

Election of Provost**Report by Kevin Anderson, Executive Director, Place****Report for Decision****1 Recommendation**

The Council is invited to elect the Provost.

2 Purpose of Report/Executive Summary

The purpose of this report is to invite the Council to elect the Provost in terms of Standing Order 4.1(iv).

Date: 6 May 2022**Report Contact:** Kevin Anderson**Email:** kevin.anderson@midlothian.gov.uk

3 Background

Section 4(1) of the Local Government etc. (Scotland) Act 1994 (the 'Act') requires the Council of each local government area to elect a Convener from among the Councillors.

Whilst the title of this office was known as Convener during the shadow year of 1995/96, at the meeting of Midlothian Council on 2 April 1996, it was agreed that henceforth this office be known by the title of Provost.

Section 4(4) of the Act states that the election of the Provost shall be the first business transacted at the first meeting of the Council held after an ordinary election of councillors and at that meeting, until the Provost is elected, the Returning Officer, shall preside. Standing Orders 4.1(i) and (iv) reflect this. As this is a statutory requirement under the 1994 Act, nominations for this position cannot be part of a block proposal.

4 Standing Order Issues

The attention of the Council is drawn to the terms of Standing Order 11.3(iii) which states that:-

"A Member may not move or second a motion or amendment for the election or appointment of him/herself to any of the positions referred to under Standing Order 4, whether appointed at the first meeting of the Council after the elections or at a later date. Neither shall a Member vote in any personal election or appointment."

The attention of the Council is also drawn to the terms of Standing Order 11.2 (iv) which states that:-

"In any division each Member shall have one vote only. The Chair, in the case of an equality of votes, will have a second or casting vote. This will not apply however when the matter which is the subject of the vote relates to the appointment of a Member of the Council to any particular office or Committee. In that case the decision will be by lot."

This mirrors the legal requirement in paragraph 5(2) to Schedule 7 of the Local Government (Scotland) Act 1973

5. Report Implications (Resource, Digital and Risk)

5.1 Resource

Please refer to the separate report on the Scheme of Councillors' Remuneration which will be considered during the Statutory Meeting of the Council on 24 May 2022.

5.2 Digital

There are no digital implications related to this report.

5.3 Risk

There is a statutory requirement for the Council to elect a Convener (Provost) in terms of the Local Government etc. (Scotland) Act 1994. Failure to do so would therefore contravene that Act. It would also breach Standing Order 4.1(iv).

5.4 Ensuring Equalities

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

5.5 Additional Report Implications

See Appendix A

Appendix A - Additional 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

There are no direct implications related to this report.

A.5 Involving Communities and Other Stakeholders

The report does not directly relate to involving communities.

A.6 Impact on Performance and Outcomes

Not applicable

A.7 Adopting a Preventative Approach

Not applicable

A.8 Supporting a Sustainable Development

Not applicable