

LOCAL GOVERNMENT AS A POLITICAL ENVIRONMENT

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Author's Outline

Local government in England and Wales employs some 2.25m people¹ at all levels, both full and part time, including teaching staff. The history of British local government since the 1835 Municipal Corporations Act, arguably the inception of incorporated municipalities with locally elected councils, has been that of centrally administered commissions and reviews leading to legislative change. Indeed, the Act was the product of deliberations by the first Royal Commission on local government, which swept aside centuries of inchoate boroughs and local trusts, not to mention the rudimentary local government framework established under the 1601 Poor Law Act (which remained in force until as recently as 1946) which served to provide some basic social services in towns and cities. Local government is no stranger to political intervention from the centre, even in early times, through the Test Acts of 1672 and the Corporation Act of 1661 which sought to restrict the membership of borough councils to members of the Established Church and was not repealed until 1829, prior to the Great Reform Act of 1832 which also extended the franchise to a wider number of male adults.

However, the Royal Commission to Inquire into the Municipal Corporations, which led to the 1835 Act and was largely the product of the Whig government's social reforms, can be considered the first in a long line of central government commissions to examine and review the political structures of local government. The 1869 Royal Sanitary Commission was tasked with finding ways of addressing the worsening sanitary conditions in England's rapidly-growing cities and towns and in 1871 reported its findings. However, the desire to see a national framework for local government was resisted, aside from the creation of the Local Government Board within the Civil Service that year. A Royal Commission which sat from 1923 to 1929 also saw a range of reforms to further enhance local oversight in social welfare, including the incremental abolition of the poor law and an increase in local powers over planning and state education. Following the election of the Labour government after the Second World War, a commission was established to examine the boundaries and functions of England's two-tier system of counties and rural/urban district councils, but the election of a Conservative government in 1951 saw this stood down. In 1957 a Royal Commission was set up to examine the structure of local government in London and a year later another was established to resume the task of revising England's local government system. While the London commission reported successfully, leading to the 1963 Government of London Act which created the Greater London Council and the 32 London Boroughs, the England commission lapsed in 1965 when another Royal Commission was established, this time by the

¹ <http://www.lge.gov.uk/lge/core/page.do?pageId=55485>

recently-elected Labour government. The Redcliffe-Maud Commission, as it was known, produced a significant report in 1969, recommending 58 unitary authorities and nine provinces for England, though this was effectively ignored by the Conservative government which had replaced Labour once again in 1970.

Redcliffe-Maud is regarded as landmark commission for English local government, despite the fact that the Conservative government ignored most of its recommendations (it did adopt some however, mainly around boundaries of metropolitan areas) and chose instead to introduce its own legislation in the form of the 1972 Local Government Act. Following the Bains report in 1972, central government, once again under Labour, established the Layfield Commission in 1974 to examine local government finance, with public spending under severe pressure due to economic crises of that period. However, the government chose to ignore its recommendation of a local income tax as being too radical. The Bains report was more significant, with its recommendations on the internal corporate management structures of local authorities adopted by the 1972 Act.

Having understood the process by which central government examined and reordered local government, from its earliest beginnings until the post-war period, we must now turn to the most recent era. The Conservative governments of Margaret Thatcher (1979-1990) and John Major (1990-1997), which ran continuously from 1979 to 1997, saw a period of sustained change in local government which has virtually unabated since. During this period of radical and continuous change in local government, only two central government inquiries took place that led to reforms being enacted, alongside the welter of white papers and other consultations.

The first, the Widdicombe review (known as the Committee of Inquiry into the Conduct of Local Authority Business) took place against a backdrop of considerable ideological tension between the Conservative government and Labour dominated local government. The review, which reported in 1986, recommended an overhaul of the political structures of local government, mainly around the workings of council committees but also a ban on council officers serving as members of other local authorities (as a result of complaints about prominent Labour figures working in local government). A by-product of this, as a result of the 1989 Local Government and Housing Act brought about to implement the review's findings, was the creation of local authority political assistant posts designated in law, with responsibilities and salary levels stipulated also. This system has remained in place until the time of writing, though as will be shown, the government has consulted around and published plans aimed at providing some mild reform.

The Widdicombe review represented the largest examination of local government as a political environment for over a generation, leading to substantial changes to the way in which both elected members and council officers discharged their responsibilities under the law. This report will concentrate on the legal effects of the review and its consequences for the everyday workings of England's principal authorities.

THE CONDUCT OF LOCAL AUTHORITY BUSINESS

The Committee of Inquiry into the Conduct of Local Authority Business (also known as the Widdicombe Review) reported in June 1986, having been appointed by the Secretaries of State for the Environment, Scotland and Wales in February 1985, with an Interim Report *Local Authority Publicity* issued in July of that year. The Government Response to the report was presented to Parliament by the Secretaries of State in July 1988. The commission's terms of reference were²:

“To inquire into practices and procedures governing the conduct of local authority business in Great Britain, with particular reference to:

- (a) the rights and responsibilities of elected members;*
 - (b) the respective roles of elected members and officers;*
 - (c) the need to clarify the limits and conditions governing discretionary spending by local authorities;*
- and to make any necessary recommendations for strengthening the democratic process.”*

The commission's report, *The Conduct of Local Authority Business: Report of the Committee of Inquiry into the Conduct of Local Authority Business*, also stressed that its terms of reference “*excluded finance, the electoral system and the structure of local government, including its functions.*”³ The report examined a range of attitudes and manifestations of political conflict arising through the daily business of local authority services and the decision-making process around them, including sections on ‘The Political Framework’ and ‘Councillors and Officers: Roles and Relationships’. The report also raised concerns, shared by Government, that local authority officers were not acting politically impartially, which led to conflicts of interest and diminished professionalism. Furthermore, it identified the practice of ‘twin-tracking’ in some authorities, whereby council officers were employed by one authority and acting as elected members for another, which again brought impartiality into focus.

The Government responded to Widdicombe by legislating for the Local Government and Housing Act 1989⁴ which introduced for the first time politically restricted posts and restricted the political activities of other local government employees (informally known within local government today as ‘the Widdicombe ban’). The provisions concerning politically restricted posts were further set out in the Local Government (Politically Restricted Posts) Regulations 1990⁵. The purpose and effect of political restriction is to prevent the employee from participating in political life either inside or outside of his or her workplace and thus ensure his or her impartiality to their employer. Under their terms of employment contract, the politically restricted employee is automatically debarred from either holding or standing for public office (councillor, London Assembly Member, Member of Parliament or Member of European Parliament or any elected mayor). However, it is a matter for the local authority concerned whether or not they reinstate any officer who has resigned to

² *The Conduct of Local Authority Business: Report of the Committee of Inquiry into the Conduct of Local Authority Business*, 1986, p17

³ Ibid.

⁴ http://www.opsi.gov.uk/acts/acts1989/Ukpga_19890042_en_1.htm

⁵ http://www.legislation.hmsso.gov.uk/si/si1990/Uksi_19900851_en_1.htm

stand for office and failed to be elected. Politically restricted employees are also barred from canvassing on behalf of any candidate for public office and speaking or writing in favour of candidates. They also may not hold office within a political party but may hold membership. All local authority employees, whether full or part time, are covered by the Act, with the exception of police officers, who are covered by their own political restrictions, and teachers (who were exempted). The Act also creates the national office of the Independent Adjudicator within the relevant ministry for local government as a means by which local authority employees can appeal their political restriction.

