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## **ESTABLISHMENT OF A GENERAL PURPOSES COMMITTEE**

**To:** Constitutional Review Working Party - 23 February 2009  
Council - 26 February 2009

**Main Portfolio Area:** Corporate

**By:** Miles Smith  
Interim Head of Legal & Democratic Services

**Classification:** Unrestricted

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**Summary:** To consider a recommendation to establish a non-executive Council Committee with delegated responsibility to deal with any non-executive matter not delegated to another committee or reserved to the Council.

### **For Decision**

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#### **1.0 Introduction**

- 1.1 From time to time issues arise in relation to the terms and conditions of employment of members of the Council Management Team (CMT) which comprises the Chief Executive, the five directors and the Head of Legal and Democratic Services.
- 1.2. All such issues in relation to other staff are, as provided for in the Constitution, determined by the Chief Executive after consultation with the CMT. It is however inappropriate for issues relating to CMT members to be dealt with by this route and it is recommended that the Constitution should be amended to establish a committee to deal with such matters.

#### **2.0 Constitutional Background**

- 2.1 Under the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 Schedule 1 Part A Item 37 the 'Power to appoint staff, and to determine the terms and conditions on which they hold office...' is a function 'not to be the responsibility of an authority's executive.' Accordingly, if in any particular circumstance it is inappropriate for such a matter to be dealt with by an officer it has to be delegated to a committee or sub-committee.
- 2.2 It would be inappropriate for matters of this type to be dealt with any of the Council's existing committees which are the Planning Committee, the Governance and Audit Committee and the Licensing Board.

#### **3.0 General Purposes Committee**

- 3.1 Accordingly it is recommended that the Council should establish a General Purposes Committee competent to deal with senior staffing issues of this type.
- 3.2 It is recommended that the Committee should be established as a general purposes committee rather than as one limited to senior staffing issues. This will

enable it to deal with other non-executive issues that arise from time to time and which and which do not justify consideration by Council. Precise terms of reference are set out in the Annex

- 3.3 The Committee would be convened as, and when, required and not included in the calendar of meetings. A membership of eight would be appropriate and it is recommended that Special Responsibility Allowances should be paid to the Chairman and Vice Chairman at the lower level of those currently paid (i.e. £1216 and £279 respectively).

#### **4.0 Corporate Implications**

##### 4.1 Financial

4.1.1 The costs of the special responsibility allowances will be contained within existing budgets as will the administrative costs

##### 4.2 Legal

4.2.1 The statutory and constitutional framework is considered above

##### 4.3 Corporate

4.3.1 The establishment of this committee would ensure that there is clear documented delegation of all non-executive responsibilities.

##### 4.4 Equity and Equalities

4.4.1 There are no equalities issues arising from this report.

#### **5.0 Decisions required**

- 5.1 Approval of the amendment to the Constitution set out in Annex 1.
- 5.2 Approval to an amendment to the Scheme of Allowances as set out in Para 3.3 above.

#### **6.0 Decision Making Process**

6.1 Approval of, and changes to the Constitution are decisions reserved to Council.

Contact Officer:	Miles Smith, Interim Head of Legal & Democratic Services
Reporting to:	Richard Samuel, CEO

#### **Annexes**

	Title
Annex	Terms of Reference of the General Purposes Committee

#### **Background Papers**

Title	Details of where to access copy
None	

**Amendments to**

**Constitution for Governance of Thanet District Council**

**Part 2 Articles of the Constitution**

**Article 8 – Regulatory and other Committees**

8.01 Regulatory and other Committees

**Add:**

*9. General Purposes Committee – 8 Members*

**Part 3 Responsibility for Functions**

**Section 2 Responsibility for Council Functions**  
(which cannot be the responsibility of the Cabinet)

**Add:**

*Decision Making Body: General Purposes Committee*  
*Membership: 8 Members of the authority*

*Functions:*

*To exercise any function of the Council, which by statute or regulation is a function not to be the responsibility of an authority's executive, and which is not delegated to another committee or reserved to the Council by statute, regulations or the Council's Constitution.*