

Guidance on politically restricted staff

This guidance note sets out the restrictions on the political activity of senior local government staff.

Politically restricted posts

Section 2(2) of the Local Government and Housing Act 1989 (“the Act”) imposes on every local authority a duty to prepare and maintain a list of politically restricted posts. Section 2(1) of the Act designates the following specified postholders as holding politically restricted posts:

- (a) the Head of Paid Service;
- (b) the statutory Chief Officers;
- (c) the non-statutory Chief Officers;
- (d) the Deputy Chief Officers;
- (e) the Monitoring Officer.

The section 127 Officer, the Mayor’s Chief of Staff and Mayoral Directors, Directors, Assistant Directors, and Heads of Service who report directly to Directors or the Head of Paid Service variously fall within (b) to (d) above. This is the case regardless of whether the post holders were appointed by the Mayor (either as the two or ten he may appoint) the Assembly, them both jointly or by the Head of Paid Service.

There is no ability for any of the above post holders to obtain exemption from the restrictions.

Restrictions on public political activity

The Act and Government Regulations¹ set out the specific restrictions which apply to holders of politically restricted posts.

Politically restricted postholders may not:

- (1) Be elected or appointed as a member of their own or another “local authority” as defined under the Act in Great Britain² (does not apply to parish councils).
- (2) Announce or allow anyone else to announce their candidature for election as a member of the House of Commons, European Parliament, the Scottish Parliament or Welsh Assembly or such a local authority (other than parish councils) as listed in (1) above.
- (3) Continue in the employment of the authority once notice of resignation has been given to stand as a candidate for the House of Commons (only).
- (4) Act as an election agent or sub-agent for a candidate for election (where applicable) to one of the bodies mentioned in (1) or (2) above.
- (5) Be an officer of a political party or any branch of such a party or a member of any

¹ The Local Government Officers (Political Restrictions) Regulations 1990/ 851 (as amended)

² In London these are: the Mayor and London Assembly, LFEPA, MOPAC, a Mayoral development corporation, TFL, the City Corporation and the 32 London boroughs. Outside London they include district and county councils.

committee or sub-committee of such a party or branch if such duties require: participation in the general management of the party or branch; acting on behalf of the party or branch in dealings with people other than members of the party or associated political party.

- (6) Canvass on behalf of a political party or on behalf of a candidate for election to any of the bodies in (1) and (2) above.
- (7) Speak to the public at large or to a section of the public with the apparent intention of affecting public support for a political party.
- (8) Publish any written or artistic work of which the postholder is the author or co-author or any written work or collection of artistic works in which the postholder has acted in an editorial capacity or permit anyone else to publish such a work or collection if that work appears intended to affect public support for a political party. Specifically excluded from this restriction is the display by a politically restricted postholder of a poster or other document on property occupied as a home or on a vehicle or article used by the postholder.

The Regulations specifically state that nothing in (7) and (8) above shall preclude the postholder from engaging in activities to such an extent as is necessary for the proper performance of official duties.³

Restrictions on membership of “local authorities”

In the London context the effect of (1) above is that a politically restricted post holder at the GLA cannot be elected as the Mayor of London or a London Assembly member or a borough councillor (including an elected borough Mayor) or to the City of London Corporation. It also means (with one exception), they cannot be a member of the board of a Mayoral development corporation (LLDC or OPDC), LFEPA or TfL, or be appointed as Deputy Mayor for Policing and Crime (this bar also applies to all GLA staff including those not politically restricted).

The sole exception to this rule applies to the ten members of GLA staff the Mayor can appoint under section 67(1)(b) of the GLA Act 1999 who may be appointed as unpaid members of another “local authority”.

Political restrictions: Terms and Conditions of employment

Section 1(5) of the Act states that "the terms of appointment or conditions of employment of every person holding a politically restricted post under a local authority (including persons appointed to such posts before the coming into force of this section) shall be deemed to incorporate such requirements for restricting his political activities as may be prescribed for the purposes of this subsection by regulations made by the Secretary of State."

The restrictions in paragraphs (2) to (8) above are therefore incorporated in to a politically restricted

³ Slightly different rules apply under (7) and (8) to the two members of staff appointed by the Mayor under s 67(1)(a) of the GLA Act. They may undertake those activities, with the intention of affecting public support for a political party, provided they do not do so in circumstances or on terms which give the impression they are the authorised representative of a political party (whether or not actually authorised.)

post holder's terms and conditions of employment.

Queries/further information

If you have any queries, please contact the Human Resources Unit.