
ARRANGEMENTS FOR BY-ELECTION FOR LEADERDALE AND MELROSE WARD

Report by Executive Director, Economy and Corporate Improvement

SCOTTISH BORDERS COUNCIL

28 January 2021

1 PURPOSE AND SUMMARY

- 1.1 This report provides information on the arrangements for the by-election to be held in the Leaderdale and Melrose Ward, following the sad, untimely death of Councillor Drum.**
- 1.2 The Returning Officer, after consultation with Scottish Ministers and the Chairman of the Electoral Management Board in Scotland, has now fixed the date of poll for the by-election as Thursday 11 March 2021. The by-election will be conducted in accordance with existing rules contained in the Scottish Local Government Elections Order 2011, and in such a way as to ensure the voter has full confidence in the result. This includes measures provide voter confidence around the protection of public health. The safety of the election staff and voters is given priority in the planning of the by-election and appropriate arrangements are being put in place to mitigate risks to health.
- 1.3 There will be 13 polling stations in the Ward: Oxton War Memorial Hall; Lauder Public Hall x 2; Blainslie Village Hall; Earlston Parish Church Hall x 2; Gattonside Village Hall; Tweedbank Community Centre x 2; Smith Memorial Hall, Darnick; Corn Exchange, Melrose x 2; Newstead Village Hall. The Count – which will be an electronic count – will take place in the Volunteer Hall, Galashiels on Friday 12 March 2021, starting at 10.00 a.m. Usually, for a by election, the count would be held at Council HQ in the Chamber and Committee Room 1, but this is not large enough to ensure social distancing rules are met. In the same respect, postal vote verification will also take place in the Volunteer Hall, with opening sessions likely to be on Wednesday 10 and Thursday 11 March.
- 1.4 Early indications are that the cost for the by-election is likely to be between £40k and £45k.
- 1.5 Polling day for the by election is 11 March and the count is being held on 12 March. It is therefore proposed to move the Galashiels Common Good Fund Sub-Committee and Employee Forum meetings from Thursday 11 March to the afternoon of Thursday 18 March; and for the Sustainable Development Committee meeting due to be held on Friday 12 March to be brought forward to Friday 5 March 2021.

2 RECOMMENDATIONS

2.1 I recommend that the Council agrees:-

- (a) to note the arrangements for the by-election for the Leaderdale and Melrose Ward with Polling Day to be held on Thursday, 11 March 2021;**
- (b) to note that the costs associated with the staffing, printing, supplies, venue hire, electronic equipment hire, PPE, and other expenses incurred by the Returning Officer, will be met from existing budgets; and**
- (c) to move the meetings of the Galashiels Common Good Fund Sub-Committee and Employee Forum from 11 March to 18 March 2021, and the Sustainable Development Committee meeting from 12 March to 5 March 2021.**

3 BACKGROUND

- 3.1 Councillor Kevin Drum, member for the Leaderdale and Melrose Ward, sadly died on 7 March 2020. In terms of Section 37 of the Local Government (Scotland) Act 1973, an election to fill the vacancy usually has to be held within three months from that date. However, Section 70 of the Coronavirus Act 2020 allows for the postponement of local authority by elections in Scotland. It enables the Returning Officer to fix a later date for a by election, following consultation with Scottish Ministers and the Convener of the Electoral Management Board in Scotland. The Executive Director, Economy and Corporate Improvement, is currently the Returning Officer for the Scottish Borders Council area until the new Chief Executive takes up her post with the Council on 22 March 2021.
- 3.2 The Scottish Borders remains subject to a wide-ranging set of restrictions to public life to suppress the coronavirus. However, the view of the Electoral Management Board (EMB) is that, to support local democracy, where possible, polls should not be further postponed if they can be held safely. To this effect the EMB has set out a protocol to inform Returning Officer decisions using a risk based approach. The Electoral Commission has also produced guidance and supporting resources for Returning Officers. Advice on workplace arrangements is also provided by Public Health Scotland.
- 3.3 The Returning Officer had initially identified the date of the by-election for the casual vacancy in the Leaderdale and Melrose Ward as Thursday 21 May 2020. The impact of the Covid pandemic and subsequent restrictions required this date to change and, while a new date of 29 October 2020 was initially considered, this was again postponed due to the impact of Covid-19. The Returning Officer, after consultation with Scottish Ministers and the Chairman of the Electoral Management Board in Scotland, has now fixed the date of poll for the by-election as Thursday 11 March 2021.

4 BY-ELECTION ARRANGEMENTS

- 4.1 The by-election will be conducted in accordance with existing rules contained in the Scottish Local Government Elections Order 2011, and in such a way to ensure the voter has full confidence in the result. This includes measures to provide voter confidence around the public health elements of the election. The safety of the election staff and voters is given priority in the planning of the by-election and appropriate arrangements are being put in place to mitigate risks to health. Risk assessments are under constant review in the lead up to the by-election and changes made as appropriate.
- 4.2 A review is currently underway of polling places to take account of any changes required to comply with current requirements on social distancing and PPE e.g. changes to layout, provision of hand sanitisers, masks/visors for staff, etc. Additional staff will be appointed for some polling places to manage the numbers of voters in the building at any given time. On this occasion, only Council staff will be used in the by-election. They will, firstly, complete a confidential workplace risk assessment to ensure they are able safely to fulfil the role. Training of staff will be carried out via MS Teams and using the Elector8 training module.

