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**Report of Corporate Management Team**

**Helen Bradley, Director of Legal & Democratic Services**

**Electoral division(s) affected:**

All

**Purpose of the Report**

1. To inform Council of the outcome of the consultation with all members regarding the Council's approach to publishing Members home addresses on their Register of Interests and consider recommendations from the Standards Committee.

**Executive summary**

2. It is a requirement under section 30 of the Localism Act 2011 for Members and Co-opted Members of an authority to disclose any disclosable pecuniary interest to the Monitoring Officer within their register of interests.
3. Section 32 of the Localism Act 2011 makes provision for a disclosable pecuniary interest to be withheld from a member's register of interests if the Member and Monitoring Officer consider the interest to be sensitive.
4. There have been a number of recommendations to and calls for the Government to amend the legislation so that Members are no longer required to publicly declare their home address, but the position remains unchanged.
5. Following an increase in the number of councillors facing abuse and intimidation, the Minister for Local Government wrote to Monitoring Officers urging them to treat requests for an interest to be treated as sensitive sympathetically.
6. Durham County Councillors have recently been consulted on whether to maintain the existing arrangements in relation to the declaration of home addresses or whether to adopt an "opt-in" or "blanket" approach.
7. It was agreed that all County Councillors would be consulted on three options: to maintain the status quo; treat all members home addresses

as sensitive. This report summarises the consultation responses and makes further recommendations for the Standards Committee to consider.

### **Recommendation(s)**

8. Council is recommended to:
  - (a) Consider the responses to the Member consultation and feedback from the Standards Committee on 7 June 2024; and
  - (b) Agree that all Members' home addresses will be treated as sensitive and only the electoral division in which they live will be published unless a Member opts to have their home address published.

## **Background**

9. Section 30 of The Localism Act 2011 (“the Act”) sets out the requirement for all members and co-opted members to register any Disclosable Pecuniary Interests (DPIs) with the Monitoring Officer.
10. The Localism Act 2011 is supplemented by The Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012 (“The Regulations”) which set out the interests which constitute DPIs for the purposes of the Act.
11. Under the Regulations, land is defined as
  - (a) “any beneficial interest in land which is within the area of the relevant authority”
12. The most common interest in land, which is required to be registered is a Member’s home address. Unless the interest is considered to be sensitive, the home address (and any other interests in land) will be published on the members register of interests on the Council website.

## **Sensitive Interests**

13. Section 32 of the Act allows a Member, at the discretion of the Monitoring Officer, to have the details of a DPI removed from their register of interests if the interest is considered as “sensitive”.
14. The Act considers an interest to be sensitive if:
  - (a) “the nature of the interest is such that the member or co-opted member, and the authority’s Monitoring Officer, consider that disclosure of the details of the interest could lead to the member or co-opted member, or a person connected with the member or co-opted member, being subject to violence or intimidation”
15. If an interest is identified as sensitive, the Act require that the register reflects that the member does have an interest under the relevant sections, but details of the interest are withheld. The Act allows for the clarification on the member’s register that their interest is withheld under section 32 of the Act.

## **Intimidation in Public Life: A Review by the Committee on Standards in Public Life**

16. Following a call from evidence by the Committee on Standards in Public Life, the Committee on Standards in Public Life (CSPL) published a report in 2017 which makes a number of recommendations to reflect the scale and intensity of intimidation in public life.

17. The report made two recommendations which concern the publication of member addresses:
  - (a) The government should bring forward legislation to remove the requirement for candidates standing as local councillors to have their home addresses published on the ballot paper. Returning Officers should not disclose the home addresses of those attending an election count.  
  
And;
  - (b) Local Authority Monitoring Officers should ensure that members required to declare pecuniary interests are aware of the sensitive interests provisions in the Localism Act 2011.
18. In a response to the report, the Prime Minister wrote that the Government agree with both recommendations concerning the publication of member addresses.
19. In 2018, the Local Elections (Principal Areas) (England and Wales) Rules 2006 were amended so that candidates are able to request that their home address is not published on the ballot paper.
20. No amendments were made to The Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2011. However, when the then Ministry of Housing, Communities & Local Government wrote to local authorities to advise them of the changes to the rules for election candidates, they reminded them of the provision for interests to be treated as sensitive under the Localism Act 2011.

