

**REPORT OF THE CITY SOLICITOR**

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**TO**  
Council

**ON**  
15 March 2023

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**TITLE: LAUNCH OF MODERN GOVERNANCE PROJECT**

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**RECOMMENDATIONS:**

Council is asked to note that a full review of the Salford City Council's Constitution has commenced.

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**EXECUTIVE SUMMARY:**

The Council has agreed to undertake a review of its Constitution commencing in January 2023 and concluding with the launch of a fully reviewed Constitution in April 2024. This report sets out the proposed structure for the review and details of how members will be involved, including regular updates being provided to Council meetings.

The work on the Constitution will be split into two parts and those parts will run concurrently.

Part one will involve a detailed review of decision making processes and scrutiny and will be supported by the Centre for Governance and Scrutiny.

Part two will be the review and refresh of all other parts of the Constitution. This part will focus on ensuring that that Constitution is up to date, legal and user friendly, rather than a major review of fundamental principles.

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**BACKGROUND DOCUMENTS:**

Salford City Council Constitution  
LGA Peer Review

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## **KEY DECISION: NO**

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### **DETAILS:**

#### **1 Introduction**

- 1.1 Salford's ambitions require sound governance in place in order to deliver services efficiently and legally. The Council must satisfy a complex range of political, economic, social, and environmental objectives over the short, medium, and longer term and services are increasingly delivered through novel and complex structures.
- 1.2 It is good practice for councils to review their constitution and governance regularly. It is a number of years since the last review and the Council has faced unprecedented challenges during that period, such as the pandemic. It is therefore timely to undertake a review to ensure that our processes are sound, legal and will support the ambitions of this Council for the people of Salford moving forward.

#### **2 Aims and Objectives of the Review**

- 2.1 This review aims to create and embed supported and efficient governance that enables the Council to deliver for the people of Salford, by creating a modern, fit for the future Constitution and governance structures that:
- Are easily accessible to officers and members
  - Are supported by processes and training that ensure that they are well understood and embedded in the work of officers and members
  - Facilitate lawful, efficient decision making that is evidence led
  - Are presented in such a way that they provide a clear and positive user experience for members, officers and residents and ensure transparency and accountability
- 2.2 The review will do this by delivering:
- A revised and rewritten constitution (designed for optimal performance when used digitally) supported by high level guidance documents
  - A communications and training plan for officers and members to ensure the new Constitution is embedded within everything that we do at Salford City Council
  - An updated and accessible website/intranet page

#### **3 Structure and Timescale for Review**

- 3.1 The Project is aiming to present a fully reviewed Constitution to Council for approval in March 2024.

3.2 The work on the Constitution will be split into two parts and those parts will run concurrently during 2023. Towards the end of 2023, time will be spent bringing the two parts together to ensure consistency both in the content and style of the Constitution.

3.3 Part one will involve a detailed review of decision making processes and scrutiny and is being supported by the Centre for Governance and Scrutiny. The Centre for Governance and Scrutiny (CfGS) is a social purpose consultancy and national centre of expertise. It exists to promote better governance and scrutiny, both in policy and in practice. They have a record of supporting local government, the public, corporate and voluntary sectors in ensuring transparency, accountability and greater involvement in their governance processes. The involvement of the CfGS in this review is endorsed and supported by the Local Government Association.

3.4 The specific objectives of the work that CfGS will undertake on this project are:

- To clarify and articulate the expectations of officers and members in respect of decision-making and oversight arrangements (with a particular focus on delegation, and overview and scrutiny);
- To lay out options for the design of those elements of the constitution and support discussion and agreement;
- To ensure that this agreement aligns with wider activity currently under way to review and improve the constitution and governance framework;
- To feed into the design of wider processes and systems, and training, necessary to embed these changes.

3.5 Their work will broadly fall into three stages:

- 1 Diagnosis - clarifying where current challenges lie, what may need to change and, in a general sense, what those changes might look like
- 2 Laying out principles and experimenting with new approaches – Agreement of clear principles that can be used to underpin the drafting of updated governance systems and processes. Bringing together members and officers to test out how any new decision-making systems that flow from those principles might work. Workshops would explore how current decisions might be taken through any new systems proposed.
- 3 Redrafting – Drafting of relevant parts of the Constitution and wider guidance and support material.

