

Annex 2.5 – Indemnities to Councillors and Officers – proposed version

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1. The council will, subject to the exceptions set out below, indemnify Councillors, former Councillors its employees and former employees against claims made against them (including costs awarded and reasonable costs incurred) and will not itself make claims against them for any loss or damage (other than claims falling within the cover provided to its councillors and employees under any policy of insurance taken out by the council or any motor vehicle insurance policy taken out by the councillor or employee), occasioned by any neglect, act, error or omission committed by them in or about the pursuit of their duties as they may be from time to time in the course of their duties as a Councillor or employment with the Council whilst acting within the scope of their authority which shall include when they are acting for other persons or other bodies with the Council's consent.

2. Exceptions

2.1. The indemnity will not extend to loss or damage directly or indirectly caused by or arising from:

- i. Fraud, deliberate wrongdoing or recklessness or a criminal offence on the part of the Councillor or employee.
- ii. Any neglect, error or omission by the councillor or employee otherwise than in the course of their duties.
- iii. Liability in respect of losses certified by the District Auditor as caused by wilful misconduct.

2.2. The indemnity will not apply if a Councillor or employee, without the written authority of the Council, admits liability or negotiates or attempts to negotiate a settlement of any claim falling within the scope of this resolution, or where there is evidence that the councillor or employee had acted with reckless disregard for the consequences.

2.3 The indemnity will not apply to the making, by a Councillor or employee, of a claim for defamation of that Councillor or employee. However, it may apply in relation to the defence by that Councillor or employee of any allegation of defamation made against them.

2.4. The indemnity is without prejudice to the right of the Council to take or institute disciplinary action against a Councillor or employee in respect of any neglect, act, error or omission.