

**MEMBERS' CODE OF CONDUCT – PROTOCOL FOR MEMBERS' ACCESS TO
CONFIDENTIAL INFORMATION OF COUNCIL-OWNED COMPANIES**

Executive Summary

This report recommends that the Council adopts a “Standards Protocol” which would cover Members’ access to confidential information of Council-owned companies. This would mean that Members would no longer have to sign a separate non-disclosure agreement to gain access to such information.

Recommendations

The Council is requested to:

RESOLVE That

- (i) The Protocol for Members’ Access to Confidential Information of Council-Owned Companies appended to this report shall be adopted with effect from 30 July 2020; and
- (ii) The Protocol for Members’ Access to Confidential Information of Council-Owned Companies shall be subject to paragraph 2.6 of the Members’ Code of Conduct.

The Council has the authority to determine the recommendation(s) set out above.

Background Papers: None.

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1.0 Introduction

- 1.1 The Thamesway Group Protocols provide for Members, who are not directors of Thamesway companies, to (i) receive Board papers and (ii) attend Board meetings if they have signed a Non-Disclosure Agreement (“NDA”).
- 1.2 At its meeting on 5 March 2020, the Standards and Audit Committee considered a report on proposals to simplify this process so that it is not necessary for Members to sign the NDA. Two options were set out in the report. The first was through the adoption of a Standards Protocol. The Protocol would require Members to respect the confidentiality of confidential information relating to all Council-owned companies (not just Thamesway companies). Under paragraph 2.6 of the Members' Code of Conduct, a breach of the Protocol would constitute a breach of the Code of Conduct. The second option was to expand the Declaration of Acceptance of Office form, signed by Members when they are elected, so that it covers confidential information of Council-owned companies.
- 1.3 The Standards and Audit Committee favoured the Standards Protocol option, and noted that all Members would be consulted on the proposals before a report was taken to Council. This consultation has been undertaken.

2.0 Standards Protocol

- 2.1 A draft Standards Protocol is appended to this report (Appendix 1). Council is recommended to adopt this, and to resolve that the Protocol is subject to paragraph 2.6 of the Members' Code of Conduct (so that a breach of the Protocol could be a breach of the Code of Conduct).

3.0 Implications

Financial

- 3.1 None.

Human Resource/Training and Development

- 3.2 None.

Community Safety

- 3.3 None.

Risk Management

- 3.4 None.

Sustainability

- 3.5 None.

Equalities

- 3.6 None.

Safeguarding

- 3.7 None.

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4.0 Conclusions

- 4.1 Adopting the proposed Standards Protocol will simplify the process by which Members can gain access to confidential information of Council-owned companies, whilst continuing to protect the commercial interests of the companies.

REPORT ENDS

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Appendix 1

Appendix Title