

CYNGOR SIR POWYS COUNTY COUNCIL.

26 May 2022

REPORT AUTHOR: Head of Legal and Democratic Services

SUBJECT: Whitton Community Council
No Candidates Standing Validly Nominated

REPORT FOR: Decision

1. Introduction

1.1 Following the ordinary elections held on the 6 May 2022, no candidates came forward to stand for election. Therefore, at the close of nominations, all 7 seats remain vacant on the Community Council and the Council is no longer able to function without a quorum. The quorum is 3, being one third of the total number of members of the council, but with the qualification that it in no event must the quorum be less than three.

1.2 Under the Local Government Act 1972 Section 91, where there are so many vacancies in the office of community councillor that the community council is unable to act, Powys County Council as the Principal Council may by order appoint persons to fill all or any of the vacancies until other councillors are elected and take up office.

1.3 Under the Representation of the People Act 1983 Section 39(4) if any difficulty arises with respect to an election of community councillors or to the first meeting of a community council after an ordinary election of community councillors or if a community council is not properly constituted for any reason, the Principal Council may by order make any appointment or do anything that appears to it necessary or expedient for the proper holding of such an election or meeting and properly constituting the community council and may if it appears to it necessary direct the holding of an election or meeting and fix the date for it.

1.4 The first meeting of Whitton Community Council, required to be held by virtue of the Local Government Act 1972 Schedule 12 Part IV Paragraph 23(2) has not yet taken place.

2. Proposal

2.1 To appoint temporary councillors to act as a community councillors until the first meeting of Whitton Community Council or until a sufficient number of elected community councillors have taken up office. County Councillors from adjacent areas have been approached and County Councillors of Llangunllo with Norton, Knighton with Beguildy, Old Radnor and Presteigne have agreed to act as such temporary members. A copy of the proposed Order is attached as Appendix A.

2.2 To hold an election to Whitton Community Council on 23 June, and continuing holding an election until a sufficient number of elected community councilors have taken up office.

2.3 To modify the requirement in the Local Government Act 1972 Schedule 12 Part IV Paragraph 23(2) (ie that the first meeting of the community council shall be held on or within 14 days after the day on which the councillors elected at the ordinary election take office) to secure that the first such meeting of Whitton Community Council shall be held 14 days after a quorate council is elected.

Recommendation:	Reason for Recommendation:
To make the Whitton Community Council (Removal of Difficulty) Order 2022 as set out in Appendix A to the report.	To enable the said Community Council to function until newly elected Community councillors come forward.

Person(s) To Action Decision:	Sandra Matthews, Principal Elections Officer
Date By When Decision To Be Actioned:	Immediately

Relevant Policy (ies):			
Within Policy:	Y	Within Budget:	Y

Contact Officer Name:	Tel:	Fax:	Email:
Sandra Matthews	01597 826747	01597 826220	sandram@powys.gov.uk

Relevant Portfolio Member(s):	
--------------------------------------	--

Relevant Local Member(s):	County Councillor Deb Edwards
----------------------------------	--------------------------------------

Background Papers used to prepare Report: