

The City of Edinburgh Council

10.05am, Thursday 7 February 2019

Resignation of Councillor/Appointments

Item number	7.1
Report number	
Executive/routine	
Wards	None

Executive summary

Councillor Marion Donaldson has submitted her resignation as a councillor of the City of Edinburgh Council for Ward 12, Leith Walk.

This report provides information on the arrangements necessary for the resulting by-election. Polling will be held on 11 April 2019, with the votes counted electronically at the close of poll. It also invites Council to appoint replacement members on the committees and outside body to which Councillor Donaldson was appointed.

Resignation of Councillor/Appointments

1 Recommendations

- 1.1 To note that arrangements will now be put in place for a by-election for the vacancy in Leith Walk ward (no 12), with polling on 11 April 2019.
- 1.2 To note that officers working on preparations for the by-election, the poll itself, postal vote processing and the count will require to be released from normal duties.
- 1.3 To authorise the Chief Executive to make any revisions to polling arrangements, including polling places, as may be required, in consultation with the remaining Leith Walk elected members.
- 1.4 To appoint a Labour Group member to the vacancy on the Finance and Resources Committee.
- 1.5 To appoint a member as vice-convener of the Finance and Resources Committee.
- 1.6 To appoint a Labour Group member to the vacancy on the Committee on the Jean F Watson Bequest.
- 1.7 To appoint one member to the vacancy on the board of Spartans Community Football Academy.

2 Background

- 2.1 Following the resignation of Councillor Donaldson on 29 January 2019, a by-election will take place for Electoral Ward No.12 Leith Walk.
- 2.2 The by-election must be called within 3 months of the vacancy occurring, with the date determined by the Returning Officer. Potential dates for a by-election have been considered in the light of the Easter recess and forthcoming Council meetings.
- 2.3 Councillor Donaldson's resignation as an elected member results in a number of vacancies at committee and on one outside body.
- 2.4 In terms of the Committee Terms of Reference and Delegated Functions, the replacement committee members should be Labour Group members.

3 Main report

- 3.1 Having reviewed potential dates for the required by-election the Returning Officer has determined that the poll will be held on 11 April 2019, with votes counted electronically at close of poll. This will allow the successful candidate to attend Council on 2 May 2019, following Easter recess.

- 3.2 Council will be informed of further details with respect to polling, postal vote opening and the count, as these are still being determined. However an election timetable for key tasks and deadlines has been created, set out in appendix 1.
- 3.3 Some officers will require to be released from their normal duties to assist in the preparation for and delivery of the election. As the budget for by-elections is strictly limited, there will be little scope to pay overtime for work out of hours. No additional payment will be made for tasks carried out within the working day. Staff who have been asked to carry out evening work will be granted time in lieu, to be taken later as agreed with their own line managers.
- 3.4 Authority is also sought to make such changes to polling arrangements, including polling places, as are necessary. This will be done in consultation with the three remaining elected members for this ward.
- 3.5 Councillor Donaldson was a member of the Finance and Resources Committee and the Committee on the Jean F Watson Bequest. She was also vice-convenor of the former.
- 3.6 As ward member, she was also a member of the North East Locality Committee and Leith Neighbourhood Partnership. These vacancies will automatically be filled by whoever is elected to replace her as a Leith Walk ward councillor.
- 3.7 Councillor Donaldson also represented the Council on the board of one outside organisation, Spartans Community Football Academy. Council is invited to appoint a replacement to this organisation.

4 Measures of success

- 4.1 Appropriate arrangements are put in place for a replacement member for Leith Walk ward to be elected, in accordance with the relevant rules and legislation.
- 4.2 Appointments are made to all vacancies on Council committees, and the board of one outside organisation.

5 Financial impact

- 5.1 All of the associated costs of the by-election will be met from within existing Council budgets.

6 Risk, policy, compliance and governance impact

- 6.1 It is the responsibility of the Returning Officer to deliver secure and transparent polls for the electors of Edinburgh with results in which the voters can have full confidence.
- 6.2 Electoral events are to be delivered in accordance with all relevant legislation. The Returning Officer is personally accountable for the conduct of the event.

7 Equalities impact

- 7.1 There are no equalities issues arising from the appointments.

8 Sustainability impact

8.1 None.

9 Consultation and engagement

9.1 None.

10 Background reading / external references

10.1 [Council minute of 18 May and 25 May 2017](#)

10.2 [Scottish Local Government Elections Order 2011](#)

10.3 [The Representation of the People Act 1983](#)

10.4 [Local Government \(Scotland\) Act 1973](#)

Andrew Kerr

Chief Executive

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11 Appendices

Appendix 1 Election Timetable for Leith Walk (Ward no. 12) by-election.

City of Edinburgh Council
Local Government By-Election Ward 12 Leith Walk

Election Timetable

Date of Poll: Thursday 11 April 2019

	Event	Date
-35	Publication of Notice of Election	21 February 2019
-34	Nomination period commences	22 February 2019
<i>Delivery of Nomination Papers each working day (between 10.00am and 4.00pm) from Friday 22 February until Monday 11 March</i>		
-23	Deadline for lodging Nomination Papers - Not later than 4.00pm on	11 March 2019
-23	Deadline for lodging appointment of Election Agents – Not later than 4.00pm on	11 March 2019
-23	Latest time for withdrawal of Nomination Paper - Not later than 4.00pm on	11 March 2019
-23	Publish Statement as to Persons Standing Nominated/ Notice of Poll/Notice of Situation of Polling Stations or Notice in case of uncontested election	As soon as practicable after 4.00pm on 11 March
	<i>Poll Cards issued</i>	<i>To be determined</i>
-12	Last day for applications to be included on the register of electors to be used at this election	Midnight 26 March 2019
-11	Deadline for requests for a new postal vote or to change or cancel an existing postal vote or proxy appointment - Not later than 5.00pm on	27 March 2019
	Postal Vote Issued	<i>To be determined</i>
-6	Deadline for new applications to vote by proxy (not postal proxy), except for medical emergencies - Not later than 5.00pm on	3 April 2019
-5	Last day for the appointment of Polling, Postal Voting and Counting Agents	4 April 2019

-4	First day to issue ballot papers in response to requests to replace lost postal ballot papers	5 April 2019
0	Postal Vote Processing commences	<i>To be determined</i>
0	Polling Day (7.00am - 10.00pm)	11 April 2019
0	Deadline for the issue of replacement for spoilt or lost postal ballot papers - Not later than 5.00pm on	11 April 2019
0	Deadline for new applications to vote by proxy on the grounds of a medical emergency - Not later than 5.00pm on	11 April 2019
0	Last day to make alterations to the register to correct a clerical error or to implement a court (registration appeal) decision - Not later than 9.00pm on	11 April 2019
0	Verification and Counting of votes <i>(Electronic Count at the close of poll)</i>	11 April 2019
	First Council Meeting	2 May 2019
+35	Latest date for delivery of return of declarations as to election expenses	Friday 17 May 2019