

CHAPTER 2 – 6 - AUDIT AND STANDARDS COMMITTEE

FUNCTIONS AND PROCEDURE RULES

The Council has established an Audit and Standards Committee. Audit and Standards are not Cabinet functions and cannot be discharged by the Cabinet.

These Rules detail what powers the Audit and Standards Committee has and how Committee meetings and Standards Sub Committees are conducted. In general, Audit and Standards Committee deals functions relating to audit, constitution and governance, mayoralty, members support and training, risk management and internal control, ethics and probity and RIPA.

The Council has delegated certain functions to the Committee and to certain Officers. The Committee, Sub Committee and relevant Officers have the powers shown below in Functions of the Audit and Standards Committee.

1.0 Functions of the Audit and Standards Committee

| | Function | Delegation (who function can be carried out by instead of Committee) | Exceptions to Delegation (must be carried out by Committee) |
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| 1.1 | To approve the internal audit charter and monitor the performance of Internal Audit | None | None |
| 1.2 | Receive reports on the progress against the annual internal audit plan. | None | None |
| 1.3 | Monitor and ensure performance of Internal and External Audit recommendations. | None | None |
| 1.4 | To consider the appointment of the External Auditor, the audit fee, the provision of any non-audit services by the external auditor and any questions of resignation or dismissal of the external auditor. | None | None |
| 1.5 | To receive reports outlining the action taken where the Head of Internal Audit has concluded that management has accepted a level of risk that may be unacceptable to | None | None |

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| | the authority or there are concerns about progress with the implementation of agreed actions. | | |
| 1.6 | To approve significant interim changes to the risk-based internal audit plan and resource requirements. | None | None |
| 1.7 | To provide free and unfettered access to the Chair for the Head of Internal Audit, including the opportunity for a private meeting with the Committee. | None | None |
| 1.8 | To support the independence of external audit through consideration of the external auditor's annual assessment of its independence and review of any issues raised by PSAA or the authority's auditor panel as appropriate. | None | None |
| 1.9 | To receive the External Audit Annual Plan and discuss, if necessary, with the External Auditor before the audit commences the nature and scope of the audit. | None | None |
| 1.10 | To review and approve the Financial Statements, External Audit opinion and report to Members and monitor Management Action in response to any issues raised. | None | None |
| 1.11 | To receive the Internal Audit Annual Plan for the Council and Annual Internal Audit report, addressing key internal control issues as required. | None | None |
| 1.12 | Review and adopt the Annual Governance Statement | None | The Leader and appropriate Cabinet Member shall be invited to attend the Committee and participate in the |

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| | | | discussion and debate but shall not have voting rights. |
| 1.13 | To consider the Council's Code of Corporate Governance and approve the Annual Statement in that respect. | None | None |
| 1.14 | To consider the External Audit findings from their review of the Statement of Accounts. | None | None |
| 1.15 | To consider and approve after review by the External Auditor the Statement of Accounts and report such to Council. | None | None |
| 1.16 | To provide comments to Council on amendments to the Constitution. | Monitoring Officer | Significant amendments unless required by legislation or other statutory changes shall be considered by the Constitution Review Working Group and reported to Council for approval. |
| 1.17 | To deal with all matters relating to the Mayoralty which are not reserved to Council. | Assistant Director for Governance and Democracy | None |
| 1.18 | Approve Strategies and Policies relevant to the functions of the Committee as determined by Chief Finance Officer. | Chief Finance Officer Monitoring Officer | Significant amendments unless required by legislation or other statutory changes. |
| 1.19 | To approve the Gifts and Hospitality Annual report. | None | None |
| 1.20 | To promote and maintain high standards of conduct by councillors and co-opted members including Parish Councils. | Monitoring Officer Standards Sub Committee. | Breaches of the Code of Conduct which shall be referred to the Standards Sub Committee. |

