

## **ARTICLE 15 - FINANCE, CONTRACTS AND LEGAL MATTERS**

### **1 Financial Management**

- 1.1 The management of the Council's financial affairs will be conducted in accordance with the Financial Procedure Rules set out in Part 4 of this Constitution.

### **2 Contracts**

- 2.1 Every contract made by the Council will comply with Financial and Contract Procedure Rules as set out in part 4 of this Constitution.

### **3 Contracting Out**

- 3.1 The Council (for non-Executive functions) and the Executive (for Executive functions) may contract out to another body or organisation, functions which may be exercised by an officer and which are subject to an order under section 70 of the Deregulation and Contracting Out Act 1994, or under contracting arrangements where the other body or organisation acts as the Council's contractor or agent, under usual contracting principles providing there is no delegation of the Council's discretionary decision making.

### **4 Legal Proceedings**

- 4.1 Authority to institute, defend or participate in legal proceedings is contained in the individual delegations in part 3 of this Constitution.
- 4.2 The Monitoring Officer is authorised to institute, defend, participate in, settle or withdraw from any legal proceedings in any case where such action is necessary to give effect to decisions of the Council or in any case where the Monitoring Officer decides that such action is necessary to protect the Council's interests.

## **5 Authentication of Documents**

- 5.1 Where a document is necessary in any legal procedure or proceedings on behalf of the Council or is required to implement a decision of the Council (whether delegated or otherwise), it will be signed by the Monitoring Officer or other person authorised by that Officer, unless any enactment otherwise authorises or requires some other person to do so, or the Council has given the requisite authority to some other person.

## **6 Common Seal of the Council**

- 6.1 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 person or body exercising delegated power, 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 some other person authorised by that Officer.