

Westmorland and Furness Council

Report Title:	Appointment of Political Assistants
Meeting:	Council
Meeting Date:	21 September 2023
Report Author:	Linda Jones, Chief Legal Officer and Monitoring Officer
Lead Cabinet Member(s):	Jonathan Brooke, Leader of the Council
Wards Affected?	All
PUBLIC, PART EXEMPT OR FULLY EXEMPT	Public
List of Appendices (if any)	Appendix 1: draft changes to the Constitution

1. Executive Summary

- 1.1 This report recommends that the Council agrees changes to the Constitution necessary to allow for the appointment of Political Assistants to those political groups that qualify for such a post in accordance with the legislation and delegates to the Chief Legal and Monitoring Officer the authority to agree a draft Local Protocol in Relation to Political Assistants incorporating a job description for the role in consultation with the Leaders of the Political Groups who qualify for appointment of a Political Assistant.

2. Recommendation

For the reasons set out in this report, it is recommended that Council -

- 2.1 Agrees changes to the Constitution as set out in Appendix 1 which are necessary to allow for the appointment of Political Assistants to those political groups that qualify for such a post in accordance with section 9 of the Local Government and Housing Act 1989;
- 2.2 Delegates to the Chief Legal and Monitoring Officer the authority to agree a draft Local Protocol in Relation to Political Assistants incorporating a job description for the role in consultation with the Leaders of the Political Groups who qualify for appointment of a Political Assistant.

3. Information: the Rationale and Evidence

- 3.1 Section 9 of the Local Government and Housing Act 1989 (the Act) provides that a relevant authority can appoint a maximum of up to three persons to provide assistance to members of political groups in the authority. Posts must be for a fixed term and run until the council's Annual Meeting following the next Council elections.
- 3.2 Their pay is subject to a ceiling set by the Secretary of State. The Local Government (Assistants for Political Groups) (Remuneration) (England) Order 2021 provides that the maximum amount which can be paid to a political

assistant is spinal column' point 38 of the salary scales for local government officers incorporated in the National Joint Council's Scheme. For 2022/23 this was £44,539.

- 3.3 Sections 9(6) and (7) of the Act provide that each of the three largest political groups on a relevant authority is entitled to have one Political Assistant provided that have at least 10% of the members of the authority. If only one group has 10% of more of members, then only it and the next largest group are entitled to a Political Assistant. In Westmorland and Furness's case the Liberal Democrat, Labour and Conservative groups would currently qualify for a Political Assistant as they currently have approximately 55%, 23% and 17% of members.
- 3.4 The role of political assistants appointed in accordance with the act is to undertake research and provide administrative support to members of political groups in the discharge of any of their functions as members of the Council. They are politically restricted posts and, with two exceptions the regime restricting the political activities of local government employees who are in politically restricted posts applies to them. The two exceptions enable them to speak to the public with the intention of affecting support for a political party provided they do not give the impression they are speaking as an authorised representative of the political party and to publish or cause to be published written work or other material intended to affect public support for a political party provided they do not give the impression that the publication is authorised by the political party.
- 3.5 Section 9(1) of the Act provides that unlike other Council employees regard may also be had to their political affiliations and political activities prior to their appointment.
- 3.6 Delegated powers whether from the Council or Cabinet or another committee or officer cannot be conferred on political assistants and no other officer of the council can be required to work under the direction of a person holding a political assistant post unless they are providing them with secretarial or clerical services.
- 3.7 Each post will be filled from time to time in accordance with the wishes of the political party entitled to appoint the political assistant.
- 3.8 The legislation requires that certain provisions relating to political assistants are including in the Standing Orders of the Council. The amendments to the constitution set out in Appendix 1 ensure the Constitution satisfies these legislative requirements.
- 3.9 If Political Groups decide to exercise their entitlement to appoint a Political Assistant to support them then further work will need to be undertaken to draw up a clear Protocol setting out the process for appointment of Political Assistants, setting out their job description and how they work with other Officers. There are a number of Officers whose current role involves providing support for members and specific political groups including Officers who transferred over from predecessor councils under TUPE on 1 April and Officers

who have stepped up into new roles to provide support to members since 1 April although it should be noted that existing roles in the County Council were split between Cumberland Council and Westmorland and Furness Council. Further work is needed to be done to ensure that the appointment of Political Assistants does not have an adverse impact on any of these Officers and there is a clarity around how the Political Assistants will work with these Officers. It is recommended that responsibility for carrying out this exercise and agreeing a Local Protocol in relation to Political Assistants which incorporates their job specification is delegated to the Chief Legal and Monitoring Officer in consultation with the Leaders of the Political Groups entitled to appoint a Political Assistant.

4. Link to Council Plan Priorities: (People, Climate, Communities, Economy and Culture, Customers, Workforce)

4.1 The appointment of Political Assistants will help support members of the three largest political groups to ensure decisions are made to achieve all the Council Plan Priorities.

5. Consultation Outcomes (with services, ward councillors & public consultation where required)

5.1 The Leaders of the 3 largest political groups have been consulted on the recommendations made in this report.

6. Alternative Options Considered

6.1 Section 9 of the Local Government and Housing Act 1989 allows local authorities to authorise the appointment of political assistants in accordance with the requirements of the legislation but this is a matter for each local authority to determine. The Council could decide not to approve the appointment of Political Assistants as proposed in this report.

7. Financial Implications and risk

7.1 The cost of recruiting 3 political assistants for a full year would be approximately £175k.

7.2 As at 1 April 2023 the previous County Council Legal and Democratic Services Service staffing budget was disaggregated 55/45 between Cumberland Council and Westmorland and Furness Council. Initial indications are that there may be up to £45,000 revenue budget available for the proposed new political assistants' roles. Any additional costs incurred from the recruitment of political assistants in the 23/24 financial year could be funded from the 23/24 £1m contingency budget (Cabinet will be considering the allocation of this budget as part of the Q1 monitoring report and if the appointment of political assistants is agreed this would be included in the recommendations to Cabinet). Any permanent budget pressures in future years would need to be proposed as part of the budget setting process for 24/25.

8. Legal & Governance Implications

- 8.1 The key legislative provisions are set out in the main body of the report. As discussed above Section 9 of the Local Government and Housing Act 1989 allows local authorities to authorise the appointment of Political Assistants in accordance with the requirements of the legislation. The decision as to whether or not to authorise these appointments is a matter for Council.
- 8.2 If the recommendation is agreed further legal advice will be required on the impact on existing Officers who are providing support to members in a variety of roles before the appointments are made.

9. Human Resources Implications

- 9.1 As outlined within the report further work is needed to ensure that the appointment of Political Assistants does not have an adverse impact on any of the existing Officers who provide support to members in a variety of roles before the appointments are made.
- 9.2 As set out within Section 9 of the Local Government and Housing Act 1989, the posts would be appointed for a fixed term basis and run until the Council's Annual Meeting following the next Council elections. It is important to note that an employee with two or more years of continuous service, as a fixed-term employee, has the same redundancy rights as a permanent employee.

10. Equality & Diversity Implications (including the public sector equality duty, Armed Forces Families, Care Leavers and Health inequalities implications)

- 10.1 There are no direct equality and diversity implications arising out of the recommendations in this report..

11. Background Information & Sources (used in preparation of this Report)

- 11.1 Department for Levelling Up, Housing and Communities Local Authority Political Assistants Guidance 11 October 2021