

LONDON BOROUGH OF BRENT
STANDARDS COMMITTEE – 19 OCTOBER 2004
REPORT FROM THE BOROUGH SOLICITOR

FOR NOTING

WARDS AFFECTED: ALL

REPORT TITLE :ON-LINE REGISTER OF MEMBER INTERESTS

1.0 SUMMARY

- 1.1 This report from the Monitoring Officer sets out the legislative background to the register of member interests, the rationale behind putting the register of members interests on-line and advising on the legal implications of this action.

2.0 RECOMMENDATIONS

- 2.1 That this committee agree in principle that the register of member interests be put on-line subject to any reasonable concerns raised by members about the publication of specific information.

3.0 FINANCIAL IMPLICATIONS

- 3.1 There are no direct financial implications arising from this report.

4.0 STAFFING IMPLICATIONS

- 4.1 There are no direct staffing implications arising from this report. It is envisaged that current staff resources within Democratic Services will maintain and update the register of member interests in the usual way.

5.0 DIVERSITY IMPLICATIONS

- 5.1 There are no direct diversity implications arising from this report.

6.0 LEGAL IMPLICATIONS AND BACKGROUND

- 6.1 Section 81(1) of the Local Government Act 2000 requires that the Monitoring Officer of each relevant authority must establish and maintain a register of interests of the members and co-opted members of the authority. Information set out in the register relates to those categories set out in Part 3 of the Brent Members Code of conduct, namely:

- (a) *any employment or business carried on by him or her;*
- (b) *the name of the person who employs or has appointed him or her, the name of any firm in which he or she is a partner, and the name of any company for which he or she is a remunerated director;*

- (c) *the name of any person, other than a relevant authority, who has made a payment to him or her in respect of his or her election or any expenses incurred by him or her in carrying out his or her duties;*
- (d) *the name of any corporate body which has a place of business or land in the authority's area, and in which the member has a beneficial interest in a class of securities of that body that exceeds the nominal value of £25,000 or one hundredth of the total issued share capital of that body;*
- (e) *a description of any contract for goods, services or works made between the authority and himself or herself or a firm in which he or she is a partner, a company of which he or she is a remunerated director, or a body of the description specified in sub-paragraph (d) above;*
- (f) *the address or other description (sufficient to identify the location) of any land in which he or she has a beneficial interest and which is in the area of the authority;*
- (g) *the address or other description (sufficient to identify the location) of any land where the landlord is the authority and the tenant is a firm in which he or she is a partner, a company of which he or she is a remunerated director, or a body of the description specified in sub-paragraph (d) above; and*
- (h) *the address or other description (sufficient to identify the location) of any land in the authority's area in which he or she has a licence (alone or jointly with others) to occupy for 28 days or longer.*

6.2 Section 81(6) of that Act states that a relevant authority 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.

6.3 There is no legislative requirement to publish the register on the council's website. However, given the emphasis placed on accountability and transparency in local decision making, together with a push towards e-government initiatives, members are asked to consider this proposal.

6.4 As information contained in the register falls within the definition of 'personal data' under the Data Protection Act 1998, that information may only be published if the Council is required or authorised by or under any enactment, by any rule of law or by the order of a court.

6.5 The Standard Board originally took a cautious view based upon its understanding of the legislation and advised that local authorities should seek the consent of members before publishing information on-line. However, the Standards Board have now shifted their position somewhat and are now simply referring the issue to the Information Commissioner who has said that:

"while the legislation does not require the register to be made available electronically, we would take the view that because it is required to be made available for public inspection it is not necessary for councils to seek consent from members before publishing the register in this manner."

- 6.6 This advice has been qualified in that: *‘we would consider that in order for the personal data to be processed “fairly” members should be notified that this will occur. It will then be for the council to take into account any concern raised by a member about the publication of specific information, such as membership of a hunting support group, and to consider whether this information should be withheld from the website in a particular case where there is a real possibility that its inclusion may result in violence or intimidation.’*
- 6.7 It is recommended by officers that, in principle, the Register of Members Interests be placed on-line on the council's webpage and that, prior to going live, members' are given an opportunity to raise any concerns. Any concerns raised will be considered by the Monitoring Officer in carrying out her statutory duty to maintain the Register of Member Interests.

7.0 BACKGROUND INFORMATION

- Correspondence from the Standards Board for England
- Correspondence from the Information Commissioner
- Local Government Act 2000
- Data Protection Act 1998

Any persons wishing to inspect the papers in connection with this report should contact Helen Keep at helen.keep@brent.gov.uk Town Hall Annexe, Forty Lane, Wembley Middlesex HA9 9HD – Telephone number 0208 937 1368

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