

Wards affected:

General

Appeals and Standards Committee – 9th June 2020

Public Disclosure of Contact Details for Members

Report of the Monitoring Officer

1. Purpose of Report

To review the availability of contact information for Members.

2. Advice

That it be RESOLVED that:	The Chairman of the Committee writes to the Prime Minister urging a prompt decision be made on Recommendation 2 of the Committee on Standards in Public Life's report 'Local Government Ethical Standards' as relating to Registers of Members Interests.
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3. Introduction

At a Members Learning and Development session in November 2019, led by the former Monitoring Officer, Members expressed concern about the increase in cases nationally involving threat or actual intimidation or harm of politicians. This trend was deemed to be an unfortunate reflection of added toxicity in modern society, aided by the availability of information from an increased variety of sources especially via the internet. It was recognised as important to keep a sense of perspective, as the actual number of threats or events is still very low. Accordingly, Members wished to explore the options for publication of personal information via the Council, particularly in respect of personal addresses. The Monitoring Officer committed to so explore, hence this report.

4. Information

4.1 Background

There are three particular elements to this topic. First is the information required from a candidate for election purposes (which is not standards-related as such). Second is the information required to be entered on a Member's Register of Interests under the current standards regime (which is standards-related). Third is the availability of general contact information via the Council (which is not standards-related as such). For all elements, the basic issue is how to balance open and transparent government with personal wellbeing.

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To give some comparison on Register of Interests information and general contact information, Officers have surveyed the websites of all other councils in Northamptonshire and that of nearly all other councils in adjacent counties. The survey results are appended. To summarise, the overwhelming number of address entries in Members' Register of Interests are not redacted and the overwhelming majority of councils give private addresses for general contact.

4.2 Information required for election purposes

At this Committee's June 2019 meeting, Members heard that the national Committee on Standards in Public Life had published a report entitled 'Local Government Ethical Standards' (January 2019). That Committee is responsible for advising the Prime Minister and its report included a suite of recommendations for consideration, some designed to tackle this toxicity issue. Some of the recommendations would require primary legislation and others could be implemented as secondary legislation.

Recommendation 2 is particularly relevant and is in two parts. The first part is:-

"The government should ensure that candidates standing for or accepting public offices are not required to disclose their home addresses....."

It is uncertain what the Committee were addressing when referring to "*accepting*" public offices. National regulations in force since July 2012 prescribe the declaration of acceptance and insertion of name only, not address.

As regards "*standing for*", in December 2018 national regulations were brought into force that gave candidates for council elections – excluding upcoming elections in 2019 - the choice of whether their home address is published on 'the statement of persons nominated' or the ballot paper. It would appear that those regulations had actually dealt with the outstanding aspect (standing for public office) just ahead of the publication of the Committee's report. Those regulations remain in force and nothing more appears necessary.

4.3 Register of Interests

The Localism Act 2011 and accompanying Regulations require Members to register disclosable pecuniary interests (DPI) including 'Land' interests which are in the district. This includes home addresses if in the district. These are usually given as postal addresses, although it doesn't need to be identified whether the address is home, business or whatever. However, most Members will have only one such entry and thus a member of the public will likely assume it to be their home address.

The Act allows for what are termed 'sensitive interests' to be withheld from publication. If a Member is concerned about the information on a particular interest being public - fearing violence or intimidation - they can ask the Monitoring Officer to agree that the interest be judged as 'sensitive' and details of it not published; addresses can be such details. Where the Monitoring Officer agrees to an interest being "sensitive" and thus not to be published, details are still required to be provided to the Monitoring Officer but retained in non-public files. The relevant

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Member's Register of Interests shows such entries as redacted. It is emphasised that, legally, it is for the Monitoring Officer to determine such requests.

As such a process of exception was included in the legislation, it would not have been originally intended that such requests would be the norm and automatically accepted. Key features of the democratic system include openness and accountability, so the threshold for acceptance by the Monitoring Officer at DDC has traditionally been high. Members are in the public domain and to a large extent the public expect them to fully disclose their interests in the spirit of open and transparent government and, especially for local Members, there has been desire for revelation of association with the ward. Without any national regime change, Members are advised that the Monitoring Officer will continue to respect this approach and continue to err on the side of public revelation unless there is a compelling case of threat or risk of violence or intimidation (or, worse, actual violence or intimidation). It is a balance.

