



Leicester
City Council

WARDS AFFECTED
All Wards

**FORWARD TIMETABLE OF CONSULTATION AND MEETINGS:
CABINET**

15TH OCTOBER, 2007

**PROPOSED AMENDMENT TO THE COUNCIL'S INDEMNITY FOR OFFICERS AND
MEMBERS**

REPORT OF THE DIRECTOR OF RESOURCES

1. PURPOSE OF REPORT

To enable Cabinet to make a change to the Council's indemnity for officers and members so as to support the Building Schools for the Future programme.

2. RECOMMENDATIONS

Cabinet is asked to approve the proposed change as set out in this report and authorise the Town Clerk to finalise all necessary changes to the text to implement the above.

4. REPORT

A minor change is needed to bring the current indemnity for officers and members in line with latest legislation. This change is needed now to enable the Town Clerk to sign the required certificate of lawfulness for the Building Schools for the Future Contracts.

It is proposed to amend paragraph 1(iii)(e) of the Council's current indemnity for officers and members, adopted on 15th May, 2005. The text currently reads as follows:

"In the case of acts, or failure to act which are ultra vires the Council or where the act or failure to act comprises the issuing or authorisation of any document containing any statement as to the powers of the Council or any statement that certain steps have been taken or requirements have been fulfilled save in cases where it was reasonable for the Member or Officer concerned to hold that belief at the time when he/she acted or failed to act, and in the case of any statement, believed that the contents of that statement were true."

It is proposed to change the above to the following:

"In relation to any action of, or failure to act by, the member or officer in question, an indemnity is given to the extent that the member or officer in question -

(a) believed that the action, or failure to act, in question was within the powers of the authority, or

(b) where that action or failure comprises the issuing or authorisation of any document containing any statement as to the powers of the authority, or any statement that certain steps have been taken or requirements fulfilled, believed that the contents of that statement were true,

and it was reasonable for that member or officer to hold that belief at the time when he acted or failed to act.”

5. FINANCIAL, LEGAL AND OTHER IMPLICATIONS

Further oral advice will be given at the meeting.

6. OTHER IMPLICATIONS

OTHER IMPLICATIONS	YES/NO	Paragraph Within Supporting information	References
Equal Opportunities			
Policy			
Sustainable and Environmental			
Crime and Disorder			
Human Rights Act			
Elderly/People on Low Income			

7. BACKGROUND PAPERS – LOCAL GOVERNMENT ACT 1972

Relevant legislation and the Council’s current indemnity for officers and members adopted on 15th May, 2005.

8. REPORT AUTHOR

Peter Nicholls, Service Director – Legal Services, x6302

DECISION STATUS

Key Decision	No
Reason	N/A
Appeared in Forward Plan	N/A
Executive or Council Decision	Executive (Cabinet)