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| 1.21 | Provide comments to the Council on the adoption or revision of the Members Code of Conduct and monitor its operation. | None | None |
| 1.22 | Approve the provision of training, guidance and support in the context of the Member Development Programme. | Constitution Review Working Group and Monitoring Officer | Significant Changes to the Member Development Programme shall be considered by the Constitution Review Working Group and reported to the Committee |
| 1.23 | Dispensations to Members and co-opted Members relating to interests set out in the Members' Code of Conduct. | None | None |
| 1.24 | To determine complaints against Members including Parish Councillors. | Monitoring Officer Standards Sub Committee. | Breaches of the Code of Conduct which shall be referred to the Standards Sub Committee. |
| 1.25 | To grant exemptions for politically restricted posts. | Monitoring Officer | None |
| 1.26 | To adopt the RIPA Policy | Monitoring Officer | Significant amendments unless required by legislation or other statutory changes. |

2.0 Procedure Rules

2.1 Application of the Meetings Procedure Rules

These Rules should be read in conjunction with The Meetings General Procedure Rules which detail the rules of debate and apply to all meetings of Council except as varied below.

2.2 Composition of the Committee

The Committee shall comprise ten Councillors all of whom shall have undertaken mandatory training contained within the Members' Development Programme as well as any ad hoc training considered mandatory by the relevant Chief Officer due to legislative changes throughout the year.

Attendance must be for the duration of each training session, at least every other year. The Committee is politically balanced.

2.3 A record of attendance at training sessions will be maintained by Democratic Services.

2.4 Quorum

The quorum for the Committee shall be five Members which must be maintained for the duration of the meeting.

2.5 Who shall Chair the Meeting

The Chair of Audit and Standards Committee as determined by Council at the Annual Council Meeting shall preside and in their absence the Vice Chair of Audit and Standards shall preside (this cannot be a Member of Cabinet). If neither are in attendance, the Chair shall be elected by attending Members by a majority of votes.

3.0 **Standards Sub Committee Procedure Rules**

3.1 Application of the Meetings Procedure Rules

These Rules should be read in conjunction with The Meetings General Procedure Rules which detail the rules of debate and apply to all meetings of Council except as varied below.

3.2 Composition of the Sub Committee

The Sub Committee shall comprise five Members of whom are Members of the Audit and Standards Committee. The Sub- Committee is politically balanced.

3.3 A co-opted Parish Councillor shall be included within the composition when dealing with complaints relating to Parish Councillor(s).

3.4 The Leader shall not be a Member of the Sub Committee.

3.5 Quorum

The quorum for the Committee shall be three Members which must be maintained for the duration of the meeting.

3.6 Who shall Chair the Meeting

Members shall decide by consensus who shall preside at the meeting. All Members of the Committee are eligible to hold this position of office other than Members of the Cabinet

4.0 **Order of proceedings for Standards Sub-committee hearings**

4.1 'Subject Member' means the Member of the Authority who is the subject of the allegation being considered by the Standards Committee, unless stated otherwise. It also includes the Member's nominated representative.

- 4.2 'Investigator' means the Monitoring Officer or external investigator appointed by the Monitoring Officer and includes his or her nominated representative.
- 4.3 'Committee' refers to the Standards Sub-Committee.
- 4.4 'Legal adviser' means the officer responsible for providing legal advice to the Committee. This may be the Monitoring Officer, another legally qualified officer of the authority, or someone appointed for this purpose from outside the authority.

The parties to the hearing shall provide any written representations to the Council and notification of any witnesses attending and representation in writing to the Council offices or by emailing democracy@melton.gov.uk 10 clear days before the date of the hearing. Written representations shall be provided to the other parties. No written material shall be considered at the hearing unless it has been submitted in accordance with this rule.

4.5 Representation

The Subject Member may be represented or accompanied during the meeting by a solicitor, counsel, or, with the permission of the Committee, another person.

4.6 Legal advice

The Committee may take legal advice from its legal adviser at any time during the hearing or while they are considering the outcome. The member and the investigator if they are present should be advised of the substance of any legal advice given by the legal adviser in the absence of the parties.

The Chair of the Committee shall undertake introductions.

- 4.7 The Chair will ensure the parties understand the procedure to be followed.
- 4.8 The Committee will decide whether part or all of the hearing should be held in private because the public interest in doing so outweighs the public interest in holding the meeting or that part of the meeting in public in accordance with the Access to Information Procedure Rules.
- 4.9 The Committee will decide what action to take if a party does not attend the hearing.
- 4.10 The Chair of the Committee may agree to vary this procedure in any particular instance where he/she is of the opinion that such variation is necessary in the interests of fairness.

