

COUNCIL

Wednesday, 22 May 2019

APPOINTMENT OF POLITICAL ASSISTANTS

EXECUTIVE SUMMARY

1. The Local Government and Housing Act 1989 governs the appointment of Political Assistants to provide assistance to political groups represented on the Council. Political Groups which have at least 10% of the total number of seats on the Council ($55 \times 10\% = 5.5$ rounded up to 6) qualify for a Political Assistant. Following the Local Elections on 2 May 2019, the Conservative Group has 39 Members and the Labour Group has 7. Therefore, both meet the qualifying criteria for the allocation of a Political Assistant.
2. Therefore, the Council is invited to consider the allocation of Political Assistants to these Groups on the Council.

Is the report Open or Exempt?	Open
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Wards Affected:	All Wards in the District
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Cabinet Member:	Leader of the Council
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Supporting Officer:	<p>Hilary Slater</p> <p>Head of Legal and Democratic Services</p> <p>01394 444336</p> <p>hilary.slater@eastsuffolk.gov.uk</p>
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1 INTRODUCTION

- 1.1 The Local Government and Housing Act 1989 (LGHA) governs the appointment of Political Assistants to provide assistance to political groups represented on the Council.
- 1.2 Under s9 of LGHA, the Council may appoint staff for the purpose of providing assistance to the members of any political group to which the members of the authority belong. The terms of the appointment must comply with some qualifying criteria (see below).

2 BACKGROUND

- 2.1 The Widdicombe Committee, which sat in 1986, found that political advisers were appointed by some authorities, and that they were a useful means of broadening the basis for advice to councillors, in a way which could positively promote, rather than damage, the role of the main officer hierarchy. The Committee went on to recommend to the Government of the day that the law should be made clear, to allow for such appointments. However, they felt that political advisers should be differentiated from other officers, should not enjoy delegated powers and should advise members directly, rather than through the chief executive. Also, that they should be limited in number and seniority, and the facility should be made available, according to the political balance, to all the parties on the Council which qualify. The Government at the time accepted this rationale, and made provision in the LGHA for the appointment of political assistants-see below.
- 2.2 Also, the posts would need to be employed at a certain grade, and salaried accordingly, within the limit set by the relevant Order-see the relevant amount, below.
- 2.3 Under Section 9 of the LGHA, a local authority may appoint assistants for political groups, subject to specific conditions including their remuneration. The key features of these statutory provisions are as follows;
 - A) the appointments are described as being made “for the purpose of providing assistance, in the discharge of any of their functions as members of a relevant authority, to members of any political group to which members of the authority belong”.
 - B) any Council may have only three such posts at any given time, but appointments can only be made if posts are allocated to all of the groups who qualify.
 - C) to qualify, a group must have at least one tenth of the total membership of the authority. In East Suffolk’s case, with 55 Members, this is 5.5, rounded up to 6 Members.
 - D) Where the members of a relevant authority are divided into political groups only one of which has a membership that comprises one tenth or more of the membership of the authority, the groups qualifying for a post shall be that group and one other group, and the other group shall be the one with the next largest membership or, in a case in which there is more than one group with the next largest membership, such one of those groups as may be determined by the authority.
 - E) the posts are fixed term and run until the Annual meeting following the local government elections (i.e. approximately four years) - to 2023.
 - F) the level of remuneration is controlled by law.
 - G) The Council cannot confer delegated powers, whether from Council or Cabinet, on a political assistant to discharge any of the authority’s functions (s9(8) and (8A) of the LGHA).
 - H) The appointment is at the selection of the political group to whom the post has been allocated.

- I) The terms on which any person is appointed to the role of Political Assistant must be such that the annual rate of remuneration for the post is less than the “relevant amount” which has been specified by the Secretary of State in the Local Government (Assistants for Political Groups) (Remuneration) (England) Order 2006 (the Order). The Order specifies £34,986 as the relevant amount. County, district and London borough councils are relevant authorities for these purposes.

3 HOW DOES THIS RELATE TO THE EAST SUFFOLK BUSINESS PLAN?

- 3.1 The Council’s Business Plan promotes a three-pronged strategy, aimed to develop financial self sufficiency, growth and the enabling of communities. To have political assistants for the qualifying political groups on the Council will broaden the range of advice available to Members, which, in turn, has a positive impact on the community leadership role of councillors, and will assist them to achieve the aims of the Business Plan.
- 3.2 It is also recognised that the East Suffolk Council (ESC) covers a large area, geographically, and is the same as the areas previously covered by both Suffolk Coastal District Council (SCDC) and Waveney District Council (WDC). However, with 55 Members, rather than 90 previously in office at both SCDC and WDC, Members of ESC will have much larger wards, and greater numbers of residents to serve. The need for Members to be aware of a greater range of social, economic and financial issues, given the larger area, will be significant to how the new Council works. Political assistance will be of great benefit, in this respect.
- 3.3 Also, Political Assistants may help with local and political issues, so that Members are always well informed, and up to date. This will serve to improve the community leadership offered by Members and the ESC as a whole.

4 FINANCIAL AND GOVERNANCE IMPLICATIONS

- 4.1 The appointment of Political Assistants is governed by the LGHA, the Local Authorities (Standing Order) (England) Regulations 2001 and the Order.
- 4.2 The maximum salary of £34,986 for each post is determined by the Order. This is paid from the Members’ Expenses budget. A budget of £40,000 is currently in place to cover all political parties’ requirements for the 2019/20 financial year. Any additional financial requirements can be met from savings already identified within the 2019/20 budget by way of the Council’s virement process which allows budgets to be moved, internally.
- 4.3 The Conservative Group and the Labour Group are entitled to a Political Assistant each in accordance with s9 (5) (c) Local Government and Housing Act 1989.

5 OTHER KEY ISSUES

- 5.1 There are no specific equalities issues associated with the report.

6 CONSULTATION

- 6.1 Consultation and Engagement. Not applicable in the context of this report.

7 OTHER OPTIONS CONSIDERED

- 7.1 None.

8 REASON FOR RECOMMENDATION

- 8.1 Following the outcome of the local election results, both the Conservative Group and the Labour Group meet the qualifying criteria for the allocation of a Political Assistant. There are

no other alternative recommendations to consider. The relevant Group Leader will formally advise the Head of Legal and Democratic Services that their Group wishes to appoint a Political Assistant.

RECOMMENDATIONS

1. That the posts of Political Assistants be established under the terms of the Local Government Act 1989 with effect from this Annual Council until the next Annual Council meeting following full council election in 2023, and are allocated to the Conservative and the Labour Group.
2. That the Leaders of the Conservative Group and the Labour Group be requested to advise the Head of Legal and Democratic Services of their wishes about the filling of those posts.
3. That the Chief Finance Officer be given delegated authority to vire additional budget from identified savings to fund this, if the allocated budget is insufficient.

APPENDICES – None

BACKGROUND PAPERS – None