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STANDARDS COMMITTEE

Day: Tuesday
Date: 5 September 2023
Time: 4.00 pm
Place: Committee Room 1 - Tameside One

Item No.	AGENDA	Page No
1.	APOLOGIES FOR ABSENCE	
2.	DECLARATIONS OF INTEREST To allow Members an opportunity to declare any personal or prejudicial interests they may have in any items on the agenda. Members with a personal interest should declare that at the start of the item under consideration. If Members also have a prejudicial or disclosable pecuniary interest they must withdraw from the meeting during the consideration of the item.	
3.	MINUTES The minutes of the Standards Committee meeting on the 1 November 2022 to be approved as a correct record.	1 - 6
4.	ELECTED MEMBER DEVELOPMENT REPORT To consider a report of the Assistant Director for People and Workforce Development.	7 - 26
5.	POLITICALLY RESTRICTED POSTS To consider a report of the Assistant Director for People and Workforce Development.	27 - 38
6.	REGISTER OF INTERESTS AND GIFTS AND HOSPITALITY The Register of Interests and Gifts and Hospitality are available for each councillor via the Your Councillors page on the council's website.	
7.	DISCUSSION PERIOD FOR MEMBERS TO RAISE ISSUES (IF ANY)	
8.	URGENT ITEMS To give consideration to any other matters arising. To be accepted at the discretion of the Chair of the meeting.	
9.	DATE OF NEXT MEETING To note that the date of the next meeting of the Standards Committee will take place on 7 November 2023.	

From: Democratic Services Unit – any further information may be obtained from the reporting officer or from Louis Garrick, Senior Democratic Services Officer, to whom any apologies for absence should be notified.

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STANDARDS COMMITTEE

1 November 2022

Commenced: 4.00pm

Terminated: 4.35pm

Present:

Mrs Lawton (Chair), Councillors McNally, Ricci and Lane

In Attendance:

Sandra Stewart

Head of Paid Service

Apologies for Absence:

Councillors Kitchen, Costello and S Homer
Parish Councillor Travis

1 DECLARATIONS OF INTEREST

There were no declarations of interest.

2 MINUTES

The minutes of the Standards Committee meeting on the 5 April 2022 were approved as a correct record.

3 LOCAL GOVERNMENT (DISQUALIFICATION) ACT 2022

Consideration was given to a report of the Chief Executive which sought to inform the Standards Committee of the new grounds for disqualification from being elected to, or being a member of, a local authority that had been introduced by the Local Government (Disqualification) Act 2022.

The Committee was advised that The Local Government (Disqualification) Act 2022 ("the 2022 Act"), which came into force on 28 June 2022, introduced new grounds on which a person was disqualified from being elected to, or holding, certain positions in local government in England, including the position of councillor.

This new disqualification related to individuals who were subject to certain notification requirements or orders relating to sexual offences. While there was already a disqualification that applied to individuals who within five years before the day of election, or since their election, had been convicted in the United Kingdom, the Channel Islands or the Isle of Man of any offence and had been sentenced to imprisonment (whether suspended or not) for a period of not less than three months without the option of a fine, that pre-existing disqualification would not necessarily apply to individuals subject to the aforementioned notification requirements or orders.

The Committee was advised that in 2017 the Government consulted on proposals to update the disqualification criteria for councillors, London Assembly members and elected mayors to bring them into line with both modern sentencing practice and the values and high standards of behaviours the electorate had a right to expect of the elected members that represent them. In October 2018 the government issued a summary of responses to that consultation and gave a commitment to seek to legislate to ensure that the disqualification criteria would be amended to also include individuals who are subject to either the notification requirements set out in the Sexual Offences Act 2003 (commonly known as 'being placed on the sex offenders register') or a Sexual Risk Order made under section 122A of the Sexual Offences Act 2003.

The 2022 Act expands the disqualification criteria beyond the offences consulted upon in 2017 to ensure that they were specific and comprehensive in disqualifying individuals subject to the relevant notification requirements or relevant orders imposed in respect of sexual offences, and included the territorial equivalents of such notification requirements and orders in the devolved nations (and the

Isle of Man and Channel Islands) in the event that someone subject to such territorial equivalents subsequently stands for elected office in England.

The disqualification introduced by the 2022 Act did not operate retrospectively. Therefore, it did not disqualify a person who became subject to any relevant notification requirements or a relevant order before the 2022 Act came into force on 28 June 2022.

Consequential changes to the rules for administering elections had also been made (either by the 2022 Act itself or under secondary legislation), including to the prescribed consent to nomination form. Candidates were now required to declare when standing that they were not disqualified under the newly inserted Section 81A of the Local Government Act 1972.

It should be noted that during any election or post-election period or during a term of office, any claim that a person was disqualified cannot be investigated by the Local Authority or the Returning Officer but was a matter for the police or an election court.

RESOLVED

That the report be noted.

4 ETHICAL STANDARDS UPDATE

Consideration was given to a report of the Chief Executive. The report was intended to brief members on developments and news on matters of local government ethics.

It was reported that to mark the 25th anniversary of the establishment of the Committee on Standards in Public life the Committee commissioned a piece of work on the standards landscape. The report provided an overview of the standards landscape effective in the central and local government and administration of the United Kingdom (UK). It provided a snapshot of the standards regime 25 years after the establishment of the Committee on Standards in Public Life in 1994 and offered a vantage point from which to view its changing shape and form. Attached at Appendix A was a standards matters summary.

The Minister of State for the Constitution and Devolution had written to Lord Evans submitting the government's evidence to the Committee's Standards Matter 2 review. Attached to the report at Appendix B was a precis of how the government believed standards cooperated.

The Chief Executive advised the committee that Watchdog urged Levelling Up Secretary to rethink position on local government standards, citing "clear frustration" within councils at limited powers to tackle poor behaviour. The Committee on Standards in Public Life (CSPL) had called on the Government to reconsider its position on the powers of local authorities to sanction councillors for poor behaviour.

In March this year the Government rejected a recommendation by the standards watchdog in its 2019 Local Government Ethical Standards report that local authorities should be able to suspend councillors without allowances for up to six months for breaches of the code of conduct. It was explained that the report had also recommended that councillors be given the right to appeal to the Local Government and Social Care Ombudsman if their local authority imposed a period of suspension. The Ombudsman would have been given the power to investigate the allegation and impose a binding decision on the council. It was further explained that the Government's formal response stated that there was no provision in current legislation for a sanction to suspend a councillor found to have breached the code of conduct.

The report set out the letter of the CSPL chair, Lord Evans to the Levelling up Secretary Simon Clarke and a letter of chair of Camden Councils Standards committee to the CSPL regarding the Government's decision.

The Committee was advised of a recent published decision, where a town council member had been found by Durham Council's Standards Committee to have brought Spennymoor Town Council into disrepute. The town council members was found to have brought the Town Council into disrepute by posting racist and Islamophobic material on social media, and in a separate complaint, was found to have bullied two town council officers in breach of the town council's Code of Conduct for members.

It was explained that there was question whether the member was acting, claiming to act or giving the impression he was acting as a representative of the town council when posts were shared between his two profiles, one which identified him as a councillor and one which he did not. It was further explained that the Member claimed he was expressing his personal opinions in a private capacity as an individual.

