

INVESTIGATION:

COMPLAINTS MADE AGAINST CLLR DAVID REEVE BY CLLR PAUL SPOONER AND CLLR CAROLINE REEVES

GUILDFORD BOROUGH COUNCIL

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Introduction

1. I am a Partner in Anthony Collins Solicitors LLP and a Solicitor of the Senior Courts of England and Wales. I was admitted to the Roll in November 1985. I have held a number of roles in the public sector working for many local authorities and other public bodies and have held positions including those of Head of Legal Services, Monitoring Officer, Corporate Director and Chief Executive. In 2011 I returned to private practice, where I specialise in Local Authority Law, particularly matters relating to governance. In the course of my career I have carried out many investigations, especially those relating to the potential breaches by elected members of the Code of Conduct of their Council. In September 2016, I was instructed by Mr Satish Mistry, the then Monitoring Officer of Guildford Borough Council (he has since left the Council), to carry out an investigation into complaints made against Councillor David Reeve. These complaints were made by the Leader, Councillor Paul Spooner, and by the Leader of the Opposition Party at the Council, Councillor Caroline Reeves. Whilst they were separate complaints, as they arose from the same set of circumstances, I have investigated them together and have produced a single report.
2. Copies of the complaints and of the Council's Code of Conduct are appended.
3. The complaints concerned the release by Cllr Reeve of a report he had written which was based, it was alleged by the complainants, on information provided to him on a confidential basis as an elected member of the Council. The allegations set out in a letter to Cllr Reeve dated 21 July 2016 from Satish Mistry alleged that the Code of Conduct was breached in respect of:
 - (i) failure to treat others with respect;
 - (ii) the disclosure of confidential information;
 - (iii) bringing the Council or your office into disrepute.The making of the complaints was not straightforward, and I return to this issue further on in my report.
4. During the course of my investigation I interviewed the following:
 - (i) Councillor David Reeve;
 - (ii) Councillor Paul Spooner;
 - (iii) Councillor Caroline Reeves;

(iv) Ms Laura Howard; Senior Planning Officer.

5. I asked the complainants and Cllr Reeve if there were any documents they would wish me to see or any persons they wish me to interview and Cllr Reeve provided me with an email trail covering the relevant period. This is attached in the appendix.
6. I would like to thank those involved for their cooperation, and also Ms Frances Lee for her assistance in arranging interviews.

Process

7. On 24 January I sent my report out in draft to the complainants, Cllr Reeve and to the Councils Monitoring Officer, Sandra Herbert; asking for any responses to be sent to me no later than 6th February. Cllr Spooner and Ms Herbert informed that they had no comments and I did not receive any reply from Cllr Reeves. Cllr Reeve submitted his comments to me late on 6th February and I have included these in full in the Appendix (although I have redacted one comment as he requested me to do). I have considered Cllr Reeve's comments with some care, and I appreciate the time and trouble that has been taken to respond. I have made some changes to my report where I considered that this was warranted, but it seemed to me that the bulk of Cllr Reeve's comments did not contain any additional evidence. Therefore, whilst I have considered his comments very carefully I have not changed my findings. I accept that Cllr Reeve does not agree with my findings.
8. Finally, I was asked by Ms Herbert to assist the Committee by a consideration of possible sanctions in the event that Cllr Reeve was found to have breached the Code of Conduct and I have included my recommendations at the end of my report.

Background

9. Guildford Borough Council is, like many other local authorities, going through the lengthy and often contentious process to put in place a new local plan. A key part of this relates to the way in which the Council's proposals will meet the predicted future housing need. This is a particular issue for Guildford Borough Council as a great deal of the Borough is in the Greenbelt and there has been a strong local campaign over the last few years relating to the protection of the Greenbelt; with a local pressure group, the "Guildford Greenbelt Group (GGG)" formed to oppose development on the Greenbelt and greenfield sites and which has challenged the predicted housing numbers the Council has issued. For some time Cllr Reeve was active in the Guildford Greenbelt Group, and in May 2015 he, together with two other members of GGG was

elected to Guildford Borough Council. It was the first time that he had held elected office.

10. Cllr Reeve's background is as an aeronautical engineer and he brought the expertise acquired through this experience to his role as a Councillor. He had actively corresponded with the Council's Head of Planning since autumn 2013 when he first became involved and interested in these issues. As a key part of the local plan is the issue of the strategic housing market numbers ("SHMA") as development needs are largely based on these, he paid a great deal of attention to this issue.
11. Whilst I do not think that it is necessary for the purposes of this report to go into the SHMA in great detail, I believe some background is relevant.
12. The Council had obtained advice from external Consultants to help prepare the SHMA. In 2015 the Consultants were procured jointly with Waverly and Woking Borough Councils to produce one report with different sub sections. The report contained methodology which Cllr Reeve had requested before he became a Councillor when he had been refused access to it.
13. In January 2016 Cllr Reeve wrote to the Council's then Director of Development, Neil Taylor (he has since left the Council) and asked him for further documentation. He requested:
 - (i) "Economic reports and/or modelling results provided to GL Hearn (possibly via GBC) as follows:-
 - 13.i.1 Cambridge Econometric Employment Projections, 2015 (Cambridge Econometrics);
 - 13.i.2 UK Local Market Forecast, 2015 (Experian);
 - 13.i.3 Local Authority District Forecasting Model, 2015 (Oxford Economics)
 - (ii) the spreadsheet of demographic modelling results produced by Justine Gardner Consulting that was used as the basis by GL Hearn's Demographic Projections (earlier versions of this excel workbook were made available to the public in support of previous issues of the SHMA)."
14. On 4 February Mr Taylor replied to Cllr Reeve saying that *"I can confirm that the information you are requesting is confidential and because of that I would ask you to respond to this email detailing the special reasons why this information to be disclosed to you. You may also have to sign a confidentiality agreement and I know you have already offered this.*

15. *It is worth reiterating that the Council will not be entering into negotiation or discussions on the SHMA methodology prior to the examination of the local plan by the Planning Inspectorate. Should you disagree with the SHMA you will need to present your evidence to the inspector at that time.* The leader of the Council, Cllr Spooner was copied into this exchange and responded to Cllr Reeve on 4 February saying *"Dear David I am supporting your request on the basis of confidentiality and hope this allows you to brief yourself and provide some reassurance"*.
16. The Managing Director of the Council (Sue Sturgeon) wrote to Cllr Spooner on the 18 February saying *"My own view and that is having re-read the Council's constitution is that as long as David can demonstrate the need to know principle then the data should be made available to him. Section 5 of the Officer/Member Protocol covers the point and it does say that a Councillor has a statutory right to inspect any Council document which contains material relating to any Council business that is to be transacted at Council, Executive etc."*
17. The information was provided to Cllr Reeve on 1 March 2016. An email from Laura Howard, Principal Planning Officer to Cllr Reeve attached the information requested but also included some commentary and a copy of some remarks made by one of the consultants, relating to professional reputation and confidentiality. The email emphasised the fact that the economic projections used to inform the level of jobs growth over the planned period, (which has a bearing on the SHMA figures) was confidential. The email finished off *"please note that these are commercially sensitive and must not be shared"*. Cllr Reeve thanked Cllr Spooner for his assistance in *"getting access to this information"*.
18. On 8 July 2016 at 23.04 pm Cllr Reeve sent an email to Cllr Spooner, all Councillors and Sue Sturgeon, the Managing Director. To this email was attached a report written by Cllr Reeve. This related to the SHMA and in the covering email Cllr Reeve said *"I attach a report that identifies some shortcomings particularly (but not exclusively) in the assessment of housing need arising from economic growth. I believe that some of these shortcomings are serious, and when corrected are likely to have significant effect on the OAN. I also note that over the duration of the local plan the result of the recent EU Referendum is likely to have an effect on both the levels of migration into Guildford, and on the overall rate of growth of the UK economy, both of which would inevitably affect the objective of the assessed housing need (OAN)"*.
19. He went on to say *"The attached document lists a number of conclusions relating to the*

derivation of the OAN some of which lead to specific recommendations for an update to the SHMA. I appreciate that the document is relatively dense and I would be happy to meet discuss its contents at an early date. Either way, I would appreciate your response to this work as a matter of some urgency."

20. His email concluded *"As these matters are an important consideration in the evolution of the draft local plan and as the consultation is due to expire in just over a week, I am taking the unusual step of circulating the document to Parishes and Residents Associations so that residents can be aware of its conclusions when they consider their response to the consultation."*
21. Two minutes later, Cllr Reeve sent an email to the Parish Councils within Guildford Borough Council's boundaries, together with emails copying in Residents Groups and the local press. He attached the same report he had sent to the Councillors saying *"The report contains observations on the work done in the SHMA that I believe justifies a detailed examination of the SHMA, and the correction of a number of faults in the derivation of the OAN. As the end of the draft local plan consultation is approaching, I have taken the decision to circulate this report to Parishes and to Residents Associations so that residents can be made aware of its contents, and take it into account when responding to the consultation, should they so wish. This report is available for free further distribution, and I would be grateful if you could circulate it further to Residents Associations with whom you have connections but who don't appear in the distribution list of this email"*.
22. At this time the local plan was going through a process of consultation which was drawing to a close.
23. It was clear that Cllr Reeve was sending this email in his capacity as a councillor, as he signed it off *"Regards, David Reeve GBC Councillor, Clanden and Horsely Ward"*.
24. The following day, Cllr Spooner emailed Cllr Reeve, copying in the rest of the Councillors, Satish Mistry and Sue Sturgeon. Cllr Spooner said *"I find it extremely disappointing that you have taken this action (to circulate the document) when you asked me to extend trust and confidentiality to you and officers were convinced by my argument for openness and transparency within the Council (as you are an elected member) and you have repaid my trust in this shabby way. In any event officers will now have to divert attention and put all efforts into reviewing your report given the very likely attention it will draw in the media giving your decision to treat Council process, Councillors and officers with apparent contempt by issuing your report into the public"*

domain at the same as circulating internally. I thought better of you". Cllr Spooner also pointed out "in the document you are circulating outside the Council without any opportunity for discussion within the Council prior to your action".

25. *The same day, Cllr Spooner wrote to the Monitoring Officer asking "Is it appropriate for a Councillor to receive privileged information due to his position as a Councillor (as acknowledged by Councillor Reeve at the beginning of his report) and then produce a report that has not been discussed or checked by anyone within the Council and circulate it immediately to Parish Councils and RA's presented in the name of the Councillor thus giving this appearance of weight?" In response to a query from Satish Mistry "Are we sure that what he has received in addition is privileged?" Cllr Spooner replied "Yes, I agreed to release of all information with planning policy on the basis he was a Councillor".*
26. *Later the same day Cllr Spooner wrote to Satish Mistry saying "I believe there has been a gross breach of confidentiality in relation to Councillor Reeve's decision to release into the public domain a report on the SHMA based on confidential information provided to Councillor Reeve in his capacity as an elected member. Councillor Reeve has made no effort to discuss his "findings" drawn from the confidential information provided with the leader, lead member or officers and has clearly released this within the consultation period to damage the reputation of the Council and influence third parties at a point that will not allow the Council to respond within the consultation period.*
27. *I have also heard from the leader of the opposition who has expressed concern about the breach of confidentiality and agreed action should be taken." Cllr Spooner finished by saying "Please treat this email as a formal complaint".*
28. *On 18 July Satish Mistry wrote to Cllr Reeve informing him of the formal complaint received from the Leader in relation to the potential release of information involving the SHMA.*
29. *Cllr Caroline Reeves wrote to Satish Mistry on 19 July asking "Are we taking a stance against David Reeve's email circulation about the SHMA figures? I find it immensely irritating that having been given something in confidence he has managed to do exactly what he wanted with the information and then circulated it outside the Council. I may have some sympathy if he had circulated it to Councillors and then started a debate, but as we already know the stance that some of the critical Parish Councils will take, it seems like a deliberate act of defiance. He is now so sure of his conclusion that he is*

chasing up individual Councillors for a response. ¹Frankly I don't have the brain-space to understand the methodology, that's why I am happy for someone else who we have employed to do it for me. This was all done specifically to discredit our local plan knowing that it will be very well received by our dissenters. I hope we will be challenging his figures, and that we will be firm in dealing with the complaint."

30. Satish Mistry wrote to Cllr Reeve asking if he was prepared to deal with this in "some informal way rather than a formal investigation". Cllr Reeve replied on 22 August to Satish Mistry, saying that "he was happy to have a meeting with Councillor Spooner (and Councillor Reeves should she wish) to discuss the current situation. Although you suggest that such a meeting would be considered as informal (i.e. outside the prescribed procedures for a formal investigation) I presume that you would also be present – if for no other reason than to be fully aware of the status of what is currently a formal complaint." He went on "thank you for the emails from Councillors Spooner and Reeves that you sent me, but I am puzzled by the dates on the messages. I received your original message on 18 July notifying me that you had received a formal complaint from the leader in relation to the potential release of information involving the SHMA. However Councillor Reeves email is dated 19 July and the copy of Councillor Spooner's email that you forwarded to me was itself forwarded to you by Sam Harrington on 11 August, but contained only the body of the message (without a subject, and address list or a date). Moreover Councillor Spooner's message indicated that he had already heard from Councillor Reeves (although that comment could have referred to a separate communication from, or conversation with, Councillor Reeves). I would be grateful if you could please send me (or otherwise confirm) when you first received written notification from Councillor Spooner. While it is clear that the most important matter is that consideration of the report that I wrote (and its distribution), it is nevertheless worth having the completed "paper trail" before we embark on steps aimed at resolving the situation".
31. In response to a request from Satish Mistry to Cllr Spooner and Reeves for their views in relation to this, Cllr Spooner responded "Satish, more nonsense from Councillor Reeve. I have submitted a formal complaint and so has Councillor Reeves! Yet again you are treating GGG differently to Conservative or Lib Dems. DR completely ignores Councillor privilege (to such a point that even Susan Parker distances herself from what he did) and we invite him for tea and cakes with the complainants. Not exactly

¹ When I checked this with Cllr Reeves she told me that "she had no personal knowledge of this, but it was simply something she had been told about". I have therefore discounted this evidence.

what happened to Marsha Mosely for frankly a far less serious matter!"

In response to this Satish Mistry said "I note your view on this and subject to any view from Caroline will proceed to a formal investigation and advise David accordingly." The following day Cllr Reeves wrote to Satish Mistry and Cllr Spooner to say "I am unsure what David is trying to achieve in his questions about the emails and dates. Any reference to other things in the emails with Paul is irrelevant. My complaint was specifically that David had a wide, public circulation of his email which I think broke out protocol. Had he emailed Councillors to allow debate before publishing I may have understood. If David is not willing to apologise I assume we have to proceed to the next stage".

32. This led to the letter, sent by email to Cllr Reeve on 21 July from Satish Mistry, which said as follows

"The complaint is that you released into the public domain a report on the SHMA, which was based on the confidential information provided to you as an elected member. In addition, it is alleged that you made no effort to discuss your findings with the leader, lead member or officers and that you released this within the consultation period to damage the reputation of the Council and influence third parties at a point that did not allow the Council to respond within the consultation period.

The Leader of the Council has made this complaint, which is supported by the Leader of the Opposition.

In terms of the potential breaches, as you will appreciate, at this stage of the proceedings, it is not appropriate to do a detailed analysis; but our initial thoughts on the issues are:

(i) **Code of Conduct "COC";**

32.i.1 failure to treat others with respect. The constitution's protocol of Councillor/Officer relations provides that if a Councillor requires further information before a formal meeting of the Council, or wishes to query any facts contained in an agenda, the Councillor should – wherever possible – ask the relevant officer prior to the meeting. Although the facts of this complaint are not "on all fours" with that paragraph, it nevertheless usefully illustrates the way that Councillors and Officers should work together in a climate of mutual respect. The allegation here is that you did not first check your report with officers and that you

published it in a manner that made it difficult for the Council to properly respond.

(ii) **COC paragraph 3 – disclosure of confidential information**

32.ii.1 *Experian did not give permission for the data to be shared publicly and you received its information in confidence.*

(iii) **COC paragraph 4 – bringing the Council or your office into disrepute.**

32.iii.1 *By acting in the manner described above, the allegation is that you have brought the Council into disrepute and/or acted in a manner contrary to the duty to promote and maintain high standards of conduct.”*

My Investigation

33. I visited Guildford on 10 October 2016 to carry out a series of interviews. I interviewed Cllr Paul Spooner over the telephone as he was at that point, due to treatment for an illness, unable to come to the Council offices to meet me. I then interviewed Cllr Reeves and Laura Howard. Following this I interviewed Cllr Reeve who was accompanied by Mr David Roberts, who he described as a “*local friend and former senior public servant/turned consultant*”. Prior to the interviews I asked those I was seeing if they had any further information to send me which I could consider before the meeting, and, as mentioned above, Cllr Reeve sent me a useful “information pack” which covered the email history of the matter.
34. Statements of interviews of all concerned were taken and I have attached to this report copies of all the statements. I have also attached a copy of the documents which Cllr Reeve sent to me.
35. After the interviews Mr Roberts sent to me a document headed “Personal Observations on the Complaint against Cllr Reeve”. This was simply some general views from Mr Roberts and they have no bearing on my findings or decision.

The Evidence

36. **Evidence of Cllr Spooner**

- (i) Cllr Spooner explained that he has been a member of the Council since May 2011 and Leader since September 2015. He is also the Planning and Regeneration Portfolio Holder. Cllr Spooner spoke very strongly about his views on what he felt was a disappointing disclosure of confidential

information by Cllr Reeve. He said he had only supported the disclosure of the information about the SHMA to Cllr Reeve because he had agreed to keep the information confidential and was therefore *"very disappointed"* when he saw that Cllr Reeve had in effect created his own model, using the confidential information that the Council provided and released it to a wide distribution list without asking for *"or indeed allowing any time for any discussion internally"*. Cllr Spooner explained that if Cllr Reeve had prepared the same model but sought to have discussions within the Council without further disclosure he would not have objected, but he was *"disgusted"* by Cllr Reeve sending it out within the Council.

- (ii) Cllr Spooner said that to his mind the two relevant issues were the breach of confidentiality and what he felt was an abuse of Cllr Reeve of his position as councillor and the way in which the report was released caused extra work for officers in the Council. Cllr Spooner said he accepted that had Cllr Reeve sought to discuss the issue within the Council first the same work would have to be done, but explained that *"it would not have then needed the same immediate and jolting reaction which was very damaging to the Council"*. Cllr Spooner also felt that it was damaging and wrong for Cllr Reeve's work to make it appear as though there were problems in the way in which the SHMA had been worked out and that Cllr Reeve's behaviour has had the effect of destroying the trust and confidence between officers and councillors which he felt was so important. Cllr Spooner pointed out that the disclosure damaged the Council in the view of the residents of Guildford, many of whom were in any event opposed to the local plan and that the way in which Cllr Reeve presented his information did not help. Cllr Spooner was keen to emphasise that his complaint was not based on politics or about challenge, but about things being done in an appropriate way.

37. Evidence of Cllr Caroline Reeves

- (i) Cllr Reeves is the Leader of the Opposition group on the Council, the Liberal Democrats and has been a member of the Council since 2005. At the time of the interview she had been Leader of the Opposition for the last eighteen months. Cllr Reeves said that as far as she is concerned Cllr Reeve *"appears to be a very good ward councillor and it is possible to have discussion and dialogue of a constructive nature with him"*. However, she observed that

sometimes the three Guildford Green Belt councillors found it *“challenging”* to understand the necessary Council procedures.

- (ii) Cllr Reeves said she felt there was a *“political statement”* behind the report and email from Cllr Reeve and felt strongly that he should have made his report available within the Council before it was sent out to others. She went on to say that she felt the fact he had sent the information to the parish councils emphasised the political nature of his intention and she felt the release of the Cllr Reeve report *“undermines the Council’s position and has done damage”*. She felt that the position of the Borough Council was undermined by Cllr Reeve’s actions and it *“damages the whole veracity of the work we have done on the local plan and undermines our policy officers”*. Cllr Reeves explained why the SHMA figures had become so contentious and that there were lots of local people who would have been pleased to have a reason for challenging the Council. She explained that housing land is a very contentious issue in Guildford. Cllr Reeve said she felt the *“danger caused will have a lasting effect”* and that the actions of Cllr Reeve undermined the trust between offices and members, which she described as *“very important”*. She said that she believed his actions had brought the Council into dispute and undermined its authority as well as undermining the trust between members and officers.
- (iii) Cllr Reeves said she was aware of the argument that Cllr Reeve was doing a public service and that she had not made a complaint simply because of the production of his report but more about *“what was done with it”*. She finished off to say that she believed that *“his actions destroyed trust and there is no point in keeping anything confidential, as Councils sometimes must do, if that confidence is not respected. When something is provided on a confidential basis the person must respect that”*.
- (iv) I asked Cllr Reeves about the allegation in her complaint that Cllr Reeve had been *“chasing up individual councillors for a response”* as he had denied this and she told me that this is what she had been told but she had no personal knowledge that this was the case. I have therefore disregarded this aspect of her complaint.

38. Evidence of Laura Howard

- (i) Laura Howard is a principal planning officer at the Council who has led the SHMA process since she joined in 2013.
- (ii) Laura explained the process gone through to develop the SHMA, where consultants G L Hearn had been instructed to prepare it.
- (iii) Cllr Reeve had requested information through the Freedom of Information Act before he was a councillor when he had asked for the model and figures behind the SHMA. However, these figures were not released due to intellectual property rights on behalf of the consultant who had developed the model. When Cllr Reeve became a councillor he re-requested the information.
- (iv) Laura did not know of the disclosure that Cllr Reeve had made to the wider circulation in July 2016 until the Council's Managing Director, Sue Sturgeon, had emailed her. The consultants were then instructed to provide a response to the points raised by Cllr Reeve and when available this response was sent to all parish councils and resident associations held on the consultation database. Laura said she felt the disclosure by Cllr Reeve undermined the credibility of the Council's data in the minds of some residents.
- (v) Furthermore, Laura pointed out that whilst the Cambridge and Oxford consultancies had agreed to share their data, the third consultancy Experian, had not agreed to disclose and had said that if their economic forecast was released sharing data with third parties would be a breach of contract and adversely affect their business. The jobs number quoted by Cllr Reeve was not correct as it excluded self-employed people and where Cllr Reeve quoted from Oxford and Cambridge consultancies he should have quoted the quarter and year from where the forecast came to ensure accuracy. Laura told me that there had been a lot of pressure on the Council to lower the housing need figures and the figures provided by G L Hearn were seen as being too high by many people and disputed. However, as the work that Cllr Reeve had done actually "*validated*" the housing need identified in SHMA rather than undermining it, Laura did not feel that his report would turn out in the end to be damaging to the Council's case.
- (vi) Laura said that issues had continuously been raised around the SHMA and Cllr Reeve's work provided "*an alternative model that opponents could focus around*" which was then referred to during the consultation process by many

respondents, who she felt did not generally appreciate the inaccuracies it contained. Laura said that she felt that councillors need to appreciate the confidential nature of the information and so when councillors, including Cllr Reeve, have asked for information the officers have quoted the requirements of the information security policy framework and the question about confidentiality. Laura said *“what Cllr Reeve has done has made an already difficult PR situation even more difficult. Given the many parties who do not appreciate what we are doing and why we are doing it, I do not envisage this subsiding until we have undergone the examination on our plan. However, as stated, from a planning point of view I do not consider that this will harm our case at examination”*.

39. Evidence of Cllr Reeve

- (i) Cllr Reeve was first elected to the Council in 2015 as a member of the Guildford Green Belt Group. Cllr Reeve checked in his diary and confirmed that he had had some training on the Code of Conduct and ethical standards when he was elected to the Council, but this was carried out *“briskly”* in a two hour evening session. In fact, when I asked him about this at interview he could not remember having this training.
- (ii) Cllr Reeve’s background is as an aeronautical engineer and he described himself as a perfectionist who believed it was important to treat numbers with a good deal of respect and was a great believer in the *“many eyes”* principle.
- (iii) He told me he had become involved and interested in the local plan from around Autumn 2013; he felt that some of the evidence based documents created to support the process were unreliable and explained that as a result of his comments about this the process adopted by the Council changed. Over time, he continued to be interested and decided to stand for election in 2015. Cllr Reeve said that from the start he had strong doubts about the data used to drive the process, and felt that the numbers were not objectively supportable. He believed that there were some large anomalies, and that the Council did not consider the SHMA in any detail, with no appetite to look at the figures when they came up for discussion.
- (iv) Cllr Reeve explained the argument used by the Council to the effect that as G L Hearn were a reputable and professional consultancy and have produced many SHMAs for other councils that meant their process is correct and

because it had been examined by barristers and inspectors up and down the country this proved that the SHMA for Guildford was correct. Cllr Reeve said *"I do not believe that this is an appropriate starting point and I am not interested in these things as justification for accepting the figures. Whatever might have happened elsewhere I am interested this particular issue so far as Guildford Borough Council is concerned"*.

