

CONFIDENTIALITY PROTOCOL ANNUAL REPORT

Executive Summary

The Council adopted a Confidentiality Protocol on 15 October 2020. The Protocol stipulates that an annual report shall be submitted to the Executive setting out the details of Non-Disclosure Agreements (NDAs), contractual confidentiality clauses and Part II designation. The Protocol itself is also subject to an annual review.

Recommendations

The Executive is requested to:

RESOLVE That the report be noted.

Reasons for Decision

Reason: To provide an annual report to the Executive.

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

Background Papers:	None.
Reporting Person:	Joanne McIntosh, Director of Legal and Democratic Services Email: joanne.mcintosh@woking.gov.uk, Extn: 3038
Contact Person:	Joanne McIntosh, Director of Legal and Democratic Services Email: joanne.mcintosh@woking.gov.uk, Extn: 3038
Portfolio Holder:	Councillor Ann-Marie Barker Email: cllrann-marie.barker@woking.gov.uk
Shadow Portfolio Holder:	Councillor Ayesha Azad Email: cllrayesha.azad@woking.gov.uk
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Confidentiality Protocol Annual Report

1.0 Introduction

1.1 The Council adopted a Confidentiality Protocol (Protocol) on 15 October 2020. The Protocol stipulates that an annual report shall be submitted to the Executive setting out the details of Non-Disclosure Agreements (NDAs), contractual confidentiality clauses and Part II designation. The Protocol itself shall be subject to an annual review. This is the second annual report following the adoption of the Confidentiality Protocol. A copy of the Confidentiality Protocol can be found at Appendix 1 to this report.

2.0 Non-Disclosure Agreements (NDAs)

2.1 It is normal practice for Councils to enter into a NDA when exploring commercial proposals with a third party. NDA's allow third parties to make proposals to the Council and for Officers to establish whether those proposals warrant formal consideration by the Council. NDAs are an important, but standard, part of local authority business practice.

2.2 The Protocol outlines the internal procedures the Council must complete prior to entering into a NDA.

2.3 In accordance with the Protocol the Monitoring Officer holds a register of NDA's. This register holds two active NDA. The register is available for inspection by Members of the Council.

2.4 Given the very nature of NDAs it is not possible to outline the details of the NDAs in this report. The below table details compliance with the Protocol in respect of NDAs. The Leader of the Council is consulted in accordance with the Protocol.

NDA Ref:	Date	Authorised by Statutory Officer	Review Date	Duration	Project Workbook
2021/01	01/03/21	Monitoring Officer (PB)	1/03/22 Reviewed – NDA terminated – project did not proceed	3 Years unless terminated earlier.	Y
2021/02	01/03/21	Monitoring Officer (PB)	1/03/22 Reviewed – NDA terminated – project did not proceed	3 Years unless terminated earlier.	Y
2021/03	23/06/21	Monitoring Officer (PB)	23/06/22 NDA still reasonably required. Next Review date 23/06/23	20 years unless terminated earlier.	Y

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2022/01	25/02/22	Monitoring Officer (JM)	NA	Expires October 2022	Y
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3.0 Confidentiality Clauses

- 3.1 The Council shall on occasions enter into contracts/development agreements that contain confidentiality clauses. This is to ensure that commercially sensitive information remains private until it ceases to be sensitive.
- 3.2 The Monitoring Officer holds a register of contracts and development agreements which have been sealed by the Council and contain a confidentiality clause. The register is available for inspection by Members of the Council.

