

## PART 1 | SUMMARY AND EXPLANATION

### 1. THE COUNCIL'S CONSTITUTION

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- 1.1 The Council has a Constitution which sets out how it operates, how decisions are made and the procedures which are followed to make sure these are efficient, transparent and accountable to the people the Council serves. Some of these processes are required by the law, whilst others are a matter for the Council to decide.
- 1.2 The Constitution is the key guide and 'rulebook' for how the Council, its staff and elected Members fulfil their roles and responsibilities. The Constitution is divided into 15 Articles, which set out the basic rules governing the Council's business. More detailed procedures and codes of practice are provided in the separate Rules of Procedure and Codes and Protocol sections in this Constitution.

### 2. BACKGROUND TO THE BOROUGH OF OADBY AND WIGSTON

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The Borough of Oadby and Wigston covers an area of just under 24 square km (9 square miles) and shares boundaries with Leicester City, Blaby District and Harborough District. The Borough is urban in nature with most economic activity centred around the three settlements of Oadby, Wigston and South Wigston with a population of approximately 56,000.

### 3. WHAT IS IN THE CONSTITUTION?

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- 3.1 **Article 1** of the Constitution commits the Council to leadership, efficient, effective and economic service delivery, responsibility and transparency in local democratic self-government.
- 3.2 **Articles 2 - 15** explain the rights of citizens and how the key parts of the Council operate. These are:

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| <b>Article 2</b> | Members of the Council   |
| <b>Article 3</b> | Citizens and the Council   |
| <b>Article 4</b> | The Council  |
| <b>Article 5</b> | Chairing the Council   |
| <b>Article 6</b> | Committees and Working Groups Appointed by the Council             |
| <b>Article 7</b> | Outside and Partnership Bodies Directly Facilitated by the Council |
| <b>Article 8</b> | Joint Arrangements and Partnerships                                |

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- Article 9** Standing and Other Committees
- Article 10** Member Conduct
- Article 11** Officers
- Article 12** Decision-Making
- Article 13** Contracts, Finance and Legal Matters
- Article 14** Review and Revision of the Constitution
- Article 15** Suspension, Interpretation and Publication of the Constitution

### 4. HOW THE COUNCIL OPERATES

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- 4.1 The Council is composed of 26 Councillors (called "Members") elected every four years.
- 4.2 Councillors are democratically accountable to the 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.
- 4.3 Councillors have to abide by this Constitution, which includes a Code of Conduct in order to ensure high standards in the way they undertake their duties. The Council promotes excellence, probity and transparency in public services and provides training and advice for Councillors' governance matters including the Code of Conduct.
- 4.4 The Localism Act 2011 ("the Act") brought about a number of key changes to the Standards Regime operating in local authorities. Under the Act, local authorities remain under a statutory duty to promote and maintain high standards of conduct by their Councillors.
- 4.5 In discharging this duty, the Council is still required to adopt its own Code of Conduct (previously the content of the Code was prescribed by legislation). Oadby and Wigston Borough Council has adopted the Common Code of Conduct for Leicestershire Authorities which is set out in Part 5 of this Constitution together with the procedure for dealing with complaints about a Councillor's conduct.
- 4.6 The Act repealed the statutory requirement for the Council to have a Standards Committee.
- 4.7 At the Council meeting on 25 February 2014, the Council agreed to disband the existing Standards Committee in view of the fundamental changes to the national Standards Regime.
- 4.8 The Policy, Finance and Development Committee has responsibility for promoting and maintaining high standards of conduct and where a panel of Councillors are required to hear a complaint, this will be allocated from the membership of the Policy, Finance and

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Development Committee on a rotational basis. The procedure for investigations will be carried out in accordance with the processes set out in Part 5 of this Constitution.

- 4.9 All Councillors meet together as the Council. Meetings of the Council are normally open to the press and public except where exempt or confidential matters are being discussed. The Council is the forum for political debate on policy and strategy matters. Here Councillors agree the Council's overall policies and set the budget each year. The Council retains certain powers and duties to itself, and delegates some to Committees and Officers.