There is the prospect of regime change though. Recommendation 2 of the 'Local Government Ethical Standards' report is again relevant. Its second part is:-

"..... The Relevant Authorities (DPI) Regulations 2012 should be amended to clarify that a councillor does not need to register their home address on an authority's register of interest."

It would therefore be helpful for Government to promptly decide on this part of Recommendation 2 as those Regulations have not been amended.

4.4 General contact information

Contact information for each Member is most obviously in the form of details given on the Council's website. Most such entries include non-Council addresses and phone numbers.

There is no statutory requirement for a Member to provide an address for general contact purposes but, again, key features of the democratic system apply. Knowing the names of Members is a given, of course, but knowing the personal address of the local Member might be key for ward residents so that they can write to the Member direct or to see how closely connected they are to the local area. Members themselves might see it as important to demonstrate their local association in this way and no doubt all recognise that they should be contactable in some way(s). Knowing a Member's personal phone number might also be helpful for some. Without wishing to overdramatise, these contact methods also risk inappropriate interaction.

So the question is whether the provision of Members' private addresses and phone numbers (primarily) for general contact should be expected or not. The real answer is that it is up to each Member based on their perception and political style.

Noting the survey examples, there are options. The Council can publish contact addresses that are not private addresses; for example, only official Member email addresses can be given. Or, the Council Offices postal address can be given and Members pick up mail from the Members Room. Or only the Member's phone number can be given. Or a mixed approach. In fact, some of those options are

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already being taken up for various reasons by DDC members, but the norm is seemingly for personal home addresses and personal phone numbers to be given.

As this is not a standards matter, it is not for the Committee to resolve which options are available or preferred. However, it will be useful for the Committee to know that Officers are willing to write to each Member identifying current contact information given by the Council and asking if they are content for this to remain or want alternatives used instead. It would help Officers decide on pursuit of this idea if Members of the Committee – as a barometer of Members in effect - indicated whether they think Members would or would not appreciate being asked this.

Finally, it needs to be acknowledged that information such as Members' addresses and contact details is often able to be found generally on the internet – partly again a reflection of the, current, open and accountable democratic system. Whether that information itself is current might not be clear – but the point is that much information can be already 'out there' if individuals haven't taken direct steps to remove it from each and every source. This reality may also help the Committee (and individual Members) determine their position.

5. Implications

5.1 Financial – No implications.

5.2 Personnel – No implications.

5.3 Legal/Constitutional – No implications.

5.4 Environmental – No implications.

5.5 Policy – No implications.

5.6 ICT – No implications.

5.7 Crime and Disorder – The Advice may help lead to reduced risk to Members of being victims of anti-social behaviour or crime.

5.8 Human Rights – No implications.

5.9 Equalities – No implications.

10 Health and Wellbeing – The Advice may help lead to reduced risk to the wellbeing of individual Members.

6. Conclusions

A recent Members development session looked at current trends in standards. Reflecting increased toxicity and disrespect, fear of violence or intimidation towards politicians was raised as a pertinent issue - albeit actual risk was acknowledged to be low. Concern focused on the availability of personal addresses and other contact information. Some of this information is currently required by legislation, so is not for the Council to change unilaterally.

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From an Appeal and Standards Committee standpoint, the Committee on Standards in Public Life – having studied toxicity and threat - has already recommended that the legal requirement to disclose home address on a Member's Register of Interests is removed. In the same recommendation, it called for the same approach in respect of candidates for public office – but this had been implemented already via new Parliamentary regulations. The Committee is therefore advised to call for prompt decision on the Register of Interests part of that recommendation, by agreeing to the Chairman writing to the Prime Minister.

