

Southend-on-Sea City Council

Report of Executive Director (Legal and Democratic Services)

to
Council

on
24 March 2022

Report prepared by: John Williams
Executive Director (Legal & Democratic Services)

Agenda
Item No.

Change to the Constitution

Part 1 - Public Agenda Item

1. Purpose of Report

For the Council to agree minor amendments to Standing Orders 26 and 27 re sealing and signing of documents.

2. Recommendation

That minor amendments be made to Standing Orders 26 and 27 as set out in Appendix 1 and that Part 4(a) of the Constitution be amended accordingly.

3. Background

- 3.1 Standing Order 26 deals with the sealing of Council documents and who can attest the sealing.
An amendment is required as a consequence of the retirement of the Executive Director (Legal and Democratic Services) as set out in Appendix 1.
- 3.2 Standing Order 27 deals with the signing of certain Council documents and who has authority to do so. Again an amendment is required for the same reason as set out in 3.1 above. The recommended amendment is set out in Appendix 1.

4. Background Papers

None

5. Appendices

Appendix 1 - Proposed amendments to Standing Orders 26 and 27 in Part 4(a) of the Constitution

26. Sealing of Documents

26.1 The Common Seal of the Council shall not be affixed to any document unless the sealing is required to implement any decision of the Council, the Cabinet, a Committee or an Officer exercising delegated powers.

26.2 The Common Seal shall be attested by the Chief Executive, ~~or the Strategic Director (Legal & Democratic Services), or either of the two Assistant Directors of Legal Services~~ **Deputy Chief Executive, Executive Director for Strategy Change & Governance, Director of Legal Services, Assistant Director of Legal Services, or Head of Democratic Services** - and an entry of every sealing of a document shall be made and consecutively numbered in a book to be provided for the purpose and shall be signed by the person who shall have attested the seal

provided that:

- (i)** for the purpose of signing of urgent stock transfers, in the absence of the above, the ~~Strategic Executive~~ Director (Finance & Resources) be authorised to sign in his own name; and
- (ii)** that for the purpose of issuing stock certificates, the Common Seal may be imprinted thereon when such certificates are printed and may be attested by Chief Executive or ~~Strategic Executive~~ Director (Finance & Resources) alone and in that event the requirement that any entry of every sealing of such certificates shall be made in the said book shall not apply.

27. Signing of Documents

27.1 Where any document will be a necessary step in legal proceedings or any transaction on behalf of the Council it shall, unless any enactment requires or authorises, or the Council shall have given the necessary authority to some other person for the purpose of such proceedings or transaction, be signed by the Chief Executive, ~~or the Strategic Director (Legal & Democratic Services), or either of the two Assistant Directors of Legal Services~~. **Deputy Chief Executive, Executive Director for Strategy Change & Governance, Director of Legal Services, Assistant Director of Legal Services, or Head of Democratic Services**

27.2 In addition the ~~Strategic Executive~~ Director (Finance & Resources) shall have authority to sign any document relating to a financial transaction on behalf of the Council subject to the same proviso as contained in Standing Order 27.1.