

**GENERAL ASSEMBLY OF THE COUNCIL
13 DECEMBER 2021**

**DEED OF INDEMNITY FOR MEMBERS AND OFFICERS –
REVIEW - REFERENCE FROM THE CABINET**

1. Summary

1.1 To receive a reference from Cabinet relating to the adoption of revised Deed of Indemnity for Members and Officers, following a review.

2. RECOMENDATION

2.1 That, as recommended by Cabinet, the Deed of Indemnity for Members and Officers, at Appendix A to the report, be adopted.

3. Background and Discussion

3.1 At its meeting on 28 October 2021 [Min.No 65], Cabinet considered a revised Deed of Indemnity for Members and Officers (at Appendix A to this report), following a review of the existing indemnity provisions.

3.2 Since the Council originally adopted its Indemnity for Members and Officers in 2007, there has been an increasing propensity for parties to litigate in order to recover losses which could lead to some individuals becoming concerned about any personal liability that might attach to the performance of their duties. It is not considered to be in the Council's interest if potentially suitable candidates are deterred from seeking election to the Council or seeking appointment to responsible posts supported by the Council because of concerns over possible personal liabilities. It is therefore recommended that the Council should provide as wide an indemnity in respect of such risks as it lawfully can, to both Members and Officers, including Independent Members and Independent Persons. The indemnity will only apply where the Member or Officer acts responsibly and in good faith.

3.3 Cabinet endorsed the revised Deed of Indemnity at its meeting on 28 October 2021 and recommended its adoption to the General Assembly of the Council (see Appendix B).

4. Relationship to the Corporate Plan

The Council has an ongoing commitment to good corporate and ethical governance, which supports effective decision-making and to encouraging participation in the democratic process from all backgrounds.

5. Financial, legal, staffing and other administrative implications and risk assessments

Financial Implications	The Deed of Indemnity is supplemented by insurance cover, the cost of which is covered within the Council's existing
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	insurance budgets.
Legal Implications	As detailed in the body of the report
Staffing Implications	None.
Administrative Implications	None.
Risk Assessment	As detailed in the Cabinet report attached at Appendix A.

6. Details of Exempt Information Category

Not applicable

7. Appendices

Appendix A – Report to Cabinet on 28 October 2021

Appendix B – Draft Cabinet minute No.65

BACKGROUND PAPERS

<u>Documents consulted</u>	<u>Date / File Ref</u>	<u>Report Author</u>	<u>Section and Directorate</u>	<u>Exempt Information Category</u>
		Alan Twyman, Democratic Services Manager	Democratic Services/ Corporate Services	N/A