

PERSONNEL COMMITTEE – 12TH JUNE 2018

Report of the Head of Strategic Support

Part A

ITEM 5 JOINT NEGOTIATING AND CONSULTATIVE COMMITTEE (JNCC) – APPOINTMENT OF COUNCILLORS 2018-19

Purpose of Report

To appoint councillor representatives to the Joint Negotiating and Consultative Committee (JNCC) for 2018/19.

Recommendation

That 4 councillors be appointed as representatives on the Joint Negotiating and Consultative Committee for 2018/19.

Reason

To enable the operation of the Joint Negotiating and Consultative Committee in accordance with its constitution and, therefore, negotiation and consultation to take place between the Council as an employer and its employees.

Policy Justification and Previous Decisions

The responsibilities of the Personnel Committee include the making of councillor appointments to the Joint Negotiating and Consultative Committee.

Implementation Timetable including Future Decisions

Once decided by the Committee, the appointments for 2018/19 will come into immediate effect.

Report Implications

The following implications have been identified for this report:

Financial Implications

None identified.

Risk Management

There are no specific risks associated with this decision.

Background Papers: None

Officer to contact: Nicky Conway
Democratic Services Officer
(01509) 634787
nicky.conway@charnwood.gov.uk

Part B

Background

1. The Joint Negotiating and Consultative Committee's functions are set out in its constitution, attached as an appendix to this report. This constitution states that the management side of the Committee shall include 4 councillors, to be confirmed annually.
2. A politically balanced approach would comprise 3 Conservative councillors and 1 Labour councillor, although there is no requirement for political balance in this case.
3. At the start of the 2017-18 council year, the representatives appointed were Councillors Barkley, Poland, Maynard Smith and Slater.
4. During this council year Councillor Maynard Smith resigned as a councillor and Councillor Miah was appointed to the Joint Negotiating and Consultative Committee as a representative at the meeting of the Committee on 17th October 2017.
5. Councillor Draycott was appointed to the Personnel Committee by Full Council at its meeting on 6th November 2017 but was not appointed to the Joint Negotiating and Consultative Committee as a representative.
6. At the end of the 2017-18 council year the representatives appointed were Councillors Barkley, Poland, Miah and Slater.

Appendix

Constitution of the Joint Negotiating and Consultative Committee.

CONSTITUTION OF THE JOINT NEGOTIATING AND CONSULTATIVE COMMITTEE

1. TITLE

- 1.1 The Committee shall be known as the Charnwood Borough Council Joint Negotiating and Consultative Committee (JNCC).

2. OBJECTIVE

- 2.1 To establish a workable and effective arrangement for good employee relations, for the avoidance of any misunderstanding and for the promotion of joint participation in all matters of common interest and concern on a genuine consultative and negotiating basis at Council level, as outlined in Clauses 7.3 and 7.4 of the Recognition and Procedural Agreement.

3. MEETINGS

- 3.1 Meetings of the JNCC shall be held quarterly, or by agreement.
- 3.2 Special meetings may be called by a written request to the Secretary from at least half the members of either side. Such meetings must be convened within 21 days, unless the side requesting the meeting agrees otherwise. Agendas and supporting paperwork should be provided in accordance with the provisions below unless otherwise agreed by the majority of JNCC members.

4. PRINCIPLES

- 4.1 The JNCC is authorised to undertake consultation and negotiation on all matters specified in Clauses 7.3 and 7.4 of the Recognition and Procedural Agreement.
- 4.2 JNCC will make recommendations to the appropriate Council body in relation to the terms and conditions and training and development of local government employees.
- 4.3 JNCC will undertake other functions assigned to it from appropriate Council bodies.
- 4.4 No issues in relation to specific individual cases shall be within the scope of JNCC.
- 4.5 Working groups or subcommittees can be constituted by a majority vote of JNCC.
- 4.6 Between meetings JNCC can commission further work from the Chair, Vice-chair or working groups/subcommittees.

