



# Part 2

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## **PART 2: ARTICLE 1 – THE CONSTITUTION**

### **1.1 Powers of the Council**

The Council will exercise all its powers and duties in accordance with the law and this Constitution.

### **1.2 The Constitution**

This Constitution, and all its appendices, is the Constitution of the Oldham Metropolitan Borough Council.

### **1.3 Purpose of the Constitution**

The purpose of the Constitution is to:

- a. enable the Council to provide clear leadership to the community in partnership with citizens, businesses and other organisations;
- b. support the active involvement of citizens in the process of local Council decision-making;
- c. help Councillors represent their constituents more effectively;
- d. enable decisions to be taken efficiently and effectively;
- e. create a powerful and effective means of holding decision-makers to public account;
- f. ensure that no one will review or scrutinise a decision in which they were directly involved;
- g. ensure that those responsible for decision making are clearly identifiable to local people and that they explain the reasons for decisions;
- h. provide a means of improving with regard to best value principles the delivery of services to the community; and
- i. assist in seeking continued improvement in the delivery of services to the community by the Council itself and in partnership with other organisations.

### **1.4 Interpretation and Review of the Constitution**

Where the Constitution permits the Council to choose between different courses of action, the Council will always choose that option which it thinks is closest to the purposes stated above. The Council will monitor and evaluate the Constitution as set out in Article 16 to ensure that the aims and purposes of the Constitution are given full effect and continue to remain relevant to the Council and the community.

## **PART 2: ARTICLE 2 – MEMBERS OF THE COUNCIL**

### **2.1 Composition and eligibility**

#### **2.1.1 Composition.**

The Council will comprise 60 members, otherwise called Councillors. Councillors will be elected by the voters of each ward in accordance with a scheme drawn up by the Local Government Boundary Commission for England and approved by Parliament.

#### **2.1.2 Eligibility.**

Only registered voters of the area or those who during the previous 12 months have occupied land as an owner or tenant or have worked in the Oldham Council area are eligible to hold the office of Councillor. This is subject to the statutory disqualifications.

### **2.2 Election and terms of Councillors**

2.2.1 The ordinary election of a third of all Councillors will be held on the first Thursday in May in each year beginning in 2006 (unless otherwise stipulated by legislation), except that in 2009 and every fourth year after, there will be no regular election. The terms of office of Councillors will be four years starting on the fourth day after being elected and finishing on the fourth day after the date of the regular election four years later.

2.2.2 Casual vacancies which arise as a result of a Councillor ceasing to be a Member of the Council before the end of their term of office are filled by the holding of a by-election which shall be held on an appropriate Thursday. However, should a person cease to be a Councillor in the final six months of their term of office, the election may be held in abeyance until the normal May election.

### **2.3 Roles and functions of all Councillors**

#### **2.3.1 Key roles.**

All Councillors will:

- a) collectively be the ultimate policy-makers and carry out a number of strategic and corporate management functions
- b) effectively represent their communities, balancing the different interests identified in the Ward or the community, and bring their views into the Council's decision making process, i.e. become the advocate of and for their communities;
- c) contribute to the good governance of the area and actively encourage community public participation and citizen involvement in decision making;

- d) deal effectively with individual casework fairly and impartially, and act as an advocate for constituents in seeking to resolve particular concerns or grievances;
- e) participate in the governance and management of the Council, being involved in decision making and, as required, in the exercise of the Council's quasi-judicial functions;
- f) be available to represent the Council on other bodies; and
- g) maintain the highest standards of conduct and ethics.

#### 2.3.2 **Rights and duties**

- a) Councillors will have such rights of access to such documents, information, land and buildings of the Council as are necessary for the proper discharge of their functions and in accordance with the law.
- b) Councillors will not make public information which is confidential or exempt without the consent of the Council or divulge information given in confidence to anyone other than a Councillor or officer entitled to know it. For this purpose, "confidential" and "exempt" information are defined in the Access to Information Rules in Part 4 of this Constitution.

#### 2.4 **Conduct**

Councillors will at all times observe the Members' Code of Conduct and the Protocol on Member/Officer Relations set out in Part 5 of this Constitution.

#### 2.5 **Allowances**

Councillors will be entitled to receive allowances in accordance with the Members' Allowances Scheme set out in Part 6 of this Constitution.

## **PART 2: ARTICLE 3 – CITIZENS OF OLDHAM BOROUGH AND THE COUNCIL**

### **3.1 Citizens' rights**

3.1.1 Citizens have the rights as outlined in this Article. The rights to information and to participate are explained in more detail in the Access to Information Rules in Part 4 and in Appendix 1 of this Constitution.

### **3.1.2 Voting and petitions**

Citizens lawfully on the electoral roll for the area have the right to vote in elections and referenda held in their electoral area and to sign a petition to request a referendum for an elected mayor form of Constitution.

### **3.1.3 Information**

Citizens have the right to

- a) be able to consult or obtain a copy of this Constitution
- b) attend meetings of the Council and the Cabinet and of their respective Committees and Boards, except where confidential or exempt information is likely to be disclosed, and the meeting is therefore held in private;
- c) find out from the Key Decision Document what key decisions will be taken by the Cabinet, a Cabinet Committee or Board, a Cabinet Member or an Officer in consultation with the appropriate Cabinet Member;
- d) find out from the published Notice what business is going to be considered in private at meetings of the Cabinet and at Cabinet Committees and Boards and how to make representations about this;
- e) see reports and background papers, and any records of decisions made by the Council, Cabinet, any Council or Cabinet Committee or Board, an individual Cabinet Member and, in certain circumstances, an Officer under delegated powers, except where they contain confidential or exempt information;
- f) inspect the Council's accounts and make their views known to the external auditor; and
- g) inspect documents deposited with the Council under the provisions of an Act of Parliament or a statutory instrument or pursuant to the Rule of Procedure of either House of Parliament.

