

2.2 Definitions in the Constitution

2.2.1 The Constitution of the Council is this document (Sections 1 to 23).

2.2.2 Within the Constitution the following words and phrases have the meaning set out below:

“Budget” the overall revenue and capital budget approved by Full Council (Section 4);

“Chief Executive” The most senior officer of the Council who must be appointed by law and has a duty to keep under review certain matters listed more particularly in Section 11 of the Constitution

“Chief Officer” any Officer (other than a person whose duties are solely secretarial or administrative or whose duties are otherwise in the nature of support services) who:

- reports directly to the Head of Paid Service in respect of all or most of his/her duties; or
- the Head of Paid Service is directly responsible for;

Constitution guide a document which explains, in ordinary language, the content of this constitution, published by the Council in accordance with section 37 of the Local Government Act 2000

“Corporate Executive Team” the senior management body for Officers (Section 11). It includes those Officers designated by the Chief Executive~~Head of Paid Service~~ from time to time as Members of the Corporate Executive Team;

“Councillor” a person elected to the Council to represent an area (called an electoral division) within Denbighshire County Council;

“Executive” the Cabinet or a Member or Members of the Cabinet when exercising Executive Functions;

“Executive Decision” any decision taken by the Cabinet to exercise or refrain from exercising an Executive Function. It also includes decisions made by persons or Member bodies to whom the

Cabinet has delegated Executive Functions to exercise or refrain exercising those functions;

“Executive Function”

- (a) Executive Functions are defined by the Local Government Act 2000, subsidiary legislation and associated guidance. Any function that is not exercisable only by Full Council or delegated to another Member body is an Executive Function.
- (b) Contractual matters, the acquisition and disposal of land and financial support to organisations and individuals are also Executive Functions.

It should be noted that Regulatory functions such as planning licensing and building control, are not Executive Functions;

“Forward Work Programme”

the Forward Work Programme is a document which lists all of the decisions that the Council and the Cabinet intend to take and what business the Head of Legal, HR and Democratic Services will be considering and when those matters will be discussed. This does not prevent urgent or unforeseen matters being considered;

“Full Council”

the body where all Councillors act to exercise functions of the Council;

~~“Head of Paid Service”~~

~~an Officer who must be appointed by law to carry out certain functions. See Section 11 for more details. The Officer will usually have other duties and a different job title. See Section 11 for which Officer is the Head of Paid Service;~~

“Local Choice Functions”

there are some functions which the Council may treat as being the responsibility of the Cabinet (in whole or in part) or as being non-executive, at its discretion;

“Local Government (Wales) Measure 2011”

referred to as “The Measure”. Legislation introduced, inter alia, to strengthen local democracy, deal with changes to executive arrangements, scrutiny, county councils and Member payments;

“Member”

either a Councillor or a person chosen by the Council to serve on one of its Member Bodies (called “a Co-Opted Member”);

“Member Body”

any of the following:

- Full Council;
- Cabinet;
- a Scrutiny Committee;
- Licensing Committee;
- Standards Committee (or one of its sub-committees);
- Planning Committee;
- ~~Appeals Panel~~;
- Governance and Audit Committee;
- Democratic Services Committee;
- Welsh Language Steering Committee

Note - references to Committee also includes Sub-Committee;

“Monitoring Officer”

an Officer who must be appointed by law to carry out certain functions. See Section 11 for a description of those functions. The Officer will usually have other duties and a different job title. See Section 11 for which Officer is the Monitoring Officer;

“Non-Executive Functions”

any function which may only be exercised by Full Council (whether by local choice or as a matter of law) or which is delegated to a Member body other than the Cabinet;

“Petition Scheme”

a scheme prepared and published pursuant to section 42 of the Local Government and Elections (Wales) Act 2021 (and reviewed from time to time) for the purpose of setting out: -

• how a petition may be submitted to the Council;

• how and when the Council will acknowledge receipt of a petition;

• the steps the Council will take in response to a petition received by it;

• the circumstances (in any) in which the Council may take no further action in response to a petition; and

• how any by when the Council will make available its response to a petition to the person who submitted the petition and to the public

“Planning Application”

any of the following:

- application for planning permission (including renewal);
- application for approval of reserved matters;
- application for listed building consent;
- application relating to trees;
- proposal to serve an urgent works notice or acquire a listed building in need of repair;
- application for conservation area consent;
- application for advertisement consent;
- application to vary or remove conditions on a planning condition;

“Policy Framework”

See Section 4;

“Section 151 Officer”

an Officer who must be appointed by law to carry out certain functions in relation to financial administration. See Section 11 for a description of those functions. The Officer will usually have other duties and a different job title. See Section 11 for which Officer is the Section 151 Officer;

“Service”

one of the services provided by the Council;

~~“Single Integrated Plan (SIP)” this is the single plan for the area that reflects the needs of the local population. The SIP builds on and brings together in one document the joint work previously developed through the Community Plan, as well as the Community Safety, Children and Young Peoples and the Health Social Core and Wellbeing Partnership Plan.~~

2.3 Interpretation of the Constitution

- 2.3.1 We have tried to make the Constitution as clear and as easy to understand as possible. Inevitably, people will have different views about what certain passages mean. [You may wish to read the Constitution in conjunction with the Constitution Guide which can be found at \(insert link\)](#)

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