LOCAL JOINT CONSULTATIVE COMMITTEE

Minutes of the meeting held at 6.30 pm on 12 June 2019

Present:

Employer's Side	Staff Side and Departmental Representatives
Councillor Russell Mellor (Chairman)	Gill Slater (Vice Chairman) (Vice-Chairman)
Councillor David Cartwright QFSM Councillor Will Harmer Councillor Josh King Councillor Kate Lymer Councillor Keith Onslow Councillor Pauline Tunnicliffe Councillor Michael Turner	Thomas Carver, CEX Matthew Smallwood-Conway, Environment and Community Services (Leisure and Culture) Tony Parnell (Unite Representative) Kathy Smith (Unite Branch Secretary)

1 APOLOGIES FOR ABSENCE AND NOTIFICATION OF SUBSTITUTE MEMBERS

Apologies were received from Councillor Simon Fawthrop. Councillor Keith Onslow attended as substitute.

Apologies were also received from the Leader, Laurence Downes, Sally Tsoukaris and Josie Meade.

Councillor Michael Tickner attended as a visiting Member in place of the Leader.

2 DECLARATIONS OF INTEREST

There were no declarations of interest.

3 MINUTES FROM THE PREVIOUS MEETING OF THE LOCAL JOINT CONSULTATIVE COMMITTEE HELD ON 9th JANUARY 2019

No queries were raised concerning the accuracy of the minutes of the meeting held on 9th January 2019.

A Member referred to minute 10, relating to the wellbeing survey being undertaken by ACAS. The minute referenced a previous discussion that was purported to have taken place between the Director of HR and the unions with respect to the ACAS well-being survey. The Staff Side expressed the view that the discussion mentioned in the minutes had not taken place, and had requested a copy of the minutes of the meeting. The Director of HR had

promised to provide a copy of the minutes and the Member asked if this had been actioned.

The Director of HR apologised and said that he had confused the discussion referenced in the minutes with a different discussion. He had met with the unions subsequently, and these minutes had been disseminated.

RESOLVED that the minutes of the meeting held on 9th January 2019 be agreed and signed as a correct record.

4 REVIEW OF THE LJCC CONSTITUTION

A paper had been submitted for the Committee's attention, outlining proposed changes to the Constitution and Functions of the LJCC. The changes proposed were to reduce the number of Trade Union and Departmental Representatives, and also to amend the rules relating to quoracy, so that a meeting could take place if any two members of the Staff Side were in attendance. The Chairman felt that this was a sensible idea in that it would make it easier to form a quorum, thus avoiding the previous issues of meetings being cancelled as they were not quorate. In the revised LJCC Constitution and Functions document, it was also proposed to remove the provision that currently allowed for external trade union representatives to attend the Committee, subject to the agreement of both sides of the LJCC.

The Staff Side pointed out that the existing provision (Regulation 8) allowed for external trade union representatives, who were not employees of LBB, to attend to represent staff. They expressed concern that there was a proposal for this provision to be abolished, as Regulation 8 which allowed for external union representatives to attend the LJCC (without voting rights and with the agreement of both sides) did not appear in the proposed LJCC revised Constitution and Functions document. The Staff Side expressed the view that it was vital to keep Regulation 8, as it was important to allow external representatives to come along and contribute to discussions. The Chairman had agreed that external trade union representatives could be invited to attend the meeting on this occasion.

The Staff Side expressed disappointment that agreement to allow external trade union representation had been provided late for this meeting, and this had resulted in trade union apologies.

The Staff Side stated that if the intention was indeed to remove Regulation 8, that this intention be re-considered, and that the ability to allow external trade union input to discussions be retained, as they felt it was important to allow external trade union representatives to attend and contribute to discussions as they represented Council staff.

The Chairman responded and stated that in his view, the trade union representatives, who were able to have an input at the LJCC, should be part of the Council and that in this way they would be more familiar with Council

issues. This position was shared and supported by most of the Chairman's colleagues at the meeting.

A Member stated that the description 'external trade union representatives' could be misunderstood and misconstrued. The trade union representatives would be attending simply to support members of Council staff who were trade union members. The Staff Side expressed the view that the matters they raised on behalf of their members affected all staff.

