
**MINUTES OF THE MEETING OF THE HUMAN RESOURCES AND COUNCIL TAX
COMMITTEE,
HELD ON MONDAY, 24TH FEBRUARY, 2025 AT 7.30 PM
IN THE TOWN HALL, STATION ROAD, CLACTON-ON-SEA, CO15 1SE**

Present:	Councillors Chapman BEM (Chairman), Calver (Vice-Chairman), Amos, Baker, Guglielmi, Morrison and G Stephenson
In Attendance:	Lisa Hastings (Director (Governance) & Monitoring Officer), Katie Wilkins (Head of People), Jo Williams-Lota (Human Resources Manager), Lewis Vella (Finance Officer) (except items 15 - 20), Debianna Messenger (Work Based Learning Manager), Bethany Jones (Committee Services Officer) and Katie Koppenaal (Committee Services Officer)

9. CHAIRMAN'S ANNOUNCEMENT

The Chairman (Councillor Chapman BEM) requested that the Minutes record that the members of the Human Resources and Council Tax Committee had sent Carol Magnus an email before she retired to thank her for all her hard work over the last few years and that her hard work had been appreciated.

10. APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

There were no apologies for absence nor substitutions on this occasion.

11. MINUTES OF THE LAST MEETING

It was moved by Councillor Baker, seconded by Councillor Morrison and:-

RESOLVED that the minutes of the last meeting of the Committee, held on Tuesday, 30 July 2024, be approved as a correct record and be signed by the Chairman.

12. DECLARATIONS OF INTEREST

Councillor Guglielmi stated for the public record in relation to Agenda Item 9 – **A.4 – Fostering Friendly Policy**, that he was on the Panel for Essex County Council that dealt with Fostering, but that he would still participate in the deliberations and the decision-making on this item.

13. QUESTIONS ON NOTICE PURSUANT TO COUNCIL PROCEDURE RULE 38

No Questions on Notice pursuant to Council Procedure Rule 38 had been submitted on this occasion.

14. REPORT OF THE DIRECTOR (FINANCE & IT) - A.1 - FORMAL CONFIRMATION OF COUNCIL TAX AMOUNTS FOR 2025/26 FOLLOWING THE NOTIFICATION OF THE PRECEPTS FROM THE MAJOR PRECEPTING AUTHORITIES

The Committee heard that, at the meeting on the 11 February 2025, Council had considered the Executive's Budget and Council Tax proposals for 2025/26 and as part of that process the Council Tax for the District and Parish/Town Council Services had been approved.

Members were told that, once the precepts were received from the major precepting authorities, the Human Resources and Council Tax Committee had the delegated responsibility to agree the total Council Tax for 2025/26.

The total Council Tax for the year was made up by the District and Parish/Town Council amounts approved by Council on 11 February 2025 and the corresponding amounts agreed by the major precepting authorities. Legislation required that formal confirmation even though the process was dictated by legislative formulae and there was no judgement or choice to be made.

It was moved by Councillor Guglielmi, seconded by Councillor Baker and unanimously:-

RESOLVED that:

- (a) the precepts issued by Essex County Council, Essex Fire and Essex Police, as set out in Appendix A to the Officer report (A.1), be noted; and
- (b) the amounts of Council Tax for 2025/26, as shown in Appendix C to the Officer report, for each of the categories of dwellings be confirmed.

15. APPRENTICESHIP UPDATE - VERBAL UPDATE

The Committee received a verbal update on the work of the Council's apprenticeships which included:-

- An apprenticeship update; and
- Career Track update.

