

Report to	<b>Standards Committee</b>
Date	<b>4 July 2011</b>
By	<b>Monitoring Officer</b>
Title of Report	<b>Registration of Interests – Web Publication</b>
Purpose of Report	<b>To consider an internal audit recommendation regarding web publication of the Authority’s Register of Members’ Interests</b>

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**Recommendation: (1) That Members consider the issues raised in the report, and (2) that the internal auditor be advised that a final decision on web publication will be made when the changes in legal requirements in this respect, through the Localism Bill, are known**

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## **1. Introduction**

1.1 This report concerns a recommendation made by the Authority’s Internal Auditor that “consideration should be given to the publishing of Members’ interest information on the Authority’s website in line with the practice adopted by many councils and two other national parks”.

## **2. Registration of Interests**

2.1 Section 81 of the Local Government Act 2000 requires the monitoring officer of each relevant authority to establish and maintain a register of interests of the members and co-opted members of the authority. The Members’ Code of Conduct then requires the members and co-opted members of each authority to register in that authority’s register such financial and other interests as are specified in the Code. Registration is by providing written notification to the monitoring officer within 28 days of appointment to the authority. Any change in personal interests should be similarly notified, within 28 days of the member becoming aware of the change.

2.2 A relevant authority must ensure that copies of the register for the time being maintained by their monitoring officer under this section are available at an office of the authority for inspection by members of the public at all reasonable hours. This requirement is met by the register being available for inspection at the offices of the Authority’s Monitoring Officer in Winchester.

2.3 In May 2011, an internal audit report on the Authority’s practice on declaration of gifts and hospitality noted that the arrangements put in place by the Authority to make the register publicly available met current legal requirements. However, the report also commented that “many Local Authorities achieve this by putting the information on their websites but the SDNPA does not yet adopt this approach. We note that two National Park Authorities also do this (Lake District and Exmoor)”.

2.4 The report therefore recommended that “consideration should be given to the publishing of Members’ interest information on the Authority’s website in line with the practice adopted by many councils and two other national parks”. The response to this was to agree that the matter would be put before the Authority’s Standards Committee for consideration.

2.5 The arguments in favour of web publication are that this further promotes transparency and access to information, making the register more easily available for inspection by members of the public. This is particularly a consideration when the area served by the Authority is geographically large, making it more difficult for a resident in one part of the National Park to travel to the place at which the Register is held.

- 2.6 The arguments against web publication are that this is not a legal requirement, and that the much wider publication of Members' personal details to the world at large is a disproportionate interference with Members' privacy, making it much easier for there to be, for example, press intrusion into a Member's personal affairs.

### **3 Resources**

- 3.1 Officer time would need to be committed to uploading information regarding Members' interests to the Authority's website, and updating this from time to time to ensure that the web-published information was consistent with the Register maintained in accordance with the legal requirement. This would give rise to a cost to the Authority.

### **4. Risk Management**

- 4.1 The main risks arising from web publication are in connection with invasion of privacy. While acknowledging that the Register is already available for public inspection, web publication results in personal information being made much more readily accessible to a much wider group of people, locally, nationally and internationally.
- 4.2 The Members' Code does enable a Member to be exempted from including "sensitive information" in their registration. This is defined as information whose availability for inspection by the public creates, or is likely to create, a serious risk that the Member or a person who lives with them may be subjected to violence or intimidation. However, this will not apply where the risk is other than violence or intimidation e.g. press intrusion. Further, for this exemption to apply, the agreement of the authority's monitoring officer is required.

### **6. Human Rights, Equalities, Health and Safety**

- 6.1 Careful consideration needs to be given to balancing the need for greater openness and transparency with the need to afford an appropriate and proportionate level of privacy to Members in respect of their personal affairs.

### **7. External Consultees**

- 7.1 None.

### **8. Conclusion**

- 8.1 The internal audit report has raised an interesting issue regarding the balancing of openness and transparency in the Authority's dealings, with the right of Members to a measure of privacy in respect of their private affairs. The views of the Committee on this are welcome.
- 8.2 As a way forward, it is suggested that, whichever way the Committee feels the matter should be determined, no action is taken at this stage pending the finalisation and implementation of the Localism Bill. The current legal requirements regarding registration of interests are due to be abolished within the coming months, and there are expected to be new requirements taking their place. These may well include legal requirements and/or guidance regarding web publication. It is submitted that it will be appropriate for final decisions on the matter to be made at that stage.

KEVIN GARDNER  
Monitoring Officer

Tel: 01962 847381  
email: kevin.gardner@hants.gov.uk

Appendices  
SDNPA Consultees

None  
Chief Executive Officer, Director of Corporate Services, Head of Planning, Director of Strategy and Partnerships, Head of Operations, Chief Finance Officer, Deputy Chief Finance Officer, Senior Solicitor.

Background Papers

Internal audit report