

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 rules set out in Part 4 of this Constitution.

14.02 Contracts

Every contract made by the Council will comply with the Contracts Procedure Rules set out in Part 4 of this Constitution.

14.03 Legal proceedings

~~The Legal Services Manager is authorised to institute, defend or participate in any legal proceedings in any case where such action is necessary to give effect to decisions of the Council or in any case where they consider that such action is necessary to protect the Council's interests. Legal proceedings may also be taken by or on behalf of the Director of Customer Services and Business Transformation pertaining to revenues and/or benefit matters in accordance with the delegated powers contained in Part 3 of this Constitution.~~

~~(1) The Head of Legal Services or Monitoring Officer can take any legal action necessary to carry out the Council's decisions or protect its interests e.g. starting defending, withdrawing or settling any claims or legal proceedings.~~

~~(2) All Officers in the senior management structure (see Part A of Section E of the Scheme of Delegations) may start, defend or withdraw any claims or legal proceedings or authorise Officers to appear on behalf of the Council in court and take default action under relevant legislation if:~~

- ~~the action taken is about a function that they or an Officer who reports to them has budgetary or management responsibility for; and~~
- ~~the Constitution or the law does not require any action to be taken by someone else; and~~
- ~~they have had regard to any advice from the Head of Legal Services.~~

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14.04 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 Legal Services Manager or other person authorised by him/her, unless any enactment otherwise authorises or requires, or the Council has given requisite authority to some other person.

Any contract with a value exceeding **£[x – councils should insert an amount here appropriate to local circumstances]** entered into on behalf of the local authority in the course of the discharge of an executive function shall be made in writing. Such contracts must either be signed by at least two officers of the authority or made under the common seal of the council attested by at least one officer.

14.05 Common Seal of the Council

The Common Seal of the Council will be kept in a safe place in the custody of **the Legal Services Manager, Monitoring Officer**. A decision of the Council, or of any part of it, will be sufficient authority for sealing any document necessary to give effect to the decision. The Common Seal will be affixed to those documents which in the opinion of the Legal Services Officer, Monitoring Officer should be sealed. The affixing of the Common Seal will be attested by a Member of the Council and one of the said officers or some other person authorised by him/her. An entry of every sealing of a document shall be made and consecutively numbered in a book to be provided for the purpose and shall be signed by a person who has attested the seal.