### 5. HOW DECISIONS ARE MADE

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- 5.1 Most day-to-day decisions are made by two main committees:
- (i) Policy, Finance and Development Committee - which sets the overarching strategic direction for the Council under the heading 'Corporate Development'; and
  - (ii) Service Delivery Committee - which oversees the development and performance of services within that overarching strategic direction under the heading 'Corporate Delivery'.
- 5.2 Committees also carry out a number of regulatory functions, including dealing with planning applications, licensing and most other regulatory business.
- 5.3 Working Groups may be convened by the Council from time-to-time to deal with specific business.
- 5.4 In addition, in order to give residents a greater say in Council affairs, three Residents' Forums have been created. These cover Oadby, Wigston and South Wigston areas of the Borough and are responsible for a range of area-based decisions and advising the Council of local people's aspirations in order that they can help inform the decision-making process.
- 5.5 The Council's Committee Structure is set out in Part 7 of this Constitution.
- 5.6 The Calendar of Meetings for the current municipal year is set at the Annual General Meeting in May of each year and is published on the Council's website at [www.oadby-wigston.gov.uk](http://www.oadby-wigston.gov.uk).

### 6. SCRUTINY AND IMPROVEMENT

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- 6.1 The Council operates Committee style arrangements and therefore is not required by law to have a separate Scrutiny and Overview Committee to support and monitor the work of the Committees and Council.

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6.2 At the Council meeting on 25 February 2014, it was agreed that each Committee will scrutinise its own decisions as they are being debated and made in the public arena. If necessary, a Working Group may be convened by the Council to deal with any specific matter.

### **7. THE COUNCIL'S EMPLOYEES**

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The Council has employees (called "Officers") to give advice, implement decisions and manage the day-to-day delivery of its services. Some Officers have a specific duty to ensure that the Council acts within the law and uses its resources wisely. A Code of Practice governs the relationship between Officers and Members of the Council, as set out in Part 5.

### **8. CITIZENS' RIGHTS**

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8.1 Citizens have a number of rights in their dealings with the Council. These are set out in more detail in Article 3. Some of these are legal rights whilst others depend on the Council's own processes. The local voluntary advice provision within the Borough can advise on an individual's legal rights.

8.2 Where members of the public use specific Council services, for example as a Council tenant, they have additional rights. These are not covered in this Constitution.

8.3 Citizens have the right to:

- (i) vote at local elections if they are registered;
- (ii) contact their local Councillor about any matters of concern to them;
- (iii) access a copy of this Constitution;
- (iv) inspect and take copies of reports, agendas and minutes of meetings of the Council and its Committees, unless they are exempt from disclosure or confidential;
- (v) attend meetings of the Council and its Committees where they may speak and ask questions in accordance with the Council's Procedure Rules in Part 4 of this Constitution except where, for example, personal or confidential matters are being discussed;
- (vi) at the discretion of the Chair, ask questions of Members at Council meetings, petition to request a referendum on a mayoral form of executive or any other matter;
- (vii) request a deputation;

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- (viii) complain to the Council about any matter concerning the delivery of any service in accordance with its Complaints Procedure, what the Council has done or not done or the way any resident has been treated;
- (ix) 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;
- (x) complain to the Council's Monitoring Officer if they have evidence which they think shows that a Councillor has not followed the Members' Council's Code of Conduct; and
- (xi) inspect the Council's accounts and make their views known to the external auditor.

8.4 The Council welcomes participation by its citizens in its work.

8.5 A copy of the Constitution is available on the Council's website at [www.oadby-wigston.gov.uk](http://www.oadby-wigston.gov.uk).

8.6 Details on Access to Information provisions are contained in Articles 3 and Part 4, Section 5 - Access to Information Procedure Rules.

8.7 All reference to legislation in this Constitution shall include any amending legislation.