

Casual Vacancy in Midlothian Council Electoral Ward No 1 – Penicuik Arrangements for By-Election

Report by Kenneth Lawrie, Chief Executive

1 Purpose of Report

Following the untimely death of the Provost, Councillor Adam Montgomery, on 10 January 2018, I have to update the Council in regard to the arrangements I am making, in my capacity as Returning Officer, for the By-Election to fill the casual vacancy which has occurred in Electoral Ward No 1 – Penicuik and to seek approval of the financial arrangements in this regard.

2 Background

- 2.1 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 last year's Midlothian Council Election and the General Election.

- 2.2 The By-election will be held on Thursday 22 March 2018 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.
- 2.3 The Counting of Votes will be carried out manually and will take place the following day on Friday 23 March 2018 in the Ladywood Leisure Centre, 14A Yarrow Court, Penicuik commencing at 10 am.
- 2.4 The '*Notice of Election*' will be published on **Thursday 8 February 2018** and nominations close on **Monday 19 February 2018 at 4 pm**.
- 2.5 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 6 March 2018.
- 2.6 Postal voting applications have to be received by the Electoral Registration Officer, Lothian Valuation Joint Board, 17A South Gyle Crescent, Edinburgh, EH12 9FL of the Elections Office, Midlothian House, Buccleuch Street, Dalkeith, EH22 1DN before 5pm on Wednesday 7 March 2018.
- 2.7/

- 2.8** 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 14 March 2018.
- 2.9** 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 5 February 2018): www.midlothian.gov.uk/elections

3 Report Implications

3.1 Resource

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

3.2 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.

3.3 Single Midlothian Plan and Business Transformation

Themes addressed in this report:

- ☐ Community safety
- ☐ Adult health, care and housing
- ☐ Getting it right for every Midlothian child
- ☐ Improving opportunities in Midlothian
- ☐ Sustainable growth
- ☐ Business transformation and Best Value
- ☒ None of the above

3.4 Key Priorities within the Single Midlothian Plan

Not applicable.

3.5 Impact on Performance and Outcomes

Not applicable.

3.6 Adopting a Preventative Approach

Not applicable.

3.7/

3.7 Involving Communities and Other Stakeholders

An Elections Communications Plan will target encouraging voter registration and participation in the voting process. As part of the Electoral Registration Officer's annual campaign targeting the registration of young persons, he will be holding registration events in both the Penicuik High Schools before the By-Election electoral registration deadline.

3.8 Ensuring Equalities

The equalities guidelines as outlined by the Electoral Commission are being observed.

3.9 Supporting Sustainable Development

There are no sustainability issues arising from this report.

3.10 IT Issues

The Council's Digital Services Unit has allocated appropriate staff resources to deliver the By-Election and in particular the postal vote verifications.

4 Recommendations

The Council is recommended:

- (a) To approve and note, for its interest, the arrangements for the forthcoming Midlothian Council By-Election for the Electoral Ward No 1 - Penicuik to be held on Thursday 22 March 2018; and
- (b) To authorise the Chief Executive, as Returning Officer, to make the appropriate financial arrangements and payments for this By-Election.

31 January 2018

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Background Papers:

- **Election Timetable for the Midlothian Council Returning Officer and his Election Project Team**
- **The Local Governance (Scotland) Act 2004**
- **The Scottish Local Government Elections Order 2011**
- **The Scottish Local Government Elections Amendment (No2) Order 2016**
- **The Representation of the People (Variation of Limit of Candidates' Local Government Election Expenses) (Scotland) Order 2016**
- **The Representation of the People (Absent Voting at Local Government Elections) (Scotland) Amendment Regulations 2016**
- **The Representation of the People (Postal Voting for Local Government Elections) (Scotland) Amendment Regulations 2016**