



## **Politically Restricted Posts**

## **1. Introduction**

- 1.1 The Local Government and Housing Act 1989 (as amended by the Local Democracy, Economic Development and Construction Act 2009), provides for each local authority to prepare, maintain and publish a list of certain posts which are specified or identified as being 'politically restricted'.
- 1.2 Posts that are 'politically restricted', means that individuals who hold them are effectively prevented from having any active political role either inside or outside the workplace. This not only debars post holders from holding or standing for elected office but also prevents them from the following:
  - Participating in political activities, publicly expressing support for a political party or undertaking other activities such as canvassing on behalf of a person who seeks to be a candidate; and
  - Speaking to the public at large or publishing any written or artistic work that could give the impression that they are advocating support for a political party
- 1.3 Employees covered by this legislation are not barred from membership of political parties but are from political activity.
- 1.4 The purpose of this document is to provide details on which posts are subject to restrictions and the process for challenge if a post is so designated. The effect will be to ensure that there is no perceived bias.
- 1.5 Whilst this only applies to post holders of politically restricted posts, all employees are required to observe the Council's Code of Conduct which requires all staff to be politically neutral in respect of their employment duties. This document is included within the Council's Constitution at Part 5 Section 6.

## **2. Who is affected?**

- 2.1 Specified posts are automatically subject to restrictions on political activity and, as such, there is no right to appeal against this classification. These posts are:
  - Chief Executive (as Head of Paid Service)
  - Chief Officers (e.g. Directors reporting directly to Chief Executive)
  - Deputy Chief Officers (e.g. posts reporting directly to Chief Officers)
  - Monitoring Officer
  - Chief Finance Officer
  - Posts to whom the Council has delegated any of its powers to make decisions
- 2.2 Sensitive posts are ones which meet one or both of the following duties related criteria:
  - (a) Where it involves giving advice on a regular basis to:

- the Cabinet Executive or any Executive Committee,
  - the full Council or a Committee, Sub-Committee or
  - Joint Committee on which the Council is represented, or
  - any Member of the Cabinet Executive who is also a member of the Council.
- (Note: the provision of purely factual information is not seen as advice)

Or

(b) speaks on behalf of the Council on a regular basis to journalists or broadcasters.

### **3. How is the list updated?**

3.1 The Strategic HR Manager is responsible for keeping the list of politically restricted posts up-to-date.

### **4. What restrictions are placed on employees in respect of political activity?**

4.1 The types of political activities that are prohibited by the Acts include:-

- Becoming or remaining a member of another principle local authority;
- Standing as a candidate for election to the House of Commons, the European Parliament, the Welsh Assembly or a local authority;
- Acting as an election agent or sub-agent;
- Being an officer of a political party, or a branch or committee or sub-committee of a political party, if this involves participation in the general management of the party or branch, or dealing with persons (other than members of the party or branch) as a representative of the party or branch;
- Canvassing on behalf of a political party or any candidate for election to the House of Commons, the European Parliament, the Welsh Assembly or a local authority;
- Publishing any written or artistic work of which the officer is an author or editor (either solely or with others) if the work is, or appears to be, intended to affect public support for a political party; or
- Speaking to the public with the apparent intention of affecting public support for a political party;

4.2 This list is not exhaustive and is intended as a guide only. Employees seeking to become elected or to take part in political activity are advised to take independent legal advice.

4.3 Any breach of these restrictions will be dealt with in accordance with the Authority's disciplinary procedures.

### **5. Appeal**

- 5.1 If an employee believes their post has been incorrectly listed as a 'sensitive post', they may make an application to the Chief Executive for exemption from political restriction. There is no right of appeal for employees in 'specified posts'.
- 5.2 Applications should include all relevant information to enable the Chief Executive to consider the appeal and could include the following:
  - details of the restricted activities for which the exemption is sought;
  - a clear and concise statement regarding the duties of the post in relation to the definition of a 'sensitive post';
  - a description of duties which has been endorsed by their Group Manager or Director (this may be in the form of the post's current and approved Job Description and Person Specification);
  - a clear and concise statement from their Director regarding their support/non-support for the application.
- 5.3 In determining an application, the Chief Executive will have regard to any general advice given by the Secretary of State regarding politically restricted posts in consultation with the Monitoring Officer. The employee will then be notified of the subsequent decision.

## POLITICALLY RESTRICTED POSTS LIST

The persons holding the following posts in a substantive or acting capacity hold politically restricted posts:-

### A. Specified Posts

<b>Criteria</b>	<b>Post Title</b>
Head of Paid Service	Chief Executive
Chief Finance Officer	Strategic Director (151)
Monitoring Officer	Corporate Services Group Manager
Chief Officers	Strategic Director
Deputy Chief Officers	Community Services Group Manager  Planning & Economic Development Group Manager  Neighbourhood Services & Assets Group Manager  Regulatory & Leisure Services Group Manager  Strategic HR Manager  Strategic Finance Manager
Posts to whom the Council has delegated any of its powers to make decisions	Revenues & Benefits Manager  Building Control Manager  Customer Access & Electoral Services Manager  Democratic Services, Scrutiny & Governance Manager  Environmental Health Manager  Environmental Services Manager  Development Services Manager  Development Strategy Manager  Performance & Systems Manager  Housing Options Manager  Community Services Manager

	Planning Enforcement Manager Senior Building Control Officer Senior Environmental Health Officer Environmental Health Officer Senior Technical Officer Technical Officer Corporate Health & Safety Adviser
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**B. Sensitive Posts**

<b>Criteria</b>	<b>Post Title</b>
Giving regular advice to Council, Cabinet, Committee or Sub-Committee	Senior Licensing Officer Senior Democratic Services Officer Senior Scrutiny Officer Democratic & Scrutiny Services Officer Deputy Development Services Manager Senior Planning Officer Planning Officer Strategic Growth Manager Major Schemes Officer
Speaking on behalf to the Council on a regular basis to journalists or broadcasters.	Communications Manager Communications Officer