

CYNGOR SIR POWYS COUNTY COUNCIL.

COUNTY COUNCIL

13 July 2017

REPORT AUTHOR: Solicitor to the Council

SUBJECT: Welshpool Town Council Request for Election

REPORT FOR: Decision

1. Welshpool Town Council comprises 3 wards as follows:

Ward name	Number of Councillors
Castle	4
Gungrog	6
Llanerchuddol	6

2. Castle ward was contested on 4 May 2017, with 6 candidates for the 4 seats. The turnout at the election for this ward was 36%.
3. In the Llanerchuddol ward there were 5 candidates for 6 seats and in Gungrog ward there was also only 5 candidates for 6 seats. Therefore, there was no poll required, with the candidates simply being elected unopposed leaving both Llanerchuddol and Gungrog each with a vacant seat to fill.
4. Under the relevant legislation Town and Community Councils have a power (not a duty) to co-opt and fill vacant seats left remaining after an ordinary election.
5. The legislation also gives a power (not a duty) to County Councils to hold an election in this type of situation. This power cannot be exercised before the expiry of 35 days (computed as required by the legislation) from the date of the ordinary local elections.
6. This situation concerning a vacancy following the ordinary local government elections is contrasted with the position in respect of casual vacancies (which may occur from time to time during the life of a Council) when 10 electors can request an election. If such a request is not forthcoming the Town or Community Council has in that situation a duty (not a power) to co-opt.
7. Welshpool Town Council has chosen not to co-opt and has requested the County Council to make the necessary arrangements for the holding of an election to fill the two vacant seats.
8. The Town Council's written request in this connection includes the following extract:
- “(a) The Council has a principle of holding elections with co-option as a last resort, to have the Powys of Well-Being (which this Council does) we must have 80% of members elected. To co-opt now might leave us short of this target if

another Councillor steps down and a co-option is needed. This power is necessary for the functions of this Council.

(b) There are to our knowledge at least two candidates for each ward now expressing a firm interest.”

9. Whilst there is little or no cost involved in co-option there obviously would be a cost (re-chargeable to the Town Council) in respect of holding an election for the two vacancies. If the elections were uncontested the cost would be in the region of £180 per ward. If a poll was held for a contested election the cost would be rise to approximately £1800 per ward.
10. If an election was to be agreed, subject to the Returning Officers arrangements, nominations would open on the 1 September and polling day, if contested, held on Thursday, 6 October.
11. Under the relevant legislation and the Constitution decisions in respect of holding elections in these types of situations falls to full County Council and accordingly Council is asked to determine this request.

Recommendation:	Reason for Recommendation:
That Council considers the request from Welshpool Town Council to hold an election to fill each of the vacant seats left on Gungrog and Llanerchydol wards	To determine the request of Welshpool Town Council.

Person(s) To Action Decision:	Sandra Matthews, Principal Elections Officer
Date By When Decision To Be Actioned:	14 July 2017

Relevant Policy (ies):	Council's Constitution		
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):	Councillor Aled Davies
--------------------------------------	-------------------------------

Relevant Local Member(s):	Councillor Graham Breeze Councillor Francesca Jump Councillor Phil Pritchard
----------------------------------	---

Background Papers used to prepare Report: