



WEST OXFORDSHIRE  
DISTRICT COUNCIL

## WEST OXFORDSHIRE DISTRICT COUNCIL

Name and Date of Committee	COUNCIL – 21 MAY 2025
Subject	RECOMMENDATIONS FROM THE CONSTITUTION WORKING GROUP
Wards Affected	None
Accountable Member	Councillor Alaric Smith, Chair of the Constitution Working Group Email: <a href="mailto:alaric.smith@westoxon.gov.uk">alaric.smith@westoxon.gov.uk</a>
Accountable Officer	Andrea McCaskie, Director of Governance Email: <a href="mailto:democratic.services@westoxon.gov.uk">democratic.services@westoxon.gov.uk</a>
Report Author	Ana Prelici, Senior Democratic Services Officer Email: <a href="mailto:democratic.services@westoxon.gov.uk">democratic.services@westoxon.gov.uk</a>
Purpose	To present the Council with recommendations arising from a meeting of the Constitution Working Group held on 26 March 2025. To also agree the Scheme of Officer Delegations, other than those relating to Executive functions and to adopt the Council's Constitution, as amended, as is required at the Annual Council meeting.
Annexes	Annex A – Revised Public Speaking Rules
Recommendations	<p>That Council resolves to:</p> <ol style="list-style-type: none"><li>1. Adopt the Council's Constitution and agree the Scheme of Officer Delegations, other than those relating to Executive functions, as set out in Part 4 of the Constitution.</li><li>2. Note that the Director of Governance adopted the Council's Contract Procedure Rules in consultation with the Chair of the Constitution Working Group, following the delegation agreed at the 19 March 2025 Council meeting.</li><li>3. Agree to amend the number of seats on the Overview and Scrutiny Committee within Part 3C of the Constitution to 15 members (from 24) and the quorum to 4 members (from 6).</li><li>4. Note that the Constitution Working Group endorsed the Officer recommendation for further Overview and Scrutiny training for</li></ol>

	<p>Members.</p> <ol style="list-style-type: none"> <li>5. Agree with the Constitution Working Group that the 'full transparency' electronic voting option will be used at meetings of Full Council (with immediate effect), and (from 22 May 2025) Development Control Committee and planning sub-committees.</li> <li>6. Agree that the Council will not develop a policy for community governance reviews at the current time in view of local government reorganisation.</li> <li>7. Agree the revised public speaking rules at Annex A, which seek to align the public speaking rules for different meetings, as far as practicable.</li> </ol>
Corporate Priorities	<ul style="list-style-type: none"> <li>• Putting Residents First</li> <li>• Working Together for West Oxfordshire</li> </ul>
Key Decision	NO
Exempt	NO
Consultees/ Consultation	<p>Constitution Working Group Head of Democratic and Electoral Services</p>

## **EXECUTIVE SUMMARY AND BACKGROUND**

- 1.1** Part 2.2 of the Council's procedure rules requires the Council to adopt its Constitution and Officer Scheme of Delegation for non-executive functions at the Annual Council Meeting.
- 1.2** The report also recommends changes to the Council's Constitution, following a meeting of the Constitution Working Group (CWG) held on 26 March, when the Working Group considered several items on its work plan. Council is recommended to approve the recommendations made to it by the CWG.
- 1.3** The Council's Constitution sets out how the Council operates, how decisions are taken and the procedures which are followed to ensure that decision-making is efficient, transparent and accountable to local people.
- 1.4** The Council has a legal duty to publish a constitution, which should be reviewed at least annually. The Council has an established, cross-party Constitution Working Group, which meets regularly and makes recommendations to Council regarding amendments to the Constitution, keeping it up to date with changes to legislation, governance practice and the wishes of the Council.

## **2. CONTRACT PROCEDURE RULES**

- 2.1** The Council's Contract Procedure Rules were rewritten following the implementation of the Procurement Act 2023.
- 2.2** This exercise provided the opportunity to review the Council's own rules, which were last updated in 2023, to provide for extra flexibility, reduce red tape, and to remove barriers to local small and medium-sized enterprise (SME) engagement.
- 2.3** At the Full Council meeting on 19 March 2025, it was resolved to delegate authority to the Director of Governance in consultation with the Chair of the Constitution Working Group to agree the new rules.
- 2.4** The CWG considered the new rules on 26 March 2025, which were subsequently adopted under delegated authority by the Director of Governance in consultation with the Chair of the Constitution Working Group. Council is recommended to note that the delegation was exercised, and the new Contract Procedure Rules are now in place.