3.6 Part two will be the review and refresh of all other parts of the Constitution. This part will focus on ensuring that that Constitution is up to date, legal and user friendly, rather than a major review of fundamental principles. This work will be supported by the shared legal service and officers with specific expertise across the council. The intention therefore is for this part of the work to be delivered internally.

3.7 The sections of the Constitution that fall into this part are being prioritised dependent on the stakeholders who will need to be involved so, for example, where detailed consultation with specific committees or with the Unions will be required work will be commenced earlier to ensure sufficient time to complete those sections. It has also been agreed that the first tranche of work will include reviewing the Council Procedure Rules.

#### **4 Support for the Project**

4.1 The Senior Responsible Officer for this project is Iolanda Puzio, City Solicitor and Monitoring Officer.

4.2 As set out above, the project has external support from the Centre for Governance and Scrutiny and internal support from the Shared Legal Service.

4.3 The Corporate Management Team will receive regular updates and be the overall steering group for this project. An officer group has been established to lead on the day to day work required.

4.4 A cross party member working group, the Constitution Review Group (members), has been set up with the following membership:

Iolanda Puzio (chair)  
Elizabeth Jones (project officer)  
Councillor J Merry – Labour  
Councillor M Saeed – Labour  
Councillor T Pepper – Labour  
Councillor P Cusack – Labour  
Councillor R Garrido – Conservative  
Councillor A Saunders – Conservative

4.5 The main responsibility of this Group in respect of the Project is to be the main consultative group for members in respect of any suggested changes to the Constitution. However, a further key responsibility for the membership is to ensure communications and key messages are shared with colleagues and to act as a conduit to return any concerns or specific considerations raised by elected members to the Constitution Review Group.

#### **5 Next Steps**

5.1 The project has now commenced with the officer and member groups having met to plan their work.

5.2 The Centre for Governance and Scrutiny has commenced the diagnostic phase of their work and is currently undertaking interviews with key personnel across the Council as well as undertaking a paper review of the Constitution and the Council's decision making processes.

- 5.3 The intention is that Council will be kept informed as to the progress of the project both through members of the Constitution Review Group and through regular updates to Council meetings. If members have any particular issues that they would like to raise they are encourage do so either through the Monitoring Officer or any member of the Constitution Review Group.

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**KEY COUNCIL POLICIES: n/a**

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**EQUALITY IMPACT ASSESSMENT AND IMPLICATIONS:**

There is no requirement to undertake an Equality Impact Assessment as this is a legal document already in existence. However, consideration will be given to the public sector equality duty in the drafting of the Constitution to ensure that it is accessible.

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**ASSESSMENT OF RISK:**

The Centre for Governance and Scrutiny highlights that examples of failure and near-failure highlighted in a number of councils seems to centre around shortcomings in constitutions. Council constitutions should as a matter of good practice be subject to regular reviews, however, this has been difficult to achieve in recent years with the many challenges councils have faced.

Salford City Council has not undertaken a comprehensive review of its Constitution for some time and this could pose a risk to the Council. This project provides an opportunity for the Council to review its governance arrangements to ensure that they are fit for purpose.

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**LEGAL IMPLICATIONS Supplied by: Iolanda Puzio, City Solicitor**

The Local Government Act 2000 requires all Councils to have a constitution that covers all the standing orders, delegated processes and the codes of conduct for councillors.

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**FINANCIAL IMPLICATIONS: Paul Hutchings, Interim Head of Financial Management**

The total cost to carry out the modern governance review is anticipated to be £23,500. However, it is understood that the LGA have suggested that they may be able to commit to cover the costs of eight days of CfGS time so this will be free of charge to the Council. This will leave an outstanding balance to the council of £15,500, which it is anticipated that will be covered through service specific reserves.

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**PROCUREMENT IMPLICATIONS: n/a**

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**HR IMPLICATIONS: n/a**

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**CLIMATE CHANGE IMPLICATIONS: n/a**

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**OTHER DIRECTORATES CONSULTED:**

All Directorates have been consulted and will be actively involved in delivering this project.

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**CONTACT OFFICER: Iolanda Puzio, City Solicitor and Monitoring Officer**

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**WARDS TO WHICH REPORT RELATES: All**