

## **Appointment of Provost**

### **Report by Director, Resources**

#### **1 Purpose of Report**

The purpose of this report is to advise the Council of the requirement to fill the vacancy in the role of Provost following the sudden death of Councillor Adam Montgomery.

#### **2 Background**

- 2.1** The sudden death of Councillor Adam Montgomery has created a vacancy in the role of Provost. In terms of Standing Orders 5 and 6, the Depute Provost, Councillor Margot Russell has been acting as Provost in the meantime. It is however a requirement of section 4 (6) of the Local Government (Scotland) Act 1994, that a casual vacancy in the role of Provost be filled as soon as practicable at a meeting of the Council. Accordingly, it is a requirement of that Act that the casual vacancy in the role of Provost be filled at today's meeting.
- 2.2** As stated in another report to Council, the by election to fill the casual vacancy in Ward 1, Penicuik will be held on 22 March 2018 and any change to the political balance of the Council will not be known until 23 March 2018 at the earliest.
- 2.3** The requirement in terms of the Local Government etc (Scotland) Act 1994 is simply to appoint the Provost, there is no set period for the appointment specified within the Act. Furthermore, there is no requirement to fill any other casual vacancy within a set period of time.
- 2.4** Accordingly, it would be competent for the Council to appoint Cllr Russell to act as Provost from this meeting until the forthcoming meeting of the Council on 27 March 2017 and to leave the role of Depute Provost vacant during that period. Cllr Russell could then demit the role of Provost and revert to her current role as Depute Provost at that meeting. This would allow the appointment of Provost to be made by the full Council on that date.

#### **3 Report Implications**

##### **3.1 Resource**

There are no additional resource issues arising from this report.

### **3.2 Risk**

The Council will be in breach of section 4(6) of the Local Government (Scotland) Act 1994 should it fail to appoint a Provost at today's meeting. This failure would be mitigated by Councillor Russell continuing to act as the Council's Civic Head in terms of the Council's Standing Orders.

### **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
- X None of the above

### **3.4 Key Priorities within the Single Midlothian Plan**

This report does not impact on the key priorities within the Single Midlothian Plan.

### **3.5 Impact on Performance and Outcomes**

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

### **3.6 Adopting a Preventative Approach**

The report does not directly impact on actions and plans in place to adopt a preventative approach.

### **3.7 Involving Communities and Other Stakeholders**

The report does not directly relate to involving communities.

### **3.8 Ensuring Equalities**

This report does not recommend any change to policy or practice and therefore does not require an Equalities Impact Assessment.

### **3.9 Supporting Sustainable Development**

There are no sustainability issues arising from this report.

### **3.10 IT Issues**

There are no IT issues arising from this report.

## **5 Recommendations**

It is recommended that the Council:

- (a) appoint Councillor Russell to act as Provost until the Council meeting on 27 March 2018;
- (b) agree to leave the role of Depute Provost vacant meantime;
- (c) note that Councillor Russell would revert to her role as Depute Provost on demitting the role of Provost at the commencement of the said meeting on 27 March 2018; and
- (d) agree to hold a further election to appoint a Provost on Councillor Russell demitting that office at the said meeting on 27 March 2018.

**Date 23 January 2018**

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**Background Papers: None**