Under the Act, each council must draw up and regularly update a list of all politically restricted posts in the authority. Specifically the following posts are automatically politically restricted under the Act with no right of appeal to the Independent Adjudicator:

- Head of the Paid Service
- statutory chief officers, including the director of education, the chief officer of a fire brigade, and the director of social services.
- non-statutory chief officers
- deputy chief officers
- the monitoring officer
- the chief finance officer
- officers exercising delegated powers, i.e. persons whose posts are for the time being specified by the authority in a list maintained in accordance with legislation
- assistants to political groups

Furthermore, all posts within a local authority attracting a salary of spinal point column 44 on the national local government pay scales (£34,986 in 2006) are automatically politically restricted, though these postholders may appeal to the Independent Adjudicator for exemption from restriction if their post is not considered politically sensitive (ie. does not advise on policy or represent the authority in the media). Furthermore, holders of 'sensitive' posts within an authority are also covered by the restrictions, regardless of salary level. The criteria applied here are posts in which duties involve either supplying advice to the authority and its members or speaking on its or their behalf to the media. However, such postholders may appeal to the Independent Adjudicator if they consider the criteria to have been wrongly applied. As regards human rights considerations concerning political restriction, the issue was tested in 1999 before the European Court of Human Rights under the European Convention on Human Rights, in the case *Ahmed and others v UK (1999) 188 ECHR*⁶, where the court found that the legislation was not in breach of the convention's provisions for freedom of expression and association as the public have the right to expect local officials to be politically neutral⁷.

⁶ <http://www.lge.gov.uk/lge/aio/54711>

⁷ Mr Ahmed was unable to stand for election, Mr Perrin and Mr Bentley had to resign their positions within their local party and could no longer canvas for their wives in local elections, and Mr Brough could no longer act as chairman of his political party.

A further consequence of the Widdicombe Review under the 1989 Act was the designation in law for the first time of political assistants (also known as political advisers). This was in response to the acknowledgement of the politicisation of local government decision making structures and the need for political advice to councillors which would be inappropriate for council officers to provide, while also counterbalanced by the introduction of political restriction. While the role and duties of the posts are not laid down in the Act, it does make specific provisions for the recruitment and employment of such postholders, namely that:

- only one post can be appointed to per political group represented on the council
- only the three largest groups in each authority qualify for a post (if the membership of the group consists of at least 10% of the membership of the authority)
- although it is for the authority to determine the salary payable, the remuneration of the assistants must not exceed £34,986 being the maximum figure specified (as amended by The Local Government (Assistants for Political Groups) (Remuneration) (England) Order 2006)⁸
- their terms and conditions must not be less favourable than those of other political assistants in the authority
- the contract of employment must terminate at or before the annual council meeting following the first elections after the person was appointed (or the first annual council meeting after the person has been in post for three years if the council is elected by thirds)
- the local authority cannot delegate any functions to an assistant, and no other authority officer can be required to work under the direction of an assistant (other than in respect of secretarial or clerical services)

Authorities operating under the elected mayor system may also appoint one additional assistant to support the elected mayor as his adviser, under broadly similar politically restricted terms as other political assistants in the authority⁹.

Unlike other politically restricted posts however, it is possible for political assistants to both speak to the media on behalf of their political party and to write in favour of it and its candidates but not to hold office within it or stand for public office on its behalf. To give an example of the coverage levels of designated political assistants' under the 1989 Act (as of March 2007), the following local authorities employed such posts attached to Conservative Groups¹⁰:

- Barnet London Borough Council
- Basingstoke and Deane Borough Council
- Bath and North East Somerset Council
- Bedford Borough Council
- Birmingham City Council
- Bradford City Council
- Brighton and Hove City Council
- Calderdale Metropolitan Borough Council

⁸ Prior to July 2006, the salary cap for political assistants under the 1995 Order had been £25,044

⁹ <http://www.opsi.gov.uk/SI/si2002/20020975.htm>

¹⁰ <http://www.cpon.info/pages.php?pid=6>

- Ealing London Borough Council
- Essex County Council
- Gloucestershire County Council
- Harrow London Borough Council
- Ipswich Borough Council
- Kettering Borough Council
- Kingston upon Thames London Borough Council
- Kirklees Metropolitan District Council
- Lambeth London Borough Council
- Merton London Borough Council
- Norfolk County Council
- Northamptonshire County Council
- North Yorkshire County Council
- Nottingham City Council
- Nottinghamshire County Council
- Oxfordshire County Council
- Plymouth City Council
- Slough Borough Council
- Somerset County Council
- South Oxfordshire District Council
- Stockport Metropolitan Borough Council
- Suffolk County Council
- Surrey County Council
- Swindon Borough Council
- Tameside Metropolitan Borough Council
- Thurrock Unitary Council
- Torbay Unitary Council
- Vale of White Horse District Council
- Wakefield City Council
- Waltham Forest London Borough Council
- West Berkshire District Council
- Wolverhampton Metropolitan Borough Council
- Wokingham Borough Council

Broken down by local authority type, this equates to 10 county councils, six district councils, seven London Borough councils, eight metropolitan district councils and nine unitary councils¹¹. However, all parties achieving representation according to the formula in the 1989 Act are entitled to employ political assistants to their groups. For the purposes of this report, the Conservative political assistants give the best example of spread according to region and local authority type.

Since the creation of the Greater London Authority in 2000 under the Greater London Authority Act 1999, the political parties represented in the London Assembly (currently Conservative, Green, Labour, Liberal Democrat and ‘One London’) are entitled to an allocation of political staff. This is one researcher and one caseworker for each of the 25 members of the London Assembly, as well as a communications

¹¹ In two-tier areas of England, (upper-tier) counties and (lower-tier) districts exist, the districts sometimes having borough or city in their title. In the remainder of England, the single-tier councils are known as London Borough (1965), Metropolitan District (1986) and Unitary Councils (1996) and may also be styled city or borough.

assistant, communications officer and an office manager per each party group. The Mayor of London may, under the same legislation, appoint up to two political advisers and 10 other members of staff¹².

Representative bodies such as the Local Government Association and London Councils (formerly the Association of London Government) both employ political assistants in their own party groups, but as these bodies do not exist in law but only as organisations funded by central and local government to represent local councils, these posts are not affected by any legislation, save for ordinary employment legislation, and only exist at the discretion of the associations concerned. The three political advisers employed by London Councils are governed by the protocol on 'Relations between London Councils' Political Advisers, Party Groups and the rest of the Association', which states *"The role of the Political Advisers is to serve and support London local government and the Members belonging to their ALG Party Group."*¹³

In addition to political assistants employed at local authority level, elsewhere within the British political system there are staff positions known as Special Adviser, such as in the Scottish Parliament or Welsh Assembly. However, the most commonly known post of this nature is the Special Adviser within the Civil Service in HM Government, as governed by the Code of Conduct for Special Advisers¹⁴, which according to the Ministerial Code¹⁵;

"adds a political dimension to the advice and assistance available to Ministers while reinforcing the political impartiality of the permanent Civil Service by distinguishing the source of political advice and support."

