

Committee: STANDARDS

Agenda Item

Date: 26 January 2009

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Title: MEMBERS' REGISTER OF INTERESTS

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Item for decision

Summary

1. This report is to seek members' views on the desirability of publishing the Members Register of Interests on the Council's website.

Recommendations

2. That members consider whether to recommend to Full Council that the Members' Register of Interests be published on the Council's website.

Background Papers

3. None.

Impact

- 4.

Communication/Consultation	Publication of the Register of Interests on the website promotes transparency and makes information more widely available to the public.
Community Safety	None.
Equalities	None.
Finance	None.
Human Rights	Article 8 of the First Schedule to the Human Rights Act 1998 provides everyone is entitled to respect for their private life, home and correspondence. The fact that members are required to register their interests under the Code of Conduct undoubtedly breaches this right but the Courts have already held such a breach is in accordance with the law and is necessary in a democratic society in the interest of the economic well being of the country and for the protection of rights of

	freedom of others. Such interference is therefore permitted by the Human Rights Act.
Legal implications	<p>Section 8 (1) Local Government Act 2000 requires the Monitoring Officer of all authorities to maintain a Register of Members' Interests and to make the register available for inspection by the public upon request.</p> <p>Paragraph 9 of Uttlesford District Council's Code of Conduct (following the mandatory provisions of the model Code) requires a member to notify the Monitoring Officer in writing of his registerable interests and to notify the Monitoring Officer of any change in those interests within 28 days of the change occurring.</p> <p>The Data Protection Act 1998 prevents personal data from being processed other than in accordance with the data protection principals. However where there is a requirement to make information available to the public the non-disclosure provisions are disapplied by virtue of s.34 of the Act.</p>
Sustainability	None.
Ward-specific impacts	In the event that the register was published on the Council's website residents in wards more distant from Saffron Walden would benefit to a greater extent than those living closer to the Council offices.
Workforce/Workplace	None.

Situation

5. Members will be aware of the requirement to register certain interests and gifts and hospitality to a value of £25 or more in a register retained by the Monitoring Officer of the authority.
6. The purpose of the register is to enable members of the public to ascertain the interests which individual members have. This information may be useful for various reasons. If a member of the public wishes to have the support of a member on a particular issue, the register of interests may disclose factors which would suggest that one member may be more sympathetic than another (e.g. by membership of a national association or pressure group). On the other hand examination of the register of interests

may alert members of the public to potential prejudicial interests which would mean that if approached the member would not be able to take full part in advancing the constituent's cause.

7. The legislation requires the register to be available at the office of the authority for inspection by members of the public at all reasonable hours. There is no requirement for the publication of the Register of Interests although in accordance with the legislation having established the register an advertisement was placed in newspapers circulating within the district giving notice that copies of the register were available at the Saffron Walden offices for inspection by members of the public at reasonable hours.
8. A few councils have adopted the practice of publishing the Members Register of Interests on their websites. This clearly has advantages for the public as they can inspect the register of interests at locations other than the Council's offices and at times outside of office hours.
9. Members may be concerned at a potential breach of their privacy. However, members should bear in mind that their names and addresses as ward members are already available on the Council's website and the information which can be gleaned from the register is already in the public domain as it is a public document. The consequence of placing the information on line is merely to make public information more accessible.
10. In view of the fact that publication of the register does not breach the Data Protection Act if the Council were to resolve that the register should be published on the Council website the individual consent of Members would not be required. However the Committee may wish to consider whether individual Members may be permitted to "opt out" of having their register published.

Risk Analysis

11. There are no perceived risks associated with this report.