

Meeting: Council

Date: 12 September 2024

Wards affected: All Wards

Report Title: Constitution Amendments – Local Protocol on Relations between Overview and Scrutiny and the Cabinet

When does the decision need to be implemented? As soon as possible

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1. Purpose of Report

- 1.1 This report sets out changes to the Council's Constitution in respect of a new Local Protocol on relations between Overview and Scrutiny and the Cabinet.

2. Reason for Proposal and its benefits

- 2.1 The proposals in this report ensure that the following section of the Constitution is included as recommended in the review of operation of Overview and Scrutiny and the Local Government Association Peer Review:
- a. Local Protocol on Relations between Overview and Scrutiny and the Cabinet.

3. Recommendation(s) / Proposed Decision

1. That Council approves the new Local Protocol on Relations between Overview and Scrutiny and the Cabinet, set out at Appendix 1 to the submitted report, for inclusion within the Council's Constitution.

Appendices

Appendix 1 - Local Protocol on Relations between Overview and Scrutiny and the Cabinet.

Background Documents

[Overview and scrutiny: statutory guidance for councils, combined authorities and combined county authorities - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/consultations/overview-and-scrutiny-statutory-guidance-for-councils-combined-authorities-and-combined-county-authorities)

Supporting Information

1. Introduction

- 1.1 Article 13 – Review and Revision of The Constitution sets out the arrangements for revisions to the Council’s Constitution. This enables the Monitoring Officer to keep the Constitution under review and to make changes that are required for technical or legal reasons. The Monitoring Officer to also make other changes to the Constitution that he/she believes are in the best interests of the Council and/or local people, in consultation with Group Leaders, with an escalation provision to report matters to full Council for a decision.
- 1.2 A new Local Protocol on Relations between Overview and Scrutiny and the Cabinet, which was requested following a review of Overview and Scrutiny in 2023 and Local Government Association (LGA) Peer Review in 2024, is set out in Appendix 1 to this report.

2. Options under consideration

- 2.1 Not to include a new Local Protocol on Relations between Overview and Scrutiny and the Cabinet, however, this was identified as part of the review of Overview and Scrutiny; and the LGA Peer Review it reflects best practice and Government and Centre for Governance and Scrutiny guidance.

3. Financial Opportunities and Implications

- 3.1 None

4. Legal Implications

- 4.1 None

5. Engagement and Consultation

- 5.1 The new Local Protocol has been circulated to all Councillors and discussed with Group Leaders and their suggestions have been incorporated into the final versions of the documents, in accordance with the current Article 13 of the Constitution.

6. Procurement Implications

- 6.1 Not applicable

7. Protecting our naturally inspiring Bay and tackling Climate Change

- 7.1 Not applicable.

8. Associated Risks

- 8.1 None

9. 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 Torbay's most vulnerable residents.</p> <p>It is not anticipated that any adverse impacts will be caused by the implementation of the revised/new Constitution documents.</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 Torbay's most vulnerable residents.</p> <p>It is not anticipated that any adverse impacts will be caused by the implementation of the revised/new Constitution documents.</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</p>	<p>The changes to the Council's Constitution will help ensure good governance and decision making which</p>	Not applicable	Not applicable

	a physical or mental health condition or illness.	will support Torbay's most vulnerable residents. It is not anticipated that any adverse impacts will be caused by the implementation of the revised/new Constitution documents.		
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 Torbay's most vulnerable residents. It is not anticipated that any adverse impacts will be caused by the implementation of the revised/new Constitution documents.	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 Torbay's most vulnerable residents. It is not anticipated that any adverse impacts will be caused by the implementation of the revised/new Constitution documents.	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 been a notable fall in the	The changes to the Council's Constitution will help ensure good governance and decision making which will support Torbay's most vulnerable residents. It is not anticipated that any adverse impacts will be caused by the implementation of the revised/new Constitution documents.	Not applicable	Not applicable

	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 Torbay's most vulnerable residents. It is not anticipated that any adverse impacts will be caused by the implementation of the revised/new Constitution documents.	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 Torbay's most vulnerable residents. It is not anticipated that any adverse impacts will be caused by the implementation of the revised/new Constitution documents.	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 Torbay's most vulnerable residents. It is not anticipated that any adverse impacts will be caused by the implementation of the revised/new Constitution documents.	Not applicable	Not applicable

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 Torbay's most vulnerable residents. It is not anticipated that any adverse impacts will be caused by the implementation of the revised/new Constitution documents.	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 Torbay's most vulnerable residents. It is not anticipated that any adverse impacts will be caused by the implementation of the revised/new Constitution documents.	Not applicable	Not applicable
Additional considerations				
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 Torbay's most vulnerable residents. It is not anticipated that any adverse impacts will be caused by the implementation of the revised/new Constitution documents.	Not applicable	Not applicable
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 Torbay's most vulnerable residents.	Not applicable	Not applicable

		It is not anticipated that any adverse impacts will be caused by the implementation of the revised/new Constitution documents.		
Human Rights impacts		The changes to the Council's Constitution will help ensure good governance and decision making which will support Torbay's most vulnerable residents. It is not anticipated that any adverse impacts will be caused by the implementation of the revised/new Constitution documents.	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 Torbay's most vulnerable residents. It is not anticipated that any adverse impacts will be caused by the implementation of the revised/new Constitution documents.	Not applicable	Not applicable

10. Cumulative Council Impact

10.1 None

11. Cumulative Community Impacts

11.1 None