

# APPENDIX D

## WAVERLEY BOROUGH COUNCIL

### EXECUTIVE – 30 NOVEMBER 2010

---

**Title:**

**WAVERLEY INITIATIVES LIMITED –  
INDEMNITY TO BOARD OF DIRECTORS**

[Portfolio Holder for Housing: Cllr Keith Webster]  
[Wards Affected: N/A]

---

**Summary and purpose:**

The Council previously agreed to establish a wholly-owned local company called “Waverley Initiatives Limited” to help secure housing and other initiatives in the Borough. This report asks the Executive to indemnify members and officers appointed as Directors of Waverley Initiatives Limited.

---

**How this report relates to the Council’s Corporate Priorities:**

This reports relates to the Corporate Priorities of Affordable Housing and Value for Money aiming to provide the best outcomes for Waverley residents from limited financial resources.

**Equality and Diversity Implications:**

There are no implications arising from this report.

**Resource and legal Implications:**

The provisions of the Local Authorities (Indemnities for Members and Officers) Order 2004, has clarified and extended the powers of the Council to give indemnities to members and officers arising during the course of their duties.

An indemnity can be granted to cover *“any act or omission by the member or officer which is authorised by the Council, or forms part of, or arises from any powers conferred or duties placed, as a consequence of a function being exercised by the member or officer at the request of, or with the approval of, or for the purposes of the Council”*.

The indemnity to members and officers is to exclude liabilities in relation to personal criminal acts, any other intentional wrongdoing, fraud, recklessness, or the bringing of any action in defamation, but does include costs incurred in the defence of criminal proceedings subject to the terms of the Code of Conduct (Members).

This indemnity will be provided by a combination of insurance and self-insurance from the Council’s existing resources.

---

## **Introduction and Background**

1. The Council is asked to agree to indemnify members and officers who are appointed as Directors of Waverley Initiatives Limited in respect of amounts for which they may become personally liable, arising from any act or omission by or on behalf of Waverley Initiatives Limited and/or the Council.

## **Recommendation**

The Executive is recommended to agree to an indemnity being given to members and officers who may be appointed by the Council to the Board of Directors of Waverley Initiatives Limited in respect of amounts for which they may become personally liable, arising from any act or omission by or on behalf of Waverley Initiatives Limited and/or the Council.

---

### **Background Papers:**

There are no background papers (as defined by Section 100D(5) of the Local Government Act 1972) relating to this report.

---

### **CONTACT OFFICER:**

**Name:** Graeme Clark

**Telephone:** 01483 523236

**E-mail:** [graeme.clark@waverley.gov.uk](mailto:graeme.clark@waverley.gov.uk)

G:\bureau\comms\executive\2010-11\301110\001 Indemnity to Waverley Initiatives.doc