

Executive Summary and Recommendations

Title of Report: Politically Restricted Posts: amendment to
“Politically Restricted Posts, Applications to the
Standards Committee for exemption”.

Date: 17th March 2010

Summary of this Report

- 1.1 This report advises the Standards Committee on the amendment to the Local Government and Housing Act 1989, in relation to politically restricted posts and accordingly seeks approval from the Committee to amend the Procedure entitled “Politically Restricted Posts, Applications to the Standards Committee for exemption”.

Recommendations

- 2.1 That the Standards Committee approves the amended Procedure “Politically Restricted Posts, Applications to the Standards Committee for exemption” attached at Appendix 1 to this report.



City of Westminster

Committee Report

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| Item No: | |
| Date: | 17 th March 2010 |
| Classification: | For General Release |
| Title of Report: | Politically Restricted Posts: amendment to "Politically Restricted Posts, Applications to the Standards Committee for exemption". |
| Report of: | The Director of Human Resources |
| Wards involved: | None |
| Policy context: | High Ethical Standards |
| Financial summary: | There are no financial implications arising |
| Report Author: | Robert Newman |
| Contact details | Tel: 020 7641 8599 Email: rnewman1@westminster.gov.uk |

3 Background

- 3.1 At its meeting on 27th October 2009, the Standards Committee considered a report on its role in relation to Politically Restricted Posts (PoRPs) under Part 1 of the Local Government and Housing Act 1989 i.e.
- to consider applications from local authority employees for exemption from political restriction in respect of their posts; and
 - on the application of any person or otherwise, to give directions to the Council to include a post in the list of politically restricted posts within the Council.
- 3.2 At the time that report was considered, there were three categories of politically restricted posts i.e.
- (i) Specified posts (e.g. Chief Executive, Monitoring Officer, etc);
 - (ii) Posts which receive a salary at or above a specified amount (i.e. £40,505 as at 01.04.09); and
 - (iii) Sensitive posts (i.e. posts in which duties include:
 - § to give advice on a regular basis to the authority itself, to any committee or sub-committee of the authority or to any joint committee on which the authority is represented; or where the authority is operating executive arrangements, to the executive of the authority; to any committee of that executive; or to any member of that executive who is also a member of the authority;
 - § to speak on behalf of the authority on a regular basis to journalists or broadcasters.)
- 3.3 Only employees whose posts fell into categories 3.2(ii) and (iii) above could apply to the Standards Committee to have their posts exempted from the list of politically restricted posts.
- 3.4 With effect from 12 January 2010, the Local Democracy, Economic Development and Construction Act 2009 amended the Local Government and Housing Act 1989 so that the salary criterion for political restriction (i.e. as set out in 3.2(ii) above) was removed. Therefore, only posts within categories (i) and (ii) are now politically restricted, and only applications for exemptions from employees falling within to 3.2(iii) may now be considered by the Standards Committee. The procedure for seeking exemptions, which was agreed by the Committee on 27th October 2009, has been amended accordingly and is attached at Appendix 1 for approval.

4. Legal Implications

4.1 The legal implications are contained within the body of this report.

5. Financial Implications

5.1 There are no financial implications arising from this report.

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| <p>If you wish to inspect one of the background papers please contact Robert Newman, email rnewman1@westminster.gov.uk</p> |
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Background Papers

Report to the Standards Committee 27 October 2009

Politically Restricted Posts

Applications to the Standards Committee for exemption

- 1) The Head of Paid Service, all Chief Officers, Deputy Chief Officers, the Monitoring Officer, political assistants and officers with specifically delegated authority under the Council's Constitution cannot apply for an exemption to the political restrictions placed on their posts.
- 2) Holders of other posts which have been designated as politically restricted may apply for an exemption from political restriction.
- 3) Applications for exemptions will be considered by the Council's Standards Committee, or delegated Sub-Committee.
- 4) The Standards Committee (or its delegated sub-committees) may consider applications for exemption from future employees who have received a formal offer of employment from the Council.
- 5) An exemption applies to that post – it is not transferable from one authority to another, nor from one job to another.
- 6) Employees who wish to obtain an exemption from political restrictions on the basis that their post was incorrectly included on the list of Politically Restricted Posts since it does not undertake either of the following duties:
 - giving advice on a regular basis to the authority itself, to any committee or sub-committee of the authority or to any joint committee on which the authority are represented; or where the authority are operating executive arrangements, to the executive of the authority; to any committee of that executive; or to any member of that executive who is also a member of the authority;
 - speaking on behalf of the authority on a regular basis to journalists or broadcasters

should, in the first instance, write to the Chief Executive requesting a decision on the status of their post. The following procedure will then apply:

- The request will be copied to the Director of HR and the appellant's Chief Officer will be asked to supply a copy of the appellant's job description and any other relevant information. The Director of HR will submit the application to the Standards Committee for decision.
- 7) The decision of the Standards Committee is final.