

# GLOSSARY OF TERMS

Throughout this Constitution the following words have the following meanings:

## **Definitions Relating To Legislation**

“**the 1972 Act**” means the Local Government Act 1972;

“**the 1989 Act**” – the Local Government and Housing Act 1989;

“**the 2000 Act**” means the Local Government Act 2000;

“**the 2000 Regulations**” means the Local Authorities (Functions and Responsibilities) (England) Regulations, 2000;

“**the 2004 Act**” means the Planning and Compulsory Purchase Act 2004

“**the 2007 Act**” means the Local Government and Public Involvement in Health Act 2007;

## **Definitions Relating To Staff**

“**Chief Officer**” means (unless otherwise stated)

- a) the Head of the Paid Service
- b) the Monitoring Officer and the Section 151 Officer
- c) any officer for whom the Head of the Paid Service is directly responsible
- d) any officer who, as respects all or most of the duties of his/her post, is required to report directly or is directly accountable to the Head of the Paid Service, excluding any person whose duties are solely secretarial or clerical or are otherwise in the nature of support services
- e) any officer who, as respects all or most of the duties of his/her post, is required to report directly or is directly accountable to the local authority itself, or to any committee or sub-committee of the authority

Chief Officers currently comprise the Head of the Paid Service (who is also the Chief Executive) and the Shared Executive Directors (the Monitoring Officer and the Section 151 Officer are both also Shared Executive Directors).

“**Deputy Chief Officer**” means (unless otherwise stated) any officer who, as respects all or most of the duties of his/her post, is required to report directly or is directly accountable to one or more of the above statutory or non-statutory Chief Officers, excluding any person whose duties are solely secretarial or clerical or are otherwise in the nature of support service. Deputy Chief Officers currently comprise Executive Managers.

“**Chief Executive**” – the Chief Executive for the time being or such person as he or she may appoint to represent him or her for the purpose of this Constitution;

**“Head of the Paid Service”** means the officer appointed in accordance with Section 4 of the 1989 Act. The Head of the Paid Service is currently the Chief Executive;

**“Monitoring Officer”** means the officer appointed under section 5 of the 1989 Act, currently the Shared Executive Director (Strategy and Governance) or, if he or she is unable to act owing to absence or illness, the person nominated as his or her deputy;

**“Proper Officer”** means such officers as are designated Proper Officer by law, a list of which is maintained by the Senior Legal Officer

**“Section 151 Officer”** means the officer appointed under section 151 of the 1972 Act to administer the Council’s financial affairs, currently the Shared Executive Director (Commercialisation)

**“Senior Legal Officer”** currently means the Executive Manager for Governance

### **Definitions Relating To The Executive**

**“Cabinet”** – means between two and nine elected Council members appointed by the Leader and who, with the Leader, form the Cabinet.

**“Call-In”** – means the consideration by an Overview and Scrutiny Committee of an Executive Decision made but not yet implemented, which may result in the recommendation that the decision be reconsidered by the person or persons who made that decision or that the decision be reviewed by full Council in accordance with Section 9F (2)(a) and (4) of the 2000 Act.

**“Executive”** means the Leader, the Cabinet, any committee of the Cabinet, any individual Cabinet Member, any Executive joint committee, any Council officer, and any other authority collectively or individually discharging Council Executive Functions by making Executive Decisions

**“Executive Decision”** means a decision which must be discharged by the Executive

**“Executive Function”** means any function which is the responsibility of the Executive in accordance with section 9D of the 2000 Act

**“Cabinet Member”** means any member of the Cabinet including the Leader and Deputy Leader. Please note the Chairman and Vice Chairman of the Council cannot be Cabinet Members.

