

Article 11 – Finance, contracts and legal matters

11.1 Financial Management

11.1.1 The management of the Council's financial affairs will be conducted in accordance with the Financial Regulations set out in Appendix 15 of this Constitution.

11.2 Contracts

11.2.1 Every contract made by the Council will comply with the Contract Standing Orders set out in Appendix 16 of this Constitution.

11.2.2 In addition, the Executive Director, Finance and Commercial Services and Director of Governance are each authorised to certify contracts under the Local Government (Contracts) Act 1997 and to nominate deputies for this purpose.

11.3 Legal Proceedings

11.3.1 The Director of Governance is authorised to institute, defend or participate in and settle any legal proceedings in any case where such action is necessary to give effect to decisions of the Council or in any case where the Director of Governance considers that such action is necessary to protect or pursue the Council's interests. In the case of proceedings of special significance, the Director of Governance is expected to consult with the Head of Paid Service although failure to do so will not invalidate the action taken.

11.3.2 In addition, Chief Officers and the Head of Trading Standards are authorised to institute criminal proceedings in respect of matters falling within their areas of responsibility.

11.3.3 Other powers to institute legal proceedings are set out in the Scheme of Delegated Powers to Chief Officers in Appendix 5 of this Constitution.

11.4 Authentication of Documents

11.4.1 Where any document is necessary to any legal procedure or proceedings on behalf of the Council, it will be signed by the Director of Governance or other person authorised by them, unless (a) any enactment otherwise authorises or requires, or (b) the Council has given requisite authority to some other person or (c) the document relates to criminal proceedings instituted by a Chief Officer or the Head of Trading Standards in which case that officer has this authority.

11.4.2 Any award with a value exceeding £30,000 entered into on behalf of the Council must be evidenced by way of a contract. Such contracts must either be signed by at least two authorised officers of the Council or made under the common seal of the Council attested by at least one authorised officer.

11.5 Common Seal of the Council

11.5.1 The Common Seal of the Council and its electronic equivalent will be kept in a safe place in the custody of the Director of Governance. 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 or its electronic equivalent will be affixed on those documents which in the opinion of the Director of Governance should be sealed. The affixing of the Common Seal will be attested by the Director of Governance or some other person authorised by them.