- (v) Cllr Reeve said he felt the Council had not gone into the figures in any depth and the Planning Department had not done what they should have done. He said *"nothing I have seen suggests to me that anyone from the Council has done anything sufficiently robust to interrogate the figures which resulted in the SHMA"*.
- (vi) Cllr Reeve said that he felt it was completely inappropriate for the then director of Planning, Neil Taylor, to have suggested that criticisms of the SHMA would need to be raised at the examination of the local plan, rather than being dealt with as they were raised. He said *"to me this had a strong feeling of an attempt to kick a problem into the long grass"*. Cllr Reeve said he fully accepted that the documents were supplied on a confidential basis and had intended to observe this, being prepared to sign an agreement to that effect had this been produced. He explained that it took him more work than he had expected to produce the report and he did not progress it as quickly as he had thought he would. He formed his own conclusions which were that *"there were errors in the SHMA but the Council had no intention of examining the SHMA figures"*. He suggested at a council meeting on 24 May 2016 that the Council should engage a couple of consultants from G L Hearn to hold a workshop and decide what the right numbers should be raising the issue of money spent by the Council on a PR company to *"sell"* the local plan and how a fraction of this would have paid for the work he suggested, but the Council did not agree.
- (vii) Cllr Reeve said *"I genuinely believe the email I sent out [on 8 July] would have stimulated a meeting with the Council. I thought the quality of the data which I had put together would have meant the Council needed to debate the issue with me and I was not expecting to be criticised in an all councillor email, as Cllr Spooner sent out"*.

- (viii) Cllr Reeve referred to the new G L Hearn report produced as a result of the comment in there that *"fundamentally a verified and consistent set of source data as suggested unfortunately does not exist"*. He said he believed this was a fundamental flaw and that instead of an exact figure an *"appropriate band should have been put in"*. His view was that *"it is extremely likely that the SHMA overstates the housing number by 2,000 or more"*.
- (ix) In terms of the breach of confidentiality, Cllr Reeve said that he felt it was important not to hold information back as there were a number of residents who were very concerned about housing numbers and he felt that *"the balance of benefit to the public lay with the release of information rather than withholding it"*. He said he had considered whether it should be withheld but did not think that doing so would have been of any merit. Cllr Reeve said he had made three suggestions that a meeting with the Council would be appropriate but they were not accepted. He made plain that had he reached his conclusions earlier he would probably have discussed it within the Council but *"faced with the same situation I think I would do the same again"*.
- (x) Cllr Reeve insisted that *"I do respect confidentiality"* and gave instances of when he had refused to supply confidential information. He pointed out that there were only a very few items in the report where he believed that there was *"possibly a technical breach of confidentiality"*; the vast majority of information was already in the public domain and so not subject to any confidentiality. Cllr Reeve said that any breaches were only very minor technical breaches and he referred to an incident where he believed that the Council may have passed information to G L Hearn and breached confidentiality themselves.
- (xi) Cllr Reeve said that he noted the public interest defence in the Council's Code of Conduct and that he struggled *"to think of a matter more in the public interest than revealing material information which becomes available whilst the consultation is going on and which is relevant to that consultation. If it is withheld it cannot form part of the consultation. I was making a judgment that revealing my report was for the greater good. I was not expecting a complaint as a result of this"*. He went on to say that he felt that having a councillor who is willing to challenge the Council will be popular and enhance rather than damage the standing of the Council, and a lot of people do not have a good opinion of the Council anyway.

- (xii) Cllr Reeve went on to say that it is sometimes difficult to serve both his office and the Council at the same time as he believed *"that my prime obligation as a councillor is to support the interests of the residents and I believe that what I did was precisely that"*. He felt that he was simply doing his job to the best of his ability and assumed that the issue of confidentiality was not really relevant as the areas not in the public domain involved minor technical breaches and did not outweigh the public interest in disclosure. He felt that it was difficult to think that *"there is not some political connivance which lies behind these complaints"* and said he would be genuinely surprised if officers felt upset and aggrieved by his actions.
- (xiii) Cllr Reeve raised issues about the process and claimed that the then Monitoring Officer was responding to the directions of the Council Leader which he believed was an abuse of process as he has tried and failed to get the written complaint documents. He looked at the appropriate separation and distance between the Monitoring Officer and Council Leader and believed that the allegations were politically motivated and that he had no case to answer.
- (xiv) Cllr Reeve said it was his duty to respect the Nolan principles of openness and accountability and that councillors outside the lead group have a duty to act as an opposition, with appropriate scrutiny.
- (xv) He finished by saying that the Monitoring Officer should have dismissed the complaint on the grounds that it is without merit, vexatious and politically motivated.

Does the Code apply?

40. The first question I have to consider is whether or not the Code applied. Following the Localism Act 2011 the Code only applies when a member is acting as a councillor. Given the nature of the email sent by Cllr Reeve, which he signed in his capacity as a councillor and the context in which he obtained, as a councillor, the information he used to write the report, I find that the Code does apply.

The Breach of Confidentiality

41. So far as the Code of Conduct of Guildford Borough Council is concerned, the relevant obligation is Obligation 3 which states "You must not:-

“(a) disclose information given to you in confidence by anyone, or information acquired by you which you believe, or are reasonably aware of, is of a confidential nature except for :

- (i) you have the consent of the person authorised to give it;*
- (ii) you are required by law to do so;*
- (iii) disclosure is made to a third party for the purpose of obtaining professional advice provided that the third party agrees not to disclose the information to any other person;*
- (iv) disclosure is:*
 - (aa) reasonable and in the public interest; and*
 - (bb) made in good faith and in compliance with the reasonable requirements of the Council; or*
 - (cc) prevent another person from gaining access to information to which that person is entitled by law”*

42. The exchanges of emails which I have seen make it clear that when Cllr Reeve was given the information he could be under no doubt that the information was provided to him on a confidential basis. The fact that he was prepared to sign a confidentiality agreement but did not do so is to my mind irrelevant in relation to whether or not he was aware that the information was confidential.
43. Given that the information was given to him in confidence, I have considered whether any of the exceptions apply. He did not have the consent of the person who was authorised to give it; he was not required by law to do so; it was not made for the purpose of obtaining professional advice. The question remains therefore whether or not the information was confidential and if so whether the disclosure was *“reasonable”* and in the public interest; and made in good faith and in compliance with the reasonable requirements of the Council”.
44. I have considered the comments of Cllr Reeve about the nature of the information he received and the extent to which this was confidential – in the sense of whether it was in the public domain at the time he made his report.
45. When I interviewed Cllr Reeve he was at pains to explain this to me and went through his report in great detail, identifying the source of the information he had put in his report and whether that was in the public domain. A copy of his report which is

annotated to show this is appended. Much of the information in the tables had come from his own calculations, based upon what he claimed to be publicly sourced data; and much of the content appears to be from the SHMA itself, which was, I understand, publically available at that point and formed part of the consultation process for the local plan.

46. I do not think that the Council had gone through his report to the same level of detail; I have been given no evidence of that. Instead, G L Hearn was asked to comment on Cllr Reeve's report and I have seen a copy of their response. Again this is appended.
47. Whilst the G L Heard report does not consider the question of the breach of confidentiality, they comment on Cllr Reeve's report and the working which led to the numbers he produced. Their conclusion is that "*G L Hearn continues to consider that the SHMA findings as an objectively assessed housing need in Guildford of 693 dwellings per annum, continues to remain robust*".
48. My investigation is not concerned with whether the SHMA figures are right or wrong and I am not required to offer any view on that issue. Instead, what I am considering is the behaviour of Cllr Reeve and whether or not he breached the Code of Conduct.

The Complaints

49. I have taken account of the questions raised by Cllr Reeve about the complaints made by Cllrs Spooner and Reeves and the correspondence from Satish Mistry, the then Monitoring Officer. It seems to me that, given the exchange of emails between Cllr Spooner and Satish Mistry following the report being issued by Cllr Reeve, this was clearly a complaint by Cllr Spooner, even though it was not on any official form. It seems to me that it was reasonable for Satish Mistry to regard the email from Cllr Spooner as being a complaint and it was, accordingly, reasonable for him to therefore put the complaints process into action. Since the Localism Act 2011 it is open to councils to decide for themselves how they deal with complaints and the process is much less prescribed than it was in the days of the previous national code; there is sufficient discretion for the Monitoring Officer to treat complaints made to him regardless of a formal process provided his actions are reasonable.
50. So to the "*complaint*" by Cllr Reeves, I take the view that given a complaint by Cllr Spooner into the same issues was already in process, it was reasonable for Satish Mistry to regard this as a further complaint about the same matter. Whether or not, of course, the exchange by itself would have sufficed is not something I am required to form a judgment about. In conclusion therefore I believe it was appropriate for the



complaint to be considered under the Council's arrangements.

51. As to what comprises the complaint, again I do not think that these days it is necessary for a complainant to be exact about the matters in the Code of Conduct which they believe to have been breached. They are asked but their view is not conclusive. Rather, they should put sufficient information in their complaint for the Monitoring Officer to take a view about the nature of the complaint and whether it merits investigation and following that for an investigation, should this be the decision made, to take place. It is through that investigation that an investigator will reach a view as to whether or not there is evidence that the Code has been breached, and then for the Standards Committee to consider the report and take whatever decision they reach on the question.
52. I therefore find that it was reasonable for the complaint to be put through the process.
53. I have also considered the headings in the Code of Conduct and agree that the appropriate ones to judge the behaviour of Cllr Reeve against are those set out in Satish Mistry's letter of 21 July to Cllr Reeve. In summary these relate to:
- (i) a failure to treat others with respect;
 - (ii) a disclosure of confidential information; and
 - (iii) bringing the Council or your office into disrepute

Failure to treat others with Respect

54. I did not get a feeling from Cllr Reeve that he considered the question of whether or not, by his actions, he was "failing to treat others with respect". It seems to me however that by his actions Cllr Reeve did not treat the officers who had provided him with the information, and indeed those officers who had been for some length of time working on the local plan, with respect, given that he had expressly been provided with information on a confidential basis, and he was clearly flouting this to some extent.
55. I believe that it is important for good governance that members and officers operate in a climate of mutual respect. Where information has been given by officers to a member on a confidential basis the member should respect that. I do not suggest by this that there may not be circumstances where officers have marked something confidential where a member believes that this should not be the case. That situation does certainly exist sometimes. However, where it does, I believe that it is incumbent upon a member, should he wish to reveal that information publically, (especially to a very wide circle such as that to which Cllr Reeve sent his report) to speak with officers

beforehand and inform them that he disagrees that it is confidential especially where he apparently accepted it was such at the time he was given the information. Otherwise the member treats their request for confidentiality with impunity and disregard.

56. Had he done so, even though the officers may not have agreed with Cllr Reeve, they would have been given the opportunity to have commented on what he was proposing to do and explain to him the potential impact of his actions. It may be that the advice of the Monitoring Officer should be sought to settle the matter. Members may well not know the full story behind why something is confidential, and where a member takes it upon themselves to publish and, as in this case, openly publicises what they have been given in confidence, it can significantly weaken the necessary trust and respect between officers and members that is essential to the good governance of the authority.
57. By not respecting this, it seems to me that Cllr Reeve did not treat the officers of the Council with respect and did not comply with the member officer protocol.
58. I took account of what Cllr Reeve said about the fact that it had taken him considerably longer to produce his report than he had at first anticipated, but nonetheless he had the information for a considerable length of time, and given that he is obviously a man who takes such care with what he produces, I find it strange that he did not, even at the draft stage, go to see the officers of the Council and explain to them what he felt his findings were likely to be. In his comments upon the draft report, Cllr Reeve provided some evidence as to why he had taken this length of time, referring to constituent matters and this has been independently corroborated for me. I accept that this happened, and I have no doubt that Cllr Reeve would have been so engaged. However, I do not accept that this gives acceptable reasons for his actions in disclosing the report.
59. It seems to me that this would have been a far more appropriate course of action for Cllr Reeve to have taken, rather than releasing his report in the way he did, accompanied by an email saying *"the report contains observations on the work done in the SHMA that I believe justifies the detailed examination on the SHMA, and the correction of a number of faults in the derivation of the OAN"*. By referring to 'the faults' it seems to me that many of those to whom it was addressed would see it as a criticism, as I believe it was intended to be, of the SHMA and to the methodology and therefore I feel it is reasonable to assume it would inevitably be also seen as a criticism of the officers at the Council who are responsible for the work.

60. It seems to me that it is a lesser concern as to what the overall impact of Cllr Reeve's report will be; I am inclined to accept the view of Laura Howard that at the examination the matter will be looked at objectively by the inspector and the anomalies, should there be any, in the various reports will be clarified. The issue is therefore not so much the overall impact of what Cllr Reeve produced in relation to the eventual outcome, but more the effect on the Council and the officers as a whole.
61. I also think that by his behaviour Cllr Reeve failed to treat the Council Leader, Cllr Spooner, with respect. This is the case because of the exchange of emails between Cllr Spooner, the officers and Cllr Reeve in February/March 2016 when Cllr Spooner made it clear that he was supporting the information being given to Cllr Reeve on a confidential basis. As Cllr Spooner said in his email to Cllr Reeve following the disclosure of the report, this behaviour was regrettable and Cllr Reeve had repaid his trust "*in this shabby way*".

Confidential Information

62. There are two issues here. The first is whether or not the information which was disclosed by Cllr Reeve in his report was confidential information.
63. I have taken account of the lengthy explanation by Cllr Reeve to me of the extent to which the information which was in his report was not information which was in the public domain and considered the general principle that if information is in the public domain it cannot generally be held to be confidential. Cllr Reeve explained to me that although he had calculated some figures himself, he felt that the only technical breach of confidentiality came from the use by him of some historical data, produced by Experian, and he did not know the basis on which the Experian data was included in a G L Hearn report on the SHMA.
64. He raised this issue again in interview claiming that G L Hearn had been passed information by the Council without the agreement of Experian. I have no other evidence about this but it seems to me that it is in any event tangential at most to the questions I have to answer.
65. I have considered one of the leading cases on confidentiality – somewhat old now but still good law, in *Coco –v- AN Clark (Engineers) Ltd* [1969] RPC 41. This sets out the 3 part test for confidentiality. The information must:
- Have the necessary quality of confidence about it;
 - Be communicated in circumstances implicating an obligation of confidence;

- Be used in an unauthorised way to the detriment of the party communicating it.
66. It seems to me that so far as the second and third tests are concerned, they were clearly breached by the disclosure. It is clear that the information was given for Cllr Reeve in circumstances which stressed its confidential advice; and his use as it is confidential to the Council is damaging to their position; indeed it seems to me that this was, at least in part, Cllr Reeve's intention.
67. The more difficult issue is the first test – whether the information he has given was of a confidential nature.
68. In the *Coco* case, Mr Justice Megarry said *"However confidential the circumstances of communication, there can be no breach of confidence in revealing to others something which is already common knowledge. Something that has been constructed solely from materials in the public domain may possess the necessary quality of confidentiality: for something new and confidential may have been brought into being by the application of the skill and ingenuity of the human brain. Novelty depends on the thing itself, and not upon the quality of its constituent parts". The difficulty comes, as Lord Denning, M.R. pointed out in the Seager case on page 931, when the information used is partly public and partly private; for then the recipient must somehow segregate the two and, although free to use the former, must take no advantage of the communication of the latter. Furthermore, the court went on to consider what was described as "the spring-board effect". This is: "As I understand it, the essence of this branch of the law, whatever the origin of it may be, is that a person who has obtained information in confidence is not allowed to use it as a spring-board for activities detrimental to the person who made the confidential communication, and spring-board it remains even when all the features have been published or can be ascertained by actual inspection by any member of the public."*
69. It seems to me that this described exactly what Cllr Reeve has done
70. The second issue with regard to confidentiality is, if, on the basis of the argument above, the information was confidential, was there anything which would justify its disclosure in the public interest?
71. In considering this, I am mindful that since the Localism Act 2011 there has been very little case law which assists a consideration of this point. I have considered the guidance which was produced by the former Standards Board for England in relation to confidential information, as it seems to me that, although the Standards Board is no longer in force, some of the guidance may be useful in assisting in interpretation,

especially as the Council's Code of Conduct is a virtual repetition of what the former requirements of the National Code were.

72. The previous guidance was that for the disclosure to be in the public interest it needed to involve one or more of the following matters or something of comparable seriousness. These were:
- (i) Criminal offences committed;
 - (ii) The authority or some other person fails to comply with any legal obligation to which they are subject;
 - (iii) A miscarriage of justice occurs;
 - (iv) The health and safety of any individual is in danger;
 - (v) The environment is likely to be damaged; or
 - (vi) Information intending to show any matter falling within those above is deliberately concealed.

In my view it is questionable that any of these would apply in this case.

73. Although Cllr Reeve was keen to insist that he did respect confidentiality and gave me instances where he has observed this, I am not convinced that the evidence supports a finding that in this case he carried out the necessary balancing exercise which involves weighing up the public interest in maintaining confidentiality against any counter weighing public interest favouring disclosure; considering the confidentiality of information, the potentially harmful consequences of its disclosure and factors which may justify its disclosure despite these potential consequences. Or, that if he did so; his view of the result was a reasonable one. Indeed, given that the further report shows the flaws in his reasoning, it is more likely to have clouded, rather than clarified the situation for residents.
74. The disclosure must also be made in good faith and be reasonable. The requirement that it is made in good faith will not be met if the councillor was acting with an ulterior motive, for example to achieve a party political advantage. There is no doubt that Cllr Reeve feels very strongly about this issue; it is, after all, once which brought him into local politics in the first place. There is, for example a photograph of him on the "Manifesto" page of the GGG website, which states under the "*What have we done*" section:

"We've led debate on attacking the proposed housing numbers, associated congestion

and flawed consultancy work supporting council plans

We have highlighted basic procedural and planning errors by the planning department and its consultants”

75. Whilst I cannot be completely certain as to whether this feeling is so strong as to lead him to make the disclosure to obtain a party political advantage combined with the circumstances of when and how the information was released, it seems to me on the balance of probability that it was; and, accordingly, that the disclosure was not made in good faith.
76. So after consideration, I find that the information was confidential; that the disclosure was not justified in the public interest and that it was not made in good faith. Accordingly, by producing his report and distributing it in the way he did, Cllr Reeve breached confidentiality and is guilty of a breach of the Code in this regard.

Bringing the Council or your office into disrepute

77. Disrepute is not defined in the Council's Code, and so I have taken the normal meaning of the word as defined in the Oxford English dictionary as *“lack of good reputation or respectability”*. In this context I have therefore considered whether or not the behaviour of Cllr Reeve fell outside the behaviour which is reasonably expected of a councillor. This involves a balancing exercise between the actions of Cllr Reeve and the matters he quoted in his defence. I have taken into account the very wide circulation of the residents associations email which he sent; and the fact that this email was sent so quickly after his email to the councillors that there was presumably deliberately no opportunity for anyone at the Council to raise the issue with him or be able to have any conversation with him about his report. I do not see any reason why he could not have allowed for this given that he had been working on the report for some time. Furthermore, in his email sent to the resident associations and the parish councils, he specifically asked them to send the report on to anybody that he had missed. There seems no doubt in my mind that his intention was to give the report the very widest circulation. Balanced against this I have considered the fairly imminent closure of the consultation period against the local plan and Cllr Reeve's view that his report was an important addition for those opposed to the Council's position.
78. I can only find that the result of his actions was to display his report with the suggestion of the faults in the SHMA to the widest possible audience with the probable intention that this would result in the local plan preparation, and therefore inevitably, the Council, coming under criticism about the robustness or otherwise of its evidence.



79. It is of course the nature of such things that when such a document is put into the public domain the fact that, (as in this case when Cllr Reeve's report was looked at by G L Hearn), it may later be found to be partly in error and that the result is that figures they had produced on which the SHMA was based were reliable, does not get into the public consciousness to the same extent.
80. In this case the impact and importance of the local plan for the Council is huge, as Laura Howard, (who unlike the other witnesses I interviewed was neither a complainant, not the member complained of, and who I found to be a reliable and sensible witness), said *"the local plan is a huge issue for the Council"*. She went on to say *"What Cllr Reeve has done has made an already difficult PR situation even more difficult. Given the many parties who do not appreciate what we are doing and why we are doing it I do not envisage this subsiding until we have undergone examination on our plan"*. Cllr Spooner said *"David's behaviour has had the effect of destroying the trust and confidence which is so important in a council between officers and councillors. I think officers are now more wary with all councillors and it has significantly affected the relationship. The disclosure by him certainly has not had a positive effect on the Council. While this may not be lasting effect, as over time that trust will be rebuilt, it is most regrettable"*.
81. Cllr Spooner went on to say *"The disclosure also damaged the Council in the view of the residents of Guildford, many of whom are in any event opposed to the local plan my experience was that, especially in the east of the borough, residents were throwing insults at the Council as the body that "always gets it wrong" while the residents always get it right"*.
82. Cllr Reeves went on to say *"Having made the declaration and put his information out unchecked also further damaged the SHMA issue which I feel undermines the Borough Council even more. I think it damages the whole veracity of the work we have done with the local plan, and undermines our policy officers who are essentially working to the guidelines as given by Government"*.
83. On the basis of this evidence, I find that Cllr Reeve breached the Code in relation to bringing the Council into disrepute.

CONCLUSION

84. My conclusions are that Cllr Reeve's behaviour breached the Code of Conduct in respect of the following:

- A. failure to treat others with respect;
- B. bringing the Council or your office into disrepute.
- C. the disclosure of confidential information

85. I believe that each of these grounds stands out on its own and so for example even if the committee does not find that Cllr Reeve is guilty of it's the disclosure of confidential information, the other two findings stand.
86. I recommend that the Standards Committee finds Cllr Reeve guilty of three breaches of the Council's Code of Conduct, as outlined above.
87. Finally, I have been asked to provide the Committee with my view as to sanctions. Following the Localism Act 2011 the sanctions available are limited. However, I have taken account of the fact that Cllr Reeve is a relatively new member and, furthermore, is a member of a group which is without an established group structure in the way that most of the other groups have and are able to call upon for advice and guidance, should they wish. Accordingly, and especially in light of Cllr Reeve's comments about the ethical standards training he received, I recommend that Cllr Reeve is asked to undergo further training in the Code of Conduct and the other related policies in the Constitution.
88. The Committee may also consider asking Cllr Reeve to apologise to the officers of the Planning Department for the way in which he used information given to him in confidence.

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Appendices to Report in respect of complaints against Cllr David Reeve

1. Code of Conduct of Guildford BC
2. Emails sent between Cllr Reeve and others between 11th January 2016 and 24th August 2016, including the complaints made by Cllr Spooner and Cllr Reeves
3. Emails supplied by Cllr Reeve relating to documents
4. Emails supplied by Cllr Reeve relating to complaints
5. Letter from Satish Mistry to Cllr Reeve dated 21st July 2016.
6. Statement (approved but not signed) of Cllr Spooner
7. Statement of Cllr Reeves
8. Statement of Cllr Reeve
9. Statement (approved but not signed) of Laura Howard
10. Report issued by Cllr Reeve with annotations showing the source of the evidence used in the report.
11. Report from GL Hearn headed "David Reeve's Review of Guildford's Objectively Assessed Housing Need"

GUILDFORD BOROUGH COUNCIL

**CODE OF CONDUCT FOR COUNCILLORS
AND CO-OPTED MEMBERS**

PART 1

GENERAL PROVISIONS

Introduction and Interpretation

1. (1) This Code came into effect on 5 July 2012 and applies to you only when acting in your capacity either as a councillor or co-opted (voting) member of the Council or its committees and sub-committees.

(2) It is your responsibility to comply with the provisions of this Code which will assist the Council in meeting its statutory obligation to promote and maintain high standards of conduct by its councillors and co-opted members in accordance with the following principles:

- **Selflessness.** Holders of public office should act solely in terms of the public interest.
- **Integrity.** Holders of public office must avoid placing themselves under any obligation to people or organisations that might try inappropriately to influence them in their work. They should not act or take decisions in order to gain financial or other material benefits for themselves, their family or their friends. They must declare and resolve any interests and relationships.
- **Objectivity.** Holders of public office must act and take decisions impartially fairly and on merit using the best evidence and without discrimination or bias.
- **Accountability;** Holders of public office are accountable to the public for their decisions and actions and must submit themselves to the scrutiny necessary to ensure this.
- **Openness.** Holders of public office should act and take decisions in an open and transparent manner. Information should not be withheld from the public unless there are clear and lawful reason for so doing.
- **Honesty.** Holders of public office should be truthful.
- **Leadership** Holders of public office should exhibit these principles in their own behaviour. They should actively promote and robustly support the principles and be willing to challenge poor behaviour wherever it occurs.

