

Article 11 – Finance, Contracts, and Legal Matters

11.1 Financial Management

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

11.2 Contracts

Every contract made by the Council will comply with the Contract Procedure Rules set out in the Constitution.

11.3 Legal Proceedings

The Executive Director Assurance is authorised to institute, defend or participate in any legal proceedings and take all necessary steps in any case where such action is necessary to give effect to decisions of the Council or in any case where the Monitoring Officer considers that such action is necessary to protect the Council's interests.

The Council operates a joint legal service with Harrow Council. It has resolved to delegate the exercise of its legal functions to the London Borough of Harrow under Section 101 of the Local Government Act 1972 and of the Local Government (Arrangement for the Discharge of Functions) (England) Regulations 2000.

Its functions and delegated powers include responsibility for the following functions:

Acting as Solicitor to the Council and to institute, conduct and, where appropriate, defend and settle criminal and civil legal proceedings and claims concerning the Council's responsibilities and interests except in relation to those covered by the Council's insurance policies. Authorising staff to appear in court
Taking any action in order to protect the interests of the Council or of any person or property to whom, or for which, the Council has responsibility or in order to give legal effect to any decision or action properly taken by the Council or a Committee or person on behalf of the Council.
Lodging appeals against any adverse finding against the Council in any tribunal or court.
Signing any documentation to give effect to any resolution of the Council in any tribunal or court.
Signing any document necessary to give effect to any resolution of the Council, or any Committee or Sub-Committee.

11.4 Authentication of Documents

Where any document is necessary to any legal procedure or proceedings on behalf of the Council, it will be signed by the Director of Assurance or Monitoring Officer or other person authorised by him/her, unless any enactment otherwise authorises or requires, or the Council has given requisite authority to some other person.

Any contract with a value exceeding £189,330 and made under the Common Seal of the Council shall be attested by at least two duly authorised officers in accordance with paragraph 11.5.

11.5 Common Seal of the Council

The Common Seal of the Corporation shall be kept in a safe place by the Records Officer.

Sealing and Execution of Documents

The Chief Executive, Executive Director Assurance, Monitoring Officer or the Head of Governance or another officer authorised in writing by any of the aforesaid shall have authority:-

1. To affix the Common Seal and execute under Seal any deed or document subject to at least two of the above named Officers of the Council (or their duly authorised deputies) being present and being signatories.
2. The Officers of the Council referred to above (or their duly authorised deputies) shall have authority to execute any deed or document not required by law to be under seal which is necessary to effect the decisions of the Council.

Officer Interests

Where it becomes apparent to an Officer involved in the sealing or execution of documents, that they have a personal interest in a matter to which the document relates, a declaration of the existence and nature of that interest should be made as soon as possible.

Record of Sealing of Documents

An entry of the sealing of every deed or document to which the Common Seal has been affixed shall be made by the Head of Governance (or duly authorised deputy) in a book or electronic record to be provided for the purpose.