The Director of HR clarified that the proposal was to remove Regulation 8 and to thereby remove the provision, and this was why the provision had been excluded in the proposed revised Constitution and Functions document. Subsequent to this clarification, the Vice Chairman requested that the intent to remove Regulation 8 be reconsidered and the Regulation be reinstated. The Chairman responded that this would be a Member decision.

A Member said that he did not see the value of external trade union representatives attending, as in his view they were primarily concerned with representing the trade union rather than their members. The Staff Side rejected this and responded that they did represent staff who were union members, as matters brought to the LJCC demonstrated.

The Vice Chairman said that her time and experience was limited and there may be instances such as when complicated or technical issues arose, where she would need help and advice from others in the trade union that were more experienced and knowledgeable than herself. This would ensure that the matters were fully and effectively discussed at the LJCC.

The Staff Side highlighted that over the last twenty years, LJCC meetings in Councils had in the main, been a meeting between the Councillors and the trade unions, and in most Councils this was still the case. A Member responded that times had changed and trade union membership of staff in Bromley had declined. A Member stated that it was the case that both sides of the LJCC at times required help and advice, the Councillors could refer to the Director of HR at the meeting, and similarly the Staff Side at times would need the assistance of external trade union representatives to provide advice. A Member added that the Director of HR also worked with, and provided advice to employees.

The Director of HR reasoned that if the Vice Chairman or any other trade union representative on the LJCC required advice, they could obtain this via their own internal system. There was no legal requirement for an external trade union representative to attend the LJCC.

A Member expressed concern that if the quoracy rules were not changed, and it was still a requirement for one trade union representative to attend, then if the trade unions nationally took industrial action, it could be the case that union representatives may not attend the LJCC as part of the industrial action and so the meeting would need to be cancelled to the detriment of a significant number of the Council's staff.

The Staff Side responded that the unions would not do that, and would not consider non-attendance at the LJCC to be part of industrial action.

The Chairman moved to refer the proposals to the GP&L Committee, but the Vice Chairman indicated that she wanted to discuss in more detail the proposed changes to the rules around quoracy. She expressed concern that the new rules would mean that it was possible in some cases for meetings to take place without any trade union representation. She felt it was important that trade union representation was present so that the trade unions could participate in negotiations.

The Director of HR responded that the trade unions could appoint alternates including shop stewards or trade union members within the organisation. The Vice Chairman explained that providing union representation at the LJCC was not an easy task, and anyone acting as an alternate would need to be competent and properly briefed.

A Member expressed sympathy with the Vice Chairman in this regard, in that it was not always easy to find suitable substitutes. However, he felt that the proposed changes to the quoracy rules did make things easier, and that everyone concerned should ensure that their diaries were cleared to avoid meetings being cancelled. The Vice Chairman pointed out that all of the cancellations (bar one) were due to non-attendance by Departmental Representatives.

A Departmental Representative commented that he accepted that there was a problem with Departmental Representatives attending the LJCC. He explained that this was because in many cases the Departmental Representatives felt that the matters discussed at the LJCC were better placed for the trade union to respond to. They felt that often they had little to contribute to the matters being discussed.

There was a discussion around how many LBB employees were trade union members. The Staff Side declined to provide this information. But advised that under the new Direct Debit system the Council would not have a record of membership and that generally staff did not wish their Trade Union membership to be disclosed to the Council. Mr Parnell agreed that this was the case.

RESOLVED that the proposed revision to the Constitution and Functions of the LJCC be referred to the GP&L Committee for consideration, as the LJCC was unable to arrive at an agreement.

5 PROVISION OF SERVICES UNDER THE TRANSFORMATION PROGRAMME

The Staff Side had asked 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?

The Assistant Director for Governance and Contracts was not able to attend the meeting but had provided the following written response:

The Transformation Programme, (as detailed in the recently published Transforming Bromley: Our Four Year Roadmap 2019 to 2023), has a much broader purpose than may be inferred from the question. The commissioning of services is only one of seven activity headings within the Roadmap; and the identification of potential third party delivery opportunities is only one of eighty separate actions identified within the nine Priority Themes within the Roadmap.

