

# SOUTH WEST PROVINCIAL COUNCIL

## CONSTITUTION

### 1. TITLE

The Council shall be known as the South West Provincial Council (hereinafter called the "Council").

### 2. AREA

The sphere of operations of the Council shall be the area covered by the Counties of Devon, Dorset, Gloucestershire, Somerset, and the unitary authorities of Bath and North East Somerset, Bournemouth, Bristol, Cornwall, North Somerset, Plymouth, Poole, South Gloucestershire, Swindon, Torbay, Wiltshire and the Isles of Scilly.

### 3. SCOPE

The functions of the Provincial Council shall relate to all employees of local authorities and other bodies admitted as full members of the organisation, other than those covered by other national negotiating machinery.

### 4. CONSTITUTION

The Council shall consist of members, appointed by authorities, within the Provincial area (the "Employers' Side") and members appointed by bodies representing the employees (the "Trade Union Side").

The Employers' Side representatives shall be the Employers Panel as appointed annually by *South West Councils* .

The Council will be able to admit affiliate members on application, but such membership will not confer representation rights on the Council. (Bodies eligible for such membership will be public and quasi – public bodies who broadly adhere to conditions set by the appropriate national negotiating body.

The Trade Union Side representatives shall be elected in the following proportions:-

	<b><i>Number of Representatives</i></b>
UNISON	20
Transport & General Workers' Union	8

If any of the bodies referred to fail to appoint the number of representatives provided for by the Constitution, such failure to appoint shall not invalidate the decisions of the Council.

## **5. SUBSTITUTE MEMBERS**

Any member may be represented at a meeting of the Council by a substitute with full powers, provided that such substitute has been duly appointed by the authority (SW Councils) or trade union concerned prior to the meeting. Substitutes will be permitted at Committee meetings provided the substitute member is a member of the Council and has been duly authorised by the Employers' Side or Trade Union Side prior to the meeting.

## **6. CASUAL VACANCIES**

On the occurrence of a casual vacancy, a new Member shall be appointed by the local authority or trade union in whose representation the vacancy occurs. Such new member shall sit until the end of the period for which the previous member was appointed.

## **7. MEMBERS TO RETIRE**

Members shall be appointed annually and will retire on the day before the date of the Annual General Meeting or the day they cease to be a member or Trade Union representative. Members shall be eligible for re-appointment.

## **8. FUNCTIONS**

- (a) To exchange ideas with the view of increasing the understanding of the two Sides.
- (b) To promote good industrial relations practice and training, including the development of good personnel practice.
- (c) To undertake tasks as required by the National Joint Council(s).
- (d) To establish and give legitimacy to dispute and conciliation machinery.
- (e) To deal with such other matters as may, from time to time, be requested (e.g., to act on behalf of the Local Government Staff Commission).
- (f) To facilitate, should the need arise, the negotiation of collective agreements.
- (g) To issue advice, as appropriate, to Local Authorities and Unions.
- (h) To provide a forum for discussion on key strategic issues affecting Local Government industrial relations/training/personnel.

## **9. CO-OPERATION**

The Provincial Council may co-operate with other Provincial Councils and other industries in dealing with problems of common interest.

## **10. COMMITTEES AND WORKING PARTIES**

The Provincial Council may appoint from their own members such committees or working parties as may be considered necessary. The Provincial Council shall appoint an Appeal/Disputes Committee (not less than two members from each Side) from a panel from each Side appointed each year. The Appeals/Disputes Committee should comprise an equal number of Employers' Side and Trade Union Side members whose decision shall not require confirmation by the Council.

In the event that the number of members sitting on an Appeals/Disputes Committee is unequal between the two sides, then the side with three members will provide the Chair who will then take an independent role – this arrangement will apply notwithstanding the normal provisions for the Chair to alternate between the sides from one meeting to the next.

## **11. DIFFERENCES**

Where in any locality within the Provincial area, a difference arises between an employer and its employees regarding the applications or any decision reached by the National or Provincial Council, the Joint Secretaries shall investigate the matter with a view to making a recommendation to both parties for the settlement of the difference.

