

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

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

## 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

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

### **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**

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

- 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.

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

**Report Author:**

Matthew Boulter

Head of Democratic, Scrutiny and Member Services

Corporate Services

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