### **3.1.4 Participation.**

Citizens have the right to

- a) participate in the Council's question time arrangements at meetings of the Council, Cabinet, Committees and Boards;

- b) contribute to investigations by overview and scrutiny committees in accordance with Overview and Scrutiny Procedure Rules at Part 4 of this Constitution;
- c) speak at meetings of the Planning Committee on individual planning applications in accordance with the protocol attached at Appendix 3 to this Constitution; and
- d) be consulted on matters where there is a statutory requirement for the Council to consult and in other circumstances where the Council considers it right and proper to do so.

### 3.1.5 **Complaints**

Citizens have the right to complain to

- a) the Council itself under its complaints scheme;
- b) the Local Government and Social Care Ombudsman after using the Council's own complaints scheme;
- c) the Council's Monitoring Officer about a breach of the Councillors' Code of Conduct and
- d) the Information Commissioner about a breach of the Data Protection Act 1998 and 2018 in the processing of their personal data and about failure to uphold their information Access rights under Freedom of Information Act 2000 and Environmental Information Regulations 2004.

### 3.2 **Citizens' Responsibilities**

Citizens must not be violent, abusing or threatening to Councillors or Council employees and must not wilfully harm things owned by the Council, Councillors or Council employees.

## **PART 2: ARTICLE 4 – THE FULL COUNCIL**

### **4.1 Council meetings**

There are three types of Council meeting:

- a) the annual meeting;
- b) ordinary meetings;
- c) extraordinary meetings;

and they will be conducted in accordance with the Council Procedure Rules in Part 4 of this Constitution.

### **4.2 Functions of the full Council**

Only the Council will exercise the following functions:

- a) adopting the Constitution;
- b) electing the Mayor;
- c) approving or adopting the Policy Framework, the Budget and any application to the Secretary of State in respect of any Housing Land Transfer;
- d) subject to the urgency procedure contained in the Access to Information Procedure Rules in Part 4 of this Constitution, making decisions about any matter in the discharge of an executive function where the decision maker is minded to make it in a manner which would be contrary to the Policy Framework or contrary to or not wholly in accordance with the Budget;
- e) electing the Leader of the Council;
- f) agreeing and/or amending the terms of reference for Council committees, deciding on their composition and making appointments to them, including appointments of independent and co-opted members, where appropriate;
- g) appointing representatives to outside bodies unless the appointment is an executive function or has been delegated by the Council;
- h) adopting a Code of Conduct for elected and co-opted members and appointing Independent Persons to advise the Council, Standards Committee and others on matters relating to complaints against such members;
- i) adopting a scheme of Members' allowances and determining Mayoral and Deputy Mayoral and conferences allowances;
- j) confirming the appointment of the Head of Paid Service and the dismissal of the Head of Paid Service, the Chief Finance Officer and the Monitoring Officer;
- k) all non-Executive functions which the Council decides should be undertaken by itself rather than a committee, including
  - i. changing the name of the area;

- ii. conferring the title of Honorary Alderman or Freedom of the Borough; and
  - iii. making, amending, revoking, re-enacting or adopting bylaws and promoting or opposing the making of local legislation or personal bills;
- l) all other matters which, by law, must be reserved to Council.

## 4.3 Meanings

### 4.3.1 Policy Framework

The Policy Framework means the following plans and strategies:

- Licensing and Gambling Policies;
- Plans and Strategies which together comprise the Local Plan – Core Strategy;
- Community Safety and Cohesion Partnership Strategy;
- Oldham Plan (sustainable community strategy); and
- Youth Justice Plan.

Plans and Strategies which the Council has chosen to include in the policy framework

- Children's and Young People Strategic Plan;
- The Council's Corporate Plan;
- Fair Employment Charter;
- Integrated Commissioning Framework; and
- Pay Policy Statement.

Additional plans and strategies may be approved or adopted as part of the Policy Framework from time to time.

Any minor changes to the Policy Framework documents can be determined by the Chief Executive in consultation with the Leader of the Council and Leader of the Main Opposition Group and referred to the next Council meeting.

### 4.3.2 Budget

The Budget means

- estimates of the amounts to be aggregated in making a calculation (whether originally or by way of substitute) in accordance with any of sections 32 to 37 or 43 to 49, of the Local Government Finance Act 1992;
- estimates of other amounts to be used for the purposes of such a calculation;
- estimates of such a calculation;
- amounts required to be stated in a precept under Chapter IV of Part I of the Local Government Finance Act 1992;
- the setting of virement limits;

- Medium Term Financial Strategy; and
- Capital Strategy.

#### 4.3.3 **Housing Land Transfer**

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

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## **PART 2: ARTICLE 5 – THE MAYOR, DEPUTY MAYOR, YOUTH MAYOR AND DEPUTY YOUTH MAYOR**

### **5.1 Role and function of the Mayor and Deputy Mayor**

- 5.1.1 The Mayor will be elected and the Deputy Mayor appointed by the Council annually. The Mayor and, in his/her absence, the Deputy Mayor will have the following roles and functions:
- a) to uphold and promote the purposes of the Constitution, and to rule on the Constitution when necessary;
  - b) to preside over the principal meetings of the Council in accordance with Council Procedure Rules so that the business of the Council can be carried out efficiently and with regard to the rights of Councillors and the interests of the community;
  - c) to ensure that the Council meeting is a forum for the debate of matters of concern to the local community and a place at which members who are not on the Cabinet are able to hold the Cabinet to account;
  - d) to determine matters relating to key decisions and the consideration of executive matters in private in the absence of the Chair of the Overview and Scrutiny Committee(s) as specified in the Access to Information Procedure Rules.
  - e) to promote public involvement in the Council's activities;
  - f) to attend such civic and ceremonial functions as the Council and he/she determines appropriate.
- 5.1.2 The Mayor cannot be a member of the Cabinet. No member of the Cabinet may chair a meeting of the Council in the absence of the Mayor.