(3) In this Code:-

A "disclosable pecuniary interest" is an interest within the prescribed descriptions set out below that you have personally, or is an interest of your spouse or civil partner, a person with whom you are living as husband and wife, or a person with

whom you are living as if you were civil partners, and you are aware that that other person has the interest:

<i>Subject</i>	<i>Prescribed description</i>
Employment, office, trade, profession or vocation	Any employment, office, trade, profession or vocation carried on for profit or gain.
Sponsorship	Any payment or provision of any other financial benefit (other than from the relevant authority) made or provided within the relevant period in respect of any expenses incurred by M in carrying out duties as a member, or towards the election expenses of M. This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992.
Contracts	Any contract which is made between the relevant person (or a body in which the relevant person has a beneficial interest) and the relevant authority- (a) under which goods or services are to be provided or works are to be executed; and (b) which has not been fully discharged.
Land	Any beneficial interest in land which is within the area of the relevant authority.
Licences	Any licence (alone or jointly with others) to occupy land in the area of the relevant authority for a month or longer.
Corporate tenancies	Any tenancy where (to M's knowledge)- (a) the landlord is the relevant authority; and (b) the tenant is a body in which the relevant person has a beneficial interest.
Securities	Any beneficial interest in securities of a body where- (a) that body (to M's knowledge) has a place of business or land in the area of the relevant authority; and (b) either- (i) the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body; or (ii) if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which the relevant person has a beneficial interest exceeds one hundredth of the total issued share capital of that class.

These descriptions on interests are subject to the following definitions;

"the Act" means the Localism Act 2011;

"body in which the relevant person has a beneficial interest" means a firm in which the relevant person is a partner or a body corporate of which the relevant

PART 5-COUNCILLORS' CODE OF CONDUCT

person is a director, or in the securities of which the relevant person has a beneficial interest;

"director" includes a member of the committee of management of an industrial and provident society;

"land" includes an easement, servitude, interest or right in or over land which does not carry with it a right for the relevant person (alone or jointly with another) to occupy the land or to receive income;

"M" means a member of a relevant authority;

"member" includes a co-opted member;

"relevant authority" means the authority of which M is a member;

"relevant period" means the period of 12 months ending with the day on which M gives a notification for the purposes of section 30(1) or section 31 (7), as the case may be, of the Act;

"relevant person" means M or any other person referred to in section 30(3)(b) of the Act;

"securities" means shares, debentures, debenture stock, loan stock, bonds, units of a collective investment scheme within the meaning of the Financial Services and Markets Act 2000 and other securities of any description, other than money deposited with a building society.

"meeting" means any meeting of:-

- (a) the Council;
 - (b) the Executive of the Council;
 - (c) any of the Council's or its Executive's committees, sub-committees, joint committees, joint sub-committees or area committees, including any site visit authorised by the Council, the Executive or any of the aforementioned committees.
- (4) This Code does not cover matters in respect of which the Localism Act 2011 specifically provides that criminal sanctions will apply.
- (5) A failure of a councillor or co-opted member to comply with this Code is not to be dealt with otherwise than in accordance with arrangements approved by the Council under which allegations of such failure can be investigated and decisions on such allegations can be made. In particular, a decision is not invalidated just because something that occurred in the process of making the decision involved a failure by a councillor or co-opted member to comply with the Code.

General Obligations

2. (1) You must treat others with respect.
- (2) You must not:-

PART 5- COUNCILLORS' CODE OF CONDUCT

- (a) do anything which may cause the Council to breach any of the equality enactments;
 - (b) bully any person;
 - (c) intimidate or attempt to intimidate any person who is or is likely to be:-
 - (i) a complainant,
 - (ii) a witness, or
 - (iii) involved in the administration of any investigation or proceedings, in relation to an allegation that a councillor or co-opted member (including yourself) has failed to comply with this code of conduct; or
 - (d) do anything which compromises or is likely to compromise the impartiality of those who work for, or on behalf of, the Council.
3. You must not:-
- (a) disclose information given to you in confidence by anyone, or information acquired by you which you believe, or ought reasonably to be aware, is of a confidential nature, except where:-
 - (i) you have the consent of a person authorised to give it;
 - (ii) you are required by law to do so;
 - (iii) the disclosure is made to a third party for the purpose of obtaining professional advice provided that the third party agrees not to disclose the information to any other person; or
 - (iv) the disclosure is:-
 - (aa) reasonable and in the public interest; and
 - (bb) made in good faith and in compliance with the reasonable requirements of the Council¹; or
 - (b) prevent another person from gaining access to information to which that person is entitled by law.
4. You must not conduct yourself in a manner which could reasonably be regarded as bringing your office or the Council into disrepute, or in a manner which is contrary to the Council's duty to promote and maintain high standards of conduct by councillors and co-opted members.
5. You:-
- (a) must not use or attempt to use your position as a councillor or co-opted member improperly to confer on or secure for yourself or any other person, an advantage or disadvantage; and
 - (b) must, when using or authorising the use by others of the Council's resources:-
 - (i) act in accordance with the Council's reasonable requirements;

¹ Means the councillor should always consult the Monitoring Officer before taking a decision on whether or not to disclose confidential information

- (ii) ensure that such resources are not used improperly for political purposes (including party political purposes); and
 - (c) must have regard to any applicable Local Authority Code of Publicity made under the Local Government Act 1986.
6. (1) When reaching decisions on any matter you must have regard to any relevant advice provided to you by the Council's Chief Finance Officer or Monitoring Officer where that officer is acting pursuant to their statutory duties.
- (2) You must give reasons for all decisions in accordance with any statutory requirements and any reasonable additional requirements imposed by the Council.

PART 2

INTERESTS

Predetermination

7. (1) Where you have been involved in campaigning in your political role on an issue which does not impact on your personal and/or professional life you should not be prohibited from participating in a decision in your political role as a councillor.
- (2) However you should not place yourself under any financial or other obligation to outside organisations that might seek to influence you in the performance of your official duties.
- (3) When making decisions you must consider the matter with an open mind and on the facts before the meeting at which the decision is to be made.
- (4) If a councillor considers that they could be biased or they have predetermined their position to a decision, he or she should disclose this and should not take part in the decision making process whenever it becomes apparent that the matter is being considered.

Registration of Disclosable Pecuniary Interests

8. As a councillor or co-opted member of the Council you must avoid participating in any decision where you could reasonably be seen as having an interest which compromised your honesty or objectivity. Equally you should avoid any action which might reasonably lead others to conclude that you were not acting selflessly or with integrity. In order to assist with this and to promote openness and accountability, the Monitoring Officer must, by law, establish and maintain a register of interests, open for inspection by the public at the Council's offices and publicly accessible on our website:

<http://www.guildford.gov.uk/article/1306/Councillor-search>

9. You must, before the end of 28 days beginning with the day on which you became a councillor or co-opted member of the Council, notify the Monitoring Officer of any disclosable pecuniary interests which you have at the time when the notification is given. You should be aware that these interests include those of your spouse or civil partner, a person with whom you are living as husband or wife or a person with whom you are living as if they were a civil partner so far as you are aware of the interests of that person. These interests will then be entered on the register of interests.

PART 5-COUNCILLORS' CODE OF CONDUCT

10. Where you become a councillor or co-opted member of the Council as a result of re-election or re-appointment, paragraph 9. applies only as regards disclosable pecuniary interests not entered in the register when the notification is given.

Disclosure of Disclosable Pecuniary Interests and participation in decision making

11. Subject to paragraphs 15 to 18 (*dispensations*), if you are present at any meeting and you are aware that you have, or any other person referred to in paragraph 8 above has, a disclosable pecuniary interest in any matter that will be, or is being, considered at that meeting, you must, irrespective of whether that interest has been registered:
- (a) disclose the nature of the interest to the meeting (or, if it is a sensitive interest as described in paragraph 19 below, disclose merely the fact that it is a disclosable pecuniary interest);
 - (b) not participate in any discussion or vote regarding that matter; and
 - (c) withdraw immediately from the room or chamber (including the public gallery) where the meeting considering that matter is being held.

Where you have not previously notified the Monitoring Officer of that disclosable pecuniary interest you must do so within 28 days of the date of the meeting at which it became apparent.

12. Subject to paragraphs 15 to 18 (*dispensations*), if you are aware that you have, or any other person referred to in paragraph 9 above has, a disclosable pecuniary interest in any matter on which either:
- (a) you are authorised to make decisions, or
 - (b) you are consulted by an officer discharging powers delegated to them,

you must not, in relation to (a) above, take any decision on that matter or, in relation to (b) above, participate in any consultation with such officer in respect of that matter

Where you have not previously notified the Monitoring Officer of that disclosable pecuniary interest you must do so within 28 days of the date on which it became apparent.

13. You may participate in any business of the Council where that business relates to the Council's functions in respect of:-
- (i) housing, where you are a tenant of your authority provided that those functions do not relate particularly to your tenancy or lease;
 - (ii) school meals or school transport and travelling expenses, where you are a parent or guardian of a child in full-time education, or are a parent governor of a school, unless it relates particularly to the school which the child attends;
 - (iii) statutory sick pay under Part XI of the Social Security Contributions and Benefits Act 1992, where you are in receipt of, or are entitled to the receipt of, such pay;
 - (iv) an allowance, payment or indemnity given to councillors or co-opted members
 - (v) any ceremonial honour given to councillors; and
 - (vi) setting Council Tax or a precept under the Local Government Finance Act 1992.

Acceptance of Gifts and Hospitality

14. As a councillor or co-opted member of the Council you must avoid accepting any gift, hospitality or other favour which could give the impression of compromising your integrity, honesty or objectivity. In particular, you
- (1) should avoid any behaviour which might reasonably be seen as motivated by personal gain;
 - (2) should exercise caution in accepting any gifts or hospitality which are (or which you might reasonably believe to be) offered to you because you are a councillor or co-opted member;
 - (3) should never accept significant gifts or hospitality (i.e. anything with a value of £25 or more) from suppliers or contractors seeking to acquire or develop business with the Council; and
 - (4) must, within 28 days of receipt or acceptance, notify the Monitoring Officer of any gift you receive or hospitality you accept (of a value of £25 or more) for inclusion in the register of interests.

Dispensations

15. A councillor or co-opted member with a disclosable pecuniary interest in a matter may submit a written request to the Monitoring Officer for the grant of a dispensation allowing that councillor or co-opted member to participate in any discussion and/or vote on that matter at a meeting.
16. The Monitoring officer may, after having had regard to all relevant circumstances, grant a dispensation to the councillor or co-opted member only if, he considers that without the dispensation:
- (a) the number of persons prohibited from participating in any particular business in relation to the matter would be so great a proportion of the body transacting the business as to impede the transaction of that business, or
 - (b) considers that without the dispensation each member of the Executive would be prohibited from participating in any particular business to be transacted by the Executive in relation to the matter.
17. The Corporate Governance and Standards Committee may, after having had regard to all relevant circumstances, grant a dispensation to the councillor or co-opted member only if, the Committee considers that:
- (a) without the dispensation the representation of different political groups on the body transacting the particular business would be so upset as to alter the likely outcome of any vote relating to that business, or
 - (b) granting the dispensation is in the interests of persons living in the borough, or
 - (c) it is otherwise appropriate to grant the dispensation.
18. Any dispensation granted must specify the period for which it has effect, and the period specified may not exceed four years.

Sensitive Information

19. (1) Sub-paragraphs (2) and (3) apply where:
- (a) a councillor or co-opted member of the Council has an interest (whether or not a disclosable pecuniary interest), and
 - (b) the nature of the interest is such that the councillor or co-opted member, and the Monitoring Officer, consider that disclosure of the details of the interest could lead to the councillor or co-opted member, or a person connected with that councillor or co-opted member, being subject to violence or intimidation.
- (2) If the interest is entered in the register of interests, copies of the register that are made available for inspection, and any version of the register published on the Council's website, must not include details of the interest (but may state that the councillor or co-opted member has an interest the details of which are withheld under this provision of the Code).
- (3) Where a disclosable pecuniary interest is not entered on the register of interests and would otherwise require disclosure at a meeting, the councillor or co-opted member shall be entitled to merely disclose at the meeting the fact that they have such an interest in the matter concerned.

Removal of entries in the register

20. An entry in the register of interests will be removed once the person concerned:
- (a) no longer has the interest, or
 - (b) is (otherwise than transitorily on re-election or re-appointment) neither a councillor nor a co-opted member of the Council.

Frances Lee

From: Satish Mistry
Sent: 24 August 2016 22:38
To: Frances Lee
Subject: Fwd: Formal Complaint Regarding Cllr Reeve (SATISH DOES THIS ACTION?) [UNC]

Sensitivity: Confidential

VERY IMPORTANT FOR TUESDAY

Please be when I return.

Sent from my iPad

Begin forwarded message:

From: Caroline Reeves <Caroline.Reeves@guildford.gov.uk>
Date: 24 August 2016 at 11:05:57 BST
To: Satish Mistry <Satish.Mistry@guildford.gov.uk>, Paul Spooner <Paul.Spooner@guildford.gov.uk>
Cc: Sue Sturgeon <Sue.Sturgeon@guildford.gov.uk>
Subject: Re: Formal Complaint Regarding Cllr Reeve (SATISH DOES THIS ACTION?) [UNC]

Satish

I am unsure what David is trying to achieve in his questions about the emails and dates. Any reference to other things in emails with Paul is irrelevant.

My complaint was specifically that David had a wide, public circulation in his email which I think broke out protocol. Had he emailed councillors to allow debate before publishing I may have understood.

If David is not willing to apologise I assume we have to proceed to the next stage.

Kind regards
Caroline

Caroline Reeves
Friary & St Nicolas councillor
07803 204433

Sent via Email+secured and managed by MobileIron

From: "Satish Mistry" <Satish.Mistry@guildford.gov.uk>
Date: Tuesday, 23 August 2016 at 15:45:51
To: "Paul Spooner" <Paul.Spooner@guildford.gov.uk>
Cc: "Caroline Reeves" <Caroline.Reeves@guildford.gov.uk>, "Sue Sturgeon" <Sue.Sturgeon@guildford.gov.uk>
Subject: Re: Formal Complaint Regarding Cllr Reeve (SATISH DOES THIS ACTION?) [UNC]

Paul,

With respect, I really would not treat any Political Party differently, as you well know.

Moreover you will recall that GGG made a specific allegation that I was politically biased against them on at least one point!

However Inote your your view on this and subject to any view from Caroline, will proceed to a formal Investigation and advise David accordingly.

Satish

Sent from my iPad

On 23 Aug 2016, at 15:12, Paul Spooner <Paul.Spooner@guildford.gov.uk> wrote:

Satish, more nonsense from Cllr Reeve. I submitted a formal complaint and so has Cllr Reeves!

Yet again you are treating GGG differently to Conservative or Lib Dems. DR completely ignores Cllr privilege (to such a point that even Susan Parker distanced herself from what he did) and we invite him for tea and cakes with the complainants. Not exactly what happened with Marsha Moseley for frankly a far less serious matter!

Paul

**Cllr Paul Spooner
Leader of the Council**

Portfolio responsibility for Planning and Regeneration
Councillor representing Ash South, Ash Green & Tongham
Guildford Borough Council

Mobile:-07836-753647

Home:- 01252-341666

www.guildford.gov.uk

From: Satish Mistry

Sent: 23 August 2016 14:27

To: Paul Spooner; caro11ne Reeves

Subject: Fwd: Formal Complaint Regarding Cllr Reeve (SATISH DOES THIS ACT10N?) [UNC]

sensitivity: Confidential

Paul/Caroline,

Could I please have your views?

Sent from my iPad

Begin forwarded message:

From: Satish Mistry <l.tsh.Mistrv_@guildford.gov.uk>
Date: 23 August 2016 at 12:20:34 BST
To: Satish Mistry <Satish.Mistrv@guildford.gov.uk>
Subject: FW:Formal Complaint Regarding Cllr Reeve (SATISH DOES THIS ACTION?) [UNC]

Regards

Frances

From: David Reeve
Sent: 22 August 2016 12:08
To: Satish Mistry
Subject: RE:Formal Complaint Regarding Cllr Reeve (SATISH DOES THIS ACTION?)
Sensitivity: Confidential

Dear Satish,

I would be happy to have a meeting with Cllr Spooner (and Cllr Reeves, should she so wish) to discuss the current situation. Although you suggest that such a meeting would be considered as informal (ie. outside the prescribed procedures for a formal investigation) I presume that you would also be present – if for no other reason than to be fully aware of the status of what is currently a formal complaint.

Thank you for the e-mails from Cllrs Spooner and Reeves that you sent me, but I am puzzled by the dates on the messages. I received your original message on 18th July notifying me that you had received a formal complaint from the Leader in relation to the potential release of information involving the SHMA. However, Cllr Reeves' e-mail is dated 19th July, and the copy of Cllr Spooner's e-mail that you forwarded to me was itself forwarded to you by Sam Harrington on 1st August, but contained only the body of the message (without a subject, an address list or a date). Moreover, Cllr Spooner's message indicated that he had already heard from Cllr Reeves (although that comment could have referred to a separate communication from, or conversation with, Cllr Reeves). I would be grateful if you could please send me (or otherwise confirm) when you first received written notification from Cllr Spooner. While it is clear that the most important matter is the consideration of the report that I wrote (and its distribution), it is nevertheless worth having the complete "paper trail" before we embark on steps aimed at resolving the situation.

I hope you have/had a good holiday.

Regards,
David

From: Satish Mistry
Sent: 18 August 2016 12: 18

To: David Reeve
Subject: Fwd: Formal Complaint Regarding Cllr Reeve [UNC]
Sensitivity: Confidential

Dear David,

Further to our recent meeting, here are the emails as promised.

I am on leave now until after the Bank Holiday so please let me know whether you are prepared to deal with this in some informal way rather than a formal investigation.

I get the impression that such attempt may well be accepted by both Leaders.

Kind regards,

Satish

Sent from my iPad

Begin forwarded message:

From: Frances Lee <Frances.Lee@_g_uildford.gov.uk>
Date: 18 August 2016 at 09:49:22 BST
To: Satish Mistry <Satish.Mistry@guildford.gov.uk>
Subject: Formal Complaint Regarding Cllr Reeve [UNC]

As per your request here are attachments in one email. Regards Frances

Guildford Borough Council UNCLASSIFIED
INTERNAL

Guildford Borough Council UNCLASSIFIED EXTERNAL

Satish Mistry

From: Satish Mistry
Sent: 18 July 2016 15:20
To: David Reeve
Cc: Chris Guy
Subject: Formal Complaint [UNC]

Dear David,

I have received a formal Complaint from the Leader in relation to potential release of information involving the SHMA.

As part of the process set out in the Constitution, Part 5, I am currently reviewing the elements of the Complaint and will need to take a decision as to whether it merits formal Investigation. In doing so, I am also consulting an Independent person.

To assist in my Determination, I would be grateful for a short discussion over the next two days.

When would be convenient for you to attend my office?

Guildford Borough Council UNCLASSIFIED INTERNAL

Frances Lee

From: Satish Mistry
Sent: 18 August 2016 12:18
To: David Reeve
Subject: Fwd: Formal Complaint Regarding Cllr Reeve [UN]
Attachments: SHMAA and all that...[UNC]; ATTOOOOI.htm; Formal Complaint - Cllr Reeve [UNC]; ATT00002.htm

Sensitivity: Confidential

Dear David,

Further to our recent meeting, here are the emails as promised.

I am on leave now until after the Bank Holiday so please let me know whether you are prepared to deal with this in some informal way rather than a formal investigation.

I get the impression that such attempt may well be accepted by both Leaders.

Kind regards,

Satish

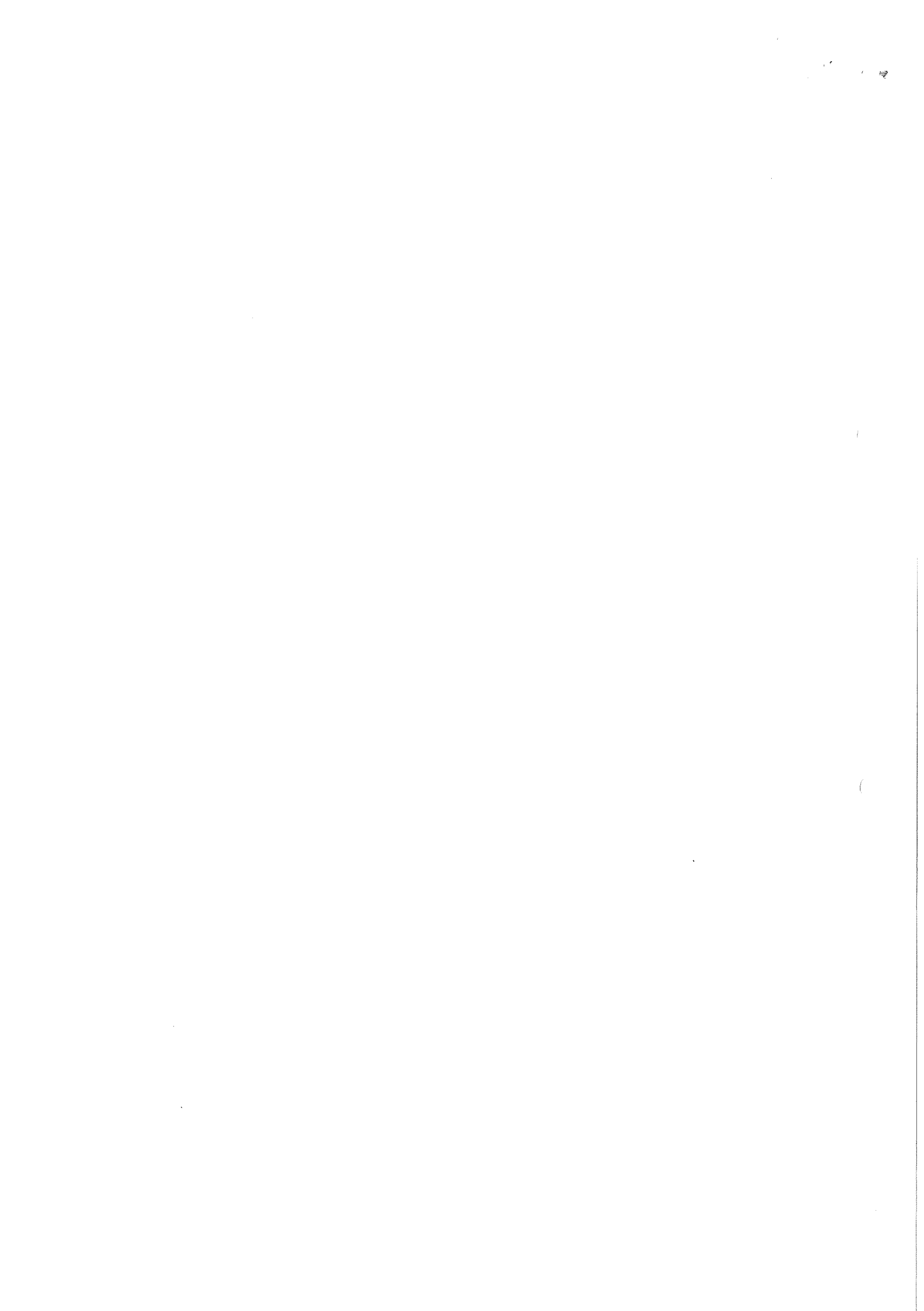
Sent from my iPad

Begin forwarded message:

From: Frances Lee <Frances.Lee@guildford.gov.uk>
Date: 18 August 2016 at 09:49:22 BST
To: Satish Mistry <Satish.Mistry@guildford.gov.uk>
Subject: Formal Complaint Regarding Cllr Reeve [UNC]

As per your request here are attachments in one email. Regards Frances

Guildford Borough Council UNCLASSIFIED INTERNAL



Frances Lee

From: Caroline Reeves <Caroline.Reeves@guildford.gov.uk>
Sent: 19 July 2016 08:44
To: Satish Mistry; Sue Sturgeon
Cc: Paul Spooner
Subject: SHMM and all that... [UNC]

Good morning,

Are we taking a stance against David Reeve's email circulation about the SHMAA figures? I find it immensely irritating that having been given something in confidence he has managed to do exactly what he wanted with the information and then circulated it outside the council. I may have had some sympathy if he had circulated it to councillors and started a debate, but as we already know the stance that some of the critical parish councils will take, it seems to be like a deliberate act of defiance.

He is now so sure of his conclusion that he is chasing up individual councillors for a response. Frankly I don't have the brain space to understand the methodology, that's why I am happy for someone else who we have employed to do it for me. This was all done specifically to discredit our Local Plan, knowing that it would be very well received by our dissenters.

I hope we will be challenging his figures, and that we will be firm in dealing with the complaint.

