

PROTOCOLS FOR CONFIDENTIALITY AND OFFICER CONFLICT OF INTERESTS

Executive Summary

At its meeting on 30 July 2020, Council resolved that a Confidentiality Protocol and an Officer Conflicts of Interests Protocol should be submitted to the Standards and Audit Committee for recommendation to Council.

Draft Protocols are appended to this report for consideration by the Committee.

Recommendations

The Committee is requested to:

RECOMMEND TO COUNCIL That

The draft Confidentiality Protocol and Officer Conflicts of Interest Protocol (together with any amendments agreed by the Standards and Audit Committee on 17 September 2020) are adopted by the Council.

The item(s) above will need to be dealt with by way of a Recommendation to Council.

Background Papers: None.

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Protocols for Confidentiality and Officer Conflict of Interests

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1.0 Introduction

- 1.1 At its meeting on 30 July 2020, Council considered a report on the recommendations from the Overview and Scrutiny Committee in respect of the Woking Football Club and Associated Developments Task Group report.
- 1.2 Council resolved (amongst other things) that a Confidentiality Protocol and an Officer Conflicts of Interests Protocol should be submitted to the Standards and Audit Committee, at its meeting on 17 September 2020, for recommendation to Council.
- 1.3 Draft Protocols are appended to this report for consideration by the Committee (Appendix 1 – Confidentiality Protocol; Appendix 2 – Officer Conflicts of Interest Protocol).

2.0 Confidentiality Protocol

- 2.1 The draft Confidentiality Protocol deals with the rare occasions where the Council is involved in a transaction that needs to be kept confidential (in order to protect the interests of the Council and/or the party the Council is dealing with).
- 2.2 The draft Protocol ensures that the circumstances in which confidentiality obligations are entered into by the Council are clearly defined, with significant Member oversight. Importantly, the extent of confidentiality has to be limited to the minimum amount reasonably required to enable the underlying proposal to be considered/progressed by the Council. The draft Protocol provides for regular reviews of the need for confidentiality in each case. This will ensure that information is not kept confidential longer than is strictly necessary.
- 2.3 The draft Protocol also addresses the circumstances in which an item of business is considered on a Part II basis (i.e. without the press and public present). This was the subject of a Notice of Motion from Councillor Chrystie at the Council meeting on 30 July 2020. In short, business can only be dealt with under Part II if this is allowed by statute and the Council's Constitution. As with confidentiality obligations, the draft Protocol provides for there to be significant Member oversight of Part II items.

3.0 Officer Conflicts of Interest Protocol

- 3.1 The Officer Conflicts of Interest Protocol draws together the existing controls on Officers' conflicts of interest. These are contained in (i) Local Government Act 1972, (ii) Officer Employment Rules and (iii) Code of Conduct for Employees Policy.
- 3.2 The draft Protocol provides that a conflict of interest arises when:
 - an Officer's personal interests compromise his/her integrity and/or ability to act in the best interests of the Council in respect of a particular matter, or
 - a reasonable person, with knowledge of all relevant facts, would consider this to be the case.

The second limb of this definition is important as it addresses the public perception of Officer interests.

- 3.3 The draft Protocol will ensure that a consistent and corporate approach is adopted in determining whether an Officer has a conflict of interest. As with the Confidentiality Protocol, there will be significant Member oversight of the process.

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4.0 Implications

Financial

4.1 None.

Human Resource/Training and Development

4.2 None.

Community Safety

4.3 None.

Risk Management

4.4 Adopting (and acting in accordance with) the Protocols will reduce the risk of the Council being subject to a successful legal challenge in its transactions with third-parties.

Sustainability

4.5 None.

Equalities

4.6 None

Safeguarding

4.7 None.

5.0 Conclusions

5.1 The Protocols address the issues considered by Council, following the recommendations of the Overview and Scrutiny Committee in respect of the Woking Football Club and Associated Developments Task Group report.

5.2 The Protocols will ensure that it is clear when (i) Council business can be dealt with on a confidential basis and (ii) an Officer has a conflict of interest, so cannot be involved in a matter.

5.3 Both Protocols provide for significant Member involvement in, and oversight of, confidentiality obligations and Officer conflicts of interest.

REPORT ENDS