

RUTLAND COUNCIL CONSTITUTION

GLOSSARY AND INDEX

This glossary explains some of the key terms used throughout the Constitution.

Authorised Representative of a Political Group - a member of a political group on the Council who has been authorised by the members of that political group to act on behalf of its Leader in matters relating to the Local Government (Committees and Political Groups) Regulations 1990, as amended.

Authority - Rutland County Council District Council acting by any means which it may lawfully adopt.

Budget Framework - the detailed contents of the budget approved by the Council each year. The Cabinet may take decisions within the Budget Framework were authorised to do so by law or by the delegated authority of the Council. Should the Cabinet take a decision outside or not wholly in accordance with the Budget Framework and the decision is subsequently 'Called-In' by the non-executive members, then the decision may be referred to the Council for review. The Chief Finance Officer is responsible for determining if decisions taken by the Cabinet are outside or not wholly in accordance with the Budget Framework.

Cabinet - the collective name given to the Leader of the Council and the other executive members.

Call-In - the process by which key decisions of the Cabinet can be postponed from being implemented by Scrutiny Committee members until either the Cabinet or the Council have reconsidered the matter. If the decision is outside the policy framework or not wholly in accordance with the budget framework, the Council may reconsider the matter. If the decision is within the policy or budget framework, then the Cabinet reconsiders its earlier decision. The Monitoring Officer is responsible for determining whether a decision is within the policy framework and the Chief Finance Officer is responsible for determining whether the decision is outside or not wholly in accordance with the budget framework.

Catmose - any reference to Catmose shall be taken to mean the administrative headquarters of Rutland County Council. It shall also apply equally to the buildings known as Catmose Cottage and the Rutland County Museum.

Chief Officer - a statutory or a non-statutory chief officer such as the Head of the Paid Service, designated under Section 4(1) of the 1989 Act; a statutory Chief Officer mentioned in paragraphs (a), (c) or (d) of Section 2(6) of the Act; a non-statutory Chief Officer (within the meaning of Section 2(7) of the Act); or any officer designated as Head of a Service.

Chief Finance Officer - the Officer appointed under Section 151 of the 1972 Act to be responsible for the Council's financial affairs.

Committee - a Committee appointed by the Council to discharge any of its powers and duties.

Council - Rutland County Council District Council acting by any means which it may lawfully adopt.

Deputation - a submission on behalf of one or more individuals or on behalf of a body or bodies but not where any of the individuals or bodies are themselves the applicant or an applicant's agent for any planning or relevant permission.

Employee - an employee of the authority or the holder of a paid office under the authority other than the Chairman, Vice-Chairman and any local officer of dignity appointed by the authority under powers conferred by a Royal Charter.

Head of Paid Service - the person designated under Section 4 of the 1989 Act to be the Head of the Council's Paid Service.

In writing - a communication in a written form. An electronic communication by e-mail or by fax will be accepted as fulfilling this requirement if the originator is clearly obvious and the electronic signature conforms to statutory requirements. Most e-mails do not currently comply with this requirement but a scanned signature in a document attached to an e-mail is acceptable.

Key Decision - a 'key decision' means an executive decision which is likely to result in the Council incurring expenditure which is, or the making of savings which are, significant having regard to the Council's budget for the service or function to which the decision relates; or to be significant in terms of its effects on communities living or working in an area comprising two or more wards in Rutland. In determining the meaning of 'significant' above regard must be paid to any guidance issued by the Secretary of State.

Leader and Deputy Leader of a Political Group - the Leader and Deputy Leader of a political group as defined in the Local Government (Committees and Political Groups) Regulations 1990, as amended.

Leader and Deputy Leader of the Council – the Leader of the Council is such person as the Council shall so designate by resolution; the Deputy Leader of the Council is such person as so designated by the Leader of the Council.

Majority Group - a political group to which belong either:

- a) More than half of the Members of the Council; or
- b) Exactly half of the Members of the Council, including the Chairman of the Council.

Meeting - a meeting of the Council, a Committee, Sub-Committee, or Cabinet as the case may be.

Member - in relation to the Council, a councillor elected to the Council. In relation to any Committee, Sub-Committee or Cabinet a person appointed as a Member of that body, whether or not elected as a councillor or entitled to vote.

