SECTION 12

12. FINANCE, CONTRACTS AND LEGAL MATTERS

12.1 Financial Management

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

12.2 Contracts

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

12.3 Legal Proceedings

12.3.1 The Head of Legal Services 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 considers that such action is necessary to protect the Council's interests.

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

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

12.4.2 Any contract with a value exceeding £75,000, entered into on behalf of the Council shall be made in writing. Subject to the Contracts Procedure Rules, such contracts must be signed by at least two Officers of the Council or made under Common Seal of the Council attested by at least one Officer if they exceed £75,000 in value.

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:

(a) the Managing Director;

(b) the Head of Legal Services;

(c) any Chief Officer of the Council concerned with the matter to which the document relates; or

(d) any Officer authorised in writing by such Chief Officer.

12.5 **Common Seal of the Council**

12.5.1 Common Seal

(a) The Common Seal of the Council shall be kept in a safe place in the custody of the Head of Democratic Services.

(b) A decision of the Council, including decisions under delegated powers, will be sufficient authority for sealing any document necessary to give effect to the decision.

12.5.2 Sealing and Execution of Documents

(a) The Common Seal will be affixed to those documents which, in the opinion of the Head of Legal Services and/or Operational Manager (Legal Services), should be sealed. The affixing of the Common Seal will be attested by the Head of Legal Services and/or Operational Manager (Legal Services).

(b) The Officers of the Council referred to above shall have authority to execute any deed or document not required by law to be under seal which is necessary to effect the decisions of the Council.

(i) This function can be delegated further by the named persons.

12.5.3 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 the Head of Legal Services and/or Operational Manager (Legal Services) and consecutively numbered in a book to be provided for the purpose.