

## **Protocol – Members of the Audit and Standards Committee and any Sub-Committee**

### **Main Role**

- To promote and maintain high standards of conduct by Members and Co-opted Members of the Authority.
- As a member of the Audit and Standards Committee, to advise the Council on the adoption or revision of its Code of Conduct.
- As a member of the Audit and Standards Committee/Sub-Committees, to monitor and advise the Council about the operation of its Code of Conduct in light of best practice, changes in the law, and guidance from the relevant statutory bodies .
- As a member of the Audit and Standards Committee, to actively promote and engage with the Borough, Parish and Town Councils to ensure access to appropriate training in all aspects of the relevant Code of Conduct, and to ensure that members are aware of the standards expected of them under the Code.
- As a member of the Audit and Standards Committee/Sub-Committees, to ensure that judgments are impartial.

### **Duties and Main Responsibilities**

- Promoting and maintaining high standards of conduct by Members and Co-opted Members of the Authority.
- Assisting Members and Co-opted Members to observe the Authority's Code of Conduct
- Monitoring and advising on the adoption, revision and operation of the Authority's Code of Conduct
- To carry out the functions relating to standards of conduct of members under any relevant provision of or regulations made under the Local Government Act 2000.
- Considering reports in relation to alleged breaches of the Code of Conduct.
- As a member of the Audit and Standards Committee, to consider and determine appropriate action on either breaches or alleged breaches by members of the relevant Codes of Conduct and protocols, in accordance with the relevant adopted procedures.
- As a member of the Audit and Standards Committee, to advise the Council on the adoption of protocols relating to conduct of Members and their relationship with officers.
- To undertake appropriate training in order to fulfil the role of a member of the Audit and Standards Committee.

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- Engaging with Borough, Parish and Town Councils to ensure that appropriate training on the Code of Conduct is available and undertaken.
- To maintain a working knowledge of any relevant provisions of or regulations made under the Local Government Acts in relation to Code of Conduct issues and any advice and guidance received from relevant statutory bodies.
- To develop and maintain a working knowledge of the Council's policies, services and activities so far as they relate to the role and remit of the Audit and Standards Committee.
- As a member of the Audit and Standards Committee or Sub-Committees to be involved in alleged breaches of the Code of Conduct or the Council's protocols solely as part of the Audit and Standards Committee hearing procedures
- To retain confidentiality when involved in investigations.
- To exercise the above in relation to Town and Parish Council members.

Breach of this Protocol could result in a complaint to the Audit and Standards Committee.

If in doubt seek advice from Lukman Patel, Monitoring Officer  
Tel: 01282 425011 ext 7140 Email: lpatel@burnley.gov.uk

## **Protocol for Independent Members of the Audit and Standards Committee**

This Protocol applies to you as an independent member of the Audit and Standards Committee. In addition, the Protocols for Members of the Audit and Standards Committee and Sub-Committee and Chair of the Audit and Standards Committee (where relevant) also apply to you.

For the purposes of this document, a 'relevant authority' is defined in section 49(6) of the Local Government Act 2000. It includes all local authorities and other public bodies e.g. fire authorities and police authorities.

1. You are expected to demonstrate a high degree of personal integrity and to have an appreciation of the ethical standards required of people holding public office.
2. You should not engage in any behaviour which a member of the public with knowledge of the relevant facts would reasonably regard as compromising your position.
3. Whilst membership of a political party (including a branch of such a party) is not prohibited (but see paragraph 5 below), you may not:
  - (a) be an officer of the party or participate in the general management thereof;
  - (b) be a member of any committee or sub-committee of the party;
  - (c) stand for election to public office, either on behalf of a political party or as an independent;
  - (d) nominate, second or assent to the nomination of any candidate for election to public office;
  - (e) canvass on behalf of a political party or on behalf of a person who is, or who proposes to be, a candidate for election to public office; or
  - (f) be a member or an officer of the Council or of any other relevant authority (see paragraph 7 below).

For the avoidance of doubt, you will need to cease such activities or involvement when appointed to the Audit and Standards Committee.

6. In accordance with its Council's Equality Policy, the Council has a duty as a public authority under the Race Relations Amendment Act 2000 to:
  - eliminate unlawful discrimination;
  - promote equality of opportunity; and
  - promote good relations between persons of different groups

and this precludes you from being a member of any political party whose constitution, aims, objectives or pronouncements are inconsistent with this duty.

7. Membership on the Council's Audit and Standards Committee does not preclude you from being an independent member of another relevant authority's Standards Committee.

Breach of this Protocol could result in a complaint to the Audit and Standards Committee.

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## **Protocol – Audit and Standards Committee Chair**

### **Role Purpose**

Under the direction of the Council and the Audit and Standards Committee:-

- To act as the spokesperson of the Audit and Standards Committee to the Borough, Town and Parish Councils.
- To contribute fully as a member of the Audit and Standards Committee.

### **Key Responsibilities**

- Ensure that you are sufficiently and effectively briefed on the issues within the Committee's terms of reference.
- Ensure that members of the Committee adhere to the relevant Rules of Procedure and Codes of Conduct contained in the Council's Constitution.
- Ensure the effective and orderly operation of the Committee.
- Ensure that the Committee has proper regard to the advice of the Monitoring Officer and his/her deputy.
- Ensure meetings of the Committee are regulated in accordance with the Rules of Procedure and are conducted in an orderly structured manner enabling effective debate.
- Ensure that all judgements made by the Committee and its Sub-Committees are impartial and in reaching a judgement, all relevant facts are considered.
- Ensure that the Committee follows approved procedures, codes and protocols.
- As a member of the Audit and Standards Committee, to report back to the Council on the work of the Audit and Standards Committee.
- Meet with the Monitoring Officer or his/her nominee to ensure the receipt of appropriate advice to inform effective functioning of the Committee.

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**Protocol for Town/Parish Councillors serving on the Audit and Standards Committee**

This Protocol applies to you as a Town/Parish Councillor serving on the Audit and Standards Committee. In addition, the Protocol for Members of the Audit and Standards Committee and Sub Committee also applies to you.

1. As a member of the Audit and Standards Committee, to have the respect of the Town/Parish Council by ensuring that you make judgments impartially.
2. As a member of the Audit and Standards Committee, to monitor and advise the Town/Parish Council about the operation of its Code of Conduct in light of best practice, changes in the law and guidance from relevant statutory bodies and the Monitoring Officer.
3. As a member of the Audit and Standards Committee, to actively promote and engage with the Council/Parish and Town Councils to ensure access to appropriate training in all aspects of the relevant Code of Conduct, and to ensure that members are aware of the standards expected of them under the Code.
4. For the avoidance of doubt, Parish/Town Council members are permitted to be members of a political party and otherwise engage in such political activities as set out in paragraph 3 of the Protocol for Independent Members.

Breach of this code could result in a complaint to the Audit and Standards Committee.

If in doubt seek advice from Lukman Patel, Monitoring Officer  
Tel: 01282 425011 ext 7140 Email: [lpatel@burnley.gov.uk](mailto:lpatel@burnley.gov.uk)