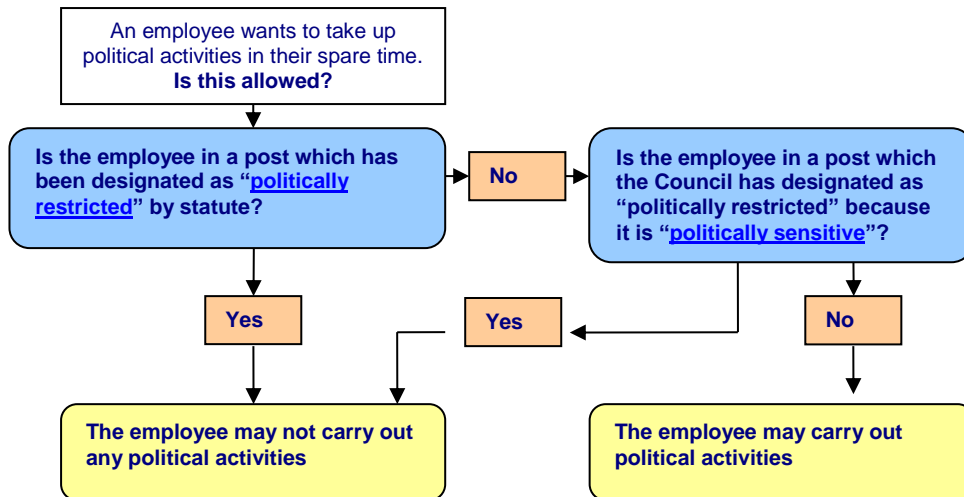


# Politically Restricted Posts Policy



## 43.1 Summary

In order to avoid any potential conflict of interests, and to comply with Local Government Regulations, some posts within the council are designated politically restricted posts. This means that there are constraints imposed on those postholders from undertaking political activities.  
*(see Part 1 Local Government and Housing Act 1989, as amended)*

## 43.2 Which posts are designated as “politically restricted” under Part 1 Local Government and Housing Act 1989, as amended

<b>Category 1 The Head of Paid Service</b>
<ul style="list-style-type: none"> <li>The Chief Executive</li> </ul>
<b>Category 2 Statutory Chief Officers</b>
Posts fulfilling the following functions: <ul style="list-style-type: none"> <li>The Director of Children’s Services</li> <li>The Director of Adults’ Services and</li> <li>The Director of Finance</li> </ul>
<b>Category 3 Non-Statutory Chief Officers</b>
<ul style="list-style-type: none"> <li>Any person for which the Chief Executive is directly responsible eg SEB members</li> <li>Any person, who as respects all or most of the duties of his post, is required to report directly or is directly accountable to either the Chief Executive, the Council or any committee or sub-committee.</li> </ul>
<i>(This category does not apply to posts whose duties are solely secretarial or clerical or who have other support functions)</i>

<b>Category 4 Deputy Chief Officers</b>
<ul style="list-style-type: none"> <li>Persons who, as respects all or most of the duties of their post is required to report directly or is directly accountable to one or more of the statutory or non-statutory Chief Officers.</li> </ul> <p><i>(This category does not apply to posts whose duties are solely secretarial or clerical or who have other support functions)</i></p>
<b>Category 5 The Monitoring Officer</b>
<ul style="list-style-type: none"> <li>The Head of Legal Services</li> </ul>
<b>Category 6 Assistants to political groups</b>
<b>Category 7 Officers to whom powers are delegated</b>
<ul style="list-style-type: none"> <li>Persons whose posts have delegated powers under the City Council's delegation scheme. All CLT members have delegated powers although they may be included in other categories.</li> </ul> <p><i>(This category does not apply to posts of authorised officers who are exercising delegated powers on behalf of a CLT member.)</i></p>
<b>Category 8 Officers holding “Politically Sensitive Posts”</b>
<ul style="list-style-type: none"> <li>Those persons who either give advice on a regular basis to the Council, to a Committee or Sub-Committee of the Council or to any Joint Committee on which the Council is represented and/or speak on behalf of the Council on a regular basis to journalists or broadcasters. This is unlikely to be posts below Band 4.</li> </ul>

### 43.3 Is there a list of affected posts in the council

All posts designated as politically restricted will be flagged as politically restricted on Agresso, and a list of such posts can be requested via Service Now.