The Ministerial Code also:

"provides for Ministers to appoint individuals who have outstanding skills or experience of a non political kind to provide advice or assistance to Ministers on Special Adviser terms except for those aspects which relate to political commitment."

The Code of Conduct for Special Advisers however states that:

"Special Advisers are employed to help Ministers on matters where the work of Government and the work of the Government Party overlap and it would be inappropriate for permanent civil servants to become involved. They are an additional resource for the Minister providing assistance from a standpoint that is more politically committed and politically aware than would be available to a Minister from the Civil Service."

With regard to their employment status, it states that:

"Special Advisers are temporary civil servants appointed under Article 3 of the Civil Service Order in Council 1995. They are exempt from the general requirement that

¹² <http://www.opsi.gov.uk/ACTS/en1999/1999en29.htm>

¹³ <http://www.londoncouncils.gov.uk/doc.asp?doc=19281&cat=1969>

¹⁴ http://www.cabinetoffice.gov.uk/propriety_and_ethics/special_advisers/code/

¹⁵ http://www.cabinetoffice.gov.uk/propriety_and_ethics/ministers/ministerial_code/

civil servants should be appointed on merit and behave with political impartiality and objectivity so that they may retain the confidence of future governments of a different political complexion.”

While Special Advisers engage in almost similar kinds of work at national level as political assistants do at the local authority level, the two should not be confused, even though they occasionally are. In 2005/06, there were 78 political appointees employed as Special Advisers within the civil service¹⁶.

In recent years, the trend has been towards Members of Parliament denoting their paid staff ‘special advisers’ or ‘political assistants’, even though such posts are discretionary and have no basis in law. This practice increased considerably after MPs received a large increase in their staff allowances in 2001, with new rules on the employment of staff taking effect the same year. The staff remain the employee of the MP concerned, not the House of Commons or the civil service. The Speaker’s Advisory Panel on Members’ Allowances pay scales from April 2007 are as follows¹⁷:

Research/Parliamentary Assistants		
<p>Research/Parliamentary Assistants are likely to be graduates. They need good research skills, the ability to think analytically, good communication skills and a good understanding of the political environment.</p>		
Job Description	Pay Ranges (with effect from 01.04.07)	Recommended Starting Pay*
<p>* Starting pay outside London is likely to vary considerably with local employment market conditions</p>		
<p>Senior Research/Parliamentary Assistants should:</p> <ul style="list-style-type: none"> • Undertake research, usually from secondary sources, on complex and difficult subjects • Analyse, interpret and present the results eg for parliamentary questions, briefing notes for committees, articles or press releases • Liaise with the political party, lobby groups etc. • Deal with the media <p>They might also progress some casework and/or deal with a range of correspondence independently.</p>	<p>£26,789 to £38,623</p>	<p>£26,789 (provinces) to £31,773 (London)</p>
<p>Research/Parliamentary Assistants should:</p> <ul style="list-style-type: none"> • Undertake research from readily available sources • Analyse, interpret and present the results eg for parliamentary questions, briefing notes for committees, articles or press releases • Deal with routine constituency correspondence 	<p>£13,705 to £33,018</p>	<p>£13,705 (provinces) to £18,689 (London)</p>

¹⁶ <http://www.parliament.uk/commons/lib/research/notes/snpc-03813.pdf>

¹⁷ http://www.w4mp.org/html/library/salaries/payrates_apr2007.asp

independently		
In addition they might also: <ul style="list-style-type: none">• Deal with a range of visitors• Progress casework by forwarding to other agencies• Undertake some administrative tasks		

History

The first attempt to introduce the concept of political neutrality into the local government workforce was the Local Government Act 1972, which barred councillors from working for the local authority on which they serve. This also prevents anyone who has worked for that authority in the past 12 months from standing for election to it or anyone who has served as a councillor during for same period from being employed by it. Furthermore, the bar also extends to joint authorities (such as fire authorities or passenger transport authorities) of which the local authority is a member. However, the Local Authorities (Executive and Alternative Arrangements) (Modification of Enactments and Other Provisions) (England) Order 2001 was introduced to ensure that no doubt arose concerning those elected or appointed to the council executive (cabinet) introduced under the Local Government Act 2000. To that end, it should be noted at this stage that the Widdicombe Review took place prior to the introduction of executive arrangements for local authorities in 2000, where council business was taken care of corporately by committees working across the council rather than by cabinet, as had been the case since 1835. Indeed, while the 1969 Redcliffe-Maud Commission had recommended an executive basis for the work of local authorities, Widdicombe rejected this and supported the retention of the committee system.

The enquiries undertaken by the Widdicombe Review led to substantial legislative change which altered the political dynamic and organisational culture in one of the most significant ways since the introduction of elected local government in 1835. The themes of political neutrality and the need for clearer checks and balances to allow for a political environment to exist without compromising officials was evident throughout. *The Politics of Local Government Since Widdicombe*, the authors write¹⁸:

“The Local Government and Housing Act 1989 follows upon the Report of the (Widdicombe) Committee on the Conduct of Local Authority Business, and its provisions are broadly based upon Widdicombe’s recommendations. The Act introduces new restrictions and requirements, many of which have far-reaching implications for councillors, for officials, and for the ways in which local authorities conduct their business.”

In passing the Act, Parliament acknowledged for the first time that local authorities are political, rather than merely administrative bodies; for example, rights to representation may now be claimed by councillors who claim the statutory status of a party group. Widdicombe played no small part in achieving this belated recognition, and the government’s White Paper praised the Committee for their analysis of the trends and issues in the management of today’s politically-controlled authorities. Not only is the political character of local government now acknowledged, some at least of its consequences are welcomed as providing clarity of direction and better public accountability.

Notwithstanding this belated acceptance of politics as an aspect of local authority management, the potential for abuses of power as political conflict intensifies pointed up the need for new checks and balances. The government accordingly intervened to

¹⁸ *The Politics of Local Government Since Widdicombe*, 1990, pp7-8

secure fairness and propriety, to protect the rights of the politically-neutral official and to draw a clear demarcation between the proper and improper spheres of political influence. The intention is to reinforce good management practice and to temper the effects of party politics on the relations between councillors, between the politicians and the officials, and – not least – between local and central government.”