If the difference is not resolved as a result of the intervention of the Joint Secretaries, it will be open to either party to refer the matter to a Disputes Committee of the Council. In the event of the difference not being settled by the Disputes Committee, it shall be dealt with in accordance with the provisions of Clause 12.

If any difference arises between the Employers' and the Trade Union Sides of the Provincial Council, it shall be at the request of either Side be referred, either upon an agreed statement of the facts of the case, or failing agreement, upon an ex parte statement submitted by either party, to the National Council for decision.

## **12. OTHER MEMBERS**

The Provincial Council or a committee may invite the attendance of any persons whose special knowledge would be of assistance. Such persons shall not have the power to vote.

## **13. CHAIRMAN AND VICE CHAIRMAN**

The Provincial Council shall appoint annually a Chairman drawn alternately from the Employers' and Trade Union Side. When the Chairman is from the Employers' Side, the Vice Chairman shall be from the Trade Union Side, and vice versa. The Chairman or in his/her absence, the Vice Chairman, shall preside at the meetings. In the absence of both the Chairman and the Vice Chairman at any meeting, a Chairman shall be appointed from amongst the members to preside at such a meeting. The Chairman shall have a vote, but

not a casting vote. The form of address to the Chairman shall be determined by the Chairman.

#### **14. OFFICERS**

The Council shall appoint, on an annual basis, Joint Secretaries, a Treasurer, an Auditor and such other officers, if any, as it thinks fit, all of whom may be honorary or paid as the Provincial Council may determine. All honorary officers shall retire in the same manner as is provided for members in Clause 7 and shall be eligible for re-appointment.

#### **15. MEETINGS**

There shall be an annual meeting each year and other ordinary meetings of the Provincial Council shall be held up to twice a year as deemed appropriate in discussion with the Joint Secretaries and Chairman/Vice Chairman. In special circumstances the Chairman and Vice Chairman shall organise a meeting as required.

#### **16. VOTING**

The voting on the Provincial Council and all Committees shall be by show of hands or otherwise as the Provincial Council or Committees shall determine. No motion shall be regarded as carried unless it has been approved by the majority of the members present and voting on each side of the Council or Committee.

#### **17. QUORUM**

The quorum shall be one quarter of the members of each side of the Provincial Council. In the absence of a quorum, the Chairman shall declare that the discussion shall continue and be reported to the next meeting for formal endorsement.

#### **18. FINANCE**

The administrative expenses of the Provincial Council and any of its Committees (including any expenses reasonably incurred by representatives appointed by the Council to undertake any special duty or function on their behalf) shall be borne in such proportions as may be agreed by the Employers' and Trade Unions' representatives. The Trade Unions will pay to the Employers' Side an agreed sum each year for the work carried out by the Employers' Secretariat on behalf of the Joint Secretaries.

#### **19. MINUTES**

Minutes of proceedings as agreed shall be forwarded to constituent local authorities and members.

#### **20. NOTICE OF RETIREMENT**

Constituent local authorities shall give twelve months' notice of any decision to withdraw from membership of this Council, such notice to expire on 31<sup>st</sup> March in any year.

**21. AMENDMENT OF CONSTITUTION**

The Constitution of the Council may be amended at an Annual Meeting or a Special Meeting called for the purpose. No amendment shall be made except after notice given and circulated on the agenda of the meeting at which the proposed amendment is to be discussed.

**22. CESSATION OF MEMBERSHIP**

No member of the Council shall continue to sit after he/she has ceased to be a member or employee of the party which appointed him/her.

**23. ACCEPTANCE OF THIS AGREEMENT**

Both parties accept that this agreement is binding in honour upon them but both expressly agree that it is not intended to constitute a legally enforceable agreement between them. It is agreed that the parties to the agreement will use their best endeavours to ensure that the spirit and intention of the agreement is honoured at all times.

*(Constitution amended at Meeting on 16 September 2011.)*