Record of Officer Decision

Establishment of Constitution Working Party

Decision Taker and Date Decision Taken:

In accordance with paragraph 1.20 of the Office Scheme of Delegation, Chief Executive, in consultation with the Leader of the Council and Group Leaders, on 23 November 2026.

Summary of Matter or Issue Requiring Decision:

An independent review of the Council's current Local Protocol for the Assessment and Determination of Allegations of Breaches to the Members Code of Conduct ("The Local Protocol") has been undertaken by Paul Hoey Associates, including an examination of the existing procedure and a sample of complaint determinations. The review identified opportunities to streamline the process, improve efficiency, and ensure that the Local Protocol remains fit for purpose and ensure updated governance arrangements are in place following the May 2027 elections.

Given the importance of maintaining public confidence in the Council's standards framework, and the desire to implement any changes before the pre-election period, it is proposed that a dedicated Constitution Working Party be established to oversee the review and development of a revised Local Protocol.

Decision Taken:

That a Constitution Working Party be established with the Terms of Reference and Membership as set out in Appendix 1.

Summary of Reason(s) for Decision Taken:

An independent review of the Council's current Local Protocol identified opportunities to streamline procedures, improve efficiency and ensure that governance arrangements remain fit for purpose ahead of the May 2027 local elections.

The establishment of a politically balanced Working Party would enable detailed consideration of the review findings, support cross-party engagement, strengthen ownership of any revised arrangements and provide assurance that the revised Local Protocol has been developed transparently and objectively.

Summary of Alternatives or Options considered and rejected and Background Papers:

Not to establish a Constitution Working Party and continue with the existing arrangements, or the Monitoring Officer could exercise delegated authority to make changes to the Council's Constitution required for technical or legal reasons.

These options were not supported as it would reduce the opportunity for cross-party engagement in the review process and may affect the Council's ability to implement revised arrangements before the May 2027 local elections.

Details of any conflict of interest and dispensation granted to the Officer taking the decision or by any Member of the Council in delegating responsibility for any specific express delegation:

None

Implementation:

The decision shall take effect immediately to enable the Working Party to commence its work programme and report recommendations in time for consideration by Council on 25 February 2027.

A copy of this decision and any supporting documentation considered by the Officer taking this decision may also be available for inspection by the public at the Council's officers or posted upon payment of any copying and postage charges. Any member of the public wishing to take up either of these options is asked to please ring (01803) 207087 or email governance.support@torbay.gov.uk

Signed: _____ Date: _____
(Chief Executive)