

---

## REPORT OF THE FINANCE & PROCEDURES OVERVIEW & SCRUTINY COMMITTEE – 21 APRIL 2005

### 1 THE LOCAL AUTHORITIES (INDEMNITY FOR MEMBERS AND OFFICERS) ORDER 2004

1.1 This item of business was referred by the Finance & Procedures Overview & Scrutiny Committee on 21 April to Council with a number of recommendations. A copy of the officer's report is appended (Appendix 1).

1.2 The Committee noted the key points as follows:-

- It is debatable whether the Council's current insurance would include representing the authority on an outside body in a capacity other than that of a Member or officer of the authority, but the Council could offer such an indemnity at its own risk.
- The indemnity outlined in the Council's "Protocol for Outside Bodies" does not provide for such an indemnity and would require amendment if Members chose to extend it.
- This Council has previously expressed concern that no assistance was available to Members called to account by the Standards Board and this legislation would provide an opportunity to address this concern, although Members were disappointed that there were restrictions in the extent of the indemnity.

1.3 It is proposed that Council **RESOLVES**

That the Council provides an indemnity in relation to any action or failure to act by any Member or officer which:-

- (a) is authorised by the Council;
- (b) forms part of, or arises from, any powers conferred or duties placed upon that Member or officer at the request of or with the approval of the authority including acting as the Council's representative on an outside body;
- (c) arises in respect of the cost of defending any claim for an allegation of defamation by a Member or officer acting in an official capacity (but not in respect of any punitive or exemplary damages or arising from malicious falsehood or injurious falsehood) or

- (d) is in respect of any investigation, hearing or other proceedings for an alleged failure to comply with the Code of Conduct for Members but, if the Member is found to have breached the Code of Conduct, and where an appeal is unsuccessful, then that Member shall reimburse the authority or the insurer for their costs incurred in relation to those proceedings.

Such indemnity to include an act or omission subsequently found to be beyond the powers of the Member or officer in question, but only to the extent that the Member or officer reasonably and genuinely believed that the act or omission was within his/her powers at the time when he/she acted.

- (2) That no indemnity be offered for legal representation to defend a criminal conviction unless specifically approved by the Council and then on a similar basis to that relating to Part 3 proceedings with regard to reimbursement.
- (3) That a revised Protocol for Outside Bodies taking these recommendations into account be considered at a future meeting of the Finance & Procedures Overview & Scrutiny Committee. (CD(LP&A))

## **2 REVIEW OF PARTNERSHIP ARRANGEMENTS**

- 2.1 This item of business was referred by the Finance & Procedures Overview & Scrutiny Committee on 21 April 2005 to Council with a recommendation relating to the way forward for reviewing the Council's key partnership arrangements. A copy of the officer's report is appended (Appendix 2).
- 2.2 The Finance & Procedures Overview & Scrutiny Committee noted that given its already heavy work programme, together with the fact that many of the partnerships have a community element, it would be more appropriate that the Community Overview & Scrutiny Committee undertake this review.
- 2.3 It is proposed that Council **RESOLVES**

That, in view of growing work commitments, the review of Key Partnerships is undertaken by the Community Overview & Scrutiny Committee, with officers reporting into that Committee, at its first meeting of the new municipal year so that the detailed focus and work programme can be agreed. (CE)

## **3 DEVELOPMENT AND ACCESS TO LAND AT 5 WEIR POND ROAD, ROCHFORD**

- 3.1 This item of business was referred by the Finance & Procedures Overview & Scrutiny Committee to Council with a recommendation relating to a request for the purchase of land in the Council's ownership. A copy of the officer's report is appended (Appendix 3).

3.2 It is proposed that Council **RESOLVES**

That the land at the end of Oast Way, Rochford be sold to the Applicant at market value subject to the Applicant agreeing to meet the Council's legal fees, costs and valuation expenses and such other conditions as the Head of Legal Services considers appropriate. (HLS)

Sarah Fowler

Head of Administrative & Member Services

---

**Background Papers:-**

None

For further information please contact Margaret Martin on:-

Tel:- 01702 318179

E-Mail:- [margaret.martin@rochford.gov.uk](mailto:margaret.martin@rochford.gov.uk)