



**General Purposes Committee**  
3 April 2014

**Report from the HR Director**

Wards affected:  
ALL

**Politically Restricted Posts**

**1.0 Summary**

- 1.1 The local government Housing Act 1989 and the Local Democracy, Economic Development Construction Act 2009 make provision for certain posts in local authorities to be politically restricted. The purpose of the legislation is to ensure political neutrality; and to prevent advice and decisions from being improperly influenced by separate loyalties.
- 1.2 This report sets out the requirements of the legislation and identifies those posts which are covered by the definition for 'politically restricted' posts. A list of the currently restricted posts within the council is attached at Appendix 1. The legislation provides for individuals whose posts have been identified as politically restricted to request an exemption. The report also covers arrangements for considering exemption requests.
- 1.3 The HR Director is responsible for the maintenance of the list of political restricted posts and providing advice to the council.
- 1.4 This report is presented to the General Purposes Committee for information.

**2.0 Recommendation**

- 2.1 The General Purposes Committee is asked to note the list of "politically restricted" posts specified in Appendix 1 of this report.

**3.0 Detail**

- 3.1 The Local Government Housing Act 1989 and the Local Democracy, Economic Development Construction Act 2009 requires some posts in local authorities to be politically restricted. Individuals recruited to these posts are prevented from engaging in

any active political role either in or outside the workplace. This not only debars postholders from holding or standing for elected office but also prevents them from:

- (a) 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
- (b) 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.

3.2 These restrictions aim to prevent politics coming into play where an employee is in a politically influential position. This could be where an employee implements the authority's policies, gives advice to, or speaks on behalf of, the authority.

3.3 Teachers, Head teachers and lecturers are all exempt from political restrictions under Section 2 (10) of the Local Government and Housing Act 1989, and will not be regarded as holding politically restricted posts, whatever their role.

3.4 Posts are either restricted because they are a specified post within the Act or they meet certain criteria which is also specified. Provision is also made for individuals to request an exemption in certain circumstances.

3.5 Specified posts are automatically subject to restrictions on public political activity and as such, there is no right to request exemption. These posts are:

- Head of Paid Service (Section 4 LGHA)
- Statutory chief officers
- Non-statutory chief officers
- Deputy chief officers
- Monitoring Officer (Section 5 LGHA)
- Chief Finance Officer (Section 5 151 LGA)
- Officers exercising delegated powers, i.e. persons whose posts are for the time being specified by the council in a list maintained in accordance with Section 100G(2) of the Local Government Act 1972.

Other posts are politically restricted because they meet one or both of the following duties-related criteria;

- 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; or any committee of that executive; or to any member of that executive who is also a member of the authority; and / or
- Speaking on behalf of the authority on a regular basis to journalists or broadcasters.

Individuals occupying these posts may request an exemption where their post has been politically restricted.

3.6 Currently there are 120 posts which fall within the political restriction criteria. A full list of the politically restricted posts is attached at Appendix 1 to this report.

3.7 The list of politically restricted posts is maintained by the HR Director. The list will be reviewed annually in April and a report will be presented to the Corporate Management Team. The next review date will be scheduled to include those posts restricted as at 1st April 2015.

3.8 The list of politically restricted posts will be maintained on the job evaluation system. New starters are advised through a clause in the council's core contract if their post is politically restricted. Employees will be notified of any amendments to the political status of their post as required.

#### **4.0 Exemptions Process**

4.1 Section 3 of the Local Government Housing Act 1989 provides for exemptions to be granted by the Head of Paid Service. Under the old political restriction regime exemptions were considered by the Standards Committee which ceased to be a statutory body and the legal responsibility for granting exemptions transferred to the Head of Paid Service. Individuals are required to make their request for an exemption in writing setting out the reasons why the post they hold should be exempted. The approval of an exemption will be by exception and will require the presentation of significant justification in support of the request. The HR Director will provide advice to the Head of Paid Service.

#### **5.0 Financial Implications**

5.1 There are no financial implications that impact on budgets.

#### **6.0 Legal Implications**

6.1 The arrangements for managing politically restricted posts are set out in Local Government and Housing Act 1989 and the Local Democracy, Economic Development Construction Act 2009. The arrangements set out in this report comply with legislation.

#### **7.0 Diversity Implications**

7.1 There are no diversity implications arising from the legislation. Political restriction is a legal requirement and relates to the duties and responsibilities of a post.

#### **8.0 Staffing/Accommodation Implications**

8.1 There are no staffing implications other than those set out in the body of the report.

#### **Background Papers**

Local Government and Housing Act 1989.

Local Democracy, Economic Development Construction Act 2009

The council's list of established posts

#### **Contact Officer**

Cara Davani

HR Director

**Extract from of the Local Government and Housing Act 1989 section 2 as amended by section 3 of the Local Democracy, Economic Development Construction at 2009**

**Definition: Politically restricted posts.**

(1)The following persons are to be regarded for the purposes of this Part as holding politically restricted posts under a local authority—

- (a)the person designated as the head of the authority's paid service;
- (b)the statutory chief officers;
- (c)a non-statutory chief officer;
- (d)a deputy chief officer;
- (e)the monitoring officer;
- (f)any person holding a post to which he was appointed in pursuance of section 9 below; and
- (g)any person not falling within paragraphs (a) to (f) above whose post is for the time being specified by the authority in a list maintained in accordance with subsection (2) below and any directions under section 3 below or with section 100G(2) of the **M1**Local Government Act 1972 or section 50G(2) of the **M2**Local Government (Scotland) Act 1973 (list of officers to whom powers are delegated).

