members' addresses are treated as sensitive interests as a default position, without there being evidence of a risk of violence or intimidation, and personal address details would be withheld from the Council's register without the need for them to request on an individual basis that the publication of their personal address is withheld:

- This would mirror the approach already taken by some authorities including City of Westminster Council.

4.3 Once the consultation exercise has been completed, options will be further developed and refined, taking into consideration the results of the LGA Census detailed above. The options will be considered by the Monitoring Officer and presented to the Executive, together with the Monitoring Officer's recommendations, for decision.

5. Other Options

5.1 The options are detailed within the report. In addition to the options set out in the report, the Council could determine that no consultation is necessary at this stage and as such, the Council's current approach to the publication of Member's personal address details, would remain unchanged.

6. Consultation

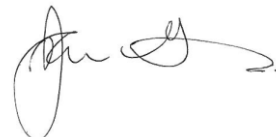
6.1 There are no public consultation requirements in respect matters detailed in this report.

7. Reason for Recommendation

7.1 Member safety is important to the Council. In light of the views expressed by the Committee on Standards in Public life in recent reports and recent events highlighting the safety risks that Members face, it is felt the Council's approach to the disclosure of Member's personal addresses should be considered. The proposed consultation with Members will enable the Council to make an informed decision regarding the Council's future approach to the publication of Member address details.

Finance Officer Clearance GB

Legal Officer Clearance DS



[CORPORATE] DIRECTOR'S SIGNATURE (electronic)...

To confirm that the Financial and Legal Implications have been considered and the Executive Member has cleared the report.