

AGENDA ITEM:

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| REPORT TO: | MERSEYSIDE FIRE & RESCUE AUTHORITY MEETING |
| DATE: | 18TH MARCH 2010 |
| REPORT NO. | CFO/030/10 |
| REPORTING OFFICER: | EXECUTIVE DIRECTOR OF LAW |
| CONTACT OFFICER: | DAVE WRIGHT, EXECUTIVE DIRECTOR OF LAW, EXT. 4108 |
| OFFICERS CONSULTED: | |
| SUBJECT: | LOCAL DEMOCRACY, ECONOMIC DEVELOPMENT AND CONSTRUCTION ACT 2009 |

THERE ARE NO APPENDICES TO THIS REPORT

Purpose of Report

1. To inform the Authority of the enactment of the Local Democracy, Economic Development and Construction Act 2009. ("the 2009 Act").

Recommendation

2. It is recommended that the report is noted.

Introduction & Background

Petitions

3. The 2009 Act was enacted in November 2009 and is being brought into force over a number of months.
 3. 1 The Act will impose a new duty on "principal Authorities", (but not Fire and Rescue Authorities) to promote understanding among local people of the functions the Authority (as well as its own council) and its democratic arrangements.
 3. 2 The Act also introduces a requirement to provide facilities for electronic petitions, to adopt a petition scheme, and provisions for Chief Officers to be "called to account" by petition.

3. 3 However, whilst the above provisions do not substantially apply to the Authority, a constituent council could receive a petition relating to the functions of the Authority. It is therefore appropriate for the Authority to agree with the constituent councils how they will deal with petitions relating to the functions of the Authority, so that the views of the Authority can be properly reflected in such processes, and the Clerk is liaising with representatives of the constituent councils to ensure that appropriate arrangements will be in place.

Politically Restricted Posts

4. Under the Local Government and Housing Act 1989, certain categories of postholders in Local Government (including employees of the Authority) are subject to political restrictions including prohibition from becoming or remaining Elected Members of a Local Authority, and standing for election to Parliament.
 4. 1 Those political restrictions applied to posts including all those posts, the salary for which is or exceeds £37,206.
 4. 2 However, the above category of posts has been removed by the 2009 Act, with effect from 12th January, 2010, so that employees will no longer be subject to political restrictions on the grounds that their salary is or exceeds £37,206.
 4. 3 However, the political restrictions remain in respect of posts, the duties of which involve the giving of advice on a regular basis to the Authority, or its committees, or speaking on behalf of the Authority on a regular basis to journalists and broadcasters, and those who hold Director posts.
 4. 4 The Clerk has notified all staff of the above position, and provisions as to political restrictions will only be included in employment contracts of relevant staff.

Equality & Diversity Implications

5. A wider number of staff will become eligible to stand as local Councillors or MP's.

Financial Implications & Value for Money

6. None arising from this report specifically.
7. Where an employee does become an elected Councillor or MP, then they are entitled to reasonable time off to perform their duties. This may entail some additional costs to the Authority, for example in providing cover for absences, however, such costs if any are liable to be low and could be contained within existing budgetary provisions.

Health & Safety and Environmental Implications

8. None arising specifically from this report.

Contribution to Achieving the Vision:

“To Make Merseyside a Safer, Stronger, Healthier Community”

9. None arising specifically from this report.