

Report title	To adopt a policy in respect of Councillor surgeries and to approve funding to cover the cost of premises hired for Councillor surgeries for the Financial Year 2023/24 and for the hiring of premises in which to conduct Councillor surgeries for future Financial Years
Report author	Mario Leo – Corporate Head of Law and Governance
Department	Law and Governance
Exempt?	No
Exemption type	Not applicable
Reasons for exemption	Not applicable

Purpose of report:

Please select one of the following and delete the remaining options.

- To recommend to full Council

Synopsis of report:

This report has been requested by Councillors R King and D Whyte under the provisions of Standing Order 27, which entitles two members of a committee to request that an item of business which falls within the function of a committee to be placed on the agenda for consideration at a meeting of that committee.

This report seeks agreement to adopt a policy in respect of Councillor Surgeries and agree to provide funding for Councillors to hire premises at which they can conduct Councillor Surgeries.

Recommendation(s):

- (i) To recommend to Full Council the adoption of a policy on Councillor Surgeries as set out in Appendix A
- (ii) To recommend to Full Council a budget of £3K be agreed to cover the cost of premises which have been hired by Councillors to hold Councillor surgeries in six wards to date and for the remainder of the Financial Year 2023/24.
- (iii) To recommend to Full Council that a growth bid be included in the budget for the Financial Year 2024/25 of £20K to cover the cost of Councillors hiring premises to hold Councillor surgeries.

1. Context and background of report

- 1.1 Councillors R King and D Whyte have requested via an email to the Chief Executive dated the 10th October 2023 that this report be placed on the agenda under the provisions of Standing Order 27.
- 1.2 Runnymede has no policy on the holding of Councillor Surgeries and has not provided funding to cover the cost of the hiring of premises for such purposes. There is also no formal policy on the use of Council owned premises for such purposes and what, if any, charges should be levied if Council premises are used.
- 1.3 This report seeks to agree the adoption of a policy for Councillor Surgeries, agree the covering of costs for surgeries which have been held to date and will be held for the remainder of the Financial Year 2023/24 in six wards and agree a budget for the Financial Year 2024/25 to cover such costs.

2. Report and, where applicable, options considered and recommended

- 2.1 The practice of local politicians holding events at which they provide constituents with an opportunity to come and meet them to raise concerns dates back for some considerable time. The term Surgery has come to be used to describe such events as in essence they provide an opportunity for a person to raise an issue that is of concern to them.
- 2.2 There is no legal obligation imposed on a local politician to hold such events, but they are acknowledged as one of the various methods local politicians can use to interact with their constituents and discharge their role as an elected representative.
- 2.3 Councillors R King and D Whyte have proposed that the Council adopt a policy on Councillor Surgeries and have provided wording for such a policy which is set out in Appendix A.
- 2.4 Reference is made in the proposed policy to advice being provided by Council officers in Democratic Services on setting up a surgery. Officers have not set up such events in the past and will not hold details of private venues that would be available for hire or the arrangements that Councillors should enter if they decide to hire a private venue. If Councillors do decide to hire venues for holding Surgeries, this will be a private arrangement between them and the owner of the venue. Officers will not be able to advise on whether terms are suitable or reasonable. If officers are aware of venues owned by Runnymede or Surrey County Council which may be available for use, they will advise Councillors of such premises.
- 2.5 Given recent incidents when politicians have been the subject of acts of violence, Councillors should have regard to arrangements for their personal safety when holding such events. The Local Government Information Unit provides advice for Councillors on personal safety. The following link will take Councillors to their website, and they can access that advice by creating an account:

<https://lgiu.org/publication/personal-safety-for-councillors-2/>
- 2.6 The proposed policy refers to trying to use Council premises and premises belonging to Surrey County Council. The Council does not have premises located in each ward which could be used for Councillor Surgeries. It must therefore be accepted that premises not owned by the Council will have to be used by Councillors. Such premises will have to be hired by Councillors and will be subject to the terms that the

owners of such premises will impose. Councillors would be urged to have regard to the safety advice referred to above when considering which premises are to be selected.

