

ANGUS COUNCIL

15 DECEMBER 2020

APPOINTMENT OF DEPUTE PROVOST, ANGUS COUNCIL

REPORT BY THE DIRECTOR OF LEGAL AND DEMOCRATIC SERVICES

ABSTRACT

This Report advises members that Councillor Colin Brown BEM has resigned as Depute Provost of Angus Council and asks the Council to fill the resultant vacancy.

1. RECOMMENDATIONS

It is recommended that the Council:

- (i) Notes the resignation of Councillor Colin Brown BEM as Depute Provost;
- (ii) Appoints a member to fill the vacancy, and
- (iii) Notes the implications for Councillor Remuneration as set out in Section 4.

2. ALIGNMENT TO THE COUNCIL PLAN

This Report contributes to the achievement of our priority that the council is efficient and effective as detailed in our Council Plan for 2017 – 2022.

3. PROPOSALS

As there is now a vacancy for the office of Depute Provost, the Council is required under Standing Orders to fill that vacancy.

The relevant extract from Standing Order 7 is detailed below.

- “(2) The term of office of the Provost and Depute Provost and of the Conveners and Vice-Conveners of Standing Committees shall be the term of office of the Council or, in the case of a person appointed to fill a casual vacancy, the remainder of that term.
- (3) The holders of the offices mentioned in sub-paragraph (2) above shall cease to hold office immediately on their ceasing to be a Councillor and shall be entitled to resign at any time during their term of office. At the conclusion of their term of office, they shall be eligible for re-election provided that they are re-elected as Councillors.
- (4) On a casual vacancy arising in any of these offices, an election to fill the vacancy shall be held as soon as practicable at a meeting of the Council, the agenda for which shall specify the filling of the vacancy as an item of business, and the election shall be conducted in the manner specified in Standing Order 6(3).”

Members are advised that Standing Order 6(3) relates to the situation where there is an equality of votes. This is to be done by the cutting of cards and not the casting vote of the Provost.

4. FINANCIAL IMPLICATIONS

The Council's current Scheme of Remuneration for Councillors was approved by Members in February 2019 (Article 4(i) of the Minute of the Meeting of Angus Council of 7 February 2019 refers). The role of Depute Provost is regarded as a “Senior Councillor” position for the purposes of remuneration under the relevant legislation and carries the same salary as applies to that of Convener roles within the Council.

The Council is limited by law to the number and cost of Senior Councillors it is permitted to have. The filling of the vacancy of Depute Provost can however happen without breaching those statutory limits in this instance because the Council's current Scheme of Remuneration does not use the full number of Senior Councillor positions allowed nor the full finance value permitted and therefore regardless of which member is appointed to this vacancy those limits will still be complied with.

It is not possible to confirm what the financial implication of filling the vacancy will be until the Council determines who this is. Councillor Brown would become a "Basic Grade" councillor for remuneration purposes from the date of his resignation and his replacement may be entitled to a higher level of remuneration than they currently receive depending on who is chosen. Councillors cannot receive more than one Senior Councillor salary. The Director of Finance will be able to confirm the financial impact of filling the vacancy at the Council meeting if required once Council have made an appointment. Sufficient budget exists within the Members Services revenue budget to meet the costs of any appointment made.

NOTE: No background papers, as detailed by Section 50D of the Local Government (Scotland) Act 1973 (other than any containing confidential or exempt information) were relied on to a material extent in preparing the above report.

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