Appendix – Proposed Amendments to the Constitution

Sealing of Documents

11.21 (k)

On behalf of the Council and in support of their delegated Executive functions the Monitoring Officer has the following responsibilities:

Custody of the Common Seal of the Council. 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 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 them in writing to do so. The Common Seal of the Council may be affixed either by physical means or by such electronic means as authorised by the Monitoring Officer ~~may from time to time authorise~~. The affixing of an electronic seal shall be of the same legal effect as affixing the Common Seal of the Council physically.

13.13

Any contract with a value in excess of £1m must be ~~made in writing and either~~:

(a) Made in writing; and

~~(a)~~(b) affixed with the common seal of the Council and be attested by at least one authorised Officer (see section 13.1~~65~~)., ~~or~~

~~(b) signed as a deed by at least one authorised Officer (as defined in 13.15) unless otherwise determined by the Monitoring Officer.~~

(New section). 13.14

Notwithstanding the requirements of 13.13, the Monitoring Officer may, at their discretion and where appropriate in the circumstances, waive the requirement for affixing the common seal of the council.

13.15~~14~~

The common seal of the Council shall be affixed to ~~any~~ all deeds (unless a specific statutory provision permits otherwise) and any document or agreement if the Monitoring Officer considers it appropriate for the purpose of transacting the Council's business or safeguarding its interests.

13.20~~19~~

Contracts may be signed and sealed via the Council's electronic signature and electronic sealing solution, following the Council's procedures for using this solution. In addition, w~~W~~here the law, and (where applicable) any additional requirements of a public registry (for example, HM Land Registry) allow, electronic signatures may be permitted, and will be accepted as a fair

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representation of a willingness to enter into a contract with the Council, as long as the following apply:

(a) the Contract will be entered into in relation to being either under seal or under hand,

(b) the electronic signature is a true representation of the authorised person's written signature, and

(c) is supported with a contemporaneous document of authenticity and authorisation from the Supplier.