

1. Interpretation of the Constitution

1.1 In this Constitution, the following words and phrases have the following meanings, unless the context dictates otherwise:

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| "Access to Information Procedure Rules" | means the procedure rules in Chapter 8 of the Constitution, which set out rights of access to Council information; |
| "Annual Governance Statement" | means the Council's annual statement setting out the effectiveness of its internal control and governance arrangements; |
| "Annual Meeting" | means the annual meeting of the Council that takes place in accordance with the Council Procedure Rules and makes decisions in relation to the running of the Council for the municipal year; |
| "Assistant Director / Director" | means an Officer who reports directly to the Chief Executive / Head of Paid Service or to an Executive Director and is designated by them to be an Assistant Director or a Director; |
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| "Best Value" | means the duty placed on the Council to ensure best value in line with its duties under the Local Government Act 1999; |
| "Budget" | means the Council's budget as set in accordance with Chapter 3, Part 3, or otherwise set by the Council; |
| "Budget Manager" | means an Officer who has delegated responsibility for an allocated budget; |
| "Cabinet" | means the Leader and Cabinet Members meeting as a body; |
| "Cabinet Member" | means the Leader or another Councillor appointed by the Leader to be a Cabinet Member; |
| "Cabinet Member for Finance" | means the Cabinet Member whose responsibilities include financial matters and who is designed by the Leader as the Cabinet Member for Finance; |
| "Cabinet Approval Threshold" | as defined in the Procurement Thresholds Annex; |
| "Call-in" | means the process by which Executive decisions which have been made but not yet implemented may be "called in" for consideration by the Council's scrutiny function; |
| "Capital Programme" | means the programme identifying capital schemes and their cost over time, linked to the Council's Capital Strategy; |

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| "Capital Strategy" | means the strategy required by CIPFA's Prudential Code to demonstrate how the Council's capital expenditure, capital financial, and treasury management activity contribute to the provision of desired outcomes and take account of stewardship, Value for Money, prudence, sustainability and affordability; |
| "Chair" | means the chair of the Council or the chair of any meeting, as the context requires; |
| "Chief Executive" | means the Officer appointed by Council to act as its Chief Executive; |
| "Chief Finance Officer" / "Section 151 Officer" | means the Officer appointed by the Council to act as its Chief Finance Officer and who will also be responsible for the proper administration of the authority's financial affairs in accordance with section 151 of the Local Government Act 1972; |
| "Chief Officer" | means the Chief Executive / Head of the Paid Service, Statutory Chief Officers, Executive Directors and any other Officer designated by the Chief Executive / Head of the Paid Service to be a Chief Officer; |
| "Council-owned Company" | means a company or other entity that is wholly or partly owned by the Council and/or in relation to which the Council is a shareholder; |
| "Council Procedure Rules" | means the rules governing how the Council operates as set out in Part 2 of Chapter 2 of the Constitution; |
| "Clear Days" | means a complete period of 24 hours (including weekends and Bank Holidays), excluding the day when notice is given or deemed to be given and the day for which it is to take effect; |
| "Clear Working Days" | means a complete period of 24 hours (excluding weekends and Bank Holidays), excluding the day when notice is given or deemed to be given and the day for which it is to take effect; |
| "CIPFA" | means the Chartered Institute of Public Finance and Accountancy; |
| "Committee" | means any committee of the Council and/or any committee of Cabinet, as the context requires; |
| "Commissioners" | means the commissioners nominated by the Secretary of State under sections 15(5) and (6) of the Local Government Act 1999 to oversee the Council's functions; |
| "Council" | means Thurrock Council; |
| "Councillor" | means a person elected to the Council to represent a Ward; |

