

COUNCIL

25 MARCH 2025

REFERENCE FROM HUMAN RESOURCES & COUNCIL TAX COMMITTEE

A.7 UPDATE ON THE REVIEW OF CHANGES TO THE CHIEF EXECUTIVE'S TERMS AND CONDITIONS

(Report prepared by Katie Wilkins)

PART 1 – KEY INFORMATION

PURPOSE OF THE REPORT

Council is asked to consider the recommendations submitted to it by the Human Resources and Council Tax Committee in respect of the review of changes to the Chief Executive's terms and conditions of employment.

EXECUTIVE SUMMARY

At its meeting held on 24 February 2025 (Minute 16 refers), the Human Resources and Council Tax Committee considered a report from the Head of People (A.2) regarding the outcome of the review of the Chief Executive's terms and conditions of employment.

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 informed 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 thanks 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.*'

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.

A copy of the published report (A.2) of the Head of People presented to the Human Resources and Council Tax Committee held on 24 February 2025, is attached to this report.

RECOMMENDATIONS

That Council, having reviewed the reference report from the Human Resources and Council Tax Committee:-

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) above 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.**

BACKGROUND PAPERS FOR THE DECISION

Published Minutes of the meeting of the Human Resources and Council Tax Committee held on 24 February 2025.

APPENDICES

APPENDIX 1 - Published A.2 Report of the Head of People for the meeting of the Human Resources and Council Tax Committee meeting held on 24 February 2025.