

# Somerset County Council Constitution

## Glossary

*This glossary explains key terms used in the Council's Constitution but is not part of the Constitution.*

### Adjourned

To suspend (i.e. a meeting) with the intention to resume it later.

### Annual Governance Statement

A public statement which reviews how well the Council has kept to its own governance rules.

### Annual Statement of Accounts

See Statement of Accounts.

### Anti-Fraud and Corruption Strategy

The Council's strategy for protecting its valuable resources which describes the expectations and practices to avoid their loss.

### Asset Management Plan / Strategy

The Council's approach to getting the best possible value and revenue from things it owns (assets), such as buildings, land, roads and technology.

### Approved Supplier List

A list of suppliers which have met specific criteria to enable them to provide particular goods or services to the Council.

### Balance Sheet

A statement of the Council's assets, liabilities, and capital at a particular point in time which details the balance of the Council's income and expenditure over the preceding period.

### Budget

Every year the Council puts a financial plan or budget in place. This shows how and where the Council will spend money to provide services and deliver the aims which it set out in its corporate plan / vision. It also sets the level of Council tax which it will charge in the next financial year. All councils must set a balanced budget.

### Cabinet

Also known as the Executive, the Cabinet is the Council's strategic decision-making body responsible for making the majority of decisions - "Executive Decisions"- for which the Council is responsible. The Cabinet is made up of the Leader and up to nine other elected councillors, including up to two Deputy Leaders, who are appointed and led by the Leader of the Council

### Cabinet Member

An elected councillor appointed to the Cabinet by the Leader. Some Cabinet Members are assigned responsibility for a specific 'portfolio' and are sometimes referred to as 'Portfolio Holders'. Cabinet Members can also make key decisions which are included in the Forward Plan.

### Capital and Investment Strategy

The Council's medium to long term plan for investing in its asset base.

### Capital Programme

Part of the Medium Term Financial Plan which sets out capital projects approved by full Council over a medium term, multi-year period.

### Chair of the Council

The Chair of the Council is an elected member who chairs meetings of the Council and carries out a variety of civic and ceremonial duties. The Chair is elected to be the Chair by the other members of the Council, usually at the Council's Annual Meeting in May. The Chair cannot be a Cabinet Member and is assisted in their work by the Vice-Chair.

### Chief Executive

The Council's most senior Officer who is responsible for the management and direction of the Council's Officers. The Chief Executive manages the Council's Senior Leadership Team and is accountable to the Leader of the Council, the Cabinet and the Council as a whole. The Chief Executive is designated as the Council's Head of Paid Service and is one of the Statutory Officers.

### Chief Finance Officer

The Chief Finance Officer (CFO) is a Statutory Officer\*. The CFO is responsible for managing the Council's finances and providing expert financial advice to the Council. The CFO must be a qualified accountant and balancing the Council's budget each year is one of their major responsibilities. This officer is referred to as the Section 151 Officer throughout this Constitution.

*\* Section 151 of the Local Government Act 1972 requires every Council to have a Chief Financial Officer.*

### Clear Days

Does not include the starting or finishing day. Example: for 5 clear days notice: do not include the day when notice was given. If this was on a Tuesday, time starts to run on Wednesday. Notice would not be completed until 12.01am the following Wednesday. If clear working days are used Saturday, Sunday or bank holidays would not be counted.

### Code of Conduct (Councillor Code of Conduct / Officer Code of Conduct)

A set of rules which elected and co-opted councillors and officers must follow.

### Commercial Agreement

A type of contract by way of which goods, services or other tasks are provided or undertaken for consideration (usually money).

## Commissioning

Within the Council, the process of specifying, securing and monitoring service delivery by and from a provider- usually from outside the Council (i.e. a contractor).

## Committee

A Committee is a formal group of elected councillors whose remit, terms of reference and operating rules are set out in the Council's Constitution. There are many different committees of the Council. Each one makes decisions about a specific area of responsibility – for example audit or planning.

## Confidential Information

In relation to meetings and reports this is information which the Council has received from a Government department on terms but which it cannot disclose publicly.

It can also be information which (i) the Council cannot disclose due to a court order or legislation or (ii) is not in the public domain, is information which you would expect to be kept out of the public domain and was given to the Council in such a way that made it clear it was meant to be kept confidential.

## Constitution

A governance document, or 'rule book', which sets out how the Council is run, how decisions are made and how it complies with the law.

## Contingent Liability

A liability which may be incurred by the Council dependent upon a future uncertain event, eg a court case.

## Contract

An agreement which: may be oral, written, partly oral and partly written or implied from conduct between the Council and another person; gives rise to obligations which are enforceable or recognised by law (i.e. legally binding); and commits the Council to paying or doing something.

