

<b>Report To:</b>	<b>STANDARDS AND PERSONNEL APPEALS COMMITTEE</b>	<b>Date:</b>	<b>28 MARCH 2018</b>
<b>Heading:</b>	<b>REVIEW OF POLITICALLY RESTRICTED POSTS</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 from the Committee for a revised list of the posts that are considered to be politically restricted following consultation with the Trade Unions.

### **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.

### **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 a report being presented to the Committee at its meeting on 11 December 2017 to consider authorising the Monitoring Officer to proceed to refresh the list of politically restricted posts.

Members delegated authority to the Monitoring Officer to consult with the Trade Unions and report back to this Standards and Personnel Appeals Committee (Minute SP.8 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 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 accordance with the resolution of the Committee, the Trade Unions have both been consulted in relation to the draft list of Politically Restricted Posts.

Both GMB and UNISON commented as follows:

*"The Trade Unions have been consulted and have no adverse comments to make in relation to the report."*

The recommended list of politically restricted posts takes account of the ongoing consultation with officers regarding a review of third tier officer posts; the review potentially re-designates some posts and creates new roles/revised roles and this is reflected in the attached list. The list will be updated subject to the outcome of the third tier officer review as shown, otherwise existing job titles will remain.

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.

## **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
<p>The current list of Politically Restricted Posts was last updated in March 2016 and a number of restructures have taken place in the meantime as well as bringing the housing management function back in house.</p> <p>The list should be updated every two years. Failing to update the list during 2018 would leave the Council at risk of not complying with the legislation.</p>	<p>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.</p>

**Human Resources:**

The review of politically restricted posts has been undertaken in conjunction with Human Resources.

**Equalities:**

*(to be completed by the author)*

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:**

*(if applicable)*

None

**Background Papers**

*(if applicable)*

None

**Report Author and Contact Officer**

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