
REPORT TO:	FINANCE AND MANAGEMENT COMMITTEE	AGENDA ITEM: 7
DATE OF MEETING:	8th OCTOBER 2020	CATEGORY: DELEGATED
REPORT FROM:	CHIEF EXECUTIVE	OPEN
MEMBERS' CONTACT POINT:	DAVID CLAMP (01283 595729) david.clamp@southderbyshire.gov.uk	DOC:
SUBJECT:	JOINT CONSULTATIVE COMMITTEE – TERMS OF REFERENCE	
WARD(S) AFFECTED:	ALL	TERMS OF REFERENCE: FM05

1.0 Recommendations

- 1.1 That the Terms of Reference for the Joint Consultative Committee are approved and included as part of the Council's Constitution – Appendix 1.

2.0 Purpose of the Report

- 2.1 To approve Terms of Reference (TOR) for the Joint Consultative Committee.

3.0 Executive Summary

- 3.1 The Council has a formal internal process for determining employee relations issues. The Joint Consultative Committee (JCC) is part of the Council's Constitution and Elected Members are appointed annually to meet with Trade Union and other employee representatives if required, to determine matters that have not been resolved at an Officer level.
- 3.2 Any decisions taken by the JCC represent the last stage of the internal process and reported back to this Committee.

4.0 Detail

- 4.1 The Council appoints representatives on to the Joint Consultative Committee on an annual basis in line with the political representation on the Council. This provides for five Elected Members to be appointed with three from the controlling group and two from the opposition group.
- 4.2 Meetings of the JCC are only required where there has been a failure to resolve an employee relations issues or where there are other matters that Officers and Trades Unions jointly agree to seek a view/decision by the JCC.
- 4.4 All meetings are conducted in line with the adopted Committee process and at the last meeting a request for TOR to be developed was approved.
- 4.5 The proposed TOR are detailed in Appendix 1. They have been developed on similar TOR used and been adapted to reflect comparable arrangements at the Council.

5.0 Financial Implications

5.1 There are no financial implications associated with this report.

6.0 Corporate Implications

6.1 The TOR will be added to the Council's Constitution and used at subsequent meetings of the JCC.

7.0 Legal Implications

7.0 None associated with this report.

8.0 Community Impact

8.1 None associated with this report.

9.0 Background Papers

None.

JOINT CONSULTATIVE COMMITTEE TERMS OF REFERENCE

Council Constitution

Under the Constitution, Finance and Management Committee has responsibility under its functions (FM05) to appoint five representatives to the Joint Consultative Committee.

These representatives are appointed on an annual basis and to reflect the current political composition of the Council.

Purpose and principles

The purpose of the Joint Consultative Committee (JCC) is to provide a forum for discussion, consultation and negotiation between Elected Members, senior Officers and representatives of the Council's recognised trade unions (UNISON, UNITE and GMB).

A JCC will be conveyed at the request of either Officers or representatives of the Trades Unions on employee relations matters where;

- There has been a failure to agree at other forums such as the Joint Negotiating Group (JNG) in relation to employee relations matters – such as a change in an employment procedure or other matters that require Elected Members to determine a way forward on the behalf of the Council.
- There are material changes proposed to National employment terms that require local determination and there has been a failure to agree at the JNG.

The JCC will work in the spirit of partnership to promote a climate of open and transparent communication through the timely exchange of relevant information to allow full and collaborative consultation to occur.

The JCC will have delegated powers from the Finance and Management Committee to make decisions on matters referred and that these are binding on both parties, subject to any decision being communicated to all members of the Finance and Management Committee and any call in period that is to be observed.

Membership

The membership of the JCC will comprise;

- Five appointed Elected Member representatives from the Finance and Management Committee.
- Five representatives from the Trade Unions. This is a maximum number permitted with UNISON having the majority membership.
- Five officers from the Council. This is a maximum number permitted and to include;
 - Chief Executive
 - Representatives from Leadership Team or other required officers
 - Representatives from Human Resources

Additional persons will be permitted to attend either from the Trade Unions or the Officers side dependant on the matter under discussion and subject to prior notification being received within two working days of the date of the JCC.

The JCC will be supported and clerked by a representative from Legal and Democratic Services.

No other persons shall be permitted to attend JCC meetings unless all parties have agreed to their attendance and the purpose for their attendance. Such agreement will be made at least two working days in advance of the JCC.

Committee arrangements

Meetings of the JCC shall be chaired by an Elected Member representative. The Chair will be appointed based on a majority vote taken by the Elected Member representatives at the commencement of each meeting.

The JCC shall normally meet during office hours at a jointly agreed date and time.

A quorum of the JCC shall require the presence of three representatives from each group with a minimum number of nine being present at each meeting of the JCC.

Meeting agendas shall be decided by the Elected Member representatives in consultation with the Officer representatives. Items for the agenda should be submitted to Legal and Democratic Services no later than ten working days before the date of the meeting.

The agenda and reports for JCC meetings shall be sent to all members no later than five working days before the date of the meeting.

Minutes of the meetings should be circulated not later than five days following the meeting. The minutes shall contain a record of decisions reached and any points where a decision was not reached and the reason. They shall contain no detail of debate.

Legal and Democratic Services will clear the minutes of the JCC with the Chair prior to their circulation to members of the JCC. The minutes of any JCC will then be forwarded to Finance and Management Committee members and then noted at the next scheduled meeting of the Finance and Management Committee.

Procedure at meetings

The Notice of the meeting will determine the items to be discussed and whether matters are discussed in an open or under exempt conditions as set down in the Council's Constitution.

No other items will be discussed unless it is considered urgent and agreed with the Chair either before or at the meeting.

The Chair will oversee the meeting and ensure proper order and conduct when items are discussed or debated.

Representatives from the Trade Unions and Officers of the Council will be given the opportunity to present and ask questions on matters under discussion.

Elected Member representatives can request clarification or otherwise ask questions through the Chair on matters under discussion.

The Chair will determine when items under discussion should be moved to a decision and make this clear to both parties before a vote is taken.

The decisions of the JCC shall be determined by a majority vote of the Elected Members of the JCC. The Chair will retain the casting vote in the event that no overall majority is reached.

Unresolved issues

Should the JCC be unable to reach a decision on a particular issue or otherwise consider that further escalation of matters is required, then the matter will be referred to the Finance and Management Committee. Representatives from the Trade Unions and Officers will be entitled to attend the meeting and present information in accordance with the Committee Procedures.

If this does not resolve the matter or further advice is required then the matter may be referred to the Regional Employers Board at East Midlands Councils.

Date Drafted – 1st July 2020

Date for review – 1st July 2023