



**Standards Committee
25 June 2012**

**Report from Director of Legal and
Procurement**

Wards Affected:
ALL

Application to remove Political Restriction

1.0 Summary

- 1.1 Following changes to legislation under the Local Government and Public Involvement in Health Act 2007 the responsibility for considering and making exemptions in respect of posts that are politically restricted became the responsibility of the Standards Committee, previously the responsibility of the Independent Adjudicator.

2.0 Recommendation

- 2.1 That in light of the application received from a member of staff consideration is given that the political restriction in respect of the posts of Political Assistant be exempted from the provisions.

3.0 Background

- 3.1 Under Part 1 of the Local Government and Housing Act 1989 a provision was brought in for certain posts to be politically restricted. This usually applies to members of staff who earn over £37,000 per annum or who attend and advise committee regularly or who deal with the press by way of providing press briefings on behalf of the Council on a regular basis. In addition there are specific posts listed including Political Assistant posts. These restrictions were brought in to prevent employment of politicians to high paying executive posts, and to ensure transparency.
- 3.2 The restrictions include political activity and in particular not undertaking the role of democratically elected Councillor of an Authority or Member of Parliament.
- 3.3 There has always been an ability on application to gain an exemption where for example a staff member were not carrying out a role where they advised members and had no involvement with the press but were on a higher salary.

Prior to 2008 these were made to the Independent Adjudicator who had given increasing advice that Local Authorities should be looking to grant exemptions to the political restriction where possible given the nature of the employment.

- 3.4 Under Section 202 of the Local Government and Public Involvement in Health Act 2007 responsibility for the grant and supervision of the exemptions from political restriction has been transferred to the Standards Committee of each authority.
- 3.5 Where there is an application received in relation to a politically restricted post then it will be for the Standards Committee at the London Borough of Brent to consider the issue as to whether or not the restriction can be removed.
- 3.6 Every application should be received on its merits, however where the application received relates specifically to a type or class of posts then it would seem appropriate that consideration should be given in respect of all the posts in that class within the authority.

4.0 Issues

- 4.1 The application is made in relation to a Political Assistant post of which there is currently one within the Authority in the Labour Group office . If exemption was granted another one would be created in the Liberal Democrat office. Currently the Conservative Group are serviced by a Group Office Manager and should the incumbent leave the position would be reconsidered as Political Assistant post.
- 4.2 The current postholder for the Liberal Democratic post is due to leave the Authority in April 2012 and has been on secondment elsewhere in the Authority. There is also a temporary staff member in the role on behalf of the Labour Group and so both posts will need to be recruited to. In order to optimise the opportunities for recruitment to what will now become Political Assistant posts an application has been made for these posts to no longer be politically restricted.
- 4.3 Whilst it is noted that in the original description of politically restricted posts it specifically includes Political Assistants, the way in which Local Authorities are managed regarding recruitment and the role of Political Assistants have changed whereas those members of staff advising Councillors in relation to strategic and operational decisions the council should make need to retain the objectivity around political parties. Those who are providing the support for Councillors in their roles need to be released from the restrictions around political activity.
- 4.4 In undertaking the recruitment to the role of Political Assistant if the role is enabled to support the Councillors in their activity, including some political activity, this will assist in the provision of the support given to them.
- 4.5 The indication given by the Independent Adjudicator previously on this issue was that where possible flexibility should be given when considering the exemptions sought, particularly where no advice was being given to Members at committee in decision making or where speaking to the press was not undertaken on behalf of the Authority.

4.6 The Committee are required to consider the application in respect of the role of Political Assistant and whether it should provide the exemption requested.

4.7 It should be noted that the Standards Committee as it is currently formed will, following the Localism Act 2011, be changed or disbanded and will no longer have the responsibility for this function. In these circumstances setting out a procedure to follow for this particular issue does not seem time efficient. Members of the Committee are therefore asked to give full consideration to the application made in respect of the role and note the contents of the job description attached as **Appendix 1**. For assistance attached as **Appendix 2** is guidance produced in respect of politically restricted posts.

5.0 Financial Implications

5.1 There are no financial implications to this report. The cost of the posts will remain the same irrespective of the posts being politically restricted.

6. Staffing implications

6.1 Currently there are no staffing implications.

7.0 Diversity implications

7.1 There are no direct diversity implications and all posts would need to follow current recruitment procedures.

8.0 Legal Implications

8.1 These are held in the body of the report

Background Papers

None

Should any person require any further information about the issues addressed in this report, please contact Kathy Robinson on 0208 937 1368

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