In seeking to define the concept and causes of political behaviour in local authorities, Widdicombe wrote that “*although there has been a general growth in the geographic spread of politics, and in its intensity, it is important to distinguish between the differing ways in which this has manifested itself.*”¹⁹, and that the following ‘manifestations’ can be considered as characterising this pattern of behaviour, “*all of which are separable and do not necessarily flow from each other:*

- “a) elections being contested on party lines;*
- b) formal council offices (membership of committees, chairmanship, etc) being allocated on party lines;*
- c) party groups determining an agreed policy line in advance of meetings of the council and its committees;*
- d) services being delivered according to party political policies (privatisation, direct labour organisations, etc);*
- e) party political policies being set out in election manifestos and subsequently regarded as committing the majority party;*
- f) councillors playing a fuller role vis a vis officers in decision taking;*
- g) councillors taking a fuller role vis a vis officers in day to day management;*
- h) appointment of officers as a means of political patronage;*
- i) use of council services and funds as a source for political patronage;*
- j) use of local government as a platform for national political issues and ambitions.”*²⁰

In a section titled, ‘The Desirability and Inevitability of Politics’, Widdicombe continues²¹:

“The list above is by no means definitive. We believe it is important however to distinguish between the items in it because differing views can be taken on them. The blanket term ‘politicisation’ is misleading in discussing both its desirability and inevitability.”

¹⁹ *The Conduct of Local Authority Business: Report of the Committee of Inquiry into the Conduct of Local Authority Business*, 1986, p60

²⁰ *Ibid.*

²¹ *Ibid.*

This then brings us to the essence of the government's terms of reference in establishing the committee to report and recommend on the manifestations of political interference in local authority business and a future legislative framework in which the tensions can be resolved (the 1989 Act). In later years, the Committee on Standards in Public Life helpfully remarked that the 1989 Act and the Widdicombe Review process which led up to it, "*represented the high-watermark of conflict and mutual suspicion between central and local government.*"²² Widdicombe supplies the following definitions of political effect upon local authority business²³:

"At its best politics is the essential currency of representative democracy. It provides an organisational basis through which citizens can achieve the type of government and the type of services they want without themselves needing to partake directly in the process of government. If the political party for whom they vote fails to deliver, that party can be held accountable through the ballot box at the next election."

Inevitably this is then followed by²⁴:

"At its worst, politics can be a malign influence. It can operate as a means of distributing spoils rather than serving the community, as indeed characterised the early development of politics in the 18th and early 19th century. Spoils can be distributed in local government through for example the appointment of political allies to officer posts, misuse of planning and development powers and decisions to fund outside bodies that are supportive of the policies of the majority party. Similarly there is a danger of services being channelled towards particular sectional groups or areas simply in order to win votes rather than on a balanced assessment of the merits."

Widdicombe remarks that "*in a very small number of authorities, real problems have occurred and power has been abused.*"²⁵ This can be viewed as a direct response to the anxiety of both central government and the media during this period over the practices listed as well as the conclusions of Widdicombe's own observations. In his interim report, *Local Authority Publicity*, he drew particular attention to the use of local government communications as a means to attack central government on partisan grounds, a practice outlawed in response under the Local Government Act 1986²⁶. He also remarks that "*there are a rather larger number of authorities where considerable instability and uncertainty in relationships has arisen because of the pace of political change. This applies particularly in the main urban areas, but also in some shire county councils.*"²⁷ Again, following central government unease over the rapid radicalisation of urban councils along socialist lines (under the Labour Party, also known as the 'New Urban Left' at the time when expressing the electoral pattern and political behaviour) such as the Greater London Council and the six Metropolitan County Councils, the Local Government Act 1985 abolished these local authorities, which Widdicombe alludes to in his opening chapter²⁸ and is clearly referring to here.

²² *Standards of Conduct in Local Government in England, Scotland & Wales*, 1997, p40

²³ *Ibid.*

²⁴ p61

²⁵ p63

²⁶ p18

²⁷ p63

²⁸ p23

He remarks of this period, *“The political process can also become an end where it should be a means, and as a result the public can suffer.”*²⁹

In order to improve standards of officer impartiality, Widdicombe’s report made an array of firm recommendations to government, later enacted under the 1989 Act and frequently collectively referred to as the ‘Widdicombe ban’. With regard to council officers, he argued:

*“employees of local authorities should continue to be able to become councillors in other local authorities, provided they are not employed at the rank of principal officer or above”*³⁰

This had the effect of ending the practice of ‘twin-tracking’ for senior officers (ie. principal officers and above). This was further stipulated in the recommendation concerning elected members for the same desired effect:

*“the legislation should be amended so that persons who are councillors, or who are standing for election as councillors, or have been councillors within the last year, may not be employed by another authority at the rank of principal officer or above”*³¹

The ban was widened to include other aspects of political activity, with the effect of ensuring neutrality among the local government workforce, particularly senior officers or those working in posts deemed to be ‘sensitive’, with a recommendation that the government oblige council employers to:

“take steps to include in the terms and conditions of officers at the rank of principal officer and above a prohibition on political activity, including:

- (i) standing for, and holding, elected public office;*
- (ii) holding office in a political party;*
- (iii) speaking or writing in public in a personal capacity in a way that might be regarded as engaging in party political debate;*
- (iv) canvassing at elections”*³²

With regard to the creation of political assistants’ posts in law under the 1989 Act, the path to this is less clear. Widdicombe remarked that upon noticing a pattern of political behaviour whereby³³:

“In some authorities it might be considered that the political groups’ need for advice cannot be fully met by the chief executive and by those staff reporting to him or her through the normal officer hierarchy.”

He then felt that a recognition needed to occur whereby³⁴:

²⁹ p61

³⁰ p113

³¹ p163

³² Ibid.

³³ p151

³⁴ Ibid.

“In the evidence a sharp distinction has been made between overt arrangements of this kind and covert arrangements whereby officers beneath chief officer level in the main officer hierarchy have become singled out by the political parties as being sympathetic sources of advice. This latter practice is highly damaging to chief officers’ management authority and blurs roles insidiously.”

Having provided this analysis of the blurring of officer roles in the provision of advice and the need to provide some form of safeguard, Widdicombe continued that in the case of officers specifically employed in a political role³⁵:

“they provide a useful a useful means of broadening the basis for advice to councillors in a way which should positively promote rather than damage the role of the main officer hierarchy of serving the whole council. If the law is at present considered insufficiently clear on the matter, then it should be amended to make clear that such appointments are permissible.”

Widdicombe therefore stated in his report³⁶:

“we recommend that:

(a) local authorities should be able , if they wish, to attach staff to the party groups or leaders;

(b) such arrangements should be subject to the following safeguards:

- (i) the officers should be clearly differentiated from officers serving the council as a whole; they should not carry out or be involved in executive functions and should report direct to councillors, not through the chief executive;*
- (ii) they should be strictly limited in number and seniority;*
- (iii) the facility should be made available to minority parties;*
- (iv) it should be made clear whether or not the appointment is being made on political criteria.*

In the eventuality, Widdicombe’s recommendation was enacted in full in section 9 of the 1989 Act but was initially resisted by the government, as outlined in the following section.

*

In July 1988, the Government published its response to the Widdicombe Review’s report, *The Conduct of Local Authority Business: The Government Response to the Report of the Widdicombe Committee of Inquiry*. In the Government Response to the Widdicombe Report, it set out what it considered to be *“the basic principles which should apply to the conduct of local authority business”*³⁷:

“First, and most important, local authorities should be clearly accountable to their electors...”

³⁵ p152

³⁶ p154

³⁷ *The Conduct of Local Authority Business: The Government Response to the Report of the Widdicombe Committee of Inquiry*, 1988, pp2-3

Second, those who take decisions on behalf of the council must reflect the wishes of the electorate...

