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| <b>SUBJECT:</b>            | <i>The Local Authority (Indemnities for Members and Officers) Order 2004</i>            |
| <b>REPORT OF:</b>          | <i>The Leader of the Council</i>  |
| <b>RESPONSIBLE OFFICER</b> | <i>Director of Resources – Jim Burness</i>  |
| <b>REPORT AUTHOR</b>       | <i>Sue Markham – Principal Solicitor – sue.markham@southbucks.gov.uk – 01895 837326</i> |
| <b>WARD/S AFFECTED</b>     | <i>N/A</i>  |

### 1. Purpose of Report

At their meeting on 13 December 2017, the Cabinet considered a proposal to extend the current indemnity provided for Members and Officers and made the following recommendations to Council:

#### RECOMMENDATIONS

1. **Pursuant to the Local Authority (Indemnities for Members and Officers) Order 2004, the Council agrees to indemnify Members and officers against any personal liability incurred when carrying out their duties, except in the cases of fraud or criminal acts.**
2. **The Head of Legal and Democratic Services be authorised to finalise the wording of the indemnity in consultation with the Director of Resources and the Leader of the Council.**

### 2. Reasons for Recommendations

To ensure that Council Members and officers are protected from any personal liability when carrying out their duties.

### 3. Content of Report

3.1 Under the Local Authority (Indemnities for Members and Officers) Order 2004, authorities have power to indemnify Members and officers in circumstances, including where:

3.1.1 They are carrying out any function at the request, with the approval, or for the purposes, of the authority; and

3.1.2 They are carrying out any function at the request, or with the approval, of the authority but acting in capacities other than as Members or officers of the authority. An example of this would be where a Member or officer acts as a director of a company at the request of the authority and is, therefore, acting in the capacity of a director.

3.2 When Bucks Advantage was formed in 2013, the Council resolved to indemnify Members and officers representing the Council on the company. Now that the Council has established a property company, Consilio Property Limited, and is likely to be involved in an increasing number of similar initiatives in the future, it is recommended that the indemnity is widened to give a general indemnity rather than seeking specific indemnities for particular activities.

### 4. Consultation

*Not Applicable*

**5. Options (if any)**

The option of considering separate requests for indemnities in relation to specific activities is not recommended.

**7. Corporate Implications**

*6.1 Financial - There are no direct financial implications resulting from this report. If, however, the Council agrees to put in place the recommended indemnity, it will commit the Council to the payment of costs involved in the defence of proceedings against a Member or officer (limited to those which are reasonable and necessary).*

*6.2 .Legal - Under The Local Authorities (Indemnities for Members and Officers) Order 2004 the Council is empowered to offer an indemnity for Members and officers as proposed in this report.*

**8. Links to Council Policy Objectives**

This recommendation supports the Policy Objective of Delivering cost- effective, customer focused services by optimising the effectiveness of our resources and assets.

**9. Next Step**

*The precise wording of the indemnity will be finalised as set out in the recommendations.*

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| <b>Background Papers:</b> | None |
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