



*Cherwell*

DISTRICT COUNCIL  
NORTH OXFORDSHIRE

**Politically Restricted  
and  
Politically Sensitive Posts  
Policy**

## DOCUMENT CONTROL

<b>Organisation(s)</b>	Cherwell District Council (CDC)
<b>Policy title</b>	Politically Restricted & Politically Sensitive Posts Policy
<b>Owner</b>	Human Resources
<b>Version</b>	1.0
<b>Date of implementation</b>	13 September 2023

## DOCUMENT APPROVALS

This document requires the following committee approvals:

<b>Committee</b>	<b>Date of meeting pending approval</b>
<b>CDC</b> Personnel Committee	12 September 2023

## DOCUMENT DISTRIBUTION

This document will be distributed to all employees of Cherwell District Council.

## DATE FOR REVIEW

No later than 13 September 2026 but sooner if impacted by legislative changes.

## REVISION HISTORY

<b>Version</b>	<b>Revision date</b>	<b>Summary of revision</b>

1. Under the provisions of the Local Government and Housing Act 1989 (as amended) certain officers of local authorities are subject to restrictions on the political activities they are able to undertake. In addition the Local Government Officers (Political Restrictions) Regulations 1990 specify certain other political activities which the holder of a politically restricted or politically sensitive post cannot undertake.
2. **Category A. Politically Restricted Posts**  
If posts are categorised as politically restricted, the holders are prevented under their terms of employment from having any active political role both inside and outside the Council. More particularly they will not be able to hold or stand for elected political office. They will also be prevented from taking part in political activities, publicly expressing support for a political party or candidate and speaking to the public at large or publishing any written work that could give the impressions they were advocating support for a particular political party.
3. The following posts as defined in the 1989 act are specified as being automatically politically restricted and have no right of appeal against their restriction:
  - Head of Paid Service
  - Monitoring Officer
  - Assistant Director of Finance and Section 151 Officer
  - Corporate Directors
  - Assistant Directors (Direct report to statutory or non-statutory chief officers)
  - Non-statutory Chief Officers (Direct report to Head of Paid Service or to a committee)
  - Political Assistants
  - Officers shown in the scheme of delegation exercising delegated powers

Officers whose duties are solely secretarial or support services are not regarded as a non-statutory chief officer or a deputy chief officer.

#### 4. **Category B. Politically Sensitive Posts**

A sensitive post is one which meets one or both of the following criteria:

- A) Giving substantive advice on a regular basis to the Council itself, to any Committee or Sub-Committee of the Council or to any joint committee on which the Council are represented; or to the Executive of the council; to any Committee of that Executive.
- B) Speaking on behalf of the council on a regular basis to journalists or broadcasters

It is the responsibility of the Head of Paid Service to determine who should be on the list and deal with applications from post holders to be exempted from the list of sensitive posts. The following guidance was issued in a circular from the Secretary of State to assist in determining which posts are sensitive.

*“It is sometimes suggested that because a post holder gives advice to elected members on a regular basis, that officer’s post is [politically sensitive]. This is not so. The advice which is given must be provided to the authority itself (i.e.*

*the full council); to a committee, sub-committee or joint committee; to the Executive; or to a committee or member of the Executive.*

*...something more than an occasional attendance to present a formal report to a committee is needed to establish that advice is given on a regular basis”.*

*Previously the former adjudicator of politically sensitive posts had suggested looking at the number of times over the previous twelve months that the post holder had provides a report to or attended the Executive or the authority or its committees. Also at the contents of reports including whether the report embodied advice or recommendations and whether the post holder was required to speak at the meeting.*

## 5. **Restricted Activities**

Politically restricted and politically sensitive posts shall not:

- Become by election or otherwise or remain a member of a principal local authority, e.g. this does not include parish councils.
- Announce or cause, authorise or permit anyone else to announce he is, or intends to be, a candidate for election to parliament, European parliament, elected Mayor, Police and Crime Commissioner or principal local authority.
- Act as an election agent or sub-agent in a parliamentary, European parliamentary, Mayoral, Police and Crime Commissioner or principal local authority election.
- Be an officer of a political party or of any branch of such a party or a member of any committee or sub-committee of such a party if his duties as such an officer or member would be likely to require him:
  - To participate in the general management of the party or the branch; or
  - 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
- Canvass 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, elected Mayor, Police and Crime Commissioner or principal local authority.

Other than a political assistant, politically restricted and politically sensitive posts shall not:

- Speak to the public at large or to a section of the public with the apparent intention of affecting public support for a political party.
- Publish any written or artistic work of which he is the author (or one of the authors) or any written work or collection of artistic works in relation to which he has acted in an editorial capacity; or cause, authorise or permit any other person to publish such a work or collection, if the work appears to be intended to affect public support for a political party.

6. It should be noted that the above two paragraphs have implications with regard to social media use (e.g. Facebook, Twitter, Instagram etc.) for politically restricted

and sensitive posts and care should be exercised in posting, liking and sharing on social media.

7. It should be further noted that the above paragraphs only apply to publication to the public at large or to a section of the public and nothing in it precludes the display of a poster or other document on property occupied by the appointee as his dwelling or on a vehicle or article used by him, however the holders of restricted and sensitive posts should be alert to how this could be perceived and whether this could compromise the perception of their impartiality.