



Politically Restricted Posts Policy

1. The Aim of this Policy

This Policy sets out the reasons for political restrictions which apply in all local authorities including Southend on Sea Borough Council, the posts to which the political restrictions may apply, and the restrictions that apply.

2. Principles

- Legislation sets out certain local authority posts that are politically restricted and the political activities that post holders are barred from.
- Employees in politically restricted posts are disqualified from being politically active, either within Southend on Sea Borough Council or outside of work.
- All employees are disqualified from holding office as a Member of Southend on Sea Borough Council. This is to ensure the political neutrality of officers.
- Political restrictions do not apply to Head teachers, college principals, teachers and lecturers.
- Employees and managers are expected to be familiar with political restrictions if they apply to their posts.

3. Politically Restricted Posts

Rules under the Local Government and Housing Act 1989 (as amended in 2009) provide that anyone who holds a politically restricted post in a local authority cannot:

- Become or remain a Member for the Local Authority;
- Become a member of the House of Commons;
- Take part in certain political activities (see restricted activities below).

Politically restricted posts fall into two categories:

- Specified posts (Category 'A' posts)
- Politically sensitive posts (Category 'B' posts)

3.1 Specified Posts (Category 'A' posts)

These posts are specified in Section 2 of the Local Government and Housing Act 1989 (as amended), and are shown in below.

Specified posts are those where political restriction operates without the right of exemption or appeal.

“Specified” posts:

- Head of Paid Service (Chief Executive).
- Statutory Chief Officers - Director for Department for People, Section 151 Officer (Head of Finance & Resources), and Deputy Section 151 Officer (Group Manager Financial Management).
- Non –statutory Chief Officers i.e. other Corporate Directors.
- Deputy Chief Officers (i.e. Heads of service).
- Monitoring Officer.
- Political Assistants.
- Officers exercising delegated powers, pursuant to the Delegation Scheme in Part 3 of the Constitution.

3.2 Politically Sensitive Posts (Category ‘B’ posts)

These posts are included in a list compiled by the Council under Section 2 (2) of the Local Government and Housing Act 1989 (as amended), and are shown below.

Post holders in this category can appeal to be exempted from the list on the grounds that the criteria has been wrongly applied.

“Politically Sensitive” Posts:

- Posts which involve giving advice to the Council, a committee, sub-committee, joint committee, the executive or a member of the committee or executive (the Cabinet), an Executive Committee or an Executive member on a regular basis.
- Speaking on behalf of the Council on a regular basis to the media.

4. Restricted Activities

Anyone who holds a politically restricted post cannot:

- Stand as a candidate for the House of Commons, the European Parliament, the Scottish Parliament, the National Assembly for Wales or a local authority;
- Act as an agent or sub-agent for any of these bodies;
- Be an officer of a political party (or branch of a political party) where this involves the general management of, or acting on behalf of the party or branch;
- Canvass on behalf of a political party or candidate for election.
- Speak publicly with the intention of seeking public support for a political party;
- Publish any written or artistic work that appears to be or is intended to seek public support for a political party.

NB: There is no ban on officers who hold a politically restricted post joining political parties, or taking part in political activities except as listed above.

5. The right to seek exemption from political restriction

Anyone in a “politically sensitive” post who believes that their post should not be politically restricted may appeal by writing to the Head of People & Policy. The Head of People & Policy will inform the postholder that their request for exemption will be considered by the Corporate Director for Corporate Services in conjunction with the Head of Legal & Democratic Services, who will:

- Consider the application for exemption from political restriction made by the postholder; and either;
- Require the inclusion of the post on the list of politically restricted posts that is maintained; or
- Agree that a post should not be politically restricted where an application has been made.

6. Register of Politically Restricted Posts

Southend on Sea Borough Council’s HR Services maintains a list of politically restricted posts. The list must be kept up to date and managers must notify HR Services of any changes.

HR Services will periodically remind politically restricted post holders of their obligations and responsibilities under this policy.

7. More Information and Help

For more information and help please contact HR Services on 215662 or via e-mail on hrenquiries@southend.gov.uk