



# Northumberland

## County Council

### STANDARDS COMMITTEE

DATE: 21<sup>ST</sup> APRIL 2023

TITLE: SECTION 32 OF THE LOCALISM ACT 2011 - DISPENSATIONS

#### Report of the Monitoring Officer

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#### 1. Purpose of report

- 1.1 Following a number of concerns raised by Members in relation to the requirements relating to the publication (on the Council's website) of Members addresses on the Declaration of Interests Register, this report considers the current position and sets out a number of options for Members consideration.
- 1.2 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 in certain instances as set out in the body of this report.

#### 2. Recommendations

It is recommended:

- 2.1 To consider the options as set out in paragraph 5 of this report and agree to consult all Members on the three options as set out in paragraph 5.
- 2.2 That the outcome of the consultation is reported back to this Committee.

#### 3. Link to Corporate Plan

This report is relevant to the "We want to be efficient, open and work for everyone" priority included in the NCC Corporate Plan 2021-2024.

#### 4. Key issues

- 4.1 The issue of elected Members safety has been a discussion point at both national and local level and one matter which has been a focal point is the publication of elected Members' addresses.

- 4.2 Section 29 of the Localism Act 2011 requires the Monitoring Officer to establish and maintain a register of disclosable pecuniary interests, such register being a public document should be made available for inspection and published on the Council website. The definition of disclosable pecuniary interests includes any beneficial interest they may have in any land within the County. This will 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.
- 4.3 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.

Publication of Members' addresses was also discussed within the 2019 report by the Committee on Standards in Public Life who made the following recommendation: -

*"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 Interests) 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."*

The Government response to this recommendation was: -

*"This issue was brought up in the Committee's work on intimidation in public life, and the Government has already taken forward several steps in this regard. The Government is open and receptive to further steps to help prevent intimidation. The Government agrees with the principle behind this recommendation – which safeguards elected representatives - and considers amending the Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012 would be an option to achieve it. The Government will engage with interested parties on the best means to ensure that candidates and councillors are not required publicly to disclose their home address. Notwithstanding, it is important that home addresses are internally registered with monitoring officers, to help avoid conflicts of interest."*

- 4.4 There are several Local Authorities across the Country who already use the dispensation within the Localism Act 2011 that do not publicly publish the addresses of either some or all Members. The 2019 Committee on Standards in Public Life report references the City of Westminster Council's approach of a guidance note to all Members detailing an agreement by their Standards Committee to omit addresses from the published version of the Register of Interests. In each of the Authorities where addresses are not published, 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.

## **5. Options for consideration**

There are 3 options for Members' consideration: -

- 5.1 Make no changes to the way the Council approaches the disclosure of Members' addresses on the public register – Northumberland's current approach is in keeping with most Authorities across the country;
- 5.2 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.
- 5.3 To apply a blanket policy whereby all Members' addresses are treated as sensitive interests and not made publicly available. This is the approach already taken by some authorities including City of Westminster Council. Ultimately, whether to treat an interest as a sensitive interest is a matter for the Member concerned and the Monitoring Officer to determine in accordance with S32(1)(b) Localism Act 2011.

It is recommended that it would be appropriate to consult with Members generally in relation to the proposed options and the outcome reported back to this Committee.

### **Implications**

<b>Policy</b>	N/A
<b>Finance and value for money</b>	There are no direct financial implications associated with this report.
<b>Legal</b>	The Localism Act 2011 covers disclosure of Members interests. All other legal implications have been incorporated within the body of this report.
<b>Procurement</b>	None
<b>Human Resources</b>	None
<b>Property</b>	None
<b>Equalities</b> (Impact Assessment attached) Yes <input type="checkbox"/> No <input type="checkbox"/> N/A /	Consideration of risks to Members safety supports the Council's policy on equalities.
<b>Risk Assessment</b>	Risk assessments are refreshed annually, and the issue of Member safety is considered as part of this process.
<b>Crime &amp; Disorder</b>	None

<b>Customer Consideration</b>	None
<b>Carbon reduction</b>	N/A
<b>Health and Wellbeing</b>	Ensuring Members are adequately safeguarded supports their health and wellbeing.
<b>Wards</b>	All

### **Background papers**

Local Government Ethical Standards, A Review by the Committee on Standards in Public Life, 2019 [Local Government Ethical Standards January 2019 \(publishing.service.gov.uk\)](https://publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/400000/local-government-ethical-standards-january-2019.pdf)

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