

Part 1.2 - Winchester City Council Constitution

Interpretation Section of terms used in the Constitution

The Constitution contains references which may be defined as follows:

Approved Duties	Those meetings, events, etc. approved for the purposes of claiming travel and subsistence allowances.
Award Criteria	The criteria by which a successful quotation or tender is to be selected.
Award Procedure	The procedure for awarding a contract.
Background papers	A list at the end of a report of those documents used in compiling the report, which must be available for inspection on request by a Member or the public.
Best Value	The duty, which Part I of the Local Government Act 1999 places on local authorities, to secure continuous improvement in the way in which functions are exercised, having regard to a combination of economy, efficiency and effectiveness as implemented by the council. See also Value for Money.
Bidder	Any person, firm or organisation who asks to be or is invited to submit a Quotation or Tender.
Budget	The revenue and capital budget in any one year.
Call-in	The process by which Scrutiny Members, on the principle Overview and Scrutiny Committee, may challenge or require further information on an Executive decision.
Chairman of Committee	The elected Chairman or in his or her absence, the Vice-Chairman. The term may also apply to an elected Member elected to preside in the absence of the Chairman and Vice-Chairman.
Chief Officer	The Chief Executive and Directors.

Citizen	<p>They are such people as are:</p> <ul style="list-style-type: none"> • citizen's under the British Nationality Acts or • who have acquired statutory rights under various enactments, whether as inhabitants of the area or to whom the Local Authority is obliged to respond to in respect of its services or operations as a matter of law.
Civic Year	The period between annual meetings of the Council, usually held in May.
Committee	A formal decision-making body which has functions delegated to it by either Council or the Executive.
Confidential Information	As defined in Section 100A(3) of the Local Government Act 1972, this covers information provided to the council by a Government department on terms, which prohibit its disclosure and information, which the Council is prohibited from disclosing by statute or by court order.
Constitution	The document describing the decision-making arrangements for the council, together with the detailed rules and procedures for the operation of the decision-making arrangements. The document is required, and it's form dictated by the Direction of Secretary of State made under the provisions of the Local Government Act 2000.
Co-opted Member	A non-elected person appointed to a committee, sub-committee or panel on a non-voting basis.
Contract Award	Process by which the successful bidder and the unsuccessful bidders are advised of the outcome of the evaluation.
Contract Register	The register to be kept and maintained by the Procurement Manager recording details of all Renewable Contracts entered into by the Council.

Contracting Authority	An authority that has established a Framework Agreement that is available for use by other organisations within the Public Sector.
Contracting Decision	Any decisions which impacts on either the procedure or the outcome of the process to include: <ul style="list-style-type: none"> • withdrawal of Invitation to Tender • whom to invite to submit a Quotation or Tender • shortlisting • award of contract • termination of a contract
Council	The principal decision-maker. This is supplemented by the term “Full Council” which is defined in Article 4 as every member of Winchester Council meeting together formally.
Declaration of Interests	The requirement for Members to give notice of their interests in matters related to an item under consideration (see also Disclosable Pecuniary Interests and Non-Pecuniary Interests).
Delegated Powers	The description of the level of authority delegated to a committee, sub-committee, panel, Executive Member or Officer.
Deputy Leader of the Council	The elected Member appointed by the Leader as Deputy Leader for a four year term.
Disclosable Pecuniary Interests	The requirement for Members to register and declare any financial or beneficial interests as defined in Part 5 – Members’ Code of Conduct.
EU Procedure	The procurement procedure required to be followed by the EU where the Total Value exceeds the EU Threshold.
EU Threshold	The contract values at which the EU public procurement directives apply, as amended from time to time.
EU Treaty Procedures	The principles enshrined within the various Treaties. Although these apply

directly to all procurement activity above the EU Threshold, they should apply, as a matter of good practice, to all procurement regardless of value.

Executive

The decision-making body of the Council with responsibility for Executive functions comprising those elected members appointed by the Leader. At Winchester City Council the Executive is known as the Cabinet.

Exempt Information

As defined by Section 100(1) of the Local Government Act 1972, this includes a number of different categories of information, under which the council is entitled to withhold certain reports from the public (see Part 4B – Access to Information Procedure Rules).

Extraordinary Meeting

A meeting of the Council convened for specific purposes.

Financial Procedure Rules

The council's financial regulations incorporated within the Constitution (see Part 4G).

Financial Vetting

The process by which officers appointed by the Head of Strategic Finance and Property to review the information supplied by the Bidder or Bidders to establish their financial suitability.

Five Day Rule

Under the Local Government Act 1972 (as amended by the Access to Information 1985) Act, the council is required to give notice and make available, the agenda and associated papers for five clear days.

Formal Quotation

The process of obtaining a Quotation using the e-procurement portal. Officers can either invite a number of suppliers to submit Bids or alternatively, use the open process whereby the project is advertised generally and any supplier can submit a bid.

Forward Plan

The published document which provides the statutory notice of the intention by the Executive, an Executive Member or

an Officer to make a key decision. The document also sets out other scheduled major decisions.

Framework Agreement

An agreement between one or more authorities and one or more economic operators, the purpose of which is to establish the terms governing contracts to be awarded during a given period, in particular with regard to price and, where appropriate, the quantity envisaged. Examples of Framework Agreements include those awarded by the Government Procurement Service and others.

Government Procurement Agreement

The successor agreement to the General Agreement on Trade and Tariffs. The main signatories other than those in the European Economic Area are the USA, Canada, Japan, Israel, South Korea, Switzerland, Norway, Aruba, Hong Kong, China, Liechtenstein and Singapore.

