

Politically Restricted Posts, Employment and Election

1. The law regulates some political activities of local authority employees. This includes restrictions on becoming an elected councillor ('member' is the common jargon) of your own or another local authority. Here is some guidance on the situation.

2. Can I be elected to this Council if I am employed by it?

No. The law disqualifies anyone holding any paid employment with the Council itself from becoming or remaining an elected member of it. These direct links with a person's own authority create an automatic disqualification whatever the level or nature of the post held. (Employment appointments by a joint committee involving the Council can also be caught – seek advice).

As an employee of the Council can I stand for election to it and then resign my employment if elected and remain a member? No – because of your employment you are disqualified from being elected. NB Teachers at all schools **maintained** by the Council are treated as employees of the Council for purposes of this disqualification, even if they are not strictly employed by the Council. Academies are **not** maintained schools and so staff employed by an academy are not deemed to be employees of the council.

3. Can I be elected or remain a member of this Council if I am employed by *another* local authority?

Not if you hold a "**politically restricted post**". The definition turns on either the seniority or nature of the post – see section 4. If you do not hold such a post then you are not disqualified through your employment there from becoming a councillor here. The Local Government and Housing Act 1989 provides that a person shall be **disqualified from becoming or remaining a member** of this Council if he or she is employed in a "politically restricted post" with the Council or **any other local authority**. This definition covers posts with other county or district/borough/city/unitary councils but also fire and rescue and police authorities etc, and joint boards of such authorities. (Employment by Parish or town councils does *not* count).

4. What is a "politically restricted post"?

These employed posts are a mixture between **what they are** (senior position within the Council and **what they do** (advising members/speaking with the media). The definition of such a post includes:

- Head of Paid Service, Chief Officers and Monitoring Officer
- Deputy Chief Officers (reporting as respects all or most duties directly to a Chief Officer but excluding secretarial or clerical posts)
- giving advice on a regular basis to the Council, its committees, joint committees or Cabinet members or
- speaking on behalf of the Council on a regular basis to journalists and broadcasters.

The Head of Paid Service of the employing authority can consider applications for exemption from political restriction for the posts in the final two bullet points. (Head teachers, principals or teachers at schools or other educational institutions or establishments maintained by the Council are **not treated as holding politically restricted posts**).

5. What other impact is there for politically restricted postholders?

- Politically restricted postholders may not stand as a candidate for the House of Commons, the European Parliament, the Scottish Parliament, the National Assembly for Wales or a local authority, or act as an agent or sub-agent for a candidate for any of those bodies.
- They may not canvass on behalf of a political party or a candidate for election to any of those bodies.
- They may not be an officer of a political party or any branch of it (or a member of any committee or sub-committee of such) if their duties would be likely to require participation in the general management of the party/branch or to act on its behalf in dealings with persons other than members of the party.
- Politically restricted postholders may not (except where this is necessary as part of their official duties):
 - speak publicly with the apparent intention of affecting public support for a political party; or
 - publish any written or artistic work which appears to be intended to affect public support for a political party (or cause anyone else to do so), other than a poster at home or your vehicle.

6. It is a matter for members, officers and candidates to be aware of and to comply with the relevant requirements and take advice as appropriate. The provisions are complicated, and the above is a summary.

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