

COUNCIL	DATE 24 July 2024	ITEM NO 17
TITLE Appointment of Political Assistants	WARD (S) Not Applicable	
CHIEF OFFICER Director of Legal Services/ Monitoring Officer and Director of Communities, Environment & Central	CABINET MEMBER Leader of the Council	
DECISION CLASSIFICATION <i>Non Key decision</i> <i>Non-exempt Appendices</i>	IS THE FINAL DECISION ON THE RECOMMENDATIONS IN THIS REPORT TO BE MADE AT THIS MEETING? Yes	

1. **Decision required**

Council is requested to:

- 1.1 Consider the principle of political groups appointing Political Assistants within the framework of the Local Government and Housing Act 1989.
- 1.2 Should the principle stated above at 1.1 be approved, delegate authority to the Director of Legal Services/Monitoring Officer to make the additions to the Officer Employment Rules in Part 4 of the Constitution set out in Appendix B, pursuant to section 9(5) of the Local Government Act 1989 relating to assistants for political groups.
- 1.3 Should the principle stated above at 1.1 be approved, agree to allocate one Political Assistant post to the Labour Group (35 hours per week) and one to the Conservative group (17.5 hours per week) and approve the appointment procedure at paragraph 4.6, should either group wish to make an appointment.

2. **Links to the Royal Greenwich high level objectives**

- 2.1 This report relates to the Council's agreed high level objectives as follows:
 - A Strong Vibrant and Well-run Borough

3. Purpose of Report and Executive Summary

- 3.1 Council is asked to consider the principle of political groups appointing Political Assistants within the framework of the Local Government and Housing Act 1989. The 2023 Local Government Association review (Peer Challenge) of the Royal Borough of Greenwich made a number of recommendations which the Council is taking steps to implement by way of an Action Plan. Recommendation I was to “Urgently address ways of working and arrangements in Greenwich in order to aid decision-making; maximise the effectiveness of joint working between elected members and officers at the senior level; support councillors and political groups appropriately and effectively; aid the work of Cabinet; facilitate collective responsibility politically and corporately; and enhance involvement and engagement amongst elected members. This is central to ensuring good governance is upheld and the Administration’s ambitions for residents are realised”.
- 3.2 The creation of Political Assistants is a step towards achieving this recommendation by strengthening governance and support to councillors and political groups.

4. Introduction and Background

- 4.1 The appointment of Political Assistants to provide assistance to political groups represented on the Council is governed by the Local Government and Housing Act 1989 (“the Act”) and Local authority Guidance Political assistance Guidance dated 11th October 2021 published by the Department for Levelling up, Housing and Communities (DLUCH). The role is ‘politically restricted’, in essence this means that Political Assistants are not allowed to voice their political opinion in public, nor publicly canvas for a particular party, (although they are allowed to convey their political opinion and advice to the political group). Politically restricted employees are also disqualified from standing for or holding elected office.
- 4.2 The Act makes provision for staff to be appointed with specific regard to their political affiliation, and it would be lawful for a Party to choose a Political Assistant who has a particular affiliation to their political group.

4.3 Under section 9 of the Act, a local authority may appoint assistants for political groups, subject to specific conditions. The key features of this statutory provision are as follows:

- The appointment is described as being “for the purpose of providing assistance, in 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 only have up to 3 such posts at any given time, but appointments can only be made if posts are allocated to all groups who qualify;
- The 3 largest political groups in each authority qualify for a political assistant if the membership of the group consists of at least 10% of the membership of the authority. The exception is where only one political group accounts for at least 10% of the membership, in which case the next biggest group also qualifies.
- In Greenwich the political make up is as follows:
Labour/ Majority Group: 51 Councillors (92.7%)
Conservative/ Minority Group: 3 Councillors (5.45%)
Liberal Democrat: 1 Councillor (1.8%)
- This means that RBG can employ one political Assistant for the Labour Group and one for the Conservative Group. While a council can employ up to 3 Political Assistants in principle given the current political make up of Royal Borough of Greenwich, the Council can employ a maximum of 2 in total i.e. one for each of the 2 largest Political Groups. The legislation is silent on whether those should be full or part time but the DLUCH Guidance provides that it is for the Council to consider “...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.”
- In making a decision the Council will therefore need to satisfy itself that the overall appointment of Political Assistants represents value for money whether full or part time.
- In determining whether the appointments represent value for money the Council should have regard to the financial and other resources

available to the Council, the role of the Political Assistants, the size of the respective Groups and that the Group may choose not to fill the post allocated to it.

- The appointment of Political Assistants is to be filled in accordance with the wishes of the political group to which the post has been allocated.

4.4 The appointment of Political Assistants must be conducted in accordance with the Council's procedures and statutory requirements. The maximum level of remuneration is determined by the Local Government (Assistants for Political Groups) (Remuneration) (England) Order 2021 which provides that the specified maximum amount is equivalent to Spinal Point 38 of the NJC scheme for local government which is currently £47,028.

