

## **Article 13 – Finance, Contracts and Legal Matters**

### **13.01 Financial Management**

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

### **13.02 Contracts**

Every contract (excluding contracts relating to land transactions) made by the Council will comply with the Contract Rules set out in Part 4 of this Constitution.

Contracts (excluding contracts relating to land transactions) shall be executed as follows;

- All Contracts with a value exceeding £50,000 shall be executed as a deed and the common seal (see below) shall be affixed unless the Council Solicitor considers it more expedient to sign the contract.
- All Contracts with a value exceeding £25,000 but not exceeding £50,000] shall be signed by the Council Solicitor or some other person authorised by the Council Solicitor unless the Council Solicitor requires that the contract be sealed.
- All Contracts not exceeding £25,000 that require execution shall be signed by any of the Managing Director, Directors, Council Solicitor or any other officer with delegated authority to do so unless the Council Solicitor requires that the contract be sealed.

### **13.03 Legal Proceedings**

The Council Solicitor is authorised to institute, 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 the Council Solicitor considers that such action is necessary to protect the Council's interests.

### **13.04 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 Managing Director or Council Solicitor or other person authorised by them, unless any enactment otherwise authorises or requires, or the Council has given requisite authority to some other person.

### **13.05 Common Seal of the Council**

The Common Seal of the Council will be kept in a safe place in the custody of Tewkesbury Borough Council (One Legal). A decision of the Council, or of any 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 Tewkesbury Borough Council (One Legal) should be sealed. The affixing of the Common Seal will be attested by any of the Mayor, the Managing Director, a Director, the S151 Officer the Council Solicitor or some other person authorised by the Council Solicitor.

### **13.06 Electronic Signatures**

Electronic signatures may only be permitted as a method of executing contracts with the prior consent of the Section 151 officer having first obtained advice from the Council Solicitor.