

WILTSHIRE COUNCIL

STANDARDS COMMITTEE

13 January 2010

Register of Members' Interests

Purpose of Report

1. The Standards Committee has asked the Head of Governance to bring a report to this meeting setting out the statutory and practice requirements relating to the on-line publication of the register of members' interests. This report outlines the statutory provisions relating to the register of members' interests, and considerations relating to the on-line publication of that register on the Council's web-site.

Wiltshire Council Members' Registers of Interests and Gifts and Hospitality

2. The statutory requirements relating to the register of members' interests are set out in section 81 of the Local Government Act 2000. Section 81(1) provides that the Monitoring Officer must establish and maintain a register of interests of the members and co-opted members of the authority. Wiltshire Council's present arrangements comply with that requirement.
3. The legislation further requires that the council must ensure that copies of the register are available at an office of the authority for inspection by members of the public at all reasonable hours (Section 81(6)). The register is available for inspection at County Hall.
4. All members of Wiltshire Council have registered their interests with the Monitoring Officer, and the Council is therefore confident that members are compliant with their statutory responsibilities in that regard. At present the register is held in paper format and available for public inspection on request.
5. Good practice suggests that members' registers of interests should be available for the public to view on the Council's web-site, and several local authorities have adopted this practice (e.g. Birmingham City Council, Liverpool City Council, Swindon Borough Council, Bristol City Council, Torfaen County Council, North Yorkshire County Council, Sheffield City Council, Royal Borough of Windsor and Maidenhead).
6. MPs' registers of interests are available on the House of Commons web-site.
7. 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.”

Paragraph 14 of the Code of Conduct provides that a member need not include on the register information relating to any of their personal interests if they consider that it is sensitive information and the Monitoring Officer agrees. Under the Code “sensitive information” means information whose availability for inspection by the public creates, or is likely to create, a serious risk that you or a person who lives with you may be subjected to violence or intimidation.

8. The Council's external auditors, as part of the Use of Resources element of the Comprehensive Area Assessment (and formerly the Comprehensive Performance Assessment), have recommended that the Council gives serious consideration to making the register available on-line. The purpose of this is to achieve greater transparency and public accountability.
9. Wiltshire County Councillors considered this issue and voted against the electronic publication of the register. Members expressed concerns about security. However, the information is already available for public inspection, and other authorities appear to have been making registers available on-line for some time with no reported difficulties. If Wiltshire Council were to provide for the on-line publication of members' interests, the concerns about security could be reduced by not including the members' signatures on the on-line version. Members' home addresses are already a matter of public record.
10. It is important to note that the provisions of section 81 do not envisage publication of the register on-line and there is no other statutory provision that would enable the Council to require the register to be made available on-line. The Council, therefore, has no power to compel its members to make their personal entries in the register available other than by inspection at County Hall. A decision to make the register of all members' interests publicly available on the internet would be unlawful.
11. Although councillors cannot be compelled to participate in any electronic publication of the register, there is no statutory prohibition on publication in that format if members choose, on an individual basis, to make their register entries public on the web site. A decision by the Council to allow councillors to do this on an “opt-in” basis would be consistent with good practice without exceeding the statutory requirements with regard to registration.
12. An on-line Register would 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.

Risks

11. See paragraph 9 above.

Proposal

12. That the Standards Committee recommends to Council that members and co-opted members of Wiltshire Council may opt into the on-line publication of their entries in the statutory register of members' interests.
13. That the on-line version of the register be redacted to remove copies of councillors' signatures.

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Monitoring Officer

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The following unpublished documents have been relied on in the preparation of this Report: None