Discussion ensued between Members of the Committee on the outcome of this decision and situations where Members are considered to be acting as a Councillor and when views are considered private and in the capacity as an individual.

Members of the Committee were advised that a Maldon District Council member had been disqualified after being found guilty at Chelmsford Crown Court in February 2022 of breaching a non-molestation order. The member was given eight months in prison (suspended for 18 months). Section 80(1)(d) of the Local Government Act 1972 states that if a custodial sentence of three months or more was handed down, then the elected member was automatically disqualified.

The Committee was also advised of a planning meeting at Babergh and Mid Suffolk District Council, where the Monitoring Officer was forced to bring a planning committee to a halt mid-session after some councillors were seen to be passing a document to each other that was not part of the planning application papers before the committee.

The document was a feasibility plan showing an earlier alternative layout for a development site and dates from 2020. Once the issue was raised, the Council's Monitoring Officer immediately adjourned the meeting to investigate any procedural irregularities.

Each committee member was interviewed by the Monitoring Officer and there was no evidence that there had been any attempt to influence the committee members. During the investigation, one committee member revealed information that demonstrated that they "did not have the requisite skills and understanding of the planning process" and had been removed from the committee until further training on the planning process is provided. The Monitoring Officer concluded that the integrity of the planning process had not been undermined by the circulation of the old plan as members had not been influenced when the plan was shared. Members were instructed to disregard the document, however due to the planning committee not being able to reconvene in its original form, the application heard at the committee was struck through, and the process will start afresh, that is, the officer will repeat their presentation and the speakers will be invited to repeat their submissions to ensure the process is fair, transparent and legally sound.

RESOLVED

That the contents of the report be noted.

5 PROCEDURE UNDER STANDARDS FRAMEWORK

Consideration was given to a report of the Chief Executive. The Committee were asked to review the updated procedure for complaints, which particularly addressed anonymous complaints and also asked to consider a position when a standards complaint has not been concluded when a member ceases to be in office.

It was explained that a finding may not be made against a former member however there were some authorities that had decided that a complaint or investigation could be reinstated if the former member was re-elected within a certain period of time.

It was recommended therefore that the committee consider that when a member ceased to hold office the outstanding complaint, investigation or hearing did not continue unless the person was re-elected within a certain period of time after ceasing to hold office.

Members could determine the relevant period. If within that period, the person was either re-elected or co-opted to the Council, the complaint was reinstated and would be referred back to the Standards Committee for consideration. If the person was not re-elected or co-opted within that period, no further action was taken in the matter. It was noted that both the Council's complaints system and the Local Government Ombudsman did not consider complaints over 12 months except in exceptional circumstances.

In regards the Hearing Panel and its composition, Hearing Panel was a sub-committee of the Council's Standards Committee. It would comprise of at least one of the independent Members co-opted to the Standards Committee who would act as Chair and three elected Members of the Standards Committee of whom one should be a Member of the largest minority political group (if any). Where the complaint is about a Mossley Town Parish Council Member, the Hearing Panel would also include the Mossley Town Parish Council Member co-opted to the Standards Committee.

RESOLVED

- (i) That the revised procedure for a local hearing and the composition of the Hearing Panel be confirmed; and**
- (ii) That a time period of 12 months in which a complaint should be revived if a member ceased to hold office but became re-elected, except in exceptional circumstances, be confirmed.**

6 APPOINTMENT OF INDEPENDENT PERSON(S) TO THE AUDIT COMMITTEE

Consideration was given to a report of the Chief Executive, which sought approval to appoint an independent person to the Audit Committee.

It was reported that the Chartered Institute of Public Finance and Accountancy (CIPFA) had recently updated its position statement on audit committees in local authorities and police bodies in England and Wales, replacing the 2018 version. The 2022 statement, which had been endorsed by the Department for Levelling Up, Housing and Communities and the Home Office, set out the 'purpose, model, core functions and membership of the audit committee'.

It was explained that one notable change compared to the 2018 edition was the removal of suggestions that audit committees undertake a wider role in supporting authorities, such as by reviewing treasury management arrangements or supporting the work of other committees. This addressed concerns raised in Sir Tony Redmond's 2020 Independent Review into the Oversight of Local Audit and the Transparency of Local Authority Financial Reporting about the broad role of some local authority audit committees distracting them from their core financial oversight role and potentially created conflicts of interest.

The Redmond Review also recommended that local authorities appoint at least one independent member to audit committees to ensure they had the necessary expertise to carry out their role effectively. As a result, the Department instead asked CIPFA to develop strengthened guidance.

The revised position statement built on the previous statement, which suggested committees should have at least one independent member, to include an explicit statement that "CIPFA recommends that each authority audit committee should include at least two co-opted independent members".

Tameside needed its Audit committee to be a fundamental cornerstone of the Authority's corporate governance framework. CIPFA's updated audit committee position statement focuses the remit of the audit committee to ensure that their core role of oversight of governance and accountability was protected. It would also ensure that audit committees were able to access the expertise they

needed to carry out their role effectively through the introduction of the requirement to include at least two co-opted independent members who complement the knowledge and experience of existing members.

RESOLVED

That the appointment of two independent persons to the Audit committee for a period of two years be approved.

7. DISCUSSION PERIOD FOR MEMBERS TO RAISE ISSUES (IF ANY)

No items were raised during the discussion period.

8. REGISTER OF INTERESTS AND GIFTS AND HOSPITALITY

Members were advised that the Register of Interests and Register of Gifts and Hospitality were available online for inspection.

9. URGENT ITEMS

There were no urgent items.

CHAIR

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Agenda Item 4

Report to:	STANDARDS COMMITTEE
Date:	5 September 2023
Reporting Officer:	Tracy Brennand, Assistant Director People and Workforce Development
Subject:	ELECTED MEMBER DEVELOPMENT REPORT 2023-2024
Report Summary:	Elected Member development is critical in supporting our Elected Members in their political and community leadership role, ensuring that they are skilled with the right knowledge, skills and experience.
Recommendations:	<p>It is recommended that Standards Panel:</p> <ol style="list-style-type: none">1. Agree proposed delivery plan for 2023-2024 including, mandatory elements, evening briefing sessions, e-learning, one to ones and attendance at external network events.2. Support the refresh and relaunch of the Elected Member Development Strategy and Forum, including the review and update of membership.3. Support the procurement of external providers identified in the body of the report to deliver key learning and development
Corporate Plan:	The delivery of the Elected Member Development Delivery Plan will support the overall delivery of the Corporate Plan and its priorities.
Policy Implications:	The Elected Member Development Delivery Plan demonstrates and confirms the commitment to Elected Member Development and the importance of ensuring all our Elected Members have the essential skills, knowledge and experience needed to undertake their role effectively.
Financial Implications: (Authorised by the statutory Section 151 Officer & Chief Finance Officer)	<p>When training requirements are identified then there is a Central Training Budget, which will fund the appropriate development / training.</p> <p>This process will be managed and evaluated by the People and Workforce Development Service.</p>
Legal Implications: (Authorised by the Borough Solicitor)	<p>Members are responsible for ensuring that the Council delivers on its statutory duties to provide a range of services to their communities.</p> <p>These include: education services; children's safeguarding and social care; adult social care; waste collection; planning and housing services; road maintenance; and library services.</p> <p>Members also have to be aware of other legislative requirements such as The Equality Act, data protection and financial regulations when undertaking their duty as a Councillor.</p> <p>This training programme is designed to support Members in the delivery of their duties</p>
Risk Management:	The report and delivery plan will support Elected Members in carrying out their day to day activities as a Local Councillor and

community leader.

