

# PART I - SUMMARY AND EXPLANATION

## **WIGAN COUNCIL'S CONSTITUTION**

Wigan Council has agreed this 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 16 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.

## **WHAT'S IN THE CONSTITUTION?**

Article 1 of the Constitution commits the Council to provide clear leadership to its community, support citizen involvement, provide an efficient decision process and ensure constructive scrutiny to hold decision makers to account. The Constitution also seeks to provide a strong framework to ensure openness and accountability in Members and Officers. Articles 2 – 16 explain the rights of citizens and how the key parts of the Council operate.

These are:

- Members of the Council ([Article 2](#)).
- Citizens and the Council ([Article 3](#)).
- The Council Meeting ([Article 4](#)).
- Chairing the Council ([Article 5](#)).
- Overview and Scrutiny of Decisions ([Article 6](#)).
- The Appropriate Scrutiny Committees ([Article 7](#))
- The Executive ([Article 8](#))
- Regulatory and other Committees in Councils operating Executive Arrangements ([Article 9](#))
- Joint Arrangements ([Article 11](#)).
- Officers ([Article 12](#)).
- Decision Making ([Article 13](#))
- Finance, Contracts and Legal Matters ([Article 14](#)).
- Review and Revision of the Constitution ([Article 15](#)).
- Suspension, Interpretation and Publication of the Constitution ([Article 16](#)).

## **HOW THE COUNCIL OPERATES**

The Council is composed of 75 Councillors with one-third elected three years in four, with one fallow year where there are no elections. 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 Audit, Governance and Standards Committee trains and advises them on the code of conduct.

All Councillors meet together as the Council. Meetings of the full Council are normally open to the public. Here Councillors decide the Council's overall policies and set the budget each year. The Council appoints the Executive Leader every four years, and the Membership of all Committees and Outside Bodies every year. The Executive Leader appoints the Cabinet (Executive). The full Council sets the Policy and Budget Frameworks within which the Executive must operate and through its meetings, calls to account the Executive and Committees in the exercise of their powers. The Council is the forum for periodic State of the Area Debates.

### **HOW DECISIONS ARE MADE EXECUTIVE ARRANGEMENTS**

The Executive is the part of the Council which is responsible for most day-to-day decisions. The Executive is made up of a Leader who is a Councillor and a Cabinet of up to nine other Councillors appointed by the Leader who also allocates their areas of responsibility (Portfolios) and decides what power they shall have. When major decisions are to be discussed or made, these are published in the Executives' forward plan in so far as they can be anticipated. If these major decisions are to be discussed with Council Officers at a meeting of the Executive, this will generally be open for the public to attend except where personal or confidential matters are being discussed. The Executive 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.

### **OVERVIEW AND SCRUTINY**

There are a number of Scrutiny Committee who support the work of the Executive and the full Council. They allow citizens to have a greater say in Council matters by holding inquiries into matters of local concern. These lead to reports and recommendations which advise the Executive and the full Council on its policies, budget and service delivery. The Scrutiny Committees also monitor the decisions of the Executive and can 'call-in' a decision which has been made by the Executive, but not yet implemented. This enables the relevant Scrutiny Committee to consider whether the decision is appropriate. The relevant Scrutiny Committee may recommend that the Executive reconsider the decision. They may also be consulted by the Executive or the Council on forthcoming decisions and the development of policy.

The Scrutiny Committees can also advise the Council on Policy Development and consult with supporting Partnerships.

### **THE COUNCIL'S STAFF**

The Council has people working for it (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. Codes of conduct and protocols govern the relationships between Officers and Members of the Council.

## **CITIZENS' RIGHTS**

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 Citizens' Advice Bureau can advise on individuals' legal rights.

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 and its Committees except where, for example, personal or confidential matters are being discussed;
- petition to request a referendum on a mayoral form of Executive;
- find out, from the Executive's forward plan, what major decisions are to be discussed by the Executive or decided by the Executive or Officers, and when;
- attend meetings of the Executive, where key decisions are being discussed or decided;
- see reports and background papers, and any record of decisions made by the Council and Executive;
- complain to the Council about their unresolved grievances;
- 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 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 citizens in its work. For further information on your rights as a citizen, please contact Officer the Council's Public Relations Officer on 01942 827116.

A Statement of the rights of citizens to inspect agendas and reports and attend meetings forms part of this constitution and may be viewed on the Council's website.