



Part 1

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PART 1 - SUMMARY AND EXPLANATION

The Constitution

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.

Missions of the Council

Our three missions set a clear and bold direction for Oldham Council. They reflect our commitment to creating a better future for all who live, work, and invest in Oldham. They have partnership at their heart as we share them with Pride, Progress, Partnership – the Oldham 2030 Plan. They will guide our shorter-term actions, ensuring that every step we take drives meaningful change. At the same time, they provide us with a long-term vision and a clear definition of what success looks like for Oldham. Our three missions are:

1. Healthier, Happier Lives: In Oldham, every individual matters. We aim to build a community where everyone has access to the care, support, and opportunities they need to live a good life. We are committed to tackling poverty, improving health and well-being, providing high-quality social care, and promoting lifelong education.

2. Great Place to Live: We know Oldham is a place where people love to live, and we're committed to building on that pride by providing more affordable, quality homes, improving public spaces, and creating a strong local economy with vibrant communities that get on well.

3. Green and Growing: We will make Oldham a place where economic growth benefits all residents, creating opportunities for businesses to succeed while ensuring our community and environment thrive. By attracting new investment, supporting local businesses, and leading in green technologies, we will generate quality job opportunities and equip people with the skills they need to succeed.

The three missions 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.

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 Full Council. Meetings of the Council are normally open to the public. The Council decides the overall policy framework and sets 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 Scrutiny Boards, 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 executive decisions on behalf of the Council. 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, District Leads and Officers, or arrange for functions to be delivered through joint arrangements.

When key decisions are to be discussed or made, these are published in the forward plan, 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 (See Access to Information Procedure Rules). The Cabinet has to make decisions which are in line with the Council's overall policy framework and budget. If it wishes to make a decision which is outside the budget or policy framework, this must be referred to the Full 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. The Council has four Scrutiny Boards:-

- Adults Social Care and Health Scrutiny Board
- Children and Young People Scrutiny Board
- Governance, Strategy and Resources Scrutiny Board
- Place, Economic Growth and Environment Scrutiny Board

These Boards contribute to policy development and review and they may be consulted on the development of key policies or specific decisions. The Governance, Strategy and Scrutiny Board is consulted by the Cabinet on the development of the Council budget. Scrutiny Boards may undertake scrutiny reviews and make recommendations to the appropriate decision taker. Scrutiny

Boards can 'call-in' a decision that has been made by the Cabinet (or a Cabinet Member) but not yet implemented. A Scrutiny Board will review any decision that is called-in and make recommendations if appropriate. Scrutiny Boards may also be consulted on the development of the budget, key policies or specific decisions.

Council Employees

The Council has people working for it (called 'Officers') 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 boards 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 forward plan, what key 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 an executive meeting;
- 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, this should only be done after using the Council's own complaints process;
- complain to the Monitoring Officer 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 five 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.

References to Statutory Provisions

All references in the Constitution to Statutory provisions shall include any subsequent legislation, Statutory Instruments, Regulations, Orders or Guidance issued under those statutory provisions.