

NORTH YORKSHIRE COUNCIL
STANDARDS AND GOVERNANCE COMMITTEE

13 March 2026

Approach to sensitive interests under the Localism Act 2011

1.0 PURPOSE OF REPORT

1.1 To review the approach taken to sensitive interests under the Localism Act 2011.

2.0 BACKGROUND

2.1 Under the Localism Act 2011, if a Member has an interest, the nature of which is such that the Member and the Monitoring Officer consider that disclosure of the details of the interest could lead to the Member, or a person connected with them, being subject to violence or intimidation, then the Monitoring Officer can agree that the interest is a sensitive interest.

2.2 If an interest is agreed to be sensitive, this means that the Member must still disclose the **existence** of an interest to a meeting and in the public Register of Members' Interests, but the sensitive details themselves do not need to be disclosed/registered in the public Register (but will need to be provided to the Monitoring Officer confidentially).

3.0 APPROACH TO SENSITIVE INTERESTS

3.1 Currently the Monitoring Officer deals with applications from NYC councillors and town/parish councillors for interests to be treated as sensitive, on a case by case basis. Often, the type of interests requested to be withheld are employment/business details and home addresses/property interests.

3.2 Some other authorities have taken a different approach in terms of Members' addresses, adopting a default position that Members' addresses are to be treated as sensitive interests and are therefore not disclosed unless individual Members specifically 'opt in' and request their address to be published.

3.3 Under electoral law, candidates have to make the request for their address to be withheld when completing the home address form in their nomination papers; however if they are their own agent then their home address still appears on the published notice of election agent's addresses (unless they have an office address). For parish council candidates there is no election agent and therefore no published notice of election agent's addresses.

3.4 Regarding the statutory sensitive interests, the Monitoring Officer does have reservations that adopting an 'opt in' approach would not be consistent with the letter and spirit of sections 29 and 30 of the Localism Act and the general presumption of openness and transparency in authority governance.

3.5 Although an authority can choose what goes in the Register of Members' Interests, it is subject to the provisions of Chapter 7 (standards) which is drafted on the basis of sensitive withheld interests being the exception rather than the rule. It is an 'opt out' basis in the national legislation and guidance.

- 3.6 Legally, Disclosable Pecuniary Interests must be registered and published in the public Register and available for public inspection unless agreed by the Monitoring Officer to be sensitive and it is case specific. Agreed sensitive interests still need to be registered confidentially with the Monitoring Officer but the sensitive details will not be published in the public Register. There has to be specific agreement by the Monitoring Officer “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”.
- 3.7 The Monitoring Officer would have reservations about the Council adopting a blanket resolution that Members’ addresses are to be treated as sensitive interests unless they say otherwise as:
- a) not all 90 NYC councillors and almost 3000 parish councillors are necessarily likely to be subject to violence or intimidation (the legal grounds for a sensitive interest); and
 - b) it is a statutory function of the Monitoring Officer to agree an interest as sensitive, not the authority.
- 3.8 The Monitoring Officer is, however, keen to seek Members’ views on the approach to sensitive interests.

4.0 FINANCIAL IMPLICATIONS

4.1 There are no significant financial implications arising from this report.

5.0 LEGAL IMPLICATIONS

5.1 There are no significant legal implications arising from this report.

6.0 ENVIRONMENTAL/CLIMATE CHANGE IMPLICATIONS

6.1 There are no significant environmental/climate change implications arising from this report.

7.0 EQUALITIES IMPLICATIONS

7.1 There are no significant equalities implications arising from this report

8.0 RECOMMENDATIONS

8.1 That Members consider the approach to sensitive interests and whether any changes in approach would be appropriate.

BARRY KHAN
Assistant Chief Executive Legal and Democratic Services and Monitoring Officer

Background Documents: None

County Hall
NORTHALLERTON

4 March 2026