

**Meeting:** Council

**Date:** 27 February 2025

**Wards affected:** All Wards in Torbay

**Report Title: Good Governance the Torbay Way – Effective Administration and Opposition – Leaders’ Agreement, Principles and Constitution**

**When does the decision need to be implemented?** Immediately

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## 1. Purpose of Report

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- 1.1. The LGA Corporate Peer Challenge of the Council, undertaken in April 2024, highlighted the need for ‘pragmatism on the part of political leaders to find common ground on the top strategic priorities that must be determined and delivered collaboratively’ and recommended the Council find ways of working effectively in a context of the minority Administration No Overall Control arrangement. This report sets out the results of the work undertaken by all Group Leaders to co-create the changes needed and in response to the LGA’s recommendations. The changes include a Leaders’ Agreement, associated principles and amendments required to both the Constitution and our ways of working to embed effective Administration and Opposition in the ‘Torbay Way’ for good governance.

## 2. Reason for Proposal and its benefits

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- 2.1 The proposals in this report help us to deliver our vision of a healthy, happy, and prosperous Torbay by strengthening the ‘Torbay Way’ for good governance of the Council, in recognition of all councillors working together for the best interests of the Council and the residents it serves, irrespective of the political make-up of the Council and in a way which is built on trust.

## 3. Recommendation(s) / Proposed Decision

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1. That the Council approve the Group Leaders’ Agreement, the associated principles and amendments to the Constitution, as set out at Appendix 1 to this report, in order to embed effective Administration and Opposition in our ‘Torbay Way’ for good governance and for inclusion in the Council’s Constitution.

2. That, subject to approval of 1. above, the Group Leaders be requested to sign the Leaders' Agreement and principles at the Council Meeting on 27 February 2025.

## 4. Appendices

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Appendix 1: Good Governance the Torbay Way – Effective Administration and Opposition (Leaders' Agreement, Principles and Associated Constitution Amendments)

## 5. Background Documents

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- LGA Corporate Peer Challenge of Torbay Council, April 2024: [LGA Corporate Peer Challenge: Torbay Council | Local Government Association](#)
- Torbay Council Constitution: [Browse - Torbay Council's Constitution](#)

## Supporting Information

## 6. Introduction

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- 6.1. The LGA undertook a Corporate Peer of the Council in April 2024 and in respect of political relations made the following observations and recommendations in its resulting report:

A minority Administration under No Overall Control is a new way of working for all in Torbay and requires the appropriate adaptation of style and approach to reflect the fact that no single political party now has the majority of elected members on the council. Some success was seen in the 'Minority Administration Way of Working' developed a few months ago, not least the formal adoption of the Community and Corporate Plan and passing of the 2024/25 budget – both on a cross-party basis. Unfortunately, the 'Way of Working' has clearly broken down in recent weeks.

It is clear that the current political tensions, and the way they are being played out, are negatively impacting upon staff morale and motivation; the vast majority of elected members; the reputation of the council and the trust and confidence of partners. The issues are vested in a very small number of elected members, from across the Council Chamber, who must ask themselves what they want their legacy to be – in a context of this being that 'moment in time' for Torbay.

'No Overall Control' with a minority Administration is not unique to Torbay and there is no 'silver bullet'. It requires pragmatism on the part of political leaders to find common ground on the top strategic priorities that must be determined and delivered collaboratively. What is crucial is there being a genuine desire to listen on all 'sides' and not try to 'score political points'. It needs to be approached from the perspective of 'how do we get things done for the people of Torbay' and 'how do we collectively ensure good governance is maintained in the council'.

## Recommendation 2

The very small number of elected members from across the council chamber whose behaviours are impacting so negatively must ask themselves what they want their legacy to be and find ways of working effectively in a context of the minority Administration No Overall Control arrangement

## Recommendation 9

Create the space for cross-party consideration of matters relating to Constitutional and elected member governance

- 6.2. The Group Leaders from all political groups have worked together, through facilitated sessions, to identify a way forward to deliver good governance. This work led to the development of the Group Leaders' Agreement (see Appendix 1 attached).
- 6.3. The Council Leadership Group (including all Group Leaders and Deputy Leaders) subsequently met on 10 December 2024, 7 January and 21 January 2025 to establish a number of principles and associated Constitution Amendments to embed the Group Leaders' Agreement. These are also set out at Appendix 1 and are presented to Council for approval.
- 6.4. Subject to Council's approval, the Group Leaders wish to sign the Leaders Agreement at the Council meeting on 27 February 2025.
- 6.5. It is recommended the signed Group Leaders' Agreement and associated principles are included in the Council's Constitution in order to embed effective Administration and Opposition in our 'Torbay Way' for good governance and for inclusion in the Council's Constitution.

