

Local Members' Interest
N/A

Audit and Standards Committee – Monday 27 June 2016

Politically Restricted Posts – Approval of List and Changes to Terms of Reference for Audit and Standards Committee and County Council Constitution

Recommendation

1. That Council be recommended to approve the list of Politically Restricted Posts and consequent changes to the Constitution as shown at Appendices 2 and 3 respectively to this report.

Report of the Director for Strategy, Governance and Change

Background

2. Recent restructuring of the County Council's Senior Leadership Structure has provided the opportunity to review the policy in relation to Politically Restricted Posts ('PRPs').
3. Where a post is deemed to be 'politically restricted' the postholder is effectively barred from any political activity other than 'ordinary' membership of a political party.
4. Under the Local Government and Housing Act 1989 certain ('specified') posts within the local authority were designated as politically restricted. In addition, under the Local Democracy and Economic Development Act 2009 a number of 'sensitive' posts were also designated as politically restricted.
5. 'Specified' posts are Chief Officers, their deputies (defined as any person who reports directly to or is directly accountable to a Chief Officer –with the exception of admin/secretarial support) and posts identified in the Scheme of Delegation to Officers.
6. 'Sensitive' posts are those posts that involve regularly advising elected members at Committee or Executive level or involve regularly speaking to broadcasters and journalists on behalf of the Authority.
7. The formal list of PRPs has to be agreed by Council and deposited with the Proper Officer.
8. The Chief Executive, as Head of Paid Service, is required to consider applications for exemption from the List and has authority to direct the local authority to add posts to that list.

9. The Terms of Reference for the Audit and Standards Committee includes provision for the establishment of a Panel with full delegated powers to deal with appeals against disciplinary or *employment related* matters. That Panel provides an appropriate mechanism for appeals against designation of a post as 'politically restricted' or refusal to exempt a post from the list.

Proposal

10. Appended to this report is a draft policy on Politically Restricted Posts which includes a proposed list of posts affected together with suggested procedures for consideration of exemption requests and appeals against designation of a post as politically restricted. It is proposed that as the officer responsible for the HR function, the Director of Finance and Resources be granted delegated authority to maintain the List, taking individual referrals for inclusion from all Senior Leadership Team members. To facilitate that maintenance the proposed list aims to ensure compliance with legislative requirements without being so comprehensive as to be unmanageable. For information, the draft policy and proposed list have been shared with Trade Union representatives via the formal Green Book Consultative Forum.

Appendix 1

Equalities Implications: Restrictions placed on political activity by the holder of any post included in the List are in accordance with legislative requirements.

Legal and Risk Implications: These amendments to the Constitution are required to provide for the management of the List on behalf of the County Council.

Resource and Value for Money Implications: The proposals are not expected to have any significant cost implications.

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