Access to Information: Non- confidential

Background Information: The background papers relating to this report can be inspected by contacting Alison Williams, Head of Organisation and Workforce Development

 Telephone: 0161 342 2097

 e-mail: alison.williams@tameside.gov.uk

1. INTRODUCTION AND CONTEXT

- 1.1. Elected Members must be able to take on the challenges the Council will face with confidence and be able to perform their role to their highest ability. In order to be able to do this we need to ensure that our Elected Members are given the opportunity to build the necessary skills, abilities and knowledge to deal with the changing and challenging environment.
- 1.2. In order to continue to give Elected Members the opportunity to steer the provision of their training and development, it is proposed to recommence the Member Development Forum to enable continued full involvement and engagement with Elected Members. Elected Members will be encouraged to continue to engage in the culture of development and continuous improvement as part of a learning organisation, in order to ensure they are as effective in their roles as community leaders.
- 1.3. This report outlines the 2023-2024 training and development plan for Elected Members. This plan encourages ongoing learning and continuous improvement along with mandatory training and support to understand emergent key topics across the organisation that they need to be informed and updated on.
- 1.4. The Member Development Charter provides tangible evidence of the Council's commitment to long-term investment in the development of its Elected Members. The charter was born out of a desire to encourage commitment to Member Development and rewards those authorities who have demonstrated that commitment. Tameside Council continues to demonstrate the value it holds on ensuring that our all Elected Members have the best possible, knowledge, skills and experience to support the residents of the borough. The Charter ensures that Councils:
 - Have a statement of intent
 - Ensure that all Members are made aware of learning and development opportunities
 - Have a process to identify individual development needs which involves members
 - Have an officer allocated to assist members and groups in identifying needs and providing information on resources
 - Have a strategy to meet the training and development needs of Elected Members
- 1.5. It is intended to review our charter status and refresh our Charter Award over the next year, to support our ongoing approach to Elected Member Development.

2. ELECTED MEMBERS ONE TO ONE'S AND SKILLS AUDIT

- 2.1. An Elected Member Development Strategy (**appendix 1**) has been in place since 2018 and a key part of this is the collation of a skills audit questionnaire which is used in the One-to-One sessions with colleagues from Workforce Development. This practice has remained in place and has been undertaken following the recent all-out election in May 20223.
- 2.2. Previous one-to-one discussions identified strengths and capacity of Elected Members to become a mentor, offer a one off discussion or a forum to share their skills, knowledge and experience with other less experienced Elected Members.

3. EVENING BRIEFING SESSIONS

- 3.1. Evening briefing sessions will continue to be offered to Elected Members throughout the year as a vehicle for sharing key updates and information. It is proposed that most evening briefing sessions will continue to be delivered face to face to ensure maximum engagement and participation.

- 3.2. The topics of these sessions are set via recommendations from both Senior Officers and Elected Members to ensure that key updates are covered throughout the year. Session content is designed by the delivering service with support from the Workforce Development team, a pre-meeting will take place with the relevant officers and the Chief Executive to support the development of content and method of delivery, followed by further pre-meet and briefing with the Chief Executive and designated Cabinet Member. The Leader will also attend where appropriate. **Appendix 2** details the proposed sessions for the year.

4. EXTERNAL DEVELOPMENT AND NETWORKING OPPORTUNITIES

- 4.1. We have access to opportunities to attend sessions held by North West Employers (NWEO), the Local Government Association (LGA) and the Local Government Information Unit (LGIU) throughout the course of the year. It is proposed that we increase our access to the external opportunities offered to gain a greater breadth of training and development experiences for our Elected Members to ensure they have all the necessary skills to continue to develop as an Elected Member and to effectively fulfil their role. An overview of the offers available via current membership and also development offers which can be purchased are at **Appendix 3**. The Local Government Association appear to provide the most value for money in the balance of their free offers of development and targeted development programmes.

5. MANDATORY TRAINING

- 5.1. All Elected Members will be required to undertake mandatory training relevant to their role to refresh and update their knowledge, skills and experience. Mandatory training relates to the following:

- Conflicts of Interest
- GDPR
- Personal Safety
- Corporate Parenting and Safeguarding
- Information Governance
- Equality, Diversity and inclusion
- Safe use of Social Media
- Prevent
- Finance Framework and Management.

These will be offered as either face to face development session conducted by the relevant officers, through E-Learning or through evening briefings. Continuing Professional Development records will be kept ensuring evidence of compliance. In order to record and capture all Elected Members Learning and Development it is proposed that each Elected Member will have an individualised learning and development plan formulated from their one-to-one discussions with the Workforce Development team.

- 5.2. Other mandatory training will be dependent on role and responsibilities and will include key areas relating to:

- Scrutiny
- Planning
- Charing Skills
- Public Speaking
- Licensing.

Any additional emerging specific training and development will be explored to develop and support Elected Members with those responsibilities.

Newly Elected Member Induction Training

- 5.3. All newly Elected Members receive an Induction package, co-ordinated by Democratic Services following their election.
- 5.4. It is proposed that Corporate Parenting training becomes part of the Induction package from next year, to ensure that all newly Elected Members are fully aware of their responsibilities as a Corporate Parent from immediately after they are elected. As a whole evening briefing session was conducted in March 2023 for Corporate Parenting, it is proposed that a further evening session is organised for this year as Induction has already taken place for this year.
- 5.5. All newly Elected Members were offered the opportunity to meet on a one to one basis after their induction with a member of the Workforce Development Team to discuss any individual development opportunities they would benefit from in their role as an Elected Member. Following one to one discussions, we have received requests for development in; handling challenging conversations and conflict, developing listening skills and creative problem solving, supporting development of digital skills and public speaking. Further feedback received included requests for the opportunity of a tour of Tameside One earlier on in the process to support with familiarisation of the building and meeting room locations.

Scrutiny Training

- 5.6. Scrutiny panel members are supported with training from the Policy Team particularly relating to the role of the scrutiny function, good practice etc. Additional training and support are also available from the Local Government Association (LGA), Centre for Governance and Scrutiny (CGS) and North West Employers (NWE). The links for this training are shared with all Scrutiny panel members who can book on as they feel appropriate and helpful. Tameside has also procured tailored scrutiny training, which has been provided by the CGS or LGA as a bespoke one-off activity.

Panel Training

- 5.7. Relevant learning and development is sourced from the Democratic Services Team for chairs and panel Members.

Top Team Development – Cabinet Members and Senior Leadership Team

- 5.8. Training was conducted earlier in the year in collaboration with the Local Government Association. This consisted of a dedicated session for the Cabinet, followed by a dedicated session for the Senior Leadership Team and concluded with a joint session to review and agree Council Priorities and to refresh the Council's Corporate Plan. These sessions were positively received and it is intended to further engage with the LGA to support both team and individual development for Cabinet Members in the future. The LGA offers specific development programmes for Cabinet Members and their portfolios and these will be explored with each Cabinet Member during their one to one.

