

Minutes

OF A MEETING OF

Council



Listening Learning Leading

HELD AT 6.00 PM ON THURSDAY 20 APRIL 2017

**THE FOUNTAIN CONFERENCE CENTRE, HOWBERY PARK,
CROWMARSH GIFFORD**

Present

Paul Harrison (Chairman), Anna Badcock, Charles Bailey, Joan Bland, Felix Bloomfield, Kevin Bulmer, Nigel Champken-Woods, John Cotton, Margaret Davies, Anthony Dearlove, David Dodds, Stefan Gawrysiak, Elizabeth Gillespie, Tony Harbour, Lorraine Hillier, Elaine Hornsby, Sue Lawson, Lynn Lloyd, Imran Lokhon, Jeannette Matelot, Jane Murphy, Toby Newman, David Nimmo-Smith, Richard Pullen, Robert Simister, Alan Thompson, David Turner, John Walsh and Ian White

Apologies:

Apologies for absence were submitted on behalf of Margaret Turner, Will Hall, Stephen Harrod and Bill Service

Officers Steven Corrigan and Mark Stone

David Hill, Chief Executive, and Margaret Reed, Head of Legal and Democratic Services, had submitted apologies for absence.

68 Minutes

RESOLVED: to approve the minutes of the meetings held on 16 February and 10 March 2017 as correct records and agree that the Chairman sign them as such.

69 Declarations of disclosable pecuniary interest

None.

70 Urgent business and chairman's announcements

The Chairman provided housekeeping information.

71 Public participation

There was no public participation for this meeting.

72 Petitions

None.

73 Report of the leader of the council

The leader of the council reported that, in accordance with the Council decision taken at its meeting on 10 March, the unitary bid 'A New Council for a Better Oxfordshire' had been submitted to the Secretary of State. In light of the recent announcement to hold a General Election on 8 June a decision on the bid would be delayed until the summer.

74 Questions on notice

No questions had been submitted from councillors in accordance with Council procedure rule 33.

75 Motions on notice

No motions had been submitted from councillors in accordance with Council procedure rule 38.

76 Exclusion of the public

RESOLVED:

To exclude members of the press and public from the meeting for the following item of business under Part 1 of Schedule 12A Section 100A(4) of the Local Government Act 1972 and as amended by the Local Government (Access to Information) (Variation) Order 2006 on the grounds that:

- (i) it involves the likely disclosure of exempt information as defined in paragraph 1 of Part 1 of Schedule 12A of the Act, and
- (ii) the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

77 Appointment of political assistants

Council considered the report of the chief executive, in his capacity as head of paid service, on the appointment of political assistants.

Council was reminded that in 2016, as part of the budget setting process, it had made provision for a political assistant for the Conservative Group. An appointment was subsequently made to the post in September 2016 without a specific report explaining the principles and consequences.

The report set out that under section 9 of the Local Government and Housing Act 1989, a local authority may appoint up to three assistants for political groups, subject to specific conditions including their remuneration. Where the number of groups entitled to a political assistant exceeds the legislative provisions Council must determine to which group(s) the political assistant should be allocated. The key features of this statutory provision are as follows:

- the appointment is described as being “for the purpose of providing assistance, in the discharge of any of their functions as members of a relevant authority, to the members of any political group to which members of the authority belong”;
- a council may have a maximum of three such posts at any given time, but appointments can only be made if posts are allocated to all of the groups who qualify (for South Oxfordshire two posts could be created at this time);
- the posts are fixed term and run until the Annual Meeting following an election (i.e. approximately four years).

A council cannot make an appointment to a post allocated to any political group unless it has also allocated a post to all of the political groups entitled to a post. A political group does not have to take up the offer. The appointment of a political assistant is dependent on Council passing a resolution in support of the principle of appointing political assistants.

The report advised that the council did not follow the correct administrative processes in appointing a political assistant for the Conservative Group in 2016. To address this Council was invited to reconsider the issue in accordance with the above process with a recommendation to authorise the appointment of political assistants which in turn would regularise the appointment of the current Conservative Group political assistant. Attached to the report was a draft of the proposed job description for the post.

In response to questions officers provided the following responses:

- Whilst the council had not followed the correct administrative processes it had not recruited or employed an officer illegally. Budget provision had been provided, a recruitment process followed and the postholder provided with full employment rights. External legal advice supported this view.
- Internal audit were aware of the issue and had been involved with the legal advice. The matter would be brought to the attention of the external auditor.
- 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’ in accordance with the Local Government and Housing Act 1989, meaning they are not allowed to voice their political opinion in public, nor publicly canvass for a particular political party, although they are allowed to convey their political opinion and advice to the group they support.
- As officers employed by the council, political assistants, could attend conferences which supported their role.

A number of councillors expressed the view that public funds should not be used to fund political assistant posts. The funds could have been used in other areas for example to employ Police Community Support Officers. However, the majority of councillors supported the recommendation. It was unfortunate that the original decision was not taken in accordance with legislative provisions. However, in agreeing the recommendations Council would regularise both the decision taken in February 2016 to employ a political assistant and the status of the current postholder.

RESOLVED: to:

1. authorise the appointment of political assistants to support the political groups within the council;
2. allocate a post each to the Conservative and Opposition Forum Groups;
3. authorise the head of legal and democratic services to amend the council's constitution as set out in paragraph 8 of the chief executive's report to Council on 20 April 2017.

The meeting closed at 6.30pm

Chairman