

Decision Maker: **General Purposes & Licensing Committee**

Date: **19th September 2019**

Decision Type: Non-Urgent Non-Executive Non-Key

Title: **Local Joint Consultative Committee (LJCC)
Review of the Constitution**

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Chief Officer: Charles Obazuaye, Director of Human Resources & Customer Services

Ward: Borough Wide

1. Reason for report

1.1. This is a Member report, on behalf of the Chairman of the LJCC and seeks approval for the proposed changes to the Constitution of the Local Joint Consultative Committee (LJCC) to reflect the organisational changes that have taken place since the last review of the LJCC Constitution in 2007.

2. **RECOMMENDATION(S)**

2.1. **The General Purposes and Licensing Committee is requested to:**

- (i) **Note the recommendations set out in this report and agree to amend the Constitution of the Local Joint Consultative Committee as outlined in paragraph 3.14 of this report;**
- (ii) **Note the outcome of the consultation with trade unions and departmental representatives on the proposed changes to the Constitution of the LJCC;**
- (ii) **Note the outcome of the LJCC meeting on 12 June 2019 in relation to the proposed changes to the LJCC Constitution, in that they were unable to reach agreement and referred the matter to the General Purposes and Licensing Committee to consider.**

Impact on Vulnerable Adults and Children

1. Summary of Impact:
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Corporate Policy

1. Policy Status: Not Applicable Existing Policy New Policy: Further Details
 2. BBB Priority: Excellent Council:
-

Financial

1. Cost of proposal: No Cost:
 2. Ongoing costs: Not Applicable:
 3. Budget head/performance centre:
 4. Total current budget for this head: £
 5. Source of funding:
-

Personnel

1. Number of staff (current and additional): 0
 2. If from existing staff resources, number of staff hours:
-

Legal

1. Legal Requirement: None:
 2. Call-in: Not Applicable:
-

Procurement

1. Summary of Procurement Implications:
-

Customer Impact

1. Estimated number of users/beneficiaries (current and projected):
-

Ward Councillor Views

1. Have Ward Councillors been asked for comments? Not Applicable
2. Summary of Ward Councillors comments:

3. COMMENTARY

Background

3.1. 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 resulting in a "new look" Departmental Representatives Forum, chaired by the Leader of the Council and a reduced number of Departmental Representatives from 43 to 12.

3.2.. The number of Departmental Representatives were decreased to reflect the reduced workforce, and the Departmental Representatives now collectively represent the Council workforce, rather than individuals each representing a specific department or division. Separately staff are also represented by the trade unions, namely, Unison, Unite and GMB and quarterly meetings are held with the trade unions chaired by the Chief Executive and also attended by the Director of HR and Customer Services.

3.3. The Constitution of the LJCC was not reviewed following the changes outlined above and therefore the constitution is no longer fit for purpose. This report, presented by Councillor Russell Mellor, Chairman of LJCC, sets out proposals for amending the Constitution. There have been discussions separately about proposals for changing the Constitution with the trade unions, the Director of HR & Customer Services, as well as discussions with the Departmental Representatives.

3.4. A summary of the proposed changes that the Committee are being asked to consider are:

- i. Reduce the staff side membership of the LJCC as follows:
 - Reduce Departmental Representatives from 7 to 4;
 - Reduce Trade Union Representatives from 5 to 3;
- ii. Amend the Constitution, Paragraph 2 of the Rules and Regulations so that the meeting can be quorate if two staff side members attend, which could be either two trade union members, two departmental representative members, or a combination of both. (Currently the requirement is for three representatives to be present; two departmental representatives and one trade union representative).
- iii. Amend the Constitution by deleting paragraph 8 of the Rules and Regulations. Deleting paragraph 8 would remove the option for external trade union officials or representatives of other employee organisations to be invited to attend the meeting to discuss issues. (The LJCC is a Part 1 Public Meeting).

3.5. At the last LJCC meeting on 12 June 2019 the matter was discussed, with the aim of both sides reaching agreement on a revised Constitution, with specific proposals put forward. Whilst the matter was discussed fully the LJCC was unable to arrive at an agreement over the proposals. It was therefore resolved that the proposed revision to the Constitution be referred to the General Purposes and Licensing Committee for consideration.

3.6. The proposals in this report will align the constitution with the revised structure and size of the Council, and proposes to reduce the number of staff representatives who are required to attend the meeting. By reducing the number of representatives required, and also the quorate requirements it is anticipated that this will reduce the number of meetings that are cancelled due to a meeting not being quorate.

3.7. The proposals 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.

3.8. The LJCC does not have any decision making powers and therefore the recommendations outlined in this report are a matter for the General Purposes and Licensing Committee to consider. GP&L Committee has the authority to approve any constitutional changes to the LJCC.