Bromley has described itself as a commissioning organisation for several years, with one of its long established Corporate Operating Principles being that we are a commissioning organisation seeking who is best placed to deliver services to the community based on value for money principles. Any commissioning proposal, particularly where it concerns a potential proposal for the outsourcing (or insourcing) of a service, should be based on a fully costed Business Case that compares the baseline budget (including controllable and non-controllable costs) and outcomes against alternative delivery models. The functions, resources and cost of any client management resource should be considered within the Business Case.

RESOLVED that the update from the Assistant Director for Governance and Contracts be noted.

6 PAY SETTLEMENTS AND THE LONDON LIVING WAGE

The Staff Side asked 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.

A discussion took place regarding the rates of pay for Bromley Staff. The Committee was briefed that 36 staff members were paid below the rate recommended for the London Living Wage. The London Living Wage was not a statutory obligation. The Committee heard that the rate for the London Living Wage was £10.55 per hour. The statutory national minimum wage and national living wage was £8.21 per hour and the minimum rate of pay applied to Bromley Staff was £9.65 per hour. So although Bromley Staff were not paid the London Living Wage, they were paid above the statutory rate for the national living wage. The Staff Side expressed the view that unlike the London Living Wage, LBB's minimum rate did not adequately account for the higher cost of living in Bromley/London compared to other parts of the country.

The Staff Side highlighted that the London Living Wage was paid by many Conservative Councils in London, and that it would not cost much to upgrade workers in Bromley to the London Living Wage. A Member responded that any artificial adjustment arising from the London Living Wage would have a knock-on effect on other pay grades in the organisation with possible significant financial and equal pay impacts. The Chairman expressed the view that LBB was looking after their staff because in the majority of cases Bromley staff were being paid £9.65 per hour which was above the National Minimum Wage.

The Chairman highlighted the fact that LBB paid its staff a higher rate of pay than what was usually agreed by National Terms and Conditions, and that they also retained the £200k fund for merited pay awards for staff achieving exceptional performance. A Member mentioned that at the GP&L Committee, other incentives to retain staff were being looked at.

The Staff Side asked the GP&L Chairman if she would provide them with a list of workers who were being paid less than the London Living Wage, and she agreed to do so.

The Vice Chairman maintained that the London Living Wage should be paid to Bromley Staff, as in the view of the Staff Side it was the minimum level of money that was needed to function, and that LBB should take the lead in rewarding lower paid staff. The performance incentives mentioned did not benefit everyone equally.

RESOLVED that the Staff Side question be noted, and that the GP&L Chairman provide a list to the Staff Side, of those workers being paid below the London Living Wage.

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

The Staff Side were seeking updates on the following issues:

1- Review of Disciplinary Procedures

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

The Staff Side expressed the view that the delay in addressing those issues had resulted in ongoing stress and mental health issues for staff.

The Director of HR expressed the view that progress was being made with these issues, after meetings had been held with the trade unions; he thanked Kathy Smith for her assistance in achieving this. He said that regarding the review of disciplinary procedures, agreement had been made on both sides to see what could be done. It was felt that in some cases the concerns were more around how disciplinary matters were conducted by officers, rather than problems with the Disciplinary Procedure itself. It had been agreed that as well as looking at procedures, guidance notes would be drafted to support

managers and also to provide managers with additional training and support and also the possibility of joint training with the unions. The Chief Executive was monitoring the situation.

The Vice Chairman requested that any issues around improvements in the provision of training and guidance for managers be reviewed (in consulttaion with the Trade Unions) as soon as possible.

The Director of HR acknowledged the need for managerial and cultural change, along with improved training. A Member asked if the Departmental Representatives would be involved in discussions relating to the review of disciplinary procedures and the Director of HR confirmed that they would be consulted and involved.

8 DATE OF NEXT MEETING

It was noted that the LJCC was scheduled to meet next on 30th October 2019.

The meeting ended at 8.00 pm

Chairman

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