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<b>Report To:</b>	<b>Inverclyde Council</b>	<b>Date:</b> 18 February 2010
<b>Report By:</b>	<b>Head of Legal &amp; Administration</b>	<b>Report No:</b> LA/482/10
<b>Contact Officer:</b>	<b>Howard McNeilly</b>	<b>Contact No:</b> 01475 712117
<b>Subject:</b>	<b>Authorised Signatories</b>	

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## **1.0 PURPOSE**

- 1.1 The purpose of this report is to request that the Council appoints the Legal Services Manager (Procurement and Administration), the Legal Services Manager (Courts and Litigation) and the Legal Services Manager (Conveyancing and Planning) as Proper Officers of the Council in terms of Section 235(3) of the Local Government (Scotland) Act 1973, with authority in the absence of the Head of Legal & Administration to sign all leases, dispositions and other formal documents which require to be sealed with the Common Seal of the Council other than Stock Certificates, Bonds and Mortgages.

## **2.0 SUMMARY**

- 2.1 In the Council's current Scheme of Delegation to Officers the Chief Executive and the Head of Legal & Administration are appointed as Proper Officers of the Council with authority to sign leases, dispositions and other formal documents on behalf of the Council.
- 2.2 Practical difficulties in having formal deeds signed on behalf of the Council can arise when the Chief Executive and the Head of Legal & Administration are not available and a deed requires to be signed in their absence.
- 2.3 To resolve the practical difficulties identified at paragraph 2.2, it is proposed that the Legal Services Manager (Procurement and Administration), the Legal Services Manager (Courts and Litigation) and the Legal services Manager (Conveyancing and Planning) be appointed as Proper Officers of the Council with authority in the absence of the Head of Legal & Administration to sign formal deeds on behalf of the Council.

## **3.0 RECOMMENDATION**

- 3.1 It is recommended that the Council appoint the Legal Services Manager (Procurement and Administration), the Legal Services Manager (Courts and Litigation) and the Legal Services Manager (Conveyancing and Planning) as Proper Officers of the Council in terms of Section 235(3) of the Local Government (Scotland) Act 1973, with authority in the absence of the Head of Legal & Administration to sign all leases, dispositions and other formal documents which require to be sealed with the Common Seal of the Council other than Stock Certificates, Bonds and Mortgages.

Elaine Paterson  
Head of Legal & Administration

## 4.0 BACKGROUND

- 4.1 In terms of section 235(3) of the Local Government (Scotland) Act 1973 officers of the Council may be appointed as “Proper Officers” of the Council for specified purposes. In the Council’s current Scheme of Delegation to Officers the Chief Executive and the Head of Legal & Administration are appointed as Proper Officers of the Council with authority to sign all leases, dispositions and other formal documents which require to be sealed with the Common Seal of the Council other than Stock Certificates, Bonds and Mortgages.
- 4.2 Practical difficulties in having formal deeds signed on behalf of the Council can arise when the Chief Executive and the Head of Legal & Administration are not available and a deed requires to be signed in their absence.
- 4.3 It is proposed that the Legal Services Manager (Procurement, Court and Administration), the Legal Services Manager (Courts and Litigation) and the Legal Services Manager (Conveyancing and Planning) be appointed as Proper Officers of the Council with authority in the absence of the Head of Legal & Administration to sign all leases, dispositions and other formal documents which require to be sealed with the Common Seal of the Council other than Stock Certificates, Bonds and Mortgages. This will resolve the practical difficulties referred to in Paragraph 4.2.

## 5.0 IMPLICATIONS

### 5.1 Financial Implications - One off Costs

Cost Centre	Budget Heading	Budget Year	Proposed Spend this Report	Virement From	Other Comments
N/A	N/A	N/A	N/A	N/A	N/A

### Financial Implications - Annually Recurring Costs/ (Savings)

Cost Centre	Budget Heading	With Effect from	Annual Net Impact	Virement From (if applicable)	Other Comments
N/A	N/A	N/A	N/A	N/A	N/A

### 5.2 Personnel: None

### 5.3 Legal: None