### **5.2 Role and function of the Youth Mayor and Deputy Youth Mayor**

- 5.2.1 The Youth Mayor will be the outgoing Chair of the Youth Council, to enable a confident, trained and experienced person to hold the position of Youth Mayor.
- 5.2.2 The Deputy Youth Mayor will be current Chair of the Youth Council. Should the outgoing Chair not wish to be the Youth Mayor, there will be an internal election within the Youth Council.
- 5.2.3 The Oldham Youth Mayor has the following responsibilities:
- a) to attend at a range of Civic Duties throughout the year alongside the Mayor to represent young people;
  - b) to attend a range of Civic Duties throughout the year without the Mayor;

- c) to be an advocate for Children and Young People at a range of events and ceremonies;
- d) to represent a positive image of Children and Young People in Oldham;
- e) to be an active member of Oldham Youth Council;
- f) to report to Oldham Youth Council each month and give an update of their work;
- g) to represent the views and opinions of Oldham young people and Oldham Youth Council; and
- h) to be a link between Young People and Councillors.

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## **PART 2: ARTICLE 6 – OVERVIEW AND SCRUTINY**

### **6.1 Terms of Reference**

The Council will appoint such Overview and Scrutiny bodies as it considers appropriate to discharge the Overview and Scrutiny functions conferred by sections 9 and 21 of the Local Government Act 2000, section 19 of the Police and Justice Act 2009 and, to the extent as determined by the Council under section 28 of the Local Authority (Public Health, Health and Wellbeing Boards and Health Scrutiny) Regulations 2013, sections 20-27 of those 2013 Regulations. The Overview and Scrutiny bodies established, and their respective terms of reference, are detailed at Part 3 of the Constitution.

### **6.2 General Role and Function**

Members of Overview and Scrutiny bodies established will, within their respective terms of reference,

- a) play a positive role in assisting the Council and the Executive in the development of the policy framework and the budget by in depth analysis of issues arising;
- b) conduct research and consultation in the analysis of policy options;
- c) consider and implement mechanisms to encourage and enhance community participation in the development of policy options and in the scrutiny process in general;
- d) question members of the Executive and appropriate Committees and senior Officers about issues and proposals affecting Oldham;
- e) monitor the performance of partners and of internal and external service providers against standards and objectives, liaising with external and partnership organisations to ensure that the interests of local people are enhanced by collaborative working;
- f) evaluate the validity of executive decisions through the call in process;
- g) contribute to the identification and mitigation of risk;
- h) examine and review the performance of Committees of the Council over time;
- i) play a positive role in examining and reviewing the performance of the Executive in relation to its policy objectives, performance targets and/or particular service areas, investigating and addressing the causes of poor performance;
- j) question members of the Executive and of Committees and senior Officers about their decisions and performance, in comparison with service plans and targets, or particular initiatives or projects;

- k) make recommendations to the Council, the Executive or an appropriate Committee arising from the outcome of the scrutiny process; and
- l) demonstrate an objective and evidence based approach to scrutiny.

### **6.3 Proceedings of Meetings and the Scrutiny Function**

Overview and Scrutiny bodies will conduct their proceedings and scrutiny functions in accordance with the Procedure Rules set out in Part 4 of this Constitution.

### **6.4 Interests in relation to Overview and Scrutiny Committees**

In addition to any interest a Member may need to declare in accordance with the Council's Code of Conduct, no Councillor shall participate in any business before an Overview and Scrutiny Committee if they were party to the decision made in respect of that item.

### **6.5 Whipping**

The whip shall not apply from any of the political groups on their respective members on the Overview and Scrutiny Committee while taking part in Overview and Scrutiny business.

### **6.6 Scrutiny Officer**

The Council will designate one of its officers to act as the Scrutiny Officer for the Council to

- promote the role of the authority's overview and scrutiny committee(s);
- provide support to the authority's overview and scrutiny function and members of those Committee; and
- provide guidance to Members and officers of the Council in relation to overview and scrutiny functions.

## **PART 2: ARTICLE 7 – THE EXECUTIVE**

### **7.1 Role**

The Executive carries out all of the Council's functions which are not the responsibility of any other part of the Council, whether by law or under this Constitution. All executive functions are vested in the Leader of the Council (the "Leader") who may, as he/she sees fit, delegate executive functions to the Cabinet, Cabinet Committees or Boards, individual Cabinet Members, area committees or Officers, or arrange for the delivery of executive functions through joint arrangements. Details of such delegations are contained in Part 3 to this Constitution and the executive arrangements of the Council shall comply with the Executive Procedure Rules at Part 4 of this Constitution.

### **7.2 Leader of the Council**

7.2.1 The Leader of the Council (the "Leader") will be a Councillor elected to the position of Leader by the Council.

7.2.2 The Council will decide on the term of office of the Leader which must expire no later than the day of which the Council holds its first Annual meeting after the Leader's normal day of retirement as a Councillor unless:

- i. he/she resigns from the office of Leader; or
- ii. he/she is no longer a Councillor; or
- iii. he/she is removed from office by resolution of the Council and a successor appointed

### **7.3 The Cabinet – appointment of the Deputy Leader of the Council and Cabinet Members**

The Cabinet is made up of the Leader together with between two and nine further Councillors appointed to the Cabinet by the Leader. One of the Councillors appointed by the Leader will also be appointed as Deputy Leader of the Council (the "Deputy Leader"). The Councillors appointed by the Leader of the Council shall be known as Cabinet Members and may be allocated portfolios of responsibility by the Leader. Details of Cabinet Member portfolios are provided in Part 3 of this Constitution. Rules for the appointment of the Deputy Leader and Cabinet members are provided at Part 4 of the Constitution.

#### **7.4 Cabinet Committees, Sub-Committees and Boards and Joint Committees**

The Leader may establish Committees, Sub-Committees and Boards of the Cabinet, or Joint Committees in agreement with the Leader or Leaders of other local authority/ies, and appoint such Cabinet members to serve on them as substantive or substitute members as considered appropriate. Details of such bodies established are provided at Part 3 of this Constitution.