## **3. REVIEW OF THE OVERVIEW AND SCRUTINY COMMITTEE**

- 3.1** Part 3C of the Council's Constitution outlines the function of the Council's Committees, including of the Overview and Scrutiny Committee. Under the Overview and Scrutiny Committee's function it states that there are 24 members on the Committee.
- 3.2** In November 2023, Full Council resolved to replace the three previous Overview and Scrutiny Committees (Climate and Environment, Economic and Social, Finance and Management) with a single committee. The aim of this change was to properly embed pre-decision scrutiny as part of the Executive decision-making process; ensure effective scheduling of meetings; and to facilitate effective work planning and improve efficiency (e.g. by reducing duplication).

- 3.3** Members and Officers were surveyed to assess the effectiveness of the move to a single committee and identify future improvements to the function.
- 3.4** The results of the survey were presented to the Constitution Working Group on 26 March 2025 and to the Overview and Scrutiny Committee on 16 April 2025.
- 3.4.1** The survey results showed that 50% of members and 82% of Officers supported reducing the Committee's size. This was discussed by the CWG, who agreed unanimously that the Committee size should be reduced to 15 members for the following reasons;
1. The CWG agreed with the observation raised in the survey that the Committee's size was not conducive to inclusive discussions, and did not enable all members to participate to the extent that they might wish to.
  2. A smaller Committee would make it easier for members to find substitutes, and for officers to administer meetings.
  3. A smaller Committee would lead to a loss of expertise on the Committee itself, but this could be mitigated through the greater use of task and finish groups. Task and finish groups would be required to regularly report to the Committee. Unlike a sub-committee, the members of task and finish groups would not need to sit on the 'parent' committee, so long as its Chair is on the Committee (to provide a clear reporting line and accountability). The greater use of task and finish groups would provide a way for more of the Council's members to participate in scrutiny activities if they wish to.
- 3.4.2** The size of 15 members was agreed by the CWG as it was the more popular choice with survey respondents who preferred a smaller committee. It was felt 11 members would be too small.
- 3.4.3** The CWG resolved unanimously to recommend to Full Council to amend section 3C of the Council's Constitution so that the membership of the Overview and Scrutiny Committee be reduced to 15 members.
- 3.4.4** Part 5A of the Council's constitution, under rule 9, states that the "The quorum of any meeting of a Committee or sub-Committee shall be: not less than one quarter of the total membership of the Committee or Sub-Committee; and subject to a minimum of three". It is therefore recommended that the quorum of the Overview and Scrutiny Committee, in part 3C be amended to 4 members, as a quarter of the Committee's new membership number (rounded to the next nearest whole number).
- 3.5** The CWG also discussed whether the Committee should return to three Committees. Within the survey responses, several members commented that a single Overview and Scrutiny Committee does not operate as effectively as the three committees it replaced. However, the responses in the survey largely indicated that the move to a single Committee has at least partially achieved the intended aims. While further work is needed in some areas, for instance in ensuring that Executive Members are more accountable to the Committee (as opposed to officers being held to account), and that there is greater input

from Committee Members in work planning, these further improvements could be implemented without needing to return to three committees.

- 3.6** The CWG therefore endorsed retaining the single Overview and Scrutiny Committee structure but with the recommendation to Council to reduce the size from 24 to 15 Members.
- 3.7** The CWG also discussed and endorsed the officer recommendation for further Overview and Scrutiny training for Members.