A reference to a contract may also include a contract to which the Contract Procedure Rules apply and a "call off contract" means an order made or call off contract entered into under a Framework Agreement.

## Contractors

See suppliers.

## Contract Management

The process of ensuring the contract results in the benefits and outcomes envisaged and that the advantages secured during the tendering phase are realised and improved through further proactive performance management during its term.

## Contract Management System

The IT system and associated processes used to support supplier and contract management, providing visibility and a single view of all Council contracts. It includes the Council's contract register.

## Contract Procedure Rules

The part of the Constitution that sets out the procedures to be followed when seeking to establish a contract with an external supplier.

## Council

The term often used to refer to the whole organisation (i.e. members and officers); but see full Council below. The Council is led by councillors who are elected by the public. They set the priorities and the budget for the organisation. Staff working for the Council (officers) deliver the day to day operations. The word Council is used to refer both to the organisation as a whole and specifically to the decision-making body.

## Council Body

May include any Committee, Board or Panel.

## Council Tax

The income collected from residents based on banded property values and which funds a significant proportion of Council services.

## Councillor

A councillor is elected and is a member of the Council. Councillors stand for election normally every four years and are accountable to the residents of a specific area (their electoral ward) but are responsible for making decisions for the entire Council area.

Councillors do not have to be a member of a political party, but most do; those who do not are known as 'un-grouped' or 'independent' councillors.

## Councillor Call for Action

The Councillor Call for Action allows councillors to refer matters of concern within the community to the relevant Board or Committee. The aim of this opportunity is to provide councillors with additional powers that enable them to respond to local community concerns which have proved difficult to resolve.

## Debt Management Strategy

The Council's strategy to manage and recover the sums of money it is owed.

## Decisions

The choices and agreements made on a particular issue. The Council's Constitution sets out the rules on how formal decisions are to be taken in compliance with the law. The Constitution also sets out that decisions are to be recorded and published. (see also Key Decisions)

## Director

The Council's most senior officers report directly to the Chief Executive and are accountable to Members and the Cabinet. These posts include the statutory Director of Adult Social Services (DASS) and the Director of Childrens Services (DCS).

## Disclosable Pecuniary Interest

Means a financial interest as defined in [‘The Relevant Authorities \(Disclosable Pecuniary Interests\) Regulations 2012](#)

### Division

A division is an electoral area. Somerset County Council has 55 divisions.

## **Elected Member**

See Councillor

## **Executive**

See Cabinet

### Exempt Information

In relation to meetings and reports this means information which can be withheld from the public. It must pass one of seven tests in order for it to be exempt and it must also be in the public interest to do so. If an item is deemed to be exempt during a public meeting, then members of the public and any press have to leave the meeting while exempt information is being discussed.

### External Auditors

An independent auditor appointed to review the Council’s financial and management arrangements.

### Financial Year

The financial year for the Council is not the same as the calendar year. Our financial year starts on 1st April and ends on 31<sup>st</sup> March.

### Financial Regulations

The rules which set out how the Council will manage its financial affairs

### Forward Plan

A list of the ‘key decisions’ the Council will make over the next one to four months. The forward plan also includes a summary of any reports which will be presented to the Cabinet. You can see the forward plan for the Council on the website.

### Framework

A term used in different ways which refers to the way that the Council operates, for example, policy framework, commissioning framework, governance framework.

### Full Council

The full Council is all the 110 councillors who make up Somerset County Council. Full Council meets throughout the year with the meeting being chaired by the Chair. Full Council takes specific decisions, including setting the budget. It also appoints committees to make decisions about specific issues such as planning and licensing.

### Function

Within the Council, a function is a service which the Council provides or an activity which it undertakes, or which it has a duty to deliver; for example housing and education.

## Head of Paid Service

The Head of Paid Service is a 'statutory officer' with overall responsibility for the employment of Council Officers (currently the Chief Executive).

## Independent Person

The Council has to have at least one designated independent person who is not a councillor or a member of staff. The independent person is consulted about complaints made against councillors and also about the dismissal of one of the council's statutory officers.

## Key Decision

Key decisions are executive decisions (not those made by committee) and are defined in the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) (Regulations) 2012 and are decisions which:-

- Result in the Council incurring expenditure which is, or making savings which are, significant having regard to the Council's budget for the service or function to which the decision relates; or
- Are deemed significant in terms of their effect on communities living or working within the area of the Council.

The Council has decided that other significant decisions will be treated as key decisions, described in the Constitution. Key decisions are taken by the Leader, the Cabinet, Cabinet Members or Officers under delegated authority.

