

Lesley Griffiths AC / AM  
Y Gweinidog Llywodraeth Leol a Busnes y Llywodraeth  
Minister for Local Government and Government Business



Llywodraeth Cymru  
Welsh Government

Ein cyf/Our ref LG/00286/14

Dave Gilbert OBE  
Deputy Chief Executive Carmarthenshire County Council

MJames@carmarthenshire.gov.uk

6 May 2014

Dear Dave,

Thank you for your letter of 4 March requesting I clarify the law in relation to the granting of an indemnity for meeting the cost of a defamation counterclaim.

I am unable to comment on a decision taken by Carmarthenshire County Council about which I do not have all the facts. I am also unsighted in respect of the reports which went to Members. In any event, this is not a matter in which you should expect me to provide legal advice when the issue of statutory interpretation is clearly a matter for the courts.

Nevertheless I have asked my officials to review the Local Authorities (Indemnities for Members and Officers) (Wales) Order 2006 and the accompanying Welsh Government guidance, *Providing indemnities to members and officers of relevant authorities* (2006). The guidance makes reference to the provisions which enable Local Authorities to issue indemnities to their officers and Members. Paragraphs 17 to 19 of the guidance explain the Welsh Ministers' view in relation to the provision of indemnities for defamation proceedings. The guidance notes the risks of offering such indemnities by relying on section 111 of the Local Government Act 1972.

I have nothing further to add to this guidance and neither do I think the guidance nor secondary legislation requires any amendment or clarification. It is for the Council to satisfy itself and others it has acted within the powers available.

Regards

Lesley Griffiths AC / AM  
Y Gweinidog Llywodraeth Leol a Busnes y Llywodraeth  
Minister for Local Government and Government Business

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