

**Eden District Council  
Extraordinary Council**

**12 October 2017**

**Urgent Item – Affixing of the Common Seal**

<b>Portfolio:</b>	Not applicable
<b>Report from:</b>	Deputy Chief Executive
<b>Wards:</b>	All Wards
<b>OPEN PUBLIC ITEM</b>	

**1 Purpose**

- 1.1 This report is an urgent item which advises Council of a forthcoming absence of the Council Chairman and Vice Chairman and seeks authority from Council to appoint 2 Members to act as authorised signatories in order to attest to the affixing of the Common Seal during their absence. The report requests the suspension of the Council's Rules and Procedures as set out in Part 4 Rule 25(a) to allow for the consideration of this item of urgent business.

**2 Recommendation**

1. That the suspension of the Paragraph 3(b) of the Council Procedure Rules be agreed in order to allow consideration of recommendations 2 and 3 to this report as an item of urgent business.
2. That Council authorises two members, who shall not be members of the Executive, to act as authorised signatories in order to attest to the affixing of the Common Seal of the Council from 16 October 2017, in the absence of the Chairman and the Vice Chairman.
3. That it be agreed that such 2 members to be so empowered until the earliest of either:
  - (a) the return of the Chairman or the Vice Chairman of the Council to their duties or
  - (b) the Council meeting of 9 November 2017.

**3 Report Details**

- 3.1 The Council has received notification on 12 October 2017 that during the period of 16 October to 1 November 2017 the Chairman and Vice Chairman of the Council would be unavailable.
- 3.2 Under the Constitution, the Deputy Chief Executive (or his/her deputy) will authorise the affixing of the Common Seal of the Council to any documents necessary to give formal effect to any act or decision authorised by the Council or any of its committees. Article 13 of the Council's Constitution (Finance, Contracts and Legal Matters) notes that the affixing of the Common Seal must be attested to by the Deputy Chief Executive (or his/her deputy) and the Chairman of the Council. The Vice Chairman of the Council is

authorised to deputise for any duties of the Chairman so is always authorised to attest to the affixing of the Common Seal in the absence of the Chairman. There is presently no provision in the Constitution to cover the situation where the Chairman or Vice Chairman are unavailable.

- 3.3 Certain documents that require the affixing of the Common Seal are time sensitive and so it may be that an instance could arise during the timeframe above that requires the Council to undertake an act or decision that cannot wait until the return of the Chairman or Vice Chairman. Documents requiring the affixing of the Common Seal include, but are not limited to:
- Tree Preservation Orders;
  - Section 106 Agreements;
  - Certain leases;
  - Road closure orders;
  - Major contracts;
  - Land transfers and sales.
- 3.4 Council appoints to the role of Chairman annually and so it is proposed, under these specific and urgent circumstances, that Council authorises 2 non-Executive members to attest to the affixing of the seal in the absence of the Chairman and the Vice Chairman. It is not proposed that such members will undertake any other duties associated with the role of Chairman, as outlined in Article 5 of the Constitution but would have the delegated authority of Council to attest to the affixing of the Common Seal in order that the Council can carry out its business.
- 3.5 The recommendation proposes that such members be authorised until the earliest of either
- (i) the return of the Chairman or the Vice Chairman of the Council to their duties; or
  - (ii) the Council meeting of 9 November 2017.
- 3.6 The Deputy Chief Executive will, if necessary bring a further report to Council for consideration on 9 November 2017 concerning any continuing requirement for signatories beyond that date.

## **4 Policy Framework**

- 4.1 The Council has four corporate priorities which are:
- Decent Homes for All;
  - Strong Economy, Rich Environment;
  - Thriving Communities; and
  - Quality Council
- 4.2 This report meets Quality corporate priority

## **5 Consultation**

- 5.1 No consultation has been undertaken in relation to this report as it is an urgent item.

## **6 Implications**

### **6.1 Financial and Resources**

- 6.1.1 Any decision to reduce or increase resources or alternatively increase income must be made within the context of the Council's stated priorities, as set out in its Council Plan 2015-19 as agreed at Council on 17 September 2015.

There are no proposals in this report that would reduce or increase resources.

### **6.2 Legal**

- 6.2.1 The legal implications associated with this decision are set out in the body of the report at paragraph 3.2 and 3.3.

### **6.3 Human Resources**

- 6.3.1 No Human Resources implications arising from this report.

### **6.4 Statutory Considerations**

<b>Consideration:</b>	<b>Details of any implications and proposed measures to address:</b>
Equality and Diversity	None arising.
Health, Social Environmental and Economic Impact	None arising.
Crime and Disorder	None arising.
Children and Safeguarding	None arising.

### **6.5 Risk Management**

<b>Risk</b>	<b>Consequence</b>	<b>Controls Required</b>
The Council is unable to complete actions or implement decisions requiring the affixing of the Common Seal	The Council is unable to undertake statutory actions or decisions.	Appoint a Member to undertake this duty

## **7 Other Options Considered**

- 7.1 The Council could choose not to appoint a Member to undertake this duty however there is a risk that the Council may not be able to complete statutory duties such as the issuing of Tree Preservation Orders if the Council does not have anyone to attest to the affixing of the Seal.

## **8 Reasons for the Decision/Recommendation**

- 8.1 To enable the Council to give formal effect to any act or decision authorised by the Council or any of its committees.

### Tracking Information

<b>Governance Check</b>	<b>Date Considered</b>
<b>Chief Finance Officer (or Deputy)</b>	12 October 2017
<b>Monitoring Officer (or Deputy)</b>	19 October 2017
<b>Relevant Assistant Director</b>	Not applicable

**Background Papers:**        **None**

**Appendices:**                **None**

**Contact Officer:**            **Matthew Neal, Deputy Chief Executive**