


**NORTH LINCOLNSHIRE COUNCIL
OFFICER DECISION NOTICE AND RECORD
(PUBLISHED)**

1. DECISION TAKEN

OFFICER APPOINTMENTS TO OUTSIDE BODIES OF THE
COUNCIL – INDEMNITY FOR PERSONAL LIABILITY.

To approve the attached schedules containing those officers (or their nominated representatives) with an indemnity for personal liability for the duties/responsibilities identified.

EXECUTIVE	Yes	NON-EXECUTIVE		(Please tick either)
IS THIS A 'KEY DECISION' ? (see definition overleaf)				No
DOES THIS DECISION RELATE TO EXEMPT INFORMATION?				No
EXEMPT PARAGRAPH REFERENCE (NOT TO BE PUBLISHED)				n/a

2. OFFICER DECISION TAKER	NAME	Denise Hyde
	POSITION/POST	Head of Paid Service and Executive Director: People and Transformation
	SIGNATURE	
	DATE	26.1.2018

3. REASONS FOR THE DECISION (Please ref to any report/minute/background documents attached)	To provide officers that have been appointed by the council to outside bodies (be they companies, charities, governing bodies or other associations) with an indemnity for personal liability in carrying out those duties/responsibilities for the outside body, which maybe distinct from their duties as a council officer. (Following a request by Democratic Services to all Executive Directors/Directors/Heads of Service to identify the relevant officers from within their services as requiring an indemnity, the attached schedules have been compiled and details those officers and the role for which an indemnity is required).
--	---

4. ALTERNATIVE OPTIONS CONSIDERED AND REJECTED (BY DECISION TAKER(S))	Not to provide with an indemnity for personal liability - this is a significant risk to the individual whilst carrying out their duties/responsibilities and for the council as the appointing body.
--	--

TO BE COMPLETED BELOW - ONLY WHEN A DELEGATED OFFICER DECISION REQUIRES PRIOR CONSULTATION WITH A MEMBER (LEADER OF THE COUNCIL, CABINET MEMBER/CHAIRMAN OF A COMMITTEE) IN ACCORDANCE WITH THE 'SCHEME OF DELEGATIONS TO OFFICERS' OR DECISION/MINUTE OF COUNCIL/COMMITTEE OR DECISION/MINUTE OF CABINET/CABINET MEMBER.

5. DECISION REQUIRED TO BE TAKEN IN CONSULTATION WITH RELEVANT MEMBER	COUNCILLOR
	POSITION
	SIGNATURE
	DATE

<p>6. ANY CONFLICT OF INTEREST DECLARED BY ANY EXECUTIVE (CABINET) MEMBER (S) CONSULTED, WHICH RELATES TO THE DECISION, OR (NON-EXECUTIVE) – ANY MEMBER OF THE COMMITTEE THAT DELEGATED THE DECISION TAKEN</p>	<p>None, decision taken in accordance with minute 293 of Cabinet (8 January 2004). Attached minute extract refers.</p>
<p>7. WITH REFERENCE TO 6. ABOVE - HAS ANY DISPENSATION BEEN GRANTED TO THE EXECUTIVE (CABINET) MEMBER? (ONLY APPLIES TO EXECUTIVE)</p>	<p>None</p>

PLEASE REMEMBER TO ATTACH ANY ACCOMPANYING REPORT.

WHEN COMPLETE, PLEASE SEND TO HEAD OF DEMOCRATIC SERVICES, CIVIC CENTRE, SCUNTHORPE FOR PUBLISHING.

(The definitions of a key decision are when an executive decision is likely -

(i) to result in the Council incurring expenditure or the making of savings (including the receipt or loss of income) over £350,000 in any one financial year; or

(ii) to be significant in terms of its effect on communities living or working in an area comprising two or more wards or electoral divisions in the area of the local authority).

