

**RECEIVED 07/12/22 via email
MOTION 10/2022**

We the under signed give notice under Procedure Rule 4 to move the following motions at the meeting of Maldon District Council on Thursday 15 December 2022

Cllr Adrian Fluker (Proposer)

Cllr Michael Helm (Seconder)

Cllr Richard Dewick (Seconder)

Motion One:

Preamble.

With reference to the Local Government Act 1972

In summary

A meeting of a principal council shall be open to the public except to the extent that they are excluded (whether during the whole or part of the proceedings)

The public shall be excluded from a meeting of a principal council during an item of business whenever it is likely, in view of the nature of the business to be transacted or the nature of the proceedings, that, if members of the public were present during that item, confidential information would be disclosed to them in breach of the obligation of confidence; and nothing in this Part shall be taken to authorise or require the disclosure of confidential information in breach of the obligation of confidence.

Part I of Schedule 12A to the Act clarifies items where the public shall be excluded:

Information relating to any individual

Information which is likely to reveal the identity of an individual

Information relating to the financial or business affairs of any particular person (including the authority holding that information).

Information relating to any consultations or negotiations, or contemplated consultations or negotiations, in connection with any labour relations matter arising between the authority or a Minister of the Crown and employees of, or office holders under, the authority.

Information in respect of which a claim to legal professional privilege could be maintained in legal proceedings.

Information which reveals that the authority proposes—

(a) to give under any enactment a notice under or by virtue of which requirements are imposed on a person; or

(b) to make an order or direction under any enactment.

Information relating to any action taken or to be taken in connection with the prevention, investigation, or prosecution of crime.

Democracy, openness, and transparency is the bedrock of local government and to avoid allegations of political bearing, concealment and malfeasance great care should be taken with regards the application of Part I of Schedule 12A and the exclusion of the public.

In deciding whether to exclude the public decision makers should in all circumstances of the case consider whether in the public interest maintaining the exemption outweighs the 'public interest' in disclosing the information.

At its meeting of 15 December council will be considering two lists of 'Budget Savings' prepared by CLT and Tier 2 Managers. Each list is made up from separate and unconnected items. The items being considered if approved by Council shall have a profound effect on both service delivery and the fees and charges paid by residents, businesses, and customers.

It is accepted that some of the items on the two lists do fall within the definition of Part I of Schedule 12A of the Act but given their individuality and singularity this is not a reason for the remaining items on the list to be considered whilst 'the public are excluded' and not least of all as these are the items which would attract the greatest 'public interest'.

The Councils Monitoring Officer and S151 Officer have formed a contrary view to that above.

Motion to Council

That at its meeting on 15 December Council resolves to agree that given the likely public interest, save as regard those items that fall specifically under Part I of Schedule 12A of the Act, all other items of 'Budget Savings' that are presented to Council on 15 December be considered when the meeting of the Council is open to the public.

Motion Two:

Summary

The findings of the Member Remuneration Panel is noted that their proposals are advisory, and that Council remains sovereign to implementing the panels advice.

All elected members to Maldon District Council receive a basic allowance of £5,425.00 to support them in carrying out their duties. The Basic Allowance is paid to all 31 members at an annual cost to local tax payers of £168,182.00.

Members are only obliged to attend one Council meeting every 6 months. In reality most members attend the majority of Full Council meetings, District Planning Committing Meetings, Area Planning Committee meetings, and if appointed main committee meetings and working group meetings. They are also required to attend council events, seminars, briefings, and training sessions.

As part of their civic duty Members work with and engage with their local residents, businesses and Parish and Town Councils.

Council, Planning and Programme committee meetings are held at the Councils Offices which means members time is taken up when travelling. The mean length of all meetings is 2hrs 25 minutes. The average travelling time for members is 20 minutes

On average members attend 46 meetings across the spectrum per annum. Some attend more and engage fully as they see it as part of their civic duty to do so.

It is accepted that not all members particularly those that are in employment or provide social care to their families can attend all meetings.

In addition to the basic allowance of £5,425.00 per annum paid to all members 'Special Responsibility Allowances' of £13,563.00 are paid to the Leader, £5,425.00 to The Chairman of the Council, Deputy Leader, Leader of the Opposition and Chair Persons of the main committees, £543 to the Vice Chair Person of the Council, £1,356.00 to the Vice Chair persons of the Main Committees, £2,304 to the Chair person of the Area Planning Committees and £4,069.00 to the Chair Person of the Overview and Scrutiny Committee.

The Special Responsibility Allowance is paid to 13 members at an annual cost to the council tax payers of £54,117.00.

It is accepted that those that receive Special Responsibility Allowances do perform additional duties, but it is unlikely that their attendance at council meetings would be any greater than those that did not receive the allowances. It is noted that for administrative purposes some Chairpersons and Vice Chairpersons do attend additional meetings with Officers and that best practice dictates that these meetings are now held on line to reduce travelling time. Individually it is unlikely that the sum total of these meetings exceeds 15.

It is accepted that the Leader and to a lesser extent the Deputy Leader represents the Council on outside bodies, and they meet with officers on a regular basis, but the time taken to do so when compared to pre covid, and the advent of on-line meetings has reduced dramatically.

It is understood that the Leader of Opposition meets with Officers on a regular basis.

Given that the Council's finances are under such enormous pressure reassurance is sought that the Members Special Responsibility Allowance represents good value to tax payers.

The Members Allowances figures are in the public domain therefore any consideration of them by Council can without prejudice be conducted in public session . For the purpose of public interest it is noted that the Members Code of Conduct and in particular DPIs, ORIs, NRIs, Bias and Predetermination shall apply.

Motion to Council

That at its meeting on 15 December Council resolves in the interests of best value, the reduction of the Councils deficit and the advent of digital technology that with immediate affect the Members Special Responsibility Allowances are reduced by 50%

Motion 3:

Summary

Maldon District Council is facing significant financial short falls in the coming years and unless significant steps are taken to improve the situation is most likely to use at least £2million worth of tax payers reserves to support itself in the coming years. The situation is not sustainable and unless substantive changes are made now the Council is likely to become fiscally unstable and may even lose its identity.

It is therefore important that all members rather than just those who sit on the Strategy and Resources Committee are given the opportunity to consider, review and comment on the 'Rejected Savings Options' of £651,000, tabled by CLT and Tier 2 Manager at the meeting of the Strategy & Resources Committee on 28 November.

Motion to Council

That at its meeting on 15 December Council resolves to agree at its next meeting to consider, review and comment on the 'Rejected Savings Options' of £651,000, which were presented by CLT and Tier 2 Managers to the meeting of the Strategy & Resources Committee on 28 November.

Motion 4:

That at its meeting on 15 December Council resolves to agree that in the event of the Chairman of the Council refusing to accept Motions 1,2 and 3 the reasons why are reported by him to Council on 15 December.