



THE LONDON BOROUGH
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DATE: 4 June 2019

To: Members of the
LOCAL JOINT CONSULTATIVE COMMITTEE

Employer's Side

Councillor Russell Mellor (Chairman)
Councillor David Cartwright QFSM
Councillor Simon Fawthrop
Councillor Will Harmer
Councillor Josh King
Councillor Kate Lymer
Councillor Colin Smith
Councillor Pauline Tunnicliffe
Councillor Michael Turner

Staff Side and Departmental Representatives

Gill Slater (Vice-Chairman)
Alice Atabong, Education, Care and Health Services (Housing)
Duncan Bridgewater, Chief Executives (Customer Services)
Thomas Carver, CEX
Ing Freeburne, Education, Care and Health Services (Adult Social Care)
Stuart Henderson, Chief Executive (Registrars)
Melody Makumbe, Education, Care and Health Services (Adult Social Care)
Billy McIver, Education, Care and Health Services (Adult Social Care)
Nicola Musto, Environment and Community Services (Area Management)
Matthew Smallwood-Conway, Environment and Community Services (Leisure and Culture)
Adesina Suleiman, Education, Care and Health Services (Assessment and Care Management)
Kirsty Wilkinson, Education, Care and Health Services (SEN & Disability Service)

A meeting of the Local Joint Consultative Committee will be held at Committee Room 1 - Bromley Civic Centre on **WEDNESDAY 12 JUNE 2019 AT 6.30 PM**

Rooms have been reserved for Members and the Staff Side to meet separately at 6pm before the meeting commences at 6.30pm. The Assistant Chief Executive (Human Resources) will be available from 6.00pm to brief Members.

MARK BOWEN
Director of Corporate Services

A G E N D A

1 APOLOGIES FOR ABSENCE AND NOTIFICATION OF SUBSTITUTE MEMBERS

2 DECLARATIONS OF INTEREST

To record any declarations of interest from Members present.

3 MINUTES FROM THE PREVIOUS MEETING OF THE LOCAL JOINT CONSULTATIVE COMMITTEE HELD ON 9TH JANUARY 2019 (Pages 5 - 8)

4 REVIEW OF THE LJCC CONSTITUTION (Pages 9 - 20)

5 PROVISION OF SERVICES UNDER THE TRANSFORMATION PROGRAMME

The Staff Side would like to ask the following question:

In house staff experience significant additional workloads resulting from the outsourcing of services; this can impact on their ability to carry out their functions and their mental health. As the Council moves towards its programme of Transformation, will the externalised costs of outsourcing be fully factored into decisions about how transformed services are provided?

6 PAY SETTLEMENTS AND THE LONDON LIVING WAGE

The Staff Side would like to ask the following question:

The LJCC is asked to recommend that the Council consider the Council's leadership role, and assess the impact on staff and the local economy of sub London Living Wage pay settlements for staff (in house and contracted) who provide Council services and reside or shop in the Borough.

7 REVIEW OF DISCIPLINARY PROCEDURES AND UPDATE REGARDING THE ACAS WELL-BEING SURVEY

The Staff Side are seeking updates on the following issues:

1- Review of Disciplinary Procedures

2- Time table and Union involvement in the ACAS Wellbeing Survey

The Staff Side express the view that the delay in addressing these issues is resulting in ongoing stress and mental health issues for staff.

8 DATE OF NEXT MEETING

The Committee is requested to note that the next meeting will be held on October 30th 2019.

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LOCAL JOINT CONSULTATIVE COMMITTEE

Minutes of the meeting held at 6.30 pm on 9 January 2019

Present:

Employer's Side

Staff Side and Departmental Representatives

Councillor Russell Mellor (Chairman)

Gill Slater, (Vice Chairman)

Councillor Nicholas Bennett J.P.

Alice Atabong, Education, Care and Health Services (Housing)

Councillor Simon Fawthrop

Thomas Carver, CEX

Councillor Josh King

Gill Slater, Vice Chairman

Councillor Kate Lymer

Matthew Smallwood-Conway, Environment and Community Services (Leisure and Culture)

Councillor Robert Mcilveen

Councillor Colin Smith

Councillor Michael Turner

Kathy Smith (Unite)

Sally Tsoukaris (Unison)

7 APOLOGIES FOR ABSENCE AND NOTIFICATION OF SUBSTITUTE MEMBERS

Apologies for absence were received from Jackie Goad, Duncan Bridgewater, and Ade Suleiman.

