



Report of the Chief Officer (Human Resources)

Standards Committee

Date: 13th July 2010

Subject: List of politically restricted posts

Electoral Wards Affected:

Ward Members consulted
(referred to in report)

Specific Implications For:

Equality and Diversity

Community Cohesion

Narrowing the Gap

Executive Summary

1. Changes to the regime for politically restricted posts have necessitated a full review of the list of politically restricted posts held by the Council.
2. A new draft list has been collated from returns from services and directorates.
3. The changes in legislation mean that some amendments are required to the Standards Committee's procedure for hearing requests to add to, or remove posts from, the list of politically restricted posts.

1.0 Purpose Of This Report

- 1.1 This report sets out the background to work done in early 2010 to update the Council's list of politically restricted posts.
- 1.2 The report seeks the Standards Committee's approval to changes to its processes to bring them into line with legislative changes.

2.0 Background Information

- 2.1 An amendment to the Local Government Housing Act 1989 in the Local Democracy, Economic Development and Construction Act came into force with effect from 12 January 2010. This changed the rules about which posts should be on the list of politically restricted posts.

Before January 2010	After January 2010
Category A The top level of management and the people who report to the top level of management, or who report directly to the Council itself for most of their duties. And political assistants.	Now referred to as " Specified Posts " No change.
Category B All posts at or above scp 44	Now referred to as " posts with sensitive duties "
Category C Post below scp44 with sensitive duties.	All posts not covered by the preceding category which have sensitive duties. (i.e. no blanket application to posts over scp44 – posts are only restricted if their duties warrant it).

- 2.2 The Chief Officer (Human Resources) is accountable for maintaining the list of politically restricted posts, and has, by delegated decision, directed that maintenance be carried out to reflect legislative changes through (1) asking each Director (and Assistant Chief Executive) to exercise their delegated power (under their Council (non-executive) delegation in Part 3, 2C 3(c)(iii) of the Constitution) and (2) delegating responsibility for maintaining the list to colleagues in the Business Support Centre.
- 2.3 Directors have been asked to assess whether posts have sensitive duties by reference to the wording of the Act and the guidance issued by the Independent Adjudicator (who had oversight of these matters before they passed to local Standards Committees). Directors were also asked to warrant that the lists that had been prepared did reflect the politically restricted posts in their areas of control.
- 2.4 Once lists were returned from each Directorate, these were compiled into a single proposed list of politically restricted posts and presented to Corporate Governance Board, for a view as whether this appeared reflective of the posts with sensitive duties they are aware of from their perspective.
- 2.5 As a result of the view from Corporate Governance Board, the draft list for each directorate was emailed directly to each Director (as some returns had not been

routed through Directors in the first instance), and they were asked to reassure themselves that all posts with sensitive duties were included, having reference to guidance prepared by HR.

- 2.6 Following that re-checking exercise, all Directors and Assistant Chief Executives have each personally taken a decision confirming the assessment of political restriction of posts in their area of control.

3.0 Main Issues

- 3.1 The list of politically restricted posts will be kept and maintained on the Council's SAP database. Directors will maintain this list through recruitment and SAP maintenance methods. All new posts will be assessed by Directors (or their nominees) to establish an appropriate level of political restriction.
- 3.2 The appendix to this report shows a revised process for the Standards Committee to consider applications for exemption, or requests from post holders or third parties (although not from Directors) for a post to be added to the list of politically restricted posts.
- 3.3 Whereas previously an exemption was required even where the Director believed that a post over spinal column point 44 should be exempted (normally on the basis that it had no sensitive duties), this will no longer be the case, as there is no blanket inclusion any longer. The only Leeds City Council case to come before the Standards Committee or be referred to the Independent Adjudicator in (approximately) the last 15 years was of this type.
- 3.4 The Standards Committee will continue to make determinations:
- Where the postholder (or a job applicant to whom the post has been (conditionally) offered) seeks a determination from the Standards Committee because they believe that the post does not have sensitive duties, but the Director has certified that it does;
 - Where the postholder (or a job applicant to whom the post has been (conditionally) offered) seeks a determination from the Standards Committee because they believe the post is not a specified post, but the Director certifies that it is a specified post; and/or
 - Where the postholder (or a job applicant to whom the post has been (conditionally) offered, or the Director) seeks an exemption because they believe that the post *does* have sensitive duties, but that the post should nevertheless for some reason be exempted from political restriction.
- 3.5 The Standards Committee Terms of Reference have been reviewed and no amendments are required as a result of the change in legislation.

4.0 Implications For Council Policy And Governance

- 4.1 The revised Standards Committee process represents a streamlining of the process, which should serve to increase its accessibility. The process includes a brief summary of the legislative framework to enable Standards Committee members to use the procedure without need to cross-reference reports such as this one.
- 4.2 Processes will be in place once the new list is published to ensure that Directors can maintain the list of politically restricted posts through Business Support Centre

(BSC) systems. A requirement will be incorporated into the BSC systems to require the Director (or his/her nominees) to assess the level of political restriction applicable to any new post before it can be created. This represents a significantly enhanced level of reassurance that consideration is being given to the issue of political restriction in day to day recruitment activity.

5.0 Legal And Resource Implications

- 5.1 The legislative changes should serve to make even more remote the chance of a referral being made to the Standards Committee for a post to be exempted from or added to the list of politically restricted posts.
- 5.2 Work required within the Business Support Centre and Human Resources teams will be met from existing resources.

6.0 Conclusions

- 6.1 The changes to the legislative framework address concerns previously raised about posts being included on a blanket basis on the criterion of grade.
- 6.2 The more streamlined framework of two categories provides greater clarity.
- 6.3 The removal of the grade-based criterion gives Directors greater discretion to maintain an appropriate and proportional list of politically restricted posts.
- 6.4 Improved administrative arrangements will provide a greater degree of assurance that the list of politically restricted posts is being continually maintained.

7.0 Recommendations

- 7.1 That the Standards Committee notes the work done to maintain the list of politically restricted posts.
- 7.2 That the Standards Committee reviews and adopts the revised Standards Committee procedure for the consideration of applications to exempt posts from, or add posts to, the list of politically restricted posts.

Background Documents

Local Government Housing Act 1989

Local Democracy, Economic Development and Construction Act 2009

Reports to the Standards Committee, 19 August 2009, "Standards Committee Procedure: Politically Restricted Posts" and "Application for exemption from the list of politically restricted posts"

Report to Standards Committee, 15 October 2009, "Politically Restricted Posts"