Questions from Members:	Answers from Officers:-
<i>What is Gingernut?</i>	<i>They are an apprenticeship provider with a Head Office in Colchester, they provide a lot of IT and Marketing Project Management apprenticeships that work across the country. There is a projects manager apprentice in Economic Growth at TDC. They started as Gingernut Media.</i>

16. REPORT OF THE HEAD OF PEOPLE - A.2 - UPDATE ON REVIEW OF CHANGES TO THE CHIEF EXECUTIVE'S TERMS AND CONDITIONS

The Committee heard that, at its meeting on 8 August 2024, the Human Resources Sub-Committee Panel had received a report in respect of the current terms and conditions of employment of the Chief Executive and, specifically, the reduced working hours (*of 27.75 hours per week*) approved by Council on 25 January 2025. The substantive post on the Council's establishment remained at 37 hours per week. In approving the reduced working hours arrangement for the post holder (Ian Davidson),

Full Council had determined that there should be annual reviews of the operation of the revised working hours arrangement.

Members were told that, in deciding to review the operation of the revised working hours arrangement for the current post holder, the Council had not specified the mechanism for that review. To advance that process, it had been determined that the composition of the Human Resources Sub-Committee Panel, as established by the Council, along with their role outlined for the Sub-Committee in the Officer Employment Procedure Rules concerning Statutory Officers, constituted the most effective approach for conducting such reviews.

Officers informed the Committee that, the Panel was composed of the Leader of the Council, the Deputy Leader of the Conservative Group and the Group Leader of the Independent Group (*and Chairman of the Human Resources and Council Tax Committee*). It also had the benefit of the presence and insight of Councillor Calver (*a member of the Labour Group and Vice-Chairman of the Human Resources and Council Tax Committee*).

The Committee was made aware that the special nature of the post of Chief Executive meant that the terms and conditions were set by the Joint Committee for Local Authority Chief Executives, as set out in the Chief Executives' Handbook, and locally agreed by Full Council, following the advice and recommendations of the Human Resources and Council Tax Committee.

Members noted that to assist the Panel in undertaking the review, the Panel had been presented with the statements of the former Leader of the Council, Councillor Neil Stock OBE, from the time of the original request to reduce the contractual working hours, as well as written representations from Councillor John Spence CBE, Chairman of the Essex Health and Wellbeing Board. Additionally, the Panel had been apprised of Mr Davidson's notable achievements during his tenure as the Council's Chief Executive, and reference was made to his nomination for an award from the Suffolk and North Essex Integrated Care System.

The Committee was also told that the Panel had been informed that, unless otherwise agreed, the Chief Executive remained fully committed to Tendring District Council, adhering to whole-time service, with specific operational arrangements coordinated with the Leader of the Council.

At the Panel's meeting on 8 August 2024:-

"It was moved by Councillor Mark Stephenson, seconded by Carlo Guglielmi, and unanimously:-

RESOLVED that:

- (i) the position in respect of terms and conditions of employment of the post holder be noted;*
- (ii) the following outcome of the review undertaken by the Panel of the operation of the current terms and conditions of the post holder be reported to the Human Resources and Council Tax Committee:*

- (a) no alteration to the terms and conditions of employment was required and, as such, the current terms and conditions do not need to be amended;*
- (b) the annual review determined by Council on 25 January 2022 be discontinued on the basis that the exercise of the review appeared to have no identifiable value to the Council going forward and there was a separate annual appraisal process for the post holder undertaken by the Leader; and*
- (c) the tanks of the Panel for the valuable and enduring positive contribution of the post holder to the Council be recorded.*

Officers also informed the Committee that since the Human Resources Sub-Committee Panel had reviewed the Chief Executive's terms and conditions of employment, Essex Devolution and Local Government Reorganisation (LGR) had been announced.

The Committee was made aware that Devolution involved the transfer of powers and funding from central government to local authorities, enabling decisions to be made closer to the communities they affect.

Further, Local Government Reorganisation, focused on restructuring local government to create simpler, more efficient council structures. In Essex, that would involve replacing the current two-tier system, where services were split between Essex County Council and 12 City, Borough, or District councils, with a number of unitary authorities responsible for all local services. That reorganisation aimed to drive economic growth and deliver better public services by creating clear accountability and more streamlined operations.