Date	Description
15/10/2020	Agreement for Microsoft 365 Implementation
28/10/2020	Appointment of Specialist Services
05/11/2020	Contract for provision of internet services
17/11/2020	Design and build contract
19/11/2020	Contract for demolition
25/11/2020	Housing contract
07/12/2020	Grant Agreement
08/01/2021	Contract for the supply, installation and maintenance of a car park management system
18/03/2021	Provision of cost management services
29/03/2021	Agreement for property and facilities management services
30/03/21	Loan Agreement
28/04/2021	Forest care conditions of contract
28/04/2021	ESPO Framework Agreement
28/04/2021	Contract for Demolition
20/05/2021	Agreement Loop Road play area refurbishment

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24/05/2021	Service Level Agreement for the 'Next Step Agreement'
23/06/2021	Agreement – Planet Woking Project
24/06/2021	RICS short form of consultant appointment
24/06/2021	Professional Services Contract
20/07/2021	NEC Professional Services Contract
31/08/2021	Grant Agreement.
11/10/2021	Development Agreement
14/10/2021	Alliance Agreement
01/11/2021	Financial Review and Insight
01/11/2021	Transition Governance and Strategic Options Appraisal
03/11/2021	Design and build contract
10/11/2021	Improvement works contract
18/11/2021	Professional Appointment Contract
25/11/2021	Second Loan Agreement
01/12/2021	Loan Facility Agreement
20/12/2021	Management Agreement
07/02/2022	Services Agreement
15/03/2022	Preferred Developer Agreement
04/04/2022	Agreement for wayfinding Town Centre
09/05/2022	Minor Works Building Contract
26/05/2022	Construction Consultancy Services level agreement
23/06/2022	Electrical testing and inspection services contract agreement
27/07/2022	Development Agreement
27/07/2022	Family Support Agreement

4.0 Part II Items

- 4.1 The ability of the Council to consider an item of business on a Part II basis is strictly limited by statute. The Council has adopted, as part of its Constitution, Access to Information Rules. These set out when the Council must and may deal with business on a Part II basis.
- 4.2 In accordance with the Protocol the Monitoring Officer holds a register of Part II items. This register holds the reports listed below. The register is available for inspection by Members of the Council.

Meeting	Date	Report(s)	
Full Council	15 October 2020	Recommendations of the Executive of 8 October 2020. (Three separate property management reports and one Local Authority Company report. These reports are listed below as reports to the Executive on 8 October 2020) Confidential transaction report.	Includes commercially sensitive information which if made public could undermine future negotiations.
Executive	25 March 2021	Commercial tenant management report	Includes commercially sensitive information, in respect of rent negotiations which if made public could undermine future negotiations.
Executive	8 October 2020	Three separate property management reports. (Recommendations to Full Council) Local Authority Company report. (Recommendations to Full Council)	Includes commercially sensitive information, in respect of rent negotiations which if made public could undermine future negotiations.
Full Council	8 April 2021	Question to Council	Commercially Sensitive
Full Council	29 July 2021	Question to Council	Commercially Sensitive
Executive	9 September 2021	Two separate commercial tenant management reports.	Include commercially sensitive information which if made public could undermine future negotiations.
Taxi Licensing Sub Committee	19 July 2021 and 22 July 2021	Four separate reports by Officers in respect of individual taxi drivers.	Includes personal/sensitive information relating to an individual.
Licensing Sub-Committee A	16 September 2021	Refusal of Personal Licence (Alcohol)	Includes personal/sensitive information relating to an individual.
Standards Hearing Committee	29 September 2021	Confidential Code of Conduct matter	Includes personal/sensitive

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			information relating to an individual.
Executive	18 November 2021	Loan Agreement Proposal	Contains financial information relating to another organisation which is commercially sensitive.
Taxi Licensing Sub Committee	12 January 2022	Report by Officers in respect of an individual taxi driver	Includes personal/sensitive information relating to an individual.
Executive	20 January 2022	Property Management	Includes commercially sensitive information which if made public could undermine future negotiations.

5.0 Review of the Protocol

5.1 The Protocol shall be subject to an annual review as part of the Executive's consideration of the annual report. There are no proposed amendments at this time.

6.0 Corporate Strategy

6.1 The report supports the Council's commitment to being an open and transparent organisation.

7.0 Implications

Finance and Risk

7.1 There are no implications arising from this report.

Equalities and Human Resources

7.2 There are no implications arising from this report.

Legal

7.3 There are no implications arising from this report.

8.0 Engagement and Consultation

8.1 It would not be appropriate to engage or consult on the subject matter of the report.

REPORT ENDS