Third, every councillor should be able to play a part in the council's work...

Fourth, those concerned in decision-taking should be free of any suspicion that they may be furthering a personal interest...

Fifth, councils should be served by an efficient, expert, politically impartial service responsible to the council as a whole...

Finally, it is important both that there should be effective arrangements to ensure proper standards and that members of the public should have effective means of redress against unfair decisions by councils."

While these principles form an important constitutional standpoint for political relations within local government, it is the provisions around the provision of political support and the maintenance of standards that concern this report. It then set out what it considered to be the situation regarding impartiality of local government officers³⁸:

"British local government officers have traditionally served their council with equal commitment, whatever party may be in political control. This tradition is based on convention and practice, rather than prescribed rules. As a consequence, apart from rules which provide that essentially a council employee cannot be a councillor in his or her own authority, there are no prescribed rules which prevent local government officers from engaging in political activity."

Having done so, it assessed the review's recommendations concerning both politically restricted posts³⁹ and political assistants:

"The Government accept the Committee's view that it would not be appropriate to require all local authority employees to abstain from becoming a councillor in another authority or from public political activity. This would involve some 3 million people, the majority of whom work in areas where no conflict of interests is likely to arise.

The Government also accept the Committee's argument that senior officers who regularly advise members should be subject to restrictions on their public political activity. This view is endorsed by a large body of opinion in local government. The Government share, however, the almost universal doubts expressed about the Committee's proposal that the relevant group should be defined as 'Principal Officer' and above. This is generally criticised as being too low for a blanket ban on political activity. It would affect some 70,000 staff many of whom, especially those in technical posts, may have little or no contact with members."

With regard to political assistants, its response argued⁴⁰:

³⁸ p18

³⁹ p19

⁴⁰ p21

“The Government does not accept this view. They consider that it is inappropriate for local authorities to employ staff at public expense staff whose purpose is to undertake political support duties for a particular party group or councillor rather than serve the council as a whole. Party political advisers, if permitted, would have to be available to every party group on the council. Given the varying size and number of such groups in individual councils, it would be extremely difficult to devise a fair arrangement without providing for far more advisers than can be justified by the dominant role of local authorities as service providers. In the circumstances, the Government intend to introduce a statutory ban on such appointments.”

Between the publication of the Government’s response and the passage of the 1989 Act, its view shifted as the political restrictions were imposed for principal officers and above and political assistants’ posts were legislated for rather than banned. It should be noted that the Secretary of State responsible for the legislation changed prior to the passage of the Act (from Nicholas Ridley to Chris Patten), which may explain the shift in view.

Structures

A political assistant is regarded as anyone appointed to the post under section 9 of the Local Government and Housing Act 1989. However, as noted, there are variations in the other types of political assistants working in the public sector, for instance researchers to London Assembly Members. Furthermore, innumerable local authorities circumvent the legislation by appointing non-political advisers to council leaders or heads of group offices within member services sections that do not fall under the law and are therefore operating without restriction. Provided such appointments take place on an open and non-political basis (ie. the postholder would support the leader regardless of party) then this is perfectly legal. As such, it makes it harder to define what a political assistant is if they have not been appointed under the 1989 Act.

As noted, there are two kinds of political assistant appointed outside the terms of the 1989 Act, these being:

- Advisers to council leaders – strictly non-political corporate appointments of an individual to serve to provide non-party policy advice and other duties in support of the leader
- Heads of Group Offices – theoretically neutral appointments to provide administrative support to elected members of party groups

The duties and terms and conditions of political assistants appointed under the 1989 Act are easier to define as they operate in a legally closed environment with little scope for local variation on account of the legislation and the vigilance of council monitoring offices in seeing the legislation adhered to. This is with particular regard to the observation of political restrictions and recruitment.

In terms of recruitment, political assistants are recruited to local authorities like any other principal officer. Most local authorities directly recruit via a range of sources such as national and local newspapers (particularly the Society weekly supplement of *The Guardian* and its website) and the Local Government Employers' website jobsgopublic.com. However, in the case of political assistants, it is usual to also advertise in the political press (in the case of Labour, *New Statesman*, *Tribune*, in the case of the Liberal Democrats, *Liberal Democrat News*). Informal channels such as local branches of political parties and local government associations within the party headquarters are also utilised, though council funds cannot be used to recruit via these means. Political assistants are the only posts permissible to state that sympathy (but not necessarily membership) with the political party concerned will be expected of applicants for shortlisting. The posts are also rare in that the shortlisting stage of recruitment is likely to be done by councillors rather than local government officers in the personnel function. Interviewing is also done by a combination of councillors (most likely the group leader or another party official on the council) and personnel officers. Political assistants are almost invariably party activists and many have worked elsewhere in the political system ie. for an MP/MEP or for a political party or pressure group.

There is no standard job description for political assistants appointed under the 1989 Act as they remain a local authority officer employed on the same terms and

conditions as other local government officers, with only modifications to their duties to reflect their political role. However, political parties publish briefings on the role of political assistants for those local authorities considering creating such posts, such as this:

Local Government Association Liberal Democrat Group Good Practice Guide No. 2 – Employing Political Assistants (June 2003)

There is no standard job description for a ‘political assistant’. Depending on experience and pay, whether the group is in control or opposition, as well as the priorities of the group leader and other group members, the role of political assistants varies from town hall to town hall. But here is a checklist highlighting some of the things they do:

Research – *whether it is chasing up council officers to clarify information on committee papers or major research projects for the group such as preparations for the budget or new policy initiatives.*

Political advice – *this can include briefings on national party policies, or providing a judgement on the likely repercussions of taking a particular stance or decision locally.*

Dealing with the Press – *someone to write the press release or deal with media enquiries.*

Internal Group Communications – *to help ensure group cohesion and to reduce the likelihood of members on different committees sending out contradictory messages.*

A trusted full-time insider – *a political assistant is someone who works directly to the group. Unlike other council officers, s/he’s main interest will be the success of the Group.*

Casework – *not the most interesting job to give a political assistant but nevertheless essential for a busy group leader.*

Committee administration – *keeping minutes and writing reports for internal group meetings.*

Liaison with community groups – *someone to brief community groups about developments on the council as well as lending an ear to a community grievance, protest or view.*

Liaison with council officers – *liaising with committee clerks, ensuring motions and amendments get tabled, liaising with political assistants from other groups (‘the usual channels’) and setting up pre-committee briefings with officers etc.*

This can be considered a comprehensive role profile for the political assistant of any party appointed under the 1989 Act.

The other main difference between political assistants and other local authority staff is that they are likely to be only nominally line managed by a more senior officer for the contractual purposes of their employment, as in reality they will work directly under the supervision of elected members. Therefore any dispute resolution at work, for instance issues with councillors in the course of their duties, is likely to be resolved at elected member level rather than by the officer hierarchy, though disciplinary procedures can only be taken out by officers and not elected members.

