

Joint Standards Committee

28 September 2023

Report of the Monitoring Officer

Register of Member Interests Treatment of Sensitive Interests and Civility in Public Life

Summary

1. This report sets out: (a) the statutory scheme for recording member interests and invites the Committee to endorse the Monitoring Officer's approach under which councillors home addresses may be treated as sensitive interests; (b) invites the Committee to consider promoting guidance from the LGA's Social Media and Civility in Public Life resources; and (c) invites the Committee to endorse guidance to all members on the use of social media.

Background

2. Section 29 of the Localism Act 2011 provides for the compilation of and publicity for the register of members' interests. The register must be available for public inspection locally and be published on the authority's website.
3. It is for a relevant authority to determine what is to be entered in the authority's register (Section 29(2)) save that Disclosable Pecuniary Interests ("DPIs") are defined in secondary legislation, namely the Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012 (SI 2012/1464).
4. City of York Council has adopted the Local Government Association Model Code of Conduct ("the Code") which identifies all interests to be recorded on the Register of Interests. They appear in Appendix B of the Code and include as DPIs "any beneficial interest in land which is within the area of the council, any licence (alone or jointly with others) to occupy land in the area of the relevant authority for a month or longer and any corporate tenancies."

5. This in practice means that every member's home address, be they an owner occupier, or private or council tenant, should be included in their register of interests.

Sensitive Interests

6. There is, however, provision in Section 32 of the Localism Act 2011 for sensitive interests (whether or not DPIs) not to be published if “the nature of the interest is such that the member or co-opted member, and the authority's monitoring officer, consider that disclosure of the details of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”.
7. In these cases, the interest is registered but not published and the requirement for members to declare such interest under Section 31 becomes an obligation to declare merely the fact that the member has a disclosable pecuniary interest in the matter concerned but not the interest itself.
8. Some members of CYC have expressed concern about the publication of their home addresses and have requested that these be treated as sensitive interests and withheld from the register.
9. This concern echoes the sad but seemingly prevalent¹ phenomenon of public figures experiencing violence, threats of violence, verbal attacks and or harassment and intimidation. There is some evidence that this threat to public servants has increased with the rise in use of social media.
10. In light of evidence of widespread abuse and intimidation of elected representatives nationally, and concerns raised locally, the Monitoring Officer has been minded to interpret the sensitive interest provision broadly and has agreed to withhold member addresses from the register on request. It is important that members are aware of this provision and their ability to make such requests. The Committee is invited to endorse this approach, in the interests of member safety.

LGA Guidance

11. The Jo Cox Foundation promotes respectful politics seeking to end the abuse and intimation that discourages people from entering political life, and to tackle all forms of abuse and intimidation against

¹ <https://www.theguardian.com/uk-news/2021/oct/17/abuse-threats-aggression-the-fear-that-stalks-mps-on-britains-streets>; <https://www.amnesty.org.uk/online-violence-women-mps>; <https://www.bbc.co.uk/news/uk-63330885>

elected representatives. The Foundation website publishes a civility pledge pack and invites submissions to its commission with a view to producing practical recommendations to combat the problem.

12. The LGA has produced a range of guidance to support councillors to deal with behaviours they may encounter while fulfilling their role and engaging with residents.² These include resources around digital citizenship for example downloadable infographics which can be pinned by councillors to their social media profiles to set expectations for their online engagement. (See Annex 1.)
13. The Committee is invited to consider the LGA guidance, and to agree to its promotion to all members.

Social Media

14. In addition, the Committee will be aware of a number of recent complaints emanating from social media, and the Committee has previously indicated its concern about the potential for harm to be caused through inappropriate use of social media.
15. Social media can be an extremely valuable medium for engaging with citizens. Unfortunately, by virtue of its almost limitless audience, use carries risks. Those risks are to the reputation of individuals and organisations, as well as to the wellbeing, and sometimes safety, of users.
16. The distinction between a councillor acting in their personal capacity and as a councillor is not always clear. Whilst the Code of Conduct does not apply in the former case, public perception may be that it does, or should. For this reason, uncivil online communications between councillors and the public, officers, or other Councillors can have an adverse effect on the reputation of City of York Council and the standards it upholds. There is also a serious risk of councillors becoming victims of harassment.
17. The LGA guidance covers staying safe online and promoting digital citizenship/rules of engagement through the use of specifically designed infographics. The Monitoring Officer would urge all members to read this guidance and to bear in mind the golden rule: “if you are unsure about posting something, stop and ask for advice first before doing anything else”. Certainly, good

² <http://www.pas.gov.uk/our-support/guidance-and-resources/civility-public-life-resources-councillors/handling-abuse-and>

practice would suggest that members should refrain from becoming embroiled in online arguments.

18. The Committee is therefore invited to consider the LGA's guidance as it relates to social media, together with the above general guidance, and to endorse that guidance to all members.

Implications

Financial

Not applicable to this report.

Human Resources (HR)

Not applicable to this report.

Equalities

None applicable to this report.

Legal

As detailed within the report.

Crime and Disorder, Information Technology and Property

Not applicable to this report.

Recommendations

19. It is recommended that:
 - a. The Committee notes and endorses the Monitoring Officer's approach to Sensitive Interests
 - b. The Committee notes and endorses the LGA's general guidance in relation to member safety and security; and
 - c. The Committee notes and endorses the LGA specific guidance in relation to the use of social media/digital citizenship "Improving digital citizenship: A practical guide for councillors" at Appendix 1.

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**Report
Approved**

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Specialist Implications Officer(s):

Wards Affected:

All

For further information please contact the author of the report

Background Papers:

Annex 1 Improving digital citizenship:A practical guide for councillors