Kind regards

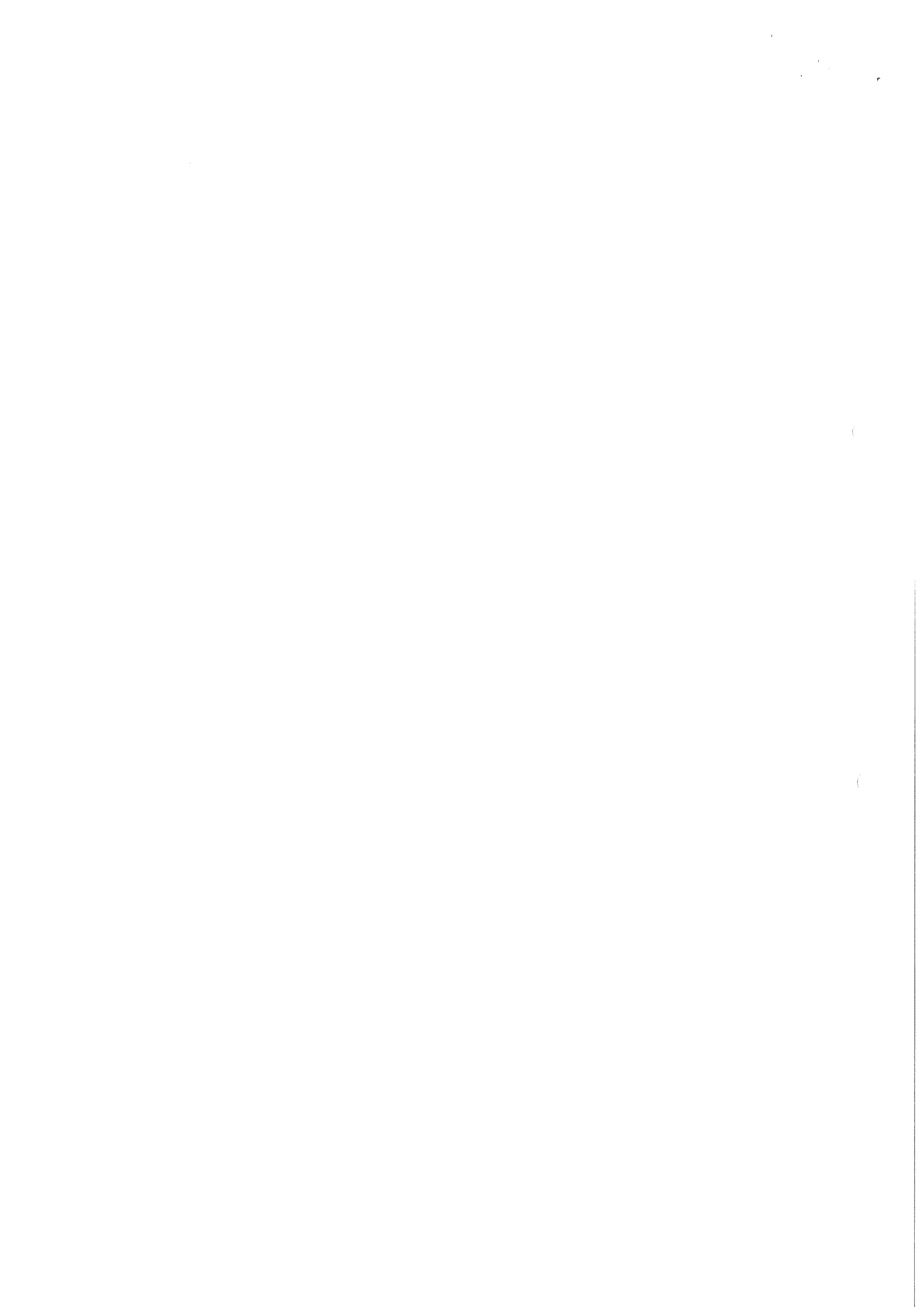
Caroline

Caroline Reeves

Friary & St Nicolas councillor
Liberal Democrat group leader

Mobile: 07803 204433

Guildford Borough Council UNCLASSIFIED INTERNAL



Frances Lee

From: Samantha Hannington <samantha.hannington@guildford.gov.uk> on behalf of Satish Mistry <Satish.Mistry@guildford.gov.uk>
Sent: 11 August 2016 15:13
To: Satish Mistry
Subject: Formal Complaint - Cllr Reeve [UNC]

Dear Satish,

I believe there has been a gross breach of confidentiality *in* relation to Cllr Reeve's decision to release into the public domain a report on the SHMA based on confidential information provided to Cllr Reeve in his capacity as an elected member.

Cllr Reeve has made no effort to discuss his 'findings' drawn from the confidential information provided with the Leader, Lead Member or Officers and has clearly released this within the consultation period to damage the reputation of the Council and influence third parties at a point that will not allow the Council to respond within the consultation period.

I have also heard from the Leader of the Opposition who has expressed concern about the breach of confidentiality and agreed action should be taken.

Can we inform Justin Gardener of the breach as he may wish to take his own action.

Please treat this email as a formal complaint.

Regards

Paul

Cllr Paul Spooner
Leader of the Council
Portfolio responsibility for Planning and Regeneration
Councillor representing Ash South, Ash Green & Tongham
Guildford Borough council

Mobile:-07836-753647
Home:- 01252-341666

www.guildford.gov.uk

Guildford Borough Council UNCLASSIFIED INTERNAL

Satish Mistry

From: Paul Spooner
Sent: 09 July 2016 14:14
To: Satish Mistry
Cc: Sue Sturgeon; Matt Furniss
Subject: Formal Complaint - Cllr Reeve [UNC]

Importance: High

Dear Satish,

I believe there has been a gross breach of confidentiality in relation to Cllr Reeve's decision to release into the public domain a report on the SHMA based on confidential information provided to Cllr Reeve in his capacity as an elected member.

Cllr Reeve has made no effort to discuss his 'findings' drawn from the confidential information provided with the Leader, Lead Member or Officers and has clearly released this within the consultation period to damage the reputation of the Council and influence third parties at a point that will not allow the Council to respond within the consultation period.

I have also heard from the Leader of the Opposition who has expressed concern about the breach of confidentiality and agreed action should be taken.

Can we inform Justin Gardener of the breach as he may wish to take his own action.

Please treat this email as a formal complaint.

Regards

Paul

Cllr Paul Spooner
Leader of the Council
Portfolio responsibility for Planning and Regeneration
Councillor representing Ash South, Ash Green & Tongham
Guildford Borough Council

Mobile :-07836-753647

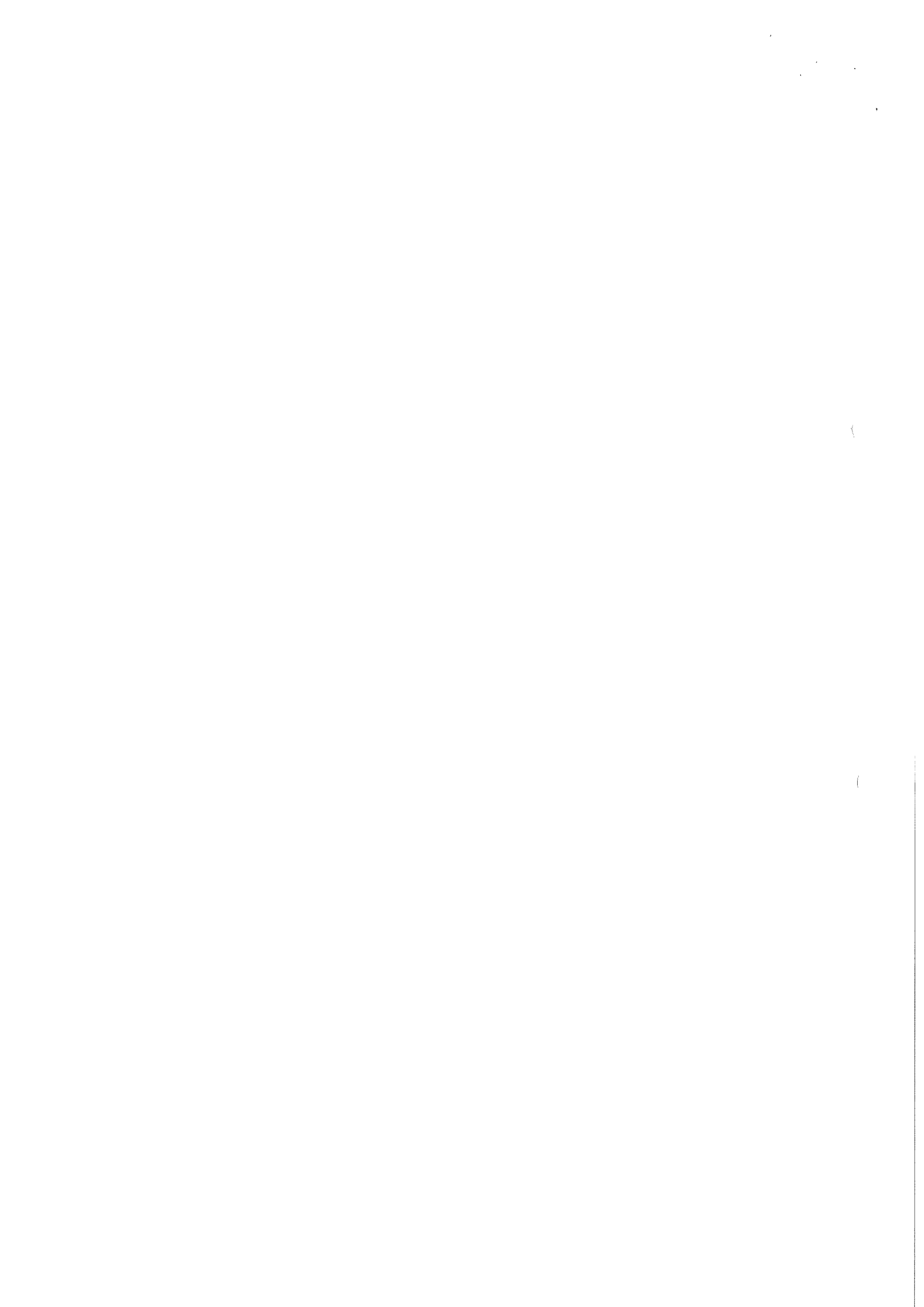
Home:- 01252-341666

www.guildford.gov.uk

From: Paul Spooner
Sent: 09 July 2016 13:50
To: David Reeve
Cc: Councillors; Satish Mistry; Sue Sturgeon
Subject: FW:FW:SHMA information for Cllr Reeve [UNC]
Importance: High

Dear Cllr Reeve,

I am releasing the email exchanges (Feb/March 2016) following your decision to release a SHMA report (23.02 8/7/16) in your capacity as Councillor where you have stated:



"As these matters are an important consideration in the evolution of the draft Local Plan, and as the consultation is due to expire in just over a week, I am taking the unusual step of circulating the document to parishes and residents' associations so that residents can be aware of its conclusions when they consider their response to the consultation."

In the document you are circulating outside the council without any opportunity for discussion within the council prior to your action you state:

"I will provide a copy of the model to any local organisation or group (including Guildford Borough Council), with a free licence for non-commercial use, for the specific purpose of research or investigation into the housing needs of Guildford borough in support of the current Local Plan. This should achieve the dual aim of exposing the modelling to external examination to ensure that its outputs are reliable, and of providing an accessible tool by which interested parties in Guildford can probe the assumptions and data inherent in the current draft of the SHMA."

I find it extremely disappointing that you have taken this action when you asked me to extend trust and confidentiality to you and Officers were convinced by my argument for openness and transparency within the Council (as you are an elected member) and you have repaid my trust in this shabby way.

In any event Officers will now have to divert attention and put all efforts into reviewing your report given the very likely attention it will draw in the media given your decision to treat Council process, Councillors and Officers with apparent contempt by issuing your report into the public domain at the same time as circulating internally.

I thought better of you.

Email exchanges from March below:

Paul

Cllr Paul Spooner
Leader of the Council

Portfolio responsibility for Planning and Regeneration
Councillor representing Ash South, Ash Green & Tongham
Guildford Borough Council

Mobile:-07836-753647

Home:- 01252-341666

www.guildford.gov.uk

From: David Reeve

Sent: 01 March 2016 21:17

To: Paul Spooner

Subject: FW: FW:SHMA information for Cllr Reeve [UNC]

Paul,

Thank you for your assistance in getting access to this information.

Regards,

David

Cllr David Reeve,



(Clandon & Horsley)

-----Original Message-----

From: David Reeve
Sent: Tuesday, March 01, 2016 12:54 PM GMT Standard Time
To: Neil Taylor
Subject: RE: FW:SHMA information for Cllr Reeve [UNC]

Neil,

Many thanks it looks like I will have plenty of happy reading!!

Regards,
David

Cllr David Reeve,
(Clandon & Horsley)

-----Original Message-----

From: Neil Taylor
Sent: Tuesday, March 01, 2016 12:45 PM GMT Standard Time
To: David Reeve
Subject: FW:SHMA information for Cllr Reeve [UNC]

Hello David,

Your bedtime reading is attached.

Best regards N

Neil Taylor
Director of Development
Guildford Borough Council
Millmead House, Millmead
Guildford, Surrey
GU2 466
T: 01483444550
M: 07855018923
www.guildford.gov.uk

From: Laura Howard
Sent: 01 March 2016 12:15
To: Neil Taylor
Cc: Stuart Harrison
Subject: SHMA information for Cllr Reeve [UNC]

Dear Neil,

Further to the recent request by Cllr David Reeve to provide the economic projections alongside the outputs of the SHMA model, please find these attached. I have included below some commentary regarding the outputs of the model which should accompany the SHMA spreadsheet. Justin also said the following which you may or may not

choose to include in your email to Cllr Reeve: *Can I finally reiterate that this data is provided in good faith and I am as always happy to discuss elements of the analysis and assumptions with any interested party at any time. Can anyone having access to this information be reminded that they are not to make any libellous comments (e.g. on social media). I will not hesitate to take appropriate legal action if necessary and will seek to recover all costs from any person who attempts to undermine my professional reputation with regard to the work I have carried out in Guildford and across the Country.*

Finally I've put in a sentence at the end reminding him about the confidentiality of the economic projections.
Thanks, Laura

For the SHMA spreadsheet there are three tabs:

1. Baseline demographic projection (12_b) – this links to the assumptions in the 2012-based subnational population projections (SNPP) and 2012-based CLG household projections. It is not identical to those projections as it also includes population data for mid-2013 (which does very slightly change some of the outputs moving forward (in a downward direction in the case of Guildford))
2. Main economic based projection (17700) - this seeks to look at the overall level of population growth (and hence household growth/housing need) if the resident workforce were to increase sufficiently to fill 17,700 additional jobs. This projection also takes account of commuting and double jobbing (as set out in the SHMA report)
3. Improving affordability (17700_MS) - the final projection uses exactly the same population inputs as the previous one but adjusts some of the headship rate figures to increase the number of households aged 25-34; the methodology for this is set out in the SHMA report

Additionally, it should be noted that the SHMA includes an uplift for student growth; this is not a modelled scenario and therefore no spreadsheet is provided.

In terms of the spreadsheets; these contain all of the information that anyone would require to cross-check the data in the SHMA. In some cases, some additional analysis would be needed to find those outputs (for example the spreadsheets do not include data on the uplift for vacant dwellings – this is simply calculated by multiplying household growth by 1.042; again this is all set out in the SHMA report).

Also, it should be noted that the spreadsheets provided do not contain the 'formulae' as this is commercially sensitive.

That said, all of the information that anyone could want is contained within the spreadsheets and it should be remembered that demographic models are in principle quite simple things (population change is simply births minus deaths plus in-migration minus out-migration – all of this information is contained within the spreadsheets).

That said, it should be noted that the core demographic data is built up from data provided by ONS and this can all be found from the following link:

<http://web.archive.org/web/20160105160709/http://ons.gov.uk/ons/publications/reference-tables.html?edition=tcm%3A77-335242>

Hopefully the data is sufficiently labelled to allow anyone to understand what the figures are. The more detailed information (from about row 144 onwards) is split by sex; male data is on the left and female data to the right.

It is also worth noting that the ONS projections include a consolidation factor which adjusts some age/sex groups to ensure at a national level that all subnational projections add up to national projections. ONS do not publish these consolidation factors but it is possible through the modelling to work these out. This modelling has been done (specifically for Guildford) and these factors have been applied consistently across all projections. What this means

is that adding up natural change and net migration does not exactly match the level of population growth shown by ONS. In the case of Guildford, the consolidation actually reduces population growth slightly (by 12.16 people per annum) – differences can also be seen for individual age/sex groups and does seem to disproportionately impact on student age groups (this is not a unique situation in Guildford). For this reason the data does not add up – THIS IS NOT AN ERROR.

Im also attaching the three different economic projections that have been used to inform the level of jobs growth over the plan period. Please note that these are commercially sensitive and must not be shared.

Laura Howard
Principal Planning Officer (Policy)
Planning Services

Telephone: 01483 444626
www.guildford.gov.uk
Guildford Borough Council
Millmead House
Guildford
Surrey GU2 4BB



Guildford Borough Council UNCLASSIFIED INTERNAL

From: Sue Sturgeon
Sent: 18 February 2016 08:40
To: Paul Spooner
Subject: RE:SHMA -- Supporting Reports and Modelling Results [UNC]

Paul that's exactly my point I don't think we can withhold it. I have emailed Neil. Regards sue

From: Paul Spooner
Sent: 18 February 2016 08:15
To: Sue Sturgeon
Subject: RE: SHMA -- Supporting Reports and Modelling Results [UNC]

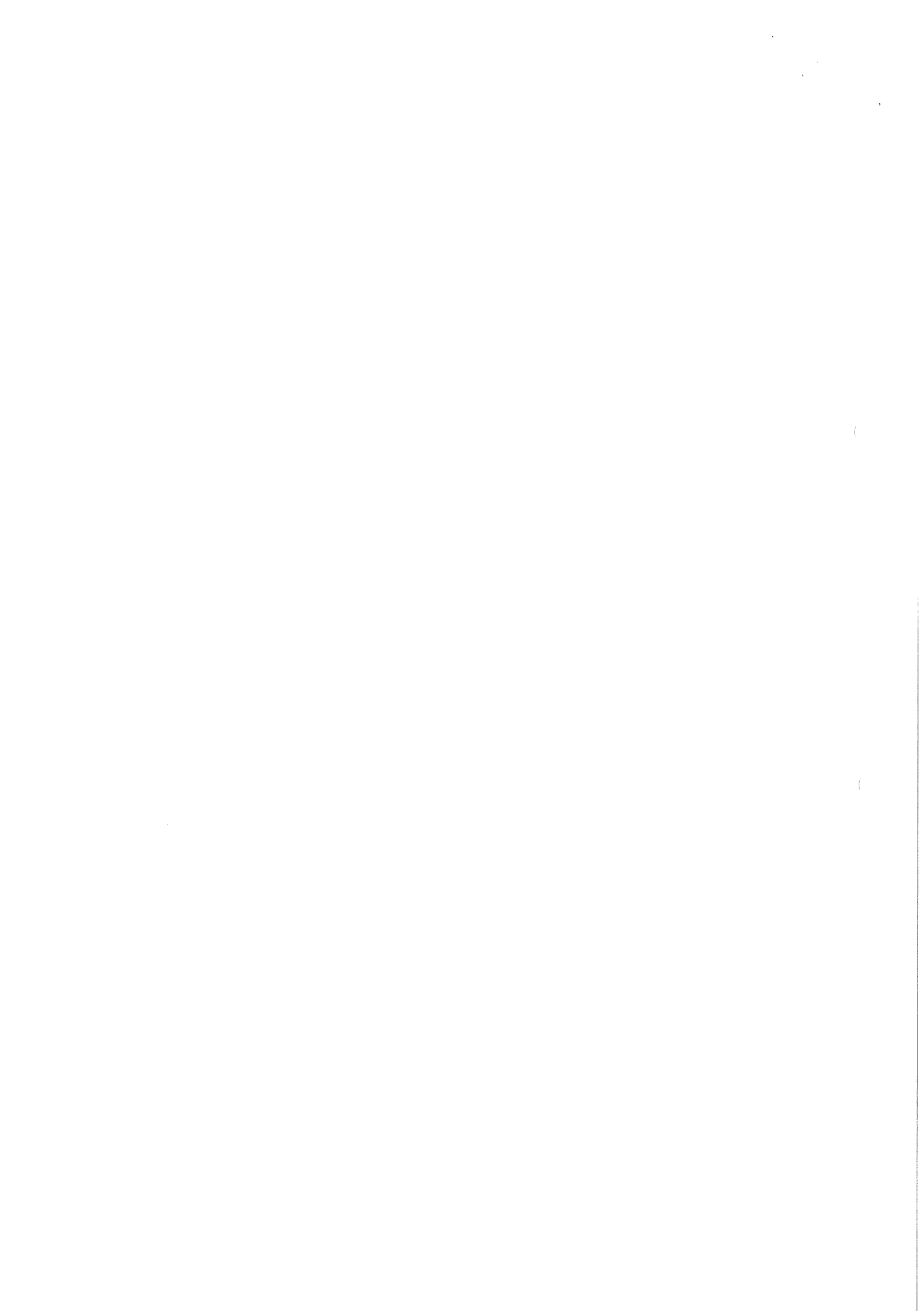
I am more concerned that we are withholding the Experion, Oxford and Cambridge info from him...that makes no sense to me.

The Justin Gardener info is another debate as we apparently don't have it at GBC.

Paul

Cllr Paul Spooner
Leader of the Council
Lead member for Planning and Regeneration
Councillor representing Ash South, Ash Green & Tongham
Conservative Group Leader
Guildford Borough Council

Mobile: -07836-753647



www.guildford.gov.uk

From: Sue Sturgeon
Sent: 18 February 2016 07:54
To: Paul Spooner
Subject: RE:SHMA -- Supporting Reports and Modelling Results [UNC]

Paul thanks. My own view and that is having re read the Council's constitution is that as long as David can demonstrate the need to know principle then the data should be made available to him. Section 5 of the Officer/Member protocol covers the point and it does say that a councillor has a statutory right to inspect any council document which contains material relating to any council business that is to be transacted as Council, Executive etc. The important difference here from the Justin Gardner model is that we have the information!

From: David Reeve
sent: 17 February 2016 17:22
To: Paul Spooner
Subject: RE:SHMA Supporting Reports and Modelling Results [UNC]

Dear Paul,

Thank you for your support in this matter. You should by now have received a copy of my reply to Neil Taylor, and it will be interesting to see what response I get.

Many thanks,
David

From: Paul Spooner
Sent: 04 February 2016 21:48
To: David Reeve
Subject: RE: SHMA -- Supporting Reports and Modelling Results [UNC]

Dear David,

I am supporting your request on the basis of confidentiality and hope this allows you to brief yourself and provide some reassurance.

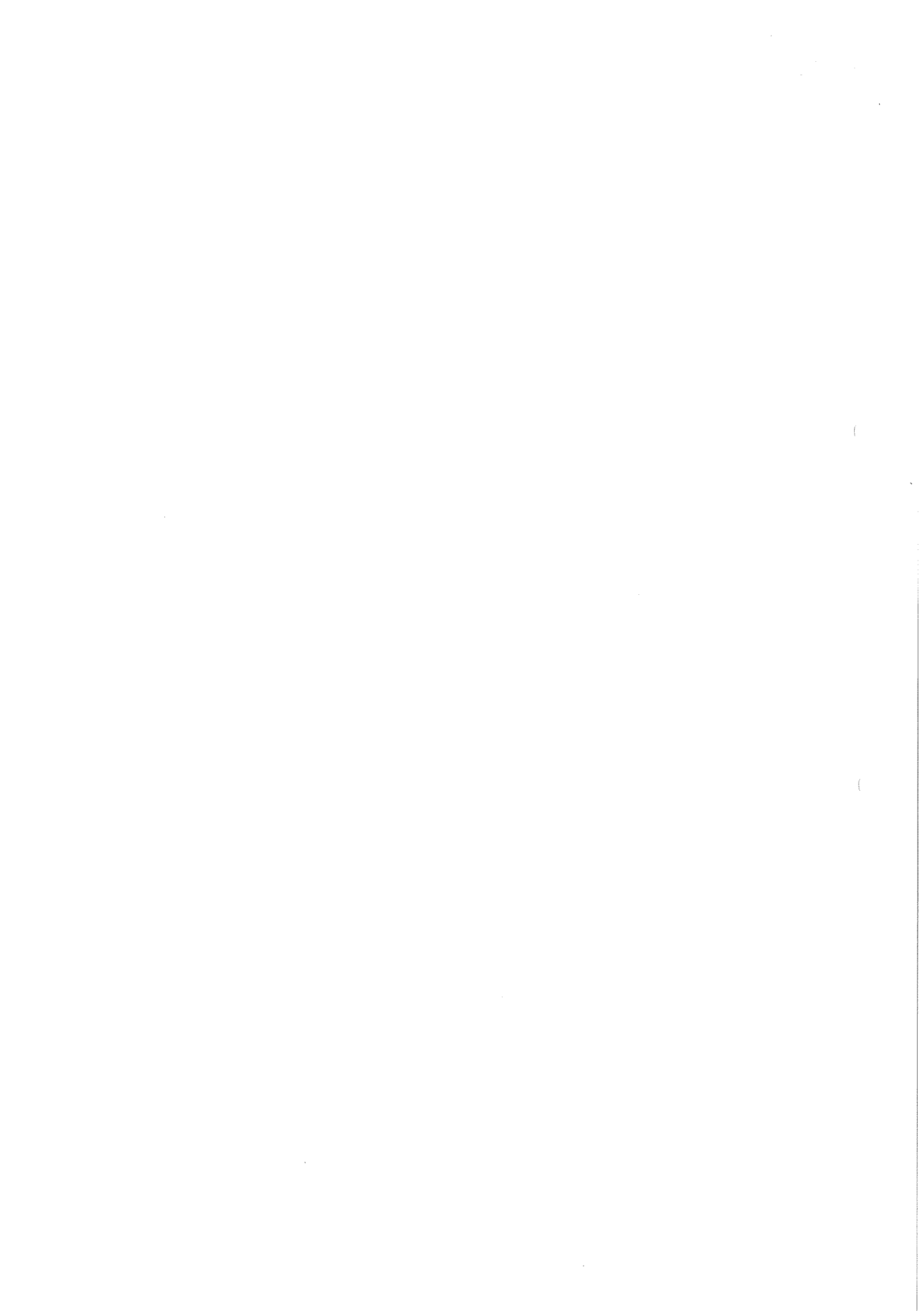
Best regards

Paul

Cllr Paul Spooner
Leader of the Council
Lead member for **Planning and Regeneration**
Councillor representing **Ash South, Ash Green & Tongham**
Conservative Group Leader
Guildford Borough Council

Mobile:-07836-753647

www.guildford.gov.uk



From: Neil Taylor
Sent: 04 February 2016 18:17
To: David Reeve
Cc: Paul Spooner
Subject: RE:SHMA -- Supporting Reports and Modelling Results [UNC]

Dear David,

Further to our recent conversation regarding your information request I can confirm that the information you are requesting is confidential and because of that I would ask you to respond to this email detailing the special reasons why this information to be disclosed to you. You may also have to sign a confidentiality agreement, and I know you have already offered this.