## Leader (of the Council)

Councillors elect a person who will be the leader of the council. Usually this is the leader of the largest political group on the whole council. The Leader of the Council is also the Leader of the Cabinet and will appoint up to nine other councillors to form the Cabinet to take Executive decisions on behalf of the Council. The Leader can appoint up to two Deputy Leaders from the councillors appointed to the Cabinet.

## Legal Professional Privilege

Confidential communications between lawyers and their clients can be withheld from a court or from a third party using legal professional privilege.

## Legislation

The Law which can be made by Parliament which takes the form of an Act of Parliament (a statute) or Statutory Regulations or By-laws which can be made by the Council.

## Medium Term Financial Plan

Sets out the Council's budget (revenue and capital) over a period of more than one year; is linked to the Corporate Plan and Service Plans.

## Member

See Councillor.

## Minutes

The formal written record of a meeting. Minutes of Council meetings are available on the Council's website.

### Monitoring Officer

The Monitoring Officer is a 'statutory officer' responsible for the lawful and good governance of the Council, in particular the Constitution, decision-making and the conduct of councillors and officers.

### Motion

A proposal for a discussion or debate.

### Municipal Year

The period between annual meetings of the Council. The municipal year is not the same as the council's financial year, which starts on 1 April. The municipal year usually starts in May but is not a fixed date and as such the number of days in a municipal year varies slightly.

### Officer

Someone employed by the council.

### Planning Applications

Means planning applications for consent as well as applications for reserved matters approvals.

### Planning Officer

Means an employee of the Council tasked with processing and evaluating planning applications

### Policy

A policy sets out a strategic objective for the Council and provides a framework of principles and guidelines which officers must follow to achieve those objectives.

### Policy Framework

Refers to the Council's strategies and policies.

### Point of Order

Where a councillor considers that a breach of the Procedure Rules or legislation has occurred within a debate

### Portfolio

Within the Council, a portfolio is a specific area of responsibility, for example housing. You can see the portfolios and who is responsible for each area (the Portfolio Holders) on the website.

### Procedure

The means by which a strategy or policy will be implemented or a process which must be followed.

### Procurement

How the Council identifies, sources, selects and manages the resources which it needs to buy in to deliver services or meet its strategic objectives.

### Proper Officer

A term used to refer to the Council's lead Officer for a particular function.

## Quorum

The minimum number of attendees who have to be present at a meeting of the Council, a Committee or Sub-Committee etc to begin and / or conduct its business. If at any time a meeting is not quorate, its decisions at that time are not valid.

## Representations

Members of the public can give their views on any Cabinet or Cabinet Member reports or on proposed decision by informing Democratic Services by the deadline outlined in the report

## Reserves

Sums of money set aside on the Council's balance sheet. The Council has 'general reserves' and 'earmarked reserves' which are set aside for a specific purpose.

## Scheme of Delegation

The Scheme of Delegation sets out how the Council and the Cabinet have delegated authority to a committee or another body or to an individual councillor or senior officer to exercise their powers or perform their functions. The officer Scheme of Delegation concerns those powers and functions delegated to officers. The Scheme of Delegation will also specify any limits on the delegated authority.

## Section 151 Officer (S151 Officer)

See Chief Finance Officer.

## Standards Complaint

Refers to a complaint made against an elected or co-opted member that the member concerned has failed to comply with the relevant Members' Code of Conduct.

## Statement of Accounts

A document required by law which sets out the Council's financial position at 31<sup>st</sup> March each year and includes the Council's income and expenditure for a given financial year.

## Statute

An Act of Parliament – the law.

## Statutory

Required by law. Councils have statutory duties including preventing homelessness, managing community safety and determining planning applications.

## Statutory Officers

The Council is required by law to appoint officers in certain key roles. The Statutory Officers are the Head of Paid Service; the Monitoring Officer and the Section 151 Officer. The Council must also appoint other officers including a Director for Children's Services and the Director for Adult Social Services, a Director of Public Health and a Scrutiny Officer. For full details see the website.



This document is not a part of the constitution, but is guidance provided for the assistance of members

### Sub-Committee

A group of elected councillors from the committee in question convened to undertake a particular task or perform a particular function. The sub-committee then reports back and is accountable to the committee.

### Suppliers

Also known as 'contractors' suppliers are those parties which enter into a contract with the Council to provide goods or services.

### Trading Account

Services which are funded by generating income from internal and external sources.

### Treasury Management Strategy

The way in which the Council manages its cash, borrowing, lending and investments, and associated risks.

### Virement

The movement of money from one budget heading to another.

### Vires (intra vires / ultra vires)

A Latin word which means 'powers'. Within the Council vires concerns the power or lawful authority to make a decision, perform a function or undertake an action. A decision made, function performed or action undertaken will be 'intra vires' if the Council has the power and lawful authority to do it and 'ultra vires' if it does not.