Apologies were also received from Councillor David Cartwright and Councillor Robert Mcilveen attended as alternate.

8 DECLARATIONS OF INTEREST

It was moved that the minutes be agreed and signed as a correct record.

Note:

Whilst it was resolved by majority that the minutes be agreed and signed, the Vice Chairman had advised that there was a section of the minutes dealing with the ACAS well-being survey that she did not agree with.

9 THE ALIGNMENT OF BROMLEY'S DISCIPLINARY PROCEDURES WITH ACAS GUIDELINES

The Staff Side asked the following question:

'Unite would like to discuss the alignment of Bromley's disciplinary procedures with ACAS guidelines:

Given the acknowledged need for amendment, Unite suggest that the LJCC recommend to the General Purposes and Licencing Committee, that the ACAS guidelines be used in the interim, until or unless robust, locally agreed procedures are adopted'.

Charles Obazuaye (Director of Human Resources) stated that there was nothing wrong with LBB's disciplinary procedures, and no fault had ever been found in them by an Employment Tribunal. Indeed, the Council had never lost an individual Tribunal case relating to unfair dismissal claims. Resultantly, the Director took the view that the matter was not a priority, but he had promised previously that he would look at the matter early in the New Year. In view of this, he expressed surprise that the matter was being raised at the meeting.

Ms Slater responded that the matter was regarded as a priority by the Unions who were currently representing staff, because the unions felt that they had to fight both the individual case as well as the associated procedures, which (in her view) were unnecessarily adversarial; Ms Slater referenced the link to staff mental health and wellbeing resulting from the process. She was not suggesting that the current Council policies were illegal which might result in the Council being criticised at an Employment Tribunal, but that rather the procedures were out of date, (not being changed since 1992), fell short of best practice and did not equate to procedures that could be expected from a 'Dream Organisation'. She expressed the view that this had been accepted by Human Resources. She stated that in view of this, it would not be unreasonable for the Council to adopt the ACAS guidelines in the interim.

The Leader stated that the current procedures had served the Council well since 1992 without causing any problems. He therefore moved that no further action be taken. The proposal was seconded and the matter was closed.

10 THE WELLBEING SURVEY BEING UNDERTAKEN BY ACAS.

The Staff Side had asked for a discussion to take place concerning the Wellbeing Survey that had been undertaken by ACAS. They wanted to know if they could be involved in its development.

The Director of HR expressed surprise that the matter was being raised at the LJCC. He advised that he had previously met with the Unions to discuss the survey and had promised that it would be looked at in the new financial year.

Ms Slater asserted that there had been no meetings to discuss the issue since the previous meeting of the LJCC. She said that although the matter had been raised at the LJCC meeting in July, it had been some time since the Committee had met and that therefore it was not inappropriate for the matter to be raised again.

Kathy Smith (Unite) stated that as far as the Unions were concerned, the discussion that the Director had referred to around the well-being survey had not taken place, and she asked for a copy of the minutes to be provided. The

Director assured that a copy of the minutes would be provided. The Director mentioned that email correspondence had also taken place concerning the matter. Ms Slater remarked that the email correspondence related to a different issue.

Ms Slater stated that a previous unminuted discussion about the nature of the survey as a 'staff wellbeing survey' had taken place, where the Director of HR had confirmed that there would be an ACAS 'wellbeing survey' likely to reflect the experience Cllr King was familiar with in relation to such surveys. The Director of HR said that it was not specifically a 'wellbeing survey' but was a 'staff engagement survey' which was more broadly based.

Councillor Fawthrop suggested that the Unions be allowed to submit additional questions that could be considered for incorporation into the survey. The Director agreed that additional questions could be added to the survey as required.