#### **7.5 Executive Delegation and Terms of Reference**

7.5.1 The Leader determines the nature and extent of the delegation of executive functions and powers to the Cabinet, Cabinet Committees or Boards, individual Cabinet Members, area committees or Officers, or through joint arrangements, and the terms of reference of any Cabinet Committee, Board or Joint Committee established.

7.5.2 The Cabinet may delegate all or some of its powers to a Cabinet Committee or Board, an area committee or an officer. A Cabinet member may delegate all or some of their delegated powers to an area committee or an Officer. A Cabinet Committee or Board, or an individual Cabinet member holding delegated powers, may delegate all or some of their delegated powers to an area committee or an Officer

7.5.3 Details of such delegations and the terms of reference are provided at Part 3 of this Constitution.

#### **7.6 Proceedings of the Cabinet**

Proceedings of the Cabinet and of Cabinet Committees, Boards and Joint Committees, and the procedures for the exercise of delegated executive powers generally, shall be undertaken in accordance with the Executive Procedure Rules and with the requirements of the Access to Information and the Budget and Policy Framework Procedure Rules set out in Part 4 of this Constitution.

## **PART 2: ARTICLE 8 – REGULATORY AND OTHER COMMITTEES**

### **8.1 Regulatory and other committees**

The Council has established and appoints to the Committees set out below with the terms of reference outlined in Part 3 of the Constitution -

- Planning Committee
- Licensing Committee and Licensing Panels
- Appeals Committee
- Selection Committee
- Audit Committee
- Commons Registration Committee
- Traffic Regulation Order Panel
- Standards Committee
- Charitable Trustee Committee
- Independent Panel

### **8.2 Health and Wellbeing Board**

The Council has established, pursuant to section 194 of the Health and Social Care Act 2012, a Health and Wellbeing Board with membership and terms of reference as outlined in Part 3 of the Constitution.

## PART 2: ARTICLE 9 - THE STANDARDS FRAMEWORK

9.1 Oldham Council is committed to the highest standards of behaviour and has established Codes and procedures to maintain these standards.

9.2 The Council is committed to complying with the seven Principles of Public Life -

**Selflessness** - Holders of public office should act solely in terms of the public interest.

**Integrity** - Holders of public office must avoid placing themselves under any obligation to people or organisations that might try inappropriately to influence them in their work. They should not act or take decisions in order to gain financial or other material benefits for themselves, their family, or their friends. They must declare and resolve any interests and relationships.

**Objectivity** - Holders of public office must act and take decisions impartially, fairly and on merit, using the best evidence and without discrimination or bias.

**Accountability** - Holders of public office are accountable to the public for their decisions and actions and must submit themselves to the scrutiny necessary to ensure this.

**Openness** - Holders of public office should act and take decisions in an open and transparent manner. Information should not be withheld from the public unless there are clear and lawful reasons for so doing.

**Honesty** - Holders of public office should be truthful.

**Leadership** - Holders of public office should exhibit these principles in their own behaviour. They should actively promote and robustly support the principles and be willing to challenge poor behaviour wherever it occurs.

9.3 **Code of Conduct for Members of the Council**

9.3.1 The Council expects Members and co-opted Members of the Council to behave according to the highest standards of personal conduct in everything they do as a Member. To promote and maintain these high standards the Council has adopted a Code of Conduct for Members, in line with its obligations under section 27(2) of the Localism Act 2011. This Code of Conduct is contained at Part 5 to this Constitution.

9.3.2 Members must provide notice to the Monitoring Officer of their disclosable pecuniary interests as required by the Localism Act 2011 and declare personal interests as required by the Code. These interests are compiled in a Register of Interests that is open for public inspection.

9.3.3 Members must not participate in the business of the Council where they have a disclosable pecuniary interest or in circumstances where a personal interest becomes a prejudicial interest under the terms of the Code of Conduct unless a dispensation is granted to the Member(s).

#### 9.4 **Oversight of the Code of Conduct for Members**

##### 9.4.1 **Complaints Procedure**

The Council has adopted a procedure whereby a person who feels that a Member or a Co-opted Member has breached the Code of Conduct may submit a complaint to the Monitoring Officer.

##### 9.4.2 **Standards Committee**

The Council has established a Standards Committee with the principal purposes of promoting and maintaining high standards of conduct by Members and Co-opted Members, of assisting those Members to observe the Members' Code of Conduct; and to advise the Council on the adoption or revision of the Members' Code of Conduct. The Committee comprises Council Members, Independent Persons, and Members of the Parish Councils within the Borough. The terms of reference for the Standards Committee are included within Part 3 of the Constitution.

##### 9.4.3 **Monitoring Officer**

The Monitoring Officer is the Officer of the Council who oversees the arrangements that the Council must have in place, in accordance with sections 28(6) and (7) of the Localism Act 2011, under which allegations that a Member or co-opted Member of the Council has failed to comply with the Code of Conduct can be investigated and decisions made on such allegations.

##### 9.4.4 **Independent Person**

An Independent Person is a person appointed by the Council under Section 28(7) of the Localism Act 2011 whose views must be sought by the Council before it takes a decision on an allegation which the Monitoring Officer has decided shall be investigated, and whose views can be sought by the Council at any other stage or by a Member or Co-opted Member against whom an allegation has been made.

#### 9.5 **Code of Conduct for Officers**

9.5.1 The Council and the public expect the highest standards of conduct from all employees of the Council. The Code of Conduct for Officers draws together existing laws, regulations and conditions of service to guide employees in their day to day work to help employees maintain and improve standards and to help protect employees from misunderstanding and unfair criticism. This Code of Conduct is contained at Part 5 to this Constitution.

9.5.2 An appendix to the Code highlights the ways in which concerns about employee conduct can be raised, and how the Council will address such matters by either investigating and dealing with the matter internally, by referring the matter to the Police, by referring the matter to the External Auditor, or by establishing an independent inquiry.

