

**Report for:** Standards Committee – 9 March 2026

**Title:** Changes to the Constitution - Introduction of Electronic Signing and Sealing

**Report authorised by:** Fiona Alderman, Director for Legal and Governance (Monitoring Officer)

**Lead Officer:** Haydee Nunes de Souza, Head of Legal (Deputy Monitoring Officer)

**Ward(s) affected:** N/A

**Report for Key/  
Non-Key Decision:** N/A

## **1. Describe the issue under consideration**

- 1.1 To consider the introduction of electronic signing and sealing and associated amendments to the Council's Constitution to support the introduction of electronic signing and sealing for documents executed by the Council.
- 1.2 The adoption of electronic execution arrangements will modernise the Council's approach to signing and sealing of documents which is currently wholly paper based with 'wet' signatures and requires the physical presence of relevant officers to undertake this task. For some processes such as contracts, where documents are sent out to be signed, 'wet signatures' add to delays in execution of documents. An electronic system will improve efficiency, reduce administrative burden, support the council's digital service transformation objectives and reduce spend on associated print and paper costs.
- 1.3 The proposed changes require amendments to the Constitutional provisions relating to the execution of documents and the use of the Common Seal.

## **2. Cabinet Member Introduction**

N/A

## **3. Recommendations**

- 3.1 To consider and agree the proposed changes to the Constitution set out in this report, to enable the local authority to adopt electronic signing and sealing and recommend adoption of these changes to Full Council on the 16<sup>th</sup> March 2026.

## **4. Reasons for decision**

- 4.1 The Council's current constitutional arrangements underpins the current practice which is wholly paper based and requires 'wet' signatures by officers to whom the Monitoring Officer has delegated authority to sign and seal documents.
- 4.2 Signing and Sealing is the formal process used to confirm that a document has been formally approved and is legally binding on the local authority. The Monitoring Officer has delegated authority to a defined list of lawyers 'authorised persons', who can sign and seal documents on behalf of the council.
- 4.3 Signing means that an authorised person signs documents, by hand, to confirm that the council agrees to be bound by the document. Whilst all documents are signed, not all documents are required to be both signed and sealed. Sealing is the use of the Council's official seal which is attached to a document and is a legal formality required for specific classes of legal documents, typically, leases, deeds and legal agreements where legislation requires execution as a deed. The seal is witnessed by an authorised officer and is recorded in the council's seal register. Sealing confirms that the document is legally valid.
- 4.4 Developments in the law now permit the use of electronic signatures. An electronic signature is the electronic equivalent of a handwritten signature and links a party to the contents of an electronic document. Electronic sealing is also permitted, and both are undertaken by several local authorities across the country.
- 4.5 Introducing electronic signing and sealing will enable faster completion of contracts, deeds and other formal documents, support remote and hybrid working, contribute to business continuity and reduce spend on print and paper.

## **5 Alternative options considered**

- 5.1 Leaving the Constitution unchanged would result in the Council falling behind in the use of electronic practices. Amending the Constitution to recognise the validity of electronic signatures and allow the documents to be sealed without the need for physical attendance and meet evolving working practices and aid remote working.

## **6. Background**

- 6.1 The local authority regularly executes, on a twice weekly basis, a wide range of documents, including contracts, deeds, land transactions and funding agreements. All are required to be printed in hard copy, marked up by business support officers, entered into a seal book and then presented to the designated officer authorised officer, via a twice weekly rota, for signing and sealing. In the past 12 months, over 700 documents were presented for signing and sealing. This wholly paper based system requires large volumes of printing on a weekly basis. Once signed, they are then required to be scanned into our Case Management System.

6.2 Advances in technology, together with changes in working practices have led to many local authorities adopting electronic execution arrangements. In March 2025, the Council approved the current version of the Contract Standing Orders [CSO'S] found at Part Four, Section J of the Constitution. Paragraph 2.05.1 p) of the CSO's provide that directors must

*Ensure that the Council's seal is affixed to any document required to be executed as deed and that where a document is not expressed to be under seal, it is either signed by two people or authenticated by Approved electronic means as provided for in these CSO's.*

Approved electronic means is defined as follows in the CSO's

*such electronic means of authenticating the formation and sealing of a Contract, which may include the use of electronic seals and signatures, positive approval using check boxes or other similar means, as may be expressly approved by the Monitoring Officer from time to time or for a specific Contract*

6.3 However, the council is unable to move forward with the use of electronic signatures until further amendments are made to the council's constitution as set out in this report.

