

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 / sub-committee / council body or the person presiding at a committee or sub-committee 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;

‘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 ~~Executive Director of Strategy & Commissioning and Head of Paid Service~~ (being designated as such under section 4 of the 1989 Act) or, in his absence, an officer nominated by him or designated as such by the Council due to his incapacity (see article 10 of the Constitution);

‘Chief Finance Officer’ – ~~the Community of Practice Finance Lead (and includes all references to the Head of Finance & Audit)~~ 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 Executive Directors;

‘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’ – Community of Practice Lead Specialist (Assets) (which for the time being includes reference in this Constitution to the former **Head of 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);

‘Senior Specialist Democratic Services Democratic Services Manager’ – shall also mean a relevant officer from Democratic or Committee Services;

‘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 (as set out in Article 6);

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

‘Executive Directors’ – ~~the Executive Director of Strategy & Commissioning (Head of Paid Service) and~~ the Executive Director of Service Delivery & Commercial Development and Head of Paid Service;

'Extended Leadership Team (ELT)' – Executive Directors, Group Managers, Communities of Practice Leads and Level 3 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 **Executive Director of Service Delivery and Commercial Development - Strategy & Commissioning and Head of Paid Service (HoPS)** (being designated as such under section 4 of the 1989 Act) or, in his absence, an officer nominated by him or designated as such by the Council due to his 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 ~~whether or not entitled to vote~~. Members are sometimes referred to as Councillors;

'Monitoring Officer' – 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;

'Notice(s) in writing' – includes notices sent by ~~fax or~~ e-mail;

~~**'Number of Members'** – in relation to the Council, the number of persons who may act at the time in question as Members of the Council, and in relation to the executive / committee / body, the number of persons who may act at the time in question as voting members of that body;~~

‘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 Executive Directors and Group Managers;

‘Senior Officers’ – for the time being includes, members of the Senior Leadership Team, the Monitoring Officer, S151 Officer, Community of Practice Specialist Leads, Lead/Senior Specialists and Managers (Level 3);

‘Solicitor’ – a Solicitor or Lawyer employed or appointed by the Council or West Devon Borough Council;

‘Sub-Committee’ – a sub-committee of one of the Council’s Committees;

‘Task and Finish Groups’ – as appointed by the Overview and 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;

‘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 committee meeting where the chairman is absent or unable to act.