### **Local Government Ethical Standards, A Review by the Committee on Standards in Public Life**

21. In January 2019, the CSPL published a further report, which reviewed the effectiveness of the Standards arrangements in Local Government at the time of publication, particularly due to the changes made by the Localism Act 2011.
22. The review covered all Local Authorities in England and as a result the report made 26 recommendations aimed at the LGA, the Government, Local Authorities and Political Groups.
23. Recommendation 2 in the report concerns the publication of member addresses:
  - (a) **Recommendation 2:** The government should ensure that candidates standing for or accepting public office are not required publicly to disclose their home address. The Relevant Authorities

(Disclosable Pecuniary Interests) Regulations 2012 should be amended to clarify that a councillor does not need to register their home address on an authority's register of interests.

24. The report found, based on evidence gathered, that whilst the intimidation of councillors is less widespread than that of MPs, when it does occur the severity and distressing are equal to that experienced by MPs.
25. The report notes that unlike MPs and Parliamentary Candidates, councillors' addresses are often made public on their register of interests. The report notes that due to the nature of local democracy, local councillors will often live in the local area. Within their call for evidence, there were responses which support the assertion that councillors have a greater fear of being subject to physical intimidation due to their awareness of their high profile in the local community.

### **Debate Not Hate; The impact of abuse on local democracy.**

26. The Local Government Association (LGA)'s Debate Not Hate campaign was launched in 2022 and aims to raise public awareness of the role of councillors in their communities, encourage healthy debate and improve the responses and support for local politicians facing abuse and intimidation.
27. The campaign is currently a standing item on the agenda of the Council's Standard's Committee allowing them to remain informed of any developments in the campaign and take appropriate action.
28. The Debate Not Hate; The impact of abuse on local democracy report contains the findings from the LGA call for evidence of abuse and intimidation of councillors, and the recommendations of the LGA in response to these findings.
29. The call for evidence found that threats were a consistent theme which ran throughout the responses and these threats were seen as being more serious due to the availability of councillors' addresses online.
30. The report suggests that it may be better for local authorities to move towards an 'opt-in' system which would make the default position for councillors' home addresses to be treated as a sensitive interest and would require councillors to expressly request that their address is published should they wish it to be made public.
31. The report made the following recommendations in response to concerns about the availability of councillors' addresses:

- (a) **Recommendation 4:** *The Government should prioritise legislation to put it beyond doubt that councillors can withhold their home address from the public register of pecuniary interests.*

And;

- (b) **Recommendation 5:** *The LGA should work with political parties, election and democratic officers, and organisations responsible for guidance to raise awareness of the options currently available and promote the practice of keeping home addresses private during the election process and once elected.*

32. Responses gathered during the LGA's call for evidence highlighted significant concerns about the availability of personal information online, and thus how easily online abuse could translate to physical harm.
33. On 18 March 2024, the Minister for Local Government wrote to all Chief Executives in response to recent concerns from elected members about intimidation in public life. The Minister wanted to ensure that all councillors and elected mayors are aware of the sensitive provisions in Section 32 of the Act. He requested that Chief Executives bring the contents of the letter to the attention of all Councillors and the Monitoring Officer. The letter stated that the Government encourages Monitoring Officers to look sympathetically at accommodating requests for withholding home addresses from published versions of the register of interests where there are legitimate concerns of violence or intimidation.
34. On 3 April 2024, the LGA called on the Government to introduce legislation that would allow a council to proactively withhold Councillors' home addresses from the public as soon as is possible. It is understood that the LGA are also requesting that the Government indemnify Monitoring Officers in relation to requests to treat interests as sensitively, which they have considered sympathetically.

### **Current position for Durham County Council**

35. Historically in Durham, there were very few requests for interests to be treated as sensitive and/or instances in which interests were agreed to be sensitive by the Monitoring Officer. However, in recent years there has been a notable increase in the number of requests. This is linked to the increase in abuse and intimidation that Members face.
36. If a Member reports experiencing abuse or intimidation, consideration is given to treating their home address as a sensitive issue as a precaution. All requests to treat interests as sensitive are considered sympathetically by the Monitoring Officer.

37. In the last four years, 17 Members (13.5%) have reported incidents of abuse, harassment or intimidation to Member Services. At present, 24 Councillors (19%) have interests treated as sensitive, 14 of which (11%) relate to home addresses.

