

APPENDIX A

1. In accordance with the provisions of the Local Authorities (Indemnities for Members and Officers) Order 2004, the Council indemnifies its employees and Members against the costs claims and expenses arising as a result of the strategic alliance between Boston Borough Council, East Lindsey Borough Council and South Holland District Council (“ the three Councils”) .
2. The Council will not itself make any claim against its employees or Members in relation to any costs or expenses for which they are indemnified.
3. The indemnity is effective to the extent that the employee or Member in question:-
 - a) believed that the action, or failure to act, in question was within the powers or duties of one of the three Councils, or
 - b) where that officer or Member the action or failure to act forms part of or arises from powers or duties placed upon the officer or Member as a consequence of any function being exercised by that officer or Member at the request of or with the approval of one of the three Councils or for the purposes of one of the three Councils and
 - c) in each case, provided that the officer or Member is exercising delegated authority to act in accordance with the arrangements for the strategic alliance in accordance with Sections 101 and/or 113 of the Local Government Act 1972 or Section 9E of the Local Government Act 2000.
4. The indemnity shall not apply in relation to any action by or failure to act by the Member or officer which:-
 - (i) constitutes a criminal offence or
 - (ii) is the result of fraud or other deliberate wrongdoing or recklessness on the part of the Member or employee.
5. The indemnity may be available for the purposes of the defence of any criminal proceedings brought against the Member or employee and any civil liability arising as a consequence of any action or failure to act which also constitutes a criminal offence. An indemnity in these circumstances may only be given with the approval of the Council’s Monitoring Officer and in accordance with an appropriate agreement about the terms and duration of the indemnity, requirement for its recovery and subject to the terms about reimbursement where there is a finding that the Member or officer is convicted of a criminal offence or there is a failure by the Member to comply with the Code of Conduct, in accordance with Article 8 of the 2004 Order.
6. No indemnity shall be provided in relation to criminal acts, intentional wrongdoing, fraud, recklessness or in relation to bringing (but not the defence) of defamation proceedings.