



WEST OXFORDSHIRE
DISTRICT COUNCIL

WEST OXFORDSHIRE DISTRICT COUNCIL

Name and Date of Committee	COUNCIL – 1 OCTOBER 2025
Subject	RECOMMENDATIONS FROM THE CONSTITUTION WORKING GROUP – DELEGATIONS AND PUBLIC PARTICIPATION IN PLANNING MEETINGS
Wards Affected	None
Accountable Member	Councillor Alaric Smith, Chair of the Constitution Working Group Email: alaric.smith@westoxon.gov.uk
Accountable Officer	Andrea McCaskie, Director of Governance Email: democratic.services@westoxon.gov.uk
Report Author	Andrew Brown, Head of Democratic and Electoral Services Email: democratic.services@westoxon.gov.uk
Purpose	To present Council with recommendations arising from meeting of the Constitution Working Group held on 17 September 2025.
Annexes	Annex A – Updated 4G: Other Miscellaneous Annex B – Updated Part 4F: Functions in relation to Planning Annex C – Updated rules for taking part in planning committees
Recommendations	That Council resolves to: <ol style="list-style-type: none">1. Approve the updated Part 4G: Other Miscellaneous Functions (Annex A)2. Approve the updated Part 4F: Functions in relation to Planning3. Approve the updated rules for taking part in planning committees.
Corporate Priorities	<ul style="list-style-type: none">• Putting Residents First• Working Together for West Oxfordshire
Key Decision	NO
Exempt	NO

<p>Consultees/ Consultation</p>	<p>Constitution Working Group Chairs and Vice Chairs of planning committees and sub-committees (on the rules for participating in planning meetings) Assets Manager Development Manager Principal Planner for Enforcement and Appeals</p>
-------------------------------------	---

1. EXECUTIVE SUMMARY AND BACKGROUND

- 1.1** This report recommends changes to the Council's Constitution, following a meeting of the Constitution Working Group on 17 September 2025 where the Working Group considered three items on its work plan. Council is recommended to approve the recommendations made to it by the Constitution Working Group.
- 1.2** 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.
- 1.3** 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. ASSET DELEGATIONS

- 2.1** As part of the Phase 2 of the Publica Transition, assets and property functions transferred from Publica to the Council on 1 July 2025. The Council now has a dedicated Asset Manager post.
- 2.2** Officers have taken the opportunity to review the relevant delegations, which are set out in Part 4G of the Constitution. It is proposed to separate the asset functions into different levels, including a new category of transactions over £50,000 up to the key decision threshold of £150,000, for approval by the Director of Finance rather with appropriate consultation. It is further proposed to update the decision maker column to reflect current role titles.
- 2.3** Decisions above the £150,000 threshold are not delegated and would remain the responsibility of the Executive or Council depending on the nature of the decision.
- 2.4** Annex A shows the existing Part 4G and the proposed Part 4G for comparison and Council is recommended to agree the updated version.

3. PLANNING ENFORCEMENT DELEGATIONS

- 3.1** The Council has new powers under the Levelling-Up and Regeneration Act 2023 to issue Enforcement Warning Notices, which requires a planning application to be submitted in circumstances where there has been a breach of planning control and there is a reasonable prospect that planning permission would be granted if a planning application were submitted. It is proposed that the serving of Enforcement Warning Notices is added to the enforcement delegations at Part 4F of the Constitution and delegated to the Senior Officer for Planning.

Similarly, the same Act granted a new power to local authorities to issue Listed Building Stop Notices, requiring works on a listed building to cease for 56 days. This mirrors an existing power for non-listed buildings to require the cessation of works in breach of

planning control. It is proposed that the serving of Listed Building Stop Notices is added to the enforcement delegations at Part 4F of the Constitution at PE8 and PDM9, with delegation to the Senior Officer for Planning. In addition, it is proposed that PE13 and PDM12 are updated to enable the Head of Legal Services to institute, defend and withdraw criminal or civil legal proceedings relating to Temporary Stop Notices for Listed Buildings, in addition to various other offences.

- 3.2** The Constitution Working Group also recommend that Urgent Works Notices under Section 54 of the Planning (Listed Buildings and Conservation Areas) Act 1990 are included in Part 4F of the Constitution as being delegated to the Development Manager. These provide a notice of intention to carry out urgent works to preserve a listed building. This is a pre-existing power which is not currently included in the scheme of delegation but due to its urgent nature a delegation is recommended.
- 3.3** In the absence of a delegations for Enforcement Warning Notices, Listed Building Stop Notices and Urgent Works Notices, these responsibilities automatically sit with the relevant planning area sub-committee. Delegating these functions to officers would improve the Council's ability to react quickly to breaches of planning control. If delegated, officers exercising these functions would retain the ability to take the matter to the relevant committee if it was considered necessary to seek members' views and involvement.
- 3.4** Where enforcement activities have cost implications for the Council (i.e. for Urgent Works Notices), these would be reported to members through the normal channels. The Lowlands and Uplands Area Planning Sub-Committees currently receive regular updates on planning enforcement activities and would retain that oversight role.

4. TAKING PART IN PLANNING COMMITTEES

- 4.1** The Constitution Working Group considered changes to the rules on taking part in planning committees, which are hosted on the Council website but linked to in the Constitution.
- 4.2** The Planning Advisory Service (PAS) recommends that councils operate a clear policy on the use of additional material such as a presentation or distributing material to the committee.
- 4.3** It is proposed to include a new section titled "Handouts, visual aids or presentations" which clarifies that public contributions must be spoken and cannot include additional materials. This follows a recent Lowlands Area Planning Sub-Committee meeting where additional materials were handed out at the meeting, resulting in an application being deferred. There was also recently a request from a public participant to play audio recordings as part of their contribution, which the Chair did not agree to.
- 4.4** The Constitution Working Group noted that this change to the public participation rules would not stop all instances of materials being provided late (e.g. from statutory consultees), or of applications being deferred, but concluded that it would represent an improvement to the current public participation rules.
- 4.5** It is also proposed to clarify that the time allocated to those wishing to object to or support an application (other than the applicant/their representative) is intended to be used by those who have submitted objections or supportive comments as part of the planning process.

This is in line with practice at other Councils and is intended to prevent people who have engaged in the planning process from having to share the available time with those who haven't done so.

4.6 The Chairs and Vice-Chairs of planning committees and sub-committees were consulted on these proposed changes in advance of the Constitution Working Group meeting and raised no objections.

4.7 Annex C shows the proposed additions to the current rules in red text and letters to be removed in strikethrough text. Council is recommended to approve the updated rules for taking part in planning committees.

5. ALTERNATIVE OPTIONS

5.1 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.

6. FINANCIAL IMPLICATIONS

6.1 There are no financial implications arising from this report.

7. LEGAL IMPLICATIONS

7.1 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.

8. RISK ASSESSMENT

8.1 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.

9. EQUALITIES IMPACT

9.1 There are no equality implications arising from this report.

10. CLIMATE AND ECOLOGICAL EMERGENCIES IMPLICATIONS

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

11. BACKGROUND PAPERS

None.

(END)