

EXMOOR NATIONAL PARK AUTHORITY

RESOURCES COMMITTEE – 5 NOVEMBER 2002

POLITICALLY RESTRICTED POSTS

Report of the Head of Business Management

Purpose of Report:

To update the list of Political Restricted Posts.

Legal Implications including Human Rights Act 1998:

Local Government and Housing 1989

Financial Implications:

None

RECOMMENDATION:

The Committee is recommended to:

- 1) APPROVE the list of posts set out in Paragraph 2.2 as the list of politically restricted posts required by the Local Government and Housing Act.
- 2) DELEGATE responsibility for signing a “Certificate of Opinion” to the Solicitor and Monitoring Officer as outlined in Paragraph 2.3

1. INTRODUCTION

- 1.1 The Local Government and Housing Act 1989 imposes restrictions on political activities by local government staff. The purpose is to ensure that local authority employees who hold posts involving duties of a politically sensitive nature cannot, at the same time, become or remain a member of another principal authority. It also disqualifies them from standing for election as an MP or a MEP.
- 1.2 For Members of the Authority it is essential that they receive impartial advice from their Officers and that Officers should not be influenced by any political bias in the implementation of the Authority’s policies. The Resources Committee in July 1998 agreed a list of posts for political designation and this list now needs updating.

2. POSTS TO BE REGARDED AS POLITICALLY RESTRICTED

- 2.1 Those posts in the business of giving advice to Members meeting as the Authority or of any Committee appointed by it, or of publicly presenting and explaining Authority policy are deemed to be “persons holding a politically restricted post”. The term is defined in Section 2 (1) of the 1989 Act under three local categories which for the Authority are:
 - (i) the Head of the Authority’s paid service and the statutory Chief Officers
 - (ii) those officers whose annual remuneration exceeds national pay spinal column point 44 (currently £31,041 per annum)

- (iii) those officers whose annual remuneration is less than pay spinal column point 44 who:
- give advice on a regular basis to the Authority themselves or to any Committees or sub Committee of the Authority or to any joint Committee on which the Authority is represented
 - speak on behalf of the Authority on a regular basis to journalists or broadcasters.

2.2 Applying these principles the posts recommended for political designation are as follows :-

Statutory Posts:	National Park Officer Chief Finance Officer and Head of Business Management Solicitor and Monitoring Officer
Above point 44	Head of Conservation and Land Management Head of Planning and Community
Below point 44	Principal Planning Officer (Policy and Community) Planning Officer (Planning and Community) Principal Planning Officer (Development Control and Enforcement) Development Control Officer Best Value Officer Member Services Officer Team Leader (Woodlands & Landscape) Team Leader (Moorlands and Wildlife) Team Leader (Historic Environment) Land Agent Head of Tourism and Recreation Head of Education and Interpretation Press and Publications Officer Head Ranger.

2.3 Application for exemption from political restriction can be made to an Independent Adjudicator. The application process requires a “Certificate of Opinion” and the view of the Independent Adjudicator is that the Authority’s Monitoring Officer would be a particularly appropriate officer to discharge this duty. The Committee is therefore recommended to delegate this signing to the Solicitor and Monitoring Officer.

Charles Burrows
Head of Business Management
10 October 2002

Background papers on which this report, or an important part of it are based, constitute the list of background papers required by Section 100 D (1) of the Local Government Act 1972 to be open to members of the public comprise:-

Local Government & Housing Act 1989
Letter from the Independent Adjudicator dated August 2002