It is also worth reiterating that the Council will not be entering into negotiation or discussions on the SHMA methodology prior to the examination of the local plan by the planning inspectorate. Should you disagree with the SHMA you will need to present your evidence to the inspector at that time.

I look forward to hearing from you.

Regards,

Neil Taylor
Director of Development
Guildford Borough Council
Millmead House, Millmead
Guildford, Surrey
GU2 4BB
T: 01483444550
M: 07855018923
www.guildford.gov.uk

From: David Reeve
Sent: 11 January 2016 15:32
To: Neil Taylor
Cc: Paul Spooner
Subject: SHMA -- Supporting Reports and Modelling Results [UNC]

Dear Mr Taylor,

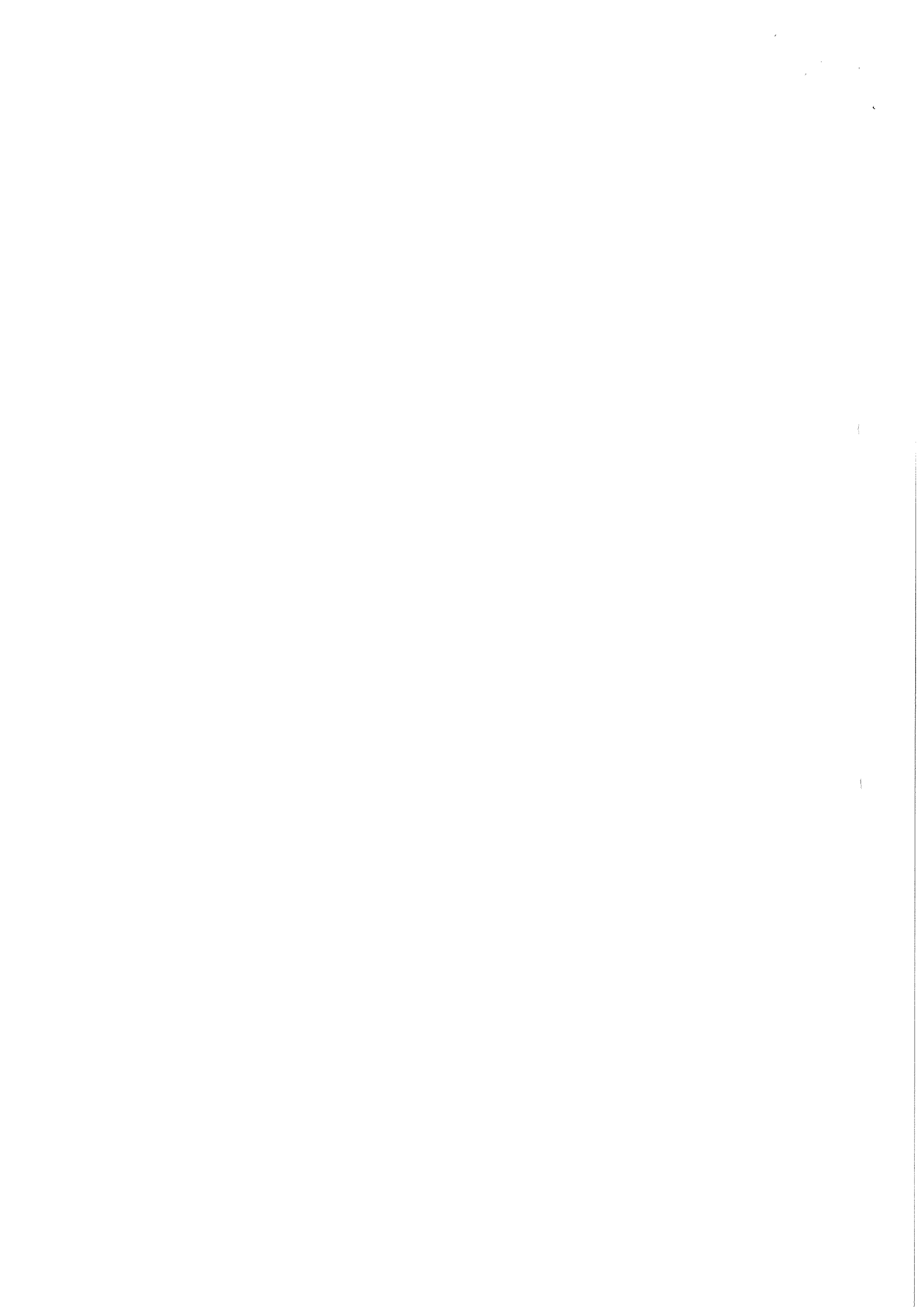
Having read the current issue of the SHMA there are a number of matters that I wish to brief myself on in more detail. I would therefore be grateful if you could please arrange for the following documents to be sent to me:

- a) Economic reports and/or modelling results provided to G L Hearn (possibly via GBC) as follows:
 - Cambridge Econometric Employment Projections, 2015 (Cambridge Econometrics)
 - UK Local Market Forecasts, 2015 (Experian)
 - Local Authority District Forecasting Model, 2015 (Oxford Economics)

- b) The spreadsheet of demographic modelling results produced by Justin Gardner Consulting that was used as the basis of by G L Hearn's demographic projections. (Earlier versions of this Excel workbook were made available to the public in support of previous issues of the SHMA.)

As the documents in (a) above were the subject of previous discussions between Cllr Spooner and myself (most recently at the East Horsley Parish Council Meeting on 7th December last year), I have copied Cllr Spooner on this e-mail for information.

Regards,
David Reeve,



GBC Councillor, Clandon & Horsley

Guildford Borough Council UNCLASSIFIED INTERNAL

Guildford Borough Council UNCLASSIFIED EXTERNAL



E-mail Header	Message Text
<p>From: David Reeve Sent: 08 July 2016 23:02 To: Paul Spooner Cc: Councillors; Sue Sturgeon Subject: Review of the SHMA [UNC]</p>	<p>Dear Cllr Spooner,</p> <p>As you know, some months ago I received copies of the economic data produced by the three external economic modelling organisations who supplied data for the use of GL Hearn / J Gardner in modelling work in support of the SHMA. I also received the results of J Gardner's modelling work in the form of a spreadsheet (with formulae results removed).</p> <p>I have now completed a review of this material, and I attach a report that identifies some shortcomings – particularly (but not exclusively) in the assessment of housing need arising from economic growth. I believe that some of these shortcomings are serious, and when corrected are likely to have a significant effect on the OAN. I also note that over the duration of the Local Plan the result of the recent EU referendum is likely to have an effect on both the levels of migration into Guildford, and on the overall rate of growth of the UK economy, both of which would inevitably affect the objectively assessed housing need (OAN).</p> <p>The attached document lists a number of conclusions regarding the derivation of the OAN, some of which lead to specific recommendations for an update to the SHMA. I appreciate that the document is relatively dense, and I would be happy to meet to discuss its contents at an early date. Either way, I would appreciate your response to this work as a matter of some urgency.</p> <p>[Explanatory note added by D Reeve in this summary document of e-mails written about the SHMA Report: The attached file referenced in the paragraph above is "A Review of the Guildford Objectively Assessed Housing Need, VI.O", July 2016, David Reeve (Guildford OAN Review VI.O.docx).]</p> <p>As these matters are an important consideration in the evolution of the draft Local Plan, and as the consultation is due to expire in just over a week, I am taking the unusual step of circulating the document to parishes and residents' associations so that residents can be aware of its conclusions when they consider their response to the consultation.</p> <p>Tours sincerely, David Reeve</p>
<p>From: David Reeve Sent: 08 July 2016 23:04 To: Albury & Compton Parish Councils; Artington Parish Council; Ash Parish Council; Albury & Compton Parish Councils; East Clandon Parish Council;</p>	<p>Dear Clerk or Chairman of Residents,</p> <p>I attach a copy of an e-mail that I have sent today to the Council Leader, Cllr Paul Spooner, enclosing a report that I have produced on the SHMA's derivation of Guildford's objectively assessed housing need (OAN). The report contains observations on the work done in the SHMA that I believe justifies a detailed examination of the SHMA, and the correction of a number of faults in the derivation of the OAN.</p>

E-Mails re Cllr D Reeve's Report

<p>East Horsley Parish Council; Effingham Parish Council; Normandy Parish Council; Ockham Parish Council; Pirbright Parish Council; Puttenham Parish Council; Ripley Parish Council; Seale & Sands Parish Council; Send Parish Council; Shackleford Parish Council; Shalford Parish Council; Shere Parish Council; 'clerk@stmarthaparishcouncil.co.uk.'; Tongham Parish Council; Wanborough Parish Council; West Clandon Parish Council; West Horsley Parish Council; Worplesdon Parish Council; 'amanda@pajm. co.uk'; 'chair@guildfordresidents.co.uk'; 'chair@egra.org .uk'; 'secretary@egra.org.uk'; 'info@effinghamresidents.org'; Dean, Chris; 'chairman@merrowresidents.org'; 'secretary@BurphamCA.org.uk' Subject: FW:Review of the SHMA [UNC]</p>	<p>[Explanatory note added by D Reeve in this summary document of e-mails written about the SHMA Report: The attached file referenced in the paragraph above is "A Review of the Guildford Objectively Assessed Housing Need,VI.O", July 2016, David Reeve (Guildford OAN Review VI.O.docx).]</p> <p>As the end of the draft Local Plan consultation is approaching, I have taken the decision to circulate this report to Parishes and to Residents Associations so that residents can be made aware of its contents,and can take it into account when responding to the consultation, should they so wish.</p> <p>This report is available for free further distribution,and I would be grateful if you could circulate it further to residents association with whom you have connections but who don't appear in the distribution list of this e-mail.</p> <p>Regards, David Reeve GBC Councillor, Clandon & Horsley Ward</p>
<p>From: Paul Spooner Sent: 09 July 2016 13:50 To: David Reeve Cc: Councillors; Satish Mistry; Sue Sturgeon Subject: FW:FW:SHMA information for Cllr Reeve [UNC] Importance: High</p>	<p>Dear Cllr Reeve,</p> <p>I am releasing the email exchanges {Feb/March 2016) following your decision to release a SHMA report {23.02 8/7/16) in your capacity as Councillor where you have stated:</p> <p>"As these matters are an important consideration in the evolution of the draft Local Plan, and as the consultation is due to expire in just over a week, I am taking the unusual step of circulating the document to parishes and residents' associations so that residents can be aware of its conclusions when they consider their response to the consultation."</p> <p>In the document you are circulating outside the council without any opportunity for discussion within the council prior to your action you state:</p> <p>"I will provide a copy of the model to any local organisation or group (including Guildford Borough Council), with a free licence for non-commercial use, for the specific purpose of research or investigation into the housing needs of Guildford borough in support of the current Local Plan. This should achieve the dual aim of exposing the modelling</p>

to external examination to ensure that its outputs are reliable, and of providing an accessible tool by which interested parties in Guildford can probe the assumptions and data inherent in the current draft of the SHMA."

I find it extremely disappointing that you have taken this action when you asked me to extend trust and confidentiality to you and Officers were convinced by my argument for openness and transparency within the Council (as you are an elected member) and you have repaid my trust in this shabby way.

In any event Officers will now have to divert attention and put all efforts into reviewing your report given the very likely attention it will draw in the media given your decision to treat Council process, Councillors and Officers with apparent contempt by issuing your report into the public domain at the same time as circulating internally.

I thought better of you.

Email exchanges from March below:

Paul

Cllr Paul Spooner
Leader of the Council
Portfolio responsibility for Planning and Regeneration
Councillor representing Ash South, Ash Green & Tongham
Guildford Borough Council

From: David Reeve
Sent: 01 March 2016 21:17
To: Paul Spooner
Subject: FW: FW:SHMA information for Cllr Reeve [UNC]

Paul,

Thank you for your assistance in getting access to this information.

Regards,
David
Cllr David Reeve,

(Clandon & Horsley)

-----Original Message-----

From: David Reeve

Sent: Tuesday, March 01, 2016 12:54 PM GMT Standard Time

To: Neil Taylor

Subject: RE: FW:SHMA information for Cllr Reeve [UNC]

Neil,

Many thanks -- it looks like I will have plenty of happy reading!!

Regards,

David

Cllr David Reeve,

(Clandon & Horsley)

-----Original Message-----

From: Neil Taylor

Sent: Tuesday, March 01, 2016 12:45 PM GMT Standard Time

To: David Reeve

Subject: FW:SHMA information for Cllr Reeve [UNC]

Hello David,

Your bedtime reading is attached .

Best regards N

Neil Taylor

Director of Development

Guildford Borough Council

From: Laura Howard

Sent: 01 March 2016 12:15

To: Neil Taylor
Cc: Stuart Harrison
Subject: SHMA information for Cllr Reeve [UNC]

Dear Neil,

Further to the recent request by Cllr David Reeve to provide the economic projections alongside the outputs of the SHMA model, please find these attached. I have included below some commentary regarding the outputs of the model which should accompany the SHMA spreadsheet. Justin also said the following which you may or may not choose to include in your email to Cllr Reeve: *Can I finally reiterate that this data is provided in good faith and I am as always happy to discuss elements of the analysis and assumptions with any interested party at any time. Can anyone having access to this information be reminded that they are not to make any libellous comments (e.g. on social media). I will not hesitate to take appropriate legal action if necessary and will seek to recover all costs from any person who attempts to undermine my professional reputation with regard to the work I have carried out in Guildford and across the Country.*

Finally I've put in a sentence at the end reminding him about the confidentiality of the economic projections.
Thanks, Laura

For the SHMA spreadsheet there are three tabs:

1. Baseline demographic projection (12_b) – this links to the assumptions in the 2012-based subnational population projections (SNPP) and 2012-based CLG household projections. It is not identical to those projections as it also includes population data for mid-2013 (which does very slightly change some of the outputs moving forward (in a downward direction in the case of Guildford)
2. Main economic based projection (17700) -this seeks to look at the overall level of population growth (and hence household growth/housing need) if the resident workforce were to increase sufficiently to fill 17,700 additional jobs. This projection also takes account of commuting and double jobbing (as set out in the SHMA report)
3. Improving affordability {17700_MS} – the final projection uses exactly the same population inputs as the previous one but adjusts some of the headship rate figures to increase the number of households aged 25-

34; the methodology for this is set out in the SHMA report

Additionally, it should be noted that the SHMA includes an uplift for student growth; this is not a modelled scenario and therefore no spreadsheet is provided.

In terms of the spreadsheets; these contain all of the information that anyone would require to cross-check the data in the SHMA. In some cases, some additional analysis would be needed to find those outputs (for example the spreadsheets do not include data on the uplift for vacant dwellings – this is simply calculated by multiplying household growth by 1.042; again this is all set out in the SHMA report).

Also, it should be noted that the spreadsheets provided do not contain the 'formulae' as this is commercially sensitive.

That said, all of the information that anyone could want is contained within the spreadsheets and it should be remembered that demographic models are in principle quite simple things (population change is simply births minus deaths plus in-migration minus out-migration – all of this information is contained within the spreadsheets).

That said, it should be noted that the core demographic data is built up from data provided by ONS and this can all be found from the following link:

<http://webarchive.nationalarchives.gov.uk/20160105160709/http://www.ons.gov.uk/ons/publications/reference-tables.html?editon=tcm%3A77-335242>

Hopefully the data is sufficiently labelled to allow anyone to understand what the figures are. The more detailed information (from about row 144 onwards) is split by sex; male data is on the left and female data to the right.

It is also worth noting that the ONS projections include a consolidation factor which adjusts some age/sex groups to ensure at a national level that all subnational projections add up to national projections. ONS do not publish these consolidation factors but it is possible through the modelling to work these out. This modelling has been done (specifically for Guildford) and these factors have been applied consistently across all projections. What this means is that adding up natural change and net migration does not exactly match the level of population growth shown by ONS. In the case of Guildford, the consolidation actually reduces population growth slightly (by 12-16 people per annum) – differences can also be seen for individual age/sex groups and does seem to disproportionately impact on student age groups (this is not a unique situation in Guildford). For this reason the data does not add up – THIS IS

NOT AN ERROR.

I'm also attaching the three different economic projections that have been used to inform the level of jobs growth over the plan period. Please note that these are commercially sensitive and must not be shared.

Laura Howard
Principal Planning Officer (Policy)
Planning Services

From: Sue Sturgeon
Sent: 18 February 2016 08:40
To: Paul Spooner
Subject: RE:SHMA -- Supporting Reports and Modelling Results [UNC]

Paul that's exactly my point I don't think we can withhold it. I have emailed Neil. Regards sue

From: Paul Spooner
Sent: 18 February 2016 08:15
To: Sue Sturgeon
Subject: RE: SHMA -- Supporting Reports and Modelling Results [UNC]

I am more concerned that we are withholding the Experian, Oxford and Cambridge info from him...that makes no sense to me.

The Justin Gardener info is another debate as we apparently don't have it at GBC.

Paul

Cllr Paul Spooner
Leader of the Council
Portfolio responsibility for Planning and Regeneration
Councillor representing Ash South, Ash Green & Tongham
Guildford Borough Council

From: Sue Sturgeon
Sent: 18 February 2016 07:54
To: Paul Spooner
Subject: RE:SHMA -- Supporting Reports and Modelling Results [UNC]

Paul thanks. My own view and that is having re read the Council's constitution is that as long as David can demonstrate the need to know principle then the data should be made available to him. Section 5 of the Officer/Member protocol covers the point and it does say that a councillor has a statutory right to inspect any council document which contains material relating to any council business that is to be transacted as Council, Executive etc. The important difference here from the Justin Gardner model is that we have the information!

From: David Reeve
Sent: 17 February 2016 17:22
To: Paul Spooner
Subject: RE:SHMA -- Supporting Reports and Modelling Results [UNC]

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David

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To: David Reeve
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Paul

Cllr Paul Spooner
Leader of the Council

Portfolio responsibility for Planning and Regeneration
Councillor representing Ash South, Ash Green & Tongham
Guildford Borough Council

From: Neil Taylor
Sent: 04 February 2016 18:17
To: David Reeve
Cc: Paul Spooner
Subject: RE:SHMA -- Supporting Reports and Modelling Results [UNC]

Dear David,

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It is also worth reiterating that the Council will not be entering into negotiation or discussions on the SHMA methodology prior to the examination of the local plan by the planning inspectorate. Should you disagree with the SHMA you will need to present your evidence to the inspector at that time.

I look forward to hearing from you.

Regards,

Neil Taylor

	<p>Director of Development Guildford Borough Council</p> <p>From: David Reeve Sent: 11 January 2016 15:32 To: Neil Taylor Cc: Paul Spooner Subject: SHMA -- Supporting Reports and Modelling Results [UNC]</p> <p>Dear Mr Taylor,</p> <p>Having read the current issue of the SHMA there are a number of matters that I wish to brief myself on in more detail. I would therefore be grateful if you could please arrange for the following documents to be sent to me:</p> <ul style="list-style-type: none">a) Economic reports and/or modelling results provided to G L Hearn (possibly via GBC) as follows:<ul style="list-style-type: none">- Cambridge Econometric Employment Projections, 2015 (Cambridge Econometrics)- UK Local Market Forecasts, 2015 (Experian)- Local Authority District Forecasting Model, 2015 (Oxford Economics) b) The spreadsheet of demographic modelling results produced by Justin Gardner Consulting that was used as the basis of by G L Hearn's demographic projections. (Earlier versions of this Excel workbook were made available to the public in support of previous issues of the SHMA.) <p>As the documents in (a) above were the subject of previous discussions between Cllr Spooner and myself (most recently at the East Horsley Parish Council Meeting on 7th December last year), I have copied Cllr Spooner on this e-mail for information.</p> <p>Regards, David Reeve, GBC Councillor, Clandon & Horsley</p>
<p>From: David Reeve Sent: 10 July 2016 23:53 To: Paul Spooner Cc: Councillors· Sue Sturgeon· Satish</p>	<p>Dear Cllr Spooner,</p> <p>I would like to clarify a few points that I think you may have misunderstood when you wrote your e-mail</p>

Mistry
Subject: RE:FW:SHMA information for Cllr Reeve[UNC]
Importance: High

(below). Let me provide a little more information regarding some of the points in your message:

1. Firstly, as you know, it took a deal of persuasion and e-mails (by both you and me) to overcome what appeared to be resistance by an officer (or possibly officers) to the release of data that I had requested (ie. (i) three reports originally provided by Experian, Cambridge Econometrics and Oxford Economics, and (ii) the spreadsheet model used by J Gardner that supported the conclusions in the SHMA). I appreciated your support then, and I still appreciate that support and am happy to acknowledge it.
2. The yellow highlighting that you have marked up in the exchanges that you attached to your e-mail would imply to any reader of your message that I have not respected the confidentiality that was part and parcel of the discussion related to the release of information. I don't believe that is true for the following reasons:
 - a) The documents (ie.the four spreadsheets) have remained in my account on the GBC server at all times and are still there. The same applies to all technical work that I undertook on those documents. At no time did I copy any of them on to any other location, nor did I ever print them.
 - b) Included within the extracts that you appended to your e-mail is the statement from J Gardner that *"demographic models are in principle quite simple things (population change is simply births minus deaths plus in-migration minus out-migration"*. (I have highlighted this in green in your attachments below so that you can readily read the full context.) I agree with Gardner's statement; indeed I was able to develop my own model from first principles using publically-sourced data from DCLG that is capable of exactly matching DCLG's results for both population and for households. In addition, by using data that was already published in the West Surrey SHMA, it was also possible to obtain results from my model so that I could carry out a sanity check of the SHMA results in respect of housing demand arising from demographic and economic growth. Nothing in this process involved data that had been provided to me as a councillor; everything was available from existing public sources.
[Explanatory note added by D Reeve in this summary document of e-mails written about the SHMA Report: In order to avoid unnecessary repetition of a lengthy e-mail thread,the green highlighting referenced in the paragraph above has been applied to the thread included under Cllr Spooner's email dated 09 July 2016 13:50, which is listed above. The yellow highlighting in that thread was applied by Cllr Spooner.]
 - c) My report of the work described in (b) above challenged various aspects of the SHMA's conclusions, and in particular raised criticisms not so much of the modelling procedure, but rather of the data that had been used to drive the models, and as such, there was considerable discussion of that

data. I have taken the trouble to examine my report and I have identified the source of every element of data that I quoted. These sources are documented in the form of Word comments in the attached file (which also includes corrections of two typos in the Appendix). You will see that in almost every case the data came from a public source or my own calculations, but there are just a few exceptions {that I have emphasised in the attached file with red text and yellow highlighting for your convenience):

[Explanatory note added by D Reeve in this summary document of e-mails written about the SHMA Report: The attached file referenced in the paragraph above is "A Review of the Guildford Objectively Assessed Housing Need, VI.1", July 2016, David Reeve (Guildford OAN Review VI.1.docx).]

- (i) Comment 022 – See (ii) below; this refers to exactly the same data.
- (ii) Comments 033,035 & 037 – These refer to the number of jobs estimated by the three providers of economic data for 2013 and for 2033. The figures for 2013 are historic and can hardly be considered as a state secret. The figures for 2013 were taken from the providers' reports, but need not have been; Appendix F of the SHMA provides enough information to calculate the annual percentage rates of growth for each individual data provider (as in fact appears in pencil on the page margin in my copy of the SHMA, and which I calculated in autumn last year, long before the full data was provided to me). Using the 2013 figures with these growth rates enables the 2033 figures to be calculated.
- (iii) Comment 043 – These are figures that I calculated from the reports of the three providers of economic data. They are percentages of the growth of construction jobs (relative to total job growth), and I cannot conceive of anyone seriously regarding this as a breach of confidentiality.

