



# **Register of Politically Restricted Posts**

## Guidance

In terms of Section 2(3) of the Local Government and Housing Act 1989, Fife Council is under a duty to prepare and maintain a list of politically restricted posts whose holders will be disqualified from becoming a member of a local authority, a Member of Parliament or a Member of the Scottish Parliament. The holders of such posts will also be subject to further restrictions on political activities as may be prescribed by the Secretary of State in regulations. The Council maintains a list of those posts which have been defined as politically restricted in accordance with the legislation, as detailed in Appendix 1.

The Local Government and Housing Act 1989 (as amended by the Local Government Officers [Political Restriction] Regulations 1990) sets out the legal basis for political restriction, as detailed in Appendix 2. Posts are political restricted either because the particular post is listed in the legislation or because of the responsibilities of the post and the following applies:-

- If you wish to stand for election as an MP, European MP, MSP or Local Authority Councillor, you must resign from this post before your intention becomes public knowledge.
- You may not act as an election agent or sub-agent while holding the post.
- If you are a member of a political party, you must not hold any office or be a committee member if this would involve representing the party or local branch or engaging in its general management.
- You may not canvass for any candidate or political party
- You may not speak in public, give an interview or publish any written or artistic work which supports or opposes a particular political party or the point of view identifiable as the view of a particular political party (applies to all political parties within the European Community). However, this does not prevent you displaying an election poster or similar document, nor shall it prevent you carrying out the proper duties of your post.

New, or amended, job descriptions will require to be assessed to determine whether the post should be politically restricted, using the above criteria.

Any breach of the conditions in the Schedule may result in disciplinary action and if you are unsure whether particular acts might be in breach of these conditions, you should consult the Head of Legal and Democratic Services.

A copy of the Guidance for Local Authorities in the Identification of Politically Restricted Posts can be found at the following link <http://www.lgpreas.org/publications.html>.

## **How do I appeal?**

Employees can appeal against their inclusion, if they feel that they cannot influence policy, or that the local authority has incorrectly applied the duties-related criteria.

Appeals should be made in writing to the Independent Adjudicator formally seeking exemption. The appeal should include a Certificate of Opinion signed by the Council's Monitoring Officer which confirms whether the post is/is not politically restricted and a full job description of the post. All documentation should be forwarded to the Independent Adjudicator at:

Local Government Political Restrictions Exemptions Adjudicator for Scotland  
PO Box 10153 Dundee DD2 9BS

e-mail: [adjudicator@lgpreas.org](mailto:adjudicator@lgpreas.org)

Chief Executive's Service Local Government & Housing Act 1989	
Title	Reason for inclusion on Register
Chief Executive	2(1)(a)

Communities	
Title	Reason for inclusion on the Register
Executive Director, Communities	2(1)(c)
Head of Housing Services	2(1)(d)
Head of Community & Corporate Development	2(1)(d)
Head of Customer & Online Services	2(1)(d)
Community Manager (Development)	2(3)(a)&(b)
Service Manager (Housing Estates & Safer Communities)	2(3)(a)&(b)
Team Manager (Community Projects)	2(3)(a)&(b)
Service Manager Community and Corporate Development	2(3)(a)&(b)
Programme Manager, Corporate and Community Support	2(3)(a)&(b)
Service Manager (Hospitality Services)	2(3)(a)&(b)
Housing Manager Area Housing Management	2(3)(a)&(b)
Housing Team Manager	2(3)(a)&(b)
Service Manager Area Housing Operations	2(3)(a)&(b)
Housing Manager Levenmouth	2(3)(a)&(b)
Service Manager Income Poverty & Private Housing	2(3)(a)&(b)