- 4.3 There will be 13 polling stations in the Ward: Oxton War Memorial Hall; Lauder Public Hall x 2; Blainslie Village Hall; Earlston Parish Church Hall x 2; Gattonside Village Hall; Tweedbank Community Centre x 2; Smith Memorial Hall, Darnick; Corn Exchange, Melrose x 2; Newstead Village Hall.
- 4.4 The Count – which will be an electronic count – will take place in the Volunteer Hall, Galashiels on Friday 12 March 2021, starting at 10.00 a.m. This will allow time on the Thursday night to receive the ballot boxes from the polling stations, check the ballot paper accounts, and verify those postal votes which have been handed in to polling stations during the day. Candidates and agents will be invited to be present on the Thursday evening. Usually, for a by-election, the count would be held at Council HQ in the Chamber and Committee Room 1, but this is not large enough to ensure social distancing rules are met. In the same respect, postal vote verification will also take place in the Volunteer Hall, with opening sessions likely to be on Wednesday 10 and Thursday 11 March.
- 4.5 A communications plan is being drafted to ensure that members of the public are made aware of the by-election and also the potential changes to polling station layout and the social distancing requirements. Voters may also be required to queue outside polling places at busy times. Details will be made available on the Council website and social media channels. Should voters prefer not to attend in person to vote, then they have until 5.00 p.m. on Wednesday 24 February 2021 to apply for a postal vote. Those already registered for a postal vote need not re-apply. The Electoral Registration Officer will be issuing a communication to each household setting out the names of those currently shown on the register of electors and whether they have a postal vote in place. There will also be information pertaining to registration and postal vote application deadlines.
- 4.6 The main dates within the by-election timetable are:
- Publication of notice of election – Thursday 21 January 2021
 - Deadline for the delivery of nomination papers – not later than 4.00 p.m. on Monday 8 February 2021
 - Deadline for the withdrawal of nominations – not later than 4.00 p.m. on Monday 8 February 2021
 - Publication of notice of poll – as soon as practicable after 4.00 p.m. on Monday 8 February 2021
 - Deadline for applications to register to vote – midnight on Tuesday 23 February 2021
 - Deadline for new postal vote applications and for changes to existing postal or proxy votes – not later than 5.00 p.m. on Wednesday 24 February 2021
 - Deadline for new applications to vote by proxy (not postal proxy), except for medical emergencies – not later than 5.00 p.m. on Wednesday 3 March 2021
 - Deadline for notification of appointment of polling and counting agents – Thursday 4 March 2021
 - First date that electors can apply for replacements for lost postal votes – Friday 5 March 2021
 - **Polling day – Thursday 11 March 2021 (7.00 a.m. to 10.00 p.m.)**
 - Count – Friday 12 March 2021, starting at 10.00 a.m.

- Last day to submit election spending returns – Friday 16 April 2021
- 4.7 As polling day for the by-election is 11 March and the count is being held on 12 March, it will be necessary to move some committee meetings from those days to avoid a clash. In this respect it is proposed to move the Galashiels Common Good Fund Sub-Committee and Employee Forum from Thursday 11 March to the afternoon of Thursday 18 March; and for the Sustainable Development Committee meeting due to be held on Friday 12 March to be brought forward to Friday 5 March 2021.

5 IMPLICATIONS

5.1 Financial

Early indications are that the cost for the by-election is likely to be between £40k and £45k. These costs include staffing; printing of poll cards, ballot papers and postal packs; venue hire and transport of equipment; setting up of polling stations and cleaning; PPE; electronic equipment hire for postal vote verification and the count; and other ancillary expenses. It is anticipated that this cost can be contained in the current budget for Members, given the reduction in travel expenses this financial year.

5.2 Risk and Mitigations

Under legislation, the Council must make arrangements to hold a by-election to fill the post left vacant following the death of Councillor Drum. A risk assessment has been carried out as part of the normal election project planning process. With regard to the impact of Coronavirus, electors may choose to vote by post but they must firstly be registered to vote at the election and must apply for a postal vote to the Electoral Registration Officer by no later than 5.00 p.m. on Wednesday 24 February 2021. Appropriate precautions will also be taken for those attending and working at polling stations, postal vote verification and the count e.g. provision of hand sanitisers and masks, social distancing, etc.

5.3 Integrated Impact Assessment

No adverse equality implications are anticipated as a result of the by-election for the majority. However, some people with protected characteristics may be in shielding or high risk groups under Covid guidance and could be reluctant or unable to attend a polling station in person. They have the option of appointing a proxy to vote on their behalf or applying for a postal vote.

5.4 Acting Sustainably

There are no economic, social or environmental effects of preparing for and holding the by-election.

5.5 Carbon Management

There should be little impact on the Council's carbon emissions from holding the by-election.

5.6 Rural Proofing

A rural proofing check is not required for the by-election.

5.7 Changes to Scheme of Administration or Scheme of Delegation

