
REPORT OF
Chief Executive (Head of Paid Service)

TO
Annual Council
ON
17th June 2020

TITLE: Appointment of Political Assistants

RECOMMENDATIONS:

The Council is recommended to:

1. Agree to establish for the duration of the current administration to May 2021, posts of Political Assistants (known as Political Advisors) to those political groups that qualify for such a post in accordance with section 9 of the Local Government and Housing Act 1989. The appointment of any political assistant is to run to the annual meeting of the Council after each election year, such appointment to be automatically renewed so long as the relevant group remains entitled to the services of a political assistant, or until the principle of appointing political assistants is changed by Council.
 2. Note that if the Political Assistant posts are to be established, each of the current two political groups are entitled to have one Political Assistant.
 3. Note the requirement to amend Standing Orders to accommodate the Political Assistant roles and constitutional changes reported to Council by cover of a separate report.
 4. Approves the draft Local Protocol in Relation to Political Assistants ('The Draft Protocol') subject to any minor amendments made under the delegated power recommended in recommendation 5.
 5. Delegates authority to the Assistant Director of Strategy and Performance in consultation with the Assistant Director of Human Resources, City Solicitor and Group Leaders to make minor amendments to the draft protocol.
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EXECUTIVE SUMMARY:

This report sets out the legislative background to the posts of political assistants in local authorities, the scope of the role and constitutional changes necessary to proceed with appointments at Salford City Council. A draft Protocol is also attached at **Appendix 1** which would set the parameters of the role and provide some certainty and guidance as to how the role could function. This would ensure that Political Assistants would be enabled to operate so as to provide the support for members which was envisaged when the role was created by Parliament and to avoid the potential for conflict with other officers of the Council.

BACKGROUND DOCUMENTS: N/A

KEY DECISION: NO

DETAILS:

1.0 Background

- 1.1 Section 9 of the Local Government and Housing Act 1989 ('the Act') provides that each relevant authority can appoint up to three persons to provide assistance to members of political groups in the authority. Their pay is subject to a ceiling set by the Secretary of State.
- 1.2 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, subject to the group concerned having at least 10% of the members of the authority. If only one group has 10% or more of members then only it and the next largest group are entitled to a political assistant. The general role of political assistants appointed in accordance with the Act is to undertake research and provide administrative support for political groups. The Labour Group currently holds 51 of the 60 seats in the City. The Conservative Group at Salford currently has 8. Both groups qualify for a political assistant.
- 1.3 Political assistants are local government employees who are considered to be in 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 and to publish or cause to be published written work or other material intended to affect public support for a political party.
- 1.4 Section 9(1) of the Act provides that unlike other Council employees, with political assistants regard may also be had to their political affiliations and political activities prior to their appointment.

1.5 The key features of the statutory provisions are that:-

- 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’;
- a Council may have only three such posts at any given time and appointments can only be made if posts are allocated to all of the groups who qualify. To qualify, a group must have at least one tenth of the total membership of the authority (unless only one group has 10% or more of members, then it and the next largest group are entitled to a political assistant);
- posts must be fixed term and run until the council’s Annual meeting. The norm is to appoint for four years or to the AGM following elections after a four year cycle, however, the Act says provides the appointments should be to the next AGM i.e. a 12 month fixed term;
- the level of remuneration is controlled by law. The Local Government (Assistants for Political Groups) (Remuneration) (England) Order 2006 currently specifies £34,986 as the relevant amount;
- the Council cannot confer delegated powers, whether from Council or Executive, on a political assistant to discharge any of the authority’s functions;
- each of the posts falls, under the standing orders of the authority, to be filled from time to time in accordance with the wishes of a political group to which the post has been allocated under those standing orders;
- no person holding any office or employed by the council can be required to work under the direction of a person holding a political assistant post unless they are providing the post holder or the political group to which the post is allocated, with secretarial or clerical services.

2. Current Position

2.1 A number of questions about the role may arise around issues such as access to information, attendance in meetings, use of council resources and where line management responsibilities for the Political assistants should sit, hence the draft protocol addresses these issues.

2.2 A number of the Greater Manchester authorities have political assistants.

3. Next Steps

3.1 Discussions would need to take place between the Chief Executive the two political groups on the Council, to ascertain that they each require political

assistants to be appointed to those groups and the terms of those appointments with regard to full or part time cover.