Housing Manager South West Fife Area Team	2(3)(a)&(b)
Housing Manager Kirkcaldy	2(3)(a)&(b)
Housing Manager (Dunfermline & Customer Engagement)	2(3)(a)&(b)
Service Manager Housing Access & Homelessness	2(3)(a)&(b)
Housing Manager, Cowdenbeath	2(3)(a) & (b)
Service Manager (Housing Supply, Regeneration & Stock Condition)	2(3)(a)&(b)
Service Manager Housing, Health & Social Care & Older Persons	2(3)(a)&(b)
Communications & Engagement Management Manager	2(3)(b)
Communications Officer	2(3)(b)
Communications Advisor	2(3)(b)
Community Manager (Kirkcaldy)	2(3)(a)&(b)
Community Manager (Glenrothes)	2(3)(a)&(b)
Community Manager (Levenmouth)	2(3)(a)&(b)
Community Manager (Cowdenbeath)	2(3)(a)&(b)
Community Manager (Dunfermline)	2(3)(a)&(b)
Community Manager (North East Fife)	2(3)(a)&(b)
Community Manager (South West Fife)	2(3)(a)&(b)

### Education & Children's Services

Title	Reason for inclusion on the Register
Executive Director (Education & Children's Services Directorate)	2(1)(b)
Head of Education & Children's Services	2(1)(b)

(Children & Families & Criminal Justice)/ Chief Social Work Officer	
Head of Education & Children's Services (Primary Schools & Improvement Support)	2(1)(d)
Head of Education & Children's Services (Early Years & Directorate Support)	2(1)(d)
Head of Education & Children's Services (Secondary Schools & Specialist Support)	2(1)(d)
Education Manager	2(3)(a) & (b)
Service Manager	2(3)(a) & (b)
Senior Manager	2(3)(a) & (b)

ENTERPRISE & ENVIRONMENT	
Title	Reason for inclusion on the Register
Executive Director, Enterprise & Environment	2(1)(c)
Service Manager	2(3)(a)&(b)
Head of Planning	2(3)(a)&(b)
Directorate Executive Officer	2(3)(a)&(b)
Senior Manager Roads & Transportation Officer	2(3)(a)&(b)
Senior Manager Roads & Transportation Services	2(3)(a)&(b)
Service Manager Roads Design & Build	2(3)(a)&(b)
Service Manager Roads Network Manager	2(3)(a)&(b)
Service Manager Sustainable Transport & Parking	2(3)(a)&(b)*
Head of Asset, Transportation & Environment	2(1)(d)
Senior Manager Facilities Management Service	2(1)(d)

Service Manager (Business Development)	2(3)(a)&(b)
Service Manager Commercial	2(3)(a)&(b)
Service Manger Bereavement Services (Burials & Cremations)	2(3)(a)&(b)
Service Manager Development Management	2(3)(a)&(b)
Service Manager Passenger Transport Services	2(3)(a)&(b)
Service Manager Fleet Operation	2(3)(a)&(b)
Service Manager Professional Services	2(3)(a)&(b)
Service Manager Waste Operations	2(3)(a)&(b)
Service Manager, Roads Maintenance	2(3)(a)&(b)
Service Manager Development Plan	2(3)(a)&(b)
Service Manager Employability	2(3)(a)&(b)
Service Manager Building Standards & Public Safety	2(3)(a)&(b)
Service Manager Economy, Tourism & Town Centres	2(3)(a)&(b)
Service Manager Estates	2(3)(a)&(b)
Service Manager Programme Office	2(3)(a)&(b)
Senior Manager Property Services	2(3)(a)&(b)

Head of Business & Employability	2(1)(d)
Team Manager Building Services	2(3)(a)&(b)
Service Manager (Janitorial & Cleaning)	2(3)(a)&(b)
Service Manager Economic Development	2(3)(a)&(b)
Service Manager Climate Change & Zero Waste	2(3)(a)&(b)
Service Manager Major Business & Customer Service	2(3)(a)&(b)
Head of Protective Services	2(3)(a)&(b)
Service Manager, Asset Management & Commercial	2(3)(a)&(b)
Service Manager Structural Services	2(3)(a)&(b)
Service Manager Environmental Health (Public Protection)	2(3)(a)&(b)
Service Manager Environmental Health (Food & Workplace Safety)	2(3)(a)&(b)
Service Manager Trading Standards	2(3)(a)&(b)
Service Manager Parks, Streets & Open Spaces	2(3)(a)&(b)
Service Manager Major Business & Customer Service	2(3)(a)&(b)

