

## **RESTRICTIONS ON POLITICAL ACTIVITIES BY LOCAL AUTHORITY OFFICERS**

**Report By: Head of Legal and Democratic Services**

### **Wards Affected**

Countywide

### **Purpose**

1. To consider the implications of Section 202 – 203 of the Local Government and Public Involvement Health Act 2007 in that the committee will be required to consider any application for exemption from political restriction which is made to the committee in respect of any post and it may also give directions to the authority requiring it to include a post in a list maintained by the authority under Section 2 (2) of the Local Government and Housing Act 1989.

### **Financial Implications**

2. This adds to the work of the committee in that previously this was a matter that would be considered by an adjudication panel under Section 3 of the Local Government and Housing Act 1989. Those duties are now being transferred to the standards committee.

### **Background**

3. Committee members may not be aware but as a result of the Local Government and Housing Act 1989 a person can be disqualified from becoming a member of a local authority if he holds a politically restricted post under that local authority or any other local authority in Great Britain. Section 2 of the 1989 Act identifies posts that are politically restricted which includes the following officers:

The head of the authority's paid service (Chief Executive), the statutory and non statutory chief officers (Directors), the Monitoring Officer and any officer holding a post to which he was appointed as a political assistant and any other officer not falling within these provisions whose post is specified by the authority in a list maintained in accordance with section 2 (2) any directions under section 3 or section 100G(2) of the Local Government Act 1972

4. The local authority is required to prepare and maintain a list of the posts which are politically restricted. The effect of this is not to permit those officers who fall within the political restrictions to be members of a political party whilst being officers of the authority. However under section 3 of the Local Government and Housing Act 1989 there is provision for the grant of exemptions and supervision on political restriction and this was normally carried out by an adjudication panel. The duties under section 3 have now

been transferred to the standards committee as set out at section 202 of the Local Government and Public Involvement in Health Act 2007.

## Considerations

5. The committee will be tasked with considering any application for exemption from political restriction which is made by or in respect of any post by the holder of the post and may on the application of any person give directions to the Council requiring it to include a post and to review the list maintained by the authority under section 2(2) of the Local Government and Housing Act 1989
6. Attached is appendices 1 a copy of the Council's current Human Resources Policy on politically restricted posts and this will need to be amended to reflect the changes in terms of adjudication of future exemptions

## Recommendations

### THAT

- (a) **the committee note the report in respect of politically restricted posts**
- (b) **the committee makes any comments**
- (c) **the committee to receive a further report from the Head of Legal and Democratic Services when guidance is issued by the Department for Communities and Local Government**

## Appendix

**Appendix 1 – A copy of the Council's current Human Resources Policy on politically restricted posts**

## Background Papers

None