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Wheldrake Parish Council

Publication of Member's Addresses

Purpose of the report

1. To clarify Council's approach to publishing Members home addresses on their Register of Interests.

Summary

2. As members may be aware, it is a requirement under section 30 of the Localism Act 2011 ("the Act") for Members and Co-opted Members of an authority to disclose any disclosable pecuniary interest ("DPI") to the Monitoring Officer within their register of interests.

3. Section 32 of the Act makes provision for a DPI to be withheld from a member's register of interests if the Member and Monitoring Officer consider the interest to be sensitive.

4. In recent years 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 currently 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. City of York Council sent an email to all Councillors on 7 August 2025, indicating that should they wish to have their home addresses redacted, they could contact the Monitoring Officer to arrange this; this is best described as an "opt in" approach to address redaction.

7. However, as it became apparent at City of York that there was significantly more concern in relation to member safety than at first appreciated. As a consequence, they considered and approved an "opt-out" approach to address redaction, as set out below, as more appropriate.

Background

8. Section 30 of the Act sets out the requirement for all members and co-opted members to register any Disclosable Pecuniary Interests (DPIs) with the Monitoring Officer.

9. The Act 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.

10. Under the Regulations, land is defined as:

    "(a) any beneficial interest in land which is within the area of the relevant authority"

11. 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

12. 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".

13. The Act considers an interest to be sensitive if:

    "(a) the nature of the interest is such that the member or coopted 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".

14. 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

15. 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.

16. 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."

17. In a response to the report, the then Prime Minister wrote that the Government agree with both recommendations concerning the publication of member addresses.

18. 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.

19. 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

20. 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.

21. 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.

22. Recommendation 2 in the report concerns the publication of member addresses:

    "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."

23. 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.

24. 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.

25. 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.

26. 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.

27. 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.

28. 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.

29. The report made the following recommendations in response to concerns about the availability of councillors' addresses:

> "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;
>
> "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.

30. 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.

31. 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.

32. 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 City of York Council

33. City of York Council resolved to define home addresses as a sensitive interest and create an opt-out approach in August 2025.

Options

34. Council has the following options:
    a) <u>Maintain the current "opt-in" approach</u>
    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) <u>Treat all members home addresses as sensitive</u>

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-out" approach
Move to an "opt-out" system whereby all members' 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.

Recommendation

35. Of these, Option (c) is recommended.

Risks and Mitigations

36. There is a limited risk that an individual or organisation may seek to Judicially Review the decision to withhold all member addresses. This risk is, however, considered to be minimal, and is acceptable when weighed against the significant benefit of securing additional protection for members.