



POLITICALLY RESTRICTED POSTS

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1. Introduction

- 1.1. The political activities of employees in certain posts are restricted under the *Local Government Officers (Political Restrictions) Regulations 1990*. The posts which are politically restricted are defined under the *Local Government and Housing Act 1989*. For the purposes of the City of London, the 1989 Act generally applies only to those departments that are funded, in whole or part, by City Fund. Departments funded wholly by City's Cash are generally not affected.

2. Policy Principles

- 2.1. Employees are to be free from political bias when performing their duties and advising the City of London. However, appropriate freedom to be involved in political activities is enabled for appropriate post holders.

3. Politically Restricted Posts

- 3.1. A politically restricted post, as per the *Local Government and Housing Act 1989*, includes the following:

(a) Specified posts:

- The Head of Paid Service;
- Statutory Chief Officers;
- Non-statutory Chief Officers;
- Deputy Chief Officer;
- Monitoring Officer;
- Posts listed within the City of London [Scheme of Delegations](#) as approved by the Court of Common Council.

(b) Sensitive posts:

- A post which involves giving advice on a regular basis to the authority themselves, to any committee or sub-committee of the authority or to any joint committee on which the authority are represented; and/or
- A post which involves speaking on behalf of the authority on a regular basis to journalists or broadcasters.

- 3.2. Employees who occupy a politically restricted post will be informed of this by their department.

4. Restricted Activities

- 4.1 The 1990 Regulations provide that a politically restricted post holder may not:

- a) stand as a candidate for the House of Commons, the European Parliament, the Scottish Parliament, the National Assembly for Wales or a local authority;



- b) act as an election agent or sub-agent for a candidate for election as a member of a body mentioned in paragraph 4.1(a);
 - c) be an officer of a political party or any of its branches, or a member of any of its committees or sub-committees, where the duties likely required would be:
 - i) participation in the general management of the party or branch; or
 - ii) acting on behalf of the party or branch in dealing with non-party members;
 - d) canvass on behalf of a political party or on behalf of a person who is, or proposes to be a candidate for election to any of the bodies mentioned in paragraph 4.1a;
 - e) speak in public where there is an apparent intention to affect public support for a political party (except where this is necessary as part of their official duties);
 - f) publish any written or artistic work by them or which they have edited, nor can they cause, authorise or permit another person to publish such work, if the work appears to be intended to affect public support for a political party (except where this is necessary as part of their official duties). This, however, does not preclude the display of a poster or other document at the post holder's home, car or other personal possessions.
- 4.2 The restrictions, which take the form of Terms and Conditions, are incorporated into those employees' contracts and conditions of employment.

5. Application for Exemption

- 5.1 If an employee believes their post has been incorrectly listed as a 'sensitive post', they may make an application to the Standards Committee for exemption from political restriction.
- 5.2 Applications for exemption should be addressed to the Standards Committee and sent via the Director of Human Resources (HR). The Director of HR will distribute the application to the Standards Committee Chairman, Deputy Chairman and agreed Members, for consideration. A personal appearance before the Standards Committee is not required.
- 5.3 Applications should include the following documentation:
 - (a) details of the restricted activities for which the exemption is sought;
 - (b) a clear and concise statement regarding the duties of the post in relation to the definition of a 'sensitive post';
 - (c) a description of duties which has been endorsed by the Head of Department (this may be in the form of the post's current and approved Job Description and Person Specification);



- (d) a clear and concise statement from the Chief Officer regarding their support/non-support for the application.
- 5.4 In determining an application, the Standards Committee will have regard to any general advice given by the Secretary of State regarding politically restricted posts.
- 5.5 An employee may not make an application for exemption from political restriction if they occupy a 'specified post' as defined in to 3.1(a) above.

6. Responsibilities

- 6.1 Employees occupying politically restricted posts are responsible for ensuring they do not engage in restricted activities.
- 6.2 HR Business Units are responsible for maintaining a list of politically restricted posts within the City of London.
- 6.3 The Standards Committee is responsible for determining applications for exemption from political restriction.

7. Further Information

- 7.1 The following legislation contains further information relating to politically restricted posts and can be found at www.legislation.gov.uk
- *Local Democracy, Economic Development and Construction Act 2009* (s. 30)
 - *Local Government and Public Involvement in Health Act 2007* (s. 202)
 - *The Local Government Officers (Political Restrictions) Regulations 1990*
 - *Local Government and Housing Act 1989*
- 7.2 Further information may also be obtained from your HR Business Unit.



Appendix 1
APPLICATION FORM
FOR EXEMPTION FROM POLITICAL RESTRICTION

Name: _____

Address: _____

Position Title: _____

Department: _____

Date: _____

Signed: _____

Please attach the following to this application form:

- (e) details of the restricted activities for which the exemption is sought;
- (f) a clear and concise statement regarding the duties of the post in relation to the definition of a 'sensitive post';
- (g) a description of duties which has been endorsed by the Head of Department (this may be in the form of the post's current and approved Job Description and Person Specification);
- (h) a clear and concise statement from the Chief Officer regarding their support/non-support for this application (the attached Certificate of Opinion template should be used).

and send to:

Director of Human Resources
Corporate Human Resources
City Of London
PO Box 270
Guildhall
London EC2P 2EJ



CERTIFICATE OF OPINION

For completion by the Chief Officer

In relation to the application for exemption of political restriction for:

(Employee Name) _____

(Employee Position Title) _____

(Department) _____

I regard the post as politically sensitive / I do not regard the post as politically sensitive.

Supporting statement:

(please attach additional page if required)

NAME: _____

POSITION TITLE: _____

DEPARTMENT: _____

SIGNED: _____ DATE: _____

The Chief Officer must forward this form, once completed, to the Director of HR, who will submit it to the Standards Committee to consider.