

From: Martin Paul, Chair of the Selection and Member Services Committee

To: County Council, 5 November 2026

Subject: Sealing of Documents: Constitutional Amendments

Status: Unrestricted

Past Pathway of paper: Selection and Member Services Committee, 22 October 2026

1. Introduction

- a) The common seal of Kent County Council is affixed to deeds and other documents where it is necessary to demonstrate that the council has approved the transaction through the appropriate governance processes and that the officers applying the seal are authorised to do so.
- b) Under the Council's Constitution, the Monitoring Officer has 'custody' of the common seal and maintains oversight of its use. Only officers authorised by the Monitoring Officer may attest that the seal has been properly applied.
- c) This paper is recommending a few procedural amendments to the Constitution to enable the Monitoring Officer to exercise some discretion in the use of the common seal in order to enable more efficient implementation of council decisions. Where the law requires the use of the seal, it will continue to be used.

2. Proposed Changes

- a) The flexibility that the proposed amendment will give is for such situation as individual social care packages under a call-off arrangement. These arrangements will have been established through the council's established key decision process. However, where many or all of the individual care packages could meet the formal criteria for sealing, this could lead to:
 - i. Delays in the implementation of the care package until sealing is undertaken. Sometimes these care packages need to be in place at short notice. There is a risk that care needs to commence before the contract has been formally executed, creating uncertainty about contractual status.
 - ii. Increased costs and administrative burdens. Sealing individual care packages could add hundreds of additional items of sealing each year. As well as preparing the documents for sealing, time is taken up in maintaining seal registers and for the authorised officers to check the documents and affix the seal. There may also be a cost to the service requesting the sealing.
 - iii. Combining the two points above could result in the sealing requirement becoming a bottleneck in the care process.

- b) The proposed changes are set out in the Appendix to this report. The amendments to section 13.13 of the constitution in conjunction with the new section 13.14 give the Monitoring Officer the clear ability to take a proportionate approach to the use of the common seal. The rest are more about adding clarity to the rules on sealing, rather than making substantive changes.

3. Recommendation

County Council is asked to agree the proposed amendments to the Constitution.

4. Appendices

Appendix – Proposed Amendments to the Constitution. Sealing of Documents.

5. Background Documents

None.

6. Report Author and Relevant Director

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