## 7. Options under consideration

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- 7.1. To not endorse the principles arising from the Group Leaders' Agreement and approve the associated Constitution Amendments. However, this option is not recommended as the proposed changes will strengthen the Council's governance arrangements.
- 7.2. To identify alternative changes to the Constitution. However, it should be noted the Constitution provides the basis for the Council's overarching governance arrangements and does not reflect the current political make-up of the Council as this may change at any time. Therefore, any alternative Constitutional changes should reflect the Group Leaders' Agreement as far as the Council's governance arrangements allow and without being timebound.

## 8. Financial Opportunities and Implications

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- 8.1. None

## 9. Legal Implications

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9.1. None – the proposed changes to the Constitution are within legislative requirements.

## 10. Engagement and Consultation

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10.1. The Group Leaders and Deputy Leaders worked collectively to prepare the proposals set out in this report and consulted their respective political groups.

## 11. Procurement Implications

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11.1. Not applicable.

## 12. Protecting our naturally inspiring Bay and tackling Climate Change

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12.1. Not applicable.

## 13. Associated Risks

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13.1. If the proposals set out in this report are not accepted, there is a risk the Council's governance will not be truly effective.

## Equality Impact Assessment

Protected characteristics under the Equality Act and groups with increased vulnerability	Data and insight	Equality considerations (including any adverse impacts)	Mitigation activities	Responsible department and timeframe for implementing mitigation activities
Age	<p>18 per cent of Torbay residents are under 18 years old.</p> <p>55 per cent of Torbay residents are aged between 18 to 64 years old.</p> <p>27 per cent of Torbay residents are aged 65 and older.</p>	<p>The changes to the Council's Constitution will help ensure good governance and decision making which will support all of Torbay's residents. It is not anticipated that any adverse impacts will be caused by the implementation of the recommendations.</p>	Not applicable	Not applicable
Carers	<p>At the time of the 2021 census there were 14,900 unpaid carers in Torbay. 5,185 of these provided 50 hours or more of care.</p>	<p>The changes to the Council's Constitution will help ensure good governance and decision making which will support all of Torbay's residents. It is not anticipated that any adverse impacts will be caused by the implementation of the recommendations.</p>	Not applicable	Not applicable
Disability	<p>In the 2021 Census, 23.8% of Torbay residents answered that their day-to-day activities were limited a little or a lot by a physical or mental health condition or illness.</p>	<p>The changes to the Council's Constitution will help ensure good governance and decision making which will support all of Torbay's residents.</p>	Not applicable	Not applicable

Protected characteristics under the Equality Act and groups with increased vulnerability	Data and insight	Equality considerations (including any adverse impacts)	Mitigation activities	Responsible department and timeframe for implementing mitigation activities
		It is not anticipated that any adverse impacts will be caused by the implementation of the recommendations.		
Gender reassignment	In the 2021 Census, 0.4% of Torbay's community answered that their gender identity was not the same as their sex registered at birth. This proportion is similar to the Southwest and is lower than England.	The changes to the Council's Constitution will help ensure good governance and decision making which will support all of Torbay's residents. It is not anticipated that any adverse impacts will be caused by the implementation of the recommendations.	Not applicable	Not applicable
Marriage and civil partnership	Of those Torbay residents aged 16 and over at the time of 2021 Census, 44.2% of people were married or in a registered civil partnership.	The changes to the Council's Constitution will help ensure good governance and decision making which will support all of Torbay's residents. It is not anticipated that any adverse impacts will be caused by the implementation of the recommendations.	Not applicable	Not applicable
Pregnancy and maternity	Over the period 2010 to 2021, the rate of live births (as a proportion of females aged 15 to 44) has been slightly but significantly higher in Torbay (average of 63.7 per 1,000) than England (60.2) and the South West (58.4). There has	The changes to the Council's Constitution will help ensure good governance and decision making which will support all of Torbay's residents. It is not anticipated that any adverse impacts will be caused by the implementation of the recommendations.	Not applicable	Not applicable

