



Part 1

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PART 1 - SUMMARY AND EXPLANATION

The Constitution

The Oldham Metropolitan Borough Council has agreed a Constitution which sets out how the Council operates, how decisions are made and the procedures which are followed to ensure that these are efficient, transparent and accountable to local people. Some of these processes are required by the law, while others are a matter for the Council to choose.

The Constitution is divided into 17 articles which set out the basic rules governing the Council's business. More detailed procedures and codes of practice are provided in separate rules and protocols at the end of the document.

Ambition and Objectives of the Council

Our ambition is to deliver a co-operative future where everyone does their bit to create a confident and ambitious Borough.

There are three corporate objectives that underpin the delivery of the ambition. They are:

- An Inclusive Economy where people and enterprise thrive
- Thriving Communities where everyone is empowered to do their bit
- Co-operative Services with people and social value at their heart

The objectives have been developed to reflect the key priorities of the Council including economic growth and regeneration, strong local leadership and delivering value for money services.

The corporate ambition and objectives form the basis of the Council's Corporate Plan. The Corporate Plan is the Council's main strategy document. Its primary purpose is to set out our story of place and our priorities for Oldham - what we are doing and why we are doing it.

Co-operative Oldham

Oldham Council is committed to developing a co-operative future; one where citizens, partners and staff work together to improve the Borough and create a confident and ambitious place. We want all our employees and members of the community to be able to play an active part in building our co-operative Borough. Put simply, becoming a co-operative Borough is about everybody doing their bit and everybody benefitting.

This is our opportunity to transform the way the Council does business and reshape the relationship between the Council and its residents. This will mean

that the Council will strengthen its civic leadership role, leading by example and enabling residents and communities to become more self-reliant.

In order to achieve our goal of creating a co-operative future where everyone does their bit to create a confident and ambitious Borough, we understand that the Borough's residents will need to be able to take greater responsibility for themselves and for their communities.

Services from many different parts of the Council and partner agencies from across the Borough are already working to deliver Oldham's co-operative future. This means that a significant amount of work is already underway to support this ambition.

In Oldham, working co-operatively can mean many different things – it is not just about delivering services through co-operatives or mutuals. Co-operative working is fundamentally about working in a way which gets the maximum benefit and impact from the resources that the public sector spends. It helps to empower residents to take greater control of their own lives. Although this could mean delivering a service to a co-operative or mutual, it also means transforming Council-run services to make sure that what is delivered is shaped by its service users.

Working co-operatively also means the Council operates by our co-operative values and principles. Some examples are investing our money in ethical places, paying our staff a 'living wage' and actively seeking to better connect staff with the communities they work with through a volunteering scheme. In other cases, working co-operatively means giving residents the opportunity to work in collaboration with us to co-produce and possibly deliver services that are relevant and meaningful to them.

Being a Co-operative Council does not change the challenges we face in respect of making significant savings from our budgets. It does however provide a new approach and opportunity in terms of how those decisions are made and how we can mitigate the impact.

What's in the Constitution?

Article 1 of the Constitution explains the purpose of the Constitution. Articles 2 – 17 explain the rights of citizens and how the key parts of the Council operate. These are:

- Members of the Council (Article 2).
- Citizens of Oldham Borough and the Council (Article 3).
- The Full Council (Article 4).
- Mayor and Deputy Mayor (Article 5).
- Overview and Scrutiny (Article 6).

- The Executive (Article 7).
- Regulatory and other Committees (Article 8).
- The Standards Framework (Article 9).
- District Working (Article 10).
- Working in Partnership (Article 11)
- Joint Arrangements (Article 12).
- Officers (Article 13).
- Decision Making (Article 14).
- Finance, Contracts and Legal Matters (Article 15).
- Review and Revision of the Constitution (Article 16).
- Suspension, interpretation and publication of the Constitution (Article 17).

How the Council operates

The Council is composed of 60 Councillors elected every four years with one-third elected three years in four. Councillors are democratically accountable to residents of their ward. The overriding duty of Councillors is to the whole community, but they have a special duty to their constituents, including those who did not vote for them.

Councillors have to agree to follow a Code of Conduct to ensure high standards in the way they undertake their duties. The Monitoring Officer and the Standards Committee ensure that training and advice is provided on the Code of Conduct.

All Councillors meet together as the Council. Meetings of the Council are normally open to the public. Here Councillors decide the Council's overall policies and set the budget each year. The Council elects the Leader of the Council (the 'Leader') to lead in the delivery of executive functions and to determine appropriate decision making arrangements in respect of these functions. The Council appoints Committees and delegates to Officers to assist in the delivery of Council functions.

The role of the full Council is detailed in Article 4 of this Constitution.

How decisions are made

The Executive - The Executive is responsible for most day-to-day decisions. The Cabinet, the principal executive decision making body, is made up of the Leader and up to 9 other Councillors appointed by the Leader, one of whom will also be appointed Deputy Leader of the Council (the 'Deputy Leader'). As well as the Cabinet, the Leader may also decide to delegate executive functions to Cabinet Committees or Boards, individual Cabinet Members, area committees and Officers, or arrange for functions to be delivered through joint arrangements.

