

## A – Z of the Constitution

In the Constitution the words and phrases in the left hand column have the meaning given in the right hand column:-

<p>Background Paper</p>	<p>Documents relating to the subject matter of a report which in the opinion of the Proper Officer:</p> <p>(a) disclose any facts or matters on which the report or any important part of the report is based; and</p> <p>(b) which have been relied on to a material extent in preparing the report</p> <p>but does not include published works or those which disclose <i>Exempt</i> or <i>Confidential Information</i> and in respect of <i>Cabinet</i> reports, the advice of a political advisor.</p>
<p>Budget</p>	<p>This includes the allocation of financial resources to different services and projects, proposed contingency funds, the council tax base and decisions relating to the control of the Council's borrowing requirement, the control of its capital expenditure and the setting of virement limits</p>
<p>Cabinet</p>	<p>The Cabinet and its Members (previously referred to collectively as the Executive), operate within the policy framework and budgets set by the Council and this constitution, and are responsible for taking most of the day-to day decisions made by North East Derbyshire District Council.</p> <p>The Cabinet is made up of eight members and is chaired by the Leader of the Council. It usually meets every four weeks.</p>
<p>Chief Finance Officer</p>	<p>Otherwise known as the Section 151 Officer and is a statutory appointment within the Council</p>

Chairman of the Council	<p>The Chairman of the Council is the civic and ceremonial head of the District.</p> <p>The Chairman is elected annually to:</p> <ul style="list-style-type: none"> <li>- to promote the Council's Constitution and ensure that it is followed during Council Meetings.</li> <li>- to chair or manage our Council Meetings so that it can carry out the business of the day in the interest of the community.</li> <li>- to make sure that the Council Meeting is a forum for debate</li> <li>- to make sure that the Council Meeting is a place at which councillors who are not members of the Cabinet, can hold the members of the Cabinet to account for their decision-making.</li> </ul>
Confidential Information	Information given to the Council by a Government Department on terms which forbid its public disclosure or information which cannot be publicly disclosed by Court Order.
Contracts Rules	Provide a corporate framework for the procurement of all goods, services and works for the Council
Council Functions	The local authority functions which by law cannot be carried out by the Cabinet
Council Meeting	When all Councillors attend a formal meeting held in the Council Chamber and chaired by the Chairman of the Council
Council Rules	Set out how meetings of the Council and most Committees will be conducted

Councillor	<p>Sometimes known as a 'Member' a councillor represents his or her ward on the council and acts as an advocate and decision-maker for local issues.</p> <p>To find out who your councillor is and to see a map of the wards please go to our Councillor Webpages.</p>
Designated Office	<p>The office designated for the posting and inspection of notices of meetings in the Access to Information Rules – the District Council Offices, 2013 Mill Lane, Wingerworth, Chesterfield</p>
Standards Committee	<p>A Committee of Councillors which helps Councillors achieve high standards of ethical behaviour</p>
Executive Functions	<p>Can only carried out by the Cabinet, a committee of the Cabinet, an officer, another authority, or by joint arrangements</p>
Exempt Information	<p>Information falling within any of the 7 categories defined in Schedule 12A of the Local Government Act 1972 as amended and set out in a table following this A – Z of the Constitution.</p>
Five Clear Days	<p>A period of five days, excluding the day of the meeting, the day on which the meeting is called, weekends and bank holidays during which copies of the agenda and reports of a meeting must normally be available for inspection under the Access to Information Rules</p>

Head of Paid Service	Every council has to have a Head of Paid Service, who is ultimately responsible for the councils' delivery of good services and is responsible for reporting to the Council on how staff are organised and deployed.
Housing Land Transfer	The approval or adoption of applications (including in draft form) to the Secretary of State for approval of a programme of disposal of 500 or more properties to a person under the Leasehold Reform, Housing and Urban Development Act 1993 or to dispose of land used for residential purposes where approval is required under sections 32 or 43 of the Housing Act 1985
Key Decision	<p>A decision taken by the <i>Cabinet</i>, a committee of the <i>Cabinet</i>, an area or joint committee in connection with the discharge of an <i>Executive Function</i> and which is likely:</p> <p>(a) to result in the Council spending or saving £100,000 or over in relation to revenue or £250,000 or more in relation to Capital; or</p> <p>(b) to be significant in terms of its effects on communities living or working in an area comprising two or more <i>Wards</i> in the District.</p> <p>For the purposes of (b) above and any issue which, in the opinion of the <i>Leader of the Council</i>, is likely to have an impact on people shall be regarded as significant in terms of impact on communities. In deciding whether an issue is significant the <i>Leader</i> shall have regard:</p> <ul style="list-style-type: none"> <li>- to whether the decision may incur a significant social, economic or environmental risk</li> <li>- to the likely extent of the impact of the decision both within and outside the District</li> <li>- to whether the decision is likely to be a matter of political controversy</li> <li>- to the extent to which the decision is likely to result in substantial public interest</li> </ul>