Social Media and Media Training

- 5.9. The Policy and Communications Team provide relevant social media training. This year that offer is being strengthened by the LGA course around Conflicts of Interest, which will also cover issues with Social Media use to keep all Elected Members safe in their use.
- 5.10. Additional specialised Media training to support the Cabinet and Ward Members has been procured, which will be funded from within the existing training budget allocated for Elected Members within the service area.

IT Training

- 5.11. IT training and support is provided by a dedicated IT resource for Elected Members.

Finance, Treasury Management and Audit Panel Training

- 5.12. Regular training and updates are provided for all members of these panels.

First Aid Training

- 5.13. Basic First Aid Training has been requested for Elected Members. The basic First Aid training could be condensed into a two hour session for up to 12 attendees at £35 per attendee. The training would be Basic Life Support which covers the type of care that first-responders, healthcare providers and public safety professionals provide to anyone who is experiencing cardiac arrest, respiratory distress or an obstructed airway. This would need to be refreshed every 12 months for Elected Members that wanted to retain First Aid accreditation.

6. E-LEARNING – MELEARNING MANAGEMENT SYSTEM

- 6.1. E-Learning continues to be offered. E-learning along with other methods of training delivery support an efficient and effective way of getting mandatory learning to all Elected Members, in a fast and flexible way. It allows independent access for individuals to learn at their own pace and reduces our carbon footprint by ensuring we only hold sessions face to face where necessary.
- 6.2. All Elected Members will be set up on the MeLearning system and will be given support by the Workforce Development team to be able to successfully log on and navigate the system. Joint open sessions and appointments will be offered in conjunction with IT to ensure access to the system. We will promote the use of E-Learning with Elected Members to support them in accessing this useful alternative and complementary learning platform. The plan is to assign mandatory courses that have been completed by officers to all Elected Members on a gradual basis.
- 6.3. The course library covers a vast variety of topics with over 100 course available, including for example, Safeguarding Children and Adults, Health and Safety, Legal Compliance, Information Governance, Cyber Security and Data Confidential.

Elected Member specific E-Learning

- 6.4. In addition to the internal courses, the Local Government Association have recently shared 23 modules of ELearning that has been built specifically for Elected Members, to deepen knowledge of local government and help with building leadership skills that are needed to work effectively within local communities. We have been able to make this available through the same MeLearning platform for Elected Members to access as part of their continued professional development.
- 6.5. Modules covered will include:
- An Introduction to Audit Committees
 - Biodiversity for Councils
 - Commissioning Council Services
 - Community Engagement and Leadership
 - Corporate Parenting
 - Councillor Code Of Conduct
 - Councillor Induction
 - Economic Development
 - Equality, Diversity And Inclusion
 - Facilitation And Conflict Resolution
 - Handling Intimidation
 - Holding Council Meetings Online
 - Influencing Skills
 - Licensing For Councillors
 - Local Government Finance
 - Planning
 - Police and Crime Panels

- Scrutiny For Councillors
- Stress Management And Personal Resilience
- Supporting Mentally Healthier Communities
- Supporting Your Constituents With Complex Issues
- The Effective Ward Councillor
- UK General Data Protection Regulation (GDPR).

6.6. Elected Members will have a section on the system which will allow us to highlight their mandatory training. It will also allow us the facility to store previous presentations from development and briefing sessions, so they are available for Elected Members to read through at a later date and particularly if they were not able to attend diarised sessions. This area will be completely restricted to Elected Members.

7. PERSONAL DEVELOPMENT

7.1. Learning and development opportunities can be offered to Elected Members around Public Speaking, Community Engagement, Personal Resilience in line with the officer training that is provided through the Workforce Development Team.

8. FINANCIAL CONSIDERATIONS

8.1. There are dedicated budgets within service areas to support the delivery of the Elected Member Development Plan. Where possible membership offers via NWE0, LGA and LGIU are fully utilised to ensure value for money and only essential spend. All Elected Member Development is held within Council buildings at no cost.

9. RECOMMENDATIONS

9.1. As set out on the front of the report

APPENDIX 2

Draft Elected Member Development Delivery Plan 2023/2024

Evening Briefing Sessions Delivered on a monthly basis 6-7.30pm, Dukinfield Town Hall Mandatory for All Elected Members to attend		
Title	Lead for Delivery	Date
Introduction to Local Government Finance	Ashley Hughes	June
Misogyny and Sexual Harassment in Schools/White Ribbon Accreditation	Jane Sowerby	September
Corporate Parenting	Ali Stathers-Tracey	September
Early Help Offer and Family Hubs	Paula Sumner	October
Local Development Scheme	Julian Jackson	October
Modern Slavery and Homelessness	Emma Varnam	November
Cost of Living Crisis Update – Poverty Strategy	Debbie Watson	January
Equalities Strategy	Simon Brunet	February
Ofsted Update	Ali Stathers- Tracey	March
CQC – Adults Inspection	Steph Butterworth	April
Emerging Topics may be added and dates confirmed through the year.		

APPENDIX 3

Summary of offer from Local Government Association, Local Government Information Unit and North West Employer Organisation

The Local Government Association offers a range of development opportunities for new and experienced Elected Members. It also offers specialized training for Cabinet Members, Scrutiny Members and Chairs. Below is an overview of what is offered and further down the appendix is a more detailed offer, which is updated on a monthly rolling basis.

<p>Councillor Workbooks</p> <ul style="list-style-type: none"> • Acting on Climate Change • Autism awareness • A Councillor’s workbook on the local pathway to net zero • Being an effective ward councillor • Bribery and fraud prevention • Chairing skills • Commissioning Services • Councillor / Officer Relations • Creating a 'fit for the future organisation' • Effective opposition during covid 19, reset and recovery • Engaging young people • Equality, Diversity, and Inclusion • Facilitation and conflict resolution • Finance for non portfolio holders • Handling casework • Handling complaints • Handling Intimidation • Health in all policies • Influencing skills • Local government finance • Local path to net zero • Media and communications • Mentally Healthier Communities • Neighbourhood & community engagement • Neighbourhood planning- ward councillors • Performance Management • Planning • Scrutiny • Scrutiny of finance • Stress management & personal resilience • Supporting residents with complex issues • Working with town and parish councillors 	<p>Free</p>
<p>Councillor Hub</p> <ul style="list-style-type: none"> • Councillor Development Resources Hub • Cost of Living Hub • Climate Change Hub • Equalities, Diversity and Inclusion Hub • Virtual Training Events <ul style="list-style-type: none"> ○ Finance without Numbers – An Introduction to Local Government Finance ○ Reducing waster – How to Slim you Bin ○ Don’t dispose, reuse ○ Recycling Fit for the Future 	<p>Free</p>