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| <p>“Data Protection Legislation”</p> | <p>means:</p> <p>(a) the Data Protection Act 2018 (DPA 2018), the UK General Data Protection Regulation (UK GDPR) and the Privacy and Electronic Communications Regulations (PECR); and</p> <p>(b) any corresponding or equivalent national laws or regulations issued by any relevant regulator, authority, or body responsible for administering data protection (as applicable);</p> |
| <p>“Debt Reduction Strategy”</p> | <p>means the Council’s strategy for reducing its debt burden</p> |
| <p>“Decision-Taker”</p> | <p>means any body or person, whether Member or Officer, which is responsible for taking a proposed decision;</p> |
| <p>“Deputy Chief Officer”</p> | <p>means a deputy chief officer within the meaning of section 2(8) of the Local Government Housing Act 1989;</p> |
| <p>“Deputy Leader”</p> | <p>means the Cabinet Member nominated by the Leader to hold that officer and notified by the Leader to the Chief Executive in writing;</p> |
| <p>“Departure Decision”</p> | <p>means a decision which:</p> <p>(a) is or would be contrary to the Policy Framework;</p> <p>(b) or contrary to or not wholly in accordance with the Council’s approved Budget,</p> <p>and is not an Urgent Decision or a Very Urgent Decision;</p> |
| <p>“Directorate”</p> | <p>means each directorate of the Council which is managed by an Executive Director to deliver services;</p> |
| <p>“Directorate Scheme of Delegation”</p> | <p>means the scheme of delegation applicable to a particular Directorate, as determined by the relevant Executive Director and notified to the Chief Executive;</p> |
| <p>“Disciplinary Action”</p> | <p>means any action in relation to an Officer occasioned by misconduct which, if proved, would under the Council’s disciplinary policy, be recorded on the Officer’s personal file, and includes any proposal for the dismissal of an Officer for any reason other than redundancy, permanent ill health or infirmity of mind or body but does not include a failure to renew a fixed term contract unless the Council has undertaken to renew such a contract;</p> |

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| “Executive” | means any part of the Council which is discharging Executive Functions; |
| “Executive Director” | means an Officer who reports directly to the Chief Executive / Head of Paid Service and is designated by them as an Executive Director; |
| “Executive Function” | means any function of the Council which is to be discharged by the Executive by virtue of section 13 of the Local Government 2000, the Local Authority (Functions and Responsibilities) (England) Regulations 2000 as amended, or any resolution of Council; |
| “Executive Leader” | means the Member of the authority who is elected by the Council under sections 44A or 44B, or as may be under section 44C(2), of the Local Government Act 2000 as amended; |
| “External Audit” | means the independent evaluation of the Council’s financial statements by a third party “External Auditor”; |
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| “Forward Plan” | means the statement of proposed executive Key Decisions prepared by the Executive in accordance with the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012 as amended; |
| “Full Council” | means the body where all Councillors act to exercise the functions of the Council; |
| “Find a Tender” | means the advertising platform for notices above the PCR Threshold; |
| “Group” | means a group of two or more Councillors, usually but not necessarily from the same political party, who have identified themselves as a group; |
| “Group Leader” | means the leader of any Group within the Council; |
| “Head of Paid Service” | means the Officer appointed by the Council to be the Council’s Head of Paid Service in accordance with section 4 of the Local Government and Housing Act 1989. The Council’s Head of Paid Service is the Chief Executive; |
| “Internal Audit” | means independent assurance in relation to the Council’s risk management, governance and internal controls provide by its Internal Audit function; |
| “Intervention” | means intervention by central government in the Council’s functions pursuant to directions issued by the Secretary of State, including the appointment of Commissioners; |
| “Invitation to Tender” | means an invitation to submit a Tender in the form required by the Contract Procedure Rules; |

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| “Key Decision” | as defined in the Financial Limits Annex; |
| “Leader” | means the Councillor for the time being elected by the Council to be the Executive Leader; |
| “Leader of the Opposition” | means the leader of the largest political group in the Council of which no member is a Cabinet Member; |
| “Major Contract” | means a contract where a longer duration is required due to the nature of the services (for example, facilities management or processing contracts), as determined by the Head of Procurement; |
| “Medium Term Financial Strategy” or “MTFS” | means a rolling 3 to 5-year strategy, which considers the financial climate at both the local and national level together with available resources and budgetary pressures to set a medium-term financial strategy. The MTFS focuses on both revenue expenditure and capital expenditure, as well as setting out the Council’s overall financial strategy; |
| “Member” | means a Councillor, or a person chosen by the Council to serve on a Member body (called a “Co-Opted Member”); |
| “Minimum Revenue Position” or “MRP” | means the minimum revenue the Council must set aside to repay the principal of its debt; |
| “Monitoring Officer” | means the Officer designated by Council to be the authority’s Monitoring Officer in accordance with section 5 of the Local Government and Housing Act 1989. The Council’s Monitoring Officer is the Executive Director Corporate Services; |
| “Non-Executive Function” | means any function of the Council which is to be discharged by any part of the Council other than the Executive by virtue of section 13 of the Local Government Act 2000, the Local Authority (Functions and Responsibilities) (England) Regulations 2000 as amended, and any resolution of the Council; |
| “Officer” | means all employees engaged by the Council to carry out its functions, including those engaged under short term, agency, contract or other non-employed situations to carry out such functions, to the extent that the Council has included conditions to that effect in any contractual arrangements under which they are working, as well as those employed by the Council on a permanent basis; |
| “Opposition” | means the largest political group in the Council, no member of which is a Cabinet Member; |
| “Outside Bodies” | means |
| “PCR 2015” | means the Public Contracts Regulations 2015; |
| “PCR Thresholds” | means the financial thresholds set out in the PCR 2015, and above which the procurement procedures set out in the PCR 2015 apply; |

