

Borough Green Parish Council has always moved into Part 2 session to discuss Confidential matters, being:

- 1) Staff matters
- 2) Commercial confidentiality (during a tendering process)
- 3) when legal proceedings have commenced, to ensure all communications between the Council and the Other Party only goes through their respective solicitors.

All our minutes and agendas have the below warning attached:

***Exclusion of Public and Press: Pursuant to Section1(2) of the Public Bodies (Admission to Meetings) Act 1960 Chairman to move that the press and public be excluded from the remainder of the meeting during consideration of any item.
Members are reminded that any release of information from a Part 2 discussion is contrary to the Standards Code and an offence under the above Public Bodies Act.***

It would appear that stricture has been watered down because of the Localism Act, GDPR and FOI, to the section below:

SO 11 (d) Councillors, staff, the Council's contractors and agents shall not disclose confidential information or personal data without legal justification.

I would like the KALC and NALC legal departments to look again at that part of our Standing Orders, to regain the strict control of confidentiality that was in place before, with a new line added to this effect:

Any information circulated to Councillors prior to a meeting is automatically subject to confidentiality until released into the Public domain at the next meeting.

The addition of the clause "without legal justification" effectively negates the confidentiality by moving the discussion outside the Part 2 rules of confidentiality, and needs reconsideration.

For Instance: a Councillor might release details of the Council's legal strategy to the Other Party, resulting in harm to the Council and Public Finance, particularly in the realms of negotiating Out of Court settlements. Whether or not the Councillor has done it because he believes the Council is breaking the Law, or for his own personal gain, or to disadvantage the Council or a Councillor, is not relevant to the confidentiality. That can all be dealt with once the issue is released to the public domain