

COUNCIL, 27 JANUARY 2016

REPORT OF THE GOVERNANCE COMMITTEE

SEALING OF COUNCIL DOCUMENTS AND DELEGATION TO LEGAL OFFICERS

At its meeting on 13 January 2016 a report (attached) was presented to Governance Committee which proposed a number of minor refinements to the Constitution and asked Members to recommend to Council a change in the arrangements in relation to the sealing of Council legal documents and the delegation of legal powers to legal officers to enable more efficient management of the respective legal processes.

Article 10.05 of the Constitution requires that *“the seal shall be attested by two individuals from a prescribed list which must (except in exceptional circumstances) include either the Mayor or Deputy Mayor.”*

The inclusion of the Mayor or Deputy Mayor was an historical requirement and it was unclear what purpose this additional requirement served given the complex nature of these documents and the governance processes that were undertaken before such documents were sealed. The inclusion of Mayor or deputy Mayor as signatory had inevitably led to delays in completion of contractual agreements. In addition, most of the documents would have been prepared by legal services which were now based at Stratford and consequently there was a requirement for engrossed documentation to be couriered to the Town Hall for the Mayor to complete his element of the process. It had been noted that many contracting third parties found this process overly bureaucratic and frustrating, particularly where tight dead-lines were in place and it was difficult to justify this cumbersome approach or identify the risk which this process was designed to control.

It was therefore suggested that the requirement for the Mayor or Deputy Mayor to attest the sealing of documents is removed and that at the same time, the base-line for documents which would require sealing should be raised from the current £100,000 – where it has been for some considerable time – to £150,000 and the Constitution be amended.

The Governance Committee accordingly recommends to Council that the following changes be incorporated into the Constitution:

1. The second paragraph of Article 10.4 of the Constitution be amended to read:
“Contracts must be made under the common seal of the Council in accordance with rule 16 of the Contract Procedure Rules. Contracts under £150,000 may, in most circumstances, be signed by the Chief Executive or the appropriate Group Director, Director of Legal and

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Governance or Head of Service in accordance with the Contracts Procedure Rules set out in Part 4.

2. The monetary threshold for the sealing of contracts as set out in rule 16 of the Contract Procedure Rules be raised to £150,000.
3. Article 10.5 of the Constitution be amended to read

“The common seal of the Council may be affixed to any document on the authority of any either of the Chief Executive, a Group Director, the Director of Legal and Governance, the Deputy Director of Legal and Governance, a Principal or Senior Lawyer.

“The seal shall be attested by that individual and an entry of every sealing of a document shall be made and consecutively numbered in a register to be provided for the purpose and shall be signed by the person who has attested the seal.”