

Declaration of Acceptance of Office of Councillor

Report by John Blair, Director, Resources

1 Introduction

Under the terms of Section 33A of the Local Government (Scotland) Act 1973, introduced by the Local Government and Housing Act 1989, a person elected to Office as a Councillor of a Local Authority shall not, unless:-

- (a) he/she has made a Declaration of Acceptance of Office in a form prescribed by an Order made by Scottish Ministers; and
- (b) the Declaration has within two months from the day of the election been delivered to the Proper Office of the Local Authority,

act in the Office of Councillor except for the purpose of taking such a Declaration.

If such a Declaration is not made and delivered to the Proper Officer within the appointed time, the Office of the person elected shall at the expiration of that time become vacant.

The Declaration of Acceptance of Office, to be signed by the Elected Member, includes both a Declaration regarding fulfilment of duties and also an undertaking to meet the requirements of the Councillors' Code issued under the Ethical Standards in Public Life etc (Scotland) Act 2000.

Details regarding the procedure for making the Declaration have been provided to the successful candidate for the by-election in Ward 4 – Midlothian West which was held on Thursday 10 September 2015.

2 Report Implications

2.1 Resource Implications

The stipulated annual payment for a “backbench” Councillor as at 1st April 2014 is £16,560. This is paid monthly in arrears on the 28th day of each month.

Councillors are also eligible to join the Local Government Pension Scheme if they so wish and are entitled to reimbursement of receipted travel and subsistence expenses, necessarily incurred when undertaking council duties.

There are no resource implications arising from this report as provision for the above costs has been included in the Members' Budget.

2.2 Risk Implications

The successful candidate for the by-election in Ward 4 – Midlothian West will be ineligible to participate in today's Council Meeting without first having made the Declaration of Acceptance of Office of Councillor.

2.3 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

2.4 Key Priorities within the Single Midlothian Plan

Not applicable.

2.5 Impact on Performance and Outcomes

Not applicable.

2.6 Adopting a Preventative Approach

Not applicable.

2.7 Involving Communities and Other Stakeholders

Not applicable.

2.8 Ensuring Equalities

Not applicable.

2.9 Supporting Sustainable Development

Not applicable.

2.10 IT Issues

Not applicable.

3 Conclusion

The Proper Officer will confirm at today's meeting whether the successful candidate for the by-election in Ward 4 – Midlothian West has made the Declaration of Acceptance of Office in the prescribed form and delivered this to him, thereby making him eligible to sit as an Elected Member at the meeting.

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