

A.3 APPENDIX F

ARTICLE 14 – FINANCE, CONTRACTS AND LEGAL MATTERS

14.01 Financial Management

The management of the Council's financial affairs will be conducted in accordance with the Financial Procedure Rules as set out in Part 5 of this Constitution.

14.02 Contracts

Every contract made by the Council will comply with the Procurement Procedure Rules as set out in Part 5 of this Constitution and any guidance issued by the Monitoring Officer.

14.03 Legal Proceedings

The Corporate Directors, in consultation with the Assistant Director (Governance), are authorised to institute, defend or participate in any legal proceedings in any case where such action is necessary to give effect to the decisions of the Council, or in any case where they and the Assistant Director (Governance) consider that such action is necessary to protect the Council's interests.

14.04 Authentication of Documents

Where any document is necessary in any legal procedure or proceedings on behalf of the Council, it will be signed by Assistant Director (Governance) or other person authorised by them, unless any enactment otherwise authorises or requires, or the Council has given requisite authority to some other person.

Any contract with a value up to £10,000, entered into on behalf of the Council, shall be recorded through the Council's official order system and in accordance with Section 6 of the Procurement Procedure Rules, subject to any emergency requirement agreed with the Chief Financial Officer.

Any contract with a value of £10,000 to £50,000, entered into on behalf of the Council shall be in writing and in accordance with Section 5 of the Procurement Procedure Rules. Such contracts must be signed by at least two Officers of the Authority authorised by the Chief Executive.

Any contract with a value in excess of £50,000 must be made in writing and under the Common Seal of the Council attested by at least one Proper Officer and in accordance with Section 5.

14.05 Common Seal of the Council

- (a) The Common Seal of the Council will be kept in a safe place under the control of the Assistant Director (Governance).

- (b) Authority for using the Common Seal of the Council is provided by:
- (i) A decision of the Council, Cabinet, a member of the Executive, a Committee or a Sub-Committee; or
 - (ii) A (duly authorised) Officer’s Decision recording:
 - Entering into a Contract with a value exceeding £50,000 and/or
 - Issuing certificates for corporate award schemes.
 - (iii) Any other documents which should be sealed in the opinion of the Assistant Director (Governance) including (but not limited to):
 - Leases and transfers;
 - Licences to Assign;
 - Deeds and Agreements (property related)
 - Byelaws;
 - Miscellaneous Orders (such as Tree Preservation Orders or Traffic/Road Orders);
 - Legal Charges in the Council’s favour on private properties (including secure repayment of local loans).

The affixing of the Common Seal will be attested by the Assistant Director (Governance) or some other person authorised by them.

The Assistant Director (Governance) is authorised to amend those documents listed in 14.05 (b)(iii), if permitted by law and it is considered necessary to do so as a result of urgent requirements and circumstances restricting access to the Council offices.