3 Regarding the paragraph in my e-mail that you quoted ("*As these matters are an important consideration in the evolution of the draft Local Plan, and as the consultation is due to expire in just over a week, I am taking the unusual step of circulating the document to parishes and residents' associations so that residents can be aware of its conclusions when they consider their response to the consultation.* "), I think we will have to agree to differ when you describe my behaviour as shabby. I said that it was an unusual step because it was indeed an unusual step – and I was explicitly acknowledging that; were it not for the forthcoming closure of the consultation, I would certainly not have publicised my report in this way. However, the reality is that I have carried out a piece of work, over which I have expended considerable effort and care, that I believe has important implications on the credibility of the SHMA. Moreover, it has been crystal clear for many months that there is no appetite whatsoever within the Council to examine the SHMA – despite it being the single document with the greatest impact on borough residents. Had I issued it internally first, there was zero

likelihood that the Council would complete its deliberations in time for residents to be notified early enough to include this matter in their responses to the current consultation, and I took the view that residents had a legitimate interest in that information during a formal consultation. Had you been in the same situation, I strongly suspect that you would have reached the same conclusion as me.

For completeness, I should add that this work took me somewhat longer than I had anticipated; however for the avoidance of doubt, I can categorically state that I had no intention whatsoever of managing or manipulating the timescale of the work in order to engineer the circumstances discussed in the previous paragraph. Notwithstanding that however, I confirm again (as I have stated orally or in writing on (I think) at least three occasions since becoming a councillor) that I am a strong adherent to the "many eyes principle". The fact is, in almost every field of endeavour, a better quality more reliable result can be achieved by exposing work for others to review, than can be achieved by restricting discussion and transparency.

4. As regards your other quote from the Appendix to my report ("*I will provide a copy of the model to any local organisation or group (including Guildford Borough Council), with a free licence for non-commercial use, for the specific purpose of research or investigation into the housing needs of Guildford borough in support of the current Local Plan. This should achieve the dual aim of exposing the modelling to external examination to ensure that its outputs are reliable, and of providing an accessible tool by which interested parties in Guildford can probe the assumptions and data inherent in the current draft of the SHMA.*") I am completely puzzled what caused offence here. This model was one that I developed myself using public sources of data only; from my viewpoint it would have been bizarre in the extreme if I had not made it available to the Council. I can only assume that you might take a different view from me regarding the utility of the many eyes principle, so you might perhaps have chosen not to distribute it more widely. If so, I suggest that you consider the dramatic improvements in the safety of civil aviation over the past 60 years or so; without a willingness to expose work for review we would still be killing large numbers of passengers in avoidable air accidents.
5. Finally, I would ask you to withdraw the comment in your last paragraph that I treated Council process, Councillors and Officers with apparent contempt. I don't think this is true (see paragraph 3 above). Even if it was true, it would only be matching the position of the Council vis-a-vis the very many residents who have called, and are still calling, for a review of the SHMA. In connection with this I think it is enlightening to quote a paragraph from my correspondence with Neil Taylor when I was originally trying to get hold of the documents referred to in paragraph 1 above:

"Finally, I find it very odd that you say that *'the Council will not be entering into negotiation or discussions on the SHMA methodology prior to the examination of the local plan by the planning inspectorate'*. We are all human, and it is abundantly clear that mistakes can be made and sometimes are made. It is strange indeed that on one hand the instinct of GBC as an organisation seems to be to question the need for review and transparency – even by its own Councillors – when on the other hand the SHMA seems to be accepted as gospel simply on the basis of GL Hearn's reputation and without any apparent desire to examine it in detail. Would your statement continue to be applied if it turned out that there was indeed an error in the SHMA? If so, I struggle to think what Guildford residents would make of that position."

He never replied. That says it all.

In my previous e-mail I said that I would be happy to meet to discuss the contents of the report. I would still be happy to do so.

Regards,
David

From: Paul Spooner
Sent: 11 July 2016 07:49
To: David Reeve
Cc: Councillors; Sue Sturgeon; Satish Mistry
Subject: RE:FW:SHMA information for Cllr Reeve [UNC]

Cllr Reeve,

I think I will refrain from further comment until the legal review of your action is completed except to say I don't 'buy' into your 'in public interest' decision to go public prior to giving the council a chance to review and respond at all, particularly as I have already stated that the SHMA will be reviewed post consultation due to Brexit.

Meanwhile I note the many comments on social media relating to the 'destruction' of the Guildford Local Plan / SHMA by an independent consultant – you!

Why are people not naming you and referring to you as an independent consultant? I wonder.

Shabby in every way.

Paul

Cllr Paul Spooner
Leader of the Council

	<p>Portfolio responsibility for Planning and Regeneration Councillor representing Ash South, Ash Green & Tongham Guildford Borough Council</p>
<p>From: David Reeve Sent: 11 July 2016 08:17 To: Paul Spooner Cc: Councillors; Sue Sturgeon; Satish Mistry Subject: RE:FW:SHMA information for Cllr Reeve [UNC] Importance: High</p>	<p>Dear Cllr Spooner,</p> <p>I am not, and I have never passed myself off, as an independent consultant in this matter. I produced a report with my name on the front, followed by my GBC e-mail address, and I said quite clearly in the Introduction that I was a Guildford Councillor. Moreover, I have listened to the many residents in my ward and elsewhere in the borough who are very uncomfortable and very critical of the Council for failing to carry out any credible examination of the SHMA since its publication last autumn. Accordingly I took it upon myself to do the work that should have been done by the Council, and I published it for the benefit of the residents whom I represent, and I explicitly told you that I had done so.</p> <p>I do not engage in social media of any kind. I have no Facebook account; no Twitter account; no Streetlife account; no Instagram account; no Whatsapp account; no presence whatsoever on social media. Nor have I sought to marshal or manipulate those channels in any way at all. The sole channel that I use is e-mail. I have no idea what others may be saying on those channels, and you are comprehensively wrong when you imply otherwise. If contributors to those channels are referring to an independent consultant, I suggest that you start looking for an independent consultant – it is not me.</p> <p>You have traduced me, and I would appreciate an apology.</p> <p>Regards, David</p>
<p>From: Colin Cross Sent: 11 July 2016 08:55 To: Paul Spooner; David Reeve Cc: Councillors; Sue Sturgeon; Satish Mistry Subject: RE: RE:FW:SHMA information for Cllr Reeve [UNC]</p>	<p>Dear Paul</p> <p>I am surprised that the news has not yet reached you of the imminent publication of a report which is an in depth Analysis of the GBC/JLH SH.MA calculation. It's author is Neil McDonald of NM Strategic Solutions Ltd.</p> <p>As you may be aware, I am very keen that GBC review its SH.MA post Brexit , so I am pleased to hear you have this in mind to do after the consultation closes. I am puzzled by your wording that you "have already stated" this. I can find no formal GBC announcement to this effect in recent weeks ,but maybe I missed it so would be pleased if you could point me in the direction of its origination ?</p> <p>Regards</p>

<p>From: Paul Spooner Sent: 11 July 2016 09:07 To: Colin Cross; David Reeve Cc: Councillors; Sue Sturgeon; Satish Mistry Subject: RE:RE:FW:SHMA information for Cllr Reeve [UNC]</p>	<p>Colin Cross</p> <p>Dear Cllr Cross,</p> <p>I have no knowledge of NM Strategic Solutions Ltd and despite your inference I checked with three post authors on social media who all referenced the excellent work of Cllr Reeve, so that is a different matter.</p> <p>I suggest you talk to your Group Leader who will confirm my position in relation to the SHMA.</p> <p>Paul</p> <p>Cllr Paul Spooner Leader of the Council Portfolio responsibility for Planning and Regeneration Councillor representing Ash South, Ash Green & Tongham Guildford Borough Council</p>
<p>From: Colin Cross Sent: 11 July 2016 09:29 To: Paul Spooner; David Reeve Cc: Councillors; Sue Sturgeon; Satish Mistry Subject: RE: RE:RE:FW:SHMA information for Cllr Reeve [UNC]</p>	<p>Thank you for the clarification and it would seem that we have not one but two excellent reports in circulation on the topic of GL Hears SHMA Report , well they say you can't have too much of a good thing !</p> <p>More seriously , I nor any of my many local contacts have yet seen Cllr Reeves report so cannot comment on it. However , a growing number have read the final draft of the NM study and are mightily impressed ,so there is an obvious confusion developing. Hopefully you will be in receipt of the NM study shortly and it may clarify things.</p> <p>Best Regards Colin</p>
<p>From: Paul Spooner Sent: 16 July 2016 12:12 To: Colin Cross; Sue Sturgeon; Satish Mistry; Councillors Cc: Carolyn Patterson Subject: RE:Post Brexit SHMA Review Non-Annoucement [UNC]</p>	<p>Dear Cllr Cross,</p> <p>I have just picked this up as I was at Farnborough Airshow with my em3 LEP Board 'hat' on yesterday.</p> <p>I have asked Satish to look into this and he will do so on Monday.</p> <p>I will forward the agreed PR that should have gone to media directly from Coverdale Barclay (it did) and to Councillors and as a GBC PR by Comms (it hasn't!) and I suspect the breakdown in comms (sic!) is due to Carolyn Patterson being on vacation.</p> <p>I will now go and purchase a Surrey Ad!</p>

	<p>Regards Paul</p> <p>Cllr Paul Spooner Leader of the Council Portfolio responsibility for Planning and Regeneration Councillor representing Ash South, Ash Green & Tongham Guildford Borough Council</p>
<p>From: Paul Spooner Sent: 16 July 2016 12:17 To: Councillors Subject: FW:RE:Alternative SHMA models [UNC]</p>	<p>As per my previous email please see below the approved release (including requested amendment by Planning Policy)</p> <p>Regards Paul</p> <p>Cllr Paul Spooner Leader of the Council Portfolio responsibility for Planning and Regeneration Councillor representing Ash South, Ash Green & Tongham Guildford Borough Council</p> <p>From: Laura Howard [mailto:Laura.Howard@guildford.gov.uk] Sent: 13 July 2016 09:09 To: Robert Gibb; Paul Spooner; Matt Furniss; Tony Rooth; Stuart Harrison; Heather Sandall; Tanya Mankoo-Flatt; Catherine Abraham Cc: Sue Sturgeon; Anna Coverdale Subject: RE:RE:Alternative SHMA models [UNC]</p> <p>Hi Rob,</p> <p>If not too late could you add in the highlighted?</p> <p>Following the Brexit vote, and the publication of the new 2014-based population and household projections, we will revisit both the SHMA and the Employment Land Needs Assessment (ELNA) prior to the submission of the Local Plan to the Secretary of State. This will ensure the evidence underpinning the Plan is both robust, up to date and accurate.</p>

See you at the meeting.
Thanks, Laura

From: Robert Gibb [mailto:robert@coverdalebarclay.com]

Sent: 13 July 2016 08:56

To: Paul Spooner; Matt Furniss; Tony Rooth; Stuart Harrison; Heather Sandall; Tanya Mankoo-Flatt; Catherine Abraham

Cc: Sue Sturgeon; Laura Howard; Anna Coverdale

Subject: RE:Alternative SHMA models [UNC]

Paul

Yes, I'll issue it this morning before our meeting.

regards

Robert

Robert Gibb

account director

Coverdale Barclay

From: Paul Spooner

Sent: Wednesday 13 July 7:51 AM

Subject: RE:Alternative SHMA models [UNC]

To: Robert Gibb, Matt Furniss, Tony Rooth, Stuart Harrison, Heather Sandall, Tanya Mankoo-Flatt, Catherine Abraham

Cc: Sue Sturgeon, Laura Howard, Anna Coverdale

Can we get this out asap please.

Following the comms breakdown and the removal of the Leaders statement last night the Surrey Ad are chasing for an update .

Paul

Cllr Paul Spooner

Leader of the Council

Portfolio responsibility for Planning and Regeneration

Councillor representing Ash South, Ash Green & Tongham

Guildford Borough Council

From: Robert Gibb [<mailto:robert@coverdalebarclay.com>]

Sent: 12 July 2016 16:57

To: Paul Spooner; Matt Furniss; Tony Rooth; Stuart Harrison; Heather Sandall; Tanya Mankoo-Flatt; Catherine Abraham

Cc: Sue Sturgeon; Laura Howard; Anna Coverdale

Subject: RE: Alternative SHMA models

Thanks Laura

Now reads

Cllr Paul Spooner, Leader of Guildford Borough Council, said: "We're aware of alternative housing assessments put together by Cllr David Reeve and the Guildford Greenbelt Group and by Neil McDonald and the Guildford Residents Association. Input from everyone is welcomed during the public consultation period into the draft Local Plan.

Our borough faces a housing crisis due to a serious shortage of smaller and more affordable homes. Our Strategic Housing Market Assessment (SHMA) reflects this shortfall. Any alternative housing models must also address this crisis otherwise lower-paid people, including essential workers such as teachers, nurses, police officers and carers, will still not be able to afford to live in this borough. We must balance the needs of all, not just a minority.

Following the Brexit vote, and the publication of the new 2014-based population and household projections, we will revisit both the SHMA and the Employment Land Needs Assessment (ELNA) prior to the submission of the Local Plan to the Secretary of State. This will ensure the evidence underpinning the Plan is both robust and accurate.

The SHMA is important to correctly assess our housing needs. However, the Local Plan covers many subjects across the whole borough such as retaining and creating jobs, addressing transport and infrastructure needs, educating future generations and protecting our culture, heritage and countryside. We will need to consider what implications any alternative assessment of housing needs has on these aspects too.

We will look at alternatives with interest so the Local Plan balances the needs of everyone who lives, works or visits the town, villages and countryside in Guildford borough."

Regards

Rob

E-mail Header	Message Text
<p>From: Satish Mistry Sent: 18 July 2016 15:20 To: David Reeve Cc: Chris Guy Subject: Formal Complaint [UNC]</p>	<p>Dear David,</p> <p>I have received a formal Complaint from the Leader in relation to potential release of information involving the SHMA.</p> <p>As part of the process set out in the Constitution, Part 5, I am currently reviewing the elements of the Complaint and will need to take a decision as to whether it merits formal Investigation. In doing so, I am also consulting an Independent person.</p> <p>To assist in my Determination, I would grateful for a short discussion over the next two days.</p> <p>When would be convenient for you to attend my office?</p>
<p>From: David Reeve Sent: 19 July 2016 08:45 To: Satish Mistry Cc: Chris Guy Subject: RE:Formal Complaint [UNC]</p>	<p>Dear Satish,</p> <p>I would be happy to meet concerning this matter. However, as you describe this as a "formal Complaint",before we fix a time for a meeting would you please be kind enough to send me:</p> <ul style="list-style-type: none"> a) Cllr Spooner's original written complaint. b) All relevant documenta tion in support of his assertion(s) . c) The complete "charge sheet" . <p>Thank you, David</p>
<p>From: Frances Lee Sent: 21 July 2016 16:13 To: David Reeve Cc: Satish Mistry Subject: Letter to Cllr D Reeve [UNC]</p>	<p>Dear Cllr Reeve</p> <p>Please see attached letter sent on behalf of Satish Mistry.</p> <p>Kind regards FrancesLee PA to Managing Director and Corporate Management Team</p> <p>[Explanatory note added by D Reeve in a letter this summary document of e-mails written about Cllr Spooner's complaint: The "attached letter" referenced above is the letter from Satish Mistry to David Reeve, 21/07/2016 (Reeve,Cllr D ltr 21July 2016.pdf) .]</p>
<p>From: David Reeve Sent: 21 July 2016 22:05 To: Satish Mistry Cc: Frances Lee Subject: RE:Letter to Cllr D Reeve ruNCI</p>	<p>Satish,</p> <p>Thank you for your letter sent by e-mail.</p> <p>I can't do Thursday,but am free for virtually all of Wednesday next week (27th July). Perhaps you would like to</p>

	<p>suggest a time.</p> <p>I have looked for the Code of Conduct on the intranet, and have found a version that appears to be part of a Council agenda and is annotated as "COUNCIL – 5 JULY 2012 (APPENDIX 1). Could you please confirm that this is the current version, or alternatively send me the current document or a link to it.</p> <p>Many thanks, David</p>
<p>From: Frances Lee Sent: 22 July 2016 14:39 To: David Reeve Cc: Satish Mistry Subject: RE:Letter to Cllr D Reeve [UNC]</p>	<p>Dear Cllr Reeve</p> <p>Thank you for your email.</p> <p>I can confirm that the most recent version of the Councillors' Code of Conduct came into effect on 5 July 2012.</p> <p>Would you be able to come into the office on Wednesday, 27 July at 3pm?</p> <p>I look forward to hearing from you.</p> <p>Regards Frances</p>
<p>From: David Reeve Sent: 24 July 2016 17:30 To: Satish Mistry Cc: Frances Lee Subject: RE:Letter to Cllr D Reeve [UNC]</p>	<p>Satish,</p> <p>I am having trouble understanding precisely what is going on, and I hope that you can help.</p> <p>Your first e-mail on this subject said quite clearly that you had received a formal Complaint from the Leader in relation to potential release of information involving the SHMA. However, when I asked you in my e-mailed reply for copies of Cllr Spooner's original written complaint, all relevant documentation in support of his assertion(s), and the complete "charge sheet", you sent me a letter that appeared to be written by yourself (it was certainly signed by yourself), without sending any of the original documents. That prompts a number of questions :</p> <ol style="list-style-type: none"> a) Do any such documents exist, or was Cllr Spooner's complaint made orally? b) If it was an oral complaint, how can that become a "formal complaint" without the complainant actually committing the complaint to paper? c) If the complaint was committed to paper by Cllr Spooner, could I please have a copy as I originally asked (as well as any other supporting documents) ? <p>Notwithstanding these questions (which I hope you will be able to answer satisfactorily) I confirm that I will be able to attend the proposed meeting at 15:00 this Wednesday (27th July).</p> <p>Regards, David</p>

From: Satish Mistry
Sent: 18 August 2016 12: 18
To: David Reeve
Subject: Fwd: Formal Complaint Regarding Cllr Reeve [UNC]
Sensitivity: Confidential

Dear David,

Further to our recent meeting, here are the emails as promised.

I am on leave now until after the Bank Holiday so please let me know whether you are prepared to deal with this in some informal way rather than a formal investigation.

I get the impression that such attempt may well be accepted by both Leaders.

Kind regards,
Satish

[The following red text was added by D Reeve to this summary document of e-mails written about Cllr Spooner's complaint.]

Attached e-mail 1:

From: Caroline Reeves
Sent: 19 July 2016 08:44
To: Satish Mistry; Sue Sturgeon
Cc: Paul Spooner
Subject: SHMAA and all that... [UNC]

Good morning,

Are we taking a stance against David Reeve's email circulation about the SHMAA figures? I find it immensely irritating that having been given something in confidence he has managed to do exactly what he wanted with the information and then circulated it outside the council. I may have had some sympathy if he had circulated it to councillors and started a debate, but as we already know the stance that some of the critical parish councils will take, it seems to be like a deliberate act of defiance.

He is now so sure of his conclusion that he is chasing up individual councillors for a response. Frankly I don't have the brain space to understand the methodology, that's why I am happy for someone else who we have employed to do it for me. This was all done specifically to discredit our Local Plan, knowing that it would be very well received by our dissenters.

I hope we will be challenging his figures, and that we will be firm in dealing with the complaint .

Kind regards
Caroline

Caroline Reeves
Friary & St Nicolas councillor
Liberal Democrat group leader

[The following red text was added by D Reeve to this summary document of e-mails written about Cllr Spooner's complaint.]

Attached e-mail 2:

From: Samantha Hannington **On Behalf Of** Satish Mistry
Sent: 11 August 2016 15:13
To: Satish Mistry
Subject: Formal Complaint - Cllr Reeve [UNC]

Dear Satish,

I believe there has been a gross breach of confidentiality in relation to Cllr Reeve's decision to release into the public domain a report on the SHMA based on confidential information provided to Cllr Reeve in his capacity as an elected member.

Cllr Reeve has made no effort to discuss his 'findings' drawn from the confidential information provided with the Leader, Lead Member or Officers and has clearly released this within the consultation period to damage the reputation of the Council and influence third parties at a point that will not allow the Council to respond within the consultation period.

I have also heard from the Leader of the Opposition who has expressed concern about the breach of confidentiality and agreed action should be taken.

Can we inform Justin Gardener of the breach as he may wish to take his own action.

Please treat this email as a formal complaint.

Regards

	<p>Paul</p> <p>Cllr Paul Spooner Leader of the Council Portfolio responsibility for Planning and Regeneration Councillor representing Ash South, Ash Green & Tongham Guildford Borough Council</p>
<p>From: David Reeve Sent: 22 August 2016 12:08 To: Satish Mistry Subject: RE:Formal Complaint Regarding Cllr Reeve [UNC] Sensitivity: Confidential</p>	<p>Dear Satish,</p> <p>I would be happy to have a meeting with Cllr Spooner (and Cllr Reeves, should she so wish) to discuss the current situation. Although you suggest that such a meeting would be considered as informal (ie. outside the prescribed procedures for a formal investigation) I presume that you would also be present – if for no other reason than to be fully aware of the status of what is currently a formal complaint.</p> <p>Thank you for the e-mails from Cllrs Spooner and Reeves that you sent me, but I am puzzled by the dates on the messages. I received your original message on 18th July notifying me that you had received a formal complaint from the Leader in relation to the potential release of information involving the SHMA. However, Cllr Reeves' e-mail is dated 19th July, and the copy of Cllr Spooner's e-mail that you forwarded to me was itself forwarded to you by Sam Harrington on 1st August, but contained only the body of the message (without a subject, an address list or a date). Moreover, Cllr Spooner's message indicated that he had already heard from Cllr Reeves (although that comment could have referred to a separate communication from, or conversation with, Cllr Reeves). I would be grateful if you could please send me (or otherwise confirm) when you first received written notification from Cllr Spooner. While it is clear that the most important matter is the consideration of the report that I wrote (and its distribution), it is nevertheless worth having the complete "paper trail" before we embark on steps aimed at resolving the situation.</p> <p>I hope you have/had a good holiday.</p> <p>Regards, David</p>
<p>From: Satish Mistry Sent: 20 September 2016 08:23 To: David Reeve Subject: COMPLAINT [UNC]</p>	<p>Dear David,</p> <p>I write to advise you that unfortunately the two Group Leaders were not prepared to consider a Meeting as you suggested.</p>

	<p>I have therefore made arrangements for this matter to be investigated externally to ensure that there is absolute fairness. You may already have been invited to a meeting with Olwen Dutton, a solicitor at Anthony Collins who will undertake this task.</p> <p>Happy to discuss. Satish</p>
<p>From: David Reeve Sent: 04 October 2016 07:24 To: Satish Mistry Subject: RE:COMPLAINT [UNC]</p>	<p>Satish,</p> <p>A you probably know,the meeting has now been arranged with Olwen Dutton for next Monday morning,and I have confirmed my attendance .</p> <p>You offered an opportunity to discuss this,and I would appreciate a few minutes of your time. Would there be there any chance of 10 minutes either before or after a meeting that I will be attending in Millmead that is scheduled to run from 11:00 to 12:30 this morning?</p> <p>Regards, David</p>
<p>From: Olwen Dutton [mailto:Olwen.Dutton@anthonycollins. com] Sent: 05 October 2016 14:58 To: David Reeve Subject: Confidential Importance: High Sensitivity: Confidential</p>	<p>Dear Cllr Reeve,</p> <p>As you know I am appointed to investigate the matter of the complaint and we have an interview arranged for Monday 10M October at the Council offices. I look forward to meeting you then.</p> <p>I understand that you have asked if you may bring someone with you. I am quite prepared for that to happen, but it would be helpful please if you could let me know who you would like to bring along.</p> <p>If you have any other questions about the process please don't hesitate to give me a call or drop me an email in advance of Monday and I will do my best to assist.</p> <p>Kind regards, Olwen</p> <p>Olwen Dutton, Partner for Anthony Collins Solicitors LLP</p>
<p>From: David Reeve</p>	<p>Dear Mrs Dutton,</p>

<p>Sent: 05 October 2016 16:22 To: 'Olwen Dutton' Subject: RE:Confidential [UNC] Sensitivity: Confidential</p>	<p>Thank you for your prompt response to my query regarding our meeting on Monday. I would like to be accompanied, as an observer, by David Roberts, who is a local friend and former senior public servant-turned-consultant . David used to be in charge of the UK's international policy on anti-corruption and corporate responsibility .</p> <p>We look forward to meeting you on Monday.</p> <p>Kind regards, David Reeve,</p>
<p>From: Olwen Dutton [mailto:Olwen.Dutton@anthonicollins.com] Sent: 05 October 2016 16:24 To: David Reeve Subject: RE: Confidential [UNC] Sensitivity: Confidential</p>	<p>Dear Cllr Reeve,</p> <p>Many thanks. I look forward to meeting you and Mr Roberts on Monday.</p> <p>Kind regards,</p> <p>Olwen</p> <p>Olwen Dutton, Partner for Anthony Collins Solicitors LLP</p>

Satish Mistry
Monitoring Officer

Cllr David Reeve
Sent via email

Contact: Satish Mistry

Phone: 01483 444201 (Frances Lee)

Email: satish.mlstry@guildford.gov.uk

21 July 2016

Dear Cllr Reeve

Code of Conduct Complaint

I refer to our recent conversation and set out below the information requested.