Separate to the standards regime, Officers have tested what general contact information is given to constituents for them to approach Members. With analysis of over 40 nearby councils, the current publication by DDC of home addresses and phone numbers for general contact is consistent. Essentially this issue boils down to an individual Member decision, but the Committee is invited to give useful steer to Officers as to whether to ask individual Members if they would wish to restrict their personal information and solely rely on the Council Offices address and/or Council email as general contact information, for example. Of course, it will be for each individual Member to determine such preference if so asked.

Tony Gillet
Monitoring Officer

Background papers:

'Local Government Ethical Standards': A Review by the Committee on Standards in Public Life. January 2019

Previous minutes:

Appeals and Standards Committee 13th June 2019

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APPENDIX 1 – PUBLIC AVAILABILITY OF COUNCILLOR INFORMATION AT NORTHAMPTONSHIRE COUNCILS

Council	Are home details normally on public Register of Interests?	Which contact details given on website?	Comments
Northamptonshire	Y	home = 53 %	5 % addresses redacted on Register
Northampton	Y	home = 64 %	0 % addresses redacted on Register
South Northamptonshire	Y	home = 90 %	0 % addresses redacted on Register
Wellingborough	Y	home = 81 %	0 % addresses redacted on Register
Corby	Y	home = 82 %	0 % addresses redacted on Register
East Northamptonshire	Y	home = 64 %	18 % addresses redacted on Register
Kettering	Y	home = 91 %	3 % addresses redacted on Register
<i>Daventry</i>	Y	<i>home = 86 %</i>	<i>11 % addresses redacted on Register</i>

General Notes:

- information as between November 2019 and February 2020
- vast majority of councillors have 'home' details revealed
- 'home' details either confirmed, or assumed, from private details given
- 'council office' option usually the main alternative to home contact details on website

APPENDIX 2 – PUBLIC AVAILABILITY OF COUNCILLOR INFORMATION AT COUNCILS ADJACENT TO NORTHAMPTONSHIRE

Council	Are home details normally on public Register of Interests?	Which contact details given on website?	Comments
Central Bedfordshire	Y	home or council office	
Bedford	Y	home or council office	
Luton	Y	home or council office	
Warwickshire			
Warwickshire	Y	home or third party website	one councillor uses third party website
Rugby	Y	home or council office	
Stratford	Y	home or council office or Council email	
Warwick	Y	home or council office	
Coventry	Y	council office	all 54 councillors have only council office as contact
Nuneaton & Bedworth	Y	home or council office	home address also required in Register of Interests introduction
North Warwickshire	Y	home or Council email	
Leicestershire			
Leicestershire	Y	home or council office	
Leicester	Y	home or council office	
Blaby	Y	home or council office	
Charnwood	Y	home or Council email	
Melton	Y	home or council office	
NW Leicestershire	Y	home or council office	
Oadby & Wigston	Y	home or council office	
Hinckley & Bosworth	Y	home or council office	
Harborough	Y	home or Council email	

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Oxfordshire	Y	home or council office	
Oxford	Y	home or council office	
Cherwell	Y	home or council office	
South Oxfordshire	Y	home or council office	
West Oxfordshire	Y	home or council office	
Vale of White Horse	Y	home or Council email	
Buckinghamshire	Y	home or council office or other council	district council used by one county councillor
Milton Keynes	Y	home or council office	
Chiltern	Y	home or council office	
South Buckinghamshire	Y	home or council office	
Aylesbury Vale	Y	home or council office or local association	one councillor uses political party local association
Cambridgeshire	Y	home or council office	
Cambridge	Y	home or council office	
Peterborough	Y	home or council office	
East Cambridgeshire	Y	home	
South Cambridgeshire	Y	home or council office	Some with no contact details, but address on Register of Interests
Huntingdonshire	Y	home or council office	
Fenland	Y	home or council office	Full home contact information, even for postcode only entries on Register of Interests

General Notes:

- information as between November 2019 and February 2020
- vast majority of councillors have 'home' details revealed
- 'home' details either confirmed, or assumed, from private details given
- 'council office' option usually only taken up occasionally; sometimes if no land interest, sometimes if home address redacted from Register of Interests