6.4 The use of electronic signatures is recognised in law under the Electronic Communications Act 2000, the EU eSAD (as retained in UK Law) and was supported by The Law Commission in their report published in September 2019 confirming that electronic signatures are valid and can be validly used to execute documents, including deeds or where there is a statutory requirement for a signature.

6.5 The use of electronic sealing is permissible where the council's constitution provides for this to happen. The proposed amendments do not change the council's decision-making processes, or the list of officers who are authorised to sign and seal documents. Neither is it seeking to replace the traditional method of signing and sealing. It is not an extension of authority but modernisation of methods, allowing authorised signatories to carry out that task by electronic means.

6.6 Several local authorities across the UK have already amended their constitutions to enable adoption of electronic signing and sealing. The London Boroughs of Bromley, Greenwich, Hammersmith & Fulham, Lambeth, Redbridge and Southwark use electronic signing and sealing. In addition, council's outside of London have also moved forward with adoption. This includes, Chelmsford, Cambridge, Peterborough, Reading and Hull City Council.

6.7 Further, the council, as part of its corporate cost saving proposals is actively considering the reduction of spend on paper, post and printing. The legal service continues to be a large user of paper and printing. The move to an electronic system where documents no longer require printing, will lead to both a saving on officer time and in paper and printing costs.

6.8 By moving to an electronic system, the council will be providing a modern digital approach for all processed documents which require signatures with a much faster turnaround time. Electronic signatures provide a number of benefits including quicker turnaround time, lower costs, reduced carbon footprint and brings us up to date with external legal firms who now routinely use electronic signatures.

6.9 The council propose to use the platform DocuSign for signing and sealing. The council already has a contract with DocuSign for signing of documents and no additional costs will be incurred in extending this functionality to legal staff. DocuSign offers advanced security features including encryption, authentication and audit trails which will help to protect against fraud and unauthorised access.

6.10 A small number of amendments to the Constitution will be required in order to facilitate these changes, namely at

- a. Part Two – Article 13, Articles of the Constitution – **new words inserted**

The Common Seal of the Council will be kept in a safe place in the custody of the Monitoring Officer.

**The Common Seal may be affixed either by physical or by electronic means approved by the Monitoring Officer.**

A decision of the Council, or of any part of it, will be sufficient authority for sealing any document necessary to give effect to the decision. The Common Seal will be affixed to those documents which in the opinion of the Monitoring Officer should be sealed or where required by the Contract Procedure Rules in Part 4 of this Constitution.

**Such authority shall apply equally to the affixing of the Common Seal by electronic means.**

The affixing of the Common Seal will be attested by the Monitoring Officer, Chief Executive, Chief Finance Officer, Head of Legal Services or any other person authorised by him/her either in relation to a specific document or to particular categories of documents

**Where the Common Seal is affixed by electronic means, attestation may be given by electronic means by any of the officers listed above.**

b. Part 4, Section C, Miscellaneous Standing Orders

*Add a new paragraph 1*

Electronic execution

References in these Standing Orders to sealing, signing and attesting or the Common Seal includes electronic sealing, signing and attesting by electronic means as approved by the Monitoring Officer.

Para 2 – **Add the words** – *such authority shall apply equally to the affixing of the Commons Seal by electronic means.*

Para 4 – **Add at the end of that paragraph** - *where the Common Seal is affixed by electronic means, attestation may be given by electronic means by any of the officers listed above.*

Para 5 – **Add the words** – *where the Common Seal is affixed electronically the record sealing may be kept in electronic form and the entry and attestation may be made and signed by electronic means.*

**7. Contribution to the Corporate Delivery Plan 2024-2026 High level Strategic outcomes**

7.1 Ensuring good governance within the Council and by councillors supports all strategic priorities.

**8. Carbon and Climate Change**

The adoption of electronic signing and sealing and move away from a wholly paper based system will reduce the need for paper documentation and printing associated with the current process. This is expected to result in a small reduction in paper consumption and associated printing materials as well as reduced handling and storage of documents. Whilst the direct carbon impact is expected to be modest, the proposal supports the council's broader environmental and sustainability objectives by encouraging digital working practices and reducing reliance on paper-based processes.

**9. Statutory Officers comments (Director of Finance (procurement), Director of Legal and Governance, Equalities)**

**Finance**

8.1

**Legal**

8.2 This is a report of the Director of Legal and Governance (Monitoring Officer). Their comments are included in the body of this report.

### **Equality**

8.3 There are no direct equalities implications arising from the recommendations in this report.

## **9 Use of Appendices**

9.1 Appendix 1 - Haringey Constitution - Track Changes

## **10 Background Papers**

**None**