

**EXPLANATORY MEMORANDUM TO**  
**THE LOCAL GOVERNMENT (ASSISTANTS FOR POLITICAL GROUPS)**  
**(REMUNERATION) (ENGLAND) ORDER 2021**

**2021 No. 1122**

**1. Introduction**

- 1.1 This explanatory memorandum has been prepared by the Ministry of Housing, Communities and Local Government and is laid before Parliament by Command of Her Majesty.

**2. Purpose of the instrument**

- 2.1 This instrument uprates the absolute pay cap that has been unchanged in England for 15 years in line with actual local government wage changes since 2006, and pegs the cap moving forward to an equivalent relative pay scale, as published in the National Joint Council (NJC) National Agreement on Pay and Conditions of Service.
- 2.2 The NJC for Local Government Services is the negotiating body for workers in local government and schools who determine pay and other terms and conditions. They are made up of representatives from UNISON and other trade unions and the employers.
- 2.3 This instrument revokes The Local Government (Assistants for Political Groups) (Remuneration) Order 2006.

**3. Matters of special interest to Parliament**

*Matters of special interest to the Joint Committee on Statutory Instruments*

- 3.1 None.

**4. Extent and Territorial Application**

- 4.1 The territorial extent of this instrument is England and Wales.
- 4.2 The territorial application of this instrument is England only.

**5. European Convention on Human Rights**

- 5.1 As the instrument is subject to negative resolution procedure and does not amend primary legislation, no statement is required.

**6. Legislative Context**

- 6.1 Section 9 of the Local Government and Housing Act 1989 (“the 1989 Act”) provides that each relevant authority can appoint up to three persons to provide assistance to members of political groups in the authority. Section 9(4) of the 1989 Act gives the Secretary of State the power to specify a maximum amount at which local authority political assistants may be paid and section 9(4A) provides that an Order can specify a point on a scale instead of an amount. Section 9(4C) provides that at any time an order made by virtue of (4A) is in force, the amount that at that time corresponds to the point specified by the order is to be treated for the purposes of subsection (4)(a) as specified by the order. The Local Government (Assistants for Political Groups) (Remuneration) (England) Order 2006 (S.I. 2006/1509) set the maximum amount at

£34,986. This Order revokes the 2006 Order and provides that the maximum amount is spinal point 38.

## **7. Policy background**

### *What is being done and why?*

- 7.1 Political assistants are local government employees who undertake research and provide administrative support for the main political groups within an authority. The existence of these posts allows a separation of professional officer and political roles and can enable the provision of advice to councillors that local authority officers are prevented from providing. Each of the three largest political groups on a relevant authority is entitled to have one political assistant.
- 7.2 Under section 2 of the 1989 Act, the post of political assistant in a local authority is politically restricted. This means that, like other politically restricted posts, the post-holder cannot stand for election, act as an election agent or sub-agent, be an officer of a political party, manage a party or branch of a party, and cannot canvass on behalf of a political party or candidate for election.
- 7.3 Political assistants are, however, permitted to speak to the public with the intention of affecting support for a political party, but their actions must not give the impression that they are acting as an authorised representative of a political party. They are also able to publish or cause to be published, written work or other material intended to affect public support for a political party, but they must not give the impression that the publication is authorised by a political party. These rules were adopted to address concerns about political impartiality, conflict of interest and the use of taxpayer funds for political purposes in councils.<sup>1</sup> If the absolute pay cap is left unchanged, it will become increasingly difficult to employ and retain political assistants, making the posts unviable. In turn, this risks the politicisation of local government staff who are not political assistants.
- 7.4 This Order provides for the maximum pay that local authorities may pay to political assistants. The limit is aligned with the pay scale at spinal column point 38 (£41,881) of the pay scales for local government officers incorporated in the NJC's National Agreement on Pay and Conditions of Service Scheme and will increase in line with this spinal point following NJC pay negotiations.

### *Explanations*

#### *What did any law do before the changes to be made by this instrument?*

- 7.5 The Local Government (Assistants for Political Groups) (Remuneration) England Order 2006 (S.I. 2006/1509) set the maximum amount at £34,986. This has not been increased since 2006.

#### *Why is it being changed?*

- 7.6 This Order incorporates, but does not exceed, pay restraints and pay freezes experienced by local government since it was last updated 15 years ago.

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<sup>1</sup> [The Local Government Officers \(Political Restrictions\) Regulations 1990 \(S.I. 1990/851\)](#)

What will it now do?

- 7.7 This uprating does not reflect a pay rise for political assistants. The specified maximum amount does not require local authorities to pay this amount to political assistants; it allows for the flexibility to pay up to the relevant spinal point if they choose to do so.

**8. European Union Withdrawal and Future Relationship**

- 8.1 This instrument does not relate to withdrawal from the European Union / trigger the statement requirements under the European Union (Withdrawal) Act.

**9. Consolidation**

- 9.1 There are no consolidation issues.

**10. Consultation outcome**

- 10.1 There is no statutory requirement to consult on the content of this Order. The Local Government Association were engaged and provided a consensus from the leaders of their Conservative, Labour and Liberal Democrat groups to supporting the uprating of the political assistants pay.

**11. Guidance**

- 11.1 The Government will publish non-statutory guidance at the time of laying this Order. This guidance will encourage local authorities choosing to employ political assistants to carry out a value for money job assessment and, if appropriate, consider employing them on a part-time basis. It will also recommend that councils are thorough in ensuring that there is openness and transparency regarding the role and activities of political assistants in their employ.

**12. Impact**

- 12.1 There is no, or no significant, impact on business, charities or voluntary bodies.
- 12.2 There is no, or no significant, impact on the public sector.
- 12.3 A full Impact Assessment has not been prepared for this instrument because there is no impact on businesses and councils in England are not compelled to increase the pay of their political assistants but will have the flexibility to choose to do so.

**13. Regulating small business**

- 13.1 The legislation does not apply to activities that are undertaken by small businesses.

**14. Monitoring & review**

- 14.1 The approach to monitoring of this legislation is continued engagement with the local government sector by the Department and the legislation will be kept under periodic review.
- 14.2 The instrument does not include a statutory review clause.

## **15. Contact**

- 15.1 Natasha Alleyne at the Department for Levelling Up, Housing and Communities email: [Natasha.alleyne@communities.gov.uk](mailto:Natasha.alleyne@communities.gov.uk) can be contacted with any queries regarding the instrument.
- 15.2 Chris Widgery, Deputy Director for Local Government Strategy and Improvement Team, at the Department for Levelling Up, Housing and Communities can confirm that this Explanatory Memorandum meets the required standard.
- 15.3 Kemi Badenoch, Minister of State at the Department for Levelling Up, Housing and Communities can confirm that this Explanatory Memorandum meets the required standard.