

Report to:	COUNCIL BUSINESS MANAGEMENT COMMITTEE
Report of:	CITY SOLICITOR
Date of Meeting:	27th August 2019
Subject:	POLITICAL ASSISTANTS
Wards affected:	N/A

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.

2.	Decision(s) recommended:
2.1	To consider whether to approve the principle of appointing political assistants within the framework of the Local Government and Housing Act 1989, or not. (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	To agree that should the principle stated above at 2.1 be approved then one post be allocated each to the Labour and Conservative Groups and the procedure at paragraph 3.7 below be followed, should a group wish to make an appointment.

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3.	Relevant background/chronology of key events.
3.1	The Leader of the Council has asked that, consideration be given by Council to such appointments.
3.2	<p>Under section 9 of the Local Government and Housing Act 1989, a local authority may appoint assistants for political groups, subject to specific conditions including their remuneration. The key features of this statutory provision are as follows:</p> <ul style="list-style-type: none"> the appointment is described as being “for the purpose of providing assistance, in the discharge of any of their functions as members of a relevant authority, to the members of any political group to which members of the authority belong”; 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 (for Birmingham only two posts could be created); to qualify, a group must have at least one tenth of the total membership of the authority; the posts are fixed term and run until the Annual Meeting following an election (i.e. initially until May 2022 and then every four years); and the level of remuneration is controlled by law.
3.3	If an appointment to the post of a political assistant is made then the existence of the post is subject to continued endorsement by the Council, although in many instances this is achieved by the Council resolving to automatically renew the post (and in effect the appointment), unless the Council reviews the principle, or the entitlement of the particular group ceases. This approach is recommended.
3.4	<p>There is no single job description for a political assistant, since councils and political groups vary greatly in their approach to the support they seek from an assistant.</p> <p>Common roles include:</p> <ul style="list-style-type: none"> Researching and analysing information on behalf of the group. Preparing reports and attending meetings of the political group and undertaking follow up action. Drafting briefing notes/ policies for the group leader on new and emerging initiatives. Liaison with national party and party leadership Liaison with local and national bodies – e.g. LGA (specifically the relevant political group on the LGA), other Councils and their political groups, government bodies (and relevant party contacts) and other networks. Liaison with local MPs and MEPs. Liaison with officers. Representing the group or the group leader, at relevant meetings within both the Council and external to the Council. Deals with the media on behalf of the group (when required).
3.5	Various types of council across the political spectrum have chosen to appoint political assistants since the 1989 Act came into force.
3.6	An appointment of a political assistant is dependent on the Council passing a resolution in support of the principle of appointing political assistants.

3.7	<p>If the Council approves the principle of the appointment of political assistants, then the following procedural arrangements would apply:</p> <ul style="list-style-type: none"> • The relevant group leader would formally advise the Assistant Director of Governance that the group seek the appointment of a political assistant (this may be shortly after the Council meeting or at some stage in the future). • The appointment of a political assistant would be made by a panel comprising the relevant group leader together with a small number of councillors from the political group. The Assistant Director of Governance (or nominee) would attend at and advise the appointments panel to ensure that proper recruitment procedures are followed. • The appointment of any political assistant to run to the annual meeting of the Council after each election year (next one being 2022), 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 (as set out in paragraph 5.2 above). • That the remuneration for the positions be as set out in paragraph 3.9 below.
3.8	<p>Many councils employ political assistants within the framework of the Local Government and Housing Act 1989 to support groups across the political spectrum. Such assistants work directly for the political groups, rather than as mainstream officers within the officer structure of the council.</p>
3.9	<p>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 set out the maximum amount for remuneration of a political assistant post which is £34,986.</p>
3.10	<p>These are unique posts and have a set maximum salary, which has not changed since 2006. Research orientated posts, in local government are normally paid at a higher than the maximum salary and many councils have therefore fixed the salary at the maximum level. Consequently if the Council is minded to agree to the establishment of such posts, it is recommended that it is at the maximum salary as prescribed by legislation.</p>
3.11	<p>If legislation changes then the Assistant Director of Governance would assess the posts, as necessary.</p>
3.12	<p>As the appointment of political assistants is associated with the entitlement of the relevant political group to have such assistance and the employee is specifically linked to a particular group, should the political composition of the council change to bring them below 10% of the membership, the assistant's employment would be terminated, subject to any accrued rights in employment law.</p>
3.13	<p>The Executive and the Opposition Group currently have administrative support and these proposals would not change this. If the political assistant posts are created then they would be responsible on a day-to-day basis to the relevant Group Leader but on a line management basis to the Director of Governance and Regulatory Services.</p>
3.14	<p>Provision for each post would come to £34,986 (excluding on costs) and will need</p>

	to be met from the existing budget.
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<p>Signature:</p> <p>Chief Officer:.....</p> <p>KATE CHARLTON, CITY SOLICITOR</p>
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