



## North Devon Council

Report Date: Thursday, 18 May 2023

Topic: Assistants for Political Groups

Report by: Chief Executive

### 1. INTRODUCTION

1.1. The Local Government and Housing Act 1989 section 9 provides Local Authorities to appoint political assistants, subject to conditions.

1.2. This reports appraises Council of those provisions and conditions.

### 2. RECOMMENDATIONS

2.1. That Council notes the report.

### 3. REASONS FOR RECOMMENDATIONS

3.1. There is no recommendation for action to be made. Any decision to act on the report is a matter for Councillors.

### 4. REPORT

4.1. The Local Government and Housing Act 1989 section 9 makes it possible for Local Authorities to appoint political assistants subject to the following conditions:

4.1.1. **Employer** – the Council is the employer, not the political group.

4.1.2. **Job Purpose**

- a) The appointment must be for the purpose of providing assistance to the members of a political group in the discharge of their functions as members of the Authority.
- b) No delegated powers are available to the political assistant.
- c) No officer can be required to work under their direction, save for the provision of secretarial or clerical services.

4.1.3. **Group Qualification** – Political Groups will only qualify if they comprise at least 10% of the membership of the Authority and are one of the three largest groups of the Authority. The exception is where only one political group accounts for at least 10% of the membership, in which case the next largest group also qualifies.

4.1.4. **Number of Appointments**

- a) There can be no more than three such appointments across the Authority.
- b) Each group can only have one political assistant.

4.1.5. **Filling the Posts**

- a) If the Council decide to do so it must allocate a post to each political group qualifying for one before any appointment may be made. It

would be a matter for each group to decide whether to take up the offer.

- b) All appointments of staff must be made on merit and therefore advertised in the normal way. In the case of political assistants, the procedures relating to the appointment of staff should be amended so that the post can be filled according to the wishes of the political groups to be assisted. This means that if there are two candidates of equal political “attractiveness”, the more able to perform the role must be appointed.
- c) Members of the Council cannot be appointed to any paid office whilst they remain Members and for a period of 12 months thereafter.
- d) Nothing in the Act prevents the secondment to a political group of officers conventionally appointed and accordingly appointed on merit without regard to their political sympathies or affiliations.

#### 4.1.6. **Terms of Employment**

- a) In accordance with sub section 3 (a) the Regulations relating to Political Assistants provide for a maximum term of office to end “before the end of in the case of a post under an authority in England and Wales, the day in the appropriate year on which the authority hold the meeting which they are required to hold in pursuance of paragraph 1 of Part I of Schedule 12 to the Local Government Act 1972 (annual meeting of principal councils); “
- b) The 2023/24 approved Revenue Budget does not contain any provision for these posts and the costs for this year would need to be met from reserves. Future years budget would need to be adjusted accordingly if the posts are approved.
- c) The remuneration of each political assistant must not exceed spinal column point 32 of the salary scales for Local Government officers i.e. £38,296 or its part-time equivalent. However, under the Council’s procedures for the establishment of a new post, the post will be subject to a written job description and evaluated in accordance with the Council’s Job Evaluation scheme. For this purpose the Job Description of the Political Assistant post previously appointed by Council could be used as a guide.

4.1.7. **Constitution** – there will be a need to amend the Constitution to incorporate the requirements of sub-section 2(d) of the Local Government and Housing Act 1989.

4.2. Members should be aware of government guidance on local authority political assistants which includes guidance on when to consider their appointment as follows:

*When considering how best to manage their resources, councils should be certain to take into account their use, potential use, or necessity of local authority political assistants.*

*While these politically restricted advisers can provide elected members with a different perspective, offering the type of advice other council staff cannot, local authorities should remember that they are taxpayer-funded employees and should not be exempt from wider discussions about how to make the authority as efficient and effective as possible.*

*All local authorities, and individual political groups themselves, should therefore have particular regard to financial considerations when determining the need for a political assistant.*

*These considerations are especially relevant where a political group is represented by a small number of councillors but nevertheless qualifies for a political assistant. Where such cases arise, local authorities should pay particular attention to the value for money of employing an assistant and whether they can justify this to local residents.*

*The local authority cannot delegate any functions to an assistant, and no other authority officer can be required to work under the direction of an assistant (other than in respect of secretarial or clerical services)*

## 5. RESOURCE IMPLICATIONS

- 5.1. The costs of the appointments will be influenced by the number of hours worked and the actual salary of the specific posts.
- 5.2. The 2023/24 approved Revenue Budget does not contain any provision for these posts and the costs for this year would need to be met from reserves. Future years budget would need to be adjusted accordingly if the posts are approved.
- 5.3. Any new appointments made could have a knock on effect on existing secretarial and/or administrative support staff if such are needed, which in the first instance would have to be met from existing resources.

## 6. EQUALITIES ASSESSMENT

- 6.1. Not required as report is for information purposes only. The appointment procedure will follow Council procedures and will be an open process for suitable applicants to apply.

## 7. ENVIRONMENTAL ASSESSMENT

- 7.1. Not required as report is for information purposes only.



## 8. CORPORATE PRIORITIES

8.1. What impact, positive or negative, does the subject of this report have on:

8.1.1. The commercialisation agenda: Not applicable

8.1.2. Improving customer focus and/or: Not applicable

8.1.3. Regeneration or economic development: Not applicable

## 9. CONSTITUTIONAL CONTEXT

9.1. The power to appoint staff including the terms and conditions on which they hold falls to Council to exercise.

## 10. STATEMENT OF CONFIDENTIALITY

This report contains no confidential information or exempt information under the provisions of Schedule 12A of 1972 Act.

## 11. BACKGROUND PAPERS

The following background papers were used in the preparation of this report: (The background papers are available for inspection and kept by the author of the report).

Local Government and Housing Act 1989 section 9

Local Government (Assistants for Political Groups) (Remuneration) (England) Order 2021

Report presented to Annual Council on 16 May 2019

## 12. STATEMENT OF INTERNAL ADVICE

The author (below) confirms that advice has been taken from all appropriate Councillors and Officers: Head of Governance, Director of Resources, Head of Organisational Development, Senior Solicitor and Monitoring Officer and Senior Corporate and Community Services Officer.