

## Guidance on politically restricted posts

This guidance note sets out the restrictions on the political activity of senior local government staff and the procedure for employees to apply for their post to be exempt from the classification as a politically restricted post.

### **List of Politically Restricted Posts**

Section 2(2) of the Local Government and Housing Act 1989 (“the Act”) imposes on every local authority a duty to prepare and maintain a list of posts in the staff structure which fall within the following categories as long as they have not been held to be exempt from being placed on the list:

- For a full time post, where the annual rate or remuneration for that post is or exceeds spinal column point 44 on the NJC salary scale (currently £36,730). The NJC salary scale is reviewed annually.
- For part time posts, where the annual rate of remuneration for that post would be or would exceed that amount if they were full time posts in respect of which remuneration were paid at the same rate as for the part time post; and
- Posts which do not fall within the above categories but which appear to the authority to fall within section 2(3) of the Act, i.e. they consist of or involve one or both of the following:
  - 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 is represented;
  - Speaking on behalf of the authority on a regular basis to journalists or broadcasters.

### **Restrictions on Public Political Activity**

Government Regulations set out the specific restrictions that apply to holders of politically restricted posts.

Politically restricted post holders may not:

1. Announce or allow anyone else to announce their candidature for election as a member of the House of Commons, European Parliament, or a local authority.
2. Continue in the employment of the authority once notice of resignation has been given to stand as a candidate for the House of Commons.
3. Act as an election agent or sub-agent for a candidate for election to one of the bodies in 1 above.
4. Be an officer of a political party or any branch of such a party or a member of any committee or sub-committee of such a party or branch if such duties require: participation in the general management of the party or branch; acting on behalf of the party or branch in dealings with people other than members of the party.

5. Canvass on behalf of a political party or on behalf of a candidate for election to any of bodies in 1 above.
6. Speak to the public at large or to a section of the public with the apparent intention of affecting public support for a political party.
7. Publish any written or artistic work of which the postholder is the author or co-author or any written work or collection of artistic works in which the postholder has acted in an editorial capacity or permit anyone else to publish such a work or collection if that work appears intended to affect public support for a political party. Specifically excluded from this restriction is the display by a politically restricted post holder of a poster or other document on property occupied as a home or on a vehicle or article used by the post holder.

### **Terms and Conditions of Employment**

Section 1(5) of the Act states that “the terms of appointment or conditions of employment of every person holding a politically restricted post under a local authority (including persons appointed to such posts before the coming into force of this section) shall be deemed to incorporate such requirements for restricting his political activities as may be prescribed for the purposes of this subsection by regulations made by the Secretary of State”.

### **Procedure to be followed by the Standards Committee**

- The Standards Committee or a Sub-Committee of the Standards Committee will hear applications for exemption and matters relating to inclusion directions, made up of at least three members.

### **Exemptions**

- A meeting of the Standards Committee or Sub-Committee will be arranged on receipt of the application for exemption, and Certificate of Opinion if applicable, by the Secretariat.
- The applicant will be entitled to attend the meeting of the Standards Committee or Sub-Committee to make representations, and may be accompanied by an accredited trade union representative or work colleagues employed by the GLA. The GLA may also make representations.
- The applicant and the GLA should provide all relevant documentation for the meeting to the Secretariat at least 8 days in advance of the meeting.
- The decision of the Standards Committee or Sub-Committee is final and is not subject to appeal within the GLA.

Requests for a direction from the Committee that a post should be politically restricted and included in the list maintained by the Authority of politically restricted posts.

- A meeting shall be arranged of a Standards Committee or Sub-Committee, and the postholder or prospective affected shall be entitled to attend the meeting to make representations, and may be accompanied by an accredited trade union representative or work colleague employed by the GLA. The GLA and any party making the applications for the direction may also make representations.

- The postholder, the GLA and any party making the application for a direction should provide all relevant documentation for the meeting to the Secretariat at least [8] days in advance of the meeting.
- The decision of the Standards Committee Sub-Committee is final and is not subject to appeal within the GLA.