4.5 An appointment of a Political Assistant is dependent on the Council passing a resolution in support of the principle of appointing Political Assistants and the Council's Constitution containing a standing order relating to such appointments. Section 9(5) of the Act requires certain provisions to be included in the Constitution of a council relating to Political Assistants as follows:

- A prohibition on the making of an appointment until the council has allocated a post of Political Assistant to each group that qualifies for one;
- A prohibition on the allocation of a Political Assistant's post to a group which does not qualify for one;
- A prohibition on the allocation of more than one Political Assistant post to any one group.

4.6 If the Council approves the principle of the appointment of Political Assistants, then the following procedural arrangements would apply to the appointments:

- The relevant Political Group Leader would formally advise the Director of Communities, Environment & Central 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 an Appointments Panel comprising the relevant Group Leader together with Councillors from the Political Group. [The Director of Communities, Environment & Central and the Head of Human Resources (or nominees)] would attend at and advise the Appointments Panel to ensure that the Council's proper recruitment procedures are followed.
- The appointment of a Political Assistant is a fixed term post and must terminate at or before the annual meeting of the Council after each election year, so long as the relevant group remains entitled to the services of a Political Assistant. This does not prevent the post holder being appointed for a further term.
- There is no single job description for a Political Assistant, since each Council will differ in their approach to the support they seek from an assistant. A job description has been prepared and has been evaluated by Human Resources as being level PO2. This does not exceed the statutory maximum remuneration set out in paragraph 4.4 above.

4.7 Where an appointment is made under the Act, then the existence of the post is subject to review from time to time. This is to ensure that the political groups continue to qualify for the allocation of a Political Assistant.

4.8 If Political Assistants posts are created then they would be responsible on a day to day basis to the relevant Group Leader. In terms of structure, they will report to a more senior officer in Corporate Governance and Democratic Services.

5. **Available Options**

5.1 Approve the principle of political groups appointing Political Assistants.

5.2 Decide not to approve the principle of appointing Political Assistants.

6. **Preferred Option**

6.1 The preferred option will be a decision for Full Council.

7. **Reasons for Recommendations**

7.1 The recommendations are based on the legal framework for appointing Political Assistants in the Local Government and Housing Act 1989.

8. **Cross-Cutting Issues and Implications**

Issue	Implications	Sign-off
Legal including Human Rights Act	<i>The statutory framework for the decisions required is set out in the report. The Labour Group and the Conservative Group both qualify for a Political Assistant post. The Local Government and Housing Act 1989 is silent on whether those should be full or part-time. However Department for Levelling up, Housing and Communities (DLUCH) Guidance provides that it is for the authority (i.e. the Council) to consider "...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."</i>	<i>Azuka Onuorah Interim Director of Legal Services 16th July 2024</i>
Finance and other resources	<i>The overall cost of each political assistant role would be between £51,800 - £55,636 depending on which spinal point they were appointed to (by default, this is usually the lowest spinal point within the band). The cost of 1.5FTE would be up to £83,454. If the political representation were to change in the future such that a third qualifying party was eligible for a political assistant, then the maximum cost would rise by a further £55,636. The budget</i>	<i>Hitesh Jolapara Assistant Director of Finance 16 July 2024</i>

	<p>for 2024/25 was set without reference to this proposal and as such represents a pressure upon the council.</p> <p>Compensatory saving will need to be found from elsewhere within the budget.</p> <p>There are substantial pressures on the current year budget and a forecast gap of £27m for 2025/26 which will need to be closed in order to set a balanced budget.</p>	
Equalities	<p>The decisions recommended through this paper have a remote or low relevance to the substance of the Equality Act. There is no apparent equality impact on end users.</p> <p>There are no impacts to the Council's Equality and Equity Charter or the Council's Equality Objectives 2020-2024.</p>	<p>Veronica Johnson, Head of Corporate Governance & Democratic Services 09.07.24</p>
Climate change	<p>This report has no impact on the Greenwich Carbon Neutral Plan agreed by Cabinet on 18 November 2020.</p>	<p>Veronica Johnson, Head of Corporate Governance & Democratic Services 09.07.24</p>
Risk Management	<p>There are no identified risks attached to the proposals in this report.</p>	<p>Veronica Johnson Head of Corporate Governance & Democratic Services 09.07.24</p>
Staffing and Establishment	<p>The appointment of Political Assistants, if agreed will be undertaken with due regard to the relevant procedure detailed at 4.6 of</p>	<p>Stephanie Mills, Head of HR, 16.07.24</p>

	<p>this briefing note. Consideration should be given to the impact on the existing staffing establishment in line with the Councils Organisational Change and Redundancy Procedure. As noted at 4.10, any person appointed would be responsible to the group leader, but report to a more senior officer within Corporate Governance and Democratic Services. Consideration should therefore be given to the level of consultation required with any staff directly, or indirectly affected by the decision.</p>	
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9. **Report Appendices**

9.1 The following documents are to be published with and form part of the report:

- Appendix A: Existing version of the Officer Employment Rules
- Appendix B: Proposed additions to the Officer Employment Rules

10. **Background Papers**

None.

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