

Declaration of Acceptance of Office of Councillor**Report by Kenneth Lawrie, Chief Executive****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 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.

2 Report Implications**2.1 Resource Implications**

There are no resource implications arising from this report.

2.2 Risk Implications

Failure by a sufficient number of Elected Members to make their Declaration could result in this Council meeting being inquorate.

2.3 Policy Implications**Strategy**

There are no strategy implications arising from this report.

Consultation

No consultations have been undertaken in connection with this report.

Equalities

An equalities impact assessment has not been required in connection with this report.

Sustainability

There are no sustainability implications arising from this report.

3 Councillor Joe Wallace

Councillor Wallace made the Declaration of Acceptance of Office of Councillor before the Monitoring Officer, a Proper Officer of the Council for this purpose, on 26 March 2018. Councillor Wallace is therefore entitled to act as an elected member of Midlothian Council.

4 Recommendation

Council is invited to note this report.

26 March 2018

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