



## EMPLOYMENT ZONE

# Conditions of Service – Political Restrictions

### 1. Introduction

- 1.1 In line with The Local Government and Housing Act (1989), some posts within the Council are defined as ‘politically restricted’.

This means, that because of their position, or the nature of their job, some employees are disqualified from becoming a member of:

- a local authority;
- the House of Commons; or
- the Scottish or European Parliaments.

These employees also face additional restrictions, imposed by the Secretary of State for Scotland, which they are advised of on appointment.

### 2. Restricted posts

- 2.1 Only a small percentage of our workforce is affected by these restrictions. Designated posts include:

- the Chief Executive;
- posts in grades 12-14;
- the Monitoring Officer (appointed in terms of Section 5 of the Act);
- assistants for political groups (appointed in terms of Section 9 of the Act); and
- people to whom the Council has delegated certain powers, to be exercised on its behalf.

- 2.2 Some other posts are also restricted, where the Council considers that duties involve:

- providing advice regularly to the Council, any Council Committee, sub-committee, or to any joint committee on which the Council is represented; or
- regularly communicating on behalf of the Council to journalists or broadcasters.

- 2.3 Support employees within educational establishments are included in these provisions. Teachers are excluded as they have separate terms agreed nationally.

The Monitoring Officer has details of all posts in the Council, which are politically restricted.

The Council also lets people know if a post falls within this category at the time of advertising it, or appointing someone to it.



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### 2.4 Exemption and appeals

Those employees who hold posts detailed in section 2.1 cannot appeal. It's only employees who hold posts detailed in section 2.2 who can appeal to be exempt from the provisions of the Act. They can request this through the Adjudication Officer for Scotland. They can get a copy of the appeals procedure from their Head of Service.

### 3. Restrictions on Local Government Officers

All employees who are Politically Restricted are disqualified from becoming an Elected Member with Glasgow City Council.

An employee must not announce, authorise, or permit any person to state, that they intend to be a candidate for election as a member of:

- The House of Commons;
- The Scottish Parliament;
- The European Parliament; or
- a Local Authority.

If an employee wants to resign from the Council because they intend to be a candidate at a pending election for the House of Commons or Scottish Parliament, their appointment will be terminated without delay. The normal contractual obligations in their contract of employment will not apply in these circumstances.

An election will be seen as 'pending' in the case of a general election, if the date for the proposed dissolution of Parliament or Scottish Parliament has been formally announced. In the case of a by-election, it will be when the vacancy causing that election has become available.

An employee must not act as an election agent or sub-agent for a candidate for election to any of the bodies listed above. This is in line with the meaning of section 67 or 68 of the Representation of the People Act 1983.

An employee must not be an officer of a political party, or branch of a political party. In addition, they must not be a member of a committee, sub-committee or a political party or branch if their duties as such an officer/member would require them to:

- participate in general management of the party or branch;
- act on behalf of the party or branch in dealings with persons other than members of the party; or



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- act on behalf of the party or branch in dealings with members of another political party associated with the party.

An employee must 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 listed earlier in this section.

An employee must not speak to the public at large or to a section of the public, in order to gain public support, for a political party.

An employee must not:

- publish any written material (of which they are the author or co-author), which is intended to affect the support of a political party;
- publish any written work or collection of artistic works (in which they have acted in an editorial capacity), which is intended to affect the support of a political party; or
- cause, authorise, or permit, any other person to publish such work or collections.

This only applies to publications for the public at large or to a section of the public. It doesn't prevent the display of posters, or other documents, on the employee's property - such as their home, vehicle, or on a possession used by them.

These restrictions don't apply if the activities above are a necessary part of their official duties.

[Further guidance on political restrictions can be found in the attached guidance.](#)

## 4. Ex-Elected Member appointments

After stepping down from their elected post, an ex-Elected Member cannot:

- be employed by the Council, in any post, for at least 3 months;
- be employed by the Council, in any post, for at least 12 months, if they were involved in appointing someone to a politically restricted post in the previous 12 months; or
- be employed by the Council, in a politically restricted post, for at least 12 months.

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