

Ward: All

Portfolio: Finance, Governance and Corporate Services

FROM: Monitoring Officer

Date: 15 May 2017

SUBJECT: Policies Relating to Politically Restricted Posts

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Report Sign off	Seen by:	Name	Date	
		Legal	Donna Nolan	27/04/17
		Finance	Paul Deal	
		Chief Executive Officer	Donna Nolan	27/04/17
		Group Manager	David Clark	27/04/17
Summary:	This report describes the proposed minor amendments of the Council's policies in relation to politically restricted posts, following the recent management restructure.			
Recommendation:	That Full Council approves the updates to the Council's policy in relation to politically restricted posts as set out in this report.			
Direct and/or indirect impact on service delivery to our customers and communities	A clear policy on political restrictions which fully reflects the relevant statute and regulations will directly safeguard the objectivity and impartiality of officers working in designated or sensitive roles within the Council.			
Financial Implications:	Limited to the cost of administration and printing of revised versions.			
Legal Implications:	As outlined in the report.			
Crime and Disorder Implications:	A clear policy on political restrictions which fully reflects the relevant statute and regulations will directly safeguard the objectivity and impartiality of officers working in designated or sensitive roles within the Council.			
Equalities Implications:	None identified.			

Risk Assessment and Adverse Impact on Corporate Actions:	There is an evident risk if the Council's policies do not fully reflect the law which supports them. Any lack of clarity within such policies also carries inherent risk. The proposed changes to the policy ensures that it reflects the Council's staffing structure.
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INTRODUCTION

1. The Local Government and Housing Act 1989 identifies certain posts within local authority workforces as being politically restricted.
2. The rationale behind the relevant provisions in the 1989 Act is that all local authorities will have employees who, by the nature of their duties, should be identifiable as being politically objective and impartial.
3. The 1989 Act is supported by the Local Government (Political Restrictions) Regulations 1990. The 1989 Act and the 1990 Regulations define those posts which are deemed to be politically restricted, and also require that the terms of employment of such officers include conditions which prohibit active involvement in politics.
4. A policy setting out the legal and practical arrangements affecting politically restricted posts has been in place at the Council since the 1989 Act came into force. This policy was updated in September 2015 to clarify the manner in which the 1989 Act and the 1990 Regulations operate, but also to provide a clearer statement of:
 - The types of posts which are subject to political restriction;
 - The posts at the Council which are politically restricted;
 - The practical and legal position of politically restricted employees;
 - The appeal process which is available to some politically restricted post holders.

BACKGROUND

5. The Council's policies in relation to politically restricted posts are principally set out in two documents, namely "Mendip District Council – Politically Restricted Posts Policy and Procedure" and "Politically Restricted Posts". The first of these documents is a comprehensive statement of the Council's policy, whereas the second is a two page summary document produced for ease of reference.
6. Minor amendments have been made to the Policy and Procedure document to reflect the changes introduced through the recent management restructure. The summary document has been reviewed and no changes were deemed necessary. The updated versions of these two documents are attached to this report.
7. The minor amendments were reviewed by Standards Committee at their meeting on 20 April 2017 with a recommendation to Full Council to approve the revised Policy and Procedure.

RECOMMENDATIONS

That Full Council approves the updates to the Council's policy in relation to politically restricted posts as set out in this report.

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Background Papers

Mendip District Council – Politically Restricted Posts Policy and Procedure
Politically Restricted Posts Summary Guidance