## Finance & Corporate Services

Title	Reason for inclusion on the Register
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Executive Director Finance & Resources Statutory Chief Officer for financial affairs	2(1)(b)
Head of Revenue & Commercial Services	2(1)(d)
Service Manager Exchequer Services	2(3)(a)&(b)
Service Manager Procurement	2(3)(a)&(b)
Business Partner	2(3)(a)&(b)
Business Change Service Manager	2(3)(a)&(b)
Audit & Risk Management Services Manager	2(3)(a)&(b)
Head of Human Resources	2(1)(d)
Risk Management Team Leader	2(3)(a)&(b)
Head of Finance	2(1)(d)
Finance Operations Manager	2(3)(a)&(b)
Head of ICT	2(1)(d)
Electoral Services Manager	2(3)(a)&(b)
Head of Legal & Democratic Services Monitoring Officer	2(1)(e) & 2(3)(a)&(b)
Legal Services Manager Depute Monitoring Officer	2(1)(e)
Committee Services Manager Depute Monitoring Officer	2(1)(e) & 2(3)(a)
Assessor	2(1)(d)
Assistant Assessor	2(3)(a)&(b)

Health & Social Care	

Title	Reason for inclusion on the Register
Director of Health & Social Care	2(1)(c)
Divisional General Manager	2(1)(d)
Service Manager Residential & Day Services	2(3)(a)&(b)

## **LOCAL GOVERNMENT AND HOUSING ACT 1989**

### **POLITICALLY RESTRICTED POSTS**

#### **Section 2(1):-**

**The following persons are to be regarded for the purposes of this Part as holding politically restricted posts under a local authority -**

- (a) the person designated under section 4 below as the head of the authority's paid service;**
- (b) the statutory chief officers;**
- (c) a non-statutory chief officer;**
- (d) a deputy chief officer;**
- (e) the monitoring officer designated under section 5 below;**
- (f) any person holding a post to which he was appointed in pursuance of section 9 below: and**
- (g) any person not falling within paragraphs (a) to (f) above whose post is for the time being specified by the authority in a list maintained in accordance with subsection (2) below and any directions under section 3 below or with section 100G(2) of the Local Government Act 1972 or section 50G(2) of the Local Government (Scotland) Act 1973 (list of officers to whom powers are delegated).**

#### **Section 2(3):-**

**The duties of a post under a local authority fall within this subsection if they consist in or involve one or both of the following, that is to say -**

- (a) 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.

- (b) speaking on behalf of the authority on a regular basis to journalists or broadcasters.

#### **Section 2(6)**

**“the statutory chief officers” means -**

- (a) the chief education officer (Director of Education) appointed under section 532 of the Education Act 1996 or section 78 of the Education (Scotland) Act 1980;
- (b) the chief officer of a fire brigade (no longer part of Fife Council);
- (c) the director of social services (chief social work officer) appointed under section 6 of the Local Authority Social Services Act 1987 or section 3 of the Social Work (Scotland) Act 1968;
- (d) the officer having responsibility for the administration of the authority’s financial affairs.

#### **Section 2(7)**

**“non-statutory chief officer” means:-**

- (a) a person for whom the head of the authority’s paid service is directly responsible (Chief Executive);
- (b) a person who, as respects all or most of the duties of his post, is required to report directly or is directly accountable to the head of the authority’s paid service (Chief Executive); and
- (c) any person who, as respects all or most of the duties of his post, is required to report directly or is directly accountable to the local authority themselves or any committee or sub-committee of the authority.

#### **Section 2(8)**

**“deputy chief officer” means:-**

**In this section “deputy chief officer” means, subject to the following provisions of this section, a person who, as respects all or most of the duties of his post, is required to report directly or is directly accountable to one or more of the statutory or non-statutory chief officers.**

## **EXEMPTIONS**

### **Section 2(9)**

**A person whose duties are solely secretarial or clerical or are otherwise in the nature of support services shall not be regarded as a non-statutory chief officer or a deputy chief officer for the purposes of this Part.**

### **Section 2(10)**

**Nothing in this section shall have the effect of requiring any person to be regarded as holding a politically restricted post by reason of his holding -**

- (a) the post of head teacher or principal of a school, college or other educational institution or establishment which is, in Scotland, under the management of or is assisted by an education authority; or**
- (b) any other post as a teacher or lecturer in any such school, college, institution or establishment.**

**For section 4, section 5 and section 9 please refer to the legislation.**