

## **Guidance on politically restricted posts**

This guidance note sets out the restrictions on the political activity of 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, as amended, (“the Act”) imposes on every local authority a duty to prepare and maintain a list of posts in the staff structure which 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 or associated political party.
5. Canvass on behalf of a political party or on behalf of a candidate for election to any of the 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."

## **How to apply for an exemption**

For the Head of Paid Service, the Statutory Officers, SMT, and **To add in following review** there is no provision for exemption from political restriction.

All other individual postholders can apply for exemption from political restriction. The procedure is as follows:

1. You should submit your request in writing to the Head of Human Resources.
2. Your application will then be presented to the Standards Committee for a final decision on whether the post should be considered to be politically restricted. You will have the opportunity to observe the meeting. Your Head of Unit will also have the opportunity to observe and/or make representations with regard to your application.
3. The Human Resources Unit will notify you as soon as the Standards Committee has reached a decision.
4. If the Standards Committee direct that the post in question is not to be regarded as a politically restricted post, the MPA will remove it from the maintained list.

## **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 requests for a direction to include a post on the list, and will be 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, by the Secretariat.
- The applicant will be entitled to attend the meeting of the Standards Committee or Sub-Committee to observe the meeting, and may be accompanied by an accredited trade union representative or work colleague employed by the MPA. The Head of Unit may also attend to observe and/ or make representations.
- The applicant and the MPA 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 MPA.

### **Request 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 the Standards Committee or Sub-Committee, and the postholder or prospective postholder affected shall be entitled to attend the meeting to observe the meeting, and may be accompanied by an accredited trade union representative or work colleague employed by the MPA. The employee's Head of Unit and any party making the application for a direction may also attend to observe and/ or make representations.
- The postholder, the MPA 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 MPA.