Essex had been agreed to be part of Phase 1 of that initiative, highlighting its commitment to those transformative changes. The process included submitting interim plans, followed by full proposals, with the goal of establishing new unitary councils by 2028.

The Committee was notified that the Chief Executive's role was considered critical in the formation and implementation of those proposals for Tendring. Given his essential role, the Leader of the Council had requested that the Human Resources and Council Tax Committee review the previously agreed reduction to his working hours and endorse, *(also recommending to Full Council)* that it was reversed to support his continued leadership and involvement in those significant initiatives.

Members also noted the decision of Full Council at its meeting on 21 January 2025, whereby Full Council - *'mandates the Leader of the Council and Chief Executive to seek to ensure that the voice of Tendring (and North Essex more generally) is as strong as possible in any negotiations around devolution and local government reorganisation recognising its opportunities and challenges.'*

A Member queried whether the Chief Executive's pay would be backdated in view of the number of hours that he had been recently working over and above his contractually

agreed hours. Officers responded that this would not be possible under the terms and conditions of the Chief Executive's employment.

It was moved by Councillor Guglielmi, seconded by Councillor Baker and unanimously:-

RESOLVED that the Human Resources and Council Tax Committee:

- (a) endorses the request from the Leader of the Council to reinstate the Chief Executive's full time working hours in light of the demands of Devolution and Local Government Reorganisation;
- (b) notes that a special dispensation is required to alter the terms and conditions of employment of the Chief Executive (*due to the special nature of this role*) in relation to the Council's Flexible Retirement Policy and its application, which reinstates the Chief Executive's full-time working hours as soon as practical;
- (c) recommends that Full Council:
 - I. considers the request from the Leader having been supported by the Human Resources and Council Tax Committee, to reinstate the Chief Executive's full time hours;
 - II. agrees to grant the special dispensation to the Council's Flexible Retirement Policy and its application to the Chief Executive, in his role at this time due to Devolution and Local Government Reorganisation;
 - III. subject to (i) and (ii) agrees the reinstatement to full time hours as soon as practical;
 - IV. that the annual review as determined by Council on 25 January 2022, be discontinued on the basis that the exercise of the review is unnecessary, given that there is a separate annual appraisal process for the post holder undertaken by the Leader; and
 - V. the thanks of the Council for the valuable and enduringly positive contribution of the post holder to the Council be recorded.

17. REPORT OF THE HEAD OF PEOPLE - A.3 - PAY POLICY STATEMENT 2025/26

The Committee heard that the Localism Act 2011, Chapter 8 (Pay Accountability) Sections 38 and 39, required the Council to prepare a Pay Policy Statement that articulated the Council's approach to a range of issues relating to the pay of its workforce.

Members were told that, Schedule 2 of Part 3 of the Constitution confirmed Full Council was responsible for the preparation and approval of a Pay Policy Statement for the upcoming financial year in accordance with Chapter 8 of the Localism Act 2011.

Officers informed Members that the Human Resources and Council Tax Committee had historically overseen the preparation of a draft Pay Policy Statement for recommendation onto Full Council for its approval and adoption.

Members were also informed that matters that must be included in the statutory Pay Policy Statement were as follows:-

- A local authority's policy on the level and elements of remuneration for each Chief Officer.
- A local authority's policy on the remuneration of its lowest-paid employees (*together with its definition of "lowest-paid employees" and its reasons for adopting that definition*).
- A local authority's policy on the relationship between the remuneration of its Chief Officers and other Officers.
- A local authority's policy on other aspects of Chief Officers' remuneration: remuneration on recruitment increases and additions to remuneration, use of performance related pay and bonuses, termination payments and transparency.

The Committee was reassured that the draft Pay Policy Statement 2025/26 therefore outlined the Council's approach to remuneration, detailing policies on the pay of Chief Officers and the lowest-paid employees, the relationship between different levels of pay, and the Council's adherence to the National Pay Grades set by the National Joint Council (NJC). That framework ensured a fair and transparent approach to remuneration, including incremental progression based on service length and performance.

