

Part Five, Section 12

Insurance

12.0 Insurance

12.1 The Council provides cover for councillors (which includes co-opted members) as follows:

12.1.2 Third Party Cover

Councillors are indemnified, if the claim could have been made against Havant Borough Council, up to a maximum of £30,000,000 in respect of all sums (including costs and expenses) which they are legally liable to pay as compensation arising out of

- (a) Accidental bodily injury or illness to any Third Party; and
- (b) Accidental loss or damage to property arising out of the Council's function as a local authority.

12.1.3 Employers' Liability Cover

Councillors are indemnified, if the claim could have been made against Havant Borough Council, for an amount up to £30,000,000 in respect of sums (including costs and expenses) that they are legally liable to pay as compensation for bodily injury or disease suffered by an employee of the Council arising out of their employment.

12.1.4 Motor Insurance

If a councillor drives a Council vehicle he/she is required to be covered by comprehensive insurance (a good example might be driving the Mayor's official car).

12.1.5 Personal Accident

The amounts shown below are payable for accidents while on official duties in the U.K. or Europe or on activities which are complementary to the duties of a councillor e.g. Ward Surgeries, Caucus Meetings, Site Viewing, Addressing Public Meetings and Meeting of Council Tax payers.

Death or permanent total disablement
£100,000

Permanent partial disablement Percentage of this sum dependent on disablement

Temporary total disablement £175 per week for up to 2 years.

Temporary partial disablement £150 per week for up to 2 years.

Where temporary disablement occurs the period will be limited to the time when a councillor is prevented from engaging in his normal profession or occupation. If the councillor is not in remunerative employment the period is limited to the time in which he cannot carry out his activities as a councillor.

Cover is also given for assault committed on the person insured because he is a councillor, even if he is not on Council business at the time.

There is unlimited cover for damage to clothing/personal effects at the same time as the accident.

12.1.6 Slander and Libel

In defence of an action brought against them, councillors are indemnified if the claim could have been made against Havant Borough Council. The indemnity is subject to a maximum of £1,000,000 in respect of all sums (including costs and expenses) they are legally liable to pay as compensation for slanders in the course of official Council business. Generally, this covers Committee Meetings and duties where the councillor is representing the Council on Management Committees of local organisations.

It does not extend to involvement in the operation of an organisation other than as stated above, nor to a councillor who holds a position on another body where a factor in the appointment has been that he is a councillor but he is not representing the Council in that position (e.g., Chairman of a voluntary body). It is for the organisation to hold their own insurances and councillors are recommended to enquire of the organisation about the cover held.

There is also a very limited indemnity for libel providing the text of the prepared statement is previously approved by the Council's legal department.

Statements made on radio and television are in practice not covered as they are within the definition of libel and thus would have had to be previously approved.

Councillors must bear 10% of the cost of any claim met by the insurers under the slander and libel policy (this is to encourage councillors to be accountable for their actions).

12.2 **No insurance cover is held by the council for the following activities of councillors:**

- (a) No cover exists for costs awarded against councillors in actions against them for alleged dereliction of duty (e.g., mandamus, etc.).
- (b) Councillors using their own private vehicles for Council business must arrange their own insurance. Use on Council business will probably not be classed as "social, domestic and pleasure". Councillors are advised to contact their insurers to ensure that their insurance provides cover while on Council business.
- (c) There is no cover for money in the possession of councillors. An example is the Mayor's Appeal Fund.
- (d) In any case where an individual councillor suffers physical injury, financial or other loss, or is defamed in circumstances arising out of their proper involvement in a matter as a councillor of the Borough Council and without any culpability on their part, where no insurance held by the Council offers compensation to the councillor

concerned, the Council will lend reasonable and appropriate support to the individual councillor affected in pursuing whatever remedies and compensation are properly available to him/her in consequence of the injury suffered, subject to advice from the Monitoring Officer on the merits and strength of the case of the affected councillor and upon there being a reasonable and realistic prospect of them succeeding in whatever course of action is appropriate by way of remedy.

