



Politically Restricted Posts – Appeal Procedure

The main provisions regarding Politically Restricted Posts are set out in Part 1 of the Local Government & Housing Act 1989. Further details were set out in the Local Government (Political Restrictions) Regulations 1990.

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.

Employees employed in Politically Restricted Posts are also restricted from: -

- ❖ Canvassing on behalf of a political party or a person who is or seeks to be a candidate; and
- ❖ Speaking to the public at large or publishing any written or artistic work that could give the impression that they are advocating support for a political party.

The cumulative effect of these restrictions is to limit the holders of Politically Restricted Posts to bare membership of political parties, with no active participation within the party permitted.

Each local authority is under a duty to draw-up and regularly update a list of those posts which are politically restricted.

The Local Democracy, Economic Development and Construction Act 2009 modified the previous scheme.

With effect from 12 January 2010 politically restricted posts fall into two broad categories: specified posts and “sensitive” posts.

Specified posts

Specified posts include: -

- ❖ The Head of Paid Service
- ❖ The statutory chief officers
- ❖ Non-statutory chief officers (officers reporting to the Head of Paid Service excluding secretarial/clerical support staff)
- ❖ The Monitoring Officer
- ❖ Officers exercising delegated powers i.e., persons whose posts are for the time being specified by the authority in a list maintained in accordance with s.100G(2) of the Local Government Act 1972
- ❖ Assistants to political groups



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All of the above-mentioned posts are politically restricted without rights of appeal for exemption to the local authority's Democracy and Standards Committee.

"Sensitive" posts

A sensitive post is one which meets one or both of the following duties-related criteria: -

- ❖ 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 is represented; and
- ❖ Speaking on behalf of the authority on a regular basis to journalists or broadcasters.

These postholders can appeal to the Democracy and Standards Committee to be exempted from the list, on the grounds that the authority has wrongly applied the criteria.

The right of appeal to the Democracy and Standards Committee was introduced under the Local Government and Public Involvement in Health Act 2007.

List of Politically Restricted Posts – North Northamptonshire Council

Specified Posts

- ❖ Chief Executive (Head of Paid Service)
- ❖ Director of Legal & Democratic Services
- ❖ Director of Finance
- ❖ Chief Officers
- ❖ The officer designated as "Chief Financial Officer" (Local Government Act 1972 s.151) and their designated Deputy
- ❖ The officer designated as "local Monitoring Officer" (Local Government & Housing Act 1989 s.5) and their designated Deputy

Sensitive Posts

- ❖ Assistant Directors (Tier 3)
- ❖ Democratic Services Manager
- ❖ Communications Officer
- ❖ Staff employed within the Communications Office

Appeal Process

Employees included on the list compiled by the local authority on duties-related grounds ("sensitive" posts) can appeal against their inclusion, if they feel that



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they cannot influence policy, or that the local authority has incorrectly applied the duties-related criteria.

All such appeals require a letter from the applicant formally seeking exemption and a full job description of the post.

The letter should be submitted to the authority's Monitoring Officer (or his/her Deputy) with a copy lodged with the authority's Human Resources service.

The Monitoring Officer (or their Deputy) will ensure that the appeal is tabled at a special meeting of a Panel of 3 members; membership of the Panel shall be drawn from the full or substitute membership of the Democracy and Standards Committee.

At least one member of the Panel shall be one of the Independent Persons appointed to serve under the Council's "standards regime", who shall be designated Chair of the Panel.

The applicant shall have the right to address the Panel when they are determining the appeal and submit any written testimony or evidence ahead of the meeting. They shall have the right to be accompanied to the Panel meeting by a representative of a recognised trade union or a work colleague. Any written documentation must be provided to the Monitoring Officer at least 5 working days prior to the Panel meeting for distribution to Panel members.

The Panel shall determine the appeal. The outcome of the appeal shall be communicated in writing to the applicant within 5 working days of the determination.

If the appeal is unsuccessful the applicant may not lodge a further appeal within a period of 12 calendar months unless their substantive job description has been amended significantly in the interim.

If the appeal is successful the authority shall immediately remove the post from the designated "sensitive" post list. The authority may not re-instate the post on the list unless there is a significant amendment to the substantive job description of the post.

Adele Wylie
Monitoring Officer



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