Members noted that the statement also covered discretionary allowances for statutory and non-statutory officers, the use of market forces supplements to address recruitment and retention challenges, and the Council's policies on organisational change and redundancy payments, pay protection, and access to the Local Government Pension Scheme.

The Committee was also told that it set out the Council's position on the provision of mileage and subsistence payments, and its policies for overtime and standby allowances. The document also emphasised transparency and compliance with statutory regulations, including gender pay gap reporting, off-payroll working rules and severance payments.

Officers also informed Members that there was limited change reported in the 2025/26 draft Statement with the exception of the implementation of the 2024/25 pay award, (*following agreement between National Employers and National Unions*) whereby, there were further, notable changes at the lower to mid-end of the pay spine, as follows:-

Effective from 1 April 2024:

- *An increase of £1,290 (pro rata for part-time employees) will be added as a consolidated permanent addition on all NJC pay points 2 to 43.*
- *A 2.50% increase on all pay points above 43.*
- *A 2.50% increase on all allowances.*

The Committee was made aware that the latest pay award meant an employee on the bottom pay point in April 2021 (earning £18,333) would have received an increase in their pay of £5,323 (22.06%) over the three-year period to April 2024. For an employee at the mid-point of the pay spine (pay point 22), their pay would have increased over the same period by £5,140 (15.7%).

Further, the document had been reviewed to ensure it remained legally compliant, reflected best practice, and maintained a high level of transparency for both staff and the residents of Tendring. Changes applied to the draft Pay Policy Statement in 2025/26 were highlighted throughout the document in red text.

Officers reminded Members that the Human Resources and Council Tax Committee was requested to review and provide any comments on the draft Pay Policy Statement 2025/26 before its submission to Full Council.

Members noted that as soon as reasonably practicable after approving the draft Pay Policy Statement, the Authority must publish the Statement. Therefore, the Statement would be published on the Council's website following approval by Full Council in March 2025.

It was moved by Councillor Amos, seconded by Councillor Guglielmi and:-

RESOLVED that the draft Pay Policy Statement 2025/26, as set out in Appendix A of the Officer report (A.3), be recommended onto Full Council for approval and adoption.

18. REPORT OF THE HEAD OF PEOPLE - A.4 - FOSTERING FRIENDLY POLICY

Earlier on in the meeting as reported under Minute 12 above, Councillor Guglielmi had declared for the public record that he was on the Panel for Essex County Council that dealt with Fostering, but that he would still participate in the deliberations and the decision-making for this item.

The Committee heard that according to Essex County Council's Fostering team, Essex currently had over 1,000 children in care, each facing significant disruption in their lives. Unfortunately, that number was increasing leading to a growing demand for more foster carers.

Members noted that foster carers provided essential care and stability to children who could not live with their birth families. For many of those children, foster care represented their first positive experience of family life. The shortage of foster carers across the UK often resulted in children being placed far from their communities.

The Committee was told that Tendring District Council recognised and valued the vital contributions that foster carers and supported lodgings carers made to society, particularly to the lives of children and young people in care.

The Committee was assured that, Tendring District Council understood that foster carers required flexibility in their working arrangements to meet the needs of their fostered children or young people.

Officers informed the Committee that, Tendring District Council aimed to achieve that by creating a fostering-friendly organisation that offered flexible working arrangements to accommodate the needs of all foster carers.

Members also heard that Tendring District Council acknowledged that the process of becoming an approved foster carer was lengthy and involved several reasonable but demanding expectations, particularly concerning training, assessment, and approval.

Therefore, the Council had introduced a policy to support any staff member who was a foster carer, approved connected person's carer, supported lodgings carer, or an approved kinship carer (*hereafter referred to as foster carers*). The policy would apply to all Council employees.

