

Thurrock: A place of opportunity, enterprise and excellence, where individuals, communities and businesses flourish

STANDARDS COMMITTEE

The meeting will be held at **7.00 pm** on **16 July 2024**

Committee Room 2, Civic Offices, New Road, Grays, Essex, RM17 6SL

Membership:

Councillors Cathy Kent (Chair), Barry Johnson (Vice-Chair), John Allen, Deborah Arnold, Martin Kerin, Sue Shinnick, Charles Clarke and Nijjar

Substitutes:

Councillors John Fox, Andrew Jefferies, Jacqui Maney, Srikanth Panjala and Lee Watson

Agenda

Open to Public and Press

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Information for members of the public and councillors

Access to Information and Meetings

Advice Regarding Public Attendance at Meetings

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Hand sanitiser will also be available at the entrance for your use.

Recording of meetings

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If you have any queries regarding this, please contact Democratic Services at Direct.Democracy@thurrock.gov.uk

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The council welcomes the filming, photography, recording and use of social media at council and committee meetings as a means of reporting on its proceedings because it helps to make the council more transparent and accountable to its local communities. If you wish to film or photograph the proceedings of a meeting and have any special requirements or are intending to bring in large equipment please contact the Communications Team at CommunicationsTeam@thurrock.gov.uk before the meeting. The Chair of the meeting will then be consulted and their agreement sought to any specific request made.

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- Access the modern.gov app
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DECLARING INTERESTS FLOWCHART – QUESTIONS TO ASK YOURSELF

Breaching those parts identified as a pecuniary interest is potentially a criminal offence

Helpful Reminders for Members

- *Is your register of interests up to date?*
- *In particular have you declared to the Monitoring Officer all disclosable pecuniary interests?*
- *Have you checked the register to ensure that they have been recorded correctly?*

When should you declare an interest *at a meeting*?

- **What matters are being discussed at the meeting?** (including Council, Cabinet, Committees, Subs, Joint Committees and Joint Subs); or
- If you are a Cabinet Member making decisions other than in Cabinet **what matter is before you for single member decision?**



Does the business to be transacted at the meeting

- relate to; or
- likely to affect

any of your registered interests and in particular any of your Disclosable Pecuniary Interests?

Disclosable Pecuniary Interests shall include your interests or those of:

- your spouse or civil partner's
- a person you are living with as husband/ wife
- a person you are living with as if you were civil partners

where you are aware that this other person has the interest.

A detailed description of a disclosable pecuniary interest is included in the Members Code of Conduct at Chapter 7 of the Constitution. **Please seek advice from the Monitoring Officer about disclosable pecuniary interests.**

What is a Non-Pecuniary interest? – this is an interest which is not pecuniary (as defined) but is nonetheless so significant that a member of the public with knowledge of the relevant facts, would reasonably regard to be so significant that it would materially impact upon your judgement of the public interest.

Pecuniary

If the interest is not already in the register you must (unless the interest has been agreed by the Monitoring Officer to be sensitive) disclose the existence and nature of the interest to the meeting

If the Interest is not entered in the register and is not the subject of a pending notification you must within 28 days notify the Monitoring Officer of the interest for inclusion in the register

Unless you have received dispensation upon previous application from the Monitoring Officer, you must:

- **Not participate or participate further in any discussion of the matter at a meeting;**
- **Not participate in any vote or further vote taken at the meeting; and**
- **leave the room while the item is being considered/voted upon**

If you are a Cabinet Member you may make arrangements for the matter to be dealt with by a third person but take no further steps

Non-pecuniary

Declare the nature and extent of your interest including enough detail to allow a member of the public to understand its nature



You may participate and vote in the usual way but you should seek advice on Predetermination and Bias from the Monitoring Officer.

Our Vision and Priorities for Thurrock

An ambitious and collaborative community which is proud of its heritage and excited by its diverse opportunities and future.

