



Ward: None

New Role for Standards Committees – Politically Restricted Posts

Report by the Executive Head of Legal and Democratic Services

1.0 Summary

- 1.1 This report informs the Committee of a new role for Standards Committees as a result of the abolition of the Independent Adjudicator under the Local Government and Public Involvement in Health Act 2007 (LGPIHA 2007).
- 1.2 The role of the Independent adjudicator is now transferred to the Standards Committee (the power to grant dispensations).

2.0 Background

- 2.1 Under the Local Government and Housing Act 1989 restrictions were placed on political activities being undertaken by certain local government staff.
- 2.2 The Local Government Officers (Political Restrictions) Regulations 1990 automatically incorporate additional terms of appointment and conditions of employment into the contracts of every person holding a “politically restricted post” with a local authority. Broadly they prohibit the holder of the post from:
 - § Candidature for public elected office (other than to a Town, Parish or Community Council)
 - § Holding office in a political party
 - § Canvassing at elections
 - § Speaking or writing publicly (except in an official capacity) on matters of party political controversy.
- 2.3 There are several categories of restricted posts as follows:

Category A

- § Chief Officers
- § Deputy Chief Officers (including any person who is required to report directly, or is directly accountable for all or most of the duties of their post, to one or more Chief Officer)
- § Officers having specified delegated authority to carry out certain functions of the local authority.

Category B

- § Officers who are remunerated at or above a certain spinal column point on the pay structure.

Category C

- § Officers who are remunerated below a certain spinal column point on the pay structure but whose posts are considered politically sensitive within the criteria of the Act. This would involve staff who regularly advise the Authority, its Executive, any Committee, Sub-Committee or Joint Committee or who speak regularly on the Authority's behalf to journalists or broadcasters.

- 2.4 Officers in Category A have no right of appeal under the legislation. Officers in Categories B and C may appeal. There is no time limit on appeals and a further appeal may be made if duties change.
- 2.5 Any violations of the restrictions are a breach of contract.
- 2.6 The Authority is required to prepare and maintain a list of all politically restricted posts. A review of this list is currently underway as required by the Local Democracy, Economic Development and Construction Act 2009 as category B requirement is now removed.
- 2.7 The Local Government and Housing Act 1989 provided for the appointment of an independent Adjudicator to grant dispensations for staff to engage in certain political activities.

3.0 Changes under the Local Government and Public Involvement in Health Act 2007

- 3.1 Under the above Act the role of the independent Adjudicator was abolished and the duties were transferred to a local authority's Standards Committee.
- 3.2 This means that the Standards Committee will be responsible for the following:
 - § To consider applications from local authority employees for exemption from political restriction in respect of their posts.
 - § Where appropriate, to issue directions requiring a local authority to include a post in the list of politically restricted posts it maintains.
 - § To give general advice, following consultation with appropriate parties, on the application of criteria for designation of a politically restricted post.

4.0 Proposals

- 4.1 The terms of reference of the committee have been changed by legislation and will be picked up in the forthcoming review of the Constitution, because of this there is no recommendation to the Governance and Audit Committee for a change.

- 4.2 The process for dispensation for staff will be the same as for officers, by application to the Monitoring Officer and then to a meeting of the Standards Committee. It is not expected that there will be a volume of applications requiring determination.
- 4.3 An electronic form is being developed by Democratic Services which will provide a fast application to the Monitoring Officer until this finalised application will be via email.
- 4.4 Any applications received will appear on the agenda for the committee under the standing item currently on the agenda.

5.0 Legal Implications

- 5.1 The Local Government and Public Involvement in Health Act 2007 transferred a new duty to local authority Standards Committees.

6.0 Financial implications

- 6.1 None.

7.0 Recommendations

- 7.1 The Committee is recommended to note the requirements of the LGPIHA 2007**
- 7.2 To note the addition to the Committee's Terms of Reference.**
- 7.3 To note that the dispensations process for politically restricted posts for officers will be a similar process to the dispensation application process for elected and co-opted members.**

Local Government Act 1972

Background Papers:

Local Government and Public Involvement in Health Act 2007
Orders and Regulations Relating to the Conduct of Local Authorities Members in England – Consultation Paper
Local Democracy, economic Development and Construction Act 2009

Contact Officer:

Julia Smith

Democratic Services Manager

Worthing Town Hall

01903 221150

Julia.smith@worthing.gov.uk

Schedule of Other Matters

1.0 Council Priority

1.1 This is not a council priority although the Council must comply with legislative requirements

2.0 Specific Action Plans

2.1 This action does not meet a specific action plan.

3.0 Sustainability Issues

3.1 Matter considered and no matters identified, officers are developing election submission of documents including an on-line dispensation process.

4.0 Equality Issues

4.1 Once the internal review of politically restricted posts is completed then the appeal and dispensation process will be explained and made available on the two intranets.

5.0 Community Safety Issues (Section 17)

5.1 Matter considered and no items identified

6.0 Human Rights Issues

6.1 The process ensures that Articles 8 and 9 are met by the Council

7.0 Reputation

7.1 An open process enhances the Council's reputation

8.0 Consultations

8.1 There have been no consultations as this is a statutory requirement

9.0 Risk Assessment

9.1 See 8.1 above

10.0 Health & Safety Issues

10.1 Matter considered and no items identified

11.0 Procurement Strategy

11.1 Matter considered and no items identified

12.0 Partnership Working

12.1 Matter considered and no items identified



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