

The County Council shall indemnify each member and officer of the County Council against any claim, liability, loss and / or damage in relation to any action of, or failure to act by a member or officer which:

- (a) is authorised by the County Council; or
- (b) forms part of, or arises from, any powers conferred, or duties placed, upon that member or officer, as a consequence of any function being exercised by that member or officer (whether or not when exercising that function he does so in his capacity as a member or officer of the County Council);

The terms of this indemnity shall be incorporated into the contract of employment of the officer.

All references to statutory provisions shall apply to such provision as it may be amended from time to time, or to any enactment which replaces it.

For the purposes of this indemnity, "member" shall include all members of the County Council as defined in Section 101(5) of the Local Government Act 2000, and "Officer" shall include all employees of the County Council.

Such indemnity is subject to the following restrictions and requirements: -

1. Criminal Offences and Fraud etc

1.1 This indemnity shall not apply in relation to any action by or failure to act by, any member or officer which constitutes a criminal offence, but an indemnity may be provided in relation to:

- (a) the defence of criminal proceedings brought against the officer or member, subject to part 4 of this indemnity below;
- (b) any civil liability arising as a consequence of any action or failure to act which also constitutes a criminal offence.

1.2 This indemnity shall not apply in relation to any action by, or failure to act by, any member or officer which is the result of fraud, or other deliberate wrongdoing or recklessness on the part of that member or officer.

2. Obligation to believe action to be within powers or that statements made were true

2.1 A member or officer relying upon an indemnity must:

- (a) have believed that the action, or failure to act, in question was within the powers of the County Council; or
- (b) where that action or failure comprises the issuing or authorisation of any document containing any statement as to the powers of the County Council, or any statement that certain steps have been taken or requirements fulfilled, believe that the contents of that statement were true; and
- (c) prove that it was reasonable for that member or officer to hold that belief at the time when he acted or failed to act.

2.2 For the avoidance of doubt, it is acknowledged that this indemnity may apply to an act or omission which is subsequently found to be beyond the powers of the member or officer in question, but only to the extent that the member or officer reasonably believed that the act or omission in question was within his powers at the time when he acted.

### 3. Defamation

3.1 This indemnity may apply to the defence by a member or officer of any allegation of defamation made against him, but does not extend to the making by a member or officer of any claim in relation to an alleged defamation of that member or officer.

### 4. Repayment of and Approval of Costs of Legal Representation upon Criminal Conviction and / or Finding of Breach of the Code of Conduct

4.1 Where a member or officer relies upon this indemnity in relation to the defence of either any criminal proceedings (except for motoring offences where this indemnity does not apply), or an investigation pursuant to Chapter 7 of the Localism Act 2011 ~~Part 3 of the Local Government Act 2000~~ (“~~Part 3 Proceedings~~”), this indemnity shall be subject to the terms that:

- (a) in the case of criminal proceedings if the member or officer in question is convicted of a criminal offence and that conviction is not overturned following an appeal; or
- (b) in the case of an investigation under Chapter 7 of the Localism Act 2011: ~~Part 3 Proceedings~~
  - (i) if a finding is made following an investigation that the member in question has failed to comply with the Code of Conduct, and that finding is not overturned on appeal or
  - (ii) if the member admits that he has failed to comply with the Code of Conduct;

that member or officer shall reimburse the County Council in relation to those proceedings pursuant to this indemnity.

4.2 Where a member or officer is obliged to reimburse the County Council pursuant to the terms of this indemnity, those sums shall be recoverable by the County Council as a civil debt.

### 5. Working on Outside Bodies

5.1 This indemnity shall not apply to the extent that the external body in respect of which the member or officer is carrying out any function at the request, or with the approval, of the County Council, indemnifies or insures such member or officer itself.

### 6. Notification of a claim, approval of expenditure etc.

6.1 Any member or officer wishing to take advantage of this indemnity shall:

- (a) notify the County Council of this fact as soon as reasonably practicable after the circumstances giving rise to an entitlement claim has come to his / her attention;
- (b) take reasonable steps to mitigate the amount that might otherwise be claimed under the indemnity;
- (c) permit the County council reasonable access to any information or advice, such as legal advice, relevant to the matter and comply with all other reasonable requests of the County Council in the conduct of the matter;
- (d) not be entitled to any indemnity from the County Council for any sum(s) which are discharged by insurance cover or would have been so discharged but for the unreasonable actions or omissions of the member or officer; and
- (e) not incur expenditure without the approval of the County Council, which approval shall not be unreasonably delayed, and the County Council shall be entitled to limit the amount it is

liable to reimburse such member or officer if the proposed expenditure reasonably appears to the County Council to be greater than is necessary in the circumstances.

## 7. Insurance

- 7.1 To assist in discharging this indemnity the County Council may, at its absolute discretion, arrange insurance. In any case where insurance cover is available, any member or officer claiming to be indemnified by the County Council shall use all reasonable endeavours to abide by any requirements of the insurer and to assist the County Council in claiming and securing payment(s) under the insurance policy.