1. **People** – a borough where people of all ages are proud to work and play, live and stay
 - High quality, consistent and accessible public services which are right first time
 - Build on our partnerships with statutory, community, voluntary and faith groups to work together to improve health and wellbeing
 - Communities are empowered to make choices and be safer and stronger together

2. **Place** – a heritage-rich borough which is ambitious for its future
 - Roads, houses and public spaces that connect people and places
 - Clean environments that everyone has reason to take pride in
 - Fewer public buildings with better services

3. **Prosperity** – a borough which enables everyone to achieve their aspirations
 - Attractive opportunities for businesses and investors to enhance the local economy
 - Vocational and academic education, skills and job opportunities for all
 - Commercial, entrepreneurial and connected public services

Standards Committee – Terms of Reference

Standards Committee	
<p>Appointed by:</p> <p>The Council, in accordance with the provisions of S101 and S102 Local Government Act 1972 and Regulations made thereunder.</p>	<p>Number of Elected Members:</p> <p>Six elected Members</p>
<p>Chair and Vice-Chair appointed by:</p> <ol style="list-style-type: none"> 1. The Chair will be appointed by Council. 2. There will be one Vice Chair, who will be appointed by Council 3. The Vice-Chair shall deputise for the Chair in his or her absence. 	<p>Political Proportionality:</p> <p>Rules of political proportionality apply.</p> <p>Substitutes:</p> <p>Substitutes are permitted for the Standards Committee.</p> <p>Frequency:</p> <p>At least quarterly.</p>
<p>Quorum:</p> <p>At least three voting Members of the Committee</p>	<p>Co-opted Members:</p> <p>Up to six non-voting, to be appointed by the Committee</p> <p>Independent Person to be appointed by the Council:</p> <p>Appointment approved by full Council in accordance with the provisions of Section 28(6) and (7) of the Localism Act 2011</p> <p>The Independent Person shall be invited to attend the meetings of the Standards Committee</p>
<p>Terms of Reference:</p> <ol style="list-style-type: none"> 1.1 promoting and maintaining high standards of conduct by Members and Co-Opted Members of the authority 1.2 receiving periodic reports from the Monitoring Officer on dispensations granted / refused, complaints received against Members, complaints resolved informally, complaints resolved after an investigation and a Members Advisory Panel Hearing and assessing the operation and effectiveness of the Members' Code of Conduct 1.3 advising on all Member training, including arranging to train Members and Co-Opted Members on matters relating to the Members' Code of Conduct 	

Standards Committee – Terms of Reference

- 1.4 assisting Councillors and co-opted Members to observe the Members' Code of Conduct
- 1.5 to receive referrals from the Monitoring Officer into allegations of misconduct in accordance with the authority's assessment criteria
- 1.6 advising the Council upon the contents of and requirements for codes/protocols/other procedures relating to standards of conduct throughout the Council
- 1.7 maintaining oversight of the Council's arrangements for dealing with complaints
- 1.8 informing Council and the Chief Executive of relevant issues arising from the determination of Code of Conduct complaints
- 1.9 appointment of Members' Advisory Panel (a Working Group of the Committee) to hear and make recommendations to the Monitoring Officer concerning complaints about Members and Co-Opted Members referred to it by the Monitoring Officer
- 1.10 on referral by the Monitoring Officer to grant dispensations after consultation with the Independent Person pursuant to S33(2) (b), (c) and (e) of the Localism Act 2011
- 1.11 hear and determine appeals against refusal to grant dispensations by the Monitoring Officer pursuant to S33(2)(a) and (d) of the Localism Act 2011

16 July 2024	ITEM: 5
Standards Committee	
Ethical Framework Update	
Wards and communities affected: All	Key Decision: Not applicable
Report of: Daniel Fenwick, Executive Director, Corporate Services/Monitoring Officer	
Accountable Assistant Director: n/a	
Accountable Director: Daniel Fenwick, Executive Director, Corporate Services/Monitoring Officer	
This report is Part Exempt. Appendix 3 is exempt by virtue of paragraph 1 (information relating to any individual) of the Access to Information Procedure Rules set out in the Constitution and Schedule 12A of the Local Government Act 1972 as amended. In all the circumstances, the public interest in maintaining the exemption outweighs the public interest in disclosure.	
Version: Final Version	

Executive Summary

The Council’s Code of Conduct for Councillors set out obligations, which are the minimum standards of conduct required of Councillors. The Council’s Members’ Code of Conduct requires Members to ensure that any gifts and hospitality offered to them are recorded in a register which is published along with the Members’ register of interests on the Council’s website. This report provides information on an audit carried out on gifts and hospitality declared by Members.

A Code of Conduct training session was undertaken by the Monitoring Officer in May 2024 where 20 of the 49 members attended.

This report set out gifts and hospitality declared by the Leader and Councillors for the period May 2023 to May 2024. There have been two declarations of receipts of gifts and hospitality is set out in Appendix 1.

This report also sets out the declaration of interest declared at meetings for the period May 2023 to May 2024 is set out in Appendix 2.

This report also updates the Committee on complaints received since 23 November 2023 are set out in Exempt Appendix 3.

