

Guildford Borough Council

Report to: Full Council

Date: 23 July 2024

Ward(s) affected: N/A

Report of Joint Strategic Director: Legal & Democratic Services

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Report Status: Open

Councillor Geoff Davis

1. Executive Summary

- 1.1 Under the provisions of Section 85(1) of the Local Government Act 1972, if a councillor fails throughout a period of six consecutive months from the date of their last attendance to attend any meeting of the authority, they shall, unless the failure was due to some reason approved by the authority before the expiry of that period, cease to be a member of the authority.
- 1.2 Unfortunately, due to ongoing illness, Councillor Geoff Davis has been unable to attend any meetings since 19 March 2024. To avoid Councillor Davis ceasing to be a councillor should he be unable to resume attendance at meetings before 19 September 2024, the Council is asked to agree the reason for his non-attendance.

2. Recommendation to Council

- 2.1 The Council is asked to agree that the reason for Councillor Geoff Davis's failure to attend any meeting of the Council or any of its committees, since 19 March 2024 was due to his ill health.

3. Reasons for Recommendation:

- 3.1. To comply with the requirements of Section 85 of the Local Government Act 1972.

4. Exemption from publication

- 4.1 No part of this report is exempt from publication.

5. Purpose of Report

- 5.1 To inform the Council of Councillor Geoff Davis's continued absence from any meeting since the date of his last attendance at any meeting, which was 19 March 2024, and to ask the Council to agree the reason for his absence so that he may, if necessary, continue in office after six months' absence.

6. Background

- 6.1 Section 85 of the Local Government Act 1972 provides that if a councillor fails to attend any meeting of the Council, including committee and sub-committee meetings, and also Joint Committee meetings, throughout a period of six consecutive calendar months from the date of his last attendance, he ceases to be a councillor unless the failure was due to some reason approved by the Council before the expiry of that period.
- 6.2 Councillor Davis last attended a meeting on 19 March 2024 (special meeting of the former Overview & Scrutiny Committee).
- 6.3 As reported by the Mayor at the Annual Meeting of the Council (Mayor Making), Councillor Davis has had a serious bacterial infection (Campylobacter) and had spent ten weeks in hospital. Unfortunately, the infection led to a potentially more serious condition known as Guillain Barre Syndrome. Councillor Davis was subsequently transferred into a specialist rehabilitation centre, where he is still receiving treatment.

6.4 This prolonged illness has, of course, prevented him from being able to attend Council meetings in person. He therefore seeks Council's agreement to this as being the reason for his non-attendance at meetings since 19 March 2024.

7. Financial Implications

7.1 There are no financial implications arising from this matter.

8. Legal Implications

8.1 The legal implications are as stated in paragraph 6.1 above. In order to ensure that Councillor Davis remains in office as a councillor, the Council must agree a reason for his failure to attend any meetings before the expiry of six months since his last attendance.

9. Human Resource Implications

9.1 There are no human resource implications arising from this matter.

10. Equality and Diversity Implications

10.1 The Council has a statutory duty under section 149 of the Equality Act 2010 which provides that a public authority must, in exercise of its functions, have due regard to the need to:

- (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act
- (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and
- (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

The relevant protected characteristics are: age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex, sexual orientation.

10.2 This duty has been considered in the context of this report and it has been concluded that there are no equality and diversity implications arising directly from this report.

11. Climate Change/Sustainability Implications

11.1 No climate change/sustainability implications arise from this report.

12. Conclusion

12.1 In order to ensure that Councillor Davis remains in office as a councillor after 19 September should he be unable to attend any meeting between now and that date, the Council must agree a reason for his failure to attend any meetings since 19 March 2024. His continuing ill health is clearly the reason for that failure.

13. Background Papers

None

14. Appendices

None