Political assistants in all three parties, both those appointed under the 1989 Act and those appointed on another basis, hold membership of national staff associations. However, these vary in degrees of formal organisation. For instance, the Labour Political Assistants' Network, exists solely as an email discussion list (to share political intelligence across the country), though it does hold annual meetings at the party's local government conference and enjoys the support of the Association of Labour Councillors. Liberal Democrat political assistants, on the other hand, hold membership of the Liberal Democrat Staff Association, which also includes paid party officials. The most advanced level of organisation is the Conservative Political Officers' Network, which is open to all political assistants and elects its own officers and runs a website, as well as holding annual meetings at both the Conservative Councillors' Association conference and the Conservative Party's conferences. In their website, they also provide a summary of the commonplace duties of a political assistant⁴¹:

"A Political Assistant is a local government officer, employed exclusively to support a local political group in its day-to-day council duties. Political Assistants are 'politically restricted' as per the Local Government & Housing Act 1989, meaning they are not allowed to voice their political opinion in public, nor publicly canvas for a particular political party, although they are allowed to convey their political opinion and advice to the group they support.

The duties of a Political Assistant covers a vast spectrum of professional roles, and cannot be pigeon-holed into a particular category. At any one time a Political Assistant will undertake the duties of a policy advisor, press officer, political operative, researcher, case worker, quasi-councillor, counsellor, secretary, web designer, web master, marketing manager, image consultant, photographer and graphic designer to name just a few professional duties. In essence a Political Assistant is the ultimate communications expert.

Below you will find a list of further tasks undertaken by all Conservative Political Assistants to varying degrees across the country:

- *Research & policy development.*
- *Group organisation and administration - in conjunction with the group.*
- *Secretary and/or group leader's PA; involves arranging substitutes, group meetings, collecting subscriptions, generally supporting the group leader and group management team.*
- *'Social Work' - a shoulder to cry on, sounding board, and general information point.*
- *Press officer.*
- *Webmaster to the Group's website.*
- *Contact for the local and regional Conservative party and the local and regional government Conservative groups.*
- *Unofficial link into the national party, through CPON, Conservative Councillors' Association, Conservative Central Office and Conservative Local Government Association.*

⁴¹ <http://www.cpon.info/pages.php?pid=61>

The types of projects Political Assistants in CPON have undertaken include:

- *Collation of group submissions to Periodic Electoral Reviews.*
- *Act as a representative of the Group on the officers' editorial board of the Council newspaper.*
- *Work with local MPs on local campaigns, sharing research and acting as a liaison.*
- *Support regional Conservative Groupings.*
- *Undertake surveys on the group's behalf.*
- *Support group candidates through election period with information and briefings (although any public statement of political allegiance by assistants is illegal).*
- *Compile Notes of Interest from meetings of the executive, full council, etc, as an alternative source of reference to official minutes.*
- *Compile and collate a library of information, including official council documents, press cuttings, group literature, regional and national Conservative news, and other relevant information.*
- *Act as editor for group newsletters."*

It is worth noting that while political assistants' posts were recommended by Widdicombe and adopted in legislation in order to formalise politicisation and remove covert partisanship among officers, tensions do occasionally manifest themselves. For instance, no two political assistants' roles are rarely ever the same – depending on political control factors, factionalism and seniority. As such, the roles entrusted vary but in the case of political assistants permitted to speak to the press on behalf of councillors, clashes can occur with politically neutral council communications staff. This is also replicated with regard to politically neutral policy advisers and committee clerks, who may resent politically-charged relations at work through the presence of a political assistant as a colleague. Furthermore, many political assistants find it hard to adapt to working in a politically restricted post. Many of these factors were considered by the Government in their recent (2004/05) review of political restrictions.

Note: political assistants from all three parties were interviewed from the following authorities in order to compile this section: London Assembly, Oxfordshire County Council and Vale of White Horse District Council. The report author also worked as a political assistant in a London Borough for three years and established the Labour Political Assistants' Network.

Process

In August 2004, the then Office of the Deputy Prime Minister (now Department of Communities and Local Government) began two simultaneous reviews concerning political restrictions and the role of local government employees, including political assistants. In its *Review of the Regulatory Framework Governing the Political Activities of Local Government Employees* it remarked that⁴²:

“The Government is firmly committed to the principle that, at all levels throughout the local government sector, employees should be appointed on merit and impartially serve all members of their council.”

The purpose of the review therefore was to⁴³:

“[seek] views on the framework generally, and in particular on whether the current restrictions on council employees’ political activities are proportionate and continue to deliver a politically impartial council workforce which can command the confidence of members of all political persuasions.”

It also⁴⁴ *“[invited] views on the current regulations for political assistants; and on the arrangements for allowing council employees paid time off to serve as members of local authorities.”*

It further noted that⁴⁵:

“In 1998 the European Court ruled in favour of the Government in a challenge to the political restrictions regime, brought by five council workers on human rights grounds. The Court held:

“The restrictions on the political activities of certain categories of local government officials contained in the Local Government Officers (Political Restrictions) Regulations 1990 did not give rise to a breach of the right to freedom of expression under Article 10 of the European Convention on Human Rights since the interference with the employees’ rights had been shown to be “prescribed by law”, in pursuance of one or more legitimate aim within the meaning of Article 10(2) and were “necessary in a democratic society” to attain them.”

The Government then gave its view, based on the procedure required for any change, that⁴⁶:

“The Government considers it unlikely that primary legislation to change the types of post subject to political restrictions will be appropriate. The regime might however be simpler to operate if the salary threshold for determining whether posts are

⁴² *Review of the Regulatory Framework Governing the Political Activities of Local Government Employees: A Consultation Paper*, 2004, p5

⁴³ Ibid.

⁴⁴ Ibid.

⁴⁵ Ibid.

⁴⁶ p8

politically restricted were raised, thus reducing the number of posts affected; this could be done through secondary legislation.”

The Government proposed two possible reforms for consultation, based on applying established national practice for the civil service to local government⁴⁷:

“i. It has been suggested that it might be appropriate to allow local government officials to participate in national politics – in a way similar to rules which allow civil servants to take part in local politics. The local authority’s permission would be required, and it would need to consider the sensitivity of the post, whether the postholder is involved in advising members, and whether he/she regularly speaks for the authority.

ii. It might be feasible to allow a general exemption from political restriction for holders of certain posts. This would complement the general consent granted by government departments for civil servants in certain categories to engage in political activities. For local authorities it might, however, be difficult to define the post covered by an exemption. It would presumably be necessary to monitor the work being undertaken by such postholders to ensure that they did not stray into areas inconsistent with the exemption.”

With regard to the role of the Independent Adjudicator appointed by the Secretary of State under the 1989 Act, the paper claims that in 2003 he considered 23 applications for exemption from political restriction by local government employees and granted 21⁴⁸. For the purposes of the review, the government proposed that the Monitoring Officer in each local authority might be better placed to handle such applications rather than at the national level⁴⁹:

“Local government Monitoring Officers are responsible for maintaining the authority’s register of members’ interests. They have an important role in maintaining standards of conduct within local authorities. It might therefore be considered that the Monitoring Officer is now best placed to decide whether a post should be exempt from political restrictions.”