Councillor King asked when the survey was going to take place. He also asked for clarification as to the nature of the survey—was it a well-being survey or not? The Director replied that it was a 'staff engagement survey'. However, it was possible to add additional questions to the survey which could be related to well-being.

The Director drew attention to the sterling work that had been undertaken by Nicola Musto around mental health issues. The work had been carried out with the support of the Council and Ms Musto continued to raise awareness of mental health issues.

Ms Smith referenced a previous survey that had been undertaken by the Departmental Representatives concerning what was required to transform Bromley into a 'Dream Organisation'. She said that it was her understanding that only 12 responses to the survey had been received. She stated that the survey should have the 'right' questions incorporated, along with relevant engagement from staff and unions. The survey should make a difference to people's lives and should not be undertaken just as a formal exercise.

The Leader noted the excellent work undertaken by Ms Musto and provided clarification on the '12' responses that had been mentioned by Ms Smith. He said that the number '12' was not the total number of responses that had been received; it was the number of Departmental Representatives that had sent in responses on behalf of their Departments. The Director of HR confirmed that this was the case.

Sally Tsoukaris said that the survey should be a meaningful exercise, and that was why the unions were seeking to be involved. She asked if a draft of the proposed questions could be provided to the unions. This would avoid duplication. Councillor Nicholas Bennett supported this.

RESOLVED that LBB's draft survey questions are disseminated to the Staff Side in due course to streamline the process and to avoid duplication.

11 THE TRANSFORMATION BOARD

Unite had submitted the following statement for consideration:

'Unite would like to request a briefing in relation to the 'Transformation Board' and ask that there be elected staff representation on the Board.'

Councillor Fawthrop asked if the unions had misunderstood the nature of the Transformation Board. He said that in effect the Transformation Board was replacing the Commissioning Board which was currently suspended. The purpose of the Transformation Board was that it was an officer board that had been set up to look at Transformation.

The Director confirmed the comment made by Cllr Fawthrop and advised that it was not a Board where it was relevant or appropriate to have staff representation on it at this point. They may be a time in the future when this could change.

Ms Slater asked how the agenda for the Transformation Board would be communicated to staff. The Director responded that arrangements for this would be made at the appropriate time—the Interim Chief Executive would need to be satisfied that the correct transformation strategy had been formulated first.

12 DATE OF NEXT MEETING

In the LBB calendar of meetings, the next meeting had been scheduled for 21st February. Members felt that this was too soon after the meeting that had just taken place and so it was agreed that the Committee meet next in April.

RESOLVED that the meeting scheduled for 21st February be cancelled, and the LJCC meet again in April.

Post meeting note:

It has been agreed that the LJCC will meet next on 24th April 2019.

The meeting ended at 7.15 pm

Chairman

LOCAL JOINT CONSULTATIVE COMMITTEE

Constitution and Functions

1. **Title**

The Committee shall be called the London Borough of Bromley Local Joint Consultative Committee, hereinafter called the LJCC.

2. **Representation**

The LJCC shall comprise 9 Members of the Council (or such numbers as reflect the political proportionality of the Council), of which number one shall be the Executive Leader or named alternate also from the Executive, one the Chairman of General Purposes and Licensing Committee or named alternate also from the General Purposes and Licensing Committee and one the Chairman of the Main Policy Development and Scrutiny Committee or named alternate also from the Main Policy Development and Scrutiny Committee.

The General Purposes and Licensing Committee at its first meeting appoints them annually after the annual Council meeting. 12 representatives of the Local Authority's employees shall be appointed. 7 of these shall be by election of all employees (2 x Adult and Community Services, 2 x Children and Young People, 1 x Environment and Leisure, 1 x Resources and 1 x Chief Executive's/Legal and Democratic Services), 5 being nominated by the recognised trade unions (currently Unison, Transport and General Workers Union, ACTSS and GMB) and the elected Staff Side Secretary. All members of the LJCC shall retire annually and be eligible for re-appointment.

If a member of the LJCC ceases to be a Councillor or employee of the Local Authority, he or she shall cease to be a member of the LJCC; any employer vacancy shall be filled by the General Purposes and Licensing Committee, the trade union vacancy by the appropriate trade union and the employee representative by the relevant departmental employees.