The decision as to whether a post is to be designated as politically restricted on the grounds that it is a “Politically Sensitive Post” (as defined above) will be taken by the appropriate EMT Member or their nominated officer; eg. manager for the service/ team. This will be determined when the post is created or when there is a change in role and responsibilities and confirmed as per the establishment management and recruitment processes. (The relevant forms under these processes require confirmation as to whether a post is politically restricted)

In addition EMT Members or their nominated officer will review the list of politically restricted posts quarterly to ensure it is up to date and will notify BTSSC of any changes required to the list of politically restricted posts which will be held in Agresso.

### 43.4 What is the effect of a post being designated as “politically restricted”

The following clause will be inserted into all contracts of employment for employees holding posts designated as politically restricted.

'This post is politically restricted and you may not therefore engage in any political activity contrary to the provisions of the Local Government and Housing Act 1989 or any Regulations made thereunder whilst employed by the City Council.'

Staff holding jobs which are politically restricted may not:

- stand for election as a Member of Parliament
- stand for election as a Member of the European Parliament
- stand for election as a Councillor in any local authority (although staff may still stand for election to a Parish or Community Council)
- stand for election as a Member of the Scottish Parliament
- stand for election as a Member of the Welsh Assembly
- act as an election agent or sub-agent for a candidate of any of the above
- canvass at elections on behalf of a political party or a person who is or seeks to be a candidate of any of the above
- hold office in a political party where his duties as a member require him to participate in the general management of the party or to act on behalf of the party in dealings with persons other than members of the party or members of another political party associated with the party.
- speak or write publicly on matters with the apparent intention of affecting public support for a political party (this does not apply to political assistants and is not to be construed as precluding the appointee from engaging in activities to such an extent as is necessary for the proper performance of his official duties).

The cumulative effect of these restrictions is to limit the holders of politically restricted posts to bare membership of political parties, with no active participation within the party permitted.

*(Schedule 1 of the Local Government Officer (Political Restriction) (England and Wales) Regulations 1990 provides further detail.)*

#### **43.5 Are there any exemptions and who can apply**

An application for an exemption can be made on the basis that a post has been incorrectly included in Category 8.

Only employees (or future employees with a formal job offer from WCC) in Politically Sensitive Posts which have been designated as politically restricted under Category 8 above can apply for the exemption.

No application for exemption can be made for posts politically restricted under Categories 1 -7.

No application can be made for an exemption to carry out political activity as described above while the post remains politically restricted

### **43.6 What are the grounds for applying for an exemption**

Employees may apply for an exemption from political restrictions on the basis that their post was incorrectly included on the list of Politically Sensitive Posts since it does not undertake either of the following duties:

- giving advice on a regular basis to the authority itself, to any committee or sub-committee of the authority or to any joint committee on which the authority are represented; or where the authority are operating executive arrangements, to the executive of the authority; to any committee of that executive; or to any member of that executive who is also a member of the authority;
- speaking on behalf of the authority on a regular basis to journalists or broadcasters

Where an exemption is granted, it applies to that post – it is not transferable from one authority to another, nor from one job to another.

### **43.7 When do you apply for an exemption**

Where an individual who already holds public office is subsequently appointed to, or promoted into, a politically restricted post as designated under Category 8, they must apply for an exemption against such designation before moving into the new post if they wish to continue to hold public office (*see Exemption Section above*).

### **43.8 How do you apply for an exemption**

- An employee who wishes to apply for an exemption should, in the first instance, write to the Director of People Services requesting a decision on the status of their post.
- The Director of People Services will submit the application with the appellant's job description and any other relevant information to the City Council's Chief Executive for decision.
- The decision of the Chief Executive is final.

### **43.9 Consequences of not applying for an exemption**

If an individual is in a politically restricted post and has not obtained an exemption but still takes part in political activity, they would be in breach of their contract of employment. They may also be liable to disciplinary action under the council's disciplinary code.

If an individual who already holds public office is subsequently appointed to, or promoted into, a politically restricted post and does not apply for exemption, they will be disqualified from remaining in public office.