

Record of officer decision

Decision title:	Indemnity for Independent person
Date of decision:	November 2018
Decision maker:	Chief Executive
Authority for delegated decision:	This is an operational decision in accordance with 3.7.5 of the constitution as it relates to the day to day management of the council.
Ward:	Countywide
Consultation:	None
Decision made:	That the independent persons appointed by the council are granted an indemnity in the same terms as for officers set out in the council's constitution.
Reasons for decision:	<p>The authority is required to appoint at least one independent person to provide a view on allegations that a member has breached the code of conduct. They are also part of the standards panel process and form part of the investigation and disciplinary panel in relation to disciplinary action being considered against statutory officers.</p> <p>A full role description is provided.</p> <p>As an office holder the work undertaken by the Independent persons in accordance with the role profile is insured via the council's insurance but as they are not employed they are not covered by the indemnity for officers set out in the constitution under the Local Authorities (Indemnities for Members and Officers) Order 2004.</p> <p>Section 111(1) of the Local Government Act 1972 provides an ancillary power to permit the council to indemnify the council's independent persons in relation to particular decisions or acts if to do so would facilitate; or is incidental, or conducive, to the discharge of a function of the authority.</p> <p>Without an indemnity independent persons could be personally liable for costs or expenses, despite the fact that they were carrying out the work at the request of (or with approval) of the council and were acting in good faith.</p>
Highlight any associated risks/finance/legal/equality considerations:	<p>The role is undertaken in accordance with a job description and work is requested via officers in the council. There is currently insurance in place for the activities undertaken.</p> <p>If a claim were to be made for negligence that was not insured that</p>

	then the council would be responsible for any financial compensation and costs involved in such a claim.
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Details of any alternative options considered and rejected:	To not offer such an indemnity, this has been considered as insurance cover is provided. The independent person facilitates the discharge of the council's functions and it is inequitable that they do not have this protection because they are not employed.
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Details of any declarations of interest made:	N/a

Officer Name: Alistair Neill

Officer Title: Chief Executive

Signed:

Date: 14 November 2018