3. **Chairman**

A Chairman and Vice-Chairman shall be appointed by the LJCC at their first meeting each year. The Chairman shall be a Member of the Council and be elected by the employer side, while the Vice-Chairman shall be from the employee/trade union representatives and be elected by the employee side. The Chairman shall not have a casting vote.

4. **Officers**

Each side shall have secretarial assistance to help co-ordinate the meetings and attendance arrangements.

5. **Functions**

The functions of the LJCC shall be:

- (a) to establish regular methods of consultation and discussion between the Local Authority and its employees in order to prevent differences arising and to develop a co-operative approach to and understanding of work issues wherever appropriate. No question of individual discipline, promotion or efficiency, grading appeal, grievance or other individual matter shall be within the scope of the LJCC;
- (b) to consider any relevant matter referred to it by the Executive or General Purposes and Licensing Committee or by any of the employee representatives or trade union representatives;
- (c) to consider all relevant matters affecting the mutual interest of the Council and their employees and to make recommendation to the Executive and General Purposes and Licensing Committee;
- (d) to discharge such other functions as may be specifically assigned to the LJCC;
- (e) to refer any question coming before it for consideration by and advice of the London Councils. It may inform London Councils of any recommendation of the LJCC which appears to the LJCC to be more than of local interest providing that such a recommendation shall be first approved by the Executive or General Purposes and Licensing Committee before it is submitted to the Provincial Council.

Rules and Regulations

1. The LJCC shall meet quarterly. The Chairman or Vice-Chairman may at any time direct the Committee Administrator to call a special meeting, providing this request is submitted in writing, states the item of business to be discussed and is signed by not less than three members of either side. Any meeting so directed or required shall be convened so as to meet not earlier than seven days and wherever possible, not later than fourteen days after such notification. No other matter shall be considered unless agreed by both sides.
2. The quorum of the LJCC shall be three representatives of the employers and three representatives of the employees: comprising one trade union representative and two departmental representatives who are drawn from two different departments.
3. No resolution shall be regarded as carried unless it has been approved by a majority of the members present on each side of the LJCC. In the event of the LJCC being unable to arrive at an agreement it shall report to the Executive or General Purposes and Licensing Committee.

4. The proceedings of each meeting of the LJCC shall be reported for consideration to the General Purposes and Licensing Committee but before submission the report shall be circulated to the Chairman and Vice-Chairman for comment.
5. The Council shall give the employees' representatives the necessary facilities to attend the meetings. Time off in lieu of the time spent at the LJCC meeting shall be given or overtime at plain time rates.
6. The Chief Executive and the Head of Human Resources and/or their representative(s) may attend any meeting of the LJCC, but they may not vote.
7. Employee representatives will have the right to invite in an advisory capacity not more than two representatives of the particular departments affected by a question under discussion. Similarly, the additional representative(s) shall attend only for the period during which the question is being discussed. In neither situation will these representatives be allowed to vote.
8. External trade union officials or representatives of other employee organisations may also be invited to the meeting, at the agreement of both the employer and employee sides, to discuss a particular issue, but may not vote.
9. At the request of either side, the Committee may consider recommendations for alteration of the Constitution provided that notice of the proposal in this respect shall have been placed on the agenda of the meeting. No such alteration will be effective until approved by the General Purposes and Licensing Committee.

Revised General Purposes and Licensing Committee 25th July 2007.

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LOCAL JOINT CONSULTATIVE COMMITTEE

PROPOSALS FOR CHANGES TO THE LJCC CONSTITUTION

1. Reason for the Report

1.1. Following the last review of the Local Joint Consultative Committee (LJCC) constitution on 25th July 2007, the organisation's structure and size of the workforce has changed significantly. In addition, at its meeting on 26 March 2015, the General Purposes and Licensing Committee approved changes to restructure employee representation within the London Borough of Bromley. This included the cessation of the secondment of staff into the roles of Staff Side Secretary and Trade Union Representative as well as a review of the Departmental Representatives structure to reflect the reduced workforce and realignment and reduction of services.

1.2. The number of Departmental Representatives were reduced to reflect the reduced workforce, and the Departmental Representatives now collectively represent the Council workforce, rather than each of them representing a specific department or division.