Version Control (delete as appropriate)

Version 1 - First draft ready for DMT, SLT and Commissioner input; **Version 2** - Second Draft ready for Portfolio Holder, Leader and other Member Input; **Version 3** - Third draft for any further comments; **Version Committee** – Draft ready for submission to public committee; **Version Cabinet** – Final version ready for Cabinet/Executive decision

1. Recommendation(s)

For the reasons set out in the report, the Standard Committee is asked to:

- 1.1 Note the list of gifts and hospitalities declared for the period May 2023 to May 2024 and comment on the process for great transparency and accountability for gifts and hospitality set out in paragraph 2.6.
- 1.2 Note the declaration of interests made at meetings for the period May 2023 to 2024.
- 1.3 Note the update on the Code of Conduct complaints received.

2. Introduction and Background

- 2.1 Section 27 of the Localism Act 2011 requires the Council to promote and maintain high standards of ethical behaviour by Members and Co-opted Members of the Council. In discharging this duty Thurrock Council has adopted a Code of Conduct for Members and Co-opted Members, the code is set out in Chapter 7, Part 3 of the Council's constitution.
- 2.2 The Code of Conduct applies to Members and Co-opted Members whenever they are acting in the capacity of members.
- 2.3 The Members' Code of Conduct sets out specific obligations in relation to the standards of conduct required of all Members and co-opted Members of the Council.

Declarations of interests

- 2.4 The Code of Conduct places a requirement on Members to register, disclose and not participate in any matter in which a member has a Disclosable Pecuniary Interest as set out in Chapter 7 of the Localism Act 2011, and prescribed Regulations.
- 2.5 Appendix B of the Code of Conduct sets out the requirements on registering and disclosing interests, members must:
 - Ensure that their register of interests is kept up to date and within 28 days of becoming aware of any new interest, or change to a registered interest, notify the Monitoring in writing.
 - Where a matter arises at a meeting which relates any of their disclosable pecuniary interests, make a verbal disclosure of the existence and nature of the interest, not participate in any discussion or vote on the matter, and must not remain in the room unless a member has been granted a dispensation.
- 2.6 The Code of Conduct also requires Members to make a verbal disclosure of the existence of a "Other Registrable interest" or "Non-Registrable Interest" at any meeting at which they are present in any item of business to be considered, before the consideration of the item of business or as soon as the interest becomes apparent.

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- 2.7 The declarations of interest declared at meetings are set out for the period May 2023 to May 2024, as this is the first report setting out this information. Advice and guidance on declaration of interests are included on agendas for Members information.

Gifts and Hospitality

- 2.8 The Code of Conduct also places an obligation on Members not to accept gifts or hospitality, irrespective of estimated value, which could give rise to real or substantive personal gain or a reasonable suspicion of influence on the Member's part to show favour from persons seeking to acquire, develop or do business with the Council, or from persons who may apply to the Council for any permission, licence or other significant advantage.
- 2.9 In order to protect your position and the reputation of the local authority, you should exercise caution in accepting any gifts or hospitality which are (or which you reasonably believe to be) offered to you because you are a councillor. The presumption should always be not to accept significant gifts or hospitality. However, there may be times when such a refusal may be difficult if it is seen as rudeness, in which case you could accept it but must ensure it is publicly registered. However, you do not need to register gifts and hospitality which are not related to your role as a councillor, such as Christmas gifts from your friends and family. It is also important to note that it is appropriate to accept normal expenses and hospitality associated with your duties as a councillor. If you are unsure, do contact your Monitoring Officer for guidance.
- 2.10 However, there may be times when such a refusal may be difficult if it is seen as rudeness, in which case Members could accept it but must ensure it is publicly registered. The Code provides that Members must register with the Monitoring Officer any gift or hospitality with an estimated value of at least £50 within 28 days of the date it was received. The Monitoring Officer places their notification on a public register of gifts and hospitality.
- 2.11 It is also a requirement of the Code for Members to register with the Monitoring Officer any significant gift or hospitality that they have been offered but have declined to accept. This helps the Council to identify if there are any patterns and to be aware of who might be seeking to influence the Council.
- 2.12 Registering gifts or hospitality received under the Code does not automatically mean it is appropriate or sensible to accept them. Particular care should be taken in relation to gifts and hospitality offered by current or potential contractors for the Council and also by applicants and others in relation to planning applications.
- 2.13 To ensure that there is greater transparency and accountability, and to create and maintain public confidence in the role of Members and the Council, the gifts and hospitality form for Members will be sent all Members bi-annually and will include a new requirement for Members who have not accepted or been offered any gifts or hospitality to declare a nil return.
- 2.14 An audit of the list of entries made in the register for Members Gifts and Hospitality for May 2023 to May 2024 is attached at Appendix 1.

