

Explanatory Memorandum to The Local Government (Assistants for Political Groups) (Remuneration)(Wales)(Amendment) Order 2019

This Explanatory Memorandum has been prepared by the Local Government Department of the Welsh Government and is laid before the National Assembly for Wales.

Minister's Declaration

In my view, this Explanatory Memorandum gives a fair and reasonable view of the expected impact of The Local Government (Assistants for Political Groups) (Remuneration)(Wales)(Amendment)Order 2019.

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Deputy Minister for Housing and Local Government

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PART 1: EXPLANATORY MEMORANDUM

1. Description

The pay scale for political assistants in Wales is linked to spinal column point 44 of the National Joint Council (NJC) pay scale. The Local Government (Assistants for Political Groups) (Remuneration) (Wales) (Amendment) Order 2019 (“the Amendment Order”) amends the spinal column point from pay scale 44 to pay scale 38 in relation to the salary of political assistants.

The Local Government (Assistants for Political Groups) (Remuneration) (Wales) Order 2009 (“the 2009 Order”) linked the maximum salary of political assistants to an assigned point (point 44) on the NJC pay scale. This meant that the maximum salary of political assistants increases annually with the pay increases for the pay scale and reduced the need for orders to be made each time pay levels increased.

The NJC have published compressed pay scales. The current pay point 44 will become pay point 38. The new pay scale will come into effect from 1 April 2019.

2. Legislative Background

Section 9 of the Local Government and Housing Act 1989 (“the 1989 Act”) provides that each local authority can appoint up to three persons to provide assistance to members of political groups in the authority. Their pay is subject to a ceiling set by the Welsh Ministers.

The Local Government and Public Involvement in Health Act 2007 introduced the provision that enables an Order, made under section 9(4)(a) of the 1989 Act, instead of specifying an amount, to specify a point on a relevant scale specified by the order. The relevant scale is the NJC’s published pay scales.

3. Purpose and intended effect of the legislation

Each of the three largest political groups in a local authority (subject to the third largest having at least 10% of the members of the authority) is entitled to have one political assistant. The general role of political assistants is to undertake research and provide administrative support for political groups. Political assistants are local government employees, with some caveats.

The Welsh Ministers may by statutory instrument either (i) specify a salary over and above the amount in section 9(4)(a); or (ii) specify a point on a relevant scale for the purpose of remuneration of political assistants. The 2009 Order specified that the pay point for political assistants to be set at pay point 44 of the NJC scale.

From 1 April 2019 the NJC is changing their pay scales and merging some of the pay points. The current pay point for political assistants is spinal column point 44. Spinal column point 44 will no longer exist from 1 April 2019. The Amendment Order will align the current pay scales of political assistants to the new pay scale which is spinal column point 38 of the NJC scale.

4. Consultation

No consultation has been undertaken on the policy because there is no change to the practical application of the Order. A full consultation was held prior to making the 2009 Order. The amendment is regarded as technical in nature.

PART 2: REGULATORY IMPACT ASSESSMENT

1. A Regulatory Impact Assessment has not been prepared for this Order as it has no impact on business, charities or voluntary sector.
2. In accordance with the Regulatory Impact Assessment code for subordinate legislation, a Regulatory Impact Assessment is not required as the amendment is technical and has no policy impact.
3. The impact on the local government is negligible.

Analysis of other effects and impacts

Tackling Poverty Agenda

There are no implications to the Tackling Poverty Agenda identified as arising from this amended Order.

United National Convention on the Right of the Child (UNCRC)

No impact on the rights of children have been identified.

Welsh Language

No effect on the opportunity to use the Welsh Language or the equal treatment of the language has been identified.

Equality and Human Rights

Section 149(1) of the Equality Act 2010 requires the Welsh Ministers to have regard, in the exercise of their functions, to the need to eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the 2010 Act; advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; foster good relations between people who share a relevant protected characteristic and people who do not share it.

For the purpose of section 149, the protected characteristics are age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation. No specific impacts positive or negative on persons who share a protected characteristic have been identified.

Well – being of Future Generations (Wales) Act 2015

Transparency in relation to the salary scale of political assistants would contribute to the goal for a more globally responsible Wales by demonstrating a commitment to openness and restraint in the public sector.

Impact on voluntary sector

No impact on the voluntary sector arises from this amended order

Competition Assessment

The provisions within the Order will not affect business, charities and/or the voluntary sector. There is therefore no need for the competition filter to be applied in this case.

Post Implementation Review

The provisions within the Order will not affect business, charities and/or the voluntary sector. The remuneration of political assistants will be kept under review along with changes to NJC pay scales.