

22. CHANGE OF METHOD FOR AFFIXING THE COMMON SEAL

General Manager responsible:	General Manager Regulation and Democracy Services, DDI 941-8462
Officer responsible:	Legal Services Manager
Author:	Chris Gilbert

PURPOSE OF REPORT



1. The purpose of this report is to obtain Council approval to change the method for affixing the Council Common Seal from the current Common Seal machine to a rubber stamp with an image of the Common Seal.

EXECUTIVE SUMMARY

2. The Common Seal is a reproduction of the Council's coat of arms. The Common Seal is the equivalent of the Council's signature and for this reason any change to the form of the Seal is required to be authorised by the Council. Execution of a document by affixing the Common Seal is a legal process by which the Council as a body corporate executes documents, most commonly deeds and warrants of appointment of Council officers. From 1 January 2009 to 31 December 2009 the Common Seal was affixed 379 times.
3. The existing Common Seal machine is large, heavy and cumbersome. The machine occupies the equivalent of a desk space.
4. The existing machine imprints a copy of the Council coat of arms into paper. The imprinted Common Seal is colourless and this creates issues with reproduction by photocopying and scanning. Most modern paper is thinner than the grades of paper previously used and the imprint of the Common Seal can be poor.
5. The existing machine, although sound at present, will be difficult to repair and replace should it fail in the future.
6. Registration of conveyancing documents with Landonline is now conducted by e-dealing, which requires documents to be scanned, uploaded and registered electronically. This process does not reproduce imprinted images well.
7. Warrant cards issued for Council Enforcement Officers are required to have the Common Seal attached. The imprint is difficult and expensive to incorporate into the warrant cards. A rubber stamp could instead be readily laminated.
8. This report recommends that the existing Common Seal machine be replaced with a rubber stamp image of the Common Seal, to resolve these issues with the current machine. **Attachment A** shows a comparison between the Common Seal affixed using the current machine and affixed using the rubber stamp. The form of the Common Seal, and the process for affixing it, will not change. There is no change to the Council resolution which sets out how the affixing of the Seal is to be witnessed by a Councillor and named officers.
9. The rubber stamp will be held by the Legal Services Unit in a secure location. The Common Seal machine will be kept offsite for ceremonial occasions.

FINANCIAL IMPLICATIONS

10. A new rubber stamp has been purchased, at a cost of approximately \$100.

Do the Recommendations of this Report Align with 2009-19 LTCCP budgets?

11. N/A

12. 8. 2010

22 Cont'd**LEGAL CONSIDERATIONS**

12. The recommendation in this report is solely to change the method for affixing the Council Common Seal from a manual machine to a rubber stamp. The process for affixing the Common Seal will not change. There are no legal considerations associated with the change of method from the current machine to a rubber stamp.

Have you considered the legal implications of the issue under consideration?

13. Yes, as above.

ALIGNMENT WITH LTCCP AND ACTIVITY MANAGEMENT PLANS

14. N/A

Do the recommendations of this report support a level of service or project in the 2009-2019 LTCCP?

15. N/A

ALIGNMENT WITH STRATEGIES

16. N/A

Do the recommendations align with the Council's strategies?

17. N/A

CONSULTATION FULFILMENT

18. N/A

STAFF RECOMMENDATION

It is recommended that the Council:

- (a) Authorise the use of the Common Seal in the form shown below using a rubber stamp for the affixing of the Seal, to replace the existing Common Seal machine (with the machine kept for ceremonial occasions).