5. REPRESENTATION

- 5.1 There shall be a Management Side and a Joint Trade Union Side.
- 5.2 The Management Side shall consist of 4 elected members and up to 4 senior managers of Charnwood Borough Council.
- 5.3 The Union Side shall consist of up to 8 elected representatives of the recognised trade unions who shall also be Council employees or appropriate paid officials. The number from each union shall be determined by the Union Side but shall reflect the approximate numbers of their members. Each recognised union will have a minimum of one seat.
- 5.4 If, for any reason, a particular union does not wish to participate in JNCC for a period, the vacancies may be appropriately taken up by other recognised unions. It will be for the union side to determine who takes up the vacancies.
- 5.5 If a JNCC member ceases to be an employee or paid Trade Union official (as appropriate) the member will no longer be eligible to participate in JNCC. The vacancy will be filled by the appropriate side.
- 5.6 Each side shall confirm the names of its representatives on an annual basis and inform the other immediately of any changes in the interim period.
- 5.7 Each side shall make every effort to ensure that its nominated representatives attend each meeting but substitution will be permitted on both sides where it cannot be avoided.
- 5.8 Both sides will be entitled to have advisors in attendance who will have speaking rights.
- 5.9 Meetings shall be deemed to be quorate if 3 members of each side are present. However, if less members of a side are present, that side may agree that the meeting shall be deemed to be quorate.

6. Chair

- 6.1 A Chair and a Vice-chair shall be appointed by the JNCC at their first meeting of each Council Year.
- 6.2 The Chair and Vice-chair shall be held in alternate years by a member of the management side and the union side unless the Committee agree otherwise.
- 6.3 In the absence of both the Chair and the Vice-chair, a Chair for the meeting will be appointed by the side holding the Chair.

7. OFFICERS

- 7.1 The Secretary for JNCC will be the Head of Strategic Support or other appropriate Council Officer.
- 7.2 Other officers shall attend JNCC as invited.

8. ADMINISTRATION

- 8.1 The JNCC Secretary will be responsible for arranging the meetings or to delegate this task to an appropriate other Council officer.
- 8.2 Either side should inform the Secretary of any agenda items and provide any supporting papers at least five working days before the final agenda is issued.
- 8.3 The JNCC Secretary will be responsible for preparing and issuing the final agenda and any supporting paperwork 10 working days before the meeting.
- 8.4 If the deadline for agenda items cannot be met, issues can be raised through the standing agenda item AOB (Any Other Business). Issues can be discussed if the majority of JNCC members present are in agreement.
- 8.5 The JNCC Secretary will ensure that minutes are taken and circulated. Minutes shall be subject to the agreement of the Committee and will be signed by the Chair of the meeting at which they are agreed.

9. STATUS OF RESOLUTIONS

- 9.1 Subject to section 9.4, agreements of the JNCC shall be binding on both sides so long as they have been the subject of consultation or negotiation and endorsement at a full meeting of the JNCC.
- 9.2 Agreements should be noted in the minutes of the meeting.
- 9.3 Where agreements constitute “collective agreements” or “local agreements” separate documents will be drawn up by the Secretary and signed by the Chair of the meeting where the agreement was reached.
- 9.4 Where required, agreements of the JNCC will not come into effect until ratified by the appropriate Council decision making body (e.g. full Council, Personnel Committee, or Cabinet).

10. COMMUNICATIONS

- 10.1 Either side can propose communication or consultation with the workforce on any issue raised at JNCC. Where agreement for wider

communication or consultation is reached this should be recorded in the minutes of the meeting.

- 10.2 As appropriate, members of the Trade Union Side shall be afforded reasonable facilities to visit and communicate with all workplaces and staff.
- 10.3 It is expected that as far as possible communication with staff will be by Joint Statements although this does not preclude either side from issuing their own communications.

11. DISPUTES

- 11.1 Where there is a breakdown/deadlock in respect of a matter under negotiation, both viewpoints will be presented to Personnel Committee for consideration.
- 11.2 Disputes should be resolved in line with the provisions set out in clause 9 of the Recognition Agreement.