- 3.2 A role profile for the position would need to be drafted in line with the spirit and intent of the legislation, specifying the salary is capped and that the role is fixed term as required by the Act.
- 3.3 Standing Orders need to be put in place to cover the assessment of whether any group is eligible to appoint an assistant and the procedure around such appointments.
- 3.4 It would be transparent to agree a Protocol to guide how the role would function in Salford and to govern interaction with other council officers.
- 3.5 The Local Government Association has a published sample job description but appears to offer no further guidance on how the role would function alongside other council officers. The attached draft Protocol covers the principal areas of operation. In addition it sets out that line management responsibilities.
- 3.6 A draft role profile would be circulated to the group leaders for consultation.

KEY COUNCIL POLICIES:

The recruitment process will be undertaken in accordance with the Council's recruitment and selection process.

EQUALITY IMPACT ASSESSMENT AND IMPLICATIONS:

The recruitment process would be undertaken in accordance with the above procedure together with our Equal Opportunities Policy.

ASSESSMENT OF RISK: Low.

Appointments would be made in accordance with legislation, policy and procedure. The protocol will also provide clarity around the parameters of the role.

LEGAL IMPLICATIONS: Supplied by: Sian Roxborough, City Solicitor

These are set it within the body of the report and Appendix.

FINANCIAL IMPLICATIONS Supplied by: Joanne Hardman, Chief Finance Officer

The appointment of political assistants would constitute the creation of new posts. As such there is no existing budget provision for these roles. If both political parties choose to create these roles the maximum cost will be £69,972 plus oncosts. Due to the significant financial impact of COVID19, the council's 2020/21 revenue budget

and medium term financial strategy will need to be reassessed which may involve the prioritisation of budget areas. If members identify these posts as a priority budget area it will be included within the reassessment of the budget which will inform the council's budget position for 2020/21 which will include restating budgets, identifying any funding gap and options to bridge the gap.

PROCUREMENT IMPLICATIONS Supplied by: N/A

HR IMPLICATIONS Supplied by: Steve Hulme Strategic HR & OD Manager

The appointment of a political assistant is governed by the Local Government and Housing act 2009 this sets out specific parameters for the appointment, the position can only be appointed to on a fixed term contract and the maximum salary is set at £34,986.

The act does not stipulate a lower salary range the role will therefore be evaluated in line with the council's job evaluation scheme.

The act does not place any restrictions on how appointments should be made, the appointment would therefore be made in line with the council's recruitment process, the appointment would be made on NJC Green book terms and conditions with specific restrictions as laid out in the act.

- 1. political assistants cannot manage any other council staff
- 2. political assistants cannot have any powers delegated to them.
- 3. appointments can take into account political affiliation

The role would report to an officer of the council as well as to the relevant political group.

CLIMATE CHANGE IMPLICATIONS Supplied by: N/A

OTHER DIRECTORATES CONSULTED: Human Resources, Policy

CONTACT OFFICER: Sian Roxborough, City Solicitor

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WARDS TO WHICH REPORT RELATES: All

LOCAL PROTOCOL IN RELATION TO POLITICAL ASSISTANTS

INTRODUCTION

- 1.1** Salford City Council provides the resources for the appointment of Political Assistants under Section 9 of the Local Government and Housing Act 1989 ('the Act'). Such posts are governed by the Act and by Regulations and are subject to a number of restrictions. This Protocol is intended as a guide to the role and responsibilities of the Political Assistants and the support and help they shall be given by other officers. It also sets out the limits of access that the Political Assistants may have.
- 1.2** The three largest political groups on the Council (provided that they have more than ten per cent of the Council's elected membership) are entitled to appoint Political Assistants. It is recognised, however, that a qualifying group may not wish to take up its allocated post. This is a matter for each group to decide, but a decision by one group to decline to take up their allocated post does not prevent any other qualifying group from having a Political Assistant.

