

# **Part 1: Chapter 16**

## **Legal, Finance and Contract Matters**

### **1. Legal, Finance and Contract Matters**

#### **1.1. Financial Regulations**

The County Council's financial affairs will be conducted in line with the Financial Rules set out in Part 3, Chapter 5 of this Constitution.

#### **1.2. Compliance with Financial Regulations and Contract Standing Orders**

Every contract made by the County Council will comply with Financial Regulations and Contract Standing Orders set out in Part 3, Chapter 6 of this Constitution.

#### **1.3. Legal proceedings**

The Assistant Director Legal Services and Monitoring Officer is authorised as Proper Officer to commence, defend, or participate in, any legal proceedings in any case, where necessary, to give effect to decisions of the County Council, or in any case where the Assistant Director Legal Services and Monitoring Officer considers it necessary to protect the County Council's interests.

Where any document is necessary to any legal procedure or proceedings on the County Council's behalf, that document will be signed by the Assistant Director Legal Services and Monitoring Officer or person authorised by the Assistant Director Legal Services and Monitoring Officer unless any enactment states otherwise, or the County Council has given the necessary authority to some other person.

#### **1.4. Signing and executing documents**

Any contract or agreement entered into on the County Council's behalf must be signed by the Assistant Director Legal Services and Monitoring Officer as Proper Officer or any other person authorised by the Assistant Director Legal Services and Monitoring Officer or a Chief Officer or person authorised to sign on behalf of a Chief Officer in accordance with Contract Standing Order 11.4.

#### **1.5. Deeds must either be executed under the Common Seal of the County Council and witnessed by the Assistant Director Legal Services and**

Monitoring Officer (or any other person specifically authorised to sign on his or her behalf), or executed by being signed on behalf of the County Council by the Assistant Director Legal Services and Monitoring Officer (or other person authorised by the Assistant Director Legal Services and Monitoring Officer and at the same time witnessed by one other person authorised to do so by the Assistant Director Legal Services and Monitoring Officer. Any contract over a value of £177,000 which is not under seal or executed as a Deed must be signed by the Assistant Director Legal Services and Monitoring Officer (or other person authorised by the Assistant Director Legal Services and Monitoring Officer) and one other person also authorised to do so by the Assistant Director Legal Services and Monitoring Officer.

#### **1.6. The Common Seal of the County Council**

The Common Seal of the County Council must be kept, in a safe place, by the Assistant Director Legal Services and Monitoring Officer. A decision made by the County Council 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 Assistant Director Legal Services and Monitoring Officer, should be sealed. The affixing of the Common Seal will be witnessed by the Assistant Director Legal Services and Monitoring Officer, or some other person authorised by him or her.