



OFFICE OF THE POLICE & CRIME COMMISSIONER
Political Restrictions on OPCC Posts Guidance

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1. Introduction

- 1.1 These guidelines are designed to explain the political restrictions on OPCC staff and the principles of politically restricted posts. In addition, they form part of the guidance for line managers relating to recruitment and selection.
- 1.2 All members of staff of the OPCC are politically restricted.

2. Legislative background

- 2.1 In 1989 the Local Government and Housing Act 1989 introduced the principles of 'politically restricted posts' and of restricting the activities of local authority employees.

The 1989 Act was amended by the Police Reform and Social Responsibility Act 2011, to state that every member of staff of the Office of the Police and Crime Commissioner (except the Deputy PCC) holds a politically restricted 'specified' post.

3. How are employees' activities restricted

- 3.1 The purpose of a politically restricted post is to prevent that individual from having any active political role either in or outside of the workplace. Politically restricted employees will automatically be disqualified from standing for or holding elected office. This equates to debarring employees from standing for office as:
- Local councillors (County, Borough or District Council).
 - MPs.

- MEPs.
- A Fire and Rescue Authority.
- Members of the Welsh Assembly.
- Members of the Scottish Parliament.

3.2 They are also restricted from:

- Acting as an election agent or sub-agent for a candidate for Parliament, European Parliament or a local authority:
- Being an officer of a political party, or committee or sub-committee member of a party, if this involves the person in general management of, or acting on behalf of, the party or branch if his/her duties as such an officer or member would be likely to require him/her a) to participate in the general management of the party or the branch; or b) to act on behalf of the party or branch in dealings with persons other than members of the party or members of another political party associated with the party.
- Canvassing on behalf of a political party or on behalf of a person who is, or proposes to be, a candidate for election to Parliament, European Parliament or a local authority.
- Speaking to the public at large with the apparent intention of affecting support for a political party.
- Publishing or causing to be published any written or artistic work if intended to affect public support for a political party as opposed to, for example, displaying a poster on private property.

3.3 The restrictions effectively limit the holders of politically restricted posts to membership of political parties, with no active participation within the party permitted.

4. Politically restricted posts and recruitment

4.1 The OPCC role profiles state:

Political restriction

Please note this is a "politically restricted post" in accordance with Local Government & Housing Act 1989.

5. Human rights and politically restricted posts

5.1 The compatibility of political restrictions on local authority posts with an individual's rights under the European Convention of Human Rights was tested in a 1998 European Court of Human Rights case.

In this case, the Court held that the political restrictions did not breach Article 10 (the right to freedom of expression) of Article 11 (the right to freedom of association) of the applicant's Convention rights, as the public has a right to expect that those holding higher level government office are politically impartial.

6. PCC Elections

6.1 Please refer to the [OPCC Staff Guidance for PCC elections](#) goes into more detail about the standards of conduct expected of all staff members of the Office of the

Police & Crime Commissioner; and also outlines the special considerations that will apply in the run-up to the PCC election.

7. Appeals

7.1 All OPCC post holders are politically restricted without rights of appeal for exemption.

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