

**REPORT TO:** Council

30 March 2023

**LEAD MEMBER:** Chair of the Council

**LEAD OFFICER:** Monitoring Officer

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## Assistants for Political Groups

### Executive Summary

1. Civic Affairs Committee, at its meeting on the 2<sup>nd</sup> March 2023, considered a report regarding assistants for political groups.
2. The Local Government and Housing Act 1989 provides Local Authorities the power to appoint political assistants, subject to conditions.
3. This report appraises Council of those provisions and conditions and recommends that Council amend the constitution to allow for the appointment of political assistants.
4. Civic Affairs Committee, at its meeting held on 2<sup>nd</sup> March 2023, unanimously agreed to recommend that Council amend the Constitution to allow for the appointment of Political Assistants.

### Recommendations

5. It is recommended that Council amend the Constitution to allow for the appointment of Political Assistants and authorises the Chief Executive to make the necessary changes to the Constitution.

### Details

6. Local Authorities have a power to appoint a limited number of political assistants, whose posts qualify as politically restricted but who are excluded from the general requirement that all persons appointed to a paid office or employment by a local authority must be made “on merit”.
7. It is not mandatory to appoint political assistants, but authorities may do so within relatively stringent conditions, including the following:

- The appointment may have regard to an applicant's political activities or affiliations.
- 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 (therefore, not in their other political functions).
- The political assistant cannot enjoy any delegated powers, nor can any other officer of the authority be required to work under their direction.
- Groups will normally only qualify if they comprise at least 10 per cent of the membership of the authority and are one of the three largest groups on the authority.
- There can be no more than three such appointments across the authority and only one for each group and there can be no appointments unless a post has been allocated to each group qualifying for one (even though a group can choose not to make an appointment).
- Where there is only one group with at least 10 per cent of the membership, there are to be only two appointments, one to the largest group, and one to the next largest.
- Standing orders must provide for the posts to be filled according to the wishes of the political group to be assisted by the postholder.
- The terms of employment must be such that the appointment ends at or before the end of the authority's annual meeting in the case of an authority holding full council elections in the first year of such an election following the appointment (for SCDC (South Cambridgeshire District Council) that means May 2026).
- The remuneration of the political assistant must not exceed an amount specified, in England, by the Secretary of State. The amount specified for the purposes of section 9 (4) (a) of the Local Government and Housing Act 1989 is contained within regulation 3 of the Local Government (Assistants for Political Groups) (Remuneration) (England) Order 2021/1122. This states that the point specified for the purpose of the Act is spinal column point 38 of the salary scales for local government officers incorporated in the National Joint Council's Scheme which is currently £48,364 (2022/23 figures). The posts in SCDC have been evaluated at point 25 (£32,662 on 2022/23 pay scale).

8. DLUHC (Department for Levelling Up, Housing and Communities) issued non-statutory guidance on the 11 October 2021 for local authorities in England who are considering employing, local authority political assistants. The purpose of the guidance is three-fold;

- 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

9. 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 post-holder 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 to the public with the intention of affecting support for a political party, 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 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
- The contract of employment must terminate at or before the annual council meeting following the first elections after the person was appointed. 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

## **Options**

10. The Council could

- (a) amend the Constitution to allow for the appointment of Political Assistants;  
or
- (b) determine to maintain the status quo and not amend the Constitution;

## **Implications**

11. In the writing of this report, taking into account staffing, risk, equality and diversity, climate change, and any other key issues, there are no significant implications in this regard.

## **Financial**

12. As the budget had already been approved, the cost can be met from General Fund contingency until the budget is revised during the next budget process.

## **Legal**

13. There will be a need to amend the Constitution to incorporate the requirements of Section 9 (2) (d) of the Local Government and Housing Act 1989 that a politically restricted post, under the standing orders of the Authority, is to be filled from time to time in accordance with the wishes of the political group to which the post has been allocated.

## **Background Papers**

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

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