

Gedling Borough Council Constitution

Section 17 – Finance, Contracts and Legal Matters

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17.1 Financial management

The management of the Council’s financial affairs will be conducted in accordance with the financial regulations set out in Section 25 of this Constitution.

17.2 Contracts

Every contract made by the Council will comply with the Rules relating to contracts set out in Section 21 of this Constitution.

17.3 Legal proceedings

The Director of Organisational Development and Democratic Services is authorised to institute, settle, defend or participate in any legal proceedings in any case where such action is necessary to give effect to decisions of the Council or in any case where they consider that such action is necessary to protect the Council’s interests.

17.4 Authentication of documents

Where any document is necessary to any legal procedure or proceedings on behalf of the Council, it will be signed by a Solicitor employed by the Council, unless any enactment otherwise authorises or requires, or the Council has given requisite authority to some other person.

Any contract with a value exceeding £10,000 entered into on behalf of the Council in the course of the discharge of an executive function shall be made in writing. Any such contract with a value between £10,000 and £75,000 shall be signed by the Director with responsibility for the relevant power or function or Officer authorised by him/her to sign. Any such contract with a value exceeding £75,000 shall be made under the common seal of the Council or if the Monitoring Officer agrees shall be signed by at least two officers of the Council.

17.5 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 duly authorised 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 Director of Organisational Development and Democratic Services should be sealed.

The affixing of the Common Seal will be effected by the Mayor or Deputy Mayor of the Council or another Member of the Council and the Monitoring Officer, Deputy Monitoring Officer, Solicitor or Chief Executive.

17.6 Sealing Register

An entry of every sealing of a document shall be made and consecutively numbered in a register kept for the purpose and shall be signed by the officer who has attested the affixing of the Common Seal.