

ARTICLE 13 - FINANCE, CONTRACTS AND LEGAL MATTERS

13.1. Financial Management

The management of the Council's financial affairs will be conducted in accordance with the financial rules set out in Part 4 of this Constitution.

13.2. Contracts

All expenditure incurred by the Council relating to the provision of goods and services will comply with the Procurement Code set out in Part 4 of this Constitution.

13.3. Legal Proceedings

The Head of Legal, Democracy and HR shall act as Solicitor to the Council. They are authorised to institute, defend or participate in any legal proceedings (either on their own initiative or following consultation with other Heads of Service where appropriate)

- (1) on any matters arising from the functions of the Council;
- (2) in any case where such action is necessary to give effect to decisions of the Council;
- (3) or in any case where the Head of Legal, Democracy and HR considers that such action is necessary to protect the Council's interests;

subject to reports being submitted to the Cabinet Member or relevant Committee Chair by the Head of Legal, Democracy and HR in relation to particularly significant cases (or by the Head of Corporate Finance in respect of significant insurance related cases).

Subject to any specific delegation, the Head of Legal, Democracy and HR is also authorised to give a simple caution as opposed to prosecution where this would be appropriate, subject to consultation with the relevant Cabinet Member/Chair and Head of Service as to whether this would be the appropriate course of action.

The Head of Legal, Democracy and HR may authorise employees to appear in the Magistrates' Court and County Courts pursuant to Section 223 of the Local Government Act 1972 and Section 60 of the County Courts Act 1984.

13.4. Authentication of Documents

Where any document is necessary to any legal procedure or proceedings on behalf of the Council, it will be signed by the Head of Legal, Democracy and HR or other person authorised by them, unless any enactment otherwise authorises or requires, or the Council has given requisite authority to some other person.

The authentication of contracts entered into on behalf of the local authority is also regulated by the Procurement Code set out in Part 4 of this Constitution.

13.5. **Common Seal of the Council**

- (1) The Common Seal of the Council will be kept in a safe place in the custody of the Head of Legal, Democracy and HR and shall be kept secured by locks, the keys of which shall be kept under secure arrangements.
- (2) A decision of the Council, the Cabinet, a Committee or an employee to which the Council have delegated their powers in this behalf, or any part of it, will be sufficient authority for sealing any document necessary to give effect to the decision. However, a resolution of the Council (or of the Cabinet or a Committee where the Cabinet or the Committee has the power) authorising the acceptance of any tender, the purchase, sale, letting or taking of any property, the issue of any stock, the presentation of any petition, memorial or address, the making of any rate or contract, or the doing of any other matter or thing, shall be sufficient authority for sealing any document necessary to give effect to the resolution.
- (3) The Common Seal will be affixed to those documents which in the opinion of the Head of Legal, Democracy and HR should be sealed. The affixing of the Common Seal will be attested by two employees being either the Chief Executive, and/or the Head of Legal, Democracy and HR and/ or some other person authorised by the Chief Executive or the Head of Legal, Democracy and HR for the purpose who shall authenticate the impression of the Seal with their signatures PROVIDED that, in the case of any document of formal or ceremonial importance to the Borough or of a character which the Council has resolved shall be attested by the Mayor, they, or in their absence the Deputy Mayor, shall be present and shall likewise authenticate the impressed seal.
- (4) An entry of the sealing of every deed and other document to which the Common Seal shall have been affixed will be made by the Chief Executive or employee attesting to the said sealing in a book to be provided for that purpose and will be signed by all persons attesting to the said sealing.