## 9.6 **Protocol for Member/Officer Working Arrangements**

9.6.1 Members and Officers have separate and distinct roles within the Council. It is important, therefore, that any dealings with Members and Officers should observe reasonable standards of mutual courtesy and respect and that neither should seek to take unfair advantage of their position in any circumstances.

9.6.2 The Council has adopted this Protocol to provide guidance on Member/Officer working arrangements and it forms the basis of the Council's working arrangements, assisting Members and Officers to maintain the highest standards of integrity and propriety and to ensure that all they do is seen by others to be done properly, fairly and, where possible, openly. This Protocol is contained at Part 5 to this Constitution.

## PART 2: ARTICLE 10 – DISTRICT WORKING

### 10.1 Districts

There are seven District representing the different parts of the Borough as follows:-

District	Wards Covered
Oldham East	Alexandra St Mary's St James Waterhead
Oldham West	Coldhurst Medlock Vale Werneth
Failsworth and Hollinwood	Failsworth East Failsworth West Hollinwood
Chadderton	Chadderton Central Chadderton North Chadderton South
Saddleworth and Lees	Saddleworth North Saddleworth South Saddleworth West and Lees
Royton	Royton North Royton South
Shaw and Crompton	Crompton Shaw

### 10.2 District Leads

10.2.1 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.

10.2.2 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.

10.2.3 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.

### 10.3 Requirements of the District Lead

The District Lead is a Councillor who will -

- a) provide leadership within and beyond the district;
- b) support elected members in the district in their role as local leaders;
- c) engage with elected members across the district and encourage active contribution to district initiatives that take place;
- d) work with the District Team to develop the District Plan, ensuring it reflects both local and corporate priorities;
- e) champion the district as a place and represent the district in any discussions and/or negotiations at a borough level;
- f) lead of any applications to the Local Improvement Fund.
- g) Chair relevant working groups as appropriate;
- h) lead on the development of a district Community Engagement Strategy, ensuring all residents have an opportunity to contribute their ideas or concerns to the district;
- i) work as appropriate with the Executive Management Team, District Co-ordinator and District Team to plan and deliver against locally agreed priorities;
- j) liaise and work with other District Leads as and when required to deliver against priorities that cross district boundaries;
- k) liaise with and respond to the Chairs and Vice Chairs of the Overview and Scrutiny Committees as and when required;
- l) ensure that all actions and activities of the district are carried out in a socially inclusive way, in full acknowledgement and discharge of the equality legislation pertaining to all protected characteristics, and also legislation pertaining to the environment;
- m) work with the Cabinet Member for Neighbourhood Services to identify further opportunities for district working as appropriate;
- n) be the lead member in a district for corporate campaigns and ensure the involvement of Ward Members in supporting this activity.
- o) work, as appropriate, through formal and informal partnership with voluntary, private sector and other public sector interests to enhance the economic, social and environmental wellbeing of the local community;
- p) support the development of a strong Voluntary, Community and Faith sector which can work with the District Team in improving the quality of life of local people and encouraging the active involvement of residents in this;
- q) promote the Voluntary, Community and Faith sector as a key driver of local productivity, recognising the contribution of this sector in improving the economy and enterprise of the district;
- r) champion events, festivals and celebrations across the district.
- s) provide leadership in building strong cohesive communities within and beyond the district; and
- t) promote equality of opportunity and eliminate discrimination.

## **PART 2: ARTICLE 11 – WORKING IN PARTNERSHIP**

### **11.1 Ambition and Objectives of the Council**

11.1.1 The ambition of the Council is to deliver a co-operative future where everyone does their bit to create a confident and ambitious Borough.

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

- An Inclusive Economy where people and enterprise thrive, where we make significant progress in improving living standards, wages and skills for everyone to give everyone in Oldham the opportunities to improve their own lives and to do this we need to build a new economic model that is fairer and more co-operative;
- Thriving Communities where everyone is empowered to do their bit and have the power to be healthy, happy, able to make positive choices and be able to both offer and access insightful and responsive support when required, support that will lead to better health, better job prospects and better life chances; and
- Co-operative Services with people and social value at their heart, where services collaborate, integrate and innovate to create the most effective and seamless services to deliver improved outcomes for residents and where social value through citizen influence and community action is realised.

11.1.3 The corporate ambition and objectives form the basis of the Council's Corporate Plan. The Corporate Plan is the Council's main strategy document.

### **11.2 The Oldham Partnership**

11.2.1 These ambitions and objectives have been shared and adopted by a range of partner organisations as part of our Co-operative Oldham vision. The Oldham Leadership Board is a partnership of key elected Members, public sector Chief Executives, and business, community and voluntary sector leaders responsible for leading Oldham at the Borough level, across Greater Manchester, and beyond. The Leadership Board also provides Oldham solutions with an emphasis on leadership, collaboration and joint investment.

11.2.2 The Council's ambition and objectives are shared by the Oldham partnership and form the basis of the Oldham Plan, a collective action statement explaining how all the partners together can all best serve Oldham and help its people, districts and businesses to thrive.

- 11.2.3 The Board is able to hold all parts of the Oldham Partnership to account for the delivery of the shared objectives and ambitions through three partnership boards - Co-operatives and Neighbourhoods, Health and Wellbeing Board, and Economy and Skills – that all report to the Board and drive delivery of the collective ambitions and objectives, including key transformational and reform programmes.
- 11.2.4 These Boards are further supported by a range of other partnerships and networks of the Oldham Partnership, be they statutory or voluntary, all working to bring the benefits of collaborative and co-operative working. These include, for example, the Community Safety and Cohesion Partnership, the Oldham Housing Investment Partnership, the Oldham Town Centre Partnership, the Adult and Children’s Safeguarding Boards and the Oldham Community, Voluntary and Faith Partnership.
- 11.2.5 At Greater Manchester level, the Leadership Board focuses efforts and energy to help drive Greater Manchester forward as a whole, whilst enabling local solutions and ensuring Oldham benefits from any collective Greater Manchester-wide growth and reform.

