

General Purposes Committee

AGENDA STATUS: Public

Report Title	POWERS OF GENERAL PURPOSES COMMITTEE
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Date of Meeting:	3 November 2009
Directorate:	Borough Solicitor
Ward(s)	N/A

1. Summary

- 1.1 This report broadly outlines the powers available to the Committee as currently constituted and follows a request from the Committee resolution on 16 March 2009.

2. Recommendations

- 2.1 That the Committee notes the report.

3. Report Background

- 3.1 The General Purposes Committee on 16 March 2009 resolved as follows:

“ That the Chief Executive investigate that the relevant business was being brought to the Committee and a report brought to the next meeting.”

- 3.2 This report responds to the resolution. The functions of the Committee are outlined in the Constitution in the following terms:

“To exercise those functions which under the Functions Regulations or other relevant legislative provision are not to be the responsibility of a local authority’s executive; and which have not been made the responsibility of any other Committee of the Council and are not functions that only the full Council can exercise (whether by law or under any provision of the Constitution or because of a specific direction or election by Council to that effect).”

- 3.3 Following reforms brought about by the local Government Act 2000, political governance of the Council is structured as follows:

- (1) Executive decisions - are made by the Council’s Cabinet or individual Portfolio Holders, exercising executive powers.

- (2) Regulatory Committees - exercise specific legislative functions, for example, planning and licensing.
 - (3) Overview and Scrutiny Committees - are Statutory Committees with defined roles and responsibilities.
 - (4) Full Council - makes non-executive decisions of a strategic nature, for example, sets the budget framework.
 - (5) Committees of Council, for example, the General Purposes Committee and Audit Committee.
- 3.4 The General Purposes Committee can make decisions as a delegatee of full Council and was constituted to make decisions that most other Committees cannot make. It cannot, as a matter of law, act as an Overview and Scrutiny Committee and it cannot take executive or regulatory decisions.
- 3.5 Powers available to Council decision-making bodies are outlined in the Local Authority (Functions & Responsibilities) (England) Regulations 2000. The relevant schedules are attached as Appendix 1.
- 3.6 It will be noted that paragraph 37, of appendix 1, excludes, from the power of the executive the power to appoint staff, and to determine the terms and conditions on which they hold office (including procedures for their dismissal).
- 3.7 Consequently, it has been normal for matters requiring a decision on terms and conditions of employees to be brought to the General Purposes Committee.
- 3.8 It should be noted that employment matters that do not involve terms and conditions of employees can lawfully be considered by the Executive (Cabinet).
- 3.9 Governance processes within the Council, are scrutinised to ensure that decisions are made by the correct decision-making bodies. For example, a call-over system operates for Cabinet reports, this is attended by the Statutory Officers and there is general legal oversight of reports to other decision-making bodies.
- 3.10 Full Council, as the parent body for General Purposes Committee, is empowered to make any decision the General Purposes Committee can make.
- 3.11 Having considered the governance processes currently operated, through the decision making structures as described above and having considered agenda items that have gone to the various Committees the Borough Solicitor concludes that proper governance processes are operating and decision making is lawful. Whether General Purposes Committee should receive more reports on issues currently dealt with by, for example, Council, is a matter for Full Council to consider.

4. Implications (including financial implications)

4.1 Resources and Risk

There are no financial implications from this report.

4.2 Legal

These are contained within the body of the report.

4.3 Other Implications

N/A

5. Background Papers

None specifically.

Report Author and Title: Francis Fernandes
Borough Solicitor

Telephone and Email: 01604 837334 ffernandes@northampton.gov.uk