

Surrey Heath Borough Council
Audit, Standards and Risk Committee
26 March 2024

Publication of Councillors' Home addresses on Register of interests

Head of Service: Gavin Ramtohal – Monitoring Officer
Report Authors: Gavin Ramtohal – Monitoring Officer
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Key Decision: No
Wards Affected: N/A

Summary and purpose

Following consultation with the Group Leaders, to consider the Monitoring Officer's proposal for the Council to introduce a right for Councillors to opt in or out of publishing residential address(es) on Council's the Register of interest.

1. Recommendation

The Committee is advised to RESOLVE

- a) to remove the onus for Councillors to evidence a specific risk of violence or intimidation in respect of applications, made on a case-by-case basis, for a determination to remove their residential address(es) from the public register;
- b) to agree that the Monitoring Officer may grant a blanket determination to any Councillor, who chooses to opt out, that a residential address is a sensitive interest for the purposes of section 32 of the Localism Act 2011; and
- c) to agree that the Monitoring Officer may inform all Councillors in writing of the implications of resolutions (a) and (b), provided the same are agreed by the Committee, but after the Monitoring Officer has confirmed the blanket determination to Democratic Services.

2. Matters for the Committee to note

- 2.1 It is well known that for some time Members of Parliament have been subject to increasing levels of violence and intimidation and this has extended to an

increased risk to Councillors. Unfortunately, some of the Surrey Heath Councillors have experienced violence or intimidation.

- 2.2 There is also a concern that the increased level of risk to Councillors may now have an impact on democratic debate and political freedom of speech and also the number of people in the local area prepared to stand for public office. It follows that if any Councillor feels restrained in democratic debate, due to genuine concerns or fear of violence or intimidation, then this puts at risk the fundamental tenets of healthy and open democratic debate.
- 2.3 The Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012 sets out the schedule of pecuniary interests that Councillors must declare in their Register of Interests. Included in the schedule is a requirement to declare any property ownership, tenancy or licence to occupy property.
- 2.4 It is acknowledged that the purpose of the legal framework around Registers of Interests is to promote more transparency to achieve greater accountability. However, the Council also has a duty to protect the health and safety of its Councillors.
- 2.5 The Monitoring Officer has concluded that it can be accepted as a given that all Councillors face a potential threat of violence or intimidation and that this is sufficient to justify a blanket determination under section 32 of the Localism Act 2011. This means that for any Councillor that requests their residential address(es) is removed from the Register of Interest, the address would be treated as a sensitive interest. Accordingly, a Councillor's address(es) would not be required to be published on the public Register of Interest if so requested.
- 2.6 If this approach is agreed, Councillors would still be required to declare this on their Register of Interest, thus ensuring that the Monitoring Officer could independently address any potential conflicts of interest in accordance with the provisions of the national standards regime.

3. Reasons for Recommendation

- 3.1 The Monitoring Officer's recommendation would mean every Councillor's residential address would remain a pecuniary interest for the purposes of Council decision-making. The current law and Code of Conduct would continue to apply such that any Councillor would not be permitted to attend a Committee item where the address is connected to that item.
- 3.2 The Monitoring Officer's recommendation would only mean that for every Councillor, who chooses to opt out, the address(es) would not be available for public inspection. The application of governance would remain unchanged.
- 3.3 The Monitoring Officer considers that this approach achieves the appropriate balance between safeguarding the health and safety of Councillors and maintaining high levels of Governance, transparency and standards at the Council.

4. Proposal and Alternative Options

- 4.1 The Committee may choose to take no action.
- 4.2 The Committee may propose a blanket determination under section 32 of the Localism Act 2011 however this approach would take away every Councillor's choice whether or not to publish the home address or other residential address.

5. Contribution to the Council's Five Year Strategy

N/A

6. Resource Implications

N/A

7. Section 151 Officer Comments:

No matters arising.

8. Legal and Governance Issues

- 8.1. Under section 32 of the Localism Act 2011, the Monitoring Officer may determine that a Councillor's interest is sensitive with the effect that the interest does not need to be published on the Register of Interest and available for public inspection.
- 8.2 In order to make a determination under section 32 of the Act, the Monitoring Officer must be satisfied that there is a risk of violence or intimidation.

9. Monitoring Officer Comments:

As set out in this report.

10. Other Considerations and Impacts

Environment and Climate Change

N/A

Equalities and Human Rights

N/A

Risk Management

It is acknowledged that it is possible the recommendations in this report could result in public perception of a less open and accountable Council. However, the Monitoring Officer's opinion is that an appropriate balance between the safety of Councillors and good governance is achieved by not granting a blanket dispensation on addresses as a pecuniary interest.

Community Engagement

N/A