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12th November 2026

ISSN 2753-2771

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ISSN 2753-2771

Surrey County Council's new CEO defends "unlawful" email

26 April 2024

Surrey County Council's soon to be in post Chief Executive and current Wiltshire Council's CEO has insisted that an email he sent to staff in November 2022, which was recently judged unlawful, was to correct a GMB (General, Municipal and Boilermakers) Union lie.

Terrence Herbert, who is preparing to leave his Chief Executive role to transfer to Surrey County Council, has gone on the record to speak about the events surrounding the case.

GMB, the union for Wiltshire Council staff, claims the email intended to deter its traffic wardens from voting for industrial action. The vote was part of a long-running dispute in which Wiltshire Council is seeking to remove contractual out-of-hours pay enhancement.

Written by Mr Herbert, the email claimed that GMB's representation of the proposals as a "10% pay cut" was "really misleading", and urged staff to "consider carefully" whether further strikes would support a resolution.

Bristol Employment Tribunal ruled that the correspondence broke industrial relations law.

The leader of the council, Richard Clewer, has reported that £21,395 was spent on defending the case.

Wiltshire Council is currently seeking legal advice as to whether there are grounds to appeal the decision.

Mr Herbert said: "We entered into all of our negotiations in good faith and professionally, with all three of our recognised unions – UNISON, Unite and the GMB. Unfortunately, from the outset, GMB's behaviour and actions were in sharp contrast to that of UNISON and Unite, and they seemed to have set their course not to agree."

He described the pay policies which Wiltshire Council is seeking to change as "historical" and "no longer fit for purpose." Mr Herbert said it was "very hard to justify" – to residents and staff who do not receive the same entitlement – policies that amounts to "£800,000 per year in extra payments."

He noted: "The only other way that you can make those savings are through redundancies and the position that I took from the outset, and it's one that I stand by now and do not regret, is that I didn't want to make people redundant." He added: "There are considerably more requirements on local government than there were before, but there isn't the money. Therefore, we have to make savings."

Following negotiations, the council offered a four-year pay protection for concerned staff, which was accepted by UNISON and Unite the Union, but rejected by GMB.

Regarding his email, Mr Terence said: "There had been a number of announcements or media statements made by GMB in the run up to another ballot. In those statements, they had said that we had reneged on a promise to offer lifetime pay protection. We were very clear that that was a lie, that we had never offered lifetime pay protection."

Referencing his staff, he also said: "I didn't intend for them to feel threatened, I intended for them to be informed. I genuinely believed that what I was doing was informing my staff.

"Whenever you see an organisation like GMB openly misrepresenting what has happened, you think that there is a duty for you to correct the record, and that's what I was doing."

Reflecting on the impact of the case, Mr Herbert concluded: "It is stressful, it takes a personal toll, but at the end of the day, I go home and try to switch off. But the personal attacks, which then lead to offensive comments, as a direct result of inflammatory, incorrect statements that have been made by supposedly professional organisations, that takes a toll."

When approached for comment, a spokesperson for GMB said: "The findings of the tribunal are clear that his arguments are unconvincing. For him to attack the findings of the tribunal is disingenuous and I'm sure residents of Wiltshire will find it equally concerning."

Jessica Moriarty

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