

NORTH YORKSHIRE COUNTY COUNCIL

STANDARDS COMMITTEE

2 March 2018

Registration and declaration of sensitive interests**1.0 PURPOSE OF REPORT**

- 1.1 To inform the Committee of the rules around the registration and declaration of sensitive interests.

2.0 BACKGROUND

- 2.1 At the Committee's last meeting, Members requested that a report be brought to a future meeting regarding the registration of sensitive interests within the Register of Members' Interests, particularly the publication of personal addresses for County Councillors given that alternative methods of contact are now available.

3.0 LEGISLATIVE REQUIREMENTS

- 3.1 By law, there are certain categories of interest which must be registered in the Register of Members' Interests (and declared at meetings where required); these are known as 'disclosable pecuniary interests' (DPIs). Authorities may choose to include other categories of interest to be registered. The County Council's Register records the statutorily prescribed DPIs and, following national advice from DCLG, trade union/professional association memberships.
- 3.2 The categories of DPIs required to be registered include land and property interests (including licences and tenancies), which would cover a councillor's home address. The Register must be available for inspection at all reasonable hours and be published on the Council's website.

4.0 SENSITIVE INTERESTS

- 4.1 The law does allow for the exemption from registration and declaration of interests which are agreed between the Monitoring Officer and the Member to be sensitive under the Code of Conduct.
- 4.2 The law defines a sensitive interest for these purposes as an interest (whether or not a DPI) where the Member and Monitoring Officer consider that disclosure of the details could lead to the Member, or a person connected with the Member, being subject to violence or intimidation.
- 4.3 If the interest is entered in the Register, copies of the Register which are available for inspection and published on the website must not include details of the interest (but may state that the Member has an interest the details of which are withheld under section 32(2) of the Localism Act 2011).
- 4.4 If the Member needs to declare a sensitive interest to a meeting (and the interest is not registered in the Register), s/he need only disclose the fact that s/he has a disclosable pecuniary interest in the matter concerned (not the sensitive details).

- 4.5 Members will note from other reports to the Committee's meeting, that the issue of publication of councillors' home addresses generally has been the subject of discussion in the context of the CSPL's review of intimidation of Parliamentary candidates and the broader implications of this for other public office holders.
- 4.6 In light of the CSPL's recommendations, the Government has just announced it will consult on plans to remove the requirement for candidates standing as councillors in local elections to have their addresses published on ballot papers, in time for local elections in May 2019 and on a new electoral law offence of intimidating parliamentary candidates and their campaigners (the current offence of electoral intimidation relates to undue influence on voters).
- 4.7 Members may wish to consider whether they would wish to make any representations regarding the DPI categories in this context – this could be done as part of the current local government standards regime review by the CSPL - or whether they feel the provisions around sensitive interests adequately cover any concerns.

5.0 RECOMMENDATIONS

- 5.1 That Members consider the provisions around sensitive interests and determine whether they would wish to make any representations around the requirements for publication of Members' addresses.

BARRY KHAN

Assistant Chief Executive (Legal and Democratic Services) and Monitoring Officer

Background Papers:

- The Localism Act 2011 and subordinate legislation

County Hall
NORTHALLERTON

21 February 2018