## **Approaches of other Local Authorities**

### ***West Sussex County Council***

38. In response to the increasing number of members at West Sussex County Council who asked for their home addresses to be withheld on their register of interests, the Council considered alternative arrangements to address these concerns.
39. Prior to the May 2021 elections West Sussex changed their approach from the assumption that addresses should be published, to instead asking members to explicitly opt in or opt out of having their addresses published.
40. West Sussex reported that following this election, 32 members (out of 70) opted to have their addresses published, and 38 chose not to. The members at the Council are able to update their preference at any time, and by November 2021 they noted that the number of members choosing to withhold their address had risen to 39.
41. A further report was put to West Sussex Council's Governance Committee in February 2022, which recommended that no changes be made to the Council's approach to publishing member addresses.
42. However, in response to the report, Members proposed the default position be amended so that members' addresses are not published unless specifically requested. Members proposed this approach due to concerns which they had in light of LGA research demonstrating a growing level of intimidation.
43. At this meeting it was resolved that the default position be amended so that members' addresses are not published unless specifically requested, and that the Council's Member Development Group considers options to include the area in which a member lives for the purpose of transparency.

### ***Trafford Council***

44. Following a recommendation of their Standards Committee in December 2021, Trafford Council commenced a consultation period to gather the opinions of their members as to whether member addresses should be publicly available.
45. The consultation results showed support for the removal of members' addresses from their published register of interests. Trafford's Standards Committee recommended that a report should be taken to Council with the recommendation that a blanket policy be applied whereby all Members' addresses are treated as sensitive interests and not made publicly available.
46. The report taken to Council highlighted the Standards Committee's concern that disclosure of the residential property could lead to the member or co-opted member, or a person connected with the member or co-opted member, being subject to violence or intimidation.
47. At its meeting in October 2022, the Council agreed the recommendation from the Standards Committee not to publish member addresses.

### ***Amber Valley Borough Council***

48. In October 2021, following the murder of Sir David Amess MP, and advice given to the Council by the Derbyshire Police Counter Terrorism Advisor, the Monitoring Officer of Amber Valley Borough Council issued a letter regarding Sensitive Pecuniary Interests of Councillors.
49. The Monitoring Officer considered if member addresses should be considered sensitive and decided that all members' home addresses should be removed from their public register of interests, subject to the member confirming that they wished for their address to be removed.
50. The Land section of the members' register reads:
  - (a) "A disclosable pecuniary interest has been registered but is considered sensitive under Section 32 of the Localism Act 2011 and has not been published."

### **North East Councils**

51. Enquiries have also been made with the Councils in the North East but a limited response was received. It is understood that South Tyneside Council apply a blanket approach to treat all home addresses as sensitive. Northumberland's Standards Committee considered the issue following a consultation exercise with all Members and decided



that addresses would continue to be treated as sensitive on a case by case basis.

## Options

52. Constitution Working Group considered the issue in January 2024 following which, all Members were consulted on the options set out below:

(a) **Status Quo**

The current arrangements for the publication of member addresses remain unchanged. Members' home addresses will continue to be published as a default position unless they request for their address to be classified as a sensitive interest under section 32 of the Localism Act 2011.

(b) **Treat all members home addresses as sensitive**

Apply a blanket policy where all members' addresses will be treated as a sensitive interest under section 32 of the Localism Act 2011 and will be withheld from their published register of interests.

(c) **Adopt an opt-in approach**

Move to an "opt-in" system whereby all member's addresses will be withheld under section 32 of the Localism Act as the default, but should they wish, a Member can request that their address be published on their register of interests.

53. On 26 February 2024, members were asked to complete the survey, which is attached at Appendix 2 by 17 April. This deadline for completion was extended to 26 April 2024 in order to maximise the number of responses received.

## Summary of Responses

54. In total, 109 (86.5%) responses were received. This is believed to be the highest number of responses received to a Member survey, which is perhaps indicative of the strength of views on the issue.

Option	Respondents
Status Quo	22
Treat all members home addresses as sensitive	28
Adopt an opt-in approach	59

<b>Total</b>	<b>109</b>
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55. 22 respondents expressed a preference for option a, to retain the current arrangement (20%).
56. There was limited support option b, with 28 respondents (26%) indicating a preference that all Members' home addresses should be treated as sensitive.
57. Just over half of all respondents (54%) expressed a preference to move to an opt-in system (option c) whereby all member's addresses would be withheld as the default. A Member would be able to request that their home address be published on their register of interests.

