



Human Resources

POLITICALLY RESTRICTED POSTS AND GUIDANCE



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1. Introduction

Under the provisions of the Local Government and Housing Act 1989 (LGHA) certain posts are 'politically restricted' within local authorities. Individuals in politically restricted posts are effectively prevented from engaging in certain political activities as prescribed by the Local Government Officers (Political Restrictions) Regulations 1990.

The law aims to ensure the political impartiality of local government employees who hold posts involving duties of a politically sensitive nature.

Politically restricted posts fall into two broad categories; specified posts or sensitive posts (posts with defined duties), further details are outlined below. This not only debars post holders from holding or standing for elected office but also prevents them from the following:

- be a candidate or prospective candidate for election as an MP, MEP or Councillor
- 'hold office' in a political party
- participate in the general management of a political party or its branch
- act on behalf of a political party or its branch
- 'canvass' at elections for a political party or candidate for election
- speak or write in a manner, which appears to be designed to affect public support for a political party

Under sections 3 (a) and (b) of the Local Government Officers (Political Restrictions) Regulations 1990, for every employee that holds a politically restricted post, the restrictions stated above are incorporated into their terms and conditions of employment.



No Officers are appointed under section 9 of the Local Government Housing Act 1989. However if at any time any such Officers are appointed, additional terms and conditions of employment would be incorporated into employment contracts as required by section 3 (c) of the Local Government Officers (Political Restrictions) Regulations 1990.

Surrey Heath Borough Council is required to produce and regularly review a list of politically restricted posts (Appendix 1). This list will be held and maintained by Human Resources and employees will be notified personally of any amendments that affect their post.

This is a condition of appointment and any job adverts will indicate if the post is politically restricted at point of recruitment.

2. Specified Posts

The specified posts, currently in operation at Surrey Heath Borough Council are:

- The Head of Paid Service (s4 LGHA)
- Non-statutory chief officers (officers reporting to the Head of Paid Service, excluding secretarial/clerical support staff) (s7 LGHA)
- The Monitoring Officer (s5 LGHA)
- The Chief Finance Officer (Section 151) (s151 LGA 1972)
- Heads of Service (reporting directly to Statutory & Non-Statutory Chief Officers (s8 LGHA)
- Officers exercising delegated powers, i.e. persons whose posts are for the time being specified by the authority in a list maintained in accordance with S100G(2) of the LGA 1972
- Assistants to political groups (Section 2 and 9 LGHA)



3. Sensitive Posts

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

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

4. Right of Appeal

4.1 Specified posts – Specified posts are automatically subject to restrictions on public politically activity and as such, there is no right of appeal.

4.2 Sensitive posts – the Chief Executive (as Head of Paid Service) has the authority to grant exemptions from political restrictions. Employees wishing to appeal should write to the Head of HR, Performance and Communications setting out the reasons to support their request to remove political restrictions on their post and provide a copy of their job profile. The Head of HR, Performance and Communications will then provide written advice to the Head of Paid Service to facilitate the decision. There is no further right of appeal to this decision.

5. Additional Restrictions

5.1 Restrictions on members becoming officers

A local authority cannot appoint as an employee in any capacity, any councillor who is currently a member of that authority or who had been a member in the previous 12 months (s.116 LGA 1972)

5.2 Restrictions on officers becoming members



No employee, regardless of whether they are in a politically restricted post or not, may be elected or hold office as a member of the local authority by which they are employed.

Appendix I

Specified Posts at Surrey Heath Borough Council
Head of Paid Service
Chief Executive
Statutory Chief Officers
Monitoring Officer (N.B. This may be part of another post)
S151 Officer (N.B. This may be part of another post)
Non-Statutory Chief Officers
Strategic Director of Finance and Customer Service
Strategic Director of Environment and Community
Head of Legal and Democratic Services
Head of HR, Performance and Communications
Head of Property and Economic Development
Reportees to Statutory and Non-Statutory Chief Officers
Head of Planning
Revenues and Benefits Manager
Chief Accountant
Customer Services Manager
Senior Transaction and System Accountant
Senior Auditor
Democratic Services Manager
Principal Solicitor (Litigation)
Principal Solicitor (Property and Planning)
Community Development Manager
HR Manager
ICT Manager – Digital Development
ICT Manager – Network and Security
Communications Manager
Organisational Development Manager
Technical Services Manager



Regeneration Manager
Property Asset Manager
Economic Development Manager
Corporate Enforcement Manager
Partnerships Director (JWS)
Environmental Health and Licencing Manager
Recreation and Leisure Services Manager
Housing Services Manager
Family Support Team Manager

Sensitive Posts at Surrey Heath Borough Council

Senior Democratic Services Officers
Democratic Services Officers
Civic Support and Events Officer
Communications Officers
Digital Communications Officer
Digital Communications Administrators
Senior Solicitor
Development Manager
Development Management Team Leaders
Planning Policy and Conservation Manager
Planning Policy and Conservation Team Leader
Principal Planning Policy Officer
Senior Planning Policy Officer
Planning Policy Officers

