



Briefing Report No: **56/2010** Public Agenda Item: **Yes**

Title: **Local Protocol on Allegations of Misconduct by Members**

Wards Affected: **All Wards in Torbay**

To: **Standards Committee** On: **11 March 2010**

Contact Officer: **Keith Stevens**  
Telephone: **01803 207481**  
E.mail: **[Keith.Stevens@torbay.gov.uk](mailto:Keith.Stevens@torbay.gov.uk)**

---

- 1.1 At the Council meeting held on 25 June 2009 Members agreed to delegate authority to the Monitoring Officer to make changes to the Constitution in consultation with the Mayor and Group Leaders. Providing no consultee objects to the proposed changes the Constitution amendments would be approved.
- 1.2 The Monitoring Officer is responsible for keeping the Constitution under review and will report to the Mayor and Group Leaders any changes to the Constitution to the Council that he believes are in the best interests of the Council and/or local people and/or changes he has been asked to refer to them by the Council, the Mayor or the Overview and Scrutiny Co-ordinator. Changes to the Constitution will only be approved by the Monitoring Officer after consultation on the proposal with the Mayor and Group Leaders. In the event of an objection by the Mayor and/or any of the Group Leaders, the Monitoring Officer will refer the matter to Council for decision.
- 1.2 The Constitution contained two protocols concerning allegations of misconduct by members, Local Protocol on Local Investigation and Determination of Allegations of Misconduct by Members and Local Protocol on Local Assessment of Allegations of Misconduct by Members. Work has been undertaken to combine the two protocols taking into account guidance issued by Standards for England.
- 1.3 Members are requested to provide feedback and comment upon the local protocol at Appendix 1.

Keith Stevens  
Monitoring Officer