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2.15 The list of entries show that two Councillors made notifications of gifts and hospitality received on two occasions.

These are summarised as follows:

Year	Type of Entry onto the register
2023	1 Event, 1 Gift
2024	As of May 2024 no notifications received

2.16 The number of registrations is low, and it is for each individual Member to exercise sound judgement to decide whether to accept or refuse any gift or hospitality offered. Training is provided to all Members on the Code of Conduct, which includes gifts and hospitality.

Update on Code of Conduct complaints received

2.17 Appendix 3 of the report provides details of the complaints received since 23 November 2023. Complaints received are given a Unique Reference Number (URN) and Appendix 3 sets out:

- Brief details of the complaint;
- The decisions taken by the Monitoring Officer (in consultation with the Independent Person);
- The current status of complaints.

Update on recent developments

2.18 The Court of Appeal quashed the conviction of Thomas Casserly, the appellant for sending an indecent or grossly offensive communication with the intent to cause distress or anxiety, contrary to Section 1 of the Malicious Communications Act 1988. The communication was an email addressed to a town councillor, Victoria Dominguez-Perez, about a political dispute, questioning her ability to serve as a councillor given her disabilities. Casserly was sentenced to a community order and a five-year restraining order, which restricted his freedom to contact the local councillor. He appealed against the conviction.

2.19 The Court considered the interaction between s 1 of the Malicious Communications Act 1988 and the right to free speech under Article 10 of the European Convention of Human Rights (Article 10).

2.20 The Court of Appeal allowed the appeal and the conviction was quashed. Casserly maintained that his communication was a legitimate expression of his opinion and that he was entitled to express his concerns in accordance with Article 10 especially within the context of holding elected officials accountable.

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2.21 The Court of Appeal held that :

- i. Casserly was in dispute with the Town Council and this email was part of a series of communications between him and Town Councillors. Therefore, it was sent in a political context. Holding politicians to account is an important part of a democratic society;
- ii. When people are expressing themselves in a political context the law expects those who receive the communications to have a thicker skin than those who are ordinary citizens;
- iii. The use of strong language, even that which is offensive, shocking or extremely rude, may not be enough to amount to the offence charged;
- iv. Accordingly, the prosecution had to meet a very high threshold. It would only be possible for the communication to be grossly offensive if, in the jury's judgment, it went well beyond robust scrutiny of an elected councillor in the performance of the role to which she was elected;
- v. It was not enough for the prosecution to prove that the email was likely to have caused distress or anxiety and Casserly either knew it was likely to have that effect or did not give thought to whether it would. What mattered was what was the Casserly's objective(s) in sending the email. The jury had to be sure that at least part of his objective(s) in sending the email was to cause distress or anxiety.

2.22 The case highlights the balance that courts must strike between the rights of individuals to be protected from communications which are likely to cause distress or anxiety and the right to free speech in the context of political expression. The Court of Appeal identified a number of factors as to what constitutes 'grossly offensive' communication when Article 10 is engaged and the specific intent required for conviction under the Malicious Communications Act 1988.

3. Issues, Options and Analysis of Options

Not Applicable.

4. Reasons for Recommendations

- 4.1 To promote and maintain high standards of ethical behaviour for all Councillors.
- 4.2 To create and maintain public confidence in the role of councillors and local government.

5. Consultation (including Overview and Scrutiny, if applicable)

- 5.1 The Independent Person in respect of complaints received as and when required.

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6. Impact on corporate policies, priorities, performance and community impact

6.1 The Members Code of Conduct encourages good conduct and safeguard the public's trust and confidence in the role of councillors, thereby assisting the Council to meet its corporate policies and priorities, as well as maintaining public confidence.

7. Implications

7.1 Financial

Implications verified by: **Rob Chimani**
Accountant
17 April 2024

There are no financial implications arising from this report.

7.2 Legal

Implications verified by: **Gina Clarke**
Governance Lawyer & Deputy Monitoring Officer
22 April 2024

This report has been prepared by the Executive Director for Corporate Services, Monitoring Officer. There are no additional legal comments.

7.3 Diversity and Equality

Implications verified by: **Roxanne Scanlon**
Community Engagement and Project Monitoring Officer
18 May 2024

The Code of Conduct aims to promote and maintain high standards of ethical behaviour for all Councillors. There are no specific diversity or equalities issues arising from this update report.

