



Northumberland County Council

STANDARDS COMMITTEE

13th July 2023

SECTION 32 OF THE LOCALISM ACT 2011 - DISPENSATIONS

Report of the Director of Law and Governance

1. Link to Key Priorities of the Corporate Plan

1.1. Achieving Value For Money – The improvement in processes and procedures will ensure more efficient use of resources. The report is about ensuring good governance and effective management of resources, with a focus on improvement, to deliver the best possible outcomes for the public.

2. Purpose of report

- 2.1.** 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 following consultation of all Members of the Council.
- 2.2.** 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.

3. Recommendations

- 3.1.** That Members note the position as set out in the report

4. Background

- 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.
- 4.4.** On 21st April 2023 the Standards Committee received a report setting out the background of this issue and recommending that all Members be canvassed as to their views
- 4.5.** The Standards Committee resolved to consult members as to whether they would prefer the option of a blanket policy on withholding members' addresses on the public register or maintaining the current position.
- 4.6.** Officers have since conducted a consultation with members, the results of which are shown in the document in Appendix 1. There were a total of 47 responses (70% of all members), resulting in an approximately even split between members who would prefer that a blanket dispensation be allowed to remove address details from the published version of the register (numbering 24), and those who would wish to maintain the current position (numbering 23), whereby it would be up to each member to make the appropriate request for the dispensation if they considered it necessary.
- 4.7.** Members will see there are a significant number of members who would prefer a blanket dispensation given, however the legislation only gives power to a Monitoring Officer to remove details of the interest from the published version

of the register if they consider 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. As such there is no power for a local authority or a committee of a local authority to grant a blanket dispensation to members.

- 4.8. In view of the above the Director of Law and Governance proposes to write to the Department for Levelling Up, Housing and Communities with the view that legislative change is needed to introduce the option for such a blanket policy in the appropriate circumstances. Until such change is made the Director of Law and Governance as the Council’s Monitoring Officer will continue to deal with any request for dispensations under section 32 on an individual basis.

5. Implications

Policy	None	
Finance and value for money: eg: What are the financial implications and how will this be funded.	There are no direct financial implications associated with this report.	
Legal	The Localism Act 2011 covers disclosure of Members interests. All other legal implications have been incorporated within the body of this report	
Procurement	None	
Human Resources	None	
Property	None	
Equalities Act: is a full impact assessment required and attached?” Yes <input type="checkbox"/> No <input type="checkbox"/> <input type="checkbox"/> N/A <input type="checkbox"/>	Consideration of risks to Members safety supports the Council’s policy on equalities.	

Risk Assessment	Risk assessments are refreshed annually, and the issue of Member safety is considered as part of this process.	
Crime & Disorder	None	
Customer Consideration	None	
Carbon reduction	N/A	
Health and Wellbeing	Ensuring Members are adequately safeguarded supports their health and wellbeing.	
Wards	All	

6. 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/781117/local-government-ethical-standards-january-2019.pdf)

7. Links to other key reports already published

Standards Committee 21st April 2023 Report

<https://northumberland.moderngov.co.uk/documents/s13984/05.%20Section%2032%20Localism%20Act%202011%20-%20Dispensations.pdf>

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