<p>Leadership Essentials</p> <ul style="list-style-type: none"> • Adult Social Care • Audit Committee • Building Safety • Children's Services • Communication and Media • Culture for Portfolio Holders • Digitalisation • Economic Growth • Finance (Cabinet Members and Audit Panel/Non Cabinet Members) • Financial Governance • Risk Management • Sports and Physical Activity 	<p>Cost Element - Various</p>
<p>Leadership Essentials</p> <ul style="list-style-type: none"> • Being an Effective Cabinet Member • Effective Scrutiny • Getting Your Message Across • Housing • Licensing 	<p>Cost Element - Various</p>
<p>Leadership Programmes</p> <ul style="list-style-type: none"> • Effective Opposition • Young Councillors' Weekender • LGBTQ+ Councillors' Weekender – 'I'm Me' • Black, Asian and Minority Ethnic Councillors' Weekender • Developing your Political Brand Masterclass • Developing your Political Leadership Skills – Black, Asian and Minority Ethnic Councillors • Support for Disabled Councillors 	<p>Cost Element - Various</p>
<p>Local Government Information Unit</p>	
<p>The Local Government Information Unit provide access to their universal programmes for all members. They also design and deliver in-house programme, where Local Authorities can work with them to build a unique plan that meets the specific needs.</p>	
<p>Budget Setting Chairing Introduction to Local Government Finance Make a Difference as a Councillor Managing Casework Safety and Self-protection Scrutiny Speed Reading Strategic Thinking</p>	<p>Cost Element (Approx £120 +VAT per person per session – multiple bookings attract discounts and in-house programmes are priced on negotiation)</p>
<p>North West Employers Organisation</p>	
<p>North West Employers Organisation support both new Elected Members and long standing Members at all levels. They provide some sessions free of charge as part of their membership offer and they also provide in-house programmes around scrutiny and Cabinet Development which can be negotiated on design, delivery model and price.</p>	
<p>Strategic Scrutiny Network A Marmot approach to reducing Health Inequalities Councillor Development Network Collaborative Masterclass – Community Leadership NW Organisational Development Network Scrutiny Training – Financial Scrutiny Life as a Councillor Scoping and Managing Scrutiny Reviews</p>	<p>Free</p>

Skills in reviewing and understanding performance Information	
Various Networking Meetings and Session	Free

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Elected Member Development Strategy 2023-2024

Statement of Intent

Tameside MBC recognises the crucial roles Elected Members play as an important driving force in the success of the Borough. Tameside works hard to ensure that Elected Member Development is a priority and that Elected Members are given the opportunities they need to develop their skills, knowledge and experience creating a culture of continual learning and improvement.

As the Executive Leader, Deputy Executive Leader and the Chief Executive we are committed to ensuring that the Council provides the best opportunities for our Elected Members to enable them to fulfil the expectations of the electorate. We believe that this strategy will assist Elected Members in providing strong leadership for improving the services and outcomes to our communities.



Gerald Cooney
Executive Leader



Sandra Stewart
Chief Executive



Bill Fairfoull
Deputy Executive Leader

Tameside Council supports and encourages the development of its Elected Members, seeing them as a driving force for improvement in service development and commissioning. Elected Members are integral to the delivering our future vision and priorities.

The Corporate Plan sets out a challenging programme of improvement and details the response to the current financial and economic challenges, which will affect and determine the shape of future Council services and the political direction for these priority areas.

The aim of the strategy is to ensure that Elected Members, whether newly elected or established have updated and comprehensive skills to deal with the challenges and opportunities ahead. The strategy will ensure our political leaders are sighted on key emerging priorities for our locality and across GM and that they are fully skilled, knowledgeable and up to date to be able to lead and support our communities to become more resilient and self-sufficient. The strategy will provide a clear framework for assessing, delivering and evaluating learning and development interventions.

The Local Government Association formulated a Political Skills toolkit as a framework to develop local leadership that will continue to be utilised to support Elected Member Development. There are six core competencies; Local Leadership, Partnership Working, Communications Skills, Political Understanding, Scrutiny and Challenge and Regulating and Monitoring. The toolkit will be used in conjunction with latest research e.g. '21st Century Councillor', to ensure that the skills continue to reflect the requirements of the changing role of an Elected Member. The six core competencies are set out as follows:

Local Leadership – refers to the need for Councillors to engage with members of their community in order to learn about issues of local concern and to facilitate a vision for the locality. It encourages trust and respect between individuals and groups by mediating fairly and constructively between different organisations and sections of the community.

Partnership Working – focuses on the Councillors role of building good relationships with others; colleagues, officers, community groups and other organisations by working collaboratively to achieve shared goals. It recognises the need for Councillors to recognise and value different contributions, delegate or provide support as required, and to take a long term view in developing partnerships.

Communication Skills – recognises the need for Councillors to demonstrate excellent communication skills across many different settings, including the ability to listen sensitively and use appropriate language with different groups. Councillors must also communicate regularly and effectively with all parts of the community using different forms of media.

Political Understanding – recognises the need for Councillors to develop a range of political skills in order to communicate their values, promote a political vision and encourage democratic processes and public engagement. Councillors need to work across boundaries whilst maintaining their political integrity.

Scrutiny and Challenge – is an important aspect of their day to day role. Councillors need to act as a critical friend by identifying opportunities for scrutiny inside and outside the Council, by providing feedback and political challenge. To be effective in this role, Councillors need to analyse information quickly and present arguments that are concise meaningful and easily understood.

Regulating and Monitoring – this relates to the more judicial aspect of a Councillor's role and requires them to understand their legal responsibilities and follow protocol when evaluating arguments and making decisions. Not only do Councillors need to balance public needs and local policy, they must also monitor progress and seek feedback on their own learning needs.

Elected Member Development Delivery Programme

Training Needs Analysis

Elected Member Development interventions will be assessed and delivered in line with the Council's strategic priorities, whilst also providing additional support where needed for portfolio holders. The robust delivery plan will incorporate mandatory training, essential evening briefing sessions along with personal and professional development needs for each Elected Member. The delivery plan will have flexibility within it to incorporate any emerging priorities and learning and development needs.

Training needs will continue to be assessed through various methods; one to ones, group sessions – including focus groups and workshops, collating feedback, and the Skills Audit Questionnaire.

Continual Professional Development

All Elected Members are expected to undertake continual professional development (CPD). To support this, there is mandatory training, essential evening briefing sessions and a requirement for a minimum of 24 hours of tailored personal development for each Elected Member.



Newly Elected Members Induction

This is designed by Democratic Services, and the programme typically contains the following elements: Mobile Telephone and IT Provision, Meet the Executive Team, Introduction to Policy and Communications, The Council Constitution, Introduction to Scrutiny, Introduction to Local Government Finance, Introduction to Environmental Services, Introduction to Stronger Communities, Introduction to Planning, Running Effective Surgeries and access to the Member Support Group. Members are given an information pack when they start on the programme containing the necessary fact sheets.

Elected Members are also enrolled onto the Members Portal that sits on the Council's ICT system. This portal is available to them from any computer so they can log on from anywhere. The portal contains the following information for Members to keep updated: Elector Search, CRM Messages for their ward, Complaints, Planning Applications, Forward plan, Ward Profile, Street Scene Request, Bulletin Board, User Guide, Licensing, Road works, Councillor Profile and Press Releases.

Member Development Essential Evening Briefing Sessions

These will be designed and delivered around key themes and priorities for the Council and will be delivered on a monthly basis. Some of these sessions in particular will be identified to Elected Members as being mandatory dependent on the topic area.

Internal Training

The internal training provision for Elected Members will be coordinated through the Workforce Development Team and will include the offer of;

- Personal Resilience for Elected Members
- Having Challenging Conversations
- Community Leadership Skills – using Emotional Intelligence and Engaging Leadership
- Confident Public Speaking
- Creativity and Innovation and how it can be used with Communities
- Influencing Skills
- Personal Safety out in the Community
- Time Management and strategies to make your time go further
- Coaching – having a quality conversation
- Chairing Skills
- Simple and Effective ways to Consult with and Engage your Communities

External Training

External training provision will be provided through the best use of resources with organisations such as North West Employers, Local Government Association and Local Government Information Unit.

