



George Town Council

DRAFT Use of the George Town Council Common Seal Policy

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Introduction

A Council common seal (the seal) is like the signature of a Council. Affixing the seal demonstrates approval of the content of a document and shows what Council has done or agreed to do. Council's seal can only be used following a resolution of Council.

However, not all documents created to implement decisions of Council require the affixing of a seal.

This policy sets out the situations in which a seal is required, and how the seal is to be used.

Background

A Council is a body corporate with perpetual succession and a common seal. Perpetual succession, along with the common seal, is one of the factors explaining a corporation's legal existence as separate from those of its owners.

Statement of Principles

Council's seal will only be used for documents that relate to the business of Council, and without limiting the use of the seal, will normally only include specifically any document stating that the Common Seal of the George Town Council is to be affixed.

Policy Objective

This policy sets out the situations in which a seal is required, and how the seal is to be used.

Link to Strategic Plan

George Town Council Strategic Plan 2012-2017

Goal 1 – To be a responsible, accountable local government.

Strategy: Ensure compliance with all legislative and statutory requirements.

Objective: Provide sound strategic decision-making, governance, leadership and professional management.

Legislation

- Local Government Act 1993, in particular Section 19 (1) to (6)

Internal Council Documents

- George Town Council Risk Management Policy No. 33

Definitions

“**workers**” means all Council employees, elected members, contractors and volunteers

Definitions (cont.)

“**perpetual succession**” means the continuation of a corporation’s or other organisation’s existence despite the death, bankruptcy, insanity, change in membership or an exit from the business of any owner or member, or any transfer of stock, etc.

Procedure

George Town Council authorises the Mayor and the General Manager (including those acting in that capacity) to sign and seal any document, provided the Council has previously made a decision on the matter and the document is consequent to that decision.

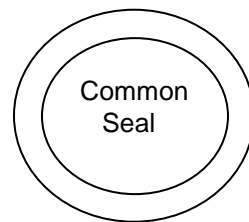
The following procedures for the secure use of the common seal should be adopted:

- The General Manager is to have charge of the common seal and is responsible for the safe custody and proper use of it.
- The common seal may only be used on the authority of the Council given either generally or specifically and every document to which the seal is affixed must be signed by the Mayor in their absence the Deputy Mayor, and the General Manager.
- A register of all documents executed with the Common seal is to be kept and is to record each date on which the common seal was affixed to a document, the purpose of the document, and the number of copies sealed.
- A report listing the documents to which the common seal has been affixed is to be presented to the next ordinary meeting of Council.

The wording to accompany the application should be as follows:-

Dated this (date) day of (month) (year)

The Common Seal of the)
George Town Council)
was hereunto affixed in the)
presence of:)



.....
(Insert name of Mayor)

.....
Signature of Mayor

.....
(Insert name of General Manager)

.....
Signature of General Manager

- An original (or copy if appropriate) any sealed document is to be obtained and retained by Council, recorded in Dataworks and stored appropriately.

Risk Management

This Policy aligns itself to Council's Risk Management Policy No. 33 in that it promotes the maintenance of overall set performance standards and the regular review and improvement of Council practices and procedures.

Scope of Policy

This Policy applies to George Town Council workers.

Implementation of Policy

This Policy rescinds Council's previous Use of Council Seal Policy No. 25.

This Policy shall be reviewed every two years by the General Manager and the Executive Team to ensure its continued suitability and effectiveness against relevant legislation and the requirements of Council's Risk Management Strategy.

Responsibility

Responsibility for the operation of this Policy rests with the General Manager.