3.9. A full copy of the current Constitution is attached at Appendix 1. The relevant paragraphs of the current LJCC constitution, for the purposes of this report are set out below.

3.10. 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.”

3.11. Following a recent review of the Council’s Corporate Leadership Structure the Council now comprises the following Departments:

- Children’s Services,
- Adult Services,
- Public Health

- Environment and Public Protection,
- Housing, Regeneration and Planning,
- Chief Executives

3.12. There is no longer a Staff Side Secretary role and the three recognised trade unions are Unison, Unite and GMB.

Proposals

3.13. As outlined above a number of the LJCC meetings have been cancelled because the meeting has not been quorate on the staff side. This has been either because there have been less than two Departmental Representatives attend, or none at all, or where no trade union representatives have attended. The Departmental Representatives, whilst not wishing to attend all the meetings, are concerned particularly that their non-attendance at the meetings has resulted in meetings being cancelled. They are therefore supportive of any changes to the constitution that would bring about a solution to the current difficulties.

3.14. The Chairman of LJCC, Councillor Russel Mellor, is committed to finding a solution and has proposed the following changes to the constitution:

a. Reduce the staff side membership of the LJCC on the Committee 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, as well as the significant reduction in the number of community/special schools, where the Council is the employer (at the time of this report only Riverside School remains as a school 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. This flexible approach will reduce the number of meetings that have to be cancelled.

c. Delete paragraph 8 of the Rules and Regulations Deleting paragraph 8 would remove the option for external trade union officials or representatives of other employee organisations to be invited to attend the meeting to discuss issues. Currently they can attend the meetings if invited and agreed by both employer and staff sides, but are not permitted to vote. The LJCC meetings are Part 1 meeting and open to members of the public. External officials would therefore still have an opportunity to attend the meeting in the public gallery, but they would not be able to participate in the debate/debates

3.15. A proposed revised draft Constitution is attached at Appendix 2.

Feedback from Trade Union Side along with the response from the Chairman of the LJCC

3.16. The proposals outlined above were discussed with the trade unions, who suggested the following amendments to the Constitution of the LJCC to be considered:

- a. Trade Unions would like reassurance that Membership of the LJCC would always include a Councillor from the opposition party, i.e. Labour;

Chairman of LJCC Response: This would be a matter for the Member Constitution Working Party to consider and outside of the remit of the General Purposes and Licensing Committee.

- b. Unison wishes to propose an amendment to paragraph 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.

Chairman of LJCC Response: Departmental Representatives who attended the LJCC meeting on 12 June 2019 did not object to this approach. Having the option of “any two” staff side representatives would however provide greater flexibility in ensuring that meetings were not cancelled due them not being quorate.

- c. Unite asked for clarification as to whether the 3 trade union side members could include trade union representatives who were not employees.

Chairman of LJCC Response: It is clear from the current Constitution, Section 2, page 1 that Members of the Committee have to be either an existing Councillor or a current employee of the Council and that they cease being a member of the LJCC if they no longer meet this requirement. There are no proposals to change this aspect of the Constitution.

- 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.

Chairman of LJCC Response: Effectively if the Constitution were amended in this way it would mean that 7 trade union members could attend the meeting. This approach is not considered appropriate based on proportionality.

- e. The proposal to remove Paragraph 8 of the regulations was discussed at the meeting of the LJCC of 12 June 2019. The trade unions stated that it was important to allow external representatives attend the LJCC and contribute to discussions where they represented employees of the Council who were their members.

Chair of LJCC Response: The LJCC is a Part 1 Public Meeting.

Feedback from Departmental Representatives

3.17. The Departmental Representatives were keen to ensure that the LJCC meetings were not cancelled due to their nonattendance. The Departmental Representatives felt that some of the matters discussed at the LJCC were better placed for the trade unions to respond to. They felt that in many cases they had little to contribute to the matters being discussed and were supportive of the proposed changes to the quorum.

4. IMPACT ON VULNERABLE ADULTS AND CHILDREN

4.1. None arising from this report.

5. POLICY IMPLICATIONS

5.1. The Council is committed to supporting effective staff engagement. This is consistent with the principles behind Transforming Bromley and the Workforce Modernisation Programme.

6. FINANCIAL IMPLICATIONS

6.1. There are no financial implications arising from the recommendations arising from this report.

7. PERSONNEL IMPLICATIONS

The proposals, if agreed, do not undermine the Council's duty; the Trade Unions and Labour Relations (Consolidation) Act 1992.

8. LEGAL IMPLICATIONS

None arising from this report.

9. PROCUREMENT IMPLICATIONS

None

Non-Applicable Sections:	[List non-applicable sections here]
Background Documents: (Access via Contact Officer)	[Title of document and date]