

## TRAFFORD COUNCIL

**Report to:** Council  
**Date:** May 2021  
**Report for:** Decision  
**Report of:** Corporate Director for Governance and Community Strategy

### Report Title

**Constitutional Review: Employment Procedures**

### Summary

**A review of the Council's constitution in respect of HR procedures has been undertaken. This report details amendments recommended as a result of that review.**

### Recommendation(s)

It is recommended that Council:

- Approves the Constitutional amendments as set out in the report

### Contact person for access to background papers and further information:

Name: Jane Le Fevre  
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Background Papers: None

## **1.0 Background**

- 1.1 There is a general duty upon the Council's Monitoring Officer to keep the Constitution under review. As a result, the constitution as a whole is kept under review on an ongoing basis and specific elements of the constitution are subjected to review for the purpose of updating or clarification from time to time, particularly when there are changes to the statutory requirements or the interpretation of certain provisions.
- 1.2 A recent review has identified that certain amendments are required These relate to the Standing Orders in relation to the appointment of Political Assistants and also to the provisions relating to political neutrality and Politically Restricted Posts in the Employees' Code of Conduct .
- 1.3 This report contains all recommended constitutional amendments.

## **2.0 Summary.**

- 2.1 Appointments of Political Assistants must be made in line with the provisions of Section 9 of the Local Government and Housing Act 1989 in that;

2.1.1. An appointment must be made for the purpose of providing assistance to members of a political group in the discharge of any of their functions as members of a local authority. There can be no more than three such appointments in any local authority and only one appointment for each group may be made to such a post until the local authority has allocated a post to each of the groups which qualify for one and standing orders must prohibit the allocation of such a post to a political group which does not qualify for one;

2.1.2 To qualify for the allocation of a post of political assistant, the membership of a political group must comprise at least one-tenth of the membership of the council and the political group must be one of the three largest on the council. If there are four or more groups which comprise of one-tenth of the membership of the council, the authority must determine which three groups are to be allocated the posts. Where there is only one political group which has one-tenth of the membership of the whole authority, the groups which qualify are that group and the next largest group. If there is more than one group with the next largest membership, the authority must determine which of those groups is to qualify for the post before the allocation of the post to the largest group is made; and

2.1.3 Posts such as assistants to political groups are to be filled in accordance with the wishes of the political groups to which the posts have been allocated. An appointment as a political assistant must terminate at, or before the end of the day on which a council holds its statutory meeting ('Annual Council') which must be held within twenty-one days of an election. The usual timescale for the Annual Council meeting is late May or early June. The length of the appointment will depend on

whether there are whole Council elections or elections in thirds. If it is a whole Council election the post ends not later than the date of the annual meeting in the period of 12 months beginning with the first such election to be held after the person is appointed; in any other case (which will usually be where there is an election by thirds) the post ends not later than the date of the annual meeting in the period of 12 months beginning with the third anniversary of that person's appointment.

- 2.2 In order to bring the Council's Standing Orders in line with the requirements of Section 9 of the Local Government and Housing Act 1989 these provisions are required to be reflected in the Council's constitution. Full details of the changes proposed are attached at Schedule 1 to this report.
- 2.3 There are also some minor changes recommended to the Employees' Code of Conduct to cover the unique position of the political Assistants in terms of their political engagement and also to provide clarity in relation to the political neutrality of other Officers.

### **Other Options**

None. The amendments are required to provide clarity and to ensure that the constitution is in line with statutory requirements

### **Reasons for Recommendations**

The recommendations are proposed to provide clarity to the constitution and to bring the Standing Orders in line with statutory requirements.