

FRODSHAM TOWN COUNCIL

Report to Full Council

Review of Arrangements for the Handling of Confidential Council Information

Author: Town Clerk & Proper Officer

1. Purpose of the Report

The purpose of this report is to advise Members of revised arrangements for the handling of confidential Council information following an apparent unauthorised disclosure of information contained within a confidential communication circulated to Members on **16 July 2026**.

The report also reminds Members of their legal and ethical responsibilities when handling confidential information and seeks the Council's approval of revised governance arrangements.

2. Background

On **16 July 2026**, I circulated a confidential email to all Members. The email was clearly marked **CONFIDENTIAL** and included an explicit request that it was not to be circulated or disclosed to any person who was not an elected or co-opted Member of Frodsham Town Council.

I have subsequently become aware of information which gives me reason to believe that information contained within that communication **may have been disclosed** to a member of the public.

Whilst this report has been prompted by events relating to that communication, the revised arrangements set out below apply to **all confidential information** provided to Members by or on behalf of the Council.

As Town Clerk and Proper Officer, I must be able to communicate openly and candidly with Members on governance, legal, staffing, employment, complaints, commercially sensitive matters and other sensitive issues where confidentiality is necessary for the Council to discharge its statutory responsibilities effectively.

An apparent breach of confidence has the potential to undermine trust between Members and officers, prejudice the Council's ability to deal appropriately with sensitive matters, expose the Council to legal, financial and reputational risk, and diminish confidence in the Council's governance arrangements.

This report is **not** intended to make any allegation against any individual Member, nor does it seek the Council's determination as to how any disclosure may have occurred.

Should any Member believe they may have inadvertently disclosed information contained within the confidential communication of **16 July 2026**, I would encourage them to contact me directly so that I may understand the circumstances and determine whether any further action is necessary.

3. Legal and Governance Framework

The Council is committed to conducting its business openly and transparently wherever possible. Equally, legislation recognises that certain categories of information must remain confidential in order to protect individuals, the Council and the wider public interest.

Public Bodies (Admission to Meetings) Act 1960

Section 1(2) permits the Council to exclude the press and public where publicity would be prejudicial to the public interest because confidential or other special business is to be transacted.

Local Government Act 1972

Although Schedule 12A applies directly to principal authorities rather than parish and town councils, it provides recognised principles of good governance regarding information that should properly remain confidential, including matters relating to individuals, employees, legal proceedings, commercially sensitive information, contractual negotiations and legal professional privilege.

UK General Data Protection Regulation and Data Protection Act 2018

Where confidential information contains personal data, Members must ensure it is processed lawfully, fairly, securely and only for authorised Council purposes.

Members' Code of Conduct

Members are reminded that, upon signing their Declaration of Acceptance of Office, they undertake to comply with the Council's adopted Code of Conduct.

The Code requires Members to:

- treat others with respect;
- not conduct themselves in a manner which could reasonably be regarded as bringing their office or the Council into disrepute; and
- not disclose information given to them in confidence, or information they reasonably believe to be confidential, unless authorised by law or by the Council.

This obligation applies equally to confidential papers and to any information obtained through confidential Council business.

Confidential information must not be shared or disclosed by any means, including email, telephone, messaging applications, social media or face-to-face discussions, unless authorised by law or by the Council.

4. Revised Arrangements

It is with genuine disappointment that I have concluded that the Council's existing arrangements for circulating confidential information can no longer continue.

With immediate effect:

- confidential reports and supporting papers will no longer be circulated electronically;
- confidential papers will only be distributed during meetings after the Council has resolved to exclude the press and public under Part B of the agenda;

- confidential papers will be printed on coloured paper;
 - papers will be distributed immediately before the confidential item is considered;
 - all confidential papers will be collected by the Town Clerk immediately following the confidential business; and
 - Members must not retain, reproduce, photograph, copy or otherwise distribute confidential papers unless authorised by the Council or required by law.
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5. Clerk's Statement

I wish to place on record my disappointment that these measures have become necessary.

I have served as **Proper Officer to parish and town councils for over twenty years** and have routinely dealt with highly sensitive legal, staffing, governance and commercially confidential matters. During that time, I have **never previously experienced an apparent breach of confidence of this nature**.

I hold the **Certificate in Local Council Administration (CiLCA)**, am a **Fellow of the Society of Local Council Clerks (FSLCC)**, undertake work as an **Internal Auditor for parish and town councils**, and am a **member of the Internal Audit Forum**. My professional career has been founded upon openness, trust, sound governance and recognised best practice, and it is against that background that I have concluded these revised arrangements are both necessary and proportionate.

These measures have not been introduced lightly. They represent a significant departure from my usual working practices but are, in my professional judgement as Proper Officer, necessary to safeguard the Council's governance arrangements and the integrity of confidential communications.

It is my sincere hope that confidence can be restored in due course and that these additional controls will no longer be necessary.

6. Recommendations

Full Council is requested to:

1. Note the contents of this report.
2. Reaffirm Members' obligations to maintain the confidentiality of information provided in confidence, in accordance with the Public Bodies (Admission to Meetings) Act 1960, applicable data protection legislation and the Council's adopted Members' Code of Conduct.
3. Approve the revised arrangements for the circulation, handling and recovery of confidential Council papers as set out in Section 4 of this report.
4. Confirm that confidential reports and supporting papers will no longer be circulated electronically to Members.
5. Authorise the Town Clerk to implement the revised arrangements with immediate effect.

6. Members are requested to consider the report and, if thought appropriate, **RESOLVE** to:
7. **a.** Receive and note the report of the Town Clerk and Proper Officer.
8. **b.** Reaffirm the Council's commitment to maintaining the confidentiality of all information provided in confidence.
9. **c.** Reaffirm Members' obligations under the Council's adopted Code of Conduct, the Public Bodies (Admission to Meetings) Act 1960, the UK General Data Protection Regulation, the Data Protection Act 2018 and other applicable legislation when handling confidential Council information.
10. **d.** Approve the revised arrangements for the circulation and handling of confidential Council information as set out in Section 4 of the report, including the withdrawal of confidential papers from electronic circulation.
11. **e.** Approve that confidential reports and supporting papers shall only be issued at meetings held under Part B – Exclusion of Press and Public, printed on coloured paper and collected by the Town Clerk immediately following the conclusion of the confidential business.
12. **f.** Confirm that the revised arrangements shall apply to all confidential information provided to Members by or on behalf of Frodsham Town Council, irrespective of the format in which that information is communicated.
13. **g.** Authorise the Town Clerk and Proper Officer to implement the revised arrangements with immediate effect and to make any minor administrative changes necessary to give effect to this resolution.