There are also free sessions run by North West Employers for both newly elected and existing members that are free of charge to attend. Membership to North West Employers also allows Elected Members to access and attend networking events across the region.

Mandatory Training

All Elected Members will be required to undertake mandatory training relevant to their role. This will include Conflicts of Interest, GDPR, Personal Safety, Corporate Parenting and Safeguarding, Information Governance, Equalities, Safe use of Social Media, Prevent and Finance Framework and Management. Other mandatory training will be dependent on role and responsibilities and will include Scrutiny, Planning, Chairing Skills, Public Speaking, and Licensing.

E-Learning

A refreshed e-learning offer to support the majority of mandatory training requirements, plus additional CPD.

Monitoring, Evaluation & Review

Training and development will be reviewed in a number of systematic ways which will assist in evaluating the delivery plan and assist in designing future development needs. Training and development will be assessed and evaluated on an individual basis as well as at a Council and partnership level to ensure strategic development needs are being met. Additional evaluation and review will be provided on an ongoing basis.



Councillor Betty Affleck



Councillor Shibley Alam



Councillor Nick Axford



Councillor Christine Emily Beardmore



Councillor Liam Billington



Councillor Helen Bowden



Councillor Joyce Bowerman



Councillor Laura Boyle



Councillor Warren Bray



Councillor Phil Chadwick



Councillor Vimal Choksi MBE



Councillor Andrea Colbourne



Councillor Gerald Cooney



Councillor Dan Costello



Councillor Doreen Dickinson



Councillor Jean Drennan



Councillor Bill Fairfoull



Councillor Leanne Feeley



Councillor Gary Ferguson



Councillor Jim Fitzpatrick



Councillor Mike Glover



Councillor Allison Gwynne



Councillor Ann Holland



Councillor Barrie Holland



Councillor Jack Homer



Councillor Stephen Homer



Councillor Dave Howarth



Councillor Jan Jackson



Councillor George Jones



Councillor Mohammed Shamsul Karim



Councillor Joe Kitchen



Councillor Jackie Lane



Councillor Charlotte Martin



Councillor Andrew McLaren



Councillor David McNally



Councillor David Mills



Councillor Jack Naylor



Councillor George Newton



Councillor Jacqueline North



Councillor Jacqueline Owen



Councillor Sangita Patel



Councillor Adrian Pearce



Councillor Susan Quinn



Councillor Claire Reid



Councillor Vincent Ricci



Councillor Peter Robinson



Councillor Hugh Roderick



Councillor Naila Sharif



Councillor Tafheen Sharif



Councillor Michael Smith



Councillor Teresa Smith



Councillor David Sweeton



Councillor John Taylor



Councillor David Tilbrook



Councillor Denise Ward



Councillor Brenda Warrington



Councillor Eleanor Wills



Agenda Item 5

REPORT TO:	STANDARDS COMMITTEE
DATE:	5 September 2023
SUBJECT:	POLITICALLY RESTRICTED POSTS STATEMENT
LEAD OFFICER:	Tracy Brennand, Assistant Director, People and Workforce Development
REPORT SUMMARY:	<p>The report outlines:</p> <ul style="list-style-type: none">• The key statutory definitions of politically restricted posts and proposals to maintain compliance with legislation in this area by ensuring that where required, officers in specific roles are aware of the restriction to political activity.• Recommendations for amendments to contracts of employment and job descriptions for roles identified as politically restricted.
RECOMMENDATIONS:	<p>This report makes the following recommendations:</p> <ul style="list-style-type: none">• That the Council implements the Politically Restricted Posts statement as detailed in Appendix 1.• That updates are made to contracts of employment and job descriptions for roles identified as politically restricted.• That employees who occupy politically restricted posts are provided with information and guidance to explain the restrictions, including the appeal process where relevant.• To update the recruitment process ensuring job adverts and appointment letters include information regarding politically restrictions, where applicable.• The changes listed above will take effect from 1 November 2023.
REASON FOR RECOMMENDATION:	<p>Under the provisions of the Local Government and Housing Act 1989, as amended, certain officers of local authorities are subject to restrictions relating to political activities. Section 2(2) of the Local Government and Housing Act 1989, as amended imposes on every local authority a duty to prepare and maintain a list of posts which fall within section 2(3) of the Act.</p>
ALTERNATIVES CONSIDERED:	<p>To not implement a politically restricted posts statement could lead to recruitment of employees to posts which are politically restricted and of which they are unaware; increasing risk of political activity where it is restricted.</p>
FINANCIAL IMPLICATIONS: (Authorised by Section 151 Officer)	<p>The Standards Committee needs to consider the implications of not approving the recommendations outlined in this report. Without the political restrictions, recommendations to Executive Cabinet and other decision making Committees may become biased and not deliver objective value-for-money outcomes as it furthers officers' political aims or objectives that may not align with the Council's approved plans and policies.</p> <p>Such decision making could place the Council at risk of financial instability and / or incur fines due to actions considered <i>ultra vires</i>.</p>
LEGAL IMPLICATIONS: (Authorised by Monitoring	<p>The Local Government and Housing Act 1989 (as amended) stipulates that certain posts within local authorities are subject to</p>

Officer)

restrictions on political activities, which, post holders are able to undertake.

The Council is required to produce and regularly review a list of politically restricted posts.

Politically restricted posts fall into two broad categories; and are either specified posts or posts with defined duties (known as 'sensitive posts'). The Local Democracy, Economic Development and Construction Act 2009 defined certain posts as specified posts as set out in the main body of the report.

A sensitive post is one which meets one or both of the following duties related criteria:

- Giving advice on a regular basis to Council, the Executive, a Committee, Sub-Committee, or any joint Committee the Council is represented at or where the authority are operating executive arrangements,;
- Those who speak on behalf of the authority on a regular basis to journalists and broadcasters.

Unlike specific post holders, sensitive post holders can appeal if they consider that the criteria has been incorrectly applied to their role.

If the current review of the list of politically restricted posts results in staff coming under these restrictions for the first time then advice will have to be sought from HR in relation to how the contracts for those staff can be varied.

RISK MANAGEMENT:

Local authorities are legally bound to produce and maintain a list of politically restricted posts and to ensure that employees in those positions are aware of the restrictions to political activity (Local Government and Housing Act 1989). Failure to maintain a politically restricted posts statement could lead to recruitment of employees to posts, which are politically restricted and the employee is unaware of the restrictions imposed upon are unaware; increasing risk of political activity where it is restricted.

EQUALITIES:

The approach to identification of politically restricted posts is set out in legislation and based on activity undertaken as part of the role. This does not include consideration of personal characteristics.

LINKS TO CORPORATE PRIORITIES:

The maintenance of a politically restricted posts statement ensures legal compliance and upholds our corporate values of trust and integrity. The organisation aims to uphold the highest standards of behaviour and ensuring decisions made are not influenced by political allegiance is essential to this.

