

## Standards Committee



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PORTFOLIO	Leadership
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### Publication of the Register of Members Interests on the Council's Website

#### PURPOSE

1. To enable the Committee to consider whether or not to recommend to Full Council that the Register of Members' Interests ("the Register") should be published on the Council's website.

#### RECOMMENDATION

2. That the Standards Committee recommend to Full Council that the Register of Members' Interests be made available to the public by publication on the Council's website except for particular entries relating to matters where publication on the Council's website might reasonably place the safety of the member concerned or his or her family at risk, those matters being subject to the statutory exercise of discretion by the Monitoring Officer.

#### REASONS FOR RECOMMENDATION

3. The report sets out a balanced view of arguments both for and against publication on the Council's website.

#### SUMMARY OF KEY POINTS

4. The Local Government Act 2000 Section 81(1) and the Code of Conduct for Members (the Code) requires all elected Members and Co-opted Members to register their financial and other interests by written notification to the Monitoring Officer who, in turn, is required to establish and maintain a Register of Members' Interests. Members and Co-opted Members are also required to update the Register within 28 days of becoming aware of any change. The Register of Members' Interests is currently kept in a paper format and is available for public inspection at the Town Hall.
5. Standards for England recommend that it is good practice to publish the information on the web.

There is no statutory requirement for the Register to be made available on-line.

However, this manner of publication would be possible of Members and Co-opted Members agreed to it. In coming to this agreement, Members and Co-opted members would be entitled to request that their personal information such as their home addresses and telephone numbers are removed, before publication on both the Council's website and in the paper version of the register, as this information is data protected under the provisions of the Data Protection Act 1998.

Standards for England have provided the following advice:

*"The statutory requirement is for the Register to be made available to the public at the local authority's offices at all reasonable hours. The Register is a document which can be consulted when (or before) an issue arises and lets others think about whether or not a member may have a conflict of interest. To this end the Register contributes to public confidence in local democracy and as such Standards for England would generally encourage wider access, say via a local authority's website. However, the decision is one for the local authority involved in consultation with its Members and having regard to data protection rules for keeping such information up-to-date.*

*In certain circumstances, we recognise that the public availability of such information could pose a real risk of violence or intimidation against members, or put them in breach of a legal obligation of secrecy. Where such a case arises, Standards for England believes that Monitoring Officers are entitled to withhold information from the publicly available copies of the Register. We are aware that some local authorities already make the register available on their websites, but some details may be excluded for one reason or another."*

*"[Members] should provide this information to [their] Monitoring Officer and explain [their] concerns regarding the disclosure of the sensitive information; including why it is likely to create a serious risk that [the Member] or a person who lives with [them] will be subjected to violence or intimidation. [Members] do not need to include this information in [their] Register of Interests, if the Monitoring Officer agrees."*

6. Members will also be aware that the Code includes gifts and hospitalities as part of the main Register of Interests to be declared. It also allows for application to the Monitoring Officer for information to be placed on the Register to be considered by him as sensitive.
7. An on-line Register will not replace the statutory paper version of the Register held by the Monitoring Officer which must continue to be maintained in this way and made available for public inspection on request.

Article 8 of the Human Rights Act 1998 (right to respect for private and family life) is relevant but any additional interference in having an on-line Register as well as a public Register would be justified as enhancing the openness of local democracy. Personal safety concerns may be heightened by on-line access to the information, but measures are available as outlined to minimise those concerns.

8. The Committee may wish to survey Members before taking this proposal forward.

## **FINANCIAL IMPLICATIONS AND BUDGET PROVISION**

9. There will be some costs for placing the Register on the Council's website.

## **POLICY IMPLICATIONS**

10. Publishing the Register on the Council's website would make the information much more readily accessible, i.e. 24 hours a day rather than just during office hours, would accord with best practice and would demonstrate the Council's commitment to openness, accountability and high ethical standards.

## **DETAILS OF CONSULTATION**

11. Individual consultation has not yet taken place with all Members and Co-opted Members of the Council.

## **BACKGROUND PAPERS**

12. Local Government Act 2000  
Standards for England Guidance.

## **FURTHER INFORMATION**

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