

TRAFFORD COUNCIL

Report to: Standards Committee
Date: 15 December 2021
Report for: Decision
Report of: Corporate Director of Governance and Community Strategy & Monitoring Officer

Report Title

Publication of Members' Addresses

Summary

This report is brought to Committee 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 number of options as to how such matters could be dealt with in future.

Recommendation(s)

It is recommended that the Standards Committee;

- a) Note the content of the report and;
- b) Agree to consult Members on the options

Contact person for access to background papers and further information:

Name: Alexander Murray and Fabiola Fuschi

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. Section 32 of the Localism Act 2011 provides a mechanism for the granting of a dispensation to exclude sensitive interests 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. Trafford Council's Constitution refers to this dispensation within the Code of Conduct.
- 1.5 There are several Local Authorities across the Country who already use the dispensation 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.
- 1.6 In light of the views expressed by the Committee on Standards in Public Life 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 by the Standards Committee. The report provides a list of options for the Committee's consideration to this effect.

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 dispensation 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 Options for consideration

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

- Make no changes to the way the Council approaches the disclosure of Members’ addresses on the public register - Trafford’s current approach is in keeping with the rest of the Greater Manchester Authorities and most Authorities across the country;
- Remind all members about the possibility of applying for their details to be considered as sensitive interests and then apply a dispensation in respect of any and all members who request that the details of their address are not made

publicly available. This is in line with the recommendations of the CSPL in their 2017 report;

- To apply a blanket policy whereby all Members' addresses are treated as sensitive interests and not made publicly available - This would mirror the approach already taken by some authorities including City of Westminster Council; or

3.2 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 suggested that it would be appropriate to consult with members generally in relation to the proposed options in order to inform a decision on this, which could then be recommended to Council by the Monitoring Officer.

5. Recommendations

It is recommended that the Standards Committee;

- a) Note the content of the report and;
- b) Agree to consult Members on the options