ACCESS TO INFORMATION

The background papers relating to this report can be inspected by contacting the report writer Jennifer Tyson (Head of HR Strategy and Operations)



Telephone: 0161 342 2938 / 07812 538136



E-mail: jennifer.tyson@tameside.gov.uk

Details of appendices attached to the report:

Appendix 1 – Politically restricted posts statement

1 INTRODUCTION

- 1.1 Politically restricted posts are those in which the job holder cannot take part in certain political activities, whilst in employment with a local authority. The specific requirements are set out in the [Local Government and Housing Act 1989](#).
- 1.2 It is important that political restrictions are adhered to in order to prevent advice and decisions from being improperly influenced by political allegiance.
- 1.3 Politically restricted posts are split into two broad categories: specified and sensitive. Specified posts are automatically subject to restrictions on political activity and as such, there is no right of appeal. Where posts are deemed to be politically sensitive the employee does have a right to appeal this designation if they feel the legislation has not been applied correctly in respect of their role.
- 1.4 Reference to politically restricted posts can be found at P15.4 of the contract of employment for Tameside employees.

P15.4 Political neutrality

Employees, excluding political assistants, must follow every lawfully expressed policy of the Council and must not allow their own personal or political opinions to interfere with their work. Where employees are politically restricted, by reason of the post they hold or the nature of the work they do, they must comply with any statutory restrictions on political activities. The Local Government and Housing Act 1989 provides for posts falling within the criteria as being politically restricted. Any employee who is politically restricted because they meet any other criteria set out in the legislation will receive personal notification. Further information relating to those posts which are politically restricted is available upon request to the Council's Statutory Monitoring Officer or the Standards Committee, who will consider and determine any applications for exemption from the restrictions

2 LEGAL BASIS

- 2.1 The Local Government and Housing Act 1989 defines a politically restricted post as one that disqualifies the post holder (an employee of a local authority) from taking an active role in a political party either in or outside the workplace.
- 2.2 Employees in politically restricted posts are automatically disqualified from standing for, or holding elected office such as local councillor or MP (Member of Parliament). They are also restricted from canvassing on behalf of a political party or a person who is, or seeks to be a candidate, and from speaking to the public at large or publishing any written or artistic work that could give the impression that they are advocating support for a political party.
- 2.3 The cumulative effect of these restrictions is to limit the holders of politically restricted posts to membership of political parties only, with no active participation within the party permitted. More information can be found in the Politically Restricted Posts statement (Appendix 1).
- 2.4 In 2009 an amendment to the Local Government and Housing Act 1989 removed the concept of political restriction by salary level. Salary level is no longer used to determine politically restricted posts.

3 SPECIFIED AND SENSITIVE POSTS

- 3.1 There are two categories of politically restricted posts: specified and sensitive.

Specified Posts

3.2 The following persons are regarded as holding politically restricted posts:

- Head of the Paid Service
- Statutory Chief Officers, (including the Director of Children's Services and Director of Adult Social Services in England, the Director of Public Health, the Chief Finance Officer)
- The Monitoring Officer
- Non-statutory Chief Officers (officers reporting to the Head of Paid Service excluding secretarial/clerical support staff).
- Deputy Chief Officers (officers reporting to a Chief Officer excluding secretarial/clerical support staff).
- Officers exercising delegated powers as set out within Part 3a of the Constitution (see link in the table below).
- Assistants to political groups.

In Tameside these roles are outlined in the table below:

Legal Definition	TMBC
The Head of the Paid Service	Chief Executive
The Monitoring Officer	Interim Borough Solicitor
Statutory Chief Officers	Director of Children's Director of Adults Director of Population Health Director of Resources
Non-statutory Chief Officers	Director of Place
Deputy Chief Officers (officers reporting to a Chief Officer excluding secretarial/clerical support staff).	Assistant Directors Any other employee who is required to report directly to a statutory or non-statutory Chief Officer.
Officers exercising delegated powers	Part 3a Terms of Reference and Scheme of Delegation
Assistants to political groups	None

Sensitive Posts

3.3 Sensitive posts are defined in Section 2 (3) of the Act and are those which involve one or more of the following:

- Giving advice on a regular basis to the authority themselves, to any committee or sub-committee of the authority or to any joint committee on which the authority are represented, or, where the authority are operating executive arrangements, to the executive of the authority, to any committee of that executive, or to any member of that executive who is also a member of the authority.
- Speaking on behalf of the authority on a regular basis to journalists or broadcasters.

3.4 Section 2 (2) of the Local Government and Housing Act 1989 places a duty on local authorities to prepare and maintain a list of the posts which fall into the category of 'sensitive'.

3.5 The initial categorisation of sensitive posts has been undertaken with Assistant Directors for their services.

3.6 Examples of sensitive posts include:

- Lawyer/Solicitor
- Democratic Services Officer
- Member Services Officer
- Electoral Manager
- Communications Manager
- Marketing and Communications Officer
- Policy Officer/Senior Policy Officer
- Scrutiny Manager

4 POLITICALLY RESTRICTED POSTS STATEMENT

- 4.1 A politically restricted posts statement has been created (Appendix 1) which sets out the specific restrictions placed upon holders of politically restricted posts. The statement will be issued to employees where a post is politically restricted.

5 IMPLICATIONS FOR THE WORKFORCE

Terms and conditions of employment

- 5.1 Where posts are determined to be politically restricted, employees will receive notification which sets out the restrictions that apply. Guidance will also be provided in relation to the appeals process for politically sensitive posts (see Section 6 below).
- 5.2 Employees in posts identified as politically restricted will be subject to a contractual variation where this is not currently contained within the contract of employment. The variation to contract will be encouraged on a voluntary basis. The right of appeal will ensure that where an issue is raised this will be given full consideration.
- 5.3 In the event that agreement cannot be reached a dismissal and re-engagement approach may be considered to ensure that political neutrality is maintained in roles that are subject to restriction. It is not expected that this will be required.

New posts

- 5.4 Where a new post is politically restricted, it is important that this requirement is identified at the point the post is created and that candidates are informed at the earliest stage of recruitment.
- 5.5 When completing the Request to Fill (RTF) form, managers will be required to identify whether a post is politically restricted, and should refer to the politically restricted posts statement to guide them in making this decision. A link to the statement will be embedded within the form.
- 5.6 Where a post is identified as politically restricted, recruitment documentation will be amended to reflect this:
- Job advertisements will include a statement informing applicants that the post is politically restricted.
 - Appointment letters will refer to the fact that the post is politically restricted.
 - The Summary of Contract Particulars (section P15.4) will indicate whether a post is politically restricted.
 - This will be included in job descriptions.

Current posts

- 5.7 Current employees whose posts are identified as politically restricted will receive a letter advising of this with the appropriate information about political restrictions and the appeal

process where relevant.

- 5.8 Work has been undertaken with Assistant Directors to establish the political sensitivity of roles within each service area based on the activities undertaken.
- 5.9 An annual review of the list of politically restricted posts will be undertaken alongside Assistant Directors.

6 APPEALS

- 6.1 Appeals can only be made for posts classified as 'sensitive'.
- 6.2 In accordance with Section 3A of the Local Government and Housing Act 1989, and as amended by the Localism Act 2011, the Chief Executive (Head of Paid Service), will consider any application for exemption from political restriction.
- 6.3 If the Chief Executive is satisfied that the duties of the post do not require it to be deemed 'sensitive', the post will not be regarded as a politically restricted post.
- 6.4 In order to apply for a political restriction exemption, employees should submit a request in writing to the Chief Executive, explaining the reasons why they believe the post should not be politically restricted.