Protected characteristics under the Equality Act and groups with increased vulnerability	Data and insight	Equality considerations (including any adverse impacts)	Mitigation activities	Responsible department and timeframe for implementing mitigation activities
	been a notable fall in the numbers of live births since the middle of the last decade across all geographical areas.			
Race	In the 2021 Census, 96.1% of Torbay residents described their ethnicity as white. This is a higher proportion than the South West and England. Black, Asian and minority ethnic individuals are more likely to live in areas of Torbay classified as being amongst the 20% most deprived areas in England.	The changes to the Council's Constitution will help ensure good governance and decision making which will support all of Torbay's residents. It is not anticipated that any adverse impacts will be caused by the implementation of the recommendations.	Not applicable	Not applicable
Religion and belief	64.8% of Torbay residents who stated that they have a religion in the 2021 census.	The changes to the Council's Constitution will help ensure good governance and decision making which will support all of Torbay's residents. It is not anticipated that any adverse impacts will be caused by the implementation of the recommendations.	Not applicable	Not applicable
Sex	51.3% of Torbay's population are female and 48.7% are male	The changes to the Council's Constitution will help ensure good governance and decision making which will support all of Torbay's residents.	Not applicable	Not applicable

Protected characteristics under the Equality Act and groups with increased vulnerability	Data and insight	Equality considerations (including any adverse impacts)	Mitigation activities	Responsible department and timeframe for implementing mitigation activities
		It is not anticipated that any adverse impacts will be caused by the implementation of the recommendations.		
Sexual orientation	In the 2021 Census, 3.4% of those in Torbay aged over 16 identified their sexuality as either Lesbian, Gay, Bisexual or, used another term to describe their sexual orientation.	The changes to the Council's Constitution will help ensure good governance and decision making which will support all of Torbay's residents. It is not anticipated that any adverse impacts will be caused by the implementation of the recommendations.	Not applicable	Not applicable
Veterans	In 2021, 3.8% of residents in England reported that they had previously served in the UK armed forces. In Torbay, 5.9 per cent of the population have previously serviced in the UK armed forces.	The changes to the Council's Constitution will help ensure good governance and decision making which will support all of Torbay's residents. It is not anticipated that any adverse impacts will be caused by the implementation of the recommendations.	Not applicable	Not applicable
<b>Additional considerations</b>				
Socio-economic impacts (Including impacts on child poverty and deprivation)		The changes to the Council's Constitution will help ensure good governance and decision making which will support all of Torbay's residents.	Not applicable	Not applicable



Protected characteristics under the Equality Act and groups with increased vulnerability	Data and insight	Equality considerations (including any adverse impacts)	Mitigation activities	Responsible department and timeframe for implementing mitigation activities
		It is not anticipated that any adverse impacts will be caused by the implementation of the recommendations.		
Public Health impacts (Including impacts on the general health of the population of Torbay)		The changes to the Council's Constitution will help ensure good governance and decision making which will support all of Torbay's residents. It is not anticipated that any adverse impacts will be caused by the implementation of the recommendations.	Not applicable	Not applicable
Human Rights impacts		The changes to the Council's Constitution will help ensure good governance and decision making which will support all of Torbay's residents. It is not anticipated that any adverse impacts will be caused by the implementation of the recommendations.	Not applicable	Not applicable
Child Friendly	Torbay Council is a Child Friendly Council and all staff and Councillors are Corporate Parents and have a responsibility towards cared for and care experienced children and young people.	The changes to the Council's Constitution will help ensure good governance and decision making which will support all of Torbay's residents. It is not anticipated that any adverse impacts will be caused by the implementation of the recommendations.	Not applicable	Not applicable

## 14. Cumulative Council Impact

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14.1. None

## 15. Cumulative Community Impacts

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15.1. None