

MID SUFFOLK DISTRICT COUNCIL

To: MSDC Council	Report Number: MC/23/16
From: Head of Paid Service	Date of meeting: 21 September 2023
Officer: Janice Robinson Corporate Manager – Governance and Civic Office	

APPOINTMENT OF POLITICAL ASSISTANTS

1. PURPOSE OF REPORT

- 1.1 To consider the principle of political groups appointing political assistants within the framework of the Local Government and Housing Act 1989 and if agreed, to outline the arrangements for appointment of political assistants should any group decide to appoint one.
- 1.2 Council is also asked to agree to instruct the Monitoring Officer to make the necessary amendments to the Constitution if the recommendations are approved.

2. RECOMMENDATIONS

- 2.1 To consider whether to approve the principle of appointing political assistants within the framework of the Local Government and Housing Act 1989, with effect from the Annual Council meeting 2023 until the Annual Council meeting following the full council election in 2027. (Agreement to the principle would not commit the Groups, or in effect the Group Leaders, to making appointments, but would establish the framework within which such appointments could be made).
- 2.2 Should 2.1 be approved, that the procedure detailed in the report be followed, should a political group wish to make an appointment.
- 2.3 That the Monitoring Officer be authorised to make the necessary amendments to the Constitution if the recommendations are approved.

3. KEY INFORMATION

- 3.1 Under section 9 of the Local Government and Housing Act 1989, a local authority may appoint assistants for political groups, subject to some relatively stringent conditions being followed including: -
 - The appointment may have regard to an applicant's political activities or affiliations.
 - The appointment must be made based on providing assistance to the members of a political group in the discharge of their functions as members of the authority (not in their other political functions).
 - The political assistant cannot have any delegated powers, nor can any other officer of the authority be required to work under their direction.

- Groups will only qualify for assistants if they comprise at least 10 per cent of the membership of the authority and are one of the three largest groups on the Council. For MSDC 10% of 34 would be 3.4, so all 3 political groups qualify and could request a political assistant if they so choose.
- There can be no more than three such appointments across the authority and only one for each group, appointments can only be made if posts are allocated to all the groups who qualify (even though a group can choose not to make an appointment).
- Standing Orders must provide for the posts to be filled according to the wishes of the political group.
- The terms of employment must be such that the appointment ends at or before the end of the authority's annual meeting in an election year - in Mid Suffolk's case May 2027.
- Previously the Local Government (Assistants for Political Groups) (Remuneration) (England) Order 2006 stipulated a £34,986 annual salary. However, this was repealed in favour of Local Government (Assistants for Political Groups) (Remuneration) (England) Order 2021, which provides a specified maximum amount.
- Their salary cannot exceed the spinal point 38 on the National Joint Council's National Agreement on Pay and Conditions of Service Scheme (currently £41,881), which will increase in line with this spinal point following NJC pay negotiations.

3.2 The Department for Levelling Up, Housing and Communities issued non statutory guidance on the 11th October 2021 for local authorities in England who are considering employing local authority political assistants. The purpose of the guidance is threefold:

- To accompany changes made by the Local Government (Assistants for Political Groups) (Remuneration) (England) Order 2021.
- Encourage local authorities choosing to employ political assistants to carry out a value for money job assessment and, if appropriate, consider employing them on a part time basis.
- Recommend that councils are thorough in ensuring that there is openness and transparency regarding the role and activities of political assistants in their employment.

3.3 The key points from the non-statutory guidance are as follows: -

- The post of political assistant in a local authority is politically restricted. This means that, like other politically restricted posts, the postholder cannot stand for election, act as an election agent or sub-agent, be an officer of a political party, manage a party or branch of a party, and cannot canvass on behalf of a political party or candidate for election.
- Political advisers are, however permitted to speak in public with the intention of effecting support for a political party or candidate for election, but their actions must not give the impression that they are acting as the representative of the political party.

