

PART 1

SUMMARY & EXPLANATION

Oadby and Wigston Borough Council agreed a Constitution in 2002 which is regularly reviewed. The Constitution 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 15 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.

Background to Oadby & Wigston Borough Council

Oadby and Wigston Borough 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 its nature with most economic activity centred around the three settlements of Oadby, Wigston and South Wigston with a population of approximately 56,000.

What is in the Constitution?

Article 1 of the Constitution commits the Council to leadership, efficient, effective and economic service delivery, responsibility, transparency in local democratic self-government.

Articles 2-15 explain the rights of Residents and how the key parts of the Council operate. These are:

- Members of the Council (Article 2).
- Residents and the Council (Article 3).
- The Council Meeting (Article 4).
- Chairing the Council. (Article 5).
- Committees appointed by the Council (Article 6)
- Residents Forums (Article 7).
- Joint Arrangements and Partnerships (Article 8).
- Officers (Article 9).
- Decision Making (Article 10).
- Finance, contracts and legal matters (Article 11).
- Review and revision of Constitution (Article 12).
- Suspension, interpretation and publication of the Constitution (Article 13).

HOW THE COUNCIL OPERATES

The Council is composed of 26 Councillors elected every four years.

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 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.

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. In discharging this duty, the Council is still required to adopt it's 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.

The Act repealed the statutory requirement for the Council to have a Standards Committee. 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. The Policy Finance and Development Committee will take on the 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 Development Committee on a rotational basis; the procedure for investigations will be carried out in accordance with the process set out in Part 5 of this Constitution.

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 sets the budget each year. The Council retains certain powers and duties to itself, and delegates some to Committees and Officers.

HOW DECISIONS ARE MADE

Most day-to-day decisions are made by two main committees; Policy, Finance and Development which sets the overarching strategic direction for the Council and Service Delivery which oversees the development and performance of services within that overarching strategic direction.

Committees also carry out a number of regulatory functions, including dealing with planning applications, licensing and most other regulatory business.

Task Groups may be convened by the Council from time to time to deal with specific business.

In addition in order to give residents a greater say in council affairs, three Resident 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

The Council's Committee Structure is set out in Part 3 of this Constitution.

The Calendar of Meetings for the current year is set at the Annual General Meeting, in May of each year and is published on the Council's website www.oadby-wigston.gov.uk

SCRUTINY AND IMPROVEMENT

Oadby and Wigston Borough Council operates committee style arrangements and therefore is not required by law to have a separate Scrutiny Committee to support and monitor the work of the Committees and Council. 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 Task Group may be convened by the Council to deal with any specific matter.

THE COUNCIL'S EMPLOYEES

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 of this Constitution

RESIDENTS' RIGHTS

Residents 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.

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.

Residents have the right to:

- vote at local elections if they are registered;
- contact their local Councillor about any matters of concern to them;
- access a copy of the Constitution
- inspect and take copies of reports, agendas and minutes of meetings of the Council and its standing committees, unless they are exempt from disclosure or confidential;
- attend meetings of the Council and its committees where they may speak and ask questions in accordance with the Council's scheme in Part 4 of this Constitution except where, for example, personal or confidential matters are being discussed;
- 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;
- request a deputation;
- complain to the Council about any matter concerning the delivery in accordance with complaints procedure of any service, what the Council has done or not done or the way any Resident has been treated
- complain to the 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 Council's Monitoring Officer if they have evidence which they think shows that a Councillor has not followed the Council's Code of Conduct;

- and inspect the Council's accounts and make their views known to the external auditor.

The Council welcomes participation by its Residents in its work. For further information on rights as Residents, please contact the Corporate Resources Section at the Council Offices, Station Road, Wigston, Leicestershire, LE18 2DR, Tel 0116 288 8961, e-mail corporate.resources@oadby-wigston.gov.uk A copy of the Constitution is available on the Council's website at www.oadby-wigston.gov.uk

Details on Access to Information provisions are contained in Articles 3 and Part 4 – Access to Information Procedure Rules.

Reference to Legislation shall include any amending legislation.