#### **4. ELECTRONIC VOTING**

- 4.1** A system which allows members to vote on the resolution of agenda items electronically (instead of a show of hands) was trialled at the meetings of Full Council on 27 November, 20 January, 29 January, 26 February and 19 March.
- 4.2** The electronic voting system provides greater certainty and transparency for members of the public who are watching the webcast of live meetings, as the outcome of votes is displayed on the Council's website. The use of this system also reduces the administrative burden of counting votes accurately and speeds up meetings.
- 4.3** During these meetings, several options for the level of transparency in displaying the vote breakdown were used, these can be summarised as;
- a) No transparency - No one can see the vote until after it has closed;
  - b) Limited transparency - Votes are visible on the microphones during the vote;
  - c) Full transparency - Votes are visible on the screens and microphones during and after the vote.
- 4.4** The CWG felt that the trial had been successful, and that electronic voting should continue to be utilised.
- 4.5** The CWG discussed the options in 4.3 and stated that the 'full transparency' option was the preferred option. As well as providing more transparency for those watching the webcast, this would reduce the room for error e.g. if the wrong button was pressed because everyone would be able to see their name on the screens immediately after voting. It would also be possible to work out who had not cast a vote, which wouldn't be possible under the no transparency or limited transparency options.
- 4.6** It is recommended that Council agrees for the full transparency approach to electronic voting to be utilised as standard at meetings of full Council and that it should also be extended to future meetings of Development Control Committee and the Uplands and Lowlands area planning sub-committees.
- #### **5. COMMUNITY GOVERNANCE REVIEWS**
- 5.1** At the meeting on 24 July 2024, Full Council considered a motion titled "Community Governance Reviews". Full Council resolved to adopt, by the end of 2024/25, a policy for Community Governance Reviews (CGRs), setting out:
- The expected interval between reviews.
  - The size of proposed developments that should trigger a CGR.

- 5.2** The CWG discussed the motion and stated that it would not be an efficient use of resources for the Council to develop a long-term policy for Community Governance Reviews, or proactively undertake community governance reviews, at the current time in view of Local Government Reorganisation and the likely abolition of West Oxfordshire District Council.
- 5.3** The CWG note that the Council may be required to undertake CGRs in certain circumstances. In doing so the Council would need to follow the relevant legislation and guidance and any such CGR would need to be aligned with proposals for local government reorganisation. However, it is recommended that the Council should not develop a CGR Policy at this stage.

## **6. PUBLIC SPEAKING RULES**

- 6.1** At the Full Council meeting on 19 March 2025, Full Council considered a motion titled “Public Engagement in Council meetings”.

- 6.2** The motion stated that:

“Public participation in council meetings is something we should all encourage and support. Currently the council constitution sets out different rules regarding public participation in our meetings. For committee meetings members of the public must register to speak by 10AM on the working day before. For Executive it’s by 2PM two clear working days before, and for Full Council it is by 12NOON seven working days before and therefore before the council agenda is published two days later.

In order to improve and encourage public participation in our meetings this council asks the constitution working group to review these deadlines and to report back to full council within six months with an update on any new changes decided by the committee.”

- 6.3** The motion was referred to the CWG for consideration.
- 6.4** At the CWG meeting, officers explained that the reason behind having different rules for different committees was due to their different functions. The CWG stated that Planning rules should be kept the same to not discourage public participation. Otherwise the public speaking rules for Council and Executive should be aligned.
- 6.5** It was highlighted that members of the public may wish to speak on a particular motion at full Council, and that changing the rules to have a later registration deadline would allow the public to know what motions are coming forward.
- 6.6** The CWG agreed to recommend to Full Council that the public speaking rules be changed so that Full Council follows the same rules as the Executive.
- 6.7** The amended public participation rules are at Annex A of the report. It is recommended that Full Council agree the new rules.

## **7. ALTERNATIVE OPTIONS**

- 7.1 Council may choose not to accept recommended updates to its Constitution. By doing this, there is a risk in ensuring that decision-making is efficient, transparent and accountable to local people. This course of action is not recommended.

## **8. FINANCIAL IMPLICATIONS**

- 8.1 There are no financial implications arising from this report.

## **9. LEGAL IMPLICATIONS**

- 9.1 The Council has a duty to keep the Constitution up to date under S9P of the Local Government Act 2000. There are no other legal implications arising from this report.

## **10. RISK ASSESSMENT**

- 10.1 By not regularly considering updates to the Council's Constitution, which sets out how the Council operates, how decisions are taken and the procedures which are followed, there is a risk to ensuring that decision-making is efficient, transparent and accountable to local people.

## **11. EQUALITIES IMPACT**

- 11.1 There are no equality implications arising from this report.

## **12. CLIMATE AND ECOLOGICAL EMERGENCIES IMPLICATIONS**

- 12.1 There are no climate and ecological emergencies implications arising from this report.

## **13. BACKGROUND PAPERS**

None.

(END)