

REPORT TO: **STANDARDS AND
PERSONNEL APPEALS
COMMITTEE** **DATE: 14 MARCH 2016**

HEADING: **POLITICALLY RESTRICTED POSTS**

**PORTFOLIO
HOLDER:**

KEY DECISION: **NO** **SUBJECT TO CALL-IN:** **NO**

1. PURPOSE OF REPORT

To seek approval from the Committee for a revised list of the posts that are considered to be politically restricted following consultation with the Trade Unions.

2. RECOMMENDATION(S)

To approve the attached list of Politically Restricted Posts in accordance with the requirements of the Local Government and Housing Act 1989 and associated regulations.

3. REASONS FOR RECOMMENDATION(S)

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

4. ALTERNATIVE OPTIONS CONSIDERED (with reasons why not adopted)

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

5. INTRODUCTION

Members will recall a report being presented to the Committee at its meeting on 11 January 2016 to consider a draft revised list of politically restricted posts. Members delegated authority to the Monitoring Officer to consult with the Trade Unions in respect of the draft list and report back to this Standards and Personnel Appeals Committee (Minute SP.20 refers).

As a reminder to Members, 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 section 3 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 accordance with the resolution of the Committee, the Trade Unions have both been consulted in relation to the draft list of Politically Restricted Posts.

UNISON commented as follows:

“Thank you for consulting the trade union in regard to politically restricted posts.

We are satisfied that the Monitoring Officer has applied the restrictions in accordance with the legislation.

This legislation has been in place since 1989 and the Trade Union find it as unpalatable now as we did then. The principle of restriction based upon salary levels and the restrictions on an individual’s political activity purely because of their earnings from a local authority is an affront to democracy.”

GMB commented as follows:

“GMB appreciates being consulted on the list of politically restricted posts. The Union has no comments in relation to the draft list.”

Having consulted with the Trade Unions and them having no objections to the posts identified, approval is therefore sought in respect of the attached list.

6. IMPLICATIONS

Corporate Plan:

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.

Financial:

There are no financial implications arising from this report.

Health and Well-Being / Environmental Management and Sustainability:

There are no health and well-being / environmental management and sustainability implications arising from this report.

Human Resources:

The review of politically restricted posts has been undertaken with Human Resources following the Job Evaluation Process.

Diversity/Equality:

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.

Community Safety:

There are no community safety implications arising from this report

Other Implications:

The Trade Unions have been consulted and their comments are incorporated into the main body of the report.

REPORT AUTHOR AND CONTACT OFFICER

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ASHFIELD DISTRICT COUNCIL

LIST OF POLITICALLY RESTRICTED POSTS

1. Specified Posts:

- Chief Executive
- Deputy Chief Executive
- Assistant Chief Executive (Governance) and Monitoring Officer
- Service Director - Corporate Services
- Service Director – Environment
- Interim Service Director Housing
- Interim Service Director Economy

2. Posts paid at or above a certain level

All posts where the remuneration level is or exceeds the 'spinal column point' 44 on the NJC for Local Government Services scales, will be automatically included on the list of politically restricted posts (Local Government (Politically Restricted Posts) (No. 2) Regulations 1990).

- Corporate Manager Finance
- Corporate Planning and Building Control Manager
- Corporate Performance Manager
- Principal Solicitor
- Democracy Manager
- Environmental Health Manager
- Transport Services Manager
- Locality & Community Empowerment Manager
- Service Lead - Waste and Environment
- Strategic Housing & Development Manager
- Asset Manager
- Corp Man (Revenues & Customer Services)
- Business Continuity & Sustainability Manager
- Interim ICT Manager
- ICT Manager
- Building Control & Land Charges Manager
- Principal Design & Asset Officer
- Communications Manager
- Locality Team Leader
- Forward Planning Team Manager
- Community Protection Manager
- Senior Solicitor

3. "Sensitive" posts

Definition

- 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;

- giving advice on a regular basis speaking on behalf of the authority on a regular basis to journalists or broadcasters.
 - Scrutiny Manager
 - Democracy Team Leader
 - Democratic Services Officer
 - Assistant Solicitor
 - Legal Executive
 - Communications Officer