

EXPLANATORY MEMORANDUM & REGULATORY IMPACT ASSESSMENT FRAMEWORK

Explanatory Memorandum to the Local Government (Assistants for Political Groups) (Remuneration) (Wales) Order 2009

This Explanatory Memorandum has been prepared by Social Justice and Local Government and is laid before the National Assembly for Wales in accordance with Standing Order 24.1.

1. Description

The present maximum salary for political assistants was set by the Local Government (Assistants for Political Groups) (Remuneration) Order 1995 (S.I. 1995/2456), which specifies a maximum of £25,044. Introducing this Order will link political assistants pay to an assigned point on a relevant pay scale. This will modernise the pay scheme for political assistants and reduce the need for future orders to increase pay levels. The Order revokes the Local Government (Assistants for Political Groups) (Remuneration) Order 1995.

2. Legislative Background

Section 9(1) of the Local Government and Housing Act 1989 (“the 1989 Act”) provides for the appointment of Assistants to political groups. Section 9(4)(a) states that the annual rate of remuneration for the post must not exceed £13,500 or such higher amount as the Secretary of State may by order made by Statutory Instrument specify.

The Local Government and Public Involvement in Health Act 2007 introduced a provision that enables an Order made under Section 9(4)(a) of the 1989 Act to specify a point on a relevant pay scale instead of specifying an amount.

The functions of the Secretary of State have been transferred to the National Assembly for Wales under the National Assembly for Wales (Transfer of Functions) Order 1999. By virtue of paragraph 30 of schedule 11 to the Government of Wales Act 2006 these functions have been transferred to the Welsh Ministers.

Statutory Instruments made under this part of the 1989 Act are subject to negative resolution.

3. Purpose and intended effect of the legislation

The salaries of political assistants can only be increased by Statutory Instrument. The Welsh Assembly Government consulted on the regulatory framework governing the political activities of local government

employees. This consultation by the Welsh Assembly Government mirrored a similar exercise conducted by the then Office of the Deputy prime Minister on behalf of the UK Government. Those who commented on this aspect of the consultation supported standardisation of pay scales and supported the proposal for it to be linked to the National Joint Council (“NJC”) pay scale for local authority employees.

4. Implementation

In response to the consultation the UK Government introduced an Order which set the maximum remuneration for political assistants in England at £34,986. In Wales the maximum remuneration level remains at £25,044. If this legislation is annulled the discrepancy would remain.

The Minister for Social Justice and Local Government has agreed to introduce an order to link the salary of political assistants in Wales to spinal column point 44 on the NJC pay scales. The maximum salary for assistants will remain at their current level if the Order is not implemented. Implementing the Order will provide for any annual increases in salary may be automatically applied without the need for a further SI.

5. Consultation

The salaries of political assistants can only be increased by Statutory Instrument. The Welsh Assembly Government consulted on the regulatory framework governing the political activities of local government employees. In relation to political assistants views were sought on whether:

- authorities should be able to set their own rates of pay for political assistants in line with those for other employees;
- political assistants pay should be linked to the NJC scheme;
- the existing approach should be maintained, with a cap on assistants’ pay provided by statutory order.

Those who commented on this aspect of the consultation supported standardisation of pay scales and supported the proposal for it to be linked to the NJC pay scale for local authority employees.

6. Consultation on draft Order

A six week consultation on the draft Order was conducted from the 28th August 2008 to 31st October 2008. Those consulted included Chief Executives and Monitoring Officers of County and County Borough Councils, Director – Welsh Local Government Association, Chief Executives and Monitoring Officers of National Park Authorities, Clerks and Monitoring Officers to the Fire and Rescue Authorities, Clerks to Police Authorities, Society of Local Authority Chief Executives, Chairs of Standards Committees, ACSes & Monitoring Officers Group in Wales, Welsh Association of National

Park Authorities, Wales Audit Office, Public Services Ombudsman for Wales, Information Commissioner's Office in Wales, UNISON, Political Parties.

Responses were received from Conwy County Borough Council and Flintshire County Council; both confirmed that they had no observations to make.

Gwynedd County Council also responded to the consultation. They suggested that the Order as drafted appears to set a fixed remuneration rate whereas the policy consultation implied that councils would be afforded some discretion in the amount they pay. These comments have been considered and we are content the Order as drafted affords the councils discretion as it only specifies the **maximum rate of remuneration**.

6. Regulatory Impact Assessment

Local Government Policy officials have read the Statement of Statutory Duties and have considered them in relation to the development of this policy. The Policy Appraisal checklist has been completed and has indicated that no statutory assessments are required for this policy.

7. Benefits

The maximum amount payable to Political Assistants will increase from £25,044 to the maximum of spinal column point 44 on the NJC pay scales, which (as at 1 April 2008) is currently equivalent to £36,730.

8. Costs

There are no financial implications arising from this submission for the Assembly Government.

Given the limited number of political assistants in local government across Wales there will be minimum financial impact on local authorities in Wales. The Order would set the maximum amount an authority could pay political assistants; however, it would be for the local authority to determine the remuneration.