

## **SECTION 12 – FINANCE, CONTRACTS AND LEGAL MATTERS**

### **Financial Management**

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

### **Contracts**

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

### **Legal Proceedings**

12.3.1 The Head of Legal Services and 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 Legal Services and Monitoring Officer considers that such action is necessary to protect the Council's interests;

12.3.2 The Head of Legal Services and Monitoring Officer has delegated powers to authorise Officers to appear in court on the Council's behalf.

### **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 Head of Legal Services and Monitoring Officer or other person authorised by him/her in writing, unless any enactment or otherwise authorises or requires, or the Council has given requisite authority, to some other person to do so;

12.4.2 Every contract shall be made or confirmed in writing and signed by all parties concerned in accordance with Rules 17.50 and 17.51;

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 any one of the following:

12.4.3.1 the Chief Executive;

12.4.3.2 the Head of Legal Services and Monitoring Officer;

12.4.3.3 any Chief Officer or Deputy Chief Officer of the Council concerned with the matter to which the document relates;

12.4.3.4 any Officer authorised in writing by such Chief Officer, Deputy Chief Officer, or Head of Legal Services and Monitoring Officer.

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

#### **Common Seal**

12.5.1 The Common Seal of the Council shall be kept in a safe place in the custody of the Head of Legal Services and Monitoring Officer.

12.5.2 The Common Seal may be affixed to those documents which in the opinion of the Head of Legal Services and Monitoring Officer should be sealed.

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

12.5.3 The Head of Legal Services and Monitoring Officer, or such other officer authorised in writing to do so by the Head of Legal Services and Monitoring

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Officer, shall have authority to affix the Common Seal and execute under Seal any deed or document.

- 12.5.4 The Head of Legal Services and Monitoring Officer (or such other officer appointed by the Head of Legal Services and Monitoring Officer in writing) shall have authority to execute any deed or document not required by law to be under seal.

### **Record of Sealing of Documents**

- 12.5.5 An entry of the sealing of every deed or document to which the Common Seal has been affixed shall be made by the Head of Legal Services and Monitoring Officer and consecutively numbered in a book to be provided for the purpose.