Minority Group - a political group which;

- a) where there is a majority group among the Members of the Council, is not that majority group; or
- b) in any other case, is designated as such by a resolution of the Council.

Monitoring Officer - the person designated under Section 5 of the 1989 Act (designation and reports of Monitoring Officer) or, if that person is unable to act owing to absence or illness, the person nominated as his deputy under subsection (7) of that Section.

Non-Executive Member - a Member who is not appointed to the Cabinet.

Number of Members - the number of persons who may act at the time as Members of the Council. In relation to a Committee, Sub-Committee, or Cabinet, the number of persons who may act at the time in question as voting members of that body.

Person presiding - the person entitled, or appointed, to preside at any meeting.

Political Group - a political group as defined in the Local Government (Committees and Political Groups) Regulations 1990, as amended.

Policy Framework - the collective name given to the policy decisions taken by the Council in respect of its functions. The Cabinet may take decisions within the policy framework where authorised to do so by law or by the delegated authority of the Council. Should the Cabinet take a decision outside the Policy Framework and the decision is subsequently 'Called-In' by the non-executive members, then the decision may be referred to the Council for consideration. The Monitoring Officer is responsible for determining if decisions taken by the Cabinet are within or outside the Policy Framework.

Proper Officer - the person designated by the authority to carry out a specific duty which has been assigned to a proper officer in legislation. This is also known as a Proper Officer Appointment.

Received in writing - where a document or written instruction must be received in writing, it is the responsibility of the person submitting the document to ensure that it is received by the intended recipient by the deadline. It can be received electronically by Email to the Council's mailbox governance@rutland.gov.uk or physically by post or hand. Leaving the document in the Council's Customer Service Centre, Council's main letterbox or at any Council building does not qualify as being received by the recipient. The document must be physically received by the recipient or authorised deputy before the stated time to qualify as being received.

Recommendation to Council - these are decisions of a Committee, Sub-Committee, or Cabinet meeting for which they do not have relevant delegated authority or powers. These decisions have to be ratified by the Council before any action can be taken.

Resolution - decisions which are taken under delegated authority or powers. Action may be taken from the moment the decision is made subject to the expiry of any time allowed for a referral of the decision to Council or for a decision to be Called-In.

Scrutiny Committee - the name in Rutland which is given to overview and scrutiny Committees as defined in the Local Government Act 2000.

Section 151 Officer - the Chief Finance Officer appointed under Section 151 of the 1972 Act to be responsible for the Council's financial affairs.

Standing Committee - a Committee appointed by the Council to discharge specific functions and powers on behalf of the Council for the whole of the Municipal Year.

Sub-Committee - a body appointed by a Committee to discharge the Committee's powers and duties under delegated authority.

Task and Finish Scrutiny Group - A working group of members established by the Overview and Scrutiny Committee with terms of reference. A Task and Finish Group gathers evidence from a range of sources, including site visits, visits to other organisations, expert evidence, workshops, listening exercises and research, as well as committee meetings with Cabinet members and senior officers. Members identify key findings and develop recommendations for Cabinet/Council that are evidence based and clearly link to the main messages arising from the key findings.

The 1972 Act - the Local Government Act 1972.

The 1989 Act - the Local Government and Housing Act 1989.

The 2000 Act - the Local Government Act 2000.

The 2011 Act – the Localism Act 2011

The Whole Number of Members - in relation to the Council, the total number of persons who may become Members of the Council, disregarding anyone who is a Member of the Council only by virtue of Section 3(3) or Section 5(2) of the 1972 Act (Chairman and Vice-Chairman to remain Members until replaced).

Without comment - in relation to the moving, seconding or putting of a Motion, without any person speaking except to indicate the wording of the Motion, the fact that it is being moved, seconded or put, or (in the case of the person presiding) the effect of adopting the Motion.

Working Days - working days is used as a reference to clear days within the meaning of the Access to Information Rules and excludes the day of despatch of the agenda, the day of the meeting, Bank Holidays, Saturdays and Sundays and any days set aside for public celebration or mourning.

Working Party - references to a Working Party shall also include a Forum, Working Group and any other meetings to which the requirements of the Local Government (Committees and Political Groups) Regulations 1990, as amended, do not apply.