

CYNGOR SIR YNYS MON / ISLE OF ANGLESEY COUNTY COUNCIL

COMMITTEE:	Standards Committee
DATE:	13 December 2023
REPORT TITLE:	Indemnities Policy
PURPOSE OF THE REPORT:	To report to the Standards Committee on the Democratic Services' review of the Council's Indemnities Policy
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1. INTRODUCTION

1.1 The Local Authorities (Indemnities for Members and Officers) (Wales) Order 2006 ('the Order') permits local authorities to offer indemnities (and insurance) to members and officers when discharging the duties of their respective roles. The powers granted by the Order were adopted by this Council in 2011 when it resolved to offer indemnities to members and officers according to a policy ('the Policy') adopted at the same time. In 2013 the Policy was amended to include a recommendation by the Welsh Government that any indemnity granted under the Order to an elected member to defend a claim of breach of the Code of Conduct should be limited to a maximum of twenty thousand pounds.

1.2 On 29 November 2023, a [report was presented to the Democratic Services Committee](#) with a request that the Committee reviewed and endorsed the current existing Policy. A copy of the current Policy is attached to that report.

1.3 The report details that most matters that could be covered by indemnities are already covered by insurance that the Council has in place. However, the one area where there is no insurance cover, and which does fall within the scope of the Order and the Policy, is the power to offer an indemnity for the costs of an elected member to defend any claim brought against them for breach of the Council's Code of Conduct

1.4 The established Indemnities Sub-Committee would be responsible for considering any application made by a member under the Policy.

2. THE ROLE OF THE STANDARDS COMMITTEE

2.1 The Standards Committee may be required to determine a complaint referred to the Committee by the Public Service Ombudsman for Wales (PSOW) under Part 3 Local Government Act 2000 (the Act). This may arise as the result of either:

- (a) The PSOW ceasing an investigation and referring the matter to the Monitoring Officer under section 70(4) of the Act and the Monitoring Officer then investigating the matter and reporting the conclusion of his/her investigation to the Committee,
or
- (b) The PSOW undertaking an investigation and then referring the matters which are the subject of the investigation to the Monitoring Officer under section 71(2) of the Act for reporting to the Standards Committee.

2.2 A member that is facing allegations of a breach of the Code of Conduct may require legal advice and assistance. Such a member should consider if they are eligible to make an application under the Policy. Such applications are to be determined by the Indemnities Sub-Committee in accordance with the Policy.

2.3 In cases where an elected member is found to have breached the Code and is subject to a penalty of a suspension or disqualification, then the law requires that any indemnity granted by the Indemnities Sub-Committee must be repaid by the member. Where the penalty imposed is less severe than a suspension then the requirement on the member to repay depends on a decision by the Council's Standards Committee.

3. UPDATE FROM THE DEMOCRATIC SERVICES COMMITTEE

3.1 The Democratic Services agreed with the recommendation made in the report.

3.2 It also asked that the cap of £20,000 be reviewed upon the next regular review of the Policy, in light of the passage of time and rising inflation since that cap was first introduced.

4. RECOMMENDATION

4.1 For the Standards Committee to note the contents of the Indemnities Policy and the role they may be required to undertake in relation to indemnities that have been granted to members that are subsequently found to be in breach of the Code of Conduct for members.