



**WE ARE  
WATFORD**

**POLITICALLY RESTRICTED POSTS - POLICY**

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## 1.0 INTRODUCTION

Certain posts in the Council are 'politically restricted' which means that employees who are employed in these posts may not undertake political activities.

## 2.0 AIMS OF THE POLICY

To provide guidance for employees who hold relevant posts on the implications of political restriction and the limitations that apply under current legislation.

## 3.0 SCOPE

All employees (including part-time employees).

Note: There are also shared service staff who will provide advice to Watford Committees but who are employed by Three Rivers District council and covered by the Three Rivers policy

## 4.0 PRINCIPLES

4.1 The principle of political restriction in local government is based on a long established tradition that officers involved in advising members of an authority should be seen to observe a policy of political neutrality.

This principle is fundamental to a fair and democratic system to ensure:

- Elected members should receive impartial advice from officers
- Officers should not be influenced by any political party in the implementation of policy

4.2 The Local Government and Housing Act 1989 and the Local Government Officers (Political Restriction) Regulations 1990 set out the legal basis for political restriction. Posts are politically restricted either because the particular post is listed in the legislation or because of the responsibilities of the post.

4.3 What does political restriction mean?

Certain posts in the Council are 'politically restricted' which means that employees employed in these posts may not undertake political activities either in or outside the workplace. Politically restricted employees will automatically be disqualified from standing for, or holding office, and these restrictions are incorporated as terms in an employee's contract of employment under the legislation.

4.4 Employees who are politically restricted are barred from standing for office as any of the following:

- Local councillors
- Members of Parliament
- Members of the Welsh Assembly

- Members of the Scottish Parliament

They are also restricted from canvassing on behalf of a political party or a person who is or seeks to be a candidate; cannot speak to the public at large or publish any written or artistic work that could give the impression that they are advocating support for a political party.

- 4.5 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.

## 5.0 FURTHER RESTRICTIONS WITHIN THE COUNCIL

The Local Government Act 1972, which first introduced legislation for political impartiality, enforces further restrictions:

### 5.1 Restrictions on members becoming officers

The Council cannot appoint as an employee in any capacity, any councillor who is currently a member of that Council or who has been a member of it in the previous 12 months.

### 5.2 Restrictions on officers becoming members

An employee will be disqualified from being elected or holding office as a member of the same local authority. This principle also applies more widely to employment with certain bodies over which that authority has influence. Therefore, an individual employee would also be disqualified from standing or holding office with that specific authority if they hold any paid office or employment with a local or joint authority on which the authority is represented.

## 6.0 WHICH POSTS ARE POLITICALLY RESTRICTED?

Posts will only be considered to be politically restricted if they fall into two broad categories known as **specified** and **sensitive** posts:

- 6.1 **Specified** posts are automatically subject to restrictions on public political activity and have no right of appeal. The following posts constitute specified posts in accordance with legislation:

- the Head of the Paid Service (HoPS)
- the statutory Chief Officers
- non-statutory Chief Officers (officers reporting to the HoPS excluding secretarial/clerical support employees)
- deputy Chief Officers (officers reporting to a Chief Officer excluding secretarial/clerical support employees)
- the Monitoring Officer
- the s151 Officer

- 6.2 **Sensitive** posts are those included in a list prepared and maintained by the authority of posts which meet one or both of the following duties-related criteria:

(i) Giving advice on a regular basis to one or more of the following:

- the authority itself, i.e. full Council
- any committee or sub-committee of the authority or to any joint committee on which the authority are represented
- the executive of the authority i.e. the Cabinet
- any committee of that executive; or to the Mayor or any Portfolio Holder
- overview and scrutiny committees (and their sub-committees)
- assistants to political groups

The Council can appoint up to three assistants for political groups subject to stringent conditions and safeguards

Political assistants may not speak to the public in a manner that creates the impression that they are speaking as an authorised representative of a political party (whether authorised to do so or not)

Political assistants may not publish, cause, authorise or permit any other person to publish any written or artistic work of which they are the author, co-author or editor that creates the impression that the publication or work is authorised by a political party

(ii) Speaking on behalf of the authority on a regular basis to journalists or broadcasters

### 6.3 How often is a “regular basis”?

6.3.1 The legislation does not provide a definition of “regular”. However, the use of the word “regular” would suggest that something more than an occasional attendance to present a formal report to a committee is needed to establish that advice is given on a regular basis. In determining whether an employee’s post falls within the definition, consideration should be given to the following:

- the number of times over the previous 12 months that the post holder either attended or provided a report for, those groups described above
- the number of times over, for example, the previous 12 months that the post holder has provided a report to an individual member of the executive

6.3.2 It should be noted that giving advice to elected members on a regular basis does **not** automatically mean that a post should be politically restricted.

## 7.0 HOW DO I KNOW IF A POST IS POLITICALLY RESTRICTED?

The Council maintains a list of those posts (see appendix 1) which have been defined as politically restricted in accordance with the legislation; this list includes both **specified** and **sensitive** posts. This list is reviewed on a regular basis. Role Profiles (job descriptions) will also confirm whether a post is politically restricted.

## 8.0 NEW ROLE PROFILES

New, or amended, role profiles will need to be assessed, using the criteria above, to determine whether the post should be politically restricted.

## 9.0 RIGHT OF APPEAL AGAINST POLITICAL RESTRICTION

An employee whose post has been determined to be **sensitive** under the legislation, and is therefore politically restricted, can appeal to the Managing Director to be exempted from the list, on the grounds that their authority has wrongly applied the criteria set out in paragraph 6.2 above. However, the holder of a **specified** post under the legislation has no right of appeal.

### 9.1 How do I appeal?

Appeals should be made in writing to the Managing Director setting out the grounds of the appeal and attaching a full job description of the post.

## 10.0 RESIGNING TO TAKE UP POLITICAL ACTIVITIES

Employees can resign their post to take up political activities. It is left to the discretion of the Council as to whether or not to reinstate an employee who resigns their post. The Council is not obliged to keep a post open or to give preferential treatment should an employee re-apply for a post.

## APPENDIX 1

## POLITICALLY RESTRICTED POSTS

Service Area	Position
	Monitoring Officer
<b>Commercial</b>	Executive Head of Commercial Finance & Innovation
<b>Community &amp; Environmental Services</b>	Group Head of Community & Environmental Services Head of Leisure & Environmental Services Head of Parking Services Head of Community Protection Head of Parks Open Spaces and Projects. Licensing Officer Business Compliance Officer Community Safety Co-ordinator
<b>Corporate Management</b>	Manging Director Head of Enterprise Project Management
<b>Corporate Strategy and Communications</b>	Executive Head of Strategy & Communications Head of Communications Communication & Engagement Officer Mayor's Political Assistant
<b>Democratic Services</b>	Electoral Services Manager Democratic Services Manager Senior Democratic Services Officer Democratic Services Officer
<b>Human Resources</b>	Executive Head of HR and OD Head of HR Operations
<b>Legal Services</b>	Head of Legal Services Senior Solicitor
<b>Place Shaping</b>	Group Head of Place Shaping Head of Regeneration & Property Head of Planning & Development Head of Housing Head of Transport and Infrastructure Development Management Manger Spatial Planning Manager Principal Planning Officer Planning Enforcement Manager Planning Enforcement Officer Planning Officer
<b>Service Transformation</b>	Group Head of Transformation Head of ICT Head of Customer Experience Head of Corporate Asset Management Corporate Procurement Manager Business Intelligence Manager