

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 However, councillors' home addresses must not be published as part of the register of interests and instead the register will state *"the councillor has registered a sensitive interest and details are withheld under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:

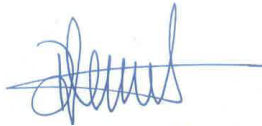
- i. All councillors will remain under the same duty to register their home addresses as a DPI and declare those interests (but without stating the nature of the interest) in relevant meetings and then to withdraw from participation in a decision. A failure to do so will be evidence of a breach of the 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