

**REVIEW OF THE EMPLOYEE JOINT CONSULTATIVE COMMITTEE
CONSTITUTION**

1.0 INTRODUCTION

The purpose of this report is to ask the Council to consider the proposed changes to the Constitution of the Employee Joint Consultative Committee (hereafter referred to as the EJCC).

The current constitution of the EJCC came into effect on 1 February 2011 following consultation with both the Council and all organisations represented by the EJCC.

Following a number of changes to the Political Management arrangements over the years, some of the details contained within the current constitution require to be updated. The proposed changes are highlighted in red at Appendix 1 of this report.

2.0 RECOMMENDATIONS

Council are asked to:-

- 2.1 Agree to the adjustments to the Constitution of the EJCC as outlined in red at Appendix 1; and
- 2.2 Note that following their meeting on 19 February 2021, Kevin McIntosh was appointed as Vice-Chair of the EJCC.

3.0 DETAIL

- 3.1 The current constitution of the EJCC came into effect on 1 February 2011 following consultation with both the Council and all organisations represented by the EJCC.
- 3.2 Following a number of changes to the Political Management arrangements over the years, some of the details contained within the current constitution require to be updated. The proposed changes are highlighted in red at Appendix 1 to this report and were agreed by the EJCC at the most recent meeting held on 19 February 2021.

- 3.3 The key recommendations are as follows:-
- 3.3.1 To update the current Membership to reflect the number of Councillors appointed by the Council;
 - 3.3.2 To amend the designation of the officer who will act as adviser to the EJCC; and
 - 3.3.3 To update the information relative to the reporting of the minutes of any meeting of the EJCC with minutes from the meetings being made available to all employees on a dedicated page on the Council's Intranet.
- 3.4. At their meeting on 19 February 2021, the EJCC appointed Kevin McIntosh as Vice-Chair.

4.0 CONCLUSION

- 4.1 The proposed changes will address issues arising since the last revision in February 2011.

5.0 IMPLICATIONS

- 5.1 Policy – These revisions will keep the Constitution up to date.
- 5.2 Financial - None
- 5.3 Legal - None
- 5.4 HR - None
- 5.5 Fairer Scotland Duty - None
- 5.5.1 Equalities – protected characteristics – The provisions have no adverse impact in terms of equality issues.
- 5.5.2 Socio-economic Duty - None
- 5.5.3 Islands - None
- 5.6 Risk - None
- 5.7 Customer Service - None

Douglas Hendry - Executive Director with responsibility for Legal and Regulatory Support

Policy Lead - Councillor Mary Jean Devon

20 February 2020

For further information contact: Shona Barton, Committee Manager, Helensburgh and Lomond Civic Centre, 38 E. Clyde Street, Helensburgh Tel: 01436 657605

APPENDICES

Appendix 1: Revision of EJCC Constitution 2021

**CONSTITUTION OF
THE ARGYLL AND BUTE EMPLOYEE JOINT CONSULTATIVE COMMITTEE**

It has been agreed by Argyll and Bute Council and employee organisations to establish a Joint Committee of representatives of the Council and its employees to be constituted as follows:-

1. TITLE

The Committee will be called “The Argyll and Bute Employee Joint Consultative Committee”, hereinafter called the “Employee Joint Consultative Committee” and referred to as the EJCC.

2. MEMBERSHIP

(a) The EJCC will consist of up to 10 Councillors appointed by the Council, being the Leader of the Council who will be the Chair of the EJCC, the Leader of the Opposition, largest Opposition Group and up to eight Policy Lead Councillors, and up to 9 Councillors. The EJCC will also consist of 15 employees of the Council to be appointed by the employee organisations represented on the Scottish Councils of the various National Joint Councils for Local Authorities’ Services in the proportions detailed below and, where this membership of any one organisation is not sufficient to qualify this organisation to appoint a representative it may combine with one or more organisations for this purpose.

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|------|----------------------------------|--------------------|
| (i) | Teaching Staff | 5 representatives |
| (ii) | Other Local Government Employees | 10 representatives |

- (b) If a member of the EJCC ceases to be an employee of the Council they will cease to be a member of the EJCC; any vacancy will be filled respectively by the Council, or the organisations concerned;
- (c) Where a representative from either side cannot attend a meeting they can appoint an accredited deputy. In the case of the Council, a Depute Lead Councillor will constitute an accredited deputy. Notification of the appointment of an accredited deputy will be given not later than the commencement of any meeting of the EJCC to the Clerk to the EJCC;
- (d) Either side of the Committee can co-opt to their side in a consultative capacity people with particular knowledge of a subject under discussion. The co-option shall only be for the period during which the particular question is before the Committee;

- (e) The Chief Executive, an Executive Director or Head of Service and a full-time official from the employee organisations may attend in an advisory capacity.