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| “Policy Framework” | means the high-level plans and strategies to be decided by Council, as set out in Chapter 2, Article 4 Paragraph 5; |
| “Procurement Thresholds Annex | means the Annex setting out the procurement processes and authorisations that apply to spend at certain financial thresholds (including PCR Thresholds); |
| “Procurement Board” | means the board appointed to review contracts entered into by the Council; |
| “Procurement Guide” | means the procurement handbook setting out details of the Council’s procurement procedures, as issued by the Head of Procurement from time to time; |
| “Proper Officer” | means an Officer appointed by the Council to discharge a particular function as set out in section 270(3) of the Local Government Act 1972; |
| “Prudential Indicators” | means mandatory indicators that local authorities are required to take into account when making capital expenditure plans, including for example, capital financing requirement and total external debt; |
| “Purchase to Pay” | means the end-to-end purchasing process adopted by the Council; |
| “Regulatory Provisions” | as defined in Rule 5.1 of the Contract Procedure Rules; |
| “Reporting on meetings” | as defined in The Openness of Local Government Bodies Regulations 2014 as: (a) filming, photographing or making an audio recording of proceedings at a meeting; (b) using any other means for enabling persons not present to see or hear proceedings at a meeting as it takes place or later; and (c) reporting or providing commentary on proceedings at a meeting, orally or in writing, so that the report or commentary is available as the meeting takes place or later to persons not present; |
| “Responsible Officer” | means an Officer with responsibility for conducting purchasing processes for the purchase of works, supplies (goods) or services on behalf of the Council; |
| “Revenue Budget” | means the Council’s budget for revenue spending in any financial year; |
| “Scheme of Delegation” | means the Council’s scheme of delegation as set out in Chapter 6 of this Constitution; |
| “Section 114 Period” | means the period during which financial restrictions relating to a report under section 114 of the Local Government Finance Act 1988 are in force; |

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| “Senior Leadership Team” | means the body comprised of the Council’s most senior officers, and which is responsible for providing strategic oversight of the Council’s operations; |
| “Service” | means any of the services provided by the Council; |
| “Service Budget” | means the budget of a particular Service, which forms part of the Budget; |
| “Service Cabinet Member” | means the Cabinet Member with particular responsibility for a Service area; |
| “Small Procurement Threshold” | as defined in the Procurement Thresholds Annex; |
| “Statement of Accounts” | means an annual statement of the Council’s accounts, setting out its financial position for the financial year; |
| “Statutory Chief Officer” | means the Council’s: <ul style="list-style-type: none"> (a) Chief Executive / Head of the Paid Service; (b) Section 151 Officer; (c) Monitoring Officer; (d) Executive Director of Children's Services; (e) Director of Public Health; and (f) Executive Director Adults, Housing and Health; |
| “Sub-Committee” | means any sub-committee of a Committee; |
| “Tender” | means a written offer made by any person (following an invitation from the Council) which can be accepted by the Council to form a binding contract; |
| “Treasury Management Policy Statement” | means the Council's statement setting out the policies, objectives and approach to risk management of its treasury management activities; |
| “Treasury Management Practices” or “TMP” | means setting out the manner in which the Council will seek to achieve its treasury management policies and objectives, and prescribing how it will manage and control those activities. |
| “Treasury Management Strategy” | means the Council’s strategy setting out how it manages its money and any financial risks to ensure that it has sufficient money available to manage its day-to-day business and comprises the Council’s borrowing and investment strategy, Prudential Indicators, and MRP; |
| “Urgent Decision” | means an executive decision the implementation of which, in the opinion of the Decision-Taker, cannot reasonably be deferred to allow for Call-In; |

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| "Urgent Decision" | means an executive decision, which, in the opinion of the decision-taker is so urgent that it cannot reasonably await the publication of the next Forward Plan before it is taken; |
| "Value for Money" | means the optimum combination of whole-life cost and quality (or fitness for purpose) to meet statutory duties, which includes consideration of social value. |
| "Very Urgent Decision" | means an executive decision, which in the opinion of the decision-taker is so urgent that it cannot reasonably await the giving of five clear days' notice to the Chair of the relevant Overview and Scrutiny Committee before it is taken; |
| "Ward" | means an administrative division of Thurrock served by one or more Councillors. |

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