Officers made Members aware that to publicly demonstrate the Council's commitment to being a fostering-friendly organisation, the Council was also collaborating with Fostering Network UK to become a recognised Fostering Friendly Employer.

Members were also told that by recruiting more foster carers and supporting those employed by the Council, more children would be able to receive support locally, allowing them to stay connected with the people and places that mattered most to them. As a Fostering Friendly employer, the Council could be part of the solution.

It was moved by Councillor Guglielmi, seconded by Councillor Baker and unanimously:-

RESOLVED that the Human Resources & Council Tax Committee:

- (a) approves and adopts the Council's new Fostering Friendly Policy and the organisation's commitment to becoming a recognised Fostering Friendly employer; and
- (b) requests the Leader of the Council to delegate responsibility to the Portfolio Holder for Partnerships to approve initiatives that promote fostering and becoming a foster carer.

19. REPORT OF THE HEAD OF PEOPLE - A.5 - WORKFORCE UPDATE REPORT

The Committee heard that the analysis of workforce data provided Members with statistics relating to the staff employed within the Council and how that compared to the Tendring District and national averages.

Members noted that, at the time of writing the Officer report (A.5), Tendring District Council had 521.2 full-time equivalent (FTE) employees. The FTE figure equated to 790 workers in total (including casual workers and learners). That was made up of 439 full time and 351 part-time staff.

The Committee was told that the 'Grow Our Own' initiative, aimed at enabling staff to obtain professional qualifications in areas with recruitment challenges, remained a priority. The organisation would maintain its sponsorship programme for qualifications and would leverage apprenticeships whenever feasible. Apprenticeships, up to and including Level 7 (postgraduate level), were increasingly accessible and could be financed through the organisation's Levy, levy sharing, or the organisation's co-investment scheme.

The Committee was reassured that the commitment of Tendring District Council employees 'to go the extra mile' continued despite the challenges identified above and should be noted.

Officers informed the Committee that the Officer report indicated that the equality data had largely remained consistent with previous reports. In some areas, that was a positive, particularly regarding gender balance, the gender pay gap, and age distribution. However, it was disappointing to note that the number of employees reporting a disability or identifying as non-white British had not increased.

Members also heard that the HR team was actively encouraging staff to complete the 'sensitive data' section on the HR and Payroll system and would continue to support employees in feeling comfortable sharing their disability status. However, the low number of employees recorded as non-white British was believed to be influenced by other factors, including the demographic representation of the Tendring area.

Officers made Members aware that recognising those challenges, the Council acknowledged the need for proactive measures to attract non-white British candidates to Council roles. By implementing targeted recruitment strategies and fostering an inclusive work environment, the Council aimed to enhance diversity and better reflect the community it served.

At its last meeting, the Human Resources and Council Tax Committee had endorsed the adoption of the People Strategy 2024 to 2029. A key focus of the strategy was updating and promoting the Council's Equality and Diversity Policy. As a priority, the HR team was collaborating with partner organisations to review and enhance the effectiveness of the policy, ensuring it aligned with the Council's commitment to fostering an inclusive and diverse workplace.

Members were also made aware that to further support the Council's Equality and Diversity Policy, the Council was introducing Inclusion and Diversity Champions. Those champions would model inclusive behaviour throughout the Council, assisting the HR team, managers, and colleagues in fostering an inclusive culture. The Inclusion and Diversity Champions planned to hold their inaugural meeting in March, and regular updates on initiatives, ideas, and progress would be provided.

Finally, while those efforts were set within the context of Local Government Reorganisation, the Authority remained committed to ensuring its staff were in the best possible position moving forward.

It was **RESOLVED** that the Human Resources and Council Tax Committee **NOTED** this report.