## Comments

58. Comments were also invited as part of the survey. These are summarised below.

### (a) **Status Quo**

- (i) *In the interests of transparency people should know where their elected representatives live. Removal of an address remains an option for those that encounter issues.*
- (ii) *Remaining with the status quo means that all interests are fully declared and transparent.*
- (iii) *In circumstances where a member owns multiple properties it is less transparent to have the information redacted and would make it more difficult for residents to judge whether a conflict of interests exists.*
- (iv) *A lot of members addresses have been published on the ballot paper anyway therefore many local residents will already know where they live.*
- (v) *There are already provisions to have the address and other information redacted with the agreement of the Monitoring Officer- although there is at least one example where this exemption seems to have been applied to every entry on the form - it is difficult for residents to decide whether a conflict may exist when sections such as "bodies of a public nature" or "Bodies directed to a charitable purpose" are redacted.*
- (vi) *no issues with the home address being published.*

- (vii) *any person elected must be contactable and should divulge their address and contact details, or not stand for election.*
  - (viii) *I prefer my constituents to know where I live because I feel this is a deciding factor when voting for a councillor to represent the area. I feel that a local person is better placed to represent the local people. Being knowledgeable about one's own area and knowing the people too is paramount to ensuring the appropriate needs, wishes and wants of the community are identified and actioned.*
  - (ix) *I have no qualms about residents calling at my home address if they feel they have an issue that requires urgent attention - I prefer to be there for my constituents as much as I possibly can be whether contact is made by email, phone, text message or by attending my address.*
  - (x) *If issues came to light whereby there was a problem with publishing my home address, then I would seek advice from others within the organisation.*
- (b) **Treat all members home addresses as sensitive**
- (i) *a blanket policy covers everyone and there can be no argument, or anyone made to feel guilty if it goes against the county councillors wishes.*
  - (ii) *a blanket policy would best protect all members and their families from unwanted harassment - MPs already have this protection, a common sense approach which should be adopted especially given the high rise in harassment of politicians of all parties and levels of governance. An opt in approach could place a burden/ stigma on members that they may be less committed to their ward division if they do not publish information.*
  - (iii) *I think the fairest and safest is to have a blanket approach. The opt in approach is open to members being intimidated by members of the public to show their address. The blanket approach takes it out of the hands of individual members.*
  - (iv) *The current political climate means that security is a priority.*
  - (v) *Given past experiences myself and other members have experienced it should be a blanket policy as you never know when things will happen.*

- (vi) *Let us not make it easy for Councillors to be targeted at home.*
- (vii) *This is something that was recently discussed at a Standards Committee meeting, and I understand there is a move nationally to prevent addresses of Councillors being published. I personally see no reason for, and no benefits to having private addresses published.*
- (viii) *From recent personal problems I think all members personal addresses should be withheld.*
- (ix) *Blanket Policy as we do from time to time get unwanted visitors to our homes.*
- (x) *My address was published after my election. Seven days afterwards I was subjected to political hate mail in the post sent to myself and my neighbours. Interventions were required by the Police and Special Force and my home added to a watch list. The perpetrator obtained my home address from Durham County Council website. I therefore feel that all members addresses should be withheld from publication for their own safety. I also feel that in the interests of GDPR type legislations, sensitive information such as addresses should not be made public.*
- (xi) *This provides the only consistent approach. There is potential that with an “opt in” approach Members could feel pressured to opt in if other Members in the Ward have “opted in” This could be despite feeling intimidated. Stating “address within / outside the Division” confirms local connections of Member without proving address.*
- (xii) *Addresses should not be published and could lead to worry of threats, intimidation and violence.*
- (xiii) *My interests are classed as sensitive owing to employment by a family member. A blanket removal would stop any perceived prejudice against councillors who are forced to remove their home details.*

(c) **Opt-in approach**

- (i) *Opt-in approach allows Members’ the choice*
- (ii) *The default position should be one that looks after the member and we should not assume consent to publish a*

*private address. A blanket policy that prevents a member from having a choice would be too far.*

- (iii) While not unduly worried myself, my family are conscious that it only takes one individual to do something very dangerous.*
- (iv) This is an increasing worry for Councillors. Increased public unrest and allegations has resulted in fellow Councillors removing their details for the safety of their families. I do not want to increase the risk to my family so agree with the opt in approach.*
- (v) Thank you for consulting this issue.*
- (vi) I do not have my home address advertised for personal reasons and would support the opt-in approach.*
- (vii) I would like my address to be kept private. I would feel safer given the work commitments of my family and the amount of time spent at home on my own.*
- (viii) The professions or former professions of some members can, on occasions, mean they are targeted by groups or individuals. It should be up to the member to publish their address.*
- (ix) opt-in is the best option.*
- (x) I have witnessed an increase in online threats to individual councillors, and on that basis support the default position to withhold our home address from publication.*
- (xi) In small, close-knit communities, a majority of residents know where a Member resides but other family members should not have to accept the default position.*
- (xii) Happy to have my address in the public domain but understand why others wouldn't want it.*
- (xiii) Due to my profession, I am uncomfortable with in disclosing my home address.*
- (xiv) Members should be able to determine whether their home addresses is published.*
- (xv) I had to have my address removed due to serious concerns following a decision made at Committee.*