4.11 The Role of the Independent Person

The Independent Person is invited to attend the Hearing and their views must be sought and taken into consideration before the Committee takes any decision on whether the Subject Member's conduct constitutes a failure to comply with the Code of Conduct and as to any action to be taken following a finding of failure to comply with the Code of Conduct.

4.12 Stage One- Preliminary procedural issues

The Committee should resolve any procedural issues which have not been resolved during the prehearing process.

4.13 Stage Two- Making findings of fact

The Committee shall consider whether or not there are any significant disagreements about the facts contained in the Investigator's report.

4.14 If there is no disagreement about the facts, the Committee shall move on to the next stage of the hearing.

4.15 If there is a disagreement, the Investigator, if present, shall be invited to make any necessary representations to support the relevant findings of fact in the report.

4.16 With the Committee's permission, the Investigator may call any necessary supporting witnesses to give evidence. The Committee may give the Subject Member an opportunity to challenge any evidence put forward by any witness called by the Investigator.

4.17 The Subject Member shall have the opportunity to make representations to support his/her version of the facts and, with the Committee's permission, to call any necessary witnesses to give evidence.

4.18 At any time, the Committee may question any of the people involved or any of the witnesses, and may allow the Investigator to challenge any evidence put forward by witnesses called by the Subject Member.

4.19 The parties will leave the room to allow the Committee to consider the representations and evidence in private. On their return, the Chair will announce the Committee's findings of fact.

Stage Three- Did the Member fail to follow the code

The Subject Member shall be invited to give relevant reasons why the Committee should not decide that he or she has failed to follow the Code.

- 4.20 The Committee shall consider any verbal or written representations from the Investigator.
- 4.21 The Committee may, at any time, question anyone involved on any point they raise in their representations.
- 4.22 The Member shall be invited to make any final relevant points.
- 4.23 The Committee will ask the parties to leave the room to allow them to consider the representations.
- 4.24 On their return, the Chair will announce the Committee's decision as to whether or not the Member has failed to follow the Code of Conduct.
- 4.25 Stage Four - Determination
- 4.26 If the Subject Member has not failed to follow the Code of Conduct

If the Committee decides that the Subject Member has not failed to follow the Code of Conduct, the Committee can move on to consider whether it should make any recommendations to the Authority.

- 4.27 If the Subject Member has failed to follow the Code of Conduct

If the Committee decides that the Subject Member has failed to follow the Code of Conduct, it will consider any verbal or written representations from the Investigator and the Subject Member as to:

- whether or not the Committee should apply a sanction; and
- what form any sanction should take.

- 4.28 A sanction may include any one or a combination of the following:

- Publish its findings in respect of the Subject Member's conduct;
- Report its finding to Council for information;
- Recommend to Council that the Subject Member be censured;
- Recommend to the Subject Members' group leader (or in the case of ungrouped members recommend to Council) that he/she be removed from any or all Committees or Sub Committees of the Council;
- Recommend to the Leader of the Council that the Member be removed from the Cabinet or removed from their Portfolio responsibilities;
- Instruct the Monitoring Officer to arrange training for the Member;
- Recommend to Council that the Member be removed from all outside bodies, appointments to which they have been appointed or nominated by the Council;
- Withdraw facilities provided to the Subject Member by the Council such as a computer, website and/or e-mail and internet access; or

- Place such restrictions on Member's access to staff which may be reasonable in the circumstances and in accordance with the Member/Officer Protocol provided that such restrictions do not impede the member from carrying out their duties as a Councillor.

4.29 The Committee may question the Investigator and Subject Member, and take legal advice, to make sure they have the information they need in order to make an informed decision.

4.30 The Committee will ask the parties to leave the room to allow them to consider whether or not to impose a sanction on the Subject Member and, if so, what the sanction should be.

4.31 On their return, the Chair will announce the Committee's decision.

4.32 Recommendations to the Authority

After considering any verbal or written representations from the Investigator, the Committee will consider whether or not it should make any recommendations to the Authority, with a view to promoting high standards of conduct among Members.

4.33 The written decision

The Committee will announce its decision on the day and will issue a full written decision within five working days. A copy of the decision will be circulated to the Subject Member and the Audit and Standards Committee.