7.4 Risks

The aim of the requirement to declare declaration of interest and gifts and hospitality register is to guard against the risk of allegations of impropriety by individuals.

7.5 Other Implications (where significant) – i.e., Staff, Health Inequalities, Sustainability, Crime and Disorder, and Impact on Looked After Children

None.

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8. **Background papers used in preparing the report** Council's website Declarations of Interests and Register of Gifts and Hospitality pages for Councillors

None.

9. **Appendices to the report**

Appendix 1 - Gifts and Hospitality Audit

Appendix 2 - Declaration of Interests declared at meetings

Appendix 3 - Members Code of Conduct Complaints – Exempt

Report Authors:

Gina Clarke
Governance Lawyer & Deputy Monitoring Officer

Jenny Shade
Principal Democratic Services Officer

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MEMBERS GIFT AND HOSPITALITY

May 2023 to date

YEAR	NAME OF COUNCILLOR	STATUS
2023	Cllr Redsell*	£50 – Telescopic Property Group – Mayor’s Event accepted on behalf of British Legion - ACCEPTED
2023	Cllr V Morris-Cook	Approx £50 - Candle from Diptyque for retirement from Director - ACCEPTED

*Former councillors who have now left the authority

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Declaration of Interests declared at meetings

July 2023 to date

MONTH	COMMITTEE	COUNCILLOR	DECLARATION
July 2023	Health and Wellbeing Overview and Scrutiny Committee	Councillor Polley *	Councillor Polley declared a non-pecuniary interest in relation to Item 7, ICB Community MSK and Pain Service as in her role of a councillor she had been appointed by the council to the Council of Governors for MSE for the non-executive directors.
July 2023	Health and Wellbeing Overview and Scrutiny Committee	Councillor Polley *	Councillor Polley also declared a non-pecuniary interest in relation to her employment with the NHS Ambulance Service.
July 2023	Council	Councillor Kelly	Councillor Kelly made a non-pecuniary interest in that he was an employee of DP World.
September 2023	Corporate Parenting Committee	Councillor Carter *	Councillor Carter declared an interest in that a relative assisted with the Christmas Care Leavers Dinner.
September 2023	Council	Councillor Fish	Councillor Fish declared a non-pecuniary interest in regard to Item 13, Question 5, as he was a director at CVS.
November 2023	Health and Wellbeing Overview and Scrutiny Committee	Councillor Polley *	Councillor Polley declared a non-pecuniary interest as in her role as a councillor she had been appointed by the Council to the Council of Governors for MSE for the non-executive directors.
November 2023	Health and Wellbeing Overview and Scrutiny Committee	Councillor Polley *	Councillor Polley also declared a non-pecuniary interest in relation to her employment with the NSH Ambulance service.
November 2023	Housing Overview and Scrutiny Committee	Councillor Redsell *	Councillor Redsell has an interest in the Blackshots development.
November 2023	Council	Councillor Kelly	Councillor Kelly declared a pecuniary interest in Item 12 as he was employee of DP World and he agreed he would leave the chamber for this item.

* Former councillors who have now left the authority

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16 July 2024	ITEM: 6
Standards Committee	
Sensitive Members Interests – Guidance Note	
Wards and communities affected: Not Applicable	Key Decision: Non-Key
Report of: Daniel Fenwick, Executive Director of Corporate Services & Monitoring Officer	
Accountable Assistant Director: Helen Nicol, Assistant Director Legal and Governance	
Accountable Director: Daniel Fenwick, Executive Director of Corporate Services & Monitoring Officer	
This report is public	
Version: Final Version	

Executive Summary

This report sets out the guidance and advice relating to the declaring of sensitive interests by Members following correspondence from the Department for Levelling Up, Housing & Communities in March 2024. It also updates the Committee on recent additions to the Register of Interest following the 2024 local elections.