MINUTE EXTRACT

CABINET
8 January 2004

- 293 (57) **LIABILITY OF OFFICERS** - The Head of Legal and Democratic Services submitted a report which considered the authorisation of officers to sit on outside bodies and to indemnify those officers in respect of any liability which they may incur.

It is usual for councils to indemnify their officers from any personal liability arising from the conduct of their duties. North Lincolnshire Council already does this. However, there are doubts as to the extent of that indemnity particularly if the officer is, as part of his or her duties, acting as a director of a company or trustee of a charity. In those cases the officers' primary responsibility could be to act in the interests of the company or the charity and not the council.

This issue was brought into focus by a recent case in the south of England where an officer was a director of a company formed by a council but which the court held the council had no power to form. The court held that it followed from this that the council had no power to offer an indemnity. This meant that the officer was personally liable for all losses flowing from his duties as a director. This is of increasing significance as councils more commonly work in partnership with other bodies and use innovative forms of service delivery. The government had recognised this and intended to make an order under the Local Government Act 2000 giving councils specific powers to indemnify officers and members and take out appropriate insurance cover.

Until the government had made the appropriate orders the current position was unsatisfactory. Officers may be expected or required to represent the council on outside bodies as part of their normal duties but could be personally responsible for all losses resulting. In the current unsatisfactory state of the law the best that could be achieved was, where the council specifically authorises and requires an officer to sit on an outside body, it agrees as a matter of contract to indemnify the officer against any liability arising from that appointment. This indemnity should be incorporated in the contract of employment.

Resolved - (a) That the officers identified in the report be authorised to sit on the outside bodies shown and be offered a suitably framed indemnity to be incorporated into their contract of employment in respect of that appointment, and (b) that the Head of Paid Service be authorised to vary the list in the appendix from time to time as necessary.

SCHEDULE

OFFICER APPOINTMENTS TO OUTSIDE BODIES BY THE COUNCIL – INDEMNITY FOR PERSONAL LIABILITY

OFFICER (name/post/director/ate)	BODY/APPOINTMENT TO (e.g company, charity, governing body, other)	POSITION (e.g director, trustee, governor)	DURATION (e.g annually, four year term)
Simon Green Executive Director - Commercial	Lincs 4 CATCH	Director Director	Annually Annually

SCHEDULE

OFFICER APPOINTMENTS TO OUTSIDE BODIES BY THE COUNCIL – INDEMNITY FOR PERSONAL LIABILITY

OFFICER (name/post/directorate)	BODY/APPOINTMENT TO (e.g company, charity, governing body, other)	POSITION (e.g director, trustee, governor)	DURATION (e.g annually, four year term)
Mick Gibbs	ADCS Yorkshire and Humber	member	annually

SCHEDULE

OFFICER APPOINTMENTS TO OUTSIDE BODIES BY THE COUNCIL – INDEMNITY FOR PERSONAL LIABILITY

OFFICER (name/post/directorate)	BODY/APPOINTMENT TO (e.g company, charity, governing body, other)	POSITION (e.g director, trustee, governor)	DURATION (e.g annually, four year term)
Jason Whaler Head of Council Strategy, Information & Outcomes Governance & Partnerships	Phase (Young Peoples Support) CIC	Non-Executive Director	Ongoing

SCHEDULE

OFFICER APPOINTMENTS TO OUTSIDE BODIES BY THE COUNCIL – INDEMNITY FOR PERSONAL LIABILITY

OFFICER (name/post/directorate)	BODY/APPOINTMENT TO (e.g company, charity, governing body, other)	POSITION (e.g director, trustee, governor)	DURATION (e.g annually, four year term)
Rebecca Hollis - Service Manager Commissioning (Quality and Participation), Public Health	White Rose Regional Commissioning Group	Member on behalf of NLC	Ongoing
Elizabeth Swingler - Practice Supervisor External Placements, Public Health	As above	As above	Ongoing
Christina Clark - CiC Sufficiency Co- ordinator, Public Health	As above	As above	Ongoing (currently on Maternity Leave)