**“Key Decision”** means a decision which, in relation to an Executive Function, has a significant effect on communities in two or more Wards of the Council and/or is likely to result in the Authority incurring expenditure, generating income or making savings in any single financial year above the capital expenditure threshold or the revenue expenditure threshold currently laid down by the Council (both figures are increased annually in line with RPI-x (the retail prices index excluding mortgage interest payments));

**“Leader of the Council”** – such person as the Council shall so elect to be Leader of the Cabinet.

**“Deputy Leader of Council”** - such person as the Leader may appoint to the role of Deputy Leader of the Council and such person as the Leader may appoint to the role of Deputy Leader of the Cabinet.

**“Non-Executive Functions”** means those functions specified in legislation which cannot be discharged by the Executive or, where there is a Local Choice, which the Council has decided shall not be discharged by the Cabinet.

**“Portfolio Holder”** means an individual Cabinet Member with delegated authority from the Leader to make decisions on a number of matters, known as a portfolio.

### **Miscellaneous Definitions**

**“authority”** – means the South Holland District Council acting by any means which it may lawfully adopt;

**“Budget”** means the Budget requirement of the Council (as provided for in the Local Government Finance Act 1992 or any re-enactment thereof), all the components of the Budget, such as budgetary allocation to different services and projects, proposed taxation levels, council tax base, contingency funds (‘reserves’ and ‘balances’), any plan or strategy for the control of the local authority’s borrowing or capital expenditure including the Treasury Management Policy. For the sake of certainty where an Executive Decision require the virement of monies between budgets or from reserves and the decision maker is authorised to make such virement under the Financial Procedure Rules in this Constitution, such decisions will be considered to be within the budget and therefore an Executive Decision.

**“confidential”** – information given to the Council by a Government Department on terms which forbid its public disclosure or information which cannot be publicly disclosed by court Order, or by virtue of any enactment, as defined in the Access to Information Procedure Rules

**“Council”** – the South Holland District Council;

**“exempt”** – as defined by Schedule 12A of the 1972 Act and the Access to Information Procedure Rules of the Constitution.

**“Local Choice”** – the Council has a local choice whether to reserve a number of functions specified in the 2000 Regulations as Executive Functions, or as Non-Executive Functions. The Council also has a local choice to decide which plans and strategies should form part of the Policy Framework in addition to those plans and strategies which are required by the 2000 Regulations to be part of the Policy Framework.

**“member”** – in relation to the Council means a member of the Council; in relation to any other body means a person appointed as a member of that body, whether or not entitled to vote;

**“Overview and Scrutiny Committees”** means a committee or committees of the Council established in accordance with Section 9F of the 2000 Act, currently being the Policy Development Panel and the Performance Monitoring Panel and any Task-Groups appointed by them;

**“Petitions Scheme”** means a scheme for receiving and if appropriate debating petitions submitted by the public – the process is managed by the Council’s Democratic Services Team.

**“Policy Framework”** means all plans and strategies either (a) required by the 2000 Regulations to be approved by full Council (rather than by Cabinet) and (b) any Local Choice

plans and strategies which the Council has chosen to be approved by full Council (rather than by Cabinet). Further details of the Policy Framework are set out in Article 4.

**“Political Balance”** means the duty under section 15 of the 1989 Act, where the members of the Council are divided into different Political Groups, to appoint members to committees, sub-committees, Panels and certain other bodies proportionally to the number of members of each Political Group

**“Political Groups”** – a Political Group as defined in the Local Government (Committees etc.) Regulations 1990 or any statutory modification or re-enactment thereof;

**“Regulatory Committee”** – a committee undertaking “quasi-judicial” functions of the Council (such as licensing and development control)

**“Standing Committee”** means a Committee (whether required by statute or otherwise) which has been established by the full Council on a permanent basis to do its assigned work on an ongoing basis. The Standing Committees established by the full Council are detailed in Part 3 of Section D of the Constitution (Delegations to Committees) and exclude full Council, Cabinet and any Committees of the Cabinet (there are presently no Committees of the Cabinet)

**“Working Day”** excludes Saturday, Sunday and bank and public holidays;