When major decisions are to be discussed or made, these are published in the 'Key Decision Document' in so far as they can be anticipated. If these major

decisions are to be discussed at a meeting of the Cabinet, this meeting will be open for the public to attend except where confidential or exempt items are being discussed. The Cabinet has to make decisions which are in line with the Council's overall policies and budget. If it wishes to make a decision which is outside the budget or policy framework, this must be referred to the Council as a whole to decide.

Regulatory and other Committees - Functions that are not the responsibility of the Executive, for example planning and licensing, are Council or 'non-executive' functions. The Council may delegate these functions to Committees and Officers, or may arrange for functions to be delivered through joint arrangements.

Overview and Scrutiny - The Council's Overview and Scrutiny arrangements support the work of the executive and of the Council as a whole. Overview and Scrutiny bodies are consulted by the Cabinet on the development of policy and the Council budget. Overview and Scrutiny considers executive decisions subject to 'call-in' that have been made by the Cabinet or other executive bodies but not yet implemented. This enables a consideration as to whether the decision is appropriate, and the decision maker may be recommended to reconsider the decision. Overview and Scrutiny may allow citizens to have a greater say in Council matters and, to a certain extent, in service delivery by other bodies, by holding local inquiries into matters of local concern that lead to reports and recommendations which advise the Cabinet and the Council as a whole on policy, budget and service delivery.

Council Employees

The Council has people working for it to give advice, implement Councillors' decisions, manage the day-to-day delivery of services and deliver those services to residents and customers. Some employees have a specific duty to ensure that the Council acts within the law and uses its resources wisely. Employees have to agree to follow a Code of Conduct to ensure high standards in the way they undertake their duties, and a Protocol governs the relationships between employees and Members of the Council. These documents are included at Part 5 of this Constitution.

Citizens' Rights

Citizens have a number of rights in their dealings with the Council. These are further considered in Article 3 of this Constitution. Some of these are legal rights, whilst others depend on the Council's own processes. Where members of the public use specific Council services, for example as a parent of a school pupil or as a Council tenant, they have additional rights. These are not covered in this Constitution.

Citizens have the right to:

- vote at local elections if they are registered;
- contact their local Councillor about any matters of concern to them;
- obtain a copy of the Constitution;
- attend meetings of the Council, Cabinet and any Committees of the Council or of the Cabinet except where confidential or exempt matters are being discussed, confidential and exempt matters being as described in the Access to Information Procedure Rules at Part 4 of this Constitution - inspect agenda, reports and background papers both before and after meetings of the Council, the Cabinet or any Committees of the Council or the Cabinet, except where those documents contain confidential or exempt information;
- inspect minutes or decision notices arising from meetings of the Council, the Cabinet or any Committees of the Council or the Cabinet or from any decision taken by an individual Cabinet member or, in certain circumstances, an Officer under delegated powers.
- petition to request a referendum on a mayoral form of Cabinet;
- participate in public question time at most meetings of the Council and contribute to investigations by the overview and scrutiny bodies when requested;
- speak at meetings of the Planning Committee on individual planning applications in accordance with the protocol attached at Appendix 3 to this Constitution;
- find out, from the Key Decision Document, what major decisions are to be discussed by the Cabinet or decided by the Cabinet or officers, and when;
- to have 28 days notice of what business is likely to be considered in private at a meeting of the Cabinet; to be able to audio or video record meetings of the Council, Cabinet or any Committee, except when the meeting is considering confidential or exempt information and the public have been excluded from the meeting;
- complain to the Council in accordance with the Council's adopted complaints process
- complain to the Local Government and Social Care Ombudsman if they think the Council has not followed its procedures properly. However, they should only do this after using the Council's own complaints process;
- complain to the Standards Committee if they have evidence which they think shows that a Councillor has not followed the Council's Code of Conduct;
- inspect the Council's accounts and make their views known to the external auditor;
- inspect documents deposited with the Council under the provisions of an Act of Parliament or statutory instrument or pursuant to the Rule of Procedure of either House of Parliament; and
- make copies of or extracts from or, subject to the payment of a reasonable fee, to require a photographic copy or extract from any document which the public are entitled to inspect.

District Working

The Council has a number of District Leads as detailed at Article 11. The role of the District Lead is to work closely with all elected members in their district to support them in their role as strong local leaders. The District Lead also plays a vital role in championing the needs of the District. They provide leadership across the district and ensure parallels exist between corporate and local priorities.

The role is a strategic position that requires vision and the ability to look beyond ward issues to those that affect the district as a whole. It is important that the District Lead is able to make decisions based on district priorities which may not always align fully with ward priorities.

The Council welcomes participation by its citizens in its work. For further information on your rights as a citizen, please contact the Constitutional Services Section on 0161 770 5151