

Joint Consultation and Negotiation Committee

1. COMPOSITION

- a. The Joint Consultation & Negotiating Committee (the Committee) shall consist of the following appointed Members as shown below:-

Council Officers (Members of Strategic Management Board)

Service Lead – HR and/or HR Business Partner

One officer from each of the recognised unions: UNISON, Unite and GMB

- b. In addition, the Leader of the Council will be invited to attend the Committee on an ex officio basis and the Leader may invite another Portfolio Holder to attend also on an ex officio basis.
- c. The Council and the recognised trade unions shall review their nominations for membership annually in July each year. Casual vacancies may be filled as they arise.

2. DATE OF OPERATION

The members of the Committee shall carry out their constitutional functions with effect from 22 July 2013.

3. FUNCTIONS

General

- a. To promote a good and stable employment relations climate throughout the Council.

Negotiating

- b. The negotiation of any variations or agreements relating to employees who fall within the National Joint Council for Local Government Services National Agreement on Pay and Conditions of Service NJC National Agreement (Part 3 matters / local conditions of service); and the Joint Negotiating Committee's for Chief Officers of Local Authorities and Local Authority Chief Executives to be incorporated into employment contracts via collective agreement(s).

Consultative

- c. The introduction of / changes to employment policies, working practices, organisation design and physical working conditions at a corporate level, together with Health & Safety matters referred by the Health & Safety Committee and any other item which both sides agree to refer

- d. Collective consultation in respect of Redundancy as defined in section 195 of the Trade Union and Labour Relations (Consolidation) Act 1992, and TUPE as defined in the Transfer of Undertakings (Protection of Employment) Regulations 2006 (SI 2006/246)

The Committee will not consider any matter concerning an individual employee such as discipline, grievance, promotion or capability, pay and grading and payroll matters.

4. **QUORUM**

A Quorum shall consist of two representatives from the Council and one of the trade unions' representatives.

5. **SUBSTITUTES**

A substitute may be nominated to attend a meeting of the Committee on behalf of any member. The substitute will have the same powers as appointed members. Any trade union substitute must be nominated by his/her trade union and must be either a full time officer or an accredited official of that recognised trade union.

6. **CHAIRPERSON**

The meetings will be chaired by a representative from the Council.

7. **JOINT SECRETARY**

One Joint Secretary shall be nominated by the Council and union. The Joint Secretary will be responsible for the production of a record of meetings of the Committee.

8. **POWER TO CO-OPT**

The Committee may co-opt any person or persons with special knowledge to assist them in carrying out its functions. Such persons shall have no right to vote.

The Committee may set up joint Working Groups to exercise any of its functions or business within terms of reference delegated by the Committee.

9. **FREQUENCY OF MEETINGS**

Meetings shall be held bi-monthly. Provisional dates for meetings will be set in May each year.

10. **FACILITIES FOR MEETINGS**

The Council will provide facilities and accommodation for holding meetings of the Committee, including pre-meetings.

Meetings will be held during normal working hours and the trade unions' lay representatives will be paid their normal salary for the time spent at and travelling to and from such meetings and any reasonable associated expenses. Any travelling time outside normal hours will be compensated in the form of equivalent time off in lieu.

11. AGENDAS AND RECORDS OF MEETINGS

The Joint Secretary will circulate Agendas no later than 5 working days before the date of the meeting. An unconfirmed record of each meeting will be circulated as soon as possible after each meeting but certainly within 20 working days of the meeting.

12. BUSINESS MATTERS

No business shall be transacted at any meeting of the Committee or any sub-group unless notice has been given to the Joint Secretary before the Agendas are circulated. The Chairperson may allow consideration of an item of business which in his/her opinion is of sufficient importance or urgency to justify consideration at that meeting.

13. AGREEMENTS / ADOPTION OF RESOLUTIONS

Agreements reached between the recognised trades union members and Council members of the Committee and/or decisions taking in relation to 3 a, c and d on matters delegated to Officers shall be adopted / implemented. Where authority has not been delegated to Officers, such agreements will be referred to the appropriate Scrutiny Committee and / or Executive for resolution / adoption.

Agreements in relation to item 3(b) of this constitution shall be reached by vote. Each Council appointed member will have one vote. Each trade union appointed member will have one vote. Those in attendance on an ex-officio basis are not eligible to vote. Union representatives will have the delegated power to agree on behalf of their Membership. Each side of the Committee being in favour (by majority on each side) will constitute an agreement for resolution at Executive Committee to be adopted and binding on both sides.

Agreements will be incorporated into employment contracts for employees covered by the National Joint Council for Local Government Services National Agreement on Pay and Conditions of Service and, as appropriate, other occupational groups covered by the Council's single status agreement.

All efforts will be made to reach agreement, including the involvement of full-time Officers of the recognised Trades Unions through substitution arrangements contained in this Constitution. Where agreement on matters of negotiation cannot be reached the matter will be referred to the South West Provincial Council for conciliation.

14. **FINANCE**

The Council will meet the administrative expenses associated with meetings of the Committee.