



STANDARDS COMMITTEE  
14 June 2010

**Politically Restricted Posts**

**PURPOSE OF REPORT:** to update the Standards Committee on recent legislative changes and on the steps that will be taken within Surrey County Council to draw up and manage a new list of Politically Restricted Posts to ensure compliance.

**Background:**

1. The main provisions regarding politically restricted posts are set out in part 1 of the Local Government and Housing Act 1989. The law aims to ensure the political impartiality of local government staff that hold posts involving duties of a politically sensitive nature.
2. The effect of including a post on the list of politically restricted posts is to prevent the post holder from having any active political role either in or outside the workplace. The Local Government and Public Involvement in Health Act 2007 provided that the granting and supervision of exemptions were matters for each local authority's standards committee and on 2 October 2009, the Standards Committee agreed the adoption of a protocol setting out the council's arrangements for managing politically restricted posts and the local determination by the Standards Committee of applications for exemption from political restriction. All grants of exemption are reported for noting by Council through the Committee's usual reporting mechanisms.

**Recent Developments:**

3. The Local Democracy, Economic Development and Construction Act 2009 has changed the approach for identifying posts that are politically restricted. New requirements, which came into effect on 12 January 2010, removed the universal restriction on the holders of posts earning above a nominated salary (most recently total remuneration above £37,206 per annum).
4. Instead politically restricted posts now fall into one of two categories, as set out below :

**(i) Specified posts**

- Head of Paid Service (HoPS).
- Statutory chief officers (including the Director of Children’s Services; the Director of Adult Services, the Chief Officer of a Fire Brigade and Chief Finance Officer).
- Non-statutory chief officers (officers reporting to the HoPS excluding secretarial / clerical support staff).
- Deputy chief officers (officers reporting to a Chief Officer, excluding secretarial / clerical support staff).
- The Monitoring Officer.
- Officers exercising delegated powers.
- Assistants to political groups.

All specified post holders are politically restricted, **without** rights of appeal for exemption.

**(ii) Sensitive posts**

Posts that meet one or more of the following criteria:

- giving advice on a regular basis to the Authority, 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.

For such sensitive posts, local authorities are now required to assess whether a post should be politically restricted by virtue of the duties performed.

These post-holders can appeal to the Council’s Standards Committee to be exempted from the list if they feel that they are unable to influence policy or that the criteria have been wrongly applied. The government has not as yet issued guidance on the application of the criteria.

The new legislation will reduce considerably the number of officers whose political activities are restricted by virtue of their employment with the Council and who may therefore apply for exemption from that political restriction.

<b>Recommendation:</b>
------------------------

**That the committee note recent developments and the plans to ensure compliance with the new legislation.**

<b>Next steps:</b>
--------------------

5. Arrangements will be made to update the Council’s intranet site, to reflect the new legislative requirements and to issue a Stop Press Notice providing a link to the Council’s Code of Conduct Policy.

6. HR & OD will review and update the list that it holds of politically restricted posts by reference to the new requirements.
7. The Head of Legal and Democratic Services will revise the procedures to be followed by the Standards Committee to reflect this change in legislation.

---

**Report contact:**

Ann Charlton, Head of Legal and Democratic Services

**Contact details:**

020 8541 9001

ann.charlton@surreycc.gov.uk

**Sources/background papers:**

None