(3)The duties of a post under a local authority fall within this subsection if they consist in or involve one or both of the following, that is to say—

- (a) giving advice on a regular basis to the authority themselves, to any committee or sub-committee of the authority or to any joint committee on which the authority are represented **[F1** 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 **]F1**;
- (b) speaking on behalf of the authority on a regular basis to journalists or broadcasters.

(9) A person whose duties are solely secretarial or clerical or are otherwise in the nature of support services shall not be regarded as a non-statutory chief officer or a deputy chief officer for the purposes of this Part.

## List of Politically Restricted Posts

000000351	Chief Executive
0000007943	Chief Finance Officer
0000008076	Strategic Director Adult Social Care
0000008077	Strategic Director Children & Young People
0000007790	Director of Public Health
000000594	Strategic Director Environment & Neighbourhoods
000000559	Strategic Director Regeneration & Growth
000000557	Operational Director Finance
0000006582	Operational Director Finance
0000006770	Operational Director ICT
000000591	Operational Director Early Help & Education
000000221	Operational Director Social Care
000000041	Operational Director Environment & Protection
0000006638	Operational Director Neighbourhood Services
0000000901	Operational Director Brent Customer Services
0000000040	Operational Director Housing & Employment
0000000897	Operational Director Property & Projects
0000003613	Operational Director Planning & Regeneration
0000007942	Assistant Chief Executive
000000558	HR Director
0000006511	Director of Legal and Procurement

### Adults and Social Care Department

0000007094	Head of Direct Services
0000000915	Head of Reablement & Safeguarding
0000006702	Head of Service Commissioning & Quality
0000004107	Head of Support Planning and Review

### Children and Young People

0000000908	Head of Care Planning & Children in Care
0000006661	Head of Placements
0000007978	Head of Safeguarding
0000006508	Head of Early Years & Family Support
0000000851	Head of Youth Support Services
0000000849	Head of Pupil and Parent Services
0000000909	Head of Localities & Children with Disabilities
0000000902	Head of School Improvement
0000000893	Head of Alternative Education

### Environment and Neighbourhood

0000000904	Head of Passenger Transport
0000000605	Head of Consumer & Business Protection
0000008016	Deputy Head of Community Safety
0000000850	Head of Community Safety
0000001809	Head of Registration and Nationality

000000595	Head of Safer Streets
000000882	Head of Libraries Arts and Heritage
000000865	Head of Recycling & Waste
000000916	Head of Service Sports and Parks
000003729	Head of Transportation

### **Finance**

000000842	Head of Audit and Investigation
000008020	Head of Finance
000000867	Investments & Pensions Manager
000008019	Head of Finance
000000150	Head of Applications
000000871	Head of Financial Management
000000009	Head of Infrastructure
000001186	Head of IT Service Delivery
000000286	Head of IT Service Transition

### **Legal & Procurement**

000004377	Senior Lawyer
000003691	Democratic Services Manager
000000650	Electoral Services Manager
000001342	Principal Democratic Services Officer
000004290	Senior Democratic Services Officer
000003689	Contracts Lawyer
000004623	Planning/Property Lawyer
000001033	Senior Contracts Lawyer
000004328	Senior Contracts Lawyer
000000415	Senior Contracts Lawyer
000004321	Housing and Litigation Lawyer
000000956	Housing Lawyer
000000031	Principal Housing & Litigation Lawyer
000001422	Prosecutions Lawyer
000006360	Senior Commercial Litigation Lawyer
000001600	Senior Housing Lawyer
000004376	Senior Prosecutions Lawyer
000007210	Social Services Lawyer
000001582	Principal EEPF Lawyer
000001637	Property Lawyer
000000651	Senior Education Lawyer
000000641	Senior Education Lawyer
000006760	Senior Employment Lawyer
000001621	Senior Planning Lawyer
000003690	Senior Property Lawyer
000007019	Child Protection Lawyer
000007966	Community Care Lawyer
000007965	Community Care Lawyer
000007935	Lawyer

0000001365	Principal Social Services Lawyer
0000004621	Senior Child Care Lawyer
0000000355	Senior Child Protection Lawyer
0000001650	Senior Community Care Lawyer
0000001608	Social Services Lawyer
0000004382	Social Services Lawyer
0000004622	Social Services Lawyer
0000008081	Head of Executive and Member Services

### **Regeneration & Growth**

0000000843	Head of Customer Service and Benefits
0000000848	Head of Customer Service and Revenues
0000000845	Interim Head of Care and Support
0000007570	Head of Employment and Enterprise
0000000890	Head of Housing Needs
0000008057	Head of Private Housing
0000000840	Head of Area Planning
0000004124	Deputy Planning Enforcement Manager
0000001213	Head of Building Control
0000001343	Head of Design
0000000892	Head of New Initiatives
0000006649	Head of Planning & Transport Strategy
0000007446	Head of Conference and Events Sales
0000000918	Head of Technical Services
0000006806	Head of Assets and Valuation
0000006791	Head of Strategic Property
0000007773	Capital Programme Manager
0000001774	Programme Manager Estate Regeneration
0000007772	Head of Facilities

### **Assistant Chief Executives Department**

0000008062	Head of Business Intelligence
0000008061	Head of Media & External Relations
0000008060	Head of Partnerships & Participation
0000008107	Media Officer
0000008108	Media Officer
0000008153	Media Officer
0000006830	Corporate Communications Officer
0000006485	Corporate Communications Manager
0000008106	Media Manager
0000000220	Head of Corporate Policy & Scrutiny
0000007797	Head of Substance Misuse
0000007791	Consultant- Adults and Intelligence
0000007792	Consultant – Children and Health Protection