POLITICAL ASSISTANTS AS OFFICERS

- 2.1** Political Assistants are all employees of the Council. Except as set out in this Protocol, they are subject to the Standing Orders in relation to Officer Employment; Council policies and procedures which apply to officers and employees of the Council; and the principles set out in the Protocol on Member Officer Relations.
- 2.2** Unlike other Council employees, section 9(1) of the Act provides regard may also be had to their political affiliations and political activities prior to their appointment.
- 2.3** Unlike other Council employees, Political Assistants:
- must not have any powers of the Council (or Executive) delegated to them; and
 - must not manage any other Council employees (except secretarial and/or administrative support staff).
- 2.4** Like all other Council employees and members, Political Assistants may only use Council resources to undertake Council business.
- 2.5** Political Assistants are politically restricted posts. In common with other Council employees in politically restricted posts, such assistants must not:
- (i) stand as a candidate for election as a member of the House of Commons, the European Parliament or a local authority;
 - (ii) act as an agent or sub-agent for a candidate who is standing in such an election;

- (ii) canvas on behalf of any candidate standing in such an election;
- (iii) canvas on behalf any political party; or
- (iv) act as an officer of a political party (or branch) if that would be likely to require:
 - (a) participation in the management of the party (or branch); or
 - (b) acting on behalf of the party (or branch) in dealings with non-party members.

2.6 Unlike other Council employees in politically restricted posts, Political Assistants are permitted to speak or write in a way which is designed to affect public support for a person or political party. They must not however:

- (i) speak to the public in a manner likely to create the impression that they are speaking as an authorised representative of a political party; or
- (ii) publish (or permit the publication of) any written or artistic work of which they are the author (or have acted in an editorial capacity) which is likely to create the impression that the publication is authorised by a political party.

THE ROLE OF POLITICAL ASSISTANTS

3.1 The role of Political Assistants is to support the group to which they are appointed and this includes assisting in the smooth running of group meetings and other group discussions. However, it does not include undertaking party political campaigning or party activity outside the Council's business.

3.2 Members and officers shall expect a Political Assistant to do some or all of the following, if asked to by the Group Leader of the relevant group:

Network to facilitate information gathering

- (a) Establish and maintain links with the relevant group's headquarters, parliamentary and research bodies, regional local government bodies, and other relevant external groups.
- (b) Develop a good knowledge of the functions and operations of the Council and its departments and establish effective working relationships with officers of the Council, including the Chief Executive and other senior officers.
- (c) Liaise with members of the public and community groups, to collect a wide range of information, including in relation to issues that may be sensitive.
- (d) Attend meetings of relevant local and national bodies, groups, agencies and associations.

Assist policy formulation and research for the Group

- (e) Undertake research and analysis, obtain information and investigate matters to assist policy formulation and other developments or queries.
- (f) Collate and analyse data for statistical purposes.
- (g) Monitor the local media, relevant legislative and political developments, key projects and other issues that may impact on the group or Council policies.
- (h) Gather information on and share good practice operated in other organisations.
- (i) Disseminate information to the group and advise on items of interest or concern. Prepare reports and position and briefing papers, providing statistical information and recommendations on policy change and formulation, exercising judgement and decision making on likely repercussions on the local community and Council.

Providing administrative and organisational support to the Group Leader and group members as required

- (j) Carry out general administrative duties.
- (k) Draft speeches, motions, amendments and questions for the group.
- (l) Liaise with the local media in respect of press statements by and interviews with the Group and act as a point of contact on behalf of the Group for media enquiries (but not act as a spokesperson on behalf of the Group (or Council) or issue press statements in their own name (or on behalf of the Council).
- (m) Pass on enquiries from members of the public, media, voluntary bodies and other local agencies/organisations on all aspects of Council policy and initiatives to the appropriate officer or group member.
- (n) Maintain manual and computerised information retrieval systems used by and for the Group Leader and group members.
- (o) Organise, prepare agendas for and minute group meetings, ensuring any follow-up action is carried out.
- (p) Liaise with the Group Leader and chairman/woman to oversee and facilitate the effective servicing of group meetings, sub-groups and any associated meetings.
- (q) Act as a point of contact for group members in order to aid group cohesion, co-ordination and efficient conduct of group business, ensuring the group is able to act swiftly and effectively, facilitating excellent group

communication and reducing the likelihood of members sending out contradictory messages.

- (r) Identify, in conjunction with the group, individual members' training needs and liaise with the Assistant Director of Strategy and Performance regarding the provision of such training.
- (s) Contribute to improving the efficiency and effectiveness of service delivery through maximisation of resources within the office and identifying and implementing initiatives for making improvements.