Finally, the paper set out the Government’s view on political assistants appointed under the 1989 Act, outlining options for reform, asking for views that⁵⁰:

- *authorities should be able to set their own pay rates for political assistants, in line with those for other employees, or perhaps on the basis of recommendations from the council’s independent panel responsible for considering councillors’ allowances; or*
- *political assistants’ pay should be linked into the National Joint Council scheme (or some other appropriate salary scale); or*
- *the existing approach should be maintained, with a cap on assistants’ pay provided by statutory order.*

4.9 As the activities of political assistants are aimed at supporting political parties, it

⁴⁷ Ibid.

⁴⁸ p10

⁴⁹ Ibid.

⁵⁰ p13

might be argued that the parties should pay for them, or at least contribute to their salaries. This would align the overall approach with that applied to Members of Parliament (who receive allowances for support staff). Respondents may feel that the outcome of such an approach might be to undermine effective political activity in local government: or, alternatively, that it would improve it by allowing parties to obtain the quality of assistance they need.

4.10 Changes to the regime of restrictions on the activities of political assistants might also be considered. Respondents may consider, for example, that political assistants themselves should no longer to be covered by some – or any – of the restrictions on political activity to which other local government employees are subject.

4.11 Lastly, respondents may feel that it is no longer appropriate for the detailed rules governing political assistance to elected mayors to differ from those for political parties; and that whatever salary regime is eventually adopted should apply equally to mayoral and political assistants.”

The second consultation, *A Model Code of Conduct for Local Government Employees*, stemmed from the fact that⁵¹:

“The Local Government Act 2000 provided a new statutory framework to govern the conduct of members and employees of relevant authorities in England and police authorities in Wales. Under the provisions of the Act the Secretary of State may, by order, issue a code regarding the conduct which is expected of qualifying employees of relevant authorities in England and police authorities in Wales. Once issued, this code will become part of such an employee’s terms and conditions of employment.”

This would then be regarded as “[defining] *the minimum standards of conduct that employees of relevant authorities will be expected to observe when carrying out their duties.*”⁵², though it also stated that teachers and firefighters would be removed from the code as they already have their own codes of conduct under separate legislation. An ‘Employees Code’ had in fact been envisaged for some time, with the 1998 Green Paper on standards arguing such a case⁵³ (as will be covered in detail later). With regard to political assistants however, the 2004 paper stated that⁵⁴:

“While such assistants do not serve all members of the authority, they are employees of the authority. The Government therefore proposes that they should be subject to the employees’ code. This would be on the understanding that, in the case of these staff, the principle of impartiality in the Code should not imply a duty of political neutrality.”

In December 2005 the Government published its response to the review, *Standards of Conduct in English Local Government: The Future*. The paper was actually an overarching coordinated response to a number of on-going reviews of political standards in local government concerning both elected members and council officers. The paper published the Government’s response to⁵⁵:

⁵¹ *A Model Code of Conduct for Local Government Employees: A Consultation Paper*, 2004, p5

⁵² p7

⁵³ *Modernising Local Government – A new ethical framework*, 1998, p37

⁵⁴ p9

⁵⁵ *Standards of Conduct in English Local Government: The Future*, 2005, p5

- *Chapter 3 of the tenth report of the Committee on Standards in Public Life (Graham Committee) – Getting the Balance Right – Implementing Standards in Public Life – January 2005; and*
- *The Role and Effectiveness of the Standards Board for England – Report of the ODPM Select Committee – April 2005.*
- *Recommendations following consultation on the code of conduct for members – by the Standards Board for England – Published as annex C to this Paper.*
- *Review of the Regulatory Framework Governing the Political Activities of Local Government Employees – An ODPM consultation paper – August 2004.*
- *A Model Code of Conduct for Local Government Employees – An ODPM consultation paper – August 2004.*

The reviews and their response were based, according to the paper, on the need⁵⁶:

- *to maintain high standards of conduct for local authority members and employees,*
- *to define effectively what standards of conduct are expected of members and officers, and for such rules to be fair and clear,*
- *for an effective means of taking action when breaches of the rules occur, and for such means to be fair, clear, proportionate, rigorous and thorough, and*
- *to ensure measures are in place to guarantee public confidence in the appropriateness of the ethical regime.”*

In summary, the Government’s view on political restrictions and the role of political assistants within the new ethical framework was that⁵⁷:

“we envisage the conduct regime relating to local authority employees will be made more systematic, in particular, by the introduction of a code of conduct for employees, taking into account lessons learnt in the operation of the code for members. We are minded, however, to retain the current rules requiring senior local authority posts to be politically restricted, but for changes to be made to uprate the pay of political assistants and to ensure that pay increases to them will no longer require the Secretary of State’s approval.”

Specifically, the response to the review argued that⁵⁸:

“The Government is committed to the principle of the political neutrality of local government employees. To ensure that this principle is retained, we are currently minded to retain the existing framework which restricts the political activities of certain senior staff. We will, however, consider amendments to the existing rules to ensure the restriction only applies to the most senior, or the most sensitive, posts.”

As a result, the Government felt more local discretion could deliver on the need for flexibility and therefore⁵⁹:

⁵⁶ p6

⁵⁷ Ibid.

⁵⁸ p17

⁵⁹ Ibid.

“The Government believes that, within the overall legislative framework, local authorities should take ownership as much as possible for the operation of the rules at local level. We are currently minded, therefore, to abolish the post of Independent Adjudicator, and delegate his role in the making of decisions on applications for exemption from political restrictions to standards committees.”

Finally, with regard to the position of political assistants, not least lack of the raise in the salary cap since 1995, it stated that⁶⁰:

“The Government appreciates the concerns felt by many about the delays in the uprating of the pay of political assistants arising from the current ad hoc arrangements for increasing their pay by means of a Statutory Instrument. We are currently minded, therefore, as an interim measure, to issue an Instrument as soon as possible increasing the pay rate to Spine Point 44, and to pursue primary legislation to fix permanently the rate to a scale between Points 44 and 49.

We are not currently minded to make any further changes to the rules relating to political assistants.”

The measures were announced in an ODPM press release dated 15 December 2005, ‘Public confidence at the heart of local government conduct regime’. It also abolished the post of the Independent Adjudicator in the Local Government and Public Involvement in Health Act 2007, passing this function to local standards committees. However, no further announcement was forthcoming on the Draft Code of Conduct for Local Government Employees until October 2008 when it signalled its intention to consult further on introducing a Code (consultation period 1 October - 24 December 2008).

⁶⁰ pp18-19

CONCLUSION

As Widdicombe argued, local government is by its very nature a political environment where the party dynamic can often lead to tension among elected members and the diminution of professional standards among council staff. To this end, the framework we have seen emerge, following a century and more of directly avoidance of the issue until the passage of the 1972 Local Government Act, has been both incremental and centrally-driven. During this time however, as noted by Widdicombe, local authorities have put in place their own arrangements. In spite of the efforts of national government to safeguard professional standards and protect the public from both untoward political interference in the provision of services and the possibility of corruption, opposition has manifested itself to the regime – from those who disagree with the existence of publicly-funded political assistants to those who oppose the continuation of political restrictions in local government.