7 SCHOOLS

- 7.1 Teachers and Headteachers are exempt from political restrictions and will not be regarded as holding politically restricted posts whatever their role or remuneration level. It is not expected that employees in support roles in school will be politically restricted.

8 RECOMMENDATIONS

- 8.1 As set out at the front of the report.

Politically Restricted Posts

1. POLITICAL RESTRICTIONS

- 1.1. Certain posts are 'politically restricted', which means that while individuals who hold them may belong to a political party, they are prevented from having any active political role either in or outside the workplace.
- 1.2. Holders of politically restricted posts will be subject to the restrictions outlined in The Local Government Officers (Political Restrictions) Regulations 1990. A copy of these can be found in **Appendix 1**.

2. LEGISLATION UPDATE

- 2.1. In 2009 an amendment to the Local Government and Housing Act 1989, changed the approach to identifying posts which are politically restricted.
- 2.2. Previously, salary was a criteria used in determining whether posts were politically restricted. Section 30 (2) of the Local Democracy, Economic Development and Construction Act 2009 removed this criteria.
- 2.3. Posts are now deemed to be politically restricted if they fall into one of the two categories below: specified or sensitive.

3. POLITICALLY RESTRICTED POSTS

3.1. Specified posts

- 3.1.1. Specified posts are outlined in the legislation. Post holders of the roles listed below are politically restricted without rights of appeal for exemption.
- 3.1.2. The legislation identifies the following as specified posts:
 - Head of the Paid Service
 - Statutory Chief Officers, (including the Director of Children's Services and Director of Adult Social Services in England, the Director of Public Health, the Chief Finance Officer)
 - The Monitoring Officer
 - Non-statutory Chief Officers (officers reporting to the Head of Paid Service excluding secretarial/clerical support staff)
 - Deputy Chief Officers (officers reporting to a Chief Officer excluding secretarial/clerical support staff)
 - Officers exercising delegated powers
 - Assistants for political groups

3.2. SENSITIVE POSTS

- 3.2.1. A sensitive post is one which involves one or more of the following:
 - Giving advice on a regular basis to the authority themselves, to any committee or sub-committee of the authority or to any joint committee on which the authority are represented, or, where the authority are operating executive arrangements, to the executive of the authority, to any committee of that executive, or to any member of that executive who is also a member of the authority.
 - Speaking on behalf of the authority on a regular basis to journalists or broadcasters.
- 3.2.2. It is the organisation's duty to prepare and maintain a list of politically restricted posts in the sensitive category, and notify affected employees accordingly.

4. RECRUITING TO A POLITICALLY RESTRICTED POST

- 4.1. When recruiting to a new post, the criteria in sections 3.1.2 and 3.2.1 must be used to determine whether the post is politically restricted and on what grounds it is restricted.
- 4.2. If the post is politically restricted, this will be included in recruitment documentation and be stated in the employee's contract of employment and job description.

5. APPEALS

- 5.1. Appeals can only be made for posts classified as 'sensitive'.
- 5.2. In accordance with Section 3A of the Local Government and Housing Act 1989, and as amended by the Localism Act 2011, the Chief Executive (Head of Paid Service) will consider any application for exemption from political restriction.
- 5.3. If the Chief Executive is satisfied that the duties of the post do not require it to be deemed 'sensitive', the post will not be regarded as politically restricted.
- 5.4. In order to apply for a political restriction exemption, employees should submit a request in writing to the Chief Executive explaining the reasons why they believe the post should not be politically restricted.

6. EXEMPTIONS

- 6.1. It is important to note that teachers and head teachers are exempt from political restrictions and will not be regarded as holding politically restricted posts whatever their role or remuneration level. It is not expected that employees in support roles in school will be politically restricted.

APPENDIX 1

Extract from the schedule contained within The Local Government Officers (Political Restrictions) Regulations 1990 (amended 2012). This sets out the specific restrictions that apply where a post is politically restricted as determined in the Local Government and Housing Act 1989.

Please note:

- Part I applies to all politically restricted posts.
- Part II applies to all politically restricted posts, excluding assistants to political groups.
- Part III applies to assistants for political groups.

SCHEDULE TERMS OF APPOINTMENT AND CONDITIONS OF EMPLOYMENT PART I GENERAL

1. The appointee shall not announce or cause, authorise or permit anyone else to announce that he is, or intends to be, a candidate for election as a member of—

- (a) the House of Commons;
- (b) the European Parliament; or
- (c) a local authority within the meaning of section 21(1) or (2) of the Act.

2.—(1) Notwithstanding any contrary provision in his terms of appointment or his contract of employment, upon the appointee giving notice in writing to the local authority under which he holds his appointment that he wishes to resign his appointment because he intends to announce or cause, authorise or permit anyone else to announce that he is, or intends to be, a candidate for election to the House of Commons at a pending election, his appointment shall terminate forthwith.

(2) For the purposes of this paragraph an election shall be taken to be pending—

- (a) in the case of a general election, if the date proposed for the dissolution of Parliament preceding that election has been officially announced;
- (b) in the case of a by-election, if the vacancy giving rise to that election has occurred.

3. The appointee shall not act as an election agent or sub-agent within the meaning of section 67 or section 68 of the Representation of the People Act 1983(1) for a candidate for election as a member of a body mentioned in paragraph 1.

4. The appointee shall not be an officer of a political party or of any branch of such a party or a member of any committee or sub-committee of such a party or branch if his duties as such an officer or member would be likely to require him—

- (a) to participate in the general management of the party or the branch; or
- (b) to act on behalf of the party or branch in dealings with persons other than members of the party or members of another political party associated with the party.

5. The appointee shall not canvass on behalf of a political party or on behalf of a person who is, or proposes to be, a candidate for election to any of the bodies mentioned in paragraph 1.

PART II ADDITIONAL TERMS AND CONDITIONS IN THE CASE OF OFFICERS NOT APPOINTED UNDER SECTION 9 OF THE ACT

6. The appointee shall not 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.

7.—(1) The appointee shall not—

(a) publish any written or artistic work of which he is the author (or one of the authors) or any written work or collection of artistic works in relation to which he has acted in an editorial capacity; or
(b) cause, authorise or permit any other person to publish such a work or collection, if the work appears to be intended to affect public support for a political party.

(2) Sub-paragraph (1) only applies to publication to the public at large or to a section of the public; and nothing in that sub-paragraph shall preclude the display of a poster or other document on property occupied by the appointee as his dwelling or on a vehicle or article used by him.

8. Nothing in paragraph 6 or 7 shall be construed as precluding the appointee from engaging in the activities there mentioned to such extent as is necessary for the proper performance of his official duties.

PART III

FURTHER TERMS AND CONDITIONS IN THE CASE OF OFFICERS APPOINTED UNDER SECTION 9 OF THE ACT

9. The appointee shall not speak to the public at large or to a section of the public in circumstances or terms which are likely to create the impression that he is speaking as an authorised representative of a political party, whether he is so authorised or not.

10. The appointee shall not publish any written or artistic work of which he is the author (or one of the authors) or any written work or collection of artistic works in relation to which he has acted in an editorial capacity or cause, authorise or permit any other person to publish such a work or collection in circumstances which are likely to create the impression that the publication is authorised by a political party, whether or not it is so authorised.

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