- 2.7 Council premises which are available will be community facilities which are hired out for various purposes. Various rates are charged depending on the nature of the event. The proposed policy put forward by Councillors King and Whyte talks about the Council covering costs up to £40 per session, which they define to be a two-hour period of time once a month. To date no charges have been imposed by the Council when Councillors have used Council premises for conducting surgeries. If the Council were to decide to allow free use to continue there may be a cost associated with such an approach which has not been quantified. The sum of £40 could be used to offset that cost. If alternatively, the Council does wish to impose a charge for Councillors using its premises it will be necessary to determine what that charge will be. The Council could decide to impose a charge of £40 for use for a Councillor surgery for a two-hour session.
- 2.8 Reference is made in the material submitted to using premises owned by Surrey County Council. Such premises are owned by a separate legal entity and the Council does not know what their attitude would be to allowing those premises to be used for holding Councillor Surgeries and what, if any, charges they may impose for such use. Officers could, if instructed, contact Surrey County Council to ascertain their position on the matter.
- 2.9 It is proposed by Councillors R King and D Whyte that the Council provide the sum of £40 towards the costs of hiring premises for holding a monthly Councillor surgery. The length of the session would be a two-hour period. It is assumed that if premises are hired for a two-hour period and the total cost is £40 including VAT then the sum provided will cover the full cost. If the costs of hiring a venue exceed £40 or require VAT to be paid, then Councillors will fund the difference from their own resources.
- 2.10 The proposal put forward seeks to address costs which have been incurred by a number of Councillors during the current Financial Year and will be incurred for the remainder of the Financial Year. In the material supplied by Councillors R King and D Whyte it is stated 'there are only 6 wards at present which have been holding surgeries to my knowledge, a number of whom are not charged for their venues'. It is proposed that a budget of £3K be provided to cover historical and future costs. Officers believe this figure is based on the following calculation $6 \times 12 \times £40 = £2880$. Clearly if this proposal were to be agreed other Councillors may wish to take up the facility and the proposed budget would prove inadequate. Officers would assume that if other Councillors would wish to take up the facility for the remainder of the year, then a further sum of approximately £1700 would be required based on the following calculation $7 \times 6 \times £40 = £1680$.
- 2.11 There is also a proposal in respect of funding for future years and the officers assume the calculation behind that figure is as follows $41 \times 12 \times £40 = £19680$. It is assumed that it is proposed that the Council will contribute to the cost of one surgery being held each month by each Councillor. If all Councillors in a ward attended the same venue, then they would only be entitled to claim one lot of £40 to cover the cost of hiring the venue. If in theory all ward Councillors agreed to share one venue once a month then the cost would be $13 \times 12 \times £40 = £6240$.
- 2.12 Officers have sought to establish the practice adopted by other local authorities. Whilst most local authorities will talk about the role of Councillor surgeries on their websites, advertise Councillor surgeries on their websites and provide guidance to

Councillors on personal safety when conducting surgeries, it has proved difficult to find information on what funding if any they provide. Of those local authorities which do publish some form of information they appear to take different approaches. The majority encourage the use of council owned premises to restrict costs. When council premises are not available councillors are required to apply for funds to cover the cost of hiring external premises, such applications can be to a designated officer or a committee whose functions include such matters.

3. Policy framework implications

- 3.1 As indicated in the body of the report the Council does not at present have a policy regarding Councillor surgeries. If the proposal put forward were adopted, it would allow the Council to have a policy on such matters which sets out the financial support to be provided for such events.

4 Resource implications/Value for Money (

- 4.1 A supplementary estimate of £3,000 is requested to cover expenditure incurred to date in the current year, or which may be incurred over the remainder of the year. It is also noted in paragraph 2.10 that should other Councillors avail themselves of this policy during the remaining months of the year an additional £1,700 may be required. Not all Ward surgeries will have been, or are likely to be, held in chargeable premises throughout the year so it is therefore reasonable to apply a supplementary estimate of £3,000 for 2023/24 and monitor spend against this budget. Any variance will be recorded as part of normal budget monitoring processes. Setting a budget of £20,000 for 2024/25 would appear to cover 1 surgery per month for each individual Councillor and therefore would be sufficient to support application of the policy at its maximum usage. It is unlikely that this would be used in full, as some Councillors may share ward surgeries, make use of free premises, or carry out their ward surgeries online. Any underspend would simply be returned to Council balances.
- 4.2 The Council is currently facing significant budget pressures and will shortly be bringing forward its Medium-Term Financial Strategy for consideration by Members. The Strategy will be seeking ways to reduce the on-going budgetary gap, previously reported as rising to around £5.2m by 2025/26. Due regard should be taken of the overall finances of the Council when considering any supplementary estimates or recommending any on-going budgetary growth.
- 4.3 Regard should also be had to the level of resources required to administer the policy (although this is assumed to be of a relatively low level) and the opportunity cost of the use of Council premises if there was alternative demand from an external user i.e. loss of net income to the Council.