Commissioner Comment:

n/a

1. Recommendation(s)

- 1.1 Agree the guidance note of the Monitoring Officer in relation to the exclusion or disclosure of sensitive member interests, as set out in appendix 2.**
- 1.2 If agreed, the guidance note is published on the Council’s website to strengthen transparency and all Members are written to by the Monitoring Officer to make them aware of the guidance.**
- 1.3 Note the addition of the new Member interests listed in 2.3, of which the Monitoring Officer has reviewed and accepted.**

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2. Introduction and Background

- 2.1 On 18 March 2024, Simon Hoare MP, Minister for Local Government, wrote to Members to remind them of the sensitive provisions in Section 32 of the Localism Act 2011, which allowed details of a Member's register of interests to be excluded if it was deemed by the Member and the Monitoring Officer that disclosure could lead to violence or intimidation to the Member and their family.
- 2.2 The Monitoring Officer has produced a guidance note which is attached at Appendix 2. This guidance note details the legal framework for this area and how the Monitoring Officer will assess requests from Members to exclude details from their register of interests. The main principles of the guidance for Members are:
- i. Councillors must still register their home addresses when submitting their register of interest form to the monitoring officer;
 - ii. However, councillors' home addresses must not be published as part of the register of interests and instead the register will state *"the councillor has registered a sensitive interest and details are withheld under s.32(2) of the Localism Act 2011"* ;
 - iii. Any councillor may notify the monitoring officer in writing that they do not wish their home address to be considered as a sensitive interest and if so the address will be published as part of the register of interests. This is the councillor's individual choice but councillors are advised that they should do so after an assessment of the risks of publication.
- 2.3 Following the local elections in May 2024, the Monitoring Officer has received register of interests forms from the below new Members and has advised them in accordance with the principles in 2.2 above:
- Cllr Ngozi Alike
 - Cllr John Fox
 - Cllr Ross Byrne
 - Cllr Gary Watson
 - Cllr David Day
 - Cllr Ryan Polston
 - Cllr Michael Fletcher
 - Cllr Clifford Holloway
 - Cllr Victoria Holloway
 - Cllr Lynda Heath
 - Cllr Catherine Sisterson

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3. Issues, Options and Analysis of Options

- 3.1 The Monitoring Officer's guidance note is based on the legal requirements for this area of practice. Members may wish to amend elements of the guidance which are permitted by law and in agreement with the Monitoring Officer.

4. Reasons for Recommendation

- 4.1 Setting guidance/advice in the declaring of sensitive interests for Members improves governance by ensuring a standard application of procedure relating to the register of interests. This in turn strengthens the ability of the Council to process requests efficiently and accurately in order to protect elected Members from potential intimidation or violence.
- 4.2 Publishing the guidance note online allows for transparency both amongst Members but also residents in understanding the rationale and legal requirements for the procedure.

5. Consultation (including Overview and Scrutiny, if applicable)

- 5.1 The Standards Committee is expected to represent the views of the wider membership of the Council in relation to this issue and is asked to make any comments it deems appropriate in relation to this issue.

6. Impact on corporate policies, priorities, performance and community impact

- 6.1 The application of this guidance note strengthens governance and contributes to the Council's improvement of ethical governance processes.

7. Implications

7.1 Financial

Implications verified by: **Rob Chimani**
Accountant
17 April 2024

There are no financial implications.

7.2 Legal

Implications verified by: **Helen Nicol**
Assistant Director Legal and Governance
7 June 2024

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- 7.2.1 The legal implications are set out in the attached guidance note. s.30 of Localism Act 2011, states that Councillors must notify the monitoring officer of any disclosable pecuniary interests of them or a spouse or civil partner they live with, within 28 days of taking up office.
- 7.2.2 S.32 of the Act, however, provides for details about a registered interest to be excluded from publication where a member and monitoring officer agree that the disclosure of these details could lead to harm or intimidation of the member or their family. It provides for members to disclose only the fact that they have a disclosable pecuniary interest in the matter concerned.
- 7.2.3 The sensitive interest's guidance attached hereto will protect Councillors whilst still allowing for transparency, and monitoring of disclosable pecuniary interests, and compliance with the law.

7.3 Diversity and Equality

Implications verified by: **Rebecca Lee**
Team Manager – Community Development and Equalities
17 April 2024

The introduction of this guidance would ensure that all Members had fair and equal opportunity to request exclusion of sensitive interests and that the decision of exclusion would be based on a transparent and legally informed decision by the Monitoring Officer.

7.4 Risks

Not introducing a standard process and guidance for the declaring of sensitive interests potentially puts Members at risk of harm by creating uncertainty and variable application of procedure.

7.5 Other implications (where significant) – i.e. Staff, Health Inequalities, Sustainability, Crime and Disorder, or Impact on Looked After Children

None.

8. Background papers used in preparing the report (including their location on the Council's website or identification whether any are exempt or protected by copyright):

- None

9. Appendices to the report

- Appendix 1 – Letter from Simon Hoare MP, dated 18 March 2024.
- Appendix 2 - Guidance Note on declaring sensitive Member interests.

