

<b>Report To:</b>	<b>STANDARDS AND PERSONNEL APPEALS COMMITTEE</b>	<b>Date:</b>	<b>2 JULY 2018</b>
<b>Heading:</b>	<b>POLITICALLY RESTRICTED POSTS - UPDATE</b>		
<b>Portfolio Holder:</b>	N/A		
<b>Ward/s:</b>	N/A		
<b>Key Decision:</b>	NO		
<b>Subject to Call-In:</b>	NO		

### **Purpose of Report**

To seek approval to update the list of politically restricted posts to incorporate new job titles to re-designated posts following the recent Third Tier Officer restructure.

### **Recommendation(s)**

**To approve the updated the list of politically restricted posts in accordance with the requirements of the Local Government and Housing Act 1989 and associated regulations.**

### **Reasons for Recommendation(s)**

To comply with the requirements of the Local Government and Housing Act 1989 and associated regulations.

### **Alternative Options Considered**

*(with reasons why not adopted)*

None considered. The Council is under a duty to comply with the legislation.

## **Detailed Information**

Members will recall that at the meeting of this Committee on 28 March 2018 a revised list of politically restricted posts was approved following consultation with the Trade Unions.

The legislation regarding politically restricted posts is to be found in Part 1 of the Local Government and Housing Act 1989 (LGHA 1989) with further details in the Local Government (Political Restrictions) Regulations 1990 and amended in the Local Democracy, Economic Development and Construction Act 2009. The aim of this legislation is to ensure the political impartiality of local government employees who hold posts involving duties of a politically sensitive nature.

The effect of including a local authority employee on the list of 'politically restricted posts' is to prevent that individual from having any active political role either in or outside the workplace. Politically restricted employees will automatically be disqualified from standing for or holding elected office and these restrictions are incorporated as terms in the employee's contract of employment under the Local Government (Politically Restricted Posts) Regulations 1990. It is left to the discretion of each authority whether or not to reinstate an employee who resigns his post and then consequently fights and loses an election.

In March 2018, the approved list made provision for potential changes to job titles as known at that time in the event that the Third Tier Officer review was implemented as planned. The Third Tier Review has now been completed and four roles have subsequently been re-designated as "assistant director" roles subject to JNC terms and conditions of service. A revised list of politically restricted roles is attached as Appendix 1 and takes account of the re-designated roles. The roles which are now designated as "assistant director" roles were previously politically restricted so the recommendation to amend the list of politically restricted posts is not a substantive change, it is merely a change to reflect new job titles.

**Members are therefore asked to approve the updated the list of politically restricted posts as set out in Appendix 1.**

## **Implications**

### **Corporate Plan:**

We will be open and transparent in our decision making.

- We will promote positive and respectful behaviour, treating people fairly and respectfully
- We value our employees and will recognise their effort and commitment
- The Council commits to treating employees fairly and respectfully
- The Council will engage with and consult with employees and Trade Unions on key issues affecting our organisation
- The Council will strive to ensure effective community leadership, through good governance, transparency, accountability and appropriate behaviours.

### **Legal:**

Politically restricted posts are governed by legislation set out in the body of the report and the draft list has been developed taking the statutory criteria into account

**Finance:**

Budget Area	Implication
General Fund – Revenue Budget	None
General Fund – Capital Programme	None
Housing Revenue Account – Revenue Budget	None
Housing Revenue Account – Capital Programme	None

**Risk:**

Risk	Mitigation
Failing to update the list would leave the Council at risk of not complying with the legislation.	Approving the revised list of Politically Restrict Posts will ensure the Council has an up to date list in place and is acting in compliance with the requirements of the legislation.

**Human Resources:**

The updated politically restricted posts list and the Third Tier Officer review were undertaken in conjunction with Human Resources. The officers now designated as “assistant directors” were already in politically restricted posts so there is no substantive change for those officers as a result of the recommendation in this report. The relevant officers were fully consulted during the Third Tier Review process.

**Equalities:**

The review of politically restricted posts has been carried out in accordance with legislation and consideration of the Council’s commitment to equality and diversity implications.

**Other Implications:**

The Trade Unions and relevant officers were fully consulted with as part of the Third Tier Review and so it is not necessary to consult further at this time. The Trade Unions will be given a revised list of Politically Restricted posts following approval at this committee to ensure they are kept up to date.

**Background Papers**

*(if applicable)*

None

**Report Author and Contact Officer**

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