

CHESHIRE EAST

COUNCIL

Date of meeting: 9th December 2008
Report of: Chairman of the Governance and Constitution Committee
Title: Officer Code of Conduct

1.0 Purpose of Report

- 1.1 For Council to consider adoption of an Officer Code of Conduct, its immediate inclusion in the Shadow Council's Constitution and, thereafter in Cheshire East Unitary Council's Constitution with effect from 1st April 2009.

2.0 Decision Required

- 2.1 That Council:
 - 2.1.1 adopts the Officer Code of Conduct appended to this Report (Noting that the Core Values for Cheshire East as a whole are still in draft and will require Cabinet approval in January 2009);
 - 2.1.2 agrees that the Officer Code of Conduct will take effect immediately and will apply to all officers appointed by the Shadow Council;
 - 2.1.2 agrees that the Officer Code of Conduct will continue to have effect, and will apply to all officers employed by Cheshire East successor authority on 1st April 2009 and thereafter;
 - 2.1.3 agrees that the Officer Code of Conduct will be included immediately in the Shadow Council's Constitution and, with effect from 1st April 2009, in Cheshire East successor authority's Constitution; and
 - 2.1.4 authorises the Interim Monitoring Officer to make such consequential amendments to the Constitution as she considers are necessary to give effect to the decision of Council.

3.0 Financial Implications for Transition Costs

- 3.1 There are no costs arising from the adoption of the Officer Code of Conduct.

4.0 Financial Implications 2009/10 and beyond

- 4.1 There are no costs arising from the adoption of the Officer Code of Conduct.

5.0 Legal Implications

- 5.1 Now that the Council is beginning to make staff appointments, it is vital that there is a Code of Conduct for officers in place. This is a key document to ensure the good governance of the new Council and provides clear direction to employees on the standards of conduct expected of them.
- 5.2 The Government have recently issued a revised draft Officer Code of Conduct for consultation. This has been awaited for many years and it may be some time before any final document is agreed. It is therefore necessary for the Council to agree its own Code, which can be reviewed if necessary when any final national framework is issued.

6.0 Risk Assessment

- 6.1.1 Failure to have an Officer Code in place places the Council at risk of inappropriate behaviour by employees. The solution, therefore, is for the Council to adopt an Officer Code which will have immediate effect.
- 6.1.2 Failure to have clear advice for employees on appropriate behaviour makes it difficult to deal with inappropriate conduct. Again, the solution is to adopt an Officer Code which will make expected standards of conduct clear to all employees.

7.0 Information

- 7.1 The Appendix to this report contains a report considered, on 1st December 2008, by the Governance and Constitution Committee and, on 27th November, by the Staffing Committee. The report appends a draft Officer Code of Conduct which the Council is now asked to adopt.
- 7.2 The Staffing Committee and Governance and Constitution Committees recommended to Council that they approve the Officer Code of Conduct.
- 7.3 The Member Code of Conduct has already been adopted by the Council and, as officer appointments are now being made, it is vital that the Council has an Officer Code of Conduct in place to guide standards of conduct amongst officers.
- 7.4 For many years, a national Officer Code has been awaited from central Government. This has, very recently, been issued although there is no guarantee of whether and, if so, when a national Officer Code will finally be issued for adoption by local authorities. In the meantime, therefore, the Council is asked to adopt the appended Officer Code, which draws upon best practice in Cheshire and elsewhere.

- 7.5 Members are referred to the appended report to the Governance and Constitution Committee, which sets out the background and approach adopted to the preparation of the draft Code. It should also be noted that the trade unions have been consulted on the Code and have raised no concerns.

8.0 Conclusion

- 8.1 The draft Officer Code of Conduct is recommended to Council for adoption, to take immediate effect in respect of officer appointments to the Shadow Council, and thereafter in respect of all officers employed by the successor authority from 1st April 2009.

For further information:

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Background Documents:

- ***Report to Staffing Committee***
- ***Report to Governance and Constitution Committee***

Documents are available for inspection at:

*Cheshire East Shadow Council Support Office,
Westfields,
Middlewich Road,
Sandbach,*