

**13. ARTICLE 13 - CONTRACTS, FINANCE AND LEGAL MATTERS**

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**13.1 Contracts**

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

**13.2 Financial Management**

The management of the Council's financial affairs will be conducted in accordance with the Financial Procedure Rules (Financial Regulations) set out in Part 4 of this Constitution.

**13.3 Legal Proceedings**

- 13.3.1 The Monitoring Officer 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 Head of Law and Democracy considers that such action is necessary to protect the Council's interests.
- 13.3.2 The Monitoring Officer has delegated powers to authorise Officers to appear in court on the Council's behalf.

**13.4 Authentication of Documents**

- 13.4.1 Where any document is necessary to any legal procedure or proceedings on behalf of the Council, it will be signed by the Monitoring Officer or other person authorised by them, unless any enactment or otherwise authorises or requires, or the Council has given requisite authority to some other person.
- 13.4.2 Any contract with a value exceeding £50,000 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 in accordance with Article 13.6.2 below.
- 13.4.3 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 the:
- (i) Chief Executive;
  - (ii) The Strategic Director;

- (iii) The Chief Finance Officer
- (iv) The Legal & Democratic Services Manager;
- (v) Any Chief Officer of the Council concerned with the matter to which the document relates; and
- (vi) Any Officer authorised in writing by the Chief Officer or by the Monitoring Officer.

### **13.5 Common Seal of the Council**

- 13.5.1 The Common Seal of the Council shall be kept in a safe place in the custody of the Monitoring Officer.
- 13.5.2 A decision of the Council, or any part of it, will be sufficient authority for sealing any document necessary to give effect to the decision.

### **13.6 Sealing and Execution of Documents**

- 13.6.1 The Common Seal of the Council shall be affixed to a document only on the authority of:
  - (i) a resolution of the Council;
  - (ii) resolution of a Committee or Sub-Committee which the Council has empowered to authorise the use of the seal;
  - (iii) a decision by the Council, or by a Committee, Sub-Committee or Officer exercising delegated functions, to do anything where a document under the Common Seal is necessary or desirable as part of the action.
- 13.6.2 The affixing of the Common Seal shall be attested by the Monitoring Officer or other authorised signatory acting alone.

### **13.7 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 and consecutively numbered by municipal year in a book to be provided for the purpose.