

RECRUITMENT AND SELECTION GUIDELINES
STEP 3 - ATTRACT CANDIDATES
Politically Restricted Posts

Information for Prospective Employees

The Local Government and Housing Act 1989 set certain restrictions on the political activity of designated post holders. The post you are applying for is deemed as politically restricted. Posts are politically restricted either because the particular post is listed in the legislation or because of the responsibilities of the post.

The specific posts which will always mean that the postholder is politically restricted are the following:

- the Head of the Paid Service (HoPS)
- the statutory chief officers, (including the director of children's services, the director of adult social services, the director of public health, and the chief finance officer)
- non-statutory chief officers (i.e. 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
- assistants to political groups

other officers exercising powers, specifically delegated to them

The posts which are politically restricted because of the nature of the duties performed are posts which are not included in the list above but are:

- posts where the duties involve regularly giving advice (other than mere factual information) to the Council, to Cabinet, to individual Cabinet Members, or any committee, sub committee or joint committee.
- posts where the duties involve speaking on behalf of the authority to journalists or broadcasters on a regular basis.

Effect of a post being politically restricted

Staff designated as politically restricted officers will not be allowed to undertake the following activities:

- Stand as a candidate for election as a member of; a) the House of Commons; or b) the European Parliament; or c) a local authority
- Act as an election agent or sub agent for a candidate for election as a member of a), b) or c) above.

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- Canvass on behalf of a political party or on behalf of a person who is or proposes to be a candidate as above.
- Hold office of a political party or branch of political party if the postholder will be required to:
 - a) take part in the general management of the party or branch: or
 - b) act on behalf of the party or branch in dealings with persons other than members of the party.

However, mere membership of political party is not affected.

- Postholders may not speak to the public or a section of the public with the intention of affecting public support for a political party.
- Postholders may not publish, or cause authorise or permit any other person to publish, any written or artistic work of which they are the author, co-author or editor, if the work appears to intended to affect support for a political party.

For political assistants these last two provisions do not apply but the following apply instead:

- Political assistants may not speak to the public at large or to a section of the public in circumstances or terms which are likely to create the impression that they are speaking as an authorised representative of a political party whether they are authorised to do so or not.
- Political assistants may not publish or cause, authorise or permit any other person to publish any written or artistic work of which he is the author co-author or editor in circumstances which are likely to create the impression that the publication is authorised by a political party, whether or not it is so authorised.

These restrictions form part of the postholder's terms and conditions of employment.

Appeals

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There is no right of appeal against political restriction where the post is one of those specifically listed in the legislation. There is a right to seek exemption from a post being treated as politically restricted because of the nature of the duties.

Applications for exemption are made to the Chief Executive. To grant an application the Chief Executive must be satisfied that the post does not involve giving advice on a regular basis to Members or regularly speaking on behalf of the authority to journalists etc. The Chief Executive must consult the Council's Monitoring Officer when considering these applications.

Applications for exemption can be lodged by submitting them to the Council's Monitoring Officer.