## **PART 2: ARTICLE 12 – JOINT ARRANGEMENTS**

### **12.1 General Power of Competence**

The Council or the Cabinet may, subject to restrictions and limitations, exercise its general power of competence to make joint arrangements.

### **12.2 Joint arrangements**

12.2.1 The Council may establish joint arrangements with one or more local authorities and/or their executives to exercise functions which are not executive functions in any of the participating authorities, or advise the Council. Such arrangements may involve the appointment of a joint committee with these other local authorities.

12.2.2 The Leader may establish joint arrangements with one or more local authorities to exercise functions which are executive functions. Such arrangements may involve the appointment of joint committees with these other local authorities.

12.2.3 In most circumstances, the Leader may only appoint executive members to a joint committee and those members need not reflect the political composition of the local Council as a whole. However, the Leader may appoint members to a joint committee from outside the Cabinet where the joint committee has functions for only part of the area of the Council, and that area is smaller than two-fifths of the Council by area or population. In such cases, the Leader may appoint to the joint committee any Councillor who is a member for a ward which is wholly or partly contained within the area.

12.2.4 Details of any joint arrangements including any delegations to joint committees will be found in Part 3 of this Constitution.

### **12.3 Access to information**

12.3.1 If the joint committee has been established by the Leader to exercise executive functions and all the members of the joint committee are members of the Executive in each of the participating authorities, the Access to Information Procedure Rules as they apply to the Cabinet will apply to the joint committee.

12.3.2 In all other cases, the Access to Information Procedure Rules as they apply to Council Committees will apply.

## **12.4 Delegation to and from other local authorities**

- 12.4.1 The Council may delegate non-executive functions to another local Council or, in certain circumstances, the Cabinet of another local Council. The Council may delegate functions to a Joint Committee or body where joint arrangements with one or more local authorities have been entered into to promote the economic, social or environmental well-being of its area.
- 12.4.2 The Leader may delegate executive functions to another local Council or the executive of another local Council in certain circumstances.
- 12.4.3 The decision whether or not to accept such a delegation from another local Council shall be reserved to the Council meeting.

## **12.5 Joint Arrangements with other Public Bodies**

Under Section 75 National Health Service Act 2006, Section 10 of the Children Act 2004 and the Health and Social Care Act 2012, local authorities, national health bodies and a number of other bodies have powers to delegate the exercise of some of their functions to each other and to co-operate in the exercise of their functions.

## **12.6 Contracting Out**

The Council or the Cabinet may contract out to another body or organisation functions which may be exercised by an officer and which are subject to an order under section 70 of the Deregulation and Contracting Out Act 1994, or under contracting arrangements where the contractor acts as the Council's agent under usual contracting principles, provided there is no delegation of the Council's discretionary decision making.

## PART 2: ARTICLE 13 - OFFICERS

### 13.1 Management structure

#### 13.1.1 General

The Council may engage such staff (referred to as officers) as it considers necessary to carry out its functions.

#### 13.1.2 Chief Officers. The full Council have engaged persons for the following posts, who will be designated chief officers:

Post	Functions and areas of responsibility
a) Chief Executive	Statutory Head of Paid Service Overall corporate management and operational responsibility (including overall management responsibility for all officers) Provision of professional advice to all parties in the decision making process. Together with the Monitoring Officer, responsibility for a system of record keeping for all the Council's decisions. Representing the Council on partnership and external bodies (as required by statute or the Council). Community leadership and community cohesion. Director of Legal
b) Strategic Director of Reform	Director of Public Health including leisure, libraries and arts; Communications; Strategy, Partnerships and Policy; Business Intelligence; Transformation Programme Management Office; Director of Workforce and Organisation Design
c) Deputy Chief Executive	Director of Economy Director of Environmental Management Unity Partnership
d) Managing Director of Children's Services	Statutory Chief Education Officer Director of Children's Social Care Director of Education, Skills and Early Years Children's Services and all age Safeguarding
e) Managing Director of	Statutory Director of Social Services

Community Services and Adult Social Care	Deputy Managing Director Health & Adult Social Care Community Services Adult Social Care All age disability Care Management
f) Strategic Director Commissioning	Director of Finance

13.1.3 **Structure.** The Head of Paid Service will determine and publicise a description of the overall departmental structure of the Council showing the management structure and deployment of officers. This is set out at Part 7 of this Constitution.

### 13.2 Statutory Officers

The Council have designated the following Officers to fulfil statutory posts.:

Officers	Statutory Officer Post
Chief Executive	Head of Paid Service
Director of Legal Services	Monitoring Officer
Director of Finance	Chief Finance Officer

Such posts will have the functions described below.

### 13.3 Functions of the Head of Paid Service

1. **Discharge of functions by the Council.** The Head of Paid Service will report to full Council on the manner in which the discharge of the Council's functions is co-ordinated, the number and grade of officers required for the discharge of functions and the organisation of officers.
2. **Restrictions on functions.** The Head of Paid Service may not be the Monitoring Officer but may hold the post of Chief Finance Officer if a qualified accountant.

### 13.4 Functions of the Monitoring Officer

1. **Maintaining the Constitution.** The Monitoring Officer will maintain an up-to-date version of the Constitution and will ensure that it is widely available for consultation by members, staff and the public. The Monitoring Officer is authorised to reflect approved changes to the Council's structure and, where necessary to amend the Constitution to reflect changes to the Scheme of Delegation.
2. **Ensuring lawfulness and fairness of decision making.** After consulting with the Head of Paid Service and the Chief Finance

Officer, the Monitoring Officer will report to the Council or to the Cabinet in relation to an executive function if he or she considers that any proposal, decision or omission would give rise to unlawfulness or if any decision or omission has given rise to maladministration. Such a report will have the effect of stopping the proposal or decision being implemented until the report has been considered.

