

Standards Committee – 12th April 2010

Report of the Monitoring Officer

Politically Restricted Posts

Purpose of Report

1. To consider an update of the Council's policy and procedures relating to politically restricted posts in the light of guidance issued by the Local Government Employers (LGE) and the need to amend the terms of reference of the Standards Committee to make provision of hearing any appeals from individual employees.

Background

2. In accordance with the provisions of the Local Democracy, Economic Development and Construction Act 2009, which came in to force in January this year, the Local Government Employers (LLGE) have issued new guidance on Politically Restricted Posts.
3. The attached amended Policy takes account of the recent legislative changes and guidance. In particular, Section 30 of the 2009 Act changes the approach to identifying posts which are politically restricted by removing the duty to maintain a list of post earning above a nominated salary. The result is that authorities will need to review the Politically Restricted Posts by virtue of salary level to assess if they should be genuinely politically restricted by virtue of the duties that they actually perform.
4. The council is under a duty to draw up and regularly update a list of those posts which are politically restricted. These fall into two broad categories ie: "Specified Posts" and "Sensitive Posts". The definition of these categories is included in the attached policy. Employees who fall into the category of "Specified Posts" are politically restricted without rights of appeal the Standards Committee. Employees who are included in the list of "Sensitive Posts" do, however, have a right to appeal to the Standards Committee on the grounds that the Authority has wrongly applied the criteria when including their post in the list.
5. The Committee is accordingly recommended to endorse the updated policy and recommend the Council to amend the terms of reference of the Standards Committee to include the determination of appeals from employees concerning their inclusion in the list of politically restricted posts. Past experience indicates that the number of appeals received is very small, however, it is necessary for the Council to have the appeal mechanism in place.

Finance

6. There are no direct additional financial implications arising from this report. It is unlikely that the addition of any appeals process will generate significant additional workload for the Standards Committee and as such this will be undertaken from within existing resources. The Monitoring Officer will submit a further report should circumstances change

Law

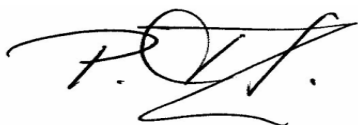
7. The recommendations in this report are to ensure compliance with the Local Democracy, Economic Development and Construction Act 2009 and associated guidance.

Equality Impact

8. The content of this report complies with the Council's policies on equality and diversity. Any individual appeals will be dealt with in accordance with the principals of equality and fairness.

Recommendation

9. That the Committee endorse the attached Policy and recommend the Council to amend the terms of reference of the Standards Committee to include the determination of appeals from employees of the Council concerning their inclusion in the list of politically restricted posts.



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Monitoring Officer

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Background Papers

Attached