

Election of Leader of the Council**Report by Kevin Anderson, Executive Director, Place****Report for Decision****1 Recommendation**

The Council is invited to elect the Leader of the Council subject to the exclusions referred to in Section 3.

2 Purpose of Report/Executive Summary

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

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

3 Background

In accordance with:

- (a) Standing Order 4.1(vi), consideration requires to be given at this meeting to the election of the Leader of the Council;
- (b) Standing Order 1.1, the Leader of the Council shall be the Convener of the Cabinet;
- (c) the Scheme of Administration:-
 - (i) **Cabinet** - the Provost, the Depute Provost and the Chair of the Performance Review and Scrutiny Committee may not be appointed to the Cabinet (and may not therefore be the Leader of the Council);
 - (ii) **Performance, Review and Scrutiny Committee** - the members of the Performance, Review and Scrutiny Committee may not be appointed to the Cabinet (none of whom may therefore be the Leader of the Council).
- (d) In terms of Section 4(1) of the Local Governance (Scotland) Act 2004 (Remuneration) Regulations 2007, there are to be four grades of Councillor in each local authority for the purposes of payment of remuneration, these being:
 - "Leader of the Council" - that is, the convener where councils use that term instead of Leader (e.g. usually used by councils where the administration of the council is not linked to a particular political party) or such other councillor the authority decides should be termed as 'Leader of the Council' for remuneration purposes.
 - "Civic Head" - that is, the councillor who holds this title for remuneration purposes is at the Council's discretion. This is generally the Provost or Lord Provost. In some authorities this will be the depute convener, but in other authorities, the convener.
 - "Senior Councillor" - that is, a councillor who holds a significant position of responsibility in the Council's political management structure, for example, a convener of a major committee, the leader of a significant opposition group etc.
 - "Councillor" - that is, a councillor who is likely to hold no significant position of responsibility in the council's political management structure and who will receive the basic salary.
- (e) Section 4(2) of the Regulations state that the Leader of the Council and the Civic Head cannot be the same person, for the purposes of payment of remuneration.

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.”

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

The Leader of the Council is to be the Convener of the Cabinet and failure to make such an appointment would contravene Standing Orders.

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