- Political advisers are also able to publish or cause to be published written work or other material intended to affect public support for a political party, but they must not give the impression that the publication is authorised by the political party.
- No appointments can be made until posts have been established for all qualifying groups.
- It is for the authority to determine the salary payable, however it is expected that local authorities show restraint and allow pay increases in a proportionate manner in line with wider local government pay.
- Authorities who employ political assistants should always consider whether the post is necessary, and whether employing them on a part-time rather than a full-time basis would keep the costs down and provide better value for money for the taxpayer. Part-time posts may encourage and attract a diverse range of candidates.
- Authorities are encouraged to carry out a value for money job assessment when considering remuneration for political assistants and pay at a rate appropriate for the work undertaken, subject to the maximum amount specified in the legislation.
- The contract of employment must terminate at or before the annual council meeting after the district elections. However, this does not prevent the post holder being reappointed for a further term.
- 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.
- Local authorities should consider publishing the details below as best practice:
 - i. The total number of political assistants it employs.
 - ii. The political group each assistant serves.
 - iii. The number of councillors in each political group.
 - iv. The number of hours per week for which each political group's assistant is employed.

3.4 An appointment of a political assistant is dependent on the Council passing a resolution in support of the principle of appointing political assistants.

3.5 If the Council were to approve the principle of the appointment of political assistants, then the following procedural arrangements would apply:

- The relevant group leader would formally advise the Director of Law and Governance that the group seek the appointment of a political assistant (this may be shortly after the annual council meeting, or at some stage in the future).
- The appointment of the political assistant would be made by a panel comprising of the relevant group leader and a small number of councillors from the group. The Director of Law and Governance would attend to advise the panel and ensure that proper recruitment procedures were followed.
- The appointment of any political assistant would run until the annual council in a district council election year, with such an appointment being automatically renewed subject to the relevant group remaining entitled to the services of a political assistant, the group still requiring a political assistant, or the principle of appointing political assistants is changed by council.

4. Financial Implications

- 4.1 The funding for the employment of the political assistant would be taken from the current councillors' expenses budget. The post has been given a proposed grade of 4 this is in line with similar Governance Officer posts but will need to go through the job evaluation process once the principle of appointing political assistants has been approved.
- 4.2 The cost of one FTE grade 4 officer (including oncosts) is currently £ 35,711.05 at the lowest SCP.

5. Legal Implications

Section 9 of the Local Government and Housing Act 1989 sets out the provisions for appointment of political assistants. The Local Government (Assistants for Political Groups) (Remuneration) (England) Order 2006 sets out the maximum amount for remuneration of a political assistant post. DLUHC (Department for Levelling Up, Housing and Communities issued non statutory guidance for local authorities in England.

The constitution will need to be amended to incorporate the requirements of section 9 (2) d of the Local Government Housing Act.

6. Risk Management

- 6.1 This report is most closely linked with the Council's Corporate / Significant Business Risk No.5C *Failure to develop clear governance arrangements that enable the right decisions to be taken that are appropriate for the environment that we are operating in.* Key risks are set out below:

Risk Description	Likelihood	Impact	Mitigation Measures
Councillors do not have information to make an informed decision	Unlikely (2)	Noticeable (2)	Appointment of political assistants to assist councillors to undertake their duties in an informed way and that they have a political perspective which officers of the Council would not normally provide

7. Consultations

7.1 The Chief Executive has consulted with political leaders.

8. Equality Analysis

8.1 There are no equality implications arising from this report.

9. Environmental Implications

Members of staff will be expected to work towards the Council's carbon neutral targets which includes a paperless environment, green travel and working flexibly from home to minimise any impact on the environment.

10. Links to the Corporate Plan

10.1 The appointment of a political assistant will support the delivery of the Council's strategic priorities by assisting councillors to be fully informed of the political dimensions of the decisions they may be undertaking.

11. APPENDICES

Title	Location
(A) Role description Political Assistant	Attached

12. BACKGROUND DOCUMENTS

Local Government and Housing Act 1989

The Local Government Officers (Political Restrictions) Regulations 1990

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

Order 2021

Local Authority Political Assistants Guidance – Published 11 October 2021