



Belfast City Council

Report to:	Strategic Policy and Resources Committee
Subject:	Consultation Document - Draft Local Government (Indemnities for Members and Officers) Order (NI) 2010
Date:	19 February 2010
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Purpose of the Report

To bring to the attention of the Committee a consultation document received from the Department of the Environment in relation to its proposal to make an Order for the purpose for dealing with indemnities for Members and Officers, and to agree the terms of the Council's response.

Relevant Background Information

The purpose of the proposed Order is to clarify the present uncertainty which exists in relation to the power of district councils in Northern Ireland to provide indemnities to Members and officers for any personal liability that they might incur arising from actions or decisions taken by them in the course of their official duties, particularly where Members and officers become involved with external bodies to which they have been appointed by their councils.

In England and Wales, that uncertainty was removed by legislation introduced in 2004 and which clarified the circumstances in which local authorities in England and Wales can indemnify their Members and officers, and can provide appropriate insurance cover in relation to their activities on behalf of their local authorities.

Following an approach made by the Director of Legal Services to the Department of the Environment in Northern Ireland in which attention was drawn to the present unsatisfactory state of affairs in Northern Ireland in relation to this matter, the Department has now indicated its proposal to introduce similar legislation to provide appropriate protection for Members and officers of district councils in Northern Ireland. That legislation is in the shape of the proposed Local Government (Indemnities for Members and Officers) Order (NI) 2010 and the Council has now been consulted by the Department in relation to the draft Order (see the consultation document set out in Appendix 1 to this report).

Key Issues

Article 33 of the Local Government (NI) Order 2005 enables the Department to make an Order conferring power on district councils in Northern Ireland to provide indemnities to its

Members and officers. The difficulty as pointed out by Legal Services to the Department was that Article 33 had never been brought into force. The Department has now agreed to remedy that position and has also agreed to make the appropriate Order for the purpose of conferring power on councils in Northern Ireland to indemnify, subject to certain restrictions, its Members and officers in relation to personal liabilities incurred in connection with their duties on behalf of their councils. The legislation will effectively replicate the existing legislation in England and Wales.

In publishing the draft Order, the Department has set out a number of questions for consideration by consultees. Draft responses to those questions are set out in Appendix 2.

Resource Implications

Financial and Human Resources

The Council already maintains insurance policies which would cover any relevant claims and no additional expenditure would be required.

Asset and Other Implications

N/A

Recommendation

The Committee is invited to endorse the attached Consultation Response in respect of the draft Local Government (Indemnities for Members and Officers) Order (NI) 2010 and to recommend that it be submitted to the Department of the Environment for Northern Ireland by the consultation closing date of 31st March 2010.

Documents Attached

Appendix 1: Consultation document

Appendix 2: Draft proposed response to consultation questions.