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Report Author:

Matthew Boulter

Head of Democratic, Scrutiny and Member Services

Corporate Services

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Department for Levelling Up,
Housing & Communities

Simon Hoare MP
Minister for Local Government
2 Marsham Street
London
SW1P 4DF

Chief Executives of Local Authorities in England

18 March 2024

Dear Colleague,

Withholding details of councillors' sensitive interests and home addresses

In response to recent concerns from elected members about intimidation in public life, I want to ensure that all councillors and elected mayors are aware of the sensitive provisions in Section 32 of the Localism Act 2011.¹

The sensitive interests' provisions provide for details about a registered interest to be excluded from versions of the Register of Interests available for public inspection (or published online) where a member and monitoring officer agree that the disclosure of that interest could lead to violence or intimidation of them or their family. They provide for members to disclose that they have an interest but for the details to be withheld from the public register.

On receipt of this letter, I would be grateful to you bringing the contents to the attention of all current members of your Council and your Council's Monitoring Officer. The Government encourages 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.

Previously the Prime Minister, when Minister for Local Government in 2019, wrote to all Leaders of local authorities in England on this matter. I want to refresh awareness of the sensitive interests' provisions among the current cohort of councillors in response to recently raised concerns about councillors' personal safety.

This letter will be published on gov.uk for guidance purposes. I remain grateful to all those who serve their communities as local council members.

SIMON HOARE MP
Minister for Local Government

¹ <https://www.legislation.gov.uk/ukpga/2011/20/section/32/scheduled>

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Monitoring Officer Guidance Note:
withholding of councillors' home addresses
under s.32 of the Localism Act 2011

1. Summary of Decision

- 1.1 For the reasons set out below, this guidance note sets out my decision as monitoring officer to treat councillors' home addresses as a sensitive interest under s.32 of the Localism Act 2011 with the following effect:
- i. Councillors must still register their home addresses when submitting their register of interest form to the monitoring officer;
 - ii. However, councillors' home addresses must not be published as part of the register of interests and instead the register will state *"the councillor has registered a sensitive interest and details are withheld under s.32(2) of the Localism Act 2011"* ;
 - iii. Any councillor may notify the monitoring officer in writing that they do not wish their home address to be considered as a sensitive interest and if so the address will be published as part of the register of interests. This is the councillor's individual choice but councillors are advised that if they should do so after an assessment of the risks of publication.

2. What will this mean in practice?

- 2.1 As stated above, councillors are still required to register home addresses continues but the information will be held confidentially by the monitoring officer and will be available to their team for the purposes of advising councillors about their position
- 2.2 Councillors are still required to declare interests if a decision affects their home address as a disclosable pecuniary interest, however:
- i. The declaration need only state the fact that the councillors has a sensitive disclosable pecuniary interest in the item of business and are not required to disclose the nature of the interest, (and it will be minuted as such);
 - ii. Where Councillors have declared an interest, they will still be required not to participate in item and to withdraw from the room
 - iii. Councillors are required to keep their register of interests entries up to date

3. Home Address

- 3.1 This guidance only applies to a councillor's home address, meaning their main residence and not to other properties they own or lease. Councillors with more than one property

registered should identify which is their home address and, where requested, provide evidence, e.g. consistency with the Council Tax register or electoral register entries.

- i. This guidance will also apply to the home address of a partner / spouse unless their main residence is a different address.
 - ii. Councillors may still ask for another address to be treated as a sensitive interest where its disclosure could lead to a risk of violence or intimidation. Evidence will be required.
4. This guidance will be kept under annual review and will otherwise remain in place until the elections in May 2027.
5. Councillors are advised:
- i. To review their online presence for any other records of their home address and remove those
 - ii. To take care when posting locations online, which may identify their home address or street
 - iii. To utilise the ability to be on the non-public electoral register and / or check their status and have it updated.
 - iv. If they wish to have a risk assessment as to their home safety, to contact members' services.

6. Legal Framework

- 6.1 Councillors are required by s.30 of the Localism Act 2011 to register with the Council's monitoring officer any disclosable pecuniary interests (DPIs) and the register is published online. Councillors are also required to disclose the DPIs of their spouse or civil partner or a person they live with as a partner/spouse.
- 6.2 A councillor's home address, as property they or their spouse / partner own or lease will almost certainly be a DPI
- 6.3 Under s.32 of the 2011 Act, as monitoring officer if I consider that the publication of a councillor's home address could lead to the councillor or co-opted member or a person connected with the councillor or co-opted member being subject to violence or intimidation then it will be treated as a "sensitive interest". A sensitive interest must not be published and the councillor is not required to provide details of the nature of the interest if they are required to declare it under the Code of Conduct at a meeting.