- (xvi) *All Members face different challenges, both face to face and on social media, some of which can be intimidating. Every Member should be given the personal choice before their home address is shared.*
- (xvii) *I believe residents are entitled to know a home address should they wish to contact us directly but do recognise the benefit of opt in approach should anyone be uncomfortable with wider publication of address. This is becoming more beneficial due to the direct targeting of Cllrs particularly via social media, so having a home address listed in such circumstances could make some more vulnerable. However, in my personal circumstances many residents know where I live due to living in the same place for 35yrs hence mine currently still appearing. We must be mindful of protecting other family members living at the same address who do not chose to be politically motivated.*

59. The survey results demonstrate that there are mixed views amongst Members with the majority preferring an opt-in approach. It is notable that those who are supportive of the opt-in or blanket approach reference their own personal experiences and/or concerns.
60. Constitution Working Group considered the outcome of the consultation on 10 May 2024. It noted the high number of responses from Members and the clear preference for adopting an “opt-in” approach. The Group considered that the matter should be referred to Standards Committee for consideration.
61. Standards Committee considered the survey responses and the options available to the Council on 7 June 2024. The Committee agreed to recommend to Council that all home addresses are treated as sensitive unless Members opt to have it published. However, the Committee were keen to ensure that under the proposed default position, Members would still be able to demonstrate a link to their local area. They therefore resolved that the register should still reference the division in which they live. This is possible but the register would also need to reflect that the actual address is withheld under section 32 of the Localism Act 2011.
62. Council is therefore invited to consider the survey responses and whether they wish to agree to change the approach as recommended by Standards Committee. If a change of approach were to be agreed, only home addresses would be treated as sensitive. Other interests in land would be published in the usual way unless there are grounds to

treat them as sensitive. These would need to be considered separately in accordance with existing arrangements.

63. In considering whether to change the approach, Council will need to be satisfied that the increase in abuse and intimidation reported by the LGA and by individual Councillors to the Monitoring Officer is sufficient basis to consider that the disclosure of home addresses could lead to members, co-opted Members or persons connected with them, being subject to violence or intimidation.
64. If the Council were to change its approach regarding the publication of addresses, it is possible that the Council and/or the Monitoring Officer could face a legal challenge on the basis that the legislation requires sensitive interests to be considered on a case-by-case basis.
65. However, the Monitoring Officer considers that the evidence presented by the LGA, the individual cases reported locally and the request from the Secretary of State to treat requests sensitively could be used to defend the treatment of all Members home addresses as sensitive.
66. Trafford and Amber Valley Borough Council appear to have introduced the change without legal challenge. Therefore, for the reasons set out the risk of legal challenge is considered to be low.

### **Background papers**

None

### **Other useful documents**

None

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### **Author(s)**

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## **Appendix 1: Implications**

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### **Legal Implications**

It is a requirement under section 30 of the Localism Act 2011 for a member or co-opted member of an authority to register any disclosable pecuniary interests with the Monitoring Officer.

The Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012 specifies land as a disclosable pecuniary interest. Under these Regulations land is defined as “any beneficial interest in land which is within the area of the relevant authority”, which includes a Member’s home address.

Section 32 of the Localism Act 2011 makes provision for withholding an interest from public inspection on a Member’s Register of Interest at the discretion of the Monitoring Officer should the publication of such interest be considered to place the Member at risk of violence or intimidation.

### **Finance**

None.

### **Consultation and Engagement**

All County Councillors have been consulted in relation to the Council’s approach to publication of Members addresses and the details are summarised in the report.

### **Equality and Diversity / Public Sector Equality Duty**

None

### **Climate Change**

None

### **Human Rights**

None

### **Crime and Disorder**

Ongoing work by the LGA and Committee for Standards in Public Life continues to highlight the increase of intimidation and harassment aimed at Councillors. This abuse is most prevalent online, but there are significant concerns that the availability of public information such as their addresses online places Councillors at an increased risk of physical abuse or violence.



**Staffing**

None

**Accommodation**

None

**Risk**

Any change in approach to the publication of Members addresses would be intended to minimise the risk of members being subject to such behaviour at their home addresses.

There is a risk that the Council/Monitoring Officer could be challenged in relation to a change in approach. However, for the reasons set out in the report, this risk is considered to be low.

**Procurement**

None.

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## Appendix 2: Survey

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