1.3. The constitution of the LJCC was not reviewed following the changes outlined above and therefore the constitution is no longer fit for purpose. This document sets out proposals for amending the constitution, following discussions that have taken place with Councillor Mellor, Chair of LJCC; discussions separately with the trade unions and the Director of HR & Customer Services, as well as discussions that have taken place with the Departmental Representatives.

1.4. Not only will the proposals align the constitution with the revised structure and size of the Council, but it also aims to reduce the number of meetings that are cancelled because the meeting is not quorate (which has happened more recently with the reduced number of departmental representatives and trade union representatives who are employees of the Council).

1.5. The proposals are about the number of staff side representatives and do not include any recommendations for changes to the number of Members who are committee members of the LJCC; any changes to the number of Members attending the LJCC would be a matter for the Member Constitution Working Party to consider. Alternative options for a revised constitution put forward by trade union representatives are also included in the LJCC for consideration.

1.6. The LJCC does not have any decision making powers and therefore any recommendations arising from this document will then need to be submitted to the General Purposes and Licensing Committee for consideration as it is this committee that has the authority to approve any constitutional changes to the LJCC.

2. Background

2.1. A full copy of the current constitution is attached as Appendix 1. The relevant paragraphs of the LJCC constitution, for the purposes of this paper are set out below.

2.2. The current constitution states:

“2. Representation

The LJCC shall comprise 9 Members of the Council (or such numbers as reflect the political proportionality of the Council), of which number, one shall be the Executive Leader or named alternate also from the Executive, one the Chairman of General Purposes and Licensing Committee or named alternate also from the General Purposes and Licensing Committee and one the Chairman of the Main Policy Development and Scrutiny Committee or named alternate also from the Main Policy Development and Scrutiny Committee.

The General Purposes and Licensing Committee at its first meeting appoints them annually after the annual Council meeting. 12 representatives of the Local Authority’s employees shall be appointed. 7 of these shall be by election of all employees (2 x Adult and Community Services, 2 x Children and Young People, 1 x Environment and Leisure, 1 x Resources and 1 x Chief Executive’s/Legal and Democratic Services), 5 being nominated by the recognised trade unions (currently Unison, Transport and General Workers Union, ACTSS and GMB) and the elected Staff Side Secretary. All members of the LJCC shall retire annually and be eligible for re-appointment.

If a member of the LJCC ceases to be a Councillor or employee of the Local Authority, he or she shall cease to be a member of the LJCC; any employer vacancy shall be filled by the General Purposes and Licensing Committee, the trade union vacancy by the appropriate trade union and the employee representative by the relevant departmental employees.

Rules and Regulations

2. The quorum of the LJCC shall be three representatives of the employers and three representatives of the employees: comprising one trade union representative and two departmental representatives who are drawn from two different departments.

8. External trade union officials or representatives of other employee organisations may also be invited to the meeting, at the agreement of both the employer and employee sides, to discuss a particular issue, but may not vote.”

2.3. The Council now comprises of 3 Departments: Education Care and Health Services, Environment and Community Services, Chief Executives. There is no longer a Staff Side Secretary role and the three recognised trade unions are Unison, Unite and GMB.

3. Proposals

3.1. As outlined above, a number of the LJCC meetings have been cancelled because the meeting has not been quorate where either no Departmental Representatives or less than 2 staff side have attended the meeting. The Departmental Representatives, whilst not wishing to attend all the meetings, are concerned that their non-attendance at the meetings results in meetings being cancelled. They are therefore supportive of any changes to the constitution that would bring about a solution to the current difficulties.

3.2. The Chair of LJCC, Councillor Mellor is committed to finding a solution and has therefore proposed the following changes to the constitution:

a. Reduce the number of Trade Union and Departmental Representatives members as follows:

- Reduce from 7 to 4 Departmental Representatives (Council wide representation);
- Reduce from 5 to 3 Trade Union Representatives

The reduction from 5 to 3 trade union representatives is considered fair and appropriate to reflect the trade unions reduced constituency. Trade union membership has reduced following the reduction in the Council's workforce, the impact of the commissioning agenda, as well as the significant reduction in the number of community schools, where the Council is the employer.

b Amend paragraph 2 of the Rules and Regulations so that the meeting can be quorate if two staff members attend, which could be either two trade union members, two departmental representative members, or a combination of the two parties.