The complaint is that you released into the public domain a report on the SHMA, which was based on confidential information provided to you as an elected member.

In addition, it is alleged, that you made no effort to discuss your findings with the Leader, Lead Member or Officers; and that you released this within the consultation period to damage the reputation of the Council and influence third parties at a point that did not allow the Council to respond within the consultation period.

The Leader of the Council has made this complaint, which is supported by the Leader of the Opposition.

In terms of the potential breaches, as you will appreciate, at this stage of the proceedings, it is not appropriate to do a detailed analysis; but our initial thoughts on the issues are:

Code of Conduct C"CoC"l para 2 (1) Failure to treat others with respect

The Constitution's protocol on Councillor/Officer relations provides that if a councillor requires further information before a formal meeting of the Council, or wishes to query any facts contained in an Agenda, the councillor should – wherever possible – ask the relevant officer prior to the meeting.

Although the facts of this complaint are not "on all fours" with that paragraph. It nevertheless usefully illustrates the way that councillors and officers should work together in a climate of mutual respect. The allegation here is that you did not first check your report with officers and that you published it in a manner that made it difficult for the Council to properly respond.

CoC para 3: Disclosure of Confidential Information

Experian did not give permission for their data to be shared publicly and you received its information in confidence .

CoC para 4: Bringing the Council or your office into disrepute

By acting in the manner described above, the allegation is that you have brought the Council into disrepute and/or acted in a manner contrary to the duty to promote and maintain high standards of conduct.

I hope you find the above to be of assistance.

As I stated, as Monitoring Officer I have a duty to review every complaint received and decide whether it warrants further action in consultation with an independent person. For this purpose, I would be grateful if you could contact my office to arrange a time next Wednesday or Thursday to discuss.

Yours sincerely



Satish Mistry
Monitoring Officer

STATEMENT OF COUNCILLOR PAUL SPOONER

1. I am the Leader of Guildford Borough Council. I was first elected to the Council in May 2011 and have been Leader since December 2015. I am also the Planning and Regeneration Portfolio Holder. On 9th July 2016 I made a complaint to Satish Mistry, the Council's Monitoring Officer about the conduct of Councillor David Reeve, as I felt that his behaviour in breaching confidentiality had breached the Council's Code of Conduct.
2. I knew of David Reeve before he was elected to the Council in 2015 as a member of the Guildford Greenbelt Group ("GGG"). He had wanted information from the Council about the Greenbelt and in particular the issues which were raised in the Council's local plan, particularly the strategic housing market assessment ("SHMA"). When Councillor Reeve was elected, he was able to receive a greater amount of information as a Councillor than he would have been entitled to receive as a lay person, but this was on a confidential basis. I discussed the disclosure of this information with Councillor Reeve and he agreed to keep the information confidential. On this basis I supported the disclosure of the documentation to him.
3. I was therefore very disappointed when I saw that David had used that information to create his own SHMA model. He prepared his report using the confidential information the Council provided and is and released it to a wide distribution list outside the Council without asking for, or indeed, allowing any time for any discussion internally. Had he prepared the same model and then sought to have carried out discussions with members and officers of the Council without further disclosure I would not have objected. However, I was disgusted that he sent it out to the Press and the Parish Council's and

Residents Associations before the Council had the chance to discuss it with him.

4. I think there are two relevant issues. The first is the breach of confidentiality, and to my mind David Reeve abused his position as councillor, in which role he was able to access information which otherwise would not have been available to him. The way in which he released the report caused extra work in the Council as the Officers had to go into "over drive" to review the position following the receipt of his report. I accept that if he had asked the Council to look at this before he had sent it out more widely, the same work would have had to be done, but it wouldn't then have needed the same immediate and jolting reaction, which was very damaging to the Council.
5. If the SHMA is correct, it is certainly in terms of public interest highly important to see that it has been subjected to the right level of scrutiny. It is damaging therefore for Councillor Reeve's work to make it appear as though there are problems in the way in which it has been worked out. This is especially so, ironically, because when the Council and their Consultants went through the process of reviewing David's document, they discovered some fundamental errors in his calculations which showed higher housing figures than those which had previously been the case.
6. David's behaviour has had the effect of destroying the trust and confidence which is so important in a Council between Officers and Councillors. I think Officers are now more wary with all Councillors, and it has significantly affected the relationship. The disclosure by him certainly has not had a positive effect on the Council. Whilst this might not be a lasting effect, as over time that trust will be rebuilt, it is most regrettable.

7. The disclosure also damaged the Council in the view of the residents of Guildford, many of whom are in any event opposed to the local plan. I had to go out to many presentations over the summer, many of which took place after the disclosure by David. My experience was that, especially in the East of the Borough residents were throwing insults at the Council as the body that "always gets it wrong" whilst "the residents always get it right". The way in which the information was presented by David and how it came out did not help this.
8. Initially the Council said that they would be reviewing his report but once the errors in the methodology were discovered we stated that the figures as demonstrated by the Council were right.
9. This is not a personal attack upon David, as I believe he is a useful Councillor and on a personal level I like him. Nor is it an issue about challenge, as the Council is open to challenge but it should be done in an appropriate way. This means that where there is a difference between a Councillor and what the Council itself is saying these facts should be presented internally first of all and the matter discussed there.
10. Guildford has strong cross party relationships and I would like these to continue and strengthen. My complaint is not based on politics.

Signed.....

Dated.....

STATEMENT OF COUNCILLOR CAROLINE REEVES

1. I have been a Member of Guildford Borough Council since 2005, when I was first elected. I have been the Leader of the Opposition Group, the Liberal Democrats, for the last 18 months.
2. When the three Guildford Greenbelt Group ("GGG") Councillors were first elected in May 2015, I observed that they sometimes found it challenging to understand the necessary Council procedures. Because they were elected on a single issue, they sometimes gave the impression that they didn't understand the wider issues. However, Councillor David Reeve appears to be a very good Ward Councillor and I know that it is possible to have discussion and dialogue of a constructive nature with him. He always delivers very good input into the Committees that I sit on with him.
3. It is a very well established fact that GGG don't like the housing numbers in the local plan and the numbers have been challenged by them (and others) frequently.
4. When I saw the email from Councillor Reeve with his report which provided a new calculation of housing numbers, I realised that there was a political statement behind this. I felt strongly that he should have made his report, with its conclusions on the numbers, available to the Borough Councillors and the planners and told them what he was intending to do before he sent this out to others.
5. I felt that the fact that he had sent the information to the Parish Council's emphasised the political nature of his intention. Most of the Parishes are likely to be of a similar view to GGG in relation to house building on Greenbelt, as the Parish Councils are

based on the villages. This revealing of this report was clearly, in my view, of a political nature.

6. At the time I felt that a simple apology from Councillor Reeve was all that was necessary and I don't recall if this was suggested.
7. I should have told Councillor Reeve that I was going to make a complaint against him, but I only mentioned it after I had made the complaint which I did in emails to Satish Mistry, although it hasn't affected our working relationship at all.
8. I think that the release of his report undermines the Council position and has done damage. He challenged the methodology of the work that the Council had commissioned and relied upon to provide the housing (SHMA) numbers. This is a very contentious matter for the Council, and the methodology which has been used has been challenged. However, David's own figures were not solid and reliable.
9. Having made the declarations and put his information out unchecked also further damaged the SCHMA issue, which I feel undermines the Borough Council even more. I think it damages the whole veracity of the work we have done on the Local Plan, and undermines our policy officers who are essentially working to the guidelines as given by government.
10. The SHMA figures have become so contentious. Most of those outside the borough council he circulated the email to would have been pleased to have a reason for challenging the Council. There is little land in Guildford Borough outside the Greenbelt which the Council can use to meet its housing needs, and whilst the Council wishes to use Brownfield sites when possible there are not sufficient Brownfield sites to meet the demand.

11. These actions particularly that of Councillor Reeve in this case undermine the trust between Officers and Members, which is very important. Whilst the Council tries to be as transparent as possible, there have to be times when Members and Officers have confidential discussions, and that confidentiality needs to be observed.
12. I believe that the danger caused will have a lasting effect, particularly with the residents who are still looking for reasons to challenge the Council's proposals and will, in my view continue to do this until the local plan is finally agreed.
13. I haven't seen so much about the matter being in the public domain. Councillor Spooner challenged the figures but was overtaken by people responding to the second consultation although I imagine that this had been used in the responses made to the consultation by others. I believe that it does bring the Council into dispute and undermine its authority. It also undermines the trust between Members and Officers.
14. With the local plan, the Council has to show the methodology which it used to get to the figures. However, because the Council employed external consultants to do this work, the methodology belongs to them and should not be put in the public domain, as it affects their livelihood. David Reeve however was trying to show the methodology which had been used and again breaches the confidentiality of the workings.
15. I'm aware of the argument that David was doing a public service which may well have been his intention, and I'm sure that it would have been seen by those objecting to the SHMA as a public service, particularly as the Council, for the reasons I describe above have refused to show their methodology. The Policy Officers could clearly have showed Councillor Reeve where he was wrong, had he had a discussion with them, and it was damaging for him not to do that.

16. I did not make the complaint simply because of the production of Councillor Reeve's report, but it is more about what was done with it. I know that he is a very methodical man, and in Committees in which we sit he always goes into great detail about the figures. What is in question in my view is what he did with the information once obtained.

17. I believe that his actions destroyed trust, and there is no point in keeping anything confidential, as council sometimes must do, if that confidence is not respected. When something is provided on a confidential basis the person receiving it must respect that, and I believe that Cllr Reeve betrayed that trust.



Signed.....

Dated..... 26 October 2016

Statement of Cllr David Reeve

1. I was first elected to Guildford Borough Council in 2015, along with two other members of the Guildford Greenbelt Group (GGG). I have a strong interest in Greenbelt issues, but am also interested in other areas of the Council's work and I consider myself to be an active Councillor. For example I sit on the Working Group for Guildford Museums; the Council Working Group on Theatres, the Military Covenant Group, the Guildford Local Committee, the Society, Environment and Council Development EAB and I am the chairman of the Air Quality Monitoring "Task & Finish" Group (which is a sub-group of the Overview and Scrutiny Committee) on which I am a substitute member.
2. I am also a member of two further committees, namely the Guildford Local Committee (which is a joint committee composed of members from both Surrey County Council and Guildford Borough Council) and the Society, Environment and Council Development Executive Advisory Board. I believe that I always try to be polite, diligent and helpful in the activities that I am involved with for the Council. When I first became a member in 2015 there was a training programme for new members and I attended all sessions except one. I think that the training I attended included training on confidentiality and the Code of Conduct but it was some time ago now and I am not certain.
3. My background is as an aeronautical engineer and during my career I have worked on aeroplanes and nuclear power stations. I would describe myself as a perfectionist. I have come to believe that it is important to treat numbers with a good deal of respect and if one does that, one can get some useful conclusions out of them. I do not like numbers being used when they are subverted. I am also a great believer in the "many eyes" principle. In my experience many people looking at the same thing produces a better result.
4. I became involved and interested in the local plan from around Autumn 2013. During this time I actively corresponded with the Council's then Head of Planning. My main issue with what the Council was doing at that time was that some of the evidence base documents were unreliable. As a result of my criticism the process was changed and the issue I mainly criticised was dropped. As time went on I became more interested in the local plan, had a greater involvement with GGG and decided to stand for election to the Council.

5. From the start, my position has been that had I been convinced that the housing numbers (SHMA) in the plan were correct I would respect them. But I firmly believe that there are strong doubts about the data used to drive the process from which the housing number was derived that means that the numbers which result are not objectively supportable. GL Hearn's comments in their response to my report support my concerns in some (but not all) areas. I believe there are some large anomalies.
6. Unfortunately, in my view, the Council makes a point of not considering the SHMA in any detail and the Scrutiny Committee, despite requests, did not agree to put an examination of the SHMA into the Committee's work programme. I was disappointed by this.
7. Every time the numbers come up for discussion the Council has no appetite to look at them. Their argument, repeated many times in public, is that GL Hearn, the Consultants used by the Council, is a reputable and professional company which has produced many SHMA's for other councils and so this means that their process is correct as it has been accepted elsewhere. Furthermore, the former Deputy Leader of the Council, who was then the Deputy Mayor said that because SHMA's had been examined by barristers and inspectors up and down the country it proved that the SHMA for Guildford was correct. I do not believe that this is an appropriate starting point, and I am not interested in these things as justification for accepting the figures. Whatever might have happened elsewhere, I am interested in this particular issue so far as Guildford Borough Council is concerned.
8. If I find out that matters are suspect and that as a result the report is not sound, I find it irritating that others won't admit that there is a possibility that the figures are worth looking at again. I don't believe that the Council has gone into the figures in any depth at all and the Planning Department haven't done what they should have done. I haven't asked the Council about what happened before I became involved; and officers have come and gone during that time. However, nothing I have seen suggests to me that anyone from the Council has done anything sufficiently robust to interrogate the figures which result in the SHMA.

9. When in early 2016 I spoke to the then Director of Planning, Neil Taylor, about the figures, and asked for the documentation, I detected a feeling from him that he felt that my questions were treading on his territory and I found him unwilling to be helpful, although I accept that I may have misread this. It took me over seven weeks to get the information from Neil. He emphasised the confidential nature of the documentation and told me (in an email dated 4th February 2016), that "It is also worth reiterating that the Council will not be entering into negotiation or discussions on the SHMA methodology, prior to the examination of the local plan by the Planning Inspectorate. Should you disagree with the SHMA you will need to present your evidence to the Inspector at that time". I consider it to have been completely inappropriate – and arguably unprofessional – for Neil Taylor to have suggested that criticisms of the SHMA would need to be raised at the Planning Inspector's examination of the Local Plan, rather than being dealt with as they were raised. To me, this had a strong feeling of an attempt to kick a problem into the long grass.
10. When I was given the documents by the Council (on 1st March 2016) I fully accepted that they were supplied on a confidential basis and intended to observe this. I would have been prepared to sign an agreement to this effect and emails at the time referred to this but I did not do so because one was not produced.
11. After the receipt of the papers it took me a long time and involved a lot of work, more than I had expected to produce my report. This happened at the same time that the consultation around the local plan was being gone through, and we were seeing early drafts of the consultation from mid-May. Accordingly, I did not progress my report as quickly as I had thought I would be able to. By the time I had finished going through this I had formed my own conclusions. These were that there were errors in the SHMA but that Council had no intention of examining the SHMA figures. Many people in the borough were generally suspicious of the SHMA; it would not have taken much effort to have assembled interested members of the community for a workshop for around one or two days to go through this. This would have enabled a view reached as to whether or not the figures were reliable on the "many eyes" principle.
12. At a Council meeting on the 24 May 2016, I suggested that the Council should engage a couple of consultants from GL Hearn to come down, hold a workshop

and speak to Officers and any interested Councillors to hold a discussion and decide with them what the right numbers should be, but the Council did not agree to do this. I raised the issue of the £71,000 spent by the Council on a PR Company to "sell" the local plan to local residents and how a fraction of this money would have paid for the GL Hearn staff to come down and do the work I suggested. However, the members were not interested in that approach and it did not go forward. This was before the local plan was put out to consultation.

13. On the 8th July, I genuinely believed that the email I sent out would have stimulated a meeting with the Council. I thought the quality of the data which I had put together would have meant the Council needed to debate the issue with me and I was not expecting to be criticised in an all Councillor email, as Councillor Spooner sent out.
14. I decided to send the email and my report out to the Parish Councils and Residents Associations as I thought that the Councillors, the Executive Members and the Officers would never change their view; they simply were not interested in looking at the SHMA and so I felt that the information had to be released to the public. There was a question of timing as well, with the consultation about to close.
15. I was expecting to get a reasonable response but did not get as much as I had expected, I received around 6-10 responses. However what I did receive was approving. I see that some of the comments from the Parish Councils and Residents Associations which relied on my report are incorporated in the consultation responses they subsequently made to the local plan. The only tangible thing however, as a result of these emails, was not a meeting with the Council or Officers but was a further report from GL Hearn.
16. I offered a copy of my report to anyone who wanted one, and the Deputy Leader asked for a copy. I provided this by email on 11th July. I offered to sit down with him and go through it saying this might well be quite difficult to get into without an introduction – which I could give if required – but this did not happen. I also spoke to him after the Council Meeting that took place on 12th July and offered to go through it with him, as that would be far simpler than him ploughing through it on his own. It seemed to me that the Council were not so

interested in the technical side of things but more about what they viewed as a breach of confidentiality.

17. The GL Hearn report, produced in response to my review, on page 5 talks of data problems and states "Fundamentally, a "verified and self-consistent set of source data" as suggested unfortunately doesn't exist". I do not think that this statement has come about only as a result of my own work but feel that they should have put something in their original report to say that the data was questionable. The Council has historically, in my view been anxious to avoid examination of the SHMA in any detail, and I find it strange that there is an exact figure arrived at which the data doesn't support. I believe that this is a fundamental flaw and instead of a specific figure an appropriate band should have been put in. The data upon which the SHMA was constructed has some inherent uncertainty. I therefore believe that whatever figure is produced from whatever process is similarly limited by uncertainty. My report identified a likely maximum overstatement of the total housing number of about 3,500. Allowing for the uncertainty arising from unreliable data, my view is that it is extremely likely that the SHMA overstates the housing number by 2,000 or more.
18. Throughout this matter the consideration that weighed most heavily upon me was the fixed position the Council had that they did not want to look at the figures in much detail.
19. There were a number of residents who were very concerned about the housing numbers and in my view it was important not to hold information back whilst the Council considered the issue. I felt that the balance of benefit to the public lay with the release of the information rather than withholding it. I considered whether it should be withheld but did not think that doing so would have been of any merit.
20. I wanted a meeting with the Council to find the most productive way forward and on 8th and 10th July and 22nd August I made suggestions that a meeting would be appropriate. This was not accepted.
21. Had I reached the conclusions I did in my report earlier, I doubt that I would have gone straight out to the public, but would have discussed it within the Council first. I would probably have sent the same email to the Council in this event, but without the last paragraph which refers to circulating the document. I

deeply regret not completing the work earlier but have to say that faced with the same situation I think I would do the same again. It is worth noting that I did not circulate my report to any third party in advance, or give any form of preferential access to GGG councillors or members.

22. I do respect confidentiality. The Guildford Residents Association approached me through their Chair once they knew that I had access to the economic forecasts and asked me to provide them with the data. However, as I had been given the data on a confidential basis by the Council I refused to supply it to them. I think this shows that I do not lightly risk breaching confidentiality and that I respect it.
23. I had been through my report, and report version 1.1 (attached – which was sent to Cllr Spooner on 10th July, i.e. very early in this whole saga) shows the items marked in yellow where I believe that there was possibly a technical breach of confidentiality in the sense that the information in those items was not already in the public arena. The vast majority of information upon which I based my report was information which was already in the public domain, and so not subject to any confidentiality.
24. I am aware that my report includes some minor breaches, but some of these refer to historic data and so whilst it might strictly be confidential information, I regarded it as only a very minor technical breach and certainly not the gross breach of which I stand accused. I also recall that when GL Hearn came to give a presentation at the Local Plan Forum on 17th February 2015 I asked them if they had signed a non-disclosure agreement in respect of the data from Experian that they were using, and I did not get an answer; there was in fact an embarrassed silence which was finally resolved by the GBC Managing Director suggesting that it was not a fruitful thing to discuss. I think that GBC may have passed this information to G L Hearn without Experian's consent and so may themselves have breached confidentiality for essentially the same data for which I am accused of doing so.
25. Moreover, in two earlier versions of the SHMA, GL Hearn had already published exactly parallel data from Experian. I am not aware that the Council has challenged GL Hearn on this matter in the way that I have been challenged.

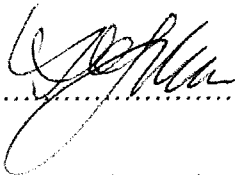
26. I note that in the Code of Conduct there is a public interest defence and I struggle to think of a matter more in the public interest than revealing material information which becomes available whilst a consultation is going on and which is relevant to that consultation. If it is withheld it cannot form part of the consultation. I was making a judgement that revealing my report was for the greater good. I was not expecting a complaint as a result of this.
27. So far as damaging the reputation the Council is concerned, my view is that a lot of people in my ward and other wards don't have a good opinion of the Council anyway, so I would have thought that to have a Councillor who is willing to challenge the Council would be popular in some areas. I think that in that sense it would do more to enhance rather than damage the standing of the Council. Further to this, the case on "bringing the Council into disrepute" was – in the Monitoring Officer's own words – "not on all fours with the Code". In short, the provisions of the Code were being stretched in an attempt to make them encompass a situation that was never intended by its original authors.
28. I feel that it is sometimes difficult to serve both my office and the Council at the same time. I believe that my prime obligation as a Councillor is to support the interests of the residents and I believe that what I did was precisely that. Indeed, I note that the Declaration of Acceptance that I made after being elected states "I, <Forename>, <Surname> having been elected to the office of Councillor for the <Ward> of Guildford Borough Council, declare that I take that office upon myself, and will duly and faithfully fulfil the duties of it according to the best of my judgement and ability". The view that I take of this whole matter is that I was simply doing my job to the best of my ability. I believe that the residents of my ward would be outraged if they knew I had done work on SHMA which showed a different result and failed to let them know. I am looking at both residents across the district generally and also the particular responsibility I have for my ward. If I am right and the SHMA overstates the housing requirement by around 2,500 there will be an impact across the Borough.
29. I assumed that the issue of confidentiality was not really relevant, as the areas which were not already in the public domain involved only the most minor technical breaches and these did not outweigh the public interest in disclosure. Accordingly, I find it difficult to think that there is not some political connivance

which lies behind these complaints. In my view, if there was not a material breach of confidentiality - which I do not believe there was - it should not be an issue. I will be genuinely surprised if the Officers felt upset and aggrieved by my actions.

30. I don't feel that the Monitoring Officer was being political in managing the process, but was rather responding to the direction of the Council Leader, which I believe is an abuse of process. I have tried and failed to get the written complaints documents. It seems quite inappropriate to me that even now I have still never received a properly dated written copy of the original complaint raised by Cllr Spooner, and equally inappropriate that what I did initially receive was written by the Monitoring Officer or his staff, presumably at the bidding of the complainant. It seems to me that the appropriate separation and distance has not been maintained between the Monitoring Officer (supposedly acting in independent capacity in this complaints procedure) and the Council Leader. As far as I am concerned no one else has complained about the report and I categorically deny the accusation made by Councillor Reeves that I have been approaching members for support. I believe the allegations are being made on political grounds and are politically motivated. I believe that I have no case to answer so far as the confidentiality is concerned.
31. I consider that councillors outside the Lead Group have a duty to act as an opposition to the Lead Group. This is a normal part of our democratic process, and leads to an effective check and scrutiny of the Executive's actions, and applies equally to local and national government. Indeed, just after the election on 5th May 2015, the previous Council Leader (Cllr Mansbridge) was quoted in the "Guildford Dragon" as saying "It is for the opposition, using the council systems to scrutinise us as harshly and as healthily as they can and I welcome that scrutiny".
32. I also consider it to be my duty to respect the Nolan Principles of Openness and Accountability (as well as the other principles). For the record, the General Provisions of the GBC Constitution's Code of Conduct defines these principles (including my underlining for emphasis) as:

- **Accountability:** Holders of public office are accountable to the public for their decisions and actions and must submit themselves to the scrutiny necessary to ensure this.
- **Openness:** Holders of public office should act and take decisions in an open and transparent manner. Information should not be withheld from the public unless there are clear and lawful reasons for so doing.

33. In summary, I believe that the Monitoring Officer should have dismissed the complaint on the grounds that it is without merit, vexatious and politically motivated.

Signed 

Dated 19/12/2016

STATEMENT OF LAURA HOWARD

Laura Howard will say:-

1. I am a Principal Planning Officer at Guildford Borough Council ("Guildford"). I joined the Council in 2013 and have always been in the Planning Policy Team. I have led the SHMA process to assess our housing need since I joined the Council.
2. The Council instructed consultants GL Hearn to prepare the SHMA work and initially the SHMA was prepared just for Guildford. Work began on preparing a joint SHMA with Waverley and Woking borough councils in early 2014. The three councils are considered to form a housing market area. This joint work culminated in a draft West Surrey SHMA (published in December 2014) and a final West Surrey SHMA (published in September 2015). The SHMA consists of one report with different sub-sections for the different Councils, with a separate summary document for each council.
3. Before Cllr Reeve was a councillor he was active in the local Green Belt Group and I recall that he had submitted a Freedom of Information request asking for the model and figures behind the SHMA, including the economic figures. He was refused access to the model as we did not hold the model. Mr Gardner, who undertook the demographic modelling for GL Hearn, provided us with a spreadsheet showing the outputs of the model and some wording about the sources of information he had used but did not agree to disclose the formulae underlying his model. The economic figures were also not released due to Intellectual Property Rights. Cllr Reeve appealed the decision and an internal review was undertaken. The appeal was dismissed.
4. Cllr Reeve re-requested the information held in early 2016, this time in his capacity as a councillor.
5. The first that I knew of the disclosure Cllr Reeve made in July 2016 was when our Managing Director, Sue Sturgeon, sent an email to me. Cllr Paul Spooner had also seen on the "Streetlife" website that Cllr Reeve had supplied the information to a number of parish councils and a number of

resident groups. When we looked at the report we realised that Cllr Reeve had incorrectly quoted the figure for the Experian jobs number in his report. Had the correct jobs number been used this would have resulted in a higher housing need figure. We instructed our consultants GL Hearn to provide a response to the points raised by Cllr Reeve. As we did not have his original distribution list we sent this report to all parish councils and all resident associations held on our consultation database.

