

Definitions used in the Constitution

- (1) Any reference to an officer of the Council authorising an officer to do any act or thing shall, except where the law says otherwise, include the Head of Paid Service;
- (2) References to the masculine gender shall include the feminine, and the singular shall include the plural and vice versa, unless the context otherwise demands;
- (3) Reference to a statute or regulation includes any subsequent amendment(s) made to it; and
- (4) Unless the context otherwise demands, the following terms mean:

‘Article(s)’ – the article(s) set out in part 2 of the Constitution;

‘District’ – the area for which the Council is responsible;

‘Chairman’ – the Chairman of the Executive, a Committee / Subcommittee / Council body or the person presiding at a Committee/subcommittee meeting. Where a matter has been delegated in consultation with a Chairman of a Committee / Panel that no longer exists then the consultation shall be with the Chairman of the body which has replaced it or if the body no longer exists, the Leader of the Council;

‘Chairman of the Council’ – the person currently appointed to this position by the Council and who presides at Council meetings when present;

‘Chief Executive’ – means the Council’s Head of Paid Service (being designated as such under section 4 of the 1989 Act) or, in her absence, an officer nominated by her or designated as such by the Council due to her incapacity (see article 10 of the Constitution);

‘Chief Finance Officer’ – means the Strategic Finance Lead (being the person designated under section 151 of the 1972 Act (together with the 1988 Act and the 1989 Act), (see article 11 of the Constitution). Sometimes called the Section 151 Officer;

‘Chief Officer’ – the Chief Executive and Deputy Chief Executive;

‘Clear Working Day’ – a day which is neither a Saturday, Sunday nor a bank holiday;

‘Code of Conduct’ – the South Hams District Council Code of Members’ Conduct set out in part 5(a) of the Constitution; ‘Committee’ – a committee of the Council, being one of the following:

- Audit Committee;
- Development Management Committee;
- Licensing Committee;
- Overview & Scrutiny Panel; and
- Salcombe Harbour Board

or such other committee as the Council may from time to time appoint for the discharge of its duties;

‘Constitution’ – the document adopted for the time being by the Council which sets out how the Council operates, how decisions are made and the procedures which the Council follows;

‘Contract Procedure Rules’ – the rules governing contracts entered into by the Council (see part 4 of the Constitution);

‘Corporate Property Officer’ – Head of Practice for Assets who is responsible for the Council’s Capital Strategy and Asset Management Plan (see the Financial Procedure Rules in part 4 of the Constitution);

‘Council’ – South Hams District Council;

‘The Councils’ - South Hams District Council and West Devon Borough Council

‘Council Procedure Rules’ – the rules set out in part 4 of the Constitution;

‘Councillors’ – see Members;

‘Delegation Scheme’ – the powers and duties of the Council which have been delegated to committees or to officers in accordance with the Scheme (see Part 3 of the Constitution);

‘Deputy Chairman of the Council’ - the person currently appointed to this position by the Council;

‘Deputy Leader of the Council’ - the person currently appointed to this position by the Council or the Leader (as set out in Article 6);

‘Executive’ – the body appointed by the Council as set out in Article 6;

‘Extended Leadership Team (ELT)’ – Heads of Practice and Managers (or as otherwise determined by SLT from time to time)

‘Extraordinary meeting’ – an extra meeting of the Council which is not an ordinary scheduled meeting (sometimes referred to as special meetings);

‘Financial Procedure Rules’ – the financial rules of the Council for the time being adopted by it as set out in Part 4 of the Constitution;

‘Group Managers’ – the Business Development Group Manager, Commercial Services Group Manager and Support Services and Customer First Group Manager responsible for the Council’s service areas as set out in the Delegation Scheme;

‘Head of Paid Service’ – means the Council’s Chief Executive (being designated as Head of Paid Service under section 4 of the 1989 Act) or, in her absence, an officer nominated by her or designated as such by the Council due to her incapacity (see article 10 of the Constitution);

‘Leader of the Council’ – the person currently appointed to this position by the Council (as set out in Article 6);

‘Leader of a political group’ – the leader of a political group as defined in the Local Government (Committees, etc) Regulations 1989;

‘Majority’ – in respect of appointments, occurs when one candidate receives more votes than the sum of the votes cast for all of the other candidates;

‘Meeting’ – a meeting of the Council. Executive, Committee or other Council body;

‘Member’ – in relation to the Council, a Member of the Council and in relation to any Executive/ Committee / Council body, a person appointed as a Member of that Executive / Committee / Body. Members are sometimes referred to as Councillors;

‘Monitoring Officer’ – the Head of Practice for Legal Services (being the person designated under section 5 of the 1989 Act or, if that person is unable to act owing to absence or illness, the person nominated as her deputy);

‘Municipal Year’ – means the Municipal Year from the May Annual Meeting in one year to the May Annual Meeting in the following year

‘Notice(s) in writing’ – includes notices sent by e-mail;

‘Officer’ – employee of the Council (and West Devon Borough Council) or the holder of a paid office under the Council (or West Devon Borough Council) other than one held by a Member. Sometimes referred to as employees;

- ‘Ordinary meeting’ – a Council meeting which is scheduled for the current Council year and appears in the Council’s Schedule of meetings;
- ‘Person presiding’ – the person entitled, or appointed to preside at any meeting;
- ‘Political group’ – a political group as defined in the Local Government (Committees etc) Regulations 1989 (as amended);
- ‘Proper Officer’ – the person designated as such by the Council or Head of Paid Service;
- ‘Register of Interests’ - the register of Members’ interests as required by the Code of Conduct (see part 5 of the Constitution);
- ‘Relevant officer’ – an officer appointed for a particular purpose;
- ‘Responsible Budget Holder’ – officers who are responsible for managing cost centres within a budget (see the Financial Procedure Rules in part 4 of the Constitution);
- ‘Senior Leadership Team (SLT)’ – the Chief Executive, section 151 Officer and Group Managers;
- ‘Senior Officers’ – for the time being includes, members of the Senior Leadership Team, the Monitoring Officer, Section 151 Officer, Heads of Practice, Lead/Senior Specialists and Managers (Level 3);
- ‘Senior Specialist Democratic Services’ – shall also mean a relevant officer from Democratic or Committee Services;
- ‘Solicitor’ – a Solicitor or Lawyer employed or appointed by the Council or West Devon Borough Council;
- ‘Statutory Officers’ – Head of Paid Service, Monitoring Officer and Section 151 Officer
- ‘Sub-Committee’ – a sub-committee of one of the Council’s Committees;
- ‘Task and Finish Groups’ – as appointed by the Overview & Scrutiny Panel;
- ‘Terms of Reference’ – those functions delegated by the Council to its Committees (see part 3 of the Constitution);
- ‘the 1972 Act’ - the Local Government Act 1972;

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‘the 1988 Act’ - the Local Government Finance Act 1988;

the 1989 Act’ - the Local Government and Housing Act 1989;

‘the 2000 Act’ - the Local Government Act 2000;

“Vice Chairman” – the Vice Chairman of the Executive / Committee / Council body or the person presiding at a meeting of those bodies where the Chairman is absent or unable to act.

‘Working Group’ – a group of Councillors appointed by Council with no formal decision making powers

‘Year’ means (unless otherwise specified) the year from 1 April to 31 March (see above for Municipal Year)