

Article 17 – Interpretation

The Interpretation Act 1978 shall apply to the interpretation of this Constitution as it applies to the interpretation of an Act of Parliament.

In this Constitution, unless the context otherwise admits, the following terms have the meaning assigned to them:

Access to Information Rules	means the rules set out in Part 4E of this Constitution
Appropriate	in relation to: a Committee shall mean the Committee or Sub-Committee with responsibility for the function of the Council to which a particular matter, proposal or Contract relates and includes an Overview and Scrutiny Committee and Appropriate Committee Chair shall be construed accordingly; a Cabinet Member shall mean the Cabinet Member who has responsibility for the function or matter under consideration; an Officer shall mean the Officer who has responsibility for the function or matter under consideration
Article	means an Article in Part 2 of this Constitution
Authority	means Cheltenham Borough Council
Borough Solicitor	means the Director of the shared legal service (known as 'One Legal')
Budget	has the meaning set out in Article 4.5
Cabinet	means the Executive for the purposes of Section 11(3) of the Local Government Act 2000 and includes the Leader of the Council and the Cabinet Members appointed by the Leader
Cabinet Member	means any member of the Cabinet and may include the Leader
Cabinet Rule	means one of the rules set out in Part 4B of this Constitution
Chair	means the Chair of the Appropriate Committee or in their absence the Vice-Chair, and Vice-Chair and is to be construed accordingly
Chief Executive	means the Officer designated as the Authority's Head of Paid Service
Chief Finance Officer	means the Section 151 Officer
Committee	means a Committee or a Sub-Committee of the Council appointed under Section 101 of the Local Government Act 1972 or, where appropriate, Section 21 of the Local Government Act 2000 (Overview and Scrutiny Committees)
Confidential Information	means confidential information as defined by Section 100A of the Local Government Act 1972 (reproduced in the Access to Information Rules at Part 4E of this Constitution)

Contract	means a transaction entered into by the Authority whereby a person or body or Direct Service acting as a Contractor will for consideration undertake work, provide services or provide goods or materials, or for the disposal of goods other than contracts for the employment of Employees; or for the acquisition or disposal of land or interest in land, but does not include the appointment of counsel. Any reference to a Contract of a particular value shall mean a single transaction or a series of transactions which in aggregate amount to that value
Contractor	means any person or body or Direct Service selected by the Authority to perform a Contract
Council or Full Council	means the elected Members of the Authority acting collectively
Council Chair	means the Member elected as Chair by the Council under the Council Procedure Rules and includes the civic office of Mayor of Cheltenham
Council Vice-Chair	means the Member elected as Vice-Chair by the Council under the Council Procedure Rules and includes the civic office of Deputy Mayor of Cheltenham
Councillor	means an elected Member of the Authority
Deputy Chief Executive/Deputy Head of Paid Service	means the Officer so designated
Deputy Chief Officer	means a Director but excluding the Monitoring Officer and Section 151 Officer
Deputy Leader	means the Cabinet Member so designated by the Leader from time to time
Deputy Mayor	means the Member elected as Council Vice-Chair and to the civic office of Deputy Mayor of Cheltenham
Director	means an Officer so designated
Direct Service	means any Employee or group of Employees who asks or is invited to put in a tender or quotation for the performance of a Contract
Disciplinary Action	means any action occasioned by alleged misconduct which, if proved, would according to the usual practice of the Authority be recorded on the Employee's personal file and includes any proposal for dismissal of an Employee for any reason other than redundancy or permanent ill-health or infirmity of mind or body, but does not include failure to renew a Contract of employment for a fixed term unless the Authority has undertaken to renew such a Contract
Employee	means any employee of the Authority

EU	means European Union and "EU threshold" means the minimum value of a Contract above which the EU's Public Procurement Directives apply
Executive	means any part of the Authority when discharging the functions that are the responsibility of the Leader and/or Cabinet
Executive Functions	means all the functions and duties of the Authority other than those reserved to the Council or delegated by the Council to an Appropriate Committee or to an Officer
Exempt Information	means exempt information as defined by Section 100A of the Local Government Act 1972 (reproduced in the Access to Information Rules at Part 4E of the Constitution);
Forward Plan	means the rolling plan produced in respect of proposed Executive decisions
Goods	includes materials, plant and equipment of any sort
Group Leader	means the leader of a Political Group as defined in the Local Government (Committees etc.) Regulations 1990 or his/her deputy or other person appointed by the Group Leader to represent them in relation to any matter
Head of Law	means the Director of One Legal
Head of Paid Service	means the person so designated under section 4 of the Local Government and Housing Act 1989
Housing Land Transfer	means the approval or adoption of applications (whether in draft form or not) 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	means a decision by the Executive as defined in Article 13
Land	includes any legal or equitable interest in land
the Leader	means the Member of the Council appointed as Leader of the Executive for the purposes of Section 11(3)(a) of the Local Government Act, otherwise known as the Leader of the Council or in the event of his/her inability to act, due to absence, conflict of interest or otherwise, the Deputy Leader or someone authorised in writing by the Leader
Lead Member	means a Cabinet Member acting in a portfolio
Majority Group	means a Political Group to which belongs either (a) More than half of the members of the Council; or

