

CHESHIRE EAST

Standards Committee

Date of meeting: 10 March 2009

Report of: Borough Solicitor

Title: Political Restrictions – functions of Standards Committee

1.0 Purpose of Report

- 1.1 To consider the effect of the Local Government and Public Involvement in Health Act 2007 in relation to politically restricted posts.

2.0 Decision Required

- 2.1 To note that the function of determining applications for exemption from political restriction now rests with the Standards Committee.

3.0 Information

- 3.1 Section 2 of the Local Government and Housing Act 1989 makes provision for certain senior posts held by local authority officers to be designated as “politically restricted”, and imposed a duty on local authorities to maintain a list of such posts. Section 3 made it the duty of the Secretary of State to appoint a person to give general advice on the question of whether particular posts should be on such lists, and to consider any exemption applications in relation to them.
- 3.2 Section 202 of the Local Government and Public Involvement in Health Act 2007 inserts new Sections, 3A and 3B into the 1989 Act. The effect is that the Standards Committee must now consider any application for exemption from political restriction which is made, in respect of any post under the relevant authority, by the holder for the time being of that post, and that it may, on application or otherwise, give directions to the authority that the post should include a particular post in the list of politically restricted posts.
- 3.3 The effect of the change in legislation is therefore that in England, the functions of requiring inclusion in the list, or granting exemptions from inclusion, are now to be discharged by the Standards Committee, rather than the Secretary of State, as previously was the case. The Secretary of State may however issue guidance, after consultation with representatives from local government, on how this function should be discharged. These new functions have been included into the terms of reference of the Committee in the newly adopted Constitution which takes effect from 1 April.

4.0 Financial Implications for Transition Costs

None.

5.0 Legal Implications

As set out in the report.

7.0 Risk Assessment

Not applicable.

8.0 Overview of Day One, Year One and Term One Issues

None. Any such applications will be dealt with by the Standards Committee as required.

For further information:

Officer: Julie Openshaw

Tel. No: 01625 504250

Email: j.Openshaw@macclesfield.gov.uk

Background documents

None

.

