

Political Restrictions Guidance

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1	Business Manager, Governance	March 2024	New guidance
2	Executive Director – Workforce Strategy & Transformation – Governance and Risk	September 2026	amendments to restricted and sensitive posts in Annex 1

1. Introduction

Certain posts in the Council are 'politically restricted' which means that staff employed in these posts may not undertake political activities.

2. Aims of the guidance

To provide guidance for employees who hold relevant posts on the implications of political restriction and the limitations that apply under current legislation

3. Scope

All employees (including part-time employees) who are employed by the Council and its delivery partner Publica (Support) Ltd.

4. To be read in conjunction with:

- Recruitment Policy
- Employee / Business Code of Conduct

5. Principles

The principle of political restriction in local government is based on a long-established tradition that officers involved in advising members of an authority should be seen to observe a policy of political neutrality.

This principle is fundamental to a fair and democratic system to ensure:

- Elected members should receive impartial advice from officers
- Officers should not be influenced by any political party in the implementation of the policy

The Local Government and Housing Act 1989 (as amended by the Local Government Officers [Political Restriction] Regulations 1990) sets out the legal basis for political restriction. Posts are politically restricted either because the particular post is listed in the legislation or because of the responsibilities of the post.

Political Restriction

6. What does political restriction mean?

Certain posts in the Council are 'politically restricted' which means that staff employed in these posts may not undertake political activities either in or outside the workplace. Politically restricted employees will automatically be disqualified from standing for, or holding office, and these restrictions are incorporated as terms in an employee's contract of employment under the legislation.

Employees who are politically restricted are barred from standing for office for any of the following:

- Local Councillors
- Members of Parliament
- Members of the European Parliament
- Members of the Welsh Parliament

- Members of the Scottish Parliament

Politically restricted post holders may not:

- act as an election agent or sub-agent for any candidate for election
- canvass on behalf of a political party or a person who is or seeks to be a candidate.
- speak to the public at large or publish any written or artistic work that could give the impression that they are advocating support for a political party.

The cumulative effect of these restrictions is to limit the holders of politically restricted posts to bare membership of political parties, with no active participation within the party permitted.

7. Further restrictions within the Council

The Local Government Act 1972, which first introduced legislation for political impartiality, enforces further restrictions:

7.1 Restrictions on members becoming officers:

The Council cannot appoint a Councillor as an employee in any capacity, if they are currently a member of that Council or who has been a member in the previous 12 months.

7.2 Restrictions on officers becoming members:

An employee will be disqualified from being elected or holding office as a member of the same local authority. This principle also applies more widely to employment with certain bodies over which that authority has influence. Therefore, an individual employee would also be disqualified from standing or holding office with that specific authority if the employee holds any paid office or employment with a local or joint authority on which the authority is represented. As restrictions on political activity are incorporated into the contracts of employment of politically restricted post holders any breach of the restrictions will be deemed to be a breach of contract which will be dealt with in accordance with the Council's disciplinary procedures.

8. Which posts are politically restricted?

Posts will only be considered to be politically restricted if they fall into two broad categories known as **specified** and **sensitive** posts:

8.1 Specified posts:

- The Head of Paid Service / Chief Executive Officer
- The statutory Chief Officers including Finance Officer / S151 and Monitoring Officer
- Officers exercising delegated powers, i.e. persons whose posts are for the time being specified by the authority in a list maintained in accordance with the provisions of the Local Government Act 1972
- Assistants to political groups
- Non-Statutory Chief Officers
- Deputy Chief Officers (officers reporting to a chief officer, excluding secretarial/clerical support)

8.2 Sensitive posts are posts which meet one or both of the following duties-related criteria:

- giving advice on a regular basis to one or more of the following:
 - the authority itself, i.e. full Council
 - any committee or sub-committee of the authority or to any joint committee on which the authority are represented
- and where the Authority are operating executive arrangements to one of more of the following:
 - the executive of the authority i.e. the Cabinet
 - any committee of that executive; or to any member of that executive who is also a member of the authority
 - overview and scrutiny committees (and their sub-committees)
 - speaking on behalf of the authority on a regular basis to journalists or broadcaster

9. How often is a “regular basis”?

The legislation does not provide a definition of “regular”. However, the use of the word “regular” would suggest that something more than an occasional attendance to present a formal report to a committee is needed to establish that advice is given on a regular basis. In determining whether an employee’s post falls within the definition, consideration should be given to the following:

- the number of times over the previous 12 months that the postholder either attended or provided a report for those groups.
- the number of times over, for example, the previous 12 months that the postholder has provided a report to an individual member of the executive.

It should be noted that giving advice to elected members on a regular basis does not automatically mean that a post should be politically restricted.

Political restriction based on grade or salary level was removed in 2010 under the Local Democracy, Economic Development and Construction Act 2009.

10. How do I know if a post is politically restricted?

The Council maintains a list of those posts (see appendix 1) which have been defined as politically restricted in accordance with the legislation; this list includes both specified and sensitive posts. This list is reviewed on a regular basis, normally at the start of each financial year. Job descriptions will also confirm whether a post is politically restricted, it is included in the recruitment process, and a record is retained in the HR system.

11. New Job Descriptions

New, or amended, job descriptions will need to be assessed, using the criteria above, to determine whether the post should be politically restricted.

12. Is there a right of appeal for political restriction?

An employee whose post has been determined to be sensitive under the legislation, and is therefore politically restricted, can appeal to Head of Paid Service for the Council or the Managing Director for Publica employees, on the grounds that the criteria may have been wrongly applied. A decision will be

made on whether to uphold the employee's appeal or not.

However, the holder of a specified post under the legislation has no right of appeal.

13. Resigning to take up political activities

Employees can resign their post to take up political activities. It is left to the discretion of the Council as whether or not to reinstate an employee who resigns their post. The Council is not obliged to keep a post open or to give preferential treatment when applying for a post.

14. Further Information

If you have any queries about this guidance or the provisions of the Act, you should contact the Monitoring Officer in the first instance.

APPENDIX I

POLITICALLY RESTRICTED POSTS

This list covers Forest of Dean District Council and Publica Group (support) Ltd, a wholly owned company Teckal trading company.

Specified Posts	Job Title
Forest of Dean District Council	Chief Executive Officer Director - Finance & Resource (S151) Director - Communities & Place Head of Governance & Legal Services (MO) Head of Finance (Deputy S151) Democratic Services Manager (Deputy MO) Head of HR & Corporate Services Electoral Services Manager Head of Place Head of Communities & Sustainable Economy Head of Environment & Sustainability
Sensitive Posts	Job Title
Forest of Dean District Council	Communications Manager Executive Assistant Democratic Services Officers Trainee Business Support Officer Electoral Services Officer Electoral Services Assistant Development Management Manager Forward Planning Manager Principle Planning Enforcement & Appeals Officer
Restricted Posts	Job Title
Publica	Managing Director Executive Director - Corporate Services Executive Director - Workforce Strategy & Transformation – Risk & Governance Chief Technology Officer (CTO) Head of Finance Chief Accountant Head of Treasury Management Head of Housing Solutions Customer Enabling Manager Head of Environmental Protection & Revenues and Benefits Head of Data, Performance and Corporate Strategy Head of Support Services and Resilience

Sensitive Posts	Job Title
	Emergency Planning Specialist