A proposed revised draft constitution is attached at Appendix 2.

4. Feedback from Trade Union Side and Departmental Representatives

4.1. The proposals outlined above were discussed with the trade unions, who suggested the following amendments to the constitution for the LJCC to consider:

- a. Trade Unions would like reassurance that Membership of the LJCC would always include a Councillor from the opposition party, i.e. Labour;
- b. Unison wish to propose an amendment to no 2 of the Rules and Regulations to ensure that the meeting would only be quorate if one of

the two attendees was a trade union member. They did not want the constitution to be amended in such a way that the meeting could go ahead if only Departmental Representatives attended. This was endorsed by Unite, whose preference was for the meeting to be cancelled if the trade unions did not attend.

- c. Unite asked for clarification as to whether the 3 trade union side members could include trade union representatives who were not employees; the Committee will need to consider this point, as this is contrary to paragraph 8 of the Rules and Regulations which state that external trade union officials or representatives of other employee organisations may also be invited to the meeting, at the agreement of both the employer and employee sides, to discuss a particular issue, but may not vote.
- d. The trade unions asked whether they could fill the Departmental Representatives 4 places at the LJCC on an ad hoc basis if the Departmental Representatives did not attend the meeting. Effectively if the constitution were amended in this way it would mean that 7 trade union members could attend the meeting. The Committee will need to consider this point and whether this is inappropriate based on proportionality.

4.2. The Departmental Representatives were keen to ensure that the LJCC meetings were not cancelled due to their non-attendance. Their proposal was that the constitution be amended so that the meeting could be quorate, even if no Departmental Representatives attended the meeting. This is reflected in the attached draft at Appendix 2.

5. Next Steps

LJCC is asked to consider the proposals outlined in this paper, including the comments received from staff side and agree recommendations that can be taken to the General Purposes and Licensing Committee for consideration.

Tammy Eglinton
Head of HR Consultancy

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The General Purposes and Licensing Committee at its first meeting appoints them annually after the annual Council meeting. 7 representatives of the Local Authority's employees shall be appointed. 4 of these shall be appointed from the Departmental Representatives, who collectively represent employees across the Council. 3 being nominated by the recognised trade unions (currently Unison, Unite and GMB). All members of the LJCC shall retire annually and be eligible for re-appointment.

If a member of the LJCC ceases to be a Councillor or employee of the Local Authority, he or she shall cease to be a member of the LJCC; any employer vacancy shall be filled by the General Purposes and Licensing Committee, the trade union vacancy by the appropriate trade union and the employee representative by the relevant departmental representative.

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- (b) to consider any relevant matter referred to it by the Executive or General Purposes and Licensing Committee or by any of the employee representatives or trade union representatives;
- (c) to consider all relevant matters affecting the mutual interest of the Council and their employees and to make recommendation to the Executive and General Purposes and Licensing Committee;
- (d) to discharge such other functions as may be specifically assigned to the LJCC;

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1. The LJCC shall meet quarterly. The Chairman or Vice-Chairman may at any time direct the Committee Administrator to call a special meeting, providing this request is submitted in writing, states the item of business to be discussed and is signed by not less than two members of either side. Any meeting so directed or required shall be convened so as to meet not earlier than seven days and wherever possible, not later than fourteen days after such notification. No other matter shall be considered unless agreed by both sides.
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3. No resolution shall be regarded as carried unless it has been approved by a majority of the members present on each side of the LJCC. In the event of the LJCC being unable to arrive at an agreement it shall report to the Executive or General Purposes and Licensing Committee.
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8. At the request of either side, the Committee may consider recommendations for alteration of the Constitution provided that notice of the proposal in this respect shall have been placed on the agenda of the meeting. No such alteration will be effective until approved by the General Purposes and Licensing Committee.

Presented to the LJCC for consideration on 12th June 2019.

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