3. **Supporting the Standards Committee.** The Monitoring Officer will contribute to the promotion and maintenance of high standards of conduct through provision of support to the Standards Committee.
4. **Conducting investigations.** The Monitoring Officer will conduct investigations into matters referred by ethical standards officers or as referred by the Standards Assessment Sub-Committee and make reports or recommendations in respect of them to the Standards Committee.
5. **Proper officer for access to information.** The Monitoring Officer will ensure that executive decisions, together with the reasons for those decisions and relevant officer reports and background papers are made publicly available in accordance with legal requirements.
6. **Advising whether executive decisions are within the budget and policy framework.** The Monitoring Officer will advise whether executive decisions are in accordance with the Budget and Policy framework.
7. **Providing advice.** The Monitoring Officer will provide advice on the scope of powers and authority to take decisions, maladministration, financial impropriety, probity and Budget and Policy framework issues to all Councillors.
8. **Restrictions on posts.** The Monitoring Officer cannot be the Chief Finance Officer or the Head of Paid Service.

### 13.5 Functions of the Chief Finance Officer

1. **Ensuring lawfulness and financial prudence of decision making.** After consulting with the Head of Paid Service and the Monitoring Officer, the Chief Finance Officer will report to the Council or to the Cabinet in relation to an executive function and to the Council's external auditor if he or she considers that any proposal, decision or course of action will involve incurring unlawful expenditure, or is unlawful and is likely to cause a loss or deficiency or if the Council is about to enter an item of account unlawfully.
2. **Administration of financial affairs.** The Chief Finance Officer will have responsibility for the administration of the financial affairs of the Council.
3. **Contributing to corporate management.** The Chief Finance Officer will contribute to the corporate management of the Council, in particular through the provision of professional financial advice.

4. **Providing advice.** The Chief Finance Officer will provide advice on the scope of powers and authority to take decisions, maladministration, financial impropriety, probity and Budget and Policy framework issues to all Councillors and will support and advise Councillors and officers in their respective roles.
5. **Give financial information.** The Chief Finance Officer will provide financial information to the media, members of the public and the community.
6. **Restriction on posts.** The Chief Finance Officer must be a qualified accountant and cannot be the Monitoring Officer.

#### 13.6 **Duty to provide sufficient resources to the Monitoring Officer and the Chief Finance Officer**

The Council will provide the Monitoring Officer and the Chief Finance Officer with such officers, accommodation and other resources as are in their opinion sufficient to allow their duties to be performed

#### 13.7 **Discharge of Functions of Director of Public Health**

The Director of Public Health has statutory responsibility for writing the annual report on the health of the local population.

#### 13.8 **Conduct**

Officers will comply with the Officers' Code of Conduct and the Protocol on Officer/Member Relations set out in Part 5 of this Constitution.

#### 13.9 **Employment**

The recruitment, selection and dismissal of officers will comply with the Officer Employment Rules set out in Part 4 of this Constitution.

## **PART 2: ARTICLE 14 – DECISION MAKING**

### **14.1 Council and Executive Decisions**

#### **14.1.1 Council Decisions**

Council Decisions are made in relation to Council functions as defined by the Local Government Act 2000, the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 as amended, and the Local Choice Functions determined as Council functions and detailed at Part 3 of the Constitution, and to matters that are referred to the Council by law.

#### **14.1.2 Executive Decisions**

Executive Decisions are made in relation to those functions not identified as Council functions by the Local Government Act 2000 and the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 as amended, and in relation to the Local Choice Functions determined as executive functions and detailed at Part 3 of the Constitution.

### **14.2 Responsibility for Decision Making**

14.2.1 The Council will determine what part of the Council or which individual has responsibility for decisions relating to those matters which are defined as Council functions. These arrangements are set out in Part 3 (Responsibility for Functions) of the Constitution.

14.2.2 The Leader of the Council may determine to exercise any of the functions of the executive personally, or may arrange for the exercise of any of the Council's executive functions by:

- i) the Cabinet;
- ii) by a Committee of the Cabinet;
- iii) by a Member of the Cabinet;
- iv) by an officer of the Council;
- v) by another local authority or the executive of another local authority; or
- vi) joint arrangement with one or more other Local Authorities' executives, including the establishment of a joint committee with such authorities.

14.2.3 The Monitoring Officer will maintain a register of the Delegation of Executive functions and set these out in Part 3 (Responsibility for Functions) of the Constitution.

### 14.3 Categories of decision

#### 14.3.1 Decisions reserved to full Council.

Decisions relating to the matters listed in Part 3.1 of this Constitution will be made by the full Council and not delegated.

#### 14.3.2 Key Decisions

A key decision is any decision which is likely –

- to result in a local Council incurring expenditure which is, or the making of savings which are, significant having regard to the local Council's budget for the service or function to which any decision relates; or
- to be significant in terms of its effects on communities living or working in the area comprising two or more wards in the area of the local Council.

14.3.3 An operational description of a Key Decision and the procedural arrangements for the taking of key decisions are detailed in Access to Information Procedure Rules at Part 4 of this Constitution.

#### 14.3.4 Principal Decisions – Definition

A decision in relation to a Council or an Executive function which is not a key decision and which:

- results in the Authority incurring expenditure or making savings (including receipt or loss of income) over £100,000 each year; or
- is, in the opinion of the Director, of such significance that a record of the decision would ensure transparency and accountability in relation to decision making within the Authority.

#### 14.3.5 Administrative Decisions – Definition

A decision in relation to a Council or Executive function which is not a key or a principal decision and results in the Authority incurring expenditure up to £100,000. The decision must

- be within an approved budget and not in conflict with the Budget and Policy Framework or other approved policies;
- not raise new issues of policy

### 14.4 Principles of decision making

All decisions of the Council will be made in accordance with the following principles:

- **Proportionality** - the action must be proportionate to the desired outcome;
- **Consultation** – there will be appropriate consultation and professional advice from officers;

- All decisions will take into account the **European Convention on Human Rights**;
- **Openness and accountability** – in all decisions there will be a presumption in favour of openness;
- There will be **clarity of aims** and desired outcomes in respect of every decision made; and
- **Options** – an explanation of what options were considered and reasons for decisions will be provided.

