

**Resignation of Councillor Baird
Report by Chief Executive**

Report for Noting

1 Recommendations

The Council is asked to note the resignation of Councillor Kenneth Baird from the Council with effect from 7 February 2021.

2 Purpose of Report/Executive Summary

The purpose of this report is to advise the Council of resignation of Councillor Kenneth Baird.

Date: 10 February 2021

Report Contact:

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3 Background

- 3.1** On 15 January 2021, I received a letter of resignation from Councillor Kenneth Baird intimating his intention to stand down as an Elected Member of Midlothian Council with effect from 7 February 2021. I did not receive any further communication and therefore Councillor Baird resigned as a Councillor from that date. Councillor Baird's resignation caused a casual vacancy to arise in Ward 5 - Midlothian East. In terms of section 37 (1) of the Local Government (Scotland) Act 1973, a by-election must be held within 3 months of the vacancy occurring (ie 6 May 2021) and the arrangements for this by-election are subject to a separate report to this meeting.

3.2 In addition to the full council, Planning and General Purposes Committees (on which all Councillors sit), Councillor Baird had been appointed by the Council to the following bodies:

- Local review Body
- Midlothian Licensing Board
- Performance Review and Scrutiny Committee
- Petitions Committee

In addition, Councillor Baird has not been appointed by the Council to any outside body.

3.3 In terms of Standing Order 4.2 above, the following actions should take place at the first meeting of the Council following a by-election:

- (i) The Returning Officer confirms the outcome of the by-election;
- (ii) To confirm or otherwise that the newly elected Councillor(s) has/have Executed the Declaration of Acceptance of Office;
- (iii) If required, appoint newly elected Member(s) in accordance with the Scheme of Administration and confirm any further changes to the membership of these forums;
- (iv) If required, appoint newly elected Member(s) as representatives to Joint Committees, Joint Boards and Outside Bodies and confirm any further changes to the membership of these forums; and
- (v) Appoint newly elected Member(s) to Midlothian Licensing Board.

3.4 None of the bodies referred to in paragraph 3.2 above will become inquorate simply because of Councillor Baird's resignation nor will his resignation cause the Council to be unrepresented on any outside body. Accordingly, I do not intend to seek nominations for the resultant vacancies until the first meeting after the by-election (ie 11 May 2021).

4 Report Implications (Resource, Digital and Risk)

4.1 Resource

There are no Resource implications arising out of this report.

4.2 Digital

There are no Digital Services implications arising out of this report.

4.3 Risk

Councillor Baird's resignation will not leave any Council Committee inquorate, there is therefore no immediate risk of a lack of governance.

There is a statutory requirement to hold a by-election within three months of a casual vacancy which is addressed in a separate report.

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)