



Council
11th September 2006

Report from the Borough Solicitor

For Action

Wards Affected:
ALL

Councillor Gupta – Absence from meetings

1.0 Summary

1.1 Councillor Gupta has not attended any meetings of the Council since he was elected because his position on the Council has been legally challenged by way of an election petition. Unless the Council approves the reason for his non-attendance, he faces ceasing to be a member of the Council on 8th November 2006 due to failure to attend any meeting of the Council for a 6 month period..

2.0 Recommendation

2.1 Full Council is asked to consider whether Councillor Gupta's non-attendance at meetings of the Council by reason of the outstanding petition against his election should be approved.

3.0 Detail

3.1 Following the local elections in May 2006, an election petition was submitted alleging that Councillor Gupta was at the time of his election disqualified for election to the Council. In light of this Councillor Gupta has not attended any meeting of the Council since his election in view of potential penalties should the petition be upheld.

3.2 It is now clear that the hearing of the petition may well not take place until after the expiry of a six month period from when Councillor Gupta accepted his office. If he does not attend any meetings of the Council by 8th

November 2006 he will not have attended any meeting for a continuous six month period and therefore faces termination of his office.

3.3 Only Full Council can approve any reason for non-attendance at meetings during a continuous six month period and it can only do this before the expiry of that period.

4.0 Financial Implications

4.1 There are no financial implications arising from this report.

5.0 Legal Implications

5.1 Section 85 of the Local Government Act 1972 stipulates that any member who fails to attend any meeting of the authority for a period of six consecutive months shall cease to be a member of the authority. The only exception to this is if the reason for the failure to attend is approved by the authority before the 6 month period expires.

6.0 Diversity Implications

6.1 There are no diversity implications.

Background Papers

Local Government Act 1972

Contact Officer:

Anyone requiring further information on this report should contact:

Peter Goss

Democratic Services Manager

Tel: 020 8937 1353

Fax: 020 8937 1360

Email: peter.goss@brent.gov.uk

Terry Osborne
Borough Solicitor