

HUMAN RESOURCES & COUNCIL TAX COMMITTEE

5 JANUARY 2022

JOINT REPORT OF THE DEPUTY CHIEF EXECUTIVE AND THE ASSISTANT DIRECTOR (PARTNERSHIPS)

A.1 CHANGE TO THE TERMS AND CONDITIONS OF THE POST OF CHIEF EXECUTIVE

(Prepared by Carol Magnus, Anastasia Simpson and Lisa Hastings)

PART 1 – KEY INFORMATION

PURPOSE OF THE REPORT

To enable the Human Resources and Council Tax Committee to recommend a change in the Terms and Conditions of the current Chief Executive post holder by reducing the hours of employment from 37 to 27.75 hours per week (a reduction of 25%). Approval for this change has to be formally agreed by Full Council.

EXECUTIVE SUMMARY

The terms and conditions of employment for Chief Executives in local authorities are agreed nationally as part of the Joint Negotiating Committee for Local Authority Chief Executives. The terms of the current post of the Chief Executive at Tendring District Council have been in place since the appointment of the current post holder in 1st Dec 2010. In the intervening years the practices of the Council, in line with legislative changes and best practice, have developed to enable more flexible ways of working; this includes enabling staff to request reductions in hours and varied work patterns. The terms and conditions of employment for the post of Chief Executive are agreed by Council following the advice and recommendations of the Human Resources and Council Tax Committee. This report details a request to change one element of those terms; namely a reduction in the hours of employment by 25%. It should be noted that this change is being proposed, at the request of the current post holder.

RECOMMENDATION(S)

It is recommended that the Human Resources and Council Tax Committee:-

- (a) notes the request of the current Chief Executive to reduce hours of employment from 37 to 27.75;**
- (b) supports the request, acknowledging the reduction of the Chief Executive's availability and that additional cover will not be provided for the reduction in working hours; and**
- (c) RECOMMENDS TO FULL COUNCIL that:**
 - (i) the terms and conditions of the employment of the current Chief Executive shall be amended to 27.75 hours per week with effect from 31st March 2022;**
 - (ii) this change be reviewed after an initial period of six months operation and then at twelve month intervals following that; and**
 - (iii) the post will remain at 37 hours on the Council's establishment.**

PART 2 – IMPLICATIONS OF THE DECISION

DELIVERING PRIORITIES

In line with legislative changes and best practice the Council has developed to enable more flexible ways of working; this includes enabling staff to request reductions in hours and varied work patterns. This request has been submitted in accordance with Council HR policies.

FINANCE, OTHER RESOURCES AND RISK

The proposed reduction in hours will result in a salary saving of £43,899.70 pa for the Council.

LEGAL & CONSTITUTIONAL POWERS

No significant legal implications have been identified. Any changes to working hours will be implemented in accordance with best practice and current employment law and the request has been made in accordance with the Council's HR Policies.

The terms and conditions of employment for the Chief Executive are approved by full Council upon the recommendations of the Human Resources and Council Tax Committee (Part 3.10).

The Report is to be considered in Part A and therefore, contains no personal information.

OTHER IMPLICATIONS

This change does reduce the availability and workload of the Chief Executive by 9.25 hours per week. Although the Chief Executive plans to work the reduced hours ensuring availability every day of the week (Monday – Friday).

PART 3 – SUPPORTING INFORMATION

Reduction in hours

As previously stated, the terms and conditions of employment for the post of Chief Executive has been in place since 2010. The proposed reduction in hours falls within the organisation's practice and procedures for its employees. The special nature of the post of Chief Executive means that the terms and conditions are set by the Joint National Committee for Local Authority Chief Executives and locally agreed by Council, following the advice and recommendations of the Human Resources and Council Tax Committee.

The proposed reduction in hours is being made at the request of the Chief Executive under the flexible working policy; it also meets the requirements of the flexible retirement policy, if the Chief Executive chooses to exercise rights in accordance with this policy. This is however a personal choice, which falls outside of the remit of this report.

It is not intended that this request will require cover by the Council's senior management team or other resources, and by accepting the proposed change in hours, the Council will be agreeing to a Chief Executive on reduced hours. However, the post holder remains fully committed to Tendring District Council.

The reduction of hours will be spread across the full working week ensuring that the Chief Executive continues to be available to the organisation from Monday to Friday. Details of specific practical and operational arrangements will be agreed with the Leader prior to implementation.

Committee is asked to note that the Leader of the Council, Councillor Neil Stock OBE, has been consulted regarding this proposed change and advises that he fully supports the proposal. The Leader has asked for the following to be included within this report:-

“When Ian Davidson was appointed as Tendring's Chief Executive over a decade ago the Council was in a very sorry state; the Audit Commission had published a damning report that highlighted “issues of probity and perceptions of corruption” within the planning function; decision making was overly bureaucratic and intensely risk-averse, relations between members were overly antagonistic while dealings between members and officers were based on suspicion and mistrust. Fundamentally, the reputation of the Authority across the wider local government world was exceedingly poor.

Ian changed all that. Through his positivity, can-do spirit and tireless determination and enthusiasm Tendring District Council is now widely regarded as one of the best-run and the most ambitious local authorities in the country. We have all played our part in that incredible progress; all the members and officers who have been involved with the Council over the past ten years have done their bit to make it the outstanding local authority that we know today, but it is Ian who has led from the front, who has always demanded the best and who has been the inspiration for all our successes.

So, whilst an employer of the size and scale as Tendring District Council has a duty to consider any reasonable request that a member of staff may make to vary the terms and conditions of their employment, I am especially happy to support this request from our Chief Executive, as quite frankly I think it is the least we owe him. I would also like to

acknowledge that as part of this request he has stated his continued commitment to the Council, and I would like simply to say thank you.”

CONCLUSION

The Human Resources and Council Tax Committee is asked to support the recommendations as previously stated. A report will then be submitted to Full Council to formally agree to the change in Terms and Conditions, at its meeting in January, should the Committee agree with the proposals contained herein.

APPENDICES

None.