

## **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 25<sup>th</sup> 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.

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