

# ARTICLE 14 – FINANCE, CONTRACTS AND LEGAL MATTERS

## 14.1 Financial management

The management of the eCouncil's financial affairs ~~will~~must be conducted in accordance with the Financial Procedure Rules set out in Part 4 of this constitution.

## 14.2 Contracts

~~Every~~The procurement and execution of every contract made by the eCouncil ~~will~~must comply with the Contract Procedure Rules set out in Part 4 of this constitution.

## 14.3 Court, Tribunal, Arbitration, Regulatory, or Other Similar Legal Proceedings

The Service Director – Legal, Governance and Commissioning Support Assistant Director – Legal, Governance and Monitoring is authorised to:

- institute, defend or participate in any Court, Tribunal, Arbitration, Regulatory, or other similar legal proceedings; and
- to withdraw or settle such proceedings (having consulted such officers and/or members as he/she reasonably considers appropriate in all the circumstances):

~~in any case where such action is necessary to give effect to decisions of the council or in any case where the~~ Service Director – Legal, Governance and Commissioning Support Assistant Director – Legal, Governance and Monitoring reasonably considers that such action is necessary to protect the council's interests it is appropriate to do so.

## 14.4 Authentication of documents for Legal Proceedings

Where attestation of any document is necessary to any legal ~~procedure or~~ proceedings contemplated by Article 14.3 ~~on behalf of the council~~, it will be signed by the ~~Assistant Director – Legal, Governance and Monitoring~~ Service Director – Legal, Governance, and Commissioning Support or another person authorised by him/her, unless any enactment otherwise authorises or requires, or the eCouncil has given requisite authority to some other person.

~~Any contracts (other than those relating to Land Assets as defined in the Council's Contract Procedure Rules) with a value exceeding £100,000 entered into on behalf of the local authority in the course of the discharge of an executive function shall be made in writing. Such contracts must either be signed by at least two duly authorised officers of the authority or made under the corporate common seal of the council attested by at least one officer (as provided in Article 14.5 below).~~

~~Subject to Contract Procedure Rule 14.712.6 any contracts for the sale or acquisition of Land Assets and/or any other deeds or documents relating to Land Assets transactions shall as appropriate must either be signed by, or have the corporate common seal~~

~~affixed in the presence of, the Assistant Director – Legal, Governance and Monitoring (or by a legal officer nominated by him or her) other person duly authorised by him/her or have the corporate common seal of the council affixed and attested in his/her presence or in the presence of a duly authorised Principal Legal Officer or Senior Legal Officer as provided in Article 14.5. below.~~

## 14.5 Common Seal of the council

The Common Seal of the eCouncil will be kept in a safe place in the custody of the Service Director – Legal, Governance and Commissioning Support. A decision of the eCouncil, or of any part of it made with statutory or delegated authority, 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 Service Director – Legal, Governance and Commissioning Support should be sealed. The affixing of the Common Seal will be attested by:-

- the Service Director – Legal, Governance and, Commissioning Support ~~- or~~
- ~~a Principal Legal Officer Deputy Head of Legal Services; or~~
- any other Senior Legal Officer nominated by the Service Director Legal, Governance and Commissioning Support

The common seal may be affixed without further authority from the eCouncil:

- a. to any mortgage, bond or other security for money advanced to the council;
- b. to any transfer of stock or bonds purchased or sold on behalf of the council;
- c. to any release or re-assignment of any mortgage or other security given to the council for any advance made by the council on repayment of the whole of the money thereby secured;
- d. to any proxy forms or transfer of any investment of funds of the council;
- e. to any grants of exclusive rights of burial and grants of exclusive rights of depositing ashes or cremated bodies in graves.

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