MANAGEMENT ARRANGEMENTS

- 4.1** The appointment procedures to be followed in relation to Political Assistants are set out in the Standing Orders in relation to Officer Employment.
- 4.2** The Political Assistants will for most day-to-day purposes report to the Leader of the Group to which they have been appointed. The Group Leader will agree the work programme of the relevant assistant, set the priorities within that programme and undertake day to day supervision of the work. The Group Leader will meet regularly with the Assistant Director of Strategy and Performance to review the progress of the work programme.
- 4.3** The posts will be based in the Policy Services section of the Service Reform Directorate and the Political Assistants will be line managed by the Assistant Director of Strategy and Performance (or such other officer to whom he/she may delegate responsibility) in relation to pay and conditions, equipment purchase and expenses claims, 1 to 1s, leave and sickness, team briefing, and learning and development.
- 4.4** The Political Assistants' annual appraisal will be undertaken either by the Assistant Director of Strategy and Performance (after seeking structured feedback from the relevant Group Leader, as appropriate).
- 4.5** If a Political Assistant feels they have been asked to undertake any role inappropriately, or that they have been denied access to people or information unfairly, then the assistant may raise that with either the relevant Group Leader, as appropriate, or (if the assistant prefers) with the Assistant Director of Strategy and Performance. In the event of a dispute between the Group Leader and then the matter will be raised with the Assistant Director of Strategy and Performance or the Chief Executive.
- 4.6** The Assistant Director of Strategy and Performance (or such other officer as he/she may delegate responsibility to) shall be responsible for all disciplinary action (including dismissal) in relation to the Political Assistants.

ASSISTANTS' RIGHTS TO INFORMATION

- 5.1** Political Assistants act as agents for the Group Leader in seeking access to information. As agents they have the same rights to information as elected members of the Council and fellow Council officers must be willing to provide the same information to such assistants as they would if a member of the Council sought the same help.
- 5.2** The rights of members to be given information are set out in detail in the Council's Constitution. Broadly, any member of the Council has a right to all Committee/Executive Reports and their background documents unless prohibited under the Constitution. In addition, members have a common law right to information on a "need to know" basis to enable them properly to undertake their duties as a councillor.
- 5.3** Most exempt reports and documents may also be available to members but there are a limited number of situations (such as matters of high sensitivity in relation to individual employees or legal cases) where documents will not be made available to all members or to the Political Assistants. Such cases will need to be dealt with on their individual merits and in consultation with the Monitoring Officer.
- 5.4** Where Political Assistants have access to exempt or confidential documents they must not disclose their contents to anyone who is not equally entitled to the information, or to anyone outside the Council without the express approval of the Monitoring Officer.
- 5.5** Political Assistants will direct all routine requests for information and advice through the Leadership Support Team. Requests for information about more sensitive matters, or complaints about how a matter has been dealt with initially, shall be addressed to the relevant Corporate Director.

OBLIGATIONS OF THE POLITICAL ASSISTANTS

- 6.1** Applicants for a post of a Political Assistant will be asked to disclose any current or past political activities or affiliations.
- 6.2** The Political Assistants will be expected to work mainly under their own discretion and initiative for the Group Leader (as appropriate). A day-to-day programme may be assigned by the relevant Group Leader.
- 6.3** Given the unique nature of the role within the Council and the level of access which the Political Assistants will have to sensitive information the Political Assistants will be expected to maintain the highest level of confidentiality and discretion at all times during the course of their work.
- 6.4** The Political Assistants will be expected to maintain up-to-date knowledge of working practices, policy development, techniques and legislation and undertake professional development activities.

- 6.5** The Political Assistants are subject to the principles contained in the Council's Protocol in relation to Member and Officer Relations so far as that is not inconsistent with the specific obligations applicable to such assistants.

GROUPS WITHOUT GROUP ASSISTANTS

- 7.1** It is possible that a Group that is entitled to a Political Assistant may choose not to take up the allocated post. A Group that has previously decided not to fill its allocated post may change its mind at any time by giving written notice to the Chief Executive and the appointed post holder will then be entitled to the same rights as existing Political Assistants and subject to this Protocol.
- 7.2** There may be other groups in the Council (or individual members), who are not entitled to have a Political Assistant. Officers generally shall take care to ensure that if briefings are given to any one political group then the same level of information is given to groups (or individual members), who do not have a Political Assistant as to those that do and that all groups are provided with opportunities to obtain information whether or not they have a Political Assistant.

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