

# **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 Code of Procure Practice set out in Part 4 of this Constitution.

## **14.03 Legal Proceedings**

Authority 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 is delegated to Officers in accordance with the Scheme of Delegation, (Part 3)

Otherwise authority so to act is given to the Monitoring Officer in consultation with the relevant Chief Officer (as defined in Article 12.01 (b)) and a solicitor acting for the Council except that where the institution of legal proceedings (other than debt collection) is proposed in the High Court Authority to so act is only given by specific authority of Cabinet.

## **14.04 Authentication and signing of documents**

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 Chief Executive or other person authorised by them, unless any enactment otherwise authorises or requires, or the Council has given requisite authority to some other person.

Any Contract entered into on behalf of the local authority in course of the discharge of an executive function shall be made in writing. Any contract with value exceeding sums specified in the Public Contracts Directive must be made under the common seal of the Council.

*Any reference to the signing of documents in this Article, or the wider Constitution of the Council, includes the use of an electronic signature. Any person authorised to sign on behalf of the Council is therefore also authorised to do so by electronic means.*

## **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 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 Monitoring Officer should be sealed. The affixing of the Common Seal will be attested by the Monitoring Officer (or in their absence the Chief Executive) or some other person authorised by them.

*Any reference to the Common Seal in this Article, or the wider Constitution of the Council, includes an electronic seal incorporating the design of the Common Seal. Any person authorised to affix the Common Seal is therefore also authorised to do so by electronic means.*