Group Leader

The Member identified by a political group as its leader by notice in writing, (the Leader of the majority group is normally elected Leader of the Council).

Head of Paid Service

The Officer designated as such under Section 4 of the Local Government and Housing Act 1989 (see Part 2, Chapter 10).

Invitation to Tender

Invitation to Tender documents in the form required by the Contract Procedure Rules.

Key Decision

As defined by the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012. These decisions may be made by the Leader, portfolio holders, the Cabinet and its committees and officers. The most significant decisions to be taken by the Executive. A more specific definition can be found in Part 2, Chapter 11.

Leader of the Council	The elected Member elected by Council as leader for a four year term.
Licensing Authority	The Council exercising its duties and responsibilities under the Licensing Act 2003.
Local Choice Functions	As detailed in Part 3A of the constitution, the description of responsibility for local choice functions under Section 13(3)(b) of the Local Government Act 2000 to the Council, the Executive, regulatory committees and Officers.
Member	An elected councillor (referred to as Member) of the Council.
Members' Allowances Scheme	The scheme approved by Council on recommendation from the independent remuneration panel for the payment of allowances to Members.
Members' Code of Conduct	The Code adopted by the Council which describes the conduct required of elected or co-opted Members of the Council.
Monitoring Officer	The Officer designated as such under Section 5 of the Local Government and Housing Act 1989 or his/her deputy (see Part 2, Chapter 10). (See Article 12 - Officers)
Nominated Suppliers and Sub-Contractors	Those persons specified in a main contract for the discharge of any part of that contract.
Non-commercial Considerations	Considerations which may either be brought to the attention of an officer and may be within his or her own knowledge but have no significance when evaluating a potential bidder.
Non-Key Decisions	Decisions that fall within the categories of Significant Operational (Non-Key Decisions) and Administrative Decision as defined in Article 13 in Part 2 of the Constitution.
Non-Pecuniary Interests	The requirement for Members to register and declare any non-financial interests

as defined in Part 5 – Members’ Code of Conduct.

Officers	The employees of the council.
Officers’ Code of Conduct	The Code adopted by the Council which describes the conduct required of its Officers.
Ordinary Meeting	A meeting of the Council included in the approved calendar of meetings.
Outside Bodies	External organisations which have invited the Council to nominate representative(s) to serve on its management body.
Panel	A formal group of Members with functions delegated by a Committee or a Sub- Committee.
Party Whip	The Member within a political group appointed by that group to manage internal party discipline and activities.
Policy Framework	The plans and strategies which together make up the overarching policy direction determined by Council. This amplified the Budget and Policy Framework rules in Part 4 of the Constitution.
Political Balance	This is the duty of the Council to allocate seats on Council committees in line with the formula set out by the Local Government and Housing Act 1989.
Political Group	As defined in the Local Government (Committees and Political Groups) Regulations 1990, any group of at least two Members who have notified the council in writing that they wish to be treated as a political group.
Portfolio Holder	Otherwise known as Cabinet Members, those elected Members appointed to the Cabinet with defined areas of responsibility called portfolios.
Procurement Strategy	The document setting out the Council’s corporate approach to procurement and key priorities.

Proper Officer	The authorised Officer under statutory enactments (see Part 3 – designation of Proper Officers).
Quasi-Judicial	A process of decision-making which is similar to a court of law, in that each party with an interest in the matter under consideration has an opportunity to make their case, following which a decision on the facts and representation is made.
Quorum	The minimum number of Members required to be present for a meeting to be properly convened.
Regulatory Committees	Those Committees of the Council falling outside of the executive arrangements that are charged with regulatory functions, such as development management, licensing, etc.
Relevant Contract	Contracts to which the Contract Procedure Rules apply.
Scrutiny	A process of holding the Executive to account.
Section 151 Officer	The Officer designated as such under Section 151 of the Local Government Act 1972 (see Article 12, Part 2).
Standard Terms and Conditions	The terms and conditions agreed by the Council as being applicable in all contracts as an alternative to either bespoke terms and conditions or the terms and conditions of the other party to the contract or agreement.
Statutory Undertakers	The various companies and agencies with legal rights to carry out certain development and highways works, such as utilities and telecoms.
Sub-Committee	A formal decision-making body with functions referred or delegated to it by a Committee.
Tender	A candidate's proposal submitted in response to an Invitation to Tender.

Terms of Reference	The description of what a committee, subcommittee or panel may concern itself with.
Total Value	The whole of the value or estimated value (in money or equivalent value) for a single procurement or disposal.
Transfer of Undertakings (Protection of Employment) Regulations 2006 (TUPE)	The regulations that apply where responsibility for the delivery of works or services for the council is transferred from one organisation (for example a private contractor or local authority in-house team) to another (for example, following a contracting out or competitive tendering process) and where the individuals involved in carrying out the work are transferred to the new employer. These regulations seek to protect the rights of employees in such transfers, enabling them to enjoy the same terms and conditions, with continuity of employment, as existed with their former employer.
Urgent Matter	A matter which is to be considered at a meeting of the Council, a Committee or a Sub-Committee by virtue of section 100B (4)(b) of the Local Government Act 1972. This provides for matters not appearing on the agenda to be considered at the meeting, if by reason of special circumstances, the Chairman is of the opinion that the item should be considered as a matter of urgency.
Value for Money	Value for money is not the lowest possible price; it combines goods or services that fully meet the council's needs, with the level of quality required, delivery at the time the council needs it, and at an appropriate price.
Ward	A geographical area of the District represented by 1 – 3 elected Members.
Written Notice	Unless otherwise stated, a notice given in writing or electronically.