

Appendix 2

Belfast District Council

Response to the draft Local Government (Disqualification) (Prescribed Offices and Employments) Regulations (Northern Ireland) 2014

General

The Council welcome the opportunity to respond to the consultation on the draft Local Government (Disqualification) (Prescribed Offices and Employments) Regulations (Northern Ireland) 2014.

Consultation questions

- 1) **Do you agree that a council employee should be prohibited from being a councillor on the council which employs them?**

Yes – the Council agree that council employees should be prohibited from being a councillor on their own Council

- 2) **Do you agree that a council employee should (subject to the restrictions on specified offices and employments) not be prohibited from being a councillor on a council other than one which employs them?**

Yes – the Council agrees that an employee should be permitted to be a councillor on a council other than the one which employs them, subject to the restrictions placed on specified offices and employments

- 3) **Do you agree that the holding of any of the senior offices specified should disqualify the holder for being elected or being a councillor in any council?**

Yes – the Council agrees that employees who hold specified senior positions should be prohibited from being a councillor in any council.

- 4) **Do you support the maximum level of remuneration specified by the Department as the basis for prescribing the employments that would disqualify the holder for being elected or being a councillor in any council?**

The Council supports the principle that certain post holders should be disqualified from being elected or being a councillor in any council.

The council does not agree, however, that the level of the employees remuneration should serve as the only metric for prescribing the employments that would be disqualified, given the purpose and spirit of the legislation, and would note the following considerations:

The identification of SCP 32 as the maximum permitted level of remuneration is arguably somewhat arbitrary. In the Council, SCP 32 equates to grade SO2 which would not be considered a senior level of staff. It seems likely therefore, that establishing SCP 32 as the maximum remuneration permissible may have the effect of unnecessarily politically restricting a number of staff.

Using an employee's remuneration as the decisive criterion seems unlikely to achieve the stated purpose of the legislation. That is, if the legislation's prescribed intention is to disqualify those employees who have access or reporting responsibilities to very senior officers, members and Committees it seems more appropriate to specify those criteria in the legislation rather than to apply an unrelated metric, or at least alongside that metric. Consideration might also be given to an appeals mechanism to ensure that the criteria are being applied consistently and within the spirit of the legislation.

From a practical perspective, if a maximum level of remuneration is established for employees who will be able to seek co-option or election to other Councils, guidance will be needed to allow Councils to resolve circumstances when an employee's level of pay increases over the threshold during their period of office. For example, if that employee secures a promotion or upgrade through structural review processes.