

REPORT OF CENTRAL SERVICES COMMITTEE

(Meeting held 30 November 1999)

1. LIABILITIES OF MEMBERS AND OFFICERS (REPORT A) (MINUTE NO. 38).

A policy regarding the personal liability of members and officers has previously been agreed. The Committee has been informed that further information continues to be received from time to time on practical issues concerning indemnities. Legal advice in the form of Counsels' opinions is periodically circulated. As a result, further refinement of the existing indemnity has now been agreed by the Committee. The amendment extends the existing indemnity arrangements and is shown in the Appendix attached to this report.

2. HOLDING ACCOUNTS ESTIMATES – REVISED 1999/2000 AND ORIGINAL 2000/2001 (REPORT D) (MINUTE NO. 41).

The Central Services Committee is responsible for overseeing the Council's staffing, offices, depots, corporate and democratic process budgets. The Committee has received a report on the budgets for each of these areas and has analysed variations in expenditure from the original 1999/2000 estimates and the original estimates for 2000/01.

The Committee has approved the holding accounts estimates for incorporation into service committee budgets. These will be considered further by service committees in January/February and will receive overall consideration by the Policy and Resources Committee on 16 February 2000.

3. POLITICAL APPOINTEES ON LOCAL GOVERNMENT ASSOCIATION POLICY EXECUTIVES – PAYMENT OF EXPENSES (REPORT F) (MINUTE NO. 43).

The Committee has considered the principle of the payment of travel and subsistence and possible conference expenses to members who are appointed to the Local Government Association (LGA) Policy Executives as a result of nominations by national political parties. The LGA pays an allowance to members of the Policy Executives for the time spent by members and the level of responsibility involved. The Association does not pay travel and subsistence allowances and expects member authorities to bear the travel and subsistence costs of their members.

It has been the practice of this Council to support members working in the national arena and the Committee has confirmed that the Council should continue to bear travel and subsistence costs of members who represent political groups on the LGA Policy Executives. It has, in addition, decided that members representing political groups should travel in the cheapest practical way.

It has also been agreed that where political appointees wish to attend conferences relevant to their work as a member of a LGA Policy Executive, the prior approval of the relevant committee should be sought. The Committee considers that the Council's contributions in respect of conferences should be limited to conference fees, accommodation, subsistence and travel, and that attendance allowances should not be paid.

4. PROTOCOL FOR MEMBER/OFFICER RELATIONS (REPORT G) (MINUTE NO. 44).

Members have received a report from the Council Standards Sub-Committee which is undertaking a review of the various codes of conduct and protocols which are in place relating to both members and officers. The review is on-going but the Committee has considered a specific recommendation from the Sub-Committee for the amendment of the Protocol for Member/Officer Relations on the use of the Council's offices and services.

The Committee considers that the Authority has rightly prided itself on the open and trusting relationship between the elected members and the officers. This has been built on mutual respect for their separate roles and recognition of the conventions which must apply to maintain the distinction between the roles. For the avoidance of doubt and to prevent any possible misunderstandings or embarrassment on the part of either members or officers, the Committee recommends that a new section be included in the protocol to emphasise that all services provided through the Council to members may only be used through the officers.

RECOMMENDED:

That the Protocol for Member/Officer Relations be amended by the addition of the following paragraph:-

“Conventions for use of Council Offices and Services

All services provided to members through the Council are solely to support Councillors in their legitimate needs to undertake their duty as elected members. Apart from the accommodation and services which are specifically dedicated to members, the Council's offices, services and sources of information may be used only through the Officers. Members should not go into, or use, any offices or sources of information without an Officer in attendance”.

5. ROCKBOURNE PARISH COUNCIL – NUMBER OF MEMBERS (REPORT H) (MINUTE NO. 45).

Rockbourne Parish Council has requested an increase in the number of members on the Parish Council from 5 to 6. The Committee supports the request.

RECOMMENDED:

That in accordance with the provisions of Section 17(2) of the Local Government and Rating Act 1997, the number of Parish Councillors on the Rockbourne Parish Council be increased from 5 to 6 with immediate effect.

**Councillor M J Kendal
CHAIRMAN**

APPENDIX

INDEMNITY OF MEMBERS AND OFFICERS

The Council will indemnify all members and officers of the Council against the whole or part of any damages, costs or legal expenses which any such officer may have been ordered to pay, or may have incurred arising from duties performed by virtue of their being a member of, or being employed by, the council, or by virtue of their being the Council's nominated representative in whatever capacity of any incorporated or unincorporated body, if such member or officer acted in good faith and honestly believed that the act complained of ***was within the Council's and his or her power and that his or her duty required or entitled him or her to do it regardless of whether in fact the act was within the power of the Council and/or him or her.***

This indemnity shall not extend to any loss or damage directly or indirectly arising from -

- (i) Fraud, dishonesty or criminal offence on the part of the member or officer except where the criminal offence is one under the Health and Safety at Work Act 1974 and related regulations.
- (ii) Any neglect, error or omission by the member or officer otherwise than in the course of his or her duties.
- (iii) Liability in respect of surcharges made by the District Auditor.
- (iv) The indemnity will not automatically apply if the member or officer without the written authority of the Chief Executive admits liability or negotiates or attempts to negotiate a settlement of any claim falling within the scope of this indemnity.
- (v) Any motor vehicle claims in which an employee using his or her own private vehicle on the Council's business has been involved in an accident.

In furtherance of this indemnity the Council undertakes not to sue (or to join any others in an action as a co-defendant) the member or officer in respect of any matter falling within the terms of the indemnity identified above.