

**Casual Vacancy in Midlothian Council Ward Number 5 – Midlothian East
Arrangements for By-Election
Report by Chief Executive**

Report for Decision and Noting

1 Recommendations

The Council is recommended:

- (a) To note, for its interest, the arrangements for the forthcoming Midlothian Council By-Election for the Electoral Ward No 5 - Midlothian East to be held on Thursday, 25 March 2021; and
- (b) To authorise the Chief Executive, as Returning Officer, to make the appropriate financial arrangements and payments for this By-Election.

2 Purpose of Report/Executive Summary

The purpose of this report is to advise the Council of the arrangements I have made, in my capacity as Returning Officer, for the By-Election to fill the casual vacancy which has arisen in Electoral Ward 5 – Midlothian East, following the resignation of Councillor Kenneth Baird and to seek approval of the financial arrangements in this regard.

Date: 9 February 2021

Report Contact:

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3 Background

- 3.1** In terms of section 37 (1) of the Local Government (Scotland) Act 1973, the by-election must be held within 3 months of the vacancy occurring (ie 6 May 2021). There is no power in terms of the Coronavirus (Scotland) Regulations to extend the date of the By-Election beyond this date. As 6 May 2021 is the date of the Scottish Parliament Elections and it is not best practice to hold two elections on the same day, I have brought the date forward to avoid confusion and voter fatigue. In relation to the current Covid-19 restrictions, suitable protections and procedures will be in place to ensure the health and safety of all voters, staff, candidates and agents.

The By-Election will therefore be held on Thursday 25 March 2021 with polling taking place under the single transferable voting system between 7 am and 10 pm. The franchise for local government elections in Scotland extends to 16 and 17 year olds.

- 3.2** The Counting of Votes will be carried out manually and will take place the following day on Friday 26 March 2021 commencing at 10 am. It is anticipated, at this stage, that the Count will be held in Newbattle Community Campus, Newbattle Road, Easthouses, EH22 4SX and this will be confirmed in due course.
- 3.3** The '*Notice of Election*' will be published on **Monday 15 February 2021** and nominations close on **Monday 22 February 2021 at 4 pm**.
- 3.4** Applications to register to vote must reach the Electoral Registration Officer, Lothian Valuation Joint Board, 17A South Gyle Crescent, Edinburgh, EH12 9FL before Midnight on Tuesday 9 March 2021.
- 3.5** Postal voting applications have to be received by the Electoral Registration Officer, Lothian Valuation Joint Board, 17A South Gyle Crescent, Edinburgh, EH12 9FL or the Elections Office, Midlothian House, Buccleuch Street, Dalkeith, EH22 1DN before 5pm on Wednesday 10 March 2021
- 3.6** Applications to vote by proxy must reach the Electoral Registration Officer, Lothian Valuation Joint Board, 17A South Gyle Crescent, Edinburgh, EH12 9FL before 5pm on Wednesday 10 March 2021.
- 3.7** Fuller details of the By-Election arrangements including the '*Election Timetable*', the '*Scheme of Polling Districts and Polling Places*' and the '*Administrative Arrangements for Candidates and their Agents*', can be found in the '*Nomination Pack*' on the Council's website (from Monday 15 February 2021): www.midlothian.gov.uk/by-election
- 3.8** In terms of Section 7(5) of the Local Government (Scotland) Act 1973, the Council is obliged to pay all expenditure properly incurred by the Returning Officer in relation to the holding of an election. This relates mainly to the cost of printing, postages, advertising, transport and fees to the staff employed.

Payments for election duties, which include the polling, postal and count staff, would be at similar levels to that made at the General Election 2019.

4 Report Implications (Resource, Digital and Risk)

4.1 Resource

The cost of the By-Election will fall on the Council and this will be met from existing budgets.

4.2 Digital

The Council's Digital Services has allocated appropriate staff and resources to deliver the by-election and in particular the postal vote verification procedure.

4.3 Risk

The election is being conducted using the Electoral Commission recommended project planning approach, accompanied by a comprehensive Risk Plan which has been produced on the basis of in-depth risk analysis and has been used successfully by the Council's Election Project Team for recent national and local elections.

Furthermore, a separate risk assessment has been undertaken to assure adequate PPE is available and suitable procedures will be in place to protect the health and safety of all voters, staff, candidates and agents.

4.4 Ensuring Equalities (if required a separate IIA must be completed)

This report does not recommend any change to policy or practice and therefore does not require an Equalities Impact Assessment. The equalities guidelines as outlined by the Electoral Commission will be observed

4.5 Additional Report Implications

See Appendix A

Appendices

Appendix A – Additional Report Implications

Appendix B – Background information/Links

APPENDIX A – Report Implications

A.1 Key Priorities within the Single Midlothian Plan

Not applicable

A.2 Key Drivers for Change

Key drivers addressed in this report:

- ☐ Holistic Working
- ☐ Hub and Spoke
- ☐ Modern
- ☐ Sustainable
- ☐ Transformational
- ☐ Preventative
- ☐ Asset-based
- ☐ Continuous Improvement
- ☐ One size fits one
- ☒ None of the above

A.3 Key Delivery Streams

Key delivery streams addressed in this report:

- ☐ One Council Working with you, for you
- ☐ Preventative and Sustainable
- ☐ Efficient and Modern
- ☐ Innovative and Ambitious
- ☒ None of the above

A.4 Delivering Best Value

The report does not directly impact on Delivering Best Value

A.5 Involving Communities and Other Stakeholders

The report does not directly relate to involving communities

A.6 Impact on Performance and Outcomes

The report does not directly impact on Midlothian Council's performance and outcomes

A.7 Adopting a Preventative Approach

Not applicable

A.8 Supporting Sustainable Development

Not applicable

APPENDIX B

Background Papers/Resource Links (if applicable)