20. **REPORT OF THE DIRECTOR (LAW & GOVERNANCE) & MONITORING OFFICER - A.6 - HUMAN RESOURCES COMMITTEE AND ARRANGEMENTS FOR STATUTORY OFFICER AND NON-STATUTORY CHIEF OFFICER APPEALS**

The Committee heard that it was important to set out the context of seeking to amend the Terms of Reference of the Human Resources Committee and that the Council's Staff Handbook stated "*Employees have a right to appeal against any formal disciplinary decision. The appeals procedure was part of the Disciplinary Policy and Procedures.*"

Members were told that the Disciplinary Policy and Procedures issued by Human Resources updated October 2017 stated:

“15. APPEALS PROCEDURE

15.1 Refer to Appeal Policy”

APPEALS PROCEDURE (Updated August 2012):

“As an employee of the Council, there may be occasions where a formal decision was required to be taken about your employment. Where this occurs, formal policies and procedures will be followed to ensure a fair process is applied. It is essential that any actions or decisions made are based on facts and evidence provided as part of that process.

There may, however, be times where an employee is unhappy with the decision made or action taken. Where this occurs they have the right to appeal against that decision. The purpose of the Appeals Procedure is to outline the process which will be followed when exercising the right of appeal.

The right of appeal will usually apply where decisions are taken regarding the outcome of a disciplinary or capability hearing, formal grievance or redundancy selection. In all cases, the appeals process will be the same and further advice relating to each specific procedure can be found in the following policies:

- *Disciplinary Policy, Rules and Procedure*
- *Grievance Procedure”*

Members were also made aware that in paragraph 2.2 of the Disciplinary Policy and Procedure, the Scope of the Procedure was stated as:

“The procedure applies to all employees of Tendring District Council, with the exception of the Council’s Statutory Officers who are covered by National Employer’s procedures. These are agreements of the Joint Negotiating Committee (JNC) for Chief Executives and Chief Officers of Local Authorities. Cases where an employee’s ability to undertake the job they are employed to do is in question, will normally be dealt with under the Capability Procedure. Human Resources will advise on the best course of action to take in these circumstances.”

Officers informed Members that in September 2022, the Handbook for Chief Executives had been updated by the *Joint Negotiating Committee for Chief Executives*. The Conditions of Service for Local Authority Chief Officers had been last updated by the Joint Negotiating Committee in 2017. Further information on both of those documents was contained within the legal requirements section of the Officer report (A.6).

Consequently, there was a need to review whether the Council had the appropriate decision-making structure in place to accord with appeal requirements for the Chief Executive, Statutory Officers, and Non-Statutory Chief Officers and their deputies, as set in the relevant Staff Handbooks.

Members also heard that upon undertaking the review, it had been recommended that a Chief Officer Employment Appeals Sub-Committee was established with the Terms of Reference as set out in Appendix A of the Officer report, following a recommendation from the Human Resources and Council Tax Committee onto Full Council for approval and consequential amendments to the Council’s constitution.

It was moved by Councillor Amos, seconded by Councillor Guglielmi and unanimously:-

RESOLVED that the Human Resources and Council Tax Committee:-

- (a) notes the outcome of the review undertaken by the Council's Monitoring Officer as requested by Full Council;
- (b) recommends to Full Council that:
 - (i) the Human Resources and Council Tax Committee's Terms of Reference be amended to include the determination of Employment Appeals of Chief Officers, with these functions being delegated to a Chief Officer Employment Appeals Sub-Committee;
 - (ii) a Chief Officer Employment Appeals Sub-Committee is established with the Terms of Reference as set out in Appendix A of the Officer report (A.6), with the necessary amendments being made to the Council's Constitution, to be highlighted in the reference report to Full Council;
 - (iii) political proportionality would not apply to the Employment Appeals Sub-Committee, on the basis that it is not a committee which meets regularly; and
- (c) authorises the Head of People to undertake a review of the Council's Human Resources Policies and Procedures, in consultation with the Head of Paid Service, to ensure they are up to date and consistent with the appeal process for Chief Officers as set out.

The meeting was declared closed at 8.43 pm

Chairman