To recap, we have seen a system emerge whereby in 1972 councillors were prevented from being employed on the authority on which they sit, followed by the introduction of political assistants and political restrictions in 1989. Regardless of the view on whether the system is adequate or justified, as of 2008 it is considerably more rationalised and coherent than at any other point in its existence. So long as local elections exist to provide councillors to oversee the provision of local services then the political environment which requires such checks and balances as considered in this report will be necessitated.

APPENDICES

Appendix I – Protocol for London Assembly Members’ Support Staff

Appendix II – Job Profile for London Assembly Member Research and Support Officer

Appendix III – Draft Model Code of Conduct for Local Authority Employees

APPENDIX I

Greater London Authority/London Assembly (as of March 2007):

PROTOCOL FOR ASSEMBLY MEMBERS AND SUPPORT STAFF OF THE SECRETARIAT

1. Background

1.1. The GLA is not a traditional local authority and has some unique requirements:

- (a) It was an Assembly decision that Members and groups need a dedicated support service.
- (b) Support staff are GLA employees.
- (c) Law requires GLA resources to be used for functions of GLA only.
- (d) Members have roles outside the GLA.

2. Purpose of protocol

2.1. To assist and protect GLA, Members and support staff by:

- (a) Fulfilling GLA's responsibilities as an employer.
- (b) Setting out how support staff are directed and managed.
- (c) Ensuring fair and equitable treatment of support staff.
- (d) Providing a basis for the mutual respect essential to an effective and professional service.
- (e) Securing compliance with the law.

3. Appointment of support staff

3.1. Appointments will be made:

- (a) On merit, without reference to political preference.
- (b) Subject to standard terms and conditions of service of GLA employees.
- (c) On allocation, to work directly to a party group or to an individual member.

4. Nature of support staff's work

4.1. The Authority's policy statement on support staff provides for:

- (a) **Tasks related to functions of GLA or performance of Assembly Members' role.**
- (b) Occasional personal support is acknowledged e.g. messages relevant to diary management.

5. **Allocation of support staff work**

5.1. Workload will be directed by Member or party group to whom allocated.

6. **Role of Member Liaison Managers**

6.1. The Member Liaison Managers (one allocated to each party group) will be line managers of PAs and RSOs, and will:

(a) Be responsible for:

- conditions of service (leave, off-site working, out of hours work, etc)
- probation assessment
- appraisal and performance monitoring
- training and development
- discipline
- team building

(b) Work closely with Leader and Members of appropriate party group.

(c) Liaise with each other and with Head of Assembly Support to achieve consistency e.g. on conditions of service matters.

(d) Deal with concerns of Members and support staff.

APPENDIX II

Greater London Authority/London Assembly (as of April 2007):

JOB PROFILE

RESEARCH AND SUPPORT OFFICER (Assembly Support)
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Job purpose

1. Provide direct support to an Assembly Member by obtaining information, data and research as required by them in the exercise of their various roles within the GLA.
2. Develop and maintain database of information as it relates to the role of Assembly Member, including all the offices they hold whilst a representative on the Assembly.
3. Provide information to the Member in respect of the workings of the GLA, relationships with the Functional Bodies and other public and partner organisations.
4. Operate as part of the wider team of support officers for the Assembly.

Principal Accountabilities

Provide high quality support to the Assembly member, co-ordinating responses to demands from a wide range of internal and external enquirers.

Assist in the provision of information on matters relating to the Member's role within the GLA

Undertake research on GLA policy matters, liaising with other relevant officers within the Authority and Functional Bodies.

Record and collect data and statistical information, producing analyses and reports as required.

Provide support to the Assembly Member through a range of working parties, consultative bodies and project teams.

Co-ordinate with Public Liaison Officers as required on matters concerning the Assembly Member.

Work closely with staff within the Secretarial Directorate to ensure smooth co-ordination in respect of formal Committee and Assembly meetings.

Manage resources allocated to the job in accordance with the Authority's policies and Code of Ethics and Standards.

Realise the benefits of London's diversity by promoting and enabling equality of opportunities and promoting the diverse needs and aspirations of London's communities.

Realise the benefits of a flexible approach to work in undertaking the duties and responsibilities of this job, participating in multi-discipline cross departmental and organisational groups and task teams.

Key relationships

Accountable to: Member Liaison Manager
Assembly Member

Accountable for: Resources allocated to the job

Principal contacts: Senior managers of the Authority, the Mayor, Functional Bodies, other Assembly members, external organisations.

Key attributes

1. Understanding of working in a political environment and the role of the Assembly member
2. Proven experience of handling sensitive issues.
3. Verbal and written communication skills, to enable clear and effective understanding, often prepared in very short timescales.
4. Demonstrable analytical skills, to enable quick and effective grasp of data in a wide range of research topics.
5. Ability to use a range of office software, including word processing, the Internet and presentation packages.
6. Evidence of effective working at building relationships across professional boundaries within an organisation and with a range of external organisations.
7. Ability to access range of sources to obtain research data, using both internal expertise and shared information as well as relevant external organisations where appropriate.

APPENDIX III

Draft Model Code of Conduct for Local Authority Employees (2004)

THE EMPLOYEES' CODE OF CONDUCT

Honesty, Integrity, Impartiality and Objectivity

1. An employee must perform his duties with honesty, integrity, impartiality and objectivity.

Accountability

2. An employee must be accountable to the authority for his actions.

Respect for Others

3. An employee must –

- a) treat others with respect;
- b) not discriminate unlawfully against any person; and
- c) treat members and co-opted members of the authority professionally.

Stewardship

4. An employee must –

- a) use any public funds entrusted to or handled by him in a responsible and lawful manner; and
- b) not make personal use of property or facilities of the authority unless properly authorized to do so.

Personal Interests

5. An employee must not in his official or personal capacity –

- a) allow his personal interests to conflict with the authority's requirements; or
- b) use his position improperly to confer an advantage or disadvantage on any person.

Registration of Interests

6. An employee must comply with any requirements of the authority –

- a) to register or declare interests; and
- b) to declare hospitality, benefits or gifts received as a consequence of his employment.

Reporting procedures

7. An employee must not treat another employee of the authority less favourably than other employees by reason that that other employee has done, intends to do, or is suspected of doing anything under or by reference to any procedure the authority has for reporting misconduct.

Openness

8. An employee must –

- a) not disclose information given to him in confidence by anyone, or information acquired which he believes is of a confidential nature, without the consent of a person authorized to give it, or unless he is required by law to do so; and
- b) not prevent another person from gaining access to information to which that person is entitled by law.

Appointment of staff

9. (1) An employee must not be involved in the appointment of any other decision relating to the discipline, promotion, pay or conditions of another employee, or prospective employee, who is a relative or friend.

(2) In this paragraph –

a) “relative” means a spouse, partner, parent, parent-in-law, son, daughter, step-son, stepdaughter, child of a partner, brother, sister, grandparent, grandchild, uncle, aunt, nephew, niece, or the spouse or partner of any of the preceding persons; and

b) “partner” in sub-paragraph (a) above means a member of a couple who live together.

Duty of trust

10. An employee must at all times act in accordance with the trust that the public is entitled to place in him.

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