

EAST HERTS COUNCIL

LOCAL JOINT PANEL – 13 JUNE 2006

REPORT BY DIRECTOR OF CORPORATE GOVERNANCE

3. LOCAL JOINT PANEL : CONSTITUTION

WARD(S) AFFECTED: None

'D' RECOMMENDATION -

1.0 Purpose/Summary of Report

1.1 The purpose of this report is to provide new Members of the Local Joint Panel and to remind former Members of the Local Joint Panel's current Constitution.

2.0 Contribution to the Council's Corporate Objectives

2.1 To improve the health and sustainability of the organisation.

3.0 Background

3.1 The Constitution attached at Appendix 'A3 (Pages 3.3 - 3.5) sets out the powers and duties of the panel in relation to:-

- Representation / membership
- Chairman
- Officers
- Functions
- Rules and regulations

3.2 The Executive arrangements which came into force in 2001, recognised the negotiating capacity of the former Local Joint Committee. The Constitution was reviewed and updated at this time to reflect the new arrangements and became known as the Local Joint Panel. This was further acknowledged in the Recognition Agreement in October 2004 when UNISON was recognised as the official body for collective bargaining via the Local Joint Panel.

4.0 Report

4.1 The Constitution was last updated in 3 December, 2001. No further amendments have been made.

4.2 From attached Appendix 'A3' (Pages 3.3 - 3.5) the Panel will note that there are references within the text to Assistant Director (Human Resources). However, these job titles refer to a previous management structure which has since been superseded.

5.0 Consultation

5.1 None.

6.0 Legal Implications

6.1 There are none.

7.0 Financial Implications

7.1 There are none.

8.0 Human Resource Implications

8.1 There are none.

9.0 Risk Management Implications

9.1 There are none.

Background Papers

None

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LOCAL JOINT PANEL

(Comprising four Members of the Council and four representatives of employees drawn from the constituent trade union (currently UNISON), with substitutes)

CONSTITUTION, POWERS AND DUTIES

1. Title

The Committee shall be called the "Local Joint Panel".

2. Representation

The Local Joint Panel shall comprise of the four Members of East Herts Council to be appointed annually by the Local Authority and an equal number of employee representatives.

Named substitute members may be appointed by the employee side, to attend meetings of the Local Joint Panel in the absence of a member thereof provided prior notice is given to the Assistant Director (Law and Control).

If a member of the Local Joint Panel ceases to be a member or employee of the Local Authority he/she shall thereupon cease to be a member of the Local Joint Panel; any vacancy shall be filled by the Local Authority, the organisation or the combination of organisations concerned.

3. Chairman

A Chairman and a Vice-Chairman shall be appointed by the Local Joint Panel at its first meeting in each year. If the Chairman appointed be a member of the Local Authority, the Vice-Chairman shall be appointed from the employee side, and vice versa. The Chairman of a meeting may vote as a Panel member but shall not have a casting vote.

4. Offices

The Assistant Director (Human Resources) of the Local Authority shall act as Secretary to the Employer's Side.

5. Functions

The functions of the Local Joint Panel shall be:

- (a) To establish regular methods of consultation and negotiation between the Local Authority and its employees on matters of mutual concern with the intent of maintaining and developing an efficient service. This process will aim to address differences should they arise. No question of an individual's discipline, promotion, or efficiency or conditions of employment shall be within the scope of the Joint Panel;
- (b) To consider any relevant matter referred to it by a Committee of the Local Authority, or by any of the employee organisations;
- (c) To make recommendations to the Council, via the Executive and/or a suitable Committee of the Local Authority as to the application of the terms and conditions of service and the education and training of employees of the Authority;
- (d) To discharge such other functions specifically referred to the Local Joint Panel with the exception of staffing issues;
- (e) To consider matters relating to Health and Safety at Work referred to the Local Joint Panel by the Employee Associations or by a Committee of the Local Authority.

6. Rules and Regulations

- (a) The Local Joint Panel shall meet during office hours as and when required, but not less than quarterly. The Chairman or Vice-Chairman may direct the Secretary to call a meeting at any time. A meeting shall be called within seven days of the receipt of a requisition signed by at least two members of either side. The matters to be discussed at any meeting of the Local Joint Panel shall be stated upon the notice summoning the meeting.
- (b) The quorum of the Local Joint Panel shall be two representatives of each side.
- (c) Either side will have the right to co-opt, in a consultative capacity, representatives of particular sections affected by a question under discussion which are not directly represented on the Panel but only for the period during which the relevant question is under consideration.

- (d) Either side shall arrange for the attendance in an advisory capacity of an Officer or Trade Union Official at any Panel meeting where it would be helpful to the business under discussion.
- (e) Attendances at (c) and (d) shall be notified in advance to the Assistant Director (Human Resources) in their capacity as Secretary to the Employer's Side.
- (f) No recommendation shall be regarded as carried unless it has been approved by a majority of the members present on each side of the Local Joint Panel, and in the event of either the Local Joint Panel being unable to arrive at an agreement or the relevant Council body disagreeing with the Panel's recommendations, then the matter in dispute should either be referred:
 - (i) to an independent arbitrator acceptable to both sides, such as ACAS, in order to secure an agreement, or
 - (ii) to the Joint Secretaries of the East of England Regional Council, should the dispute concern conditions of service, to advise/mediate.

The decisions of the bodies referred to above will be binding on both sides.

- (g) The proceedings of any meeting of the Local Joint Panel shall be recorded and reported at the appropriate Council Meeting via the Executive, but before submission, the Minutes shall be approved by the Assistant Director (Human Resources) acting as Secretary to the Local Joint Panel and the person nominated by the staff side to act as its Secretary.