

CYNGOR SIR POWYS COUNTY COUNCIL

Political Neutrality & Restricted Posts Policy

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Cyngor Sir Powys County Council

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Cyngor Sir Powys County Council

Political Neutrality & Restricted Posts

Policy Statement

Local Government employees serve the Council as a whole and not individual members or groups. They must respect the rights of all, follow every lawful expressed Council policy and not allow their personal or political views to interfere with their work. They should in addition follow any codes of conduct of professional bodies where employees are members of those professional bodies. Where qualifying employees are politically restricted (by reason of the post they hold, the nature of the work they do, or the salary they are paid), they must comply with any statutory restrictions on their political activities.

This policy is important for two main reasons: It is essential to the functioning of the democratic system that Elected Members of a local authority receive impartial advice from officers, and that its officers are not influenced by any political bias in the implementation of the authority's policies. It is also vital that Members and those who have elected them have complete confidence that officers give impartial advice and will act impartially in implementing the authority's policies.

1. Politically Restricted Posts

The Local Government & Housing Act 1989 (Section 2) ("the Act") controls the direct activities of all Local Government employees in politics, both national and local.

The provisions of the Act are implemented in the Local Government Officers (Political Restrictions) Regulations 1990 and apply to all employees.

The law specifically restricts the political activities of the Authority's Chief Executive, Strategic Directors, Heads of Service and the Monitoring Officer.

Political restrictions also apply to those local government officers whose posts entail giving advice on a regular basis to the executive of the authority, or a committee or member of the executive.

Further, holders of posts that are considered to be regularly involved in providing advice to Members and those employees speaking on behalf of the authority to journalists or broadcasters may be considered to be politically sensitive. Employees in such posts may be entitled to exemption by applying to the Independent Adjudicator if their duties do not require political neutrality (see Section 8 for contact details).

Officers in such posts mentioned above, may not, at the same time, canvass for elections or stand for office as:

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

If there is any doubt whether or not a political activity is permitted, the Strategic Director, Law & Governance should be consulted in the first instance.

This policy forms part of the Code of Official Conduct; breaches of this policy, therefore, may be subject to disciplinary action.

Contracts of Employment for employees employed in posts covered by the relevant legislation will contain a restriction clause and to perform the Council's obligations to the Act. A log of such posts will be maintained by the Head of Human Resources.

2. Support Services to Political Groups

The only basis on which the Council can lawfully provide support services (e.g. stationery, typing, printing, photocopying, transport etc) to Elected Members is to assist them in discharging their role as members of the Council.

Such support services must therefore only be used on Council business. Support services should never be used in connection with party political or campaigning activity or for private purposes.

Assistance will, however, be given to all political groups in connection with the booking of rooms in Council buildings for political group meetings and the provision of photocopies of documents which officers have requested the political groups to consider.

3. Assistants for Political Groups

Under legislation, local authorities may appoint political assistants for the purpose of providing assistance in the discharge of functions of members of any particular group as members of the authority. Powys County Council has not appointed political assistants under this legislation.

4. Officer Support for Political Groups

Whilst maintaining political neutrality at all times, the Chief Executive, Strategic Directors, Heads of Service and authorised senior managers may provide support to political groups in the nature of providing briefings confined to providing information and clarification on matters or functions relating to the Council, but shall not make any recommendation or provide advice to any political group. A detailed protocol in this respect is included under Part 5 of the Council's Constitution.

5. Relationships between Officers and Political Groups

Whilst recognising the benefit to Officers and Councillors of informal discussions on different topics, care must be taken so that Council Officers operate in a non-political way and independent of political group politics.

In order to provide protection for both Members and Officers from allegations of impropriety, the guidelines below are proposed for attendance at political group meetings.

- The support provided by Officers can take many forms, ranging from a briefing meeting with a Chairman prior to a Board or Committee meeting, to a presentation to a full political group meeting.
- The political neutrality and impartiality of all officers should be respected by Members at all times.

- Officers cannot be compelled to attend political group meetings; the overriding principle is that any presentation that will be of benefit to members will be available to all political groups equally.
- Consideration should first be given as to whether there is a more appropriate forum for the presentation e.g. County Council seminar, scrutiny committee.
- The role of officers is to give information to Members and assist them in making a decision. The focus will be on conveying information and facts rather than giving an opinion. Information which is essentially service based will be relayed to Members via appropriate committees or meetings; only major issues such as those concerning the policy framework, budget or strategic matters will normally be the subject of officer briefings to the Groups.
- Officers will not be involved in advising on matters of political group business. The observance of this distinction will be assisted if Officers are not expected to be present at meetings, or parts of meetings, when matters of political group business are to be discussed.
- Where Officers provide information to a political group meeting in relation to a matter of Council business, this cannot act as a substitute for providing all necessary information and advice to the Council, Board, Committee or Sub-Committee when the matter in question is considered.
- Special care needs to be exercised whenever Officers are involved in providing information to a political group meeting which includes persons who are not members of the Council. Such persons will not be bound by the Members' Code of Conduct (in particular, the provisions concerning the declaration of interests and confidentiality) and for this and other reasons Officers may not be able to provide the same level of information as they would to a Members' only meeting.
- Officers must respect the confidentiality of any political group discussion at which they are present and not relay the content of any such discussion to another political group.
- Any particular cases of difficulty or uncertainty in this regard should be referred to the Strategic Director, Law & Governance who will raise the matter with the relevant political group leader(s).

A detailed protocol in this respect is included under Part 5 of the Council's Constitution.

6. Presentations / Advice to Non-Affiliated Members of the Council

It is likely that there will be Members of the Council who choose not to be affiliated with any political group which is formed. In such cases Officers will provide advice to those Members in the same manner as they would to the political groups.

7. Scrutiny Committees “Scrutinising” Officers of the Council

Scrutiny committees may require the attendance of senior officers at meetings when dealing with a scrutiny or a policy review. The committee should provide the officer in advance of the meeting with either questions on a subject area or / and terms of reference as to the issues which the committee wishes to discuss with the officer.

The committee should be mindful that when questioning officers, it should confine its questions to fact and explanations relating to policies and decisions. In addition officers may be asked to explain or justify advice they had given to the Board or Board Portfolio Holders, or decisions they had taken under delegated authority.

Committees should also avoid asking questions of officers which would draw that officer into making a political judgement as officers are required to be politically neutral in any advice they give to the Council.

8. The Independent Adjudicator

The Independent Adjudicator is appointed to undertake certain prescribed duties under the Local Government & Housing Act 1989 in relation to politically restricted posts. These duties are:

- To consider applications from local government employees for exemption from political restriction in relation to their posts;
- Where appropriate to issue direction requiring a local authority to include a post in the list of politically restricted posts it maintains; and
- To give general advice, following consultation with appropriate parties, on the application of criteria for designation of a politically restricted post.

The contact details are:

Independent Adjudicator for Local Authorities in Wales
c/o Welsh Assembly Government Policy Division
Cathays Park
Cardiff
CF10 3NQ

Tel. 02920 823094