

Bath & North East Somerset Council		
MEETING	Standards Committee	
MEETING	23rd April 2024	
TITLE:	Report on Withholding Councillors' home addresses from the Register of Interests	
WARD:	All	
AN OPEN PUBLIC ITEM		
<p>List of attachments to this report:</p> <p>Appendix 1 – LGA Guidance on the Model Code (extract on sensitive interests)</p> <p>Appendix 2 – LGA BRIEFING</p> <p>Appendix 3 – Letter Local Government Minister Simon Hoare</p>		

1 THE ISSUE

The Committee is asked to consider whether the Monitoring Officer should take a proactive approach to withholding the home address of a Councillor from the register of a member's interest and treat this as a sensitive interest if requested to do so by a Councillor.

2 RECOMMENDATION

That the Committee resolve to support the Monitoring Officer to treat Councillors home addresses as a sensitive interest if requested to do so by a Councillor.

3 RESOURCE IMPLICATIONS (FINANCE, PROPERTY, PEOPLE)

None.

4 STATUTORY CONSIDERATIONS AND BASIS FOR PROPOSAL

4.1 By virtue of S.30 (1) Localism Act 2011 a member or co-opted member of B&NES Council must, before the end of 28 days beginning with the day on which the person becomes a member or co-opted member of the authority, notify the authority's Monitoring Officer of any disclosable pecuniary interests (DPIs) which the person has at the time when the notification is given. That includes the home address of the member.

- 4.2 The Monitoring Officer is required to enter DPIs in a register of interests and publish that on the Council's website. However, the Monitoring officer has the discretion to withhold sensitive personal interests from publication under S.32 of the Localism Act where the Monitoring Officer considers 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.
- 4.3 Case law in the First Tier Tribunal decision of Bristol CC v Information Commissioner <https://www.bailii.org/uk/cases/UKFTT/GRC/2023/878.html> resolved that Sensitive information on the register of members' interests is subject, under the Localism Act 2011, to the discretion of the Monitoring Officer, and thus 'this operates as a statutory bar' to disclosure under section 44 FOIA.

5 THE REPORT

- 5.1 The LGA Guidance issued in support of the model code (extract Appendix 1) provides for transparency and, in respect of Sensitive interests, states that:

You should provide this information to your monitoring officer and explain your concerns regarding the disclosure of the sensitive information; including why it is likely to create a serious risk that you or a person who lives with you will be subjected to violence or intimidation. You do not need to include this information in your register of interests, if your monitoring officer agrees, but you need to disclose at meetings the fact that you have an interest in the matter concerned (see guidance on declaring interests).

If the Monitoring Officer does not agree then the interest must be registered.

- 5.2 To date, the Monitoring Officer has always required that a member wishing to withhold their address from publication in the register provide some evidence of threat of violence and intimidation. However, the direction of opinion on this is turning and the Committee on Standards in Public Life (CSPL) in 2019 recommended that Councillors should not be required to register their home addresses. In addition, since 2019 there is also no longer a requirement for candidates for Council elections to have their home address published on the ballot paper. This brings such candidates into line with parliamentary MPs (Appendix 2).
- 5.3 Recently, the DLUHC Minister for Local Government wrote to all Council CEOs and Monitoring Officers encouraging Monitoring Officers to look sympathetically at accommodating requests for the withholding of home addresses from published versions of the Register of Interests where there are legitimate concerns of violence or intimidation (Appendix 3).

6 THE OPTIONS

- 6.1 Option 1 Continue with current arrangements.
- 6.2 Option 2 Withhold from publication, in the Register of Interests, a member's address at their request and treat this as a sensitive interest.
- 6.3 Option 3 Blanket removal of all Councillors' addresses from publication irrespective of their view.

7 RATIONALE

- 7.1 In light of the matters above, the Monitoring Officer intends to implement a more sensitive approach to determinations in respect of any request by a member to withhold their address as a sensitive interest where the individual member requests this. B&NES Council would not be a first mover in this respect given that a number of London councils already do so, notably Westminster, Southwark, Wandsworth & Richmond. This is Option 2.
- 7.2 It is acknowledged that this approach is not without risk and given the draconian effect of such an approach on FOI requests there is a balance to be struck between protecting councillors, that feel at personal risk for themselves or their family, against transparency in decision making. The safeguard to implementing this approach is that the members concerned are still required to declare an interest in any meeting where their DPI is relevant and not take part in the debate or vote, albeit at the expense of total transparency in decision making.
- 7.3 The final option has been rejected on the basis that some Councillors are not concerned about publication of their home address and should retain the right to automatically have this published.
- 7.4 The Council has recently signed up to the Local Government Association Debate not Hate initiative and is taking a proactive approach to protecting members in this respect.

8 OTHER OPTIONS CONSIDERED

- 8.1 Set out in part 6.

9 CONSULTATION

- 9.1 Not applicable.

10 RISK MANAGEMENT

- 10.1 A risk assessment related to the issue and recommendations has been undertaken, in part 7 above and this is in compliance with the Council's decision making risk management guidance.

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Background papers	None
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