

## **THE CONSTITUTION - SECTION 12**

### **12. FINANCE CONTRACTS AND LEGAL MATTERS**

#### **12.1 Financial Management**

The management of the Council's financial affairs will be conducted in accordance with the financial rules set out in Section 16 of this Constitution.

#### **12.2 Contracts**

Every contract made by the Council will comply with the Contract Procedure Rules set out in Section 17 of this Constitution.

#### **12.3 Legal Proceedings**

- 12.3.1 The Chief Officer Governance & Customer is authorised to institute, defend, participate in or settle any legal proceedings and take all necessary steps in any case where such action is necessary to give effect to decisions of the Council or in any case where the Chief Officer Governance & Customer considers that such action is necessary to protect the Council's interests.
- 12.3.2 The Chief Officer Governance & Customer has delegated powers to authorise Officers to appear in court on the Council's behalf.

#### **12.4 Authentication of Documents**

- 12.4.1 Where any document is necessary to any legal procedure or proceedings on behalf of the Council, it will be signed by the Chief Officer Governance & Customer or other person authorised by him/her, unless any enactment or otherwise authorises or requires, or the Council has given requisite authority to some other person.
- 12.4.2 Any contract with a value exceeding £75,000, entered into on behalf of the Council shall be made in writing. Subject to the Contract Procedure Rules, such contracts must be signed by at least two authorised Officers of the Council or made under common seal of the Council attested by at least one Officer if they exceed £500,000 in value.
- 12.4.3 In addition to any other person who may be authorised by resolution of the Council, the Proper Officer for the purposes of authentication of documents under the Local Government Acts shall be:
- (a) the Chief Executive;
  - (b) the Chief Officer Governance & Customer;
  - (c) any Chief Officer of the Council concerned with the matter to which the document relates; or,
  - (d) any Officer authorised in writing by such Chief Officer.

## **12.5 Common Seal of the Council**

### 12.5.1 Common Seal

- (a) The Common Seal of the Council shall be kept in a safe place in the custody of the Chief Officer Governance & Customer.
- (b) A decision of the Council, including decisions under delegated powers, will be sufficient authority for sealing any document necessary to give effect to the decision.

### 12.5.2 Sealing and Execution of Documents

- (a) The Chief Officer Governance & Customer shall have authority to affix the Common Seal and execute under Seal any deed or document subject to the above named Officer of the Council being present and being a signatory.
- (b) The Chief Officer Governance & Customer shall have authority to execute any deed or document not required by law to be under seal which is necessary to effect the decisions of the Council.
- (c) This function can be delegated further by the named persons.

### 12.5.3 Record of Sealing of Documents

Any entry of the sealing of every deed or document to which the Common Seal has been affixed shall be made by the Chief Officer Governance & Customer and consecutively numbered in a book to be provided for the purpose.