	(b) Exactly half of the members of the Council, including the Mayor
Mayor	means the Member elected as Council Chair and to the civic office of Mayor of Cheltenham
Meeting	means a meeting of the Council, a Committee or a Sub-Committee or of the Cabinet or a Committee of the Cabinet, as the case may be
Member	means, in relation to the Council, a Councillor and, in relation to the Cabinet, a Cabinet Member, and in relation to any Committee a member of that Committee, whether or not entitled to vote; but shall not include any person who is a member of the Council only by virtue of Section 3(3) or Section 5(2) of the Local Government Act 1972 (Council Chair and Council Vice-Chair to remain members until replaced)
Monitoring Officer	means the Officer designated under Section 5(1) of the Local Government and Housing Act 1989 and, where appropriate, any person authorised by them to act as a Deputy Monitoring Officer
Month	means a calendar month
Municipal Year	means the period between one Annual Council Meeting and the next following Annual Council Meeting
Number of Members	means, 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 a Committee, the number of persons who may act at the time in question as voting members of that body
Officer	means an Employee, a member of staff or someone seconded to the Authority
Ordinary Meeting	means, in relation to the Council, a meeting the date of which has been fixed by the Council before or at the start of the new Municipal Year under the Council Procedure Rules, including any such meeting which is rearranged for a date other than that originally set
Overview and Scrutiny Committee	means any Committee which the Council appoints as an Overview and Scrutiny Committee for the purposes of Section 21 of the Local Government 2000 and includes a Sub-Committee
Person	in relation to the Contracts Rules includes a body, firm, company, corporation and, where appropriate, Direct Services
Person Presiding	means the Member elected to take the chair at Council or Committee at which the Chair and Vice-Chair are absent or unable to act
Planning Committee	means the Committee, by whatever name known, that discharges the Council's development control functions (including the determination of applications for planning permission, listed building consent and similar

	permissions and consents) when acting in that capacity
Political Group	means a political group as defined in the Local Government (Committees etc.) Regulations 1990 as amended
Political Proportionality	means balanced in proportion to the strengths of the Political Groups on the Council, according to law
Policy Framework	has the meaning set out in Article 4
Proper Officer	means, for the purposes of this Constitution, an Officer as set out in Part 3F
Procedure Rule	means a rule set out in Part 4 of this Constitution;
Quotation	includes an offer
Remuneration	means salary received by the employee or executive for duties undertaken during his/her employment
Regulatory Committee	means the Planning Committee and any Committee that discharges the Council's functions to determine applications for licences, certificates, registrations and similar consents, when acting in that capacity
Sale	includes any form of disposal and vice versa
Section 151 Officer	means the Officer designated by the Council for the purposes of Section 151 of the Local Government Act 1972 to administer the financial affairs of the Authority
Service Manager	means an Officer so designated
Services	includes the giving of advice and the supply of professional technical assistance
Significant Decision	means a non-Executive decision as defined in Article 13
Solicitor to the Council	means the Director of One Legal
Sub-Committee	means a sub-committee of a Committee
Supervising Officer	means the relevant Executive Director or Director or any other person nominated by him/her in writing who has the responsibility for a particular Contract
Supply	includes provision
Variation	means <ul style="list-style-type: none"> (a) the material alteration or modification of the design, quality or quantity of works, Goods or Services provided under a Contract; or (b) the material alteration, omission or substitution of any such works, Goods or Services

Unless the context otherwise requires, where provision is made in the Constitution for the calling of meetings, submitting matters for inclusion in agendas, call-in or similar procedural matters relating to meetings:

day	means a calendar day
working day	means a calendar day but excluding Saturdays, Sundays and Bank Holidays

clear days	means a period of time prior to the meeting or procedural event excluding both the day on which public notice is given of the meeting or procedural event and the day of the meeting or procedural event
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Where there is a requirement to give a day or several days or clear days or working days notice of any kind before a meeting, the whole of the day on which the meeting is held is to be ignored.

Any reference in the Constitution to legislation shall be construed as a reference to any legislation that replaces or amends it.

In respect of any function of the Authority, should the function of an Officer as shown in the Constitution no longer rest with that Officer due to a structural re-organisation, change in officer responsibilities, staff departure, commissioning exercise or other reason, that function shall be exercisable by the Chief Executive, a Director or an Officer who has, or has assumed, the role of Appropriate Officer for that function.