Leader of the Council	The Leader of the Council must lead the cabinet in their decision-making and at North East Derbyshire is elected by the Council. The Leader of the Council is the political Head of the Council and will appoint his/her Cabinet.
Meeting	A meeting of:- (a) the <i>Council Meeting</i> (b) the <i>Scrutiny Committees</i> (c) the <i>Standards Committee</i> (d) the <i>Planning Committee</i> (e) the <i>Licensing Committee</i> Or a public meeting of the <i>Cabinet</i> , called in accordance with the Access to Information Rules.
Monitoring Officer	A statutory officer responsible for maintaining an up to date version of the Constitution and for contributing to the promotion and maintenance of high standards of conduct by Members through support to the Standards Committee
Parish Member	A member of the Standards Committee who is also a member of a parish council wholly or mainly in the District.
Policy Framework	The following plans and strategies:- <ul style="list-style-type: none"> <li>• Community Safety Partnership Plan</li> <li>• Corporate Plan (“Making a Difference”)</li> <li>• Food Law Enforcement Plan</li> <li>• Governance Arrangements (changes to the Constitution, new executive arrangements and changes to the Petitions Scheme and local Code of Conduct)</li> <li>• Housing Revenue Account Business Plan</li> <li>• Licensing Policy Statement</li> <li>• Local Plan</li> <li>• Medium Term Financial Plan</li> <li>• Pay Policy Statement (Localism Act)</li> <li>• Sustainable Community Strategy</li> <li>• Treasury Management Strategy</li> </ul>
Scrutiny Rules	Which set out how the Committees function including the structure of the Scrutiny process.

Senior Officers/Senior Managers	In this document Senior Officer and Senior Managers refer to the Directors and Heads of Service
Strategic Alliance	A partnership that the District Council has with Bolsover District Council whose aim is to make necessary efficiency savings and maintain quality of services to residents.
Ward	A geographical area of the District represented by one or more <i>Councillors</i>
Ward Scheme	A scheme by the Local Government Commission and approved by the Secretary of State setting out the <i>Wards</i> of the District and how many <i>Councillors</i> will represent each Ward

## Exempt information

Description of Exempt Information (defined terms underlined)	Interpretation	Qualification
		Information is not exempt information if it relates to proposed development for which the local planning authority may grant itself planning permission pursuant to regulation 3 of the Town and Country Planning General Regulations 1992
1. Information relating to any individual		Exempt information if, and so long as, in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information
2. Information which is likely to reveal the identity of an individual		Exempt information if, and so long as, in all circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information
3. Information relating to the <u>financial</u> or <u>business affairs</u> of any particular person (including <u>the authority</u> holding that information)	<u>The authority</u> is a reference to the principal council or, as the case may be, the board, committee or sub-committee in relation to whose proceedings or documents the question whether information is	Exempt information if, and so long as, in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information

Description of Exempt Information (defined terms underlined)	Interpretation	Qualification
	<p>exempt or not falls to be determined</p> <p><u>Financial or business affairs</u> includes contemplated, as well as past or current activities</p> <p><u>Registered</u> in relation to information required to be registered under the Building Societies Act 1986, means recorded in the public file of any building society (within the meaning of the Act)</p>	<p>Information falling within paragraph 3 is not exempt information by virtue of that paragraph if it is required to be <u>registered</u> under -</p> <p>(a) the Companies Act 1985</p> <p>(b) the Friendly Societies Act 1974</p> <p>(c) the Friendly Society Act 1992</p> <p>(d) the Industrial and Provident Societies Act 1965 to 1978</p> <p>(e) the Building Societies Act 1986</p> <p>(f) the Charities Act 1993</p>
<p>4. Information relating to any consultations or negotiations, or contemplated consultations or negotiations, in connection with any <u>labour relations matter</u> arising between <u>the authority</u> or a Minister of the Crown and <u>employees</u> of, or <u>office holders</u> under, the authority</p>	<p><u>The authority</u> is reference to the principal council or, as the case may be, the board, committee or sub-committee in relation to whose proceedings or documents the question whether information is exempt or not falls to be determined</p> <p><u>Employeee</u> means a person employed under a contract of service</p> <p><u>Labour relations matter</u> means:</p> <p>(a) any of the matters specified in paragraphs</p>	<p>Exempt information if, and so long as, in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information</p>



Description of Exempt Information (defined terms underlined)	Interpretation	Qualification
	<p>(a) to (g) of Section 218 of the Trade Union and Labour Relations (Consolidation) Act 1992 (matters which may be the subject of a trade dispute, within the meaning of the Act); or</p> <p>(b) any dispute about a matter falling within paragraph (a) above</p> <p>(applies to trade disputes relating to office holders as well as employees)</p> <p><u>Office holder</u> in relation to the authority, means the holder of any paid office appointments to which are or may be made or confirmed by the authority or by any joint board on which the authority is represented or by any person who holds any such office or is an employee of the authority</p>	
<p>5. Information in respect of which a claim to legal professional privilege could be maintained in legal proceedings</p>		<p>Exempt information if, and so long as, in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information</p>

Description of Exempt Information (defined terms underlined)	Interpretation	Qualification
<p>6. Information which reveals that <u>the authority</u> proposes -</p> <p>(a) to give under any enactment a notice under or by virtue of which requirements are imposed on a person; or</p> <p>(b) to make an order or direction under any enactment</p>	<p><u>The authority</u> is a reference to the principal council or, as the case may be, the board, committee or sub-committee in relation to whose proceedings or documents the question whether information is exempt or not falls to be determined [etc]</p>	<p>Exempt information if, and so long as, in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information</p>
<p>7. Information relating to any action taken or to be taken in connection with the prevention, investigation or prosecution of crime</p>		<p>Exempt information if, and so long as, in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information</p>