5. Legal implications

- 5.1 There is no legal obligation on Councillors to convene Councillor surgeries although they are events which have been held by Councillors for some time. They are seen as one of the methods for Councillors to discharge their role of representing their constituents.
- 5.2 There is no legal obligation on local authorities to provide funds for Councillors to secure premises in which to conduct Councillor surgeries. Given the approach adopted by some other local authorities it would appear they will provide funding for the hire of non-council owned premises for such activities.

- 5.3 The phrase 'creatures of statute' is often used to describe local authorities and it in essence means that their role is defined in numerous Act of Parliament, and they are unable to act unless given the power to do so by legislation. One aspect of a local authority function is the power to incur expenditure. Acts of Parliament will normally provide an express or implied power to incur expenditure.
- 5.4 In the context of elected Councillors there is an express power to pay allowances (see Local Authorities (Members' Allowances) (England) Regulations 2003 which are made pursuant to power contained in the Local Government and Housing Act 1989). Whilst those powers allow for the payment of identified allowances, they do not expressly authorise the payment of monies to cover the costs of hiring premises for Councillor surgeries.
- 5.5 Given that some local authorities do provide funding to cover the cost of hiring premises for Councillor surgeries officers can only assume they rely on one of two statutory provisions. Section 111 Local Government Act 1972 allows local authorities to incur expenditure which is calculated to facilitate, or is conducive or incidental to, the discharge of any of their functions. Section 1 Localism Act 2011 created what is termed the general power of competence for local authorities. That power allows, within limits, local authorities to do anything that individuals generally may do.
- 5.6 It should be noted that any arrangement entered into by a Councillor to hire premises will be a contractual arrangement solely between the Councillor and the owner of the premises. The Council will not be party to such an agreement but will merely reimburse the Councillor for some or all of the fees associated with any such hiring.
- 5.7 In respect of premises operated by the Council it is within the powers of the Council to set the fees for the hiring of such premises. It would be open to the Council to provide such premises at no cost for use for Councillor surgeries or to set a specific fee.

6. Equality implications

- 6.1 Should the Council adopt the policy proposed and agree to the budgets proposed no equality implications will arise. The policy and provision will apply to all Councillors.
- 6.2 When hiring premises and conducting surgeries Councillors should ensure they comply with all relevant equalities legislation.

7. Environmental/Sustainability/Biodiversity implications

- 7.1 In selecting locations for surgeries Councillors should seek to minimise the environmental impact which will flow from such activities. There is a likelihood that people may have to travel the location and if feasible a location with good public transport links would be ideal. Given the nature of the borough this may not always be possible and option such as encouraging car sharing should be considered to reduce the environmental impact. The use of modern technology will hopefully reduce the number of people having to travel to such events, but it has to be accepted that this is not viable option for all constituents.

8. Other implications (where applicable)

- 8.1 None

9. Timetable for Implementation

- 9.1 This report will be considered at the meeting of this Committee held on the 23rd November 2023. In the event that the Committee approve the recommendations the matter will be considered by Full Council at its meeting scheduled for the 7th December 2023. Should Full Council adopt the recommendations then the Policy can come into operation in December and the budget for meetings held during the Financial Year 2023/24 will apply from that date. In respect of the growth item budget the Council will consider its budget for 2024/25 at the meeting held in February 2024.

10. Conclusions

- 10.1 The convening of Councillors surgeries is an activity which takes place across the country. Such meetings afford constituents an opportunity to raise matters with their elected representatives.
- 10.2 The adoption of a formal policy dealing with the provision of funding for hiring premises for such activities provides clarity and certainty over such matters. The identification of funding to support such activities provides transparency over the commitment a local authority will make to support interaction between elected members and residents.

11. Background papers

- Email from Councillors R King and D Whyte requesting inclusion of item on agenda of meeting

12. Appendices

- Policy on Councillor Surgeries