

Local Protocol – Good Governance the Torbay Way – Effective Administration and Opposition Leaders’ Agreement and Principles

Contents

1. Introduction
2. Leaders’ Agreement
3. Effective Administration and Opposition Principles

Torbay Council – Constitution Local Protocol – Good Governance the Torbay Way – Effective Administration and Opposition Leaders’ Agreement and Principles

1. Introduction

- 1.1 The Council has operated within no overall control by a single political party since 2019 and most recently since December 2023. All Group Leaders recognise there will always be a need to work together to ensure the good governance of the Council, which is built on trust and for the best interests of the Council and the residents it serves, irrespective of the political make-up of the Council.
- 1.2 To enhance the good governance of the Council, the respective roles of Administration and Opposition need to be clearly understood, defined and supported and expressed in our constitutional arrangements.
- 1.3 The Group Leaders have worked together to co-create the changes required to both the Constitution and our ways of working to embed effective Administration and Opposition in our ‘Torbay Way’ for good governance. This Local Protocol sets out the resulting Group Leaders’ Agreement and principles. The associated Constitution amendments were approved by the Council on 27 February 2025 ([Good Governance Torbay Way - Effective Administration Opposition Agreement App 1.pdf](#)) and have been incorporated throughout the Constitution.
- 1.4 The principles agreed by the Group Leaders’, and the associated Constitution amendments which have been incorporated, bring the Group Leaders’ Agreement into effect. 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. However, the Constitutional changes made encompass the principles arising from the Leaders’ Agreement as far as the Council’s governance arrangements allow and without being timebound but provide the ‘Torbay Way’ for the Council’s governance arrangements for effective administration and opposition working.

2. Leaders Agreement

- 2.1 As Group Leaders, we have worked together and with our respective Groups through a facilitation process. All Members recognise that the best interest of the Council and the residents it serves, is through the good governance of the Council which is built on trust.
- 2.2 To deliver good governance, the respective roles of the administration and the opposition need to be clearly understood and supported. In this regard all Members recognise the need for effective Shadow Cabinet arrangements and have worked together to co-create the required changes to the Constitution, to embed this as the ‘Torbay Way.’
- 2.3 The ‘Torbay Way’ will provide for the following key roles for the opposition:
 1. Overview and Scrutiny Co-ordinator; and
 2. Chairman/woman of Audit Committee
- 2.4 It will also provide that Committee Vice-Chair positions will be held by opposition members, who will work in partnership with the Chairman/woman, in advance of meetings.

Torbay Council – Constitution Local Protocol – Good Governance the Torbay Way – Effective Administration and Opposition Leaders’ Agreement and Principles

2.5 The allocation of these roles for the opposition will allow them to be a truly resilient and effective opposition and allow the Administration of the Council to effectively lead the organisation. It will be for the Administration to determine the allocation to all other positions.

2.6 Agreement

2.6.1 Effective Administration provides the leadership of the Council, is responsible for proposing the Council’s budget and policy framework and for making major decisions within the budget and policy framework set by the Council. The Administration works through the Cabinet and includes the Leader of the Council. It is recognised that the appointment of the Civic Mayor and Deputy Civic Mayor sits with and is within the gift of the Administration.

1. Effective Opposition provides constructive challenge to the Administration and holds decision-makers to account. The Opposition works through Shadow Cabinet. The Opposition also holds the positions of Overview & Scrutiny Co-ordinator and Chairman/woman of Audit Committee.
2. It also means that where a member of the Administration chairs a Committee chairs a Committee the Vice-Chairman/woman will be a member of the opposition, and vice versa.
3. The associated Constitution amendments (appended) set out in this Agreement bring into effect that agreed.

2.6.2 As Group Leaders of the three Political Groups on Torbay Council, we hereby confirm our agreement to all elements of this Agreement, its principles and associated Constitutional amendments which have been approved by Full Council on 27 February 2025.

2.6.3 Specifically, we confirm by agreement that the Political Groups will not put forward alternative nominations and as Group Leaders, we will seek to minimise any votes in opposition to the following positions:

1. the Administration’s nominations for Civic Mayor and Deputy Civic Mayor (including Civic Mayor and Deputy Civic Mayor elect); and
2. the Oppositions nominations for:
 1. Overview and Scrutiny Co-ordinator; and
 2. Chairman/woman of Audit Committee

3. Effective Administration and Opposition – Principles

The following principles and changes have been using the Leaders’s Agreement.