#### 14.5 **Decision making by the full Council**

Subject to Article 14.8, the Council meeting will follow the Council Procedure Rules set out in Part 4 of this Constitution when considering any matter.

#### 14.6 **Decision making by the Cabinet.**

Subject to Article 14.8, the Cabinet will follow the Cabinet Procedures Rules set out in Part 4 of this Constitution when considering any matter.

#### 14.7 **Recording Decisions**

All Council and Executive decisions will be recorded in accordance with the provisions of the Access to Information Procedure Rules set out in Part 4 of the Constitution.

#### 14.8 **Considerations by Overview and Scrutiny Bodies**

Overview and scrutiny bodies will follow the Overview and Scrutiny Procedures Rules set out in Part 4 of this Constitution when considering any matter.

#### 14.9 **Decision making by other committees established by the Council**

Subject to Article 15.8, other Council committees will follow those parts of the Procedures Rules set out in Part 4 of this Constitution as apply to them.

#### 14.10 **Decision making by Council bodies acting as tribunals**

The Council, a Councillor or an officer acting as a tribunal or in a quasi-judicial manner or determining/considering (other than for the purposes of giving advice) the civil rights and obligations or the criminal responsibility of any person will follow a proper procedure which accords with the requirements of natural justice and the right to a fair trial contained in Article 6 of the European Convention on Human Rights.

## **PART 2: ARTICLE 15 – FINANCE, CONTRACTS AND LEGAL MATTERS**

### **15.1 Financial management**

The management of the Council's financial affairs will be conducted in accordance with the Financial Procedure Rules and Contract Procedure Rules set out in Part 4 of this Constitution.

### **15.2 Contracts**

Every contract made by the Council will comply with the Contract Procedure Rules set out in Part 4 of this Constitution.

### **15.3 Legal proceedings**

The Director of Legal Services is authorised to institute, defend or participate in any legal proceedings in any case where such action is necessary to give effect to decisions of the Council or in any case where he/she considers that such action is necessary to protect the Council's interests up to a limit of £250k.

### **15.4 Authentication of documents**

15.4.1 Where any document is necessary to any legal procedure or proceedings on behalf of the Council, it will be signed by the Director of Legal Services or other person authorised by him/her, unless any enactment otherwise authorises or requires, or the Council has given requisite authority to some other person.

15.4.2 Any contract with a value exceeding £10,000 entered into on behalf of the Council in the course of the discharge of an executive function shall be made in writing. Such contracts must either be signed by at least two officers of the Council or made under the Common Seal of the Council attested by at least one officer, in accordance with the provision of the Contract Procedure Rules.

15.4.3 Every contract (and any subsequent variations) with a value exceeding £50,000 shall be executed under the Council's common seal and signed by the Director of Legal Services or authorised representative.

### **15.5 Common Seal of the Council**

The Common Seal of the Council will be kept in a safe place in the custody of the Director of Legal Services. A decision of the Council, or of any part of it, will be sufficient authority for sealing any document

necessary to give effect to the decision. The Common Seal will be affixed to those documents which in the opinion of the Director of Legal Services should be sealed. The affixing of the Common Seal will be attested by the Director of Legal Services or some other person authorised by them.

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## **PART 2: ARTICLE 16 – REVIEW AND REVISION OF THE CONSTITUTION**

### **16.1 Duty to monitor and review the constitution**

The Monitoring Officer will monitor and review the operation of the Constitution on an annual basis to ensure that the aims and principles of the Constitution are given full effect.

### **16.2 Protocol for monitoring and review of constitution by Monitoring Officer**

A key role for the Monitoring Officer is to be aware of the strengths and weaknesses of the Constitution adopted by the Council, and to make recommendations for ways in which it could be amended in order better to achieve the purposes set out in Article 1. In undertaking this task the Monitoring Officer may:

- a) observe meetings of different parts of the member and officer structure;
- b) undertake an audit trail of a sample of decisions;
- c) record and analyse issues raised with him/her by members, officers, the public and other relevant stakeholders; and
- d) compare practices in this Council with those in other comparable authorities, or national examples of best practice.

### **16.3 Changes to the Constitution**

#### **16.3.1 Approval.**

Changes to the Constitution will only be approved by the full Council.

#### **16.3.2 Amending the Constitution.**

The Monitoring Officer is authorised to make amendments to the published Constitution –

- a) arising from any decision of the full Council
- b) changes made by the Leader of the Council in respect of the discharge of executive functions
- c) incidental changes arising as a result of approved organisational change, including officer designations for the purposes of schemes of delegation

## **PART 2: ARTICLE 17 – SUSPENSION, INTERPRETATION AND PUBLICATION OF THE CONSTITUTION**

### **17.1 Suspension of the Constitution**

#### **17.1.1 Limit to suspension**

The Articles of this Constitution may not be suspended. Procedure Rules may only be suspended to the extent permitted by those Rules and the law.

#### **17.1.2 Procedure to suspend.**

A motion to suspend any rules will not be moved without notice unless at least one half of the Cabinet or Council is present. The extent and duration of suspension will be proportionate to the result to be achieved, taking account of the purposes of the Constitution set out in Article 1.

### **17.2 Interpretation**

The ruling of the Mayor as to the construction or application of this Constitution or as to any proceedings of the Council shall not be challenged at any meeting of the Council. Such interpretation will have regard to the purposes of this Constitution contained in Article 1.

### **17.3 Publication**

17.3.1 The Chief Executive will give a printed copy of the current Constitution to each member of the Council upon delivery to him/her of that individual's declaration of acceptance of office on the member being elected to the Council.

17.3.2 The Chief Executive will ensure that copies are available for inspection on the Council's website and at Council Offices, Libraries and other appropriate locations, and can be purchased by members of the local press and the public on payment of a reasonable fee.

17.3.3 The Chief Executive will ensure that the summary of the Constitution is made widely available within the area and is updated as necessary.