

Council Report

Ward(s) affected: All

Council Report

Report of Joint Strategic Director: Transformation and Governance

Author: John Armstrong, Democratic Services and Elections Manager

Tel: 01483 444102

Email: john.armstrong@guildford.gov.uk

Date: 6 December 2022

Councillor David Goodwin

Executive Summary

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.

Unfortunately, due to ongoing illness, Councillor David Goodwin has been unable to attend any meetings since 26 July 2022. To avoid Councillor Goodwin ceasing to be a councillor should he be unable to resume attendance at meetings before 26 January 2023, the Council is asked to agree the reason for his non-attendance.

Recommendation to Council

The Council is asked to agree that the reason for Councillor David Goodwin's failure to attend any meeting of the Council or any of its committees, since 26 July 2022 was due to his ill health.

Reason for Recommendation:

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

Is the report (or part of it) exempt from publication? No

1. Purpose of Report

- 1.1 To inform the Council of Councillor David Goodwin's continued absence from any meeting since the end of July 2022, and to ask the Council to agree the reason for his absence so that he may continue in office after six months' absence.

2. Background

- 2.1 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.

- 2.2 Councillor Goodwin last attended a meeting on 26 July 2022 (Full Council meeting).
- 2.3 Councillor Goodwin is managing the side effects of treatment and ongoing medical appointments, which has made it physically difficult for him to attend Council meetings in person. He therefore seeks Council's agreement to this as being the reason for his non-attendance.

3. Financial Implications

- 3.1 There are no financial implications arising from this matter.

4. Legal Implications

- 4.1 The legal implications are as stated in paragraph 2.1 above. In order to ensure that Councillor Goodwin 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.

5. Human Resource Implications

- 5.1 There are no human resource implications arising from this matter.

6. Equality and Diversity Implications

- 6.1 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.
- 6.2 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.

7. Climate Change/Sustainability Implications

- 7.1 No climate change/sustainability implications arise from this report.

8. Conclusion

- 8.1 In order to ensure that Councillor David Goodwin remains in office as a councillor, the Council must agree a reason for his failure to attend any

meetings since 26 July 2022. His continuing ill health is clearly the reason for that failure.

9 Background Papers

None

10 Appendices

None