7. Decision

- 7.1 As monitoring officer, I consider that the disclosure of any councillor's home address (where a DPI) could lead to a risk of violence or intimidation for the following reasons.

7.2 It is recognised that transparency through the publication of councillors' DPIs is in the public interest and is a statutory requirement subject to the application of s.32. However, on balance, it is considered this is outweighed by the risks faced by councillors, in that:

- i. There is already evidence of a real threat to councillors in Thurrock; some councillors already have their home addresses treated as sensitive interests due to evidence of violence or intimidation to them or a relevant person;
- ii. As monitoring officer, I see significant levels of abuse towards councillors, especially online and / or from anonymous sources. In parts of the borough, this has included evidence of criminal damage and intimidation;
- iii. There is a nationwide recognition of an increase in abuse and intimidation of councillors, MPs and candidates, in person and online. This has been evidenced by the Committee for Standards in Public Life and the Local Government Association who both recommend that councillors home addresses are not published. At its most extreme, this has led to the deaths of two MPs in recent years;
- iv. Electoral law already reflects the government's acceptance of this heightened risk in that candidates' addresses are no longer published on ballot papers;
- v. A significant proportion of Thurrock's councillors have additional vulnerability when at home, including women councillors (especially those who live alone or alone with children), disabled or older councillors. Disclosure of home addresses will heighten this risk.
- vi. Further, whilst the likelihood of a physical attack at home remains low, the evidence above demonstrates that the potential impact if the risk materialised is very high.

7.3 As mitigation to the loss of transparency:

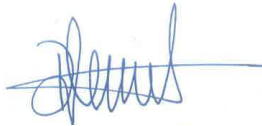
- i. All councillors will remain under the same duty to register their home addresses as a DPI and declare those interests (but without stating the nature of the interest) in relevant meetings and then to withdraw from participation in a decision. A failure to do so will be evidence of a breach of the Code of Conduct. The full details of the interest will be known confidentially by the monitoring officer and legal and governance advisors to have oversight of councillors compliance with the Code.
- ii. Councillors may elect to publish their home addresses by notice in writing to the monitoring officer subject to an assessment of the risk.

8. This decision will only apply to a councillor's home address as a sensitive interest and not any other property owned by them or a spouse/partner (although councillors may make separate requests in respect of other interests to be treated as sensitive interests).

9. Next Steps

9.1 This guidance will be published on the Council's website.

- 9.2 All councillors register of interests forms will be amended to adopt the wording at 1.1.ii above.
- 9.3 All councillors will be asked if they wish their home address to be made public
- 9.4 Councillors with more than one property registered, which of the properties is their home address.
- 9.5 The Head of Democratic Services will undertake a review of where councillors addresses are stored / used in the Council (e.g. mail room) to ensure they are kept securely and confidentially.
- 9.6 All councillors will be asked to review where their home address is published online or elsewhere to ensure it is removed as a safety measure and reminded not to give residents or any person their home address or to invite people to their home address. With regard to the Electoral Register, councillors are recommended to ensure they are not on the open register, which is accessible for inspection by any person.



Dan Fenwick

Executive Corporate Director

01 July 2024

**Standards Committee
Work Programme
2024/2025**

Dates of Meetings: 16 July 2024, 5 November 2024, 11 February 2025

Topic	Lead Officer	Requested by Officer/Member
16 July 2024		
Ethical Framework Update	Daniel Fenwick/Gina Clarke	Officers
Terms of Reference	Democratic Services	Officers
Sensitive Interests	Dan Fenwick/Matthew Boulter	Officers
Work Programme	Democratic Services	Officers
5 November 2024		
Code of Conduct Complaint Update	Daniel Fenwick/Gina Clarke	Officers
Member complaints report	Daniel Fenwick/Gina Clarke	Officers
Update on Member Training	Democratic Services	Officers
Ethical Framework Update	Daniel Fenwick/Gina Clarke	Officers
Any Policy Law Updates	Gina Clarke	Officers
Work Programme	Democratic Services	Officers
11 February 2025		
Member Development Strategy	Democratic Services	Officers
Ethical Framework Update	Daniel Fenwick/Gina Clarke	Officers

Member Training Schedule 2025/26	Democratic Services	Officers
Work Programme	Democratic Services	Officers

Clerk: Jenny Shade, Last Updated: May 2024