3.1 Definition of Administration and Opposition

The following Definition sets out the respective roles of Administration and Opposition:

3.1.1 The Administration of the Council provides the leadership of the Council, is responsible for proposing the Council’s budget and policy framework and for making major decisions within the budget and policy framework set by the Council. The Administration works through the Cabinet and includes the Leader of the Council. As part of the Leaders’ Agreement, it is recognised that the appointment of the Civic Mayor and Deputy Civic Mayor sits with and is within the gift of the Administration.

Torbay Council – Constitution Local Protocol – Good Governance the Torbay Way – Effective Administration and Opposition Leaders’ Agreement and Principles

3.1.2 The Opposition of the Council provides constructive challenge to the Administration and holds decision-makers to account. The Opposition works through Shadow Cabinet. The Opposition also holds the positions of Overview & Scrutiny Co-ordinator and Chairman/woman of Audit Committee. The Opposition will also hold Vice-Chairman/woman positions on other Committees where the Administration holds the Chair positions.

3.2. Shadow Cabinet Arrangements

3.2.1 The Shadow Cabinet shall mirror the Leader of the Council’s Cabinet, in terms of number and portfolios and is normally led by the Leader of the largest Opposition Political Group. The Shadow Cabinet provides the collective responsibility for providing an effective challenge to the Administration and constructive political opposition of the achievement of the Council’s corporate and service objectives and priorities.

3.2.2 To strengthen the existing arrangements, the following will be introduced for the Shadow Cabinet:

- Mirrors the Cabinet size and portfolios;
- Includes a Shadow Cabinet Leader and Deputy;
- Enable members from other opposition groups to be appointed as Shadow Cabinet members by the Leader of the largest opposition group;
- Establish formal 1:1s between the Leader and Deputy Leader of the Council and Leader and Deputy Leader of the Shadow Cabinet;
- Regular Cabinet Members and Shadow Cabinet Members meeting;
- Recognise Shadow Cabinet Members as opposition spokespersons at Cabinet and Council meetings (where Shadow Cabinet Members are not seconding the Cabinet’s proposals at Council meetings);
- Confidentiality shall be maintained on confidential matters shared;
- Strengthen and clarify support by Senior Officers, through 1:1s and meetings of Shadow Cabinet; and
- Effective cascade arrangements from Shadow Cabinet through their respective Group(s) and ward councillors, where appropriate, to ensure effective communication.

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3.3. Key Roles for Opposition

3.3.1 The Leaders’ Agreement recognises that for effective opposition in holding the Administration to account, the following key roles will be held by the Opposition and where the political balance of the Council allows:

- Overview & Scrutiny Co-ordinator; and
- Chairman/woman of Audit Committee

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3.3.2 Whilst holding the above positions, the requirements of the Council’s approach to its statutory functions of overview and scrutiny and guiding principles (as set out in the Local Protocol for Overview & Scrutiny and Cabinet Relations) shall be maintained, namely: ‘whilst the membership of Overview and Scrutiny bodies reflect the Council’s political proportionality, their meetings should reflect the statutory guidance that scrutiny work be conducted in a non-party political manner’.

Torbay Council – Constitution Local Protocol – Good Governance the Torbay Way – Effective Administration and Opposition Leaders’ Agreement and Principles

3.3.3 Where the Administration hold Committee Chairman/woman positions, the Opposition will hold the Vice-Chair positions and vice versa.

3.3.4 The Vice-Chairs shall work in partnership with the Chairs of Committees, attend any pre-briefings to shadow the Chairs on agenda preparation, which will ensure that information is shared, and they gain experience to create capacity building.

3.3.5 All other roles will be held by the Administration to determine their allocation.

3.4. Civic Mayor and Deputy Civic Mayor Appointment with Administration

3.4.1 As stated above and as part of the Leaders’ Agreement, it is recognised that the appointment of the Civic Mayor and Deputy Civic Mayor sits with and is within the gift of the Administration, to fulfil its leadership role of the Council. The Administration may determine to appoint a Civic Mayor and/or Deputy Civic Mayor from a Member of the Opposition group.

3.4.2 Within the Local Protocol on Civic and Ceremonial Mayor and the Deputy Civic Mayor, clarity has been provided for these roles and their consorts/escorts, in respect of their conduct at civic engagements to ensure and strengthen their political neutrality. In addition, the update provides clarity for the role of the Civic Mayor when exercising their right to vote at Council meetings.

3.4.3 This Agreement and associated principles were adopted by Council on 27 February 2025 and, on behalf of all Torbay Councillors, we as the Council’s Political Group Leaders hereby sign this statement to demonstrate our joint commitment to uphold good governance for effective administration and opposition working within Torbay Council:

Councillor David Thomas
Leader Conservative Group

Councillor Swithin Long
Leader Liberal Democrat Group

Councillor Darren Cowell
Leader Independent Group