3. CHAIR OF EJCC

In accordance with paragraph 2(a) above, the Chair of the EJCC will be the Leader of the Council. The Vice-Chair will be appointed from the employee side.

4. SUPPORT

The Head of Customer and Support Services Improvement and HR will act as adviser to the EJCC. The Council will appoint an officer to act as Clerk of the EJCC who will provide secretarial support including preparation of an agenda and minutes.

5. FUNCTIONS

The EJCC will consider matters of a general nature relating to employment such as those detailed below. Matters which are regarded as exclusively trade union or professional judgement should not be dealt with by the Committee.

The Committee will have power to recommend to the Council agreements which amend decisions by any of the Scottish Councils of the National Joint Councils for Local Authorities' Services or Joint Negotiating Committee for Chief Officials or other appropriate joint body.

Matters of a general nature to be dealt with by the Committee include:-

- (a) negotiation between the Authority and its officers to resolve differences; no question of individual discipline, promotion, or efficiency is within the scope of the Joint Committee;
- (b) to consider and make suggestions for improving the Authority's services and to consider circumstances which reduce the efficiency or interfere with the satisfactory operation of those services;
- (c) to consider and offer observations on any proposals made by the Authority which affects the conditions of employment of staff;
- (d) to make recommendations to the Council on the application of the terms and conditions of service and the education and training of employees of the authority;
- (e) to consider and offer observations on safety policy, training and physical welfare which affects employees of the Authority;
- (f) to consider any relevant matter referred to it by any Committee of the Local Authority, or by employee organisations;

- (g) the Committee may refer any question coming before them for consideration by the appropriate National Council and will inform them of any recommendation of the local Committee which appears to the local Committee to be of more than local interest provided that such recommendation has been approved by the Authority prior to its submission to the National Council. The Committee will not consider any matter related to the provisions of the Schemes of Conditions of Service which should properly be referred to the appropriate National Council.

PROCEDURAL RULES

1. MEETINGS

- (a) The EJCC will meet not less frequently than twice each calendar year as agreed by the EJCC.
- (b) A special meeting may be called by the Chair or, whom failing, the Vice-Chair on receipt of a request signed by not less than one third of the members of either side. A special meeting will be called within 20 working days of receipt of a competent requisition. The secretaries of the local employee organisations represented on the EJCC will be notified of the intention to call a meeting so that they can submit, in writing, not later than 15 working days before the meeting details of any items they wish to place on the agenda.
- (c) The matters to be discussed at any meeting will be stated in the agenda attached to the notice calling the meeting which will be issued not less than 10 working days before the meeting. No business affecting a particular group of employees will be discussed in relation to any Agenda item unless there is at least one representative present from that group. Any other business may be considered if agreed by a majority of members present on each side of the Committee.

2. QUORUM ETC

- (a) The quorum for a meeting of the EJCC will be 3 members from each side of the Committee.
- (b) The Chair of the EJCC will preside if present. In the absence of the Chair, the Vice-Chair will preside, if present. In the absence of the Chair and Vice-Chair at any meeting the EJCC will appoint one of its members to preside.

3. PROCEEDINGS AND MINUTES

The minutes of any meeting of the Employee Joint Consultative Committee ~~will be reported to the Council's Executive. Before submission the minute~~ will be signed by the person who presided at that meeting. Copies of minutes will be made available to all Councillors and will be posted on the Council's Intranet to Departments for the information of employees.

The Employee Joint Consultative Committee will not arrive at any agreement which conflicts with the policy or recommendation of the Scottish Council.

The Committee will have no power to make agreements which are binding on the Council or organisations represented.

The Minutes of any meeting of the EJCC will be subject to confirmation at the next meeting, called in accordance with paragraph 1(a) of these rules.

4. FACILITIES TO ATTEND MEETINGS

The Council will afford the necessary facilities for the employee representative to attend meetings of the Employee Joint Consultative Committee.

5. ALTERATIONS TO CONSTITUTION

The Constitution of the Employee Joint Consultative Committee may be altered by the agreement of the Council and all the organisations represented.

This Constitution came into effect on 1 February 2008 (updated 27 January 2011)