

PROFESSIONAL INDEMNITY RESOLUTION

Subject to the exceptions listed below, the Council will indemnify all its Members and officers against any expenses, liability, loss, claim or proceedings whatsoever, arising from their neglect, act, error or omission in the course of their employment (whether they were acting for the Council itself or another person or body with the Council's consent) subject to a financial limit of £40,000. The indemnity shall cover any neglect, act, error or omission occasioned by such a Member or officer, firstly, if he acted in good faith and secondly if he honestly believed that he was acting in the course of his duties and was duly authorised to so act.

Exceptions

- (i) The indemnity will not extend to loss or damage directly or indirectly caused by or arising from-
 - (a) Fraud, dishonesty or a criminal offence committed by the officer or Member (except where the criminal offence is committed in the course of performing Council duties e.g offences under the H&SaW Act , in which case the indemnity is limited to maximum financial contribution of £ 40,000)
 - (b) any neglect, act, error or omission by the officer or Member otherwise than in the course of his/her duties.
 - (c) liability in respect of surcharges made by the District Auditor or orders made under Section 19 of the Local Government Finance Act, 1982.
- (ii) The indemnity will not apply if an officer or Member without the express permission of the Authority, admits liability or negotiates or attempts to negotiate a settlement of any claim falling within the scope of this resolution.
- (iii) The indemnity will not apply if an officer or member decides to conduct the litigation personally or instructs separate legal representation or fails to act upon the advice of the Council's legal advisers.
- (iv) In the event of a criminal prosecution, the Council's obligations to the officer or member under this policy will cease in the event of the officer or member being found guilty of the offence and receives a non-monetary penalty.

The officer shall have a duty to inform his Director immediately he becomes aware of any circumstances likely to form the basis of any claim against the Council or likely to result in any financial loss to the Council. Members shall have a duty to inform the Chief Executive

In pursuance of the indemnity above, the Council undertake not to sue (or join others in an action as co-defendant versus) an officer of the Council in respect of any neglect, error or omission by the officer in the course of his employment, but subject to the same exceptions above.

The above indemnity and undertaking shall be without prejudice to the right of the Council to take disciplinary action against an officer in respect of any neglect, act, error or omission or in the case of a Member, such action as is deemed appropriate by the Standards Committee.

The above indemnity and undertaking shall apply:-

(i) to any neglect, act, error or omission which may have occurred during the officer's employment or member's term with the Council, even after the resignation or retirement of the officer or member concerned.

The terms of the above resolution shall be specifically incorporated into Officers' contracts of employment.