6. The Cambridge and Oxford Consultancies agreed to share their data, but Experian did not agree to disclosure. We had a number of consultation comments which referred to Cllr Reeve's report, and I think that the disclosure by Cllr Reeve undermined the credibility of the Council's data in the minds of some residents.
7. Experian did not give us any permission to publicly share any of their forecast data and when Cllr Reeve was given the information he was asked to treat it in confidence.
8. Experian pointed out to us that if we released their economic forecast we would not be able to share the data with third parties as that would be breach of contract with them and adversely affect their business. Accordingly, Cllr Reeve should not have quoted information from Experian and where he quoted Oxford Economic and Cambridge Econometrics, he should also have quoted the quarter and year from which the forecast came in order to ensure accuracy. In addition, the Experian total jobs number that he quoted was not the correct ones as they excluded the self-employed people which made a significant difference. If Cllr Reeve had shared his report with us before it was distributed this may have been picked up.
9. I understand that Cllr Reeve was trying to persuade other councillors that his version of the SHMA should replace GL Hearn's SHMA. For this reason, we considered it would be appropriate to share GL Hearn's response to his report.
10. There has been a lot of pressure on the Council to lower the housing need figure which is seen as being too high. The figures were already being disputed however GL Hearn is a respected consultancy who have successfully represented many other councils through their local plan process

and examinations. It turned out that the work that Cllr Reeve had done, when taking account of some of the inaccuracies included within it, actually validated the housing need identified in SHMA rather than undermining it. Accordingly I do not think that this will turn out in the end to be damaging to the Council's case at the examination in public.

11. Whilst issues have continually been raised against the SHMA, this work provided an alternative model that opponents could focus around. Although it was referred to during the consultation process by many of the respondents I think that they did not generally appreciate the inaccuracies within it.
12. When I was asked to give Cllr Reeve the SHMA information I was careful to share it appropriately, having discussed it first with the Information Rights Officer. Councillors can have the information but do need to appreciate its confidential nature and when he asked for it we quoted the requirements of the Information Security Policy Framework and the issue about confidentiality in response to him. Cllr Reeve has subsequently referred to an apparent resistance by officer(s) to the release of the data he requested. I personally have not had any subsequent contact from him in relation to the SHMA.
13. I believe I have a good working relationship with most of the councillors and the Policy team have a close working relationship with some members of the Executive whom we see frequently in their role as the administration. This is because the local plan is a huge issue for the Council. If I receive requests for information I let the senior officers and members know so they are involved in the decision making process and it is not just officers who decide these things. I would not put Cllr Reeve in the category of members with whom I have a close working relationship as I do not have regular contact with him.
14. What Cllr Reeve has done has made an already difficult PR situation even more difficult. Given the many parties who do not appreciate what we are doing and why we are doing it, I do not envisage this subsiding until we have undergone examination on our plan. However as stated above, from a planning point of view I do not consider that this will harm our case at examination.

Signed.....

Dated.....

A Review of the Guildford Objectively Assessed Housing Need

(as documented in the West Surrey Strategic Housing
Market Assessment, Final Report, September 2015)

Version 1.1

July 2016

Prepared by David Reeve

david.reeve@guildford.gov.uk

1 Introduction

The purpose of the Strategic Housing Market Assessment (SHMA) is to derive the objectively assessed housing need ("OAN") for the boroughs of Guildford, Waverley and Woking, which are considered to constitute a single strategic housing market. The OAN in turn is the starting point for setting the level of future development planned for each borough. In the case of Guildford, these future development needs are being defined in the draft Local Plan which runs up to 2033.

This document deals only with those parts of the SHMA that relate to Guildford. No comment is made about Waverley or Woking

Although the SHMA report itself was published in September 2015, there has been considerable public disquiet that the analysis supporting the conclusions reached in the SHMA has not been made available for public review, nor has it been reviewed in detail by Guildford Borough Council, or even reviewed by the Overview and Scrutiny Committee.

Accordingly, as a Guildford borough councillor, in addition to the West Surrey Strategic Housing Market Assessment Final Report (September 2015) produced by GL Hearn, I have obtained access to some of the background material in order to examine it and to review its conclusions. This material consists of spreadsheets of modelling results (without the underlying formulae) produced by J Gardner Consulting, and numerical reports on economic growth produced by Cambridge Econometrics, Experian and Oxford Economics.

This document presents a discussion of the results of this examination of the SHMA and of the documents identified above. The bulk of the numerical analysis and discussion is presented in the text of the following sections, but some more involved calculations were carried out in a spreadsheet model; outline information on this model is presented in

[Appendix A – Modelling](#). The conclusions are presented in [Section 0](#).

Conclusions below.

2 Overview of the SHMA Methodology/Approach

The main contributors to the OAN are reported in Sections 4 and 5 of the SHMA, which cover the housing need arising from demographic growth and economic growth respectively. (There are two smaller components – namely the impact of increasing numbers of students and improvements to affordability – but these were treated as “add-ons” to the main demographic and economic components and are included in this document purely for reference in [Section, 4 Housing Requirement for Student and for Affordability](#) below.)

Other sections of the SHMA cover the discussion of the strategic housing market area, and an assessment of the required characteristics of the planned dwellings in terms of sizes, affordability, and tenures (eg. market rentals, social housing, owner occupied housing etc.). This review makes no comment about these issues.

There are two principal potential drivers for the level of housing required in Guildford over the Local Plan period, namely demographic growth (ie. growth arising from births, deaths and migration) and economic growth (ie, the growth of businesses that in turn require people to fill vacant jobs). The SHMA adopted the approach of assessing separately the housing need arising from each of these drivers in order to determine which of the two represents the binding condition (ie. which would give rise to a greater housing need) – although the results are presented in the form of demographic growth plus an increment for economic growth. In the current SHMA the need arising from economic growth was the larger, so Guildford’s OAN was therefore controlled essentially by the level of economic growth. In the following discussion, the terms “demographic” and “economic” are used to distinguish between these two distinct assessments.

2.1 SHMA Demographic Assessment

DCLG’s Planning Practice Guidance states: “Household projections published by the Department for Communities and Local Government should provide the starting point estimate of overall housing need”¹. A simple sanity check of the demographic projection in the SHMA can therefore be carried out by comparing the SHMA figures for population and housing against those published by DCLG as in Tables 1 and 2 below:

	2013	2033	Increase	% Change
DCLG	141,334	162,857	21,523	15.2%
SHMA	141,009	162,188	21,179	15.0%
DCLG – SHMA	325	669	344	N/A

Table 1. Comparison of Population Estimates

	2013	2033	Increase	% Change
DCLG	55,093	65,304	10,211	18.5%
SHMA	55,351	65,279	9,928	17.9%
DCLG – SHMA	-258	25	283	N/A

Table 2. Comparison of Household Estimates

- Comment [D1]:** Aggregated by D Reeve from publically sourced DCLG data.
- Comment [D2]:** Calculated by D Reeve in this table.
- Comment [D3]:** Source: SHMA Table 13.
- Comment [D4]:** Calculated by D Reeve in this table.
- Comment [D5]:** Calculated by D Reeve in this table.
- Comment [D6]:** Aggregated by D Reeve from publically sourced DCLG data.
- Comment [D7]:** Calculated by D Reeve in this table.
- Comment [D8]:** Source: SHMA Table 19.
- Comment [D9]:** Calculated by D Reeve in this table.
- Comment [D10]:** Calculated by D Reeve in this table.

¹ Paragraph 15 of “Housing and Economic Development Needs Assessments Methodology: Assessing Housing Need”, reference 2a-015-20140306

The differences between the projected increases in both population and households are relatively small and are presumed to arise from modest differences in the initial figures for 2013 and minor modelling differences. Overall, the scale of projected growth is similar for both approaches, and can be taken as an indication that the methodology used in the SHMA to assess demographic growth is broadly consistent with the approach promoted by DCLG. However, it should be noted that both DCLG and the SHMA based their projections on the underlying ONS data, and that there are two considerations that are likely to influence the population and household estimates for 2033, namely:

- 1) ONS data and the SHMA² both recognise that the 2011 Census results led to a reassessment of the levels of international migration that had been published in official projections over the period 2001 to 2011, and that those projections overestimated net international migration into Guildford by some 717 migrants per year. This effect is called Unattributable Population Change (UPC), and it is understood that there are two major contributor to this error:
 - a) The International Passenger Survey (from which figures for international arrivals and leavers was estimated) was insufficient to provide statistically accurate estimates (both in terms of sample size and in coverage of an adequate spread of the ports of entry). Since 2011, ONS has taken steps to improve the accuracy of the International Passenger Survey, but it still remains a survey of international travellers as opposed to a comprehensive register (that might be expected to produce more reliable data). Although paragraph 4.34 of the SHMA may well be correct in that UPC errors from this source have been reduced, it is considered to be most unlikely that they have been completely eliminated.
 - b) The only practical methods available to ONS for identifying the case of an inward migrant who subsequently moves elsewhere within the UK depend on whether the individual applies for a new NI number or registers with a GP at their new location. For young people (especially young males) GP registrations can lag years behind a move. As a result, if the individual obtained an NI number while they were still at Guildford (for example if they were a student who worked locally during university vacations) the move can be invisible to ONS until they finally re-register in their new location. Guildford is particularly sensitive to this effect due to the large number of international students at the university. There do not appear to be any practical means open to ONS to improve the data in this area.

Overall therefore, the argument in section 4.32 of the SHMA (that the UPC error can be ignored) cannot be regarded as being persuasive. It is most unlikely that the annual UPC error of 717 migrants per year identified in the 2011 Census results has been resolved to the extent that a reliable population projection can now be based on a UPC of zero. We conclude that in the absence of further information, a sensible judgement (on up-to-date data from ONS if possible) will have to be made and be explicitly publicised in order to gain the support of the local community. In this regard, NPPF paragraph 155 states: *“Early and meaningful engagement and collaboration with neighbourhoods, local organisations and businesses is essential. A wide section of the community should be proactively engaged, so that Local Plans, as far as possible, reflect a collective vision and a set of agreed priorities for the sustainable development of the area, including those contained in any neighbourhood plans that have been made”*.

- 2) The ONS data is published with a specific note that *“The projections do not take into account any policy changes that have not yet occurred, nor those that have not yet had an impact on observed trends”*. Therefore the recent EU referendum result which is likely to lead to

Comment [D11]: Source: SHMA paragraph 4.32.

² SHMA, paragraphs 4.30 to 4.34

downward pressure on inward migration to the UK can be expected to result in smaller increases than those presented in Tables 1 and 2 above.

These considerations means that an update to the SHMA demographic assessment is required.

2.2 SHMA Economic Assessment

By way of summary, the SHMA assesses the housing need over the Local Plan period of 2013 – 2033 based on economic growth by a series of steps (see SHMA sections 5.16 to 5.29) as follows:

- a) Derive the “vacant/second homes ratio” (4.0%) (SHMA section 3.17).
- b) Derive Guildford’s “commuting ratio” (90%) – ie. the relationship between the number of people working in the borough and the number of borough residents who work – whether in the borough or elsewhere (SHMA section 5.18).
- c) Derive Guildford’s “double jobbing ratio” (4.1%) – ie. a factor to account for workers who have multiple jobs (SHMA section 5.22).
- d) Assess Guildford’s initial number of jobs and the economic growth rate (SHMA Appendix F).
- e) Calculate the increase in the number of jobs in Guildford.
- f) Calculate the required increase in the working residents (from the increase in the number of jobs, the commuting ratio and the double jobbing ratio).
- g) Calculate the overall population change (from data on employment rates (by age and sex) and the required increase in the number of working residents).
- h) Calculate the change in the number of households (from the overall population change and DCLG data on household formation rates).
- i) Calculate the change in the number of dwellings (from the change in the number of households and the vacant/second homes ratio).

Comment [D12]: Source already identified: SHMA.

Comment [D13]: Source already identified: SHMA.

Comment [D14]: Source already identified: SHMA.

It is observed that in different parts of this procedure two separate sources of data have been used for the number of jobs in Guildford as follows:

- Table 27 of the SHMA quotes the total number of people working in the local authority area in 2011 as 78,311. Allowing for double jobbing, this implies a total number of jobs in 2011 of 81,659 ($78,311 / (1 - 4.1\%)$).
- Appendix F of the SHMA derives the number of jobs in 2013 as 77,755 which is then adjusted with a factor derived from the regional Workforce Jobs series to give a total of 89,608 (which implies that the an adjustment factor of 1.152 has been applied, or an increase of 15.2%).
- The difference between the two figures is 7,949 jobs, which is 9.73% greater than the figure of 81,659. A discrepancy of this magnitude cannot realistically be attributed to the fact that one estimate is for 2011 and the other for 2013, and it is concluded that (at least) one of these job estimates is unreliable.
- The number of jobs in 2013 estimated by the three economic forecasts produced by Cambridge Econometrics, Experian and Oxford Economics ranged from 90,183 to 94,602 with an average of 91,765. This average figure is 2.4% larger than the SHMA Appendix F estimate for 2013, but is 12.4% greater than the SHMA Table 27 estimate for 2011. As a working assumption, it is therefore considered that the figure of 78,311 in SHMA Table 27 is most probably unreliable.

Comment [D15]: Source already identified: SHMA.

Comment [D16]: Calculated by D Reeve. Details already provided.

Comment [D17]: Source already identified: see 2.2(c) above.

Comment [D18]: Source already identified: SHMA.

Comment [D19]: Source already identified: SHMA.

Comment [D20]: Calculated by D Reeve. (89,608 / 77,755)

Comment [D21]: Calculated by D Reeve. (89,608 – 81,659)

Comment [D22]: Source: the “total jobs” line of the economic modelling data provided by Oxford Economics, Experian and Cambridge Econometrics. See details in Table 3 below.

Comment [D23]: Calculated by D Reeve.

The commuting ratio is calculated from two entries in SHMA Table 27 for the local authority area in 2011 (namely the total number of people working in the area – 78,311; and the total number of residents in the area who work, whether in the area or elsewhere – 70,500). As the 70,500 comes from the same source as the 78,311, its accuracy must likewise be considered as being suspect. Consequently confidence in the accuracy of the quotient of the two unreliable figures is even more in doubt than the confidence that can be attached to each figure taken alone. As the commuting ratio is used in the entire economic growth model to calculate the number of resident workers – which feeds into calculations of households and dwellings – it is concluded that it not possible to have confidence in the results of the economic modelling.

Comment [D24]: Source already identified.

Comment [D25]: Source: SHMA Table 27.

As a check on this conclusion, a simple “sanity check” estimate of the number of jobs in Guildford borough in 2013 has been calculated by using essentially the reverse of the economic modelling procedure in the SHMA (ie. steps (g), (f) and (e) in the list above). The data used for this exercise was:

- The DCLG population data for 2013, ie. 141,334. (The DCLG data was chosen in preference to the SHMA data for this exercise because it is available with full details of the age and sex distribution of the population. This DCLG and SHMA estimates for the total SHMA total population in 2013 match extremely closely – the two figures vary by only 0.23%.)
- Employment rates by age and sex, exactly as published in SHMA Table 29.
- The double jobbing and commuting ratio, exactly as published in SHMA Table 28, ie. 0.86.

Comment [D26]: Source already identified above.

Comment [D27]: Calculated by D Reeve from numbers already sourced in Table 1 above. $(141,334 - 141,009) / 141,009$.

Comment [D28]: Source already identified.

Using this approach, the number of jobs in Guildford borough in 2013 was calculated to be 85,069 versus the SHMA figure of 89,608 (see SHMA Appendix F), which is a difference of 4,539 jobs, or a 5.3% uplift on the DCLG baseline figure. The root causes of this discrepancy can only be either modelling inaccuracies or vacant jobs that employers were unable to fill in 2013 (or some combination of the two). If the discrepancy was caused entirely by vacant jobs, this would mean that in 2013 one workplace in every 19 in the borough was vacant and waiting to be filled (ie. 1 / 5.3%). It is considered to be very unlikely that this level of unfilled vacancies existed in 2013, therefore this sanity check supports the conclusion that an unreliable estimate of the commuting ratio has caused a significant overestimate of the demand for jobs in 2013.

Comment [D29]: Calculated by D Reeve from numbers sourced exclusively from DCLG and the 0.86 double jobbing and commuting ratio as published in the SHMA.

Comment [D30]: Source already identified: SHMA.

Comment [D31]: Calculated by D Reeve. $(89,608 - 85,069)$

Without re-assessing the commuting ratio on the basis of accurate information, it is not possible to produce an accurate revised estimate of the jobs requirement based on economic growth. However, an indication of the potential scale of this effect can be gained by noting that if (for the sake of illustration) there were no unfilled jobs in 2013, the figure of 4,539 jobs would translate back to a change in the required working population of 3,903 (ie. $4,539 \times 0.86$). At a fairly typical headship rate of 2.35, this in turn translates into a reduction of 1,660 (ie. $3,903 / 2.35$) in the required number of dwellings.

It should be noted that an error in the commuting ratio affects not only the initial conditions starting in 2013; it will also affect the ongoing calculation of economically-derived job numbers throughout the entire period up to 2033. An indication of the potential scale of this longer-term effect can be gained by noting that the SHMA’s economic growth profile would cause a further 3,719 jobs to be created between 2014 and 2033, with a corresponding impact on housing numbers.

Comment [D32]: Calculated by D Reeve from 85,069 (see comment D29 above) and 89,608 (source already identified: SHMA) and corresponding calculations for all subsequent years from 2014 to 2033 inclusive.

2.3 Economic Assessment – Third Party Data

In addition to examining the approach to modelling the effects of economic growth on the required number of houses, the underlying economic growth projections provided by Cambridge Econometrics, Experian and Oxford Economics were also examined.

Table 3 below gives the overall number of jobs in 2013 and in 2033 that were estimated by the three economic modelling houses. The first three rows give the number of jobs that are estimated by each of the data providers in both 2013 and 2033. The absolute increase in the number of jobs and the percentage increases (both over the 20-year period and at an annualised rate) are also provided. The fourth row shows the jobs figures that were derived in SHMA Appendix F, and that were used to produce the SHMA assessment of the OAN. This was done by taking the average rate of growth from the three external economic data providers, and then applying that rate of growth to the number of jobs assessed by GL Hearn as also described in SHMA Appendix F. For comparison, the final row of Table 3 presents the result of taking a simple average of the three data providers’ figures for 2013 and for 2033. The data in Table 3 is also presented graphically in Figure 1 below.

The use of simple averages for 2013 and 2033 would be simpler, more obvious, and arguably more robust (because it involves fewer steps, and cuts out a source of potential error, namely the SHMA’s assessment of the number of jobs in Guildford in 2013 – which was itself subject to a large adjustment (15.2%) as described in [Section 2.2, SHMA Economic Assessment](#) above). It is worth noting that the SHMA assessment of the growth in jobs between 2013 and 2033 is 1,548 jobs larger than that of the more straightforward average. This corresponds to an uplift of 9.56% over the more straightforward approach.

	2013	2033	Increase	% Increase	% (per year)
Cambridge	90,183	101,738	11,555	12.81%	0.605%
Experian	75,720	91,490	15,770	20.83%	0.950%
Oxford	94,602	115,849	21,247	22.46%	1.018%
SHMA (App F)	89,608	107,346	17,738	19.80%	0.907%
Average number of jobs (for 2013 & 2033)	86,835	103,026	16,191	18.65%	0.859%

Table 3. Comparison of Numbers of Jobs, and Absolute and Percentage Increases

- Comment [D33]:** Source: Cambridge Econometrics.
- Comment [D34]:** Calculated by D Reeve in this table.
- Comment [D35]:** Source: Experian.
- Comment [D36]:** Calculated by D Reeve in this table.
- Comment [D37]:** Source: Oxford Economics.
- Comment [D38]:** Calculated by D Reeve in this table.
- Comment [D39]:** Source: SHMA Appendix F.
- Comment [D40]:** Calculated by D Reeve in this table.
- Comment [D41]:** Calculated by D Reeve in this table.

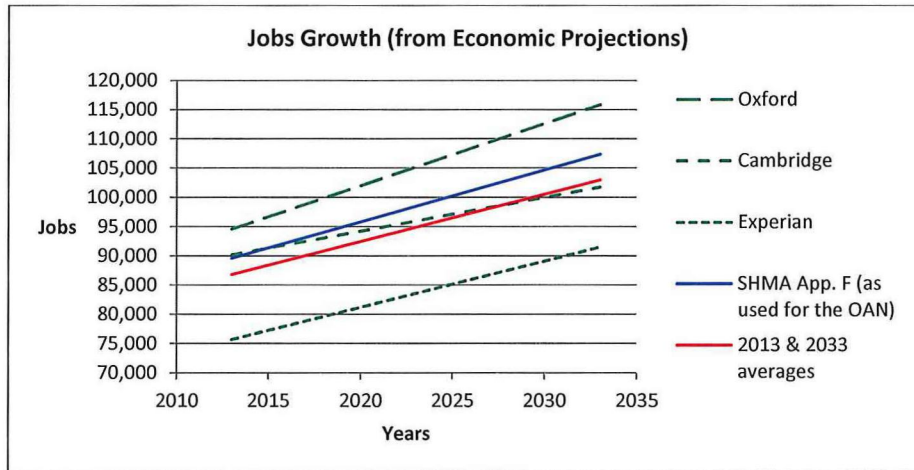


Figure 1. Comparison of Numbers of Jobs

In addition to being more straightforward, using the number of jobs as the means of averaging or resolving differences between the three external economic modellers' assessments is more relevant to the fundamental process of the SHMA. This is because the purpose of the SHMA is to assess the number of dwellings required in the borough between 2013 and 2033, and in cases where economic growth is the binding condition this relates directly to the increase in the number of jobs over the same period. Using a method that calculates rates, averages those rates, and then applies the average rate to a starting value for jobs from a completely different source seems to be bizarre and perverse.

In addition Figure 1 shows very clearly the differences between the data provided by the external economic modellers. In cases that exhibit this degree of difference (namely a factor of 1.84 between the largest and smallest job increases), great care must be taken to avoid distorting results by mishandling the input data. The necessary degree of care, and the choice of the most appropriate method of handling such data variations, seem not to have been employed in this case. It is recommended that the simpler and more relevant approach should be used.

Finally, a more detailed examination of the source economic data shows that the proportion of Guildford's growth arising from the construction was assessed at 12.3%, 26.3% and 35.9% respectively for the assessments from Oxford Economics, Experian and Cambridge Econometrics. Ignoring for the present the variation between these figures, it is noteworthy that a very significant proportion of the assessed economic growth in Guildford which supposedly gives rise to a substantial increase in OAN, is itself caused by the construction that is assumed to be necessary to meet that OAN. This seems to be a clear case of chicken and egg.

Comment [D42]: Calculated by D Reeve. Ratio of two figures in the "Increase" column of Table 3.

Comment [D43]: Calculated by D Reeve on the basis of the "construction" categories of the economic modelling data provided by Oxford Economics, Experian and Cambridge Econometrics. Note that this is not a copy of any cell of data published by any of those companies.

3 Further Non-Numerical Discussion

3.1 Discussion of the Economic Assessment

The analysis in [Section 2.2, SHMA Economic Assessment](#) above is based on a numerical assessment of the modelling varied out in support of the SHMA, and concludes that the assessment needs to be repeated, taking particular care to use a self-consistent set of data for employment.

In addition, it should be noted that the approach adopted in the SHMA seems to deviate from the advice published on DCLG's Planning Practice Guidance website³ which states that *"Where the supply of working age population that is economically active (labour force supply) is less than the projected job growth, this could result in unsustainable commuting patterns (depending on public transport accessibility or other sustainable options such as walking or cycling) and could reduce the resilience of local businesses. In such circumstances, plan makers will need to consider how the location of new housing or infrastructure development could help address these problems."*

As a rail interchange, Guildford is well-provided with good, sustainable rail services, but it seems that this was not taken into account in the SHMA, because the economically-derived housing number was adopted directly as the borough's OAN without allowing for the potential for sustainable commuting to meet the economic growth. Moreover, PPG instructs plan makers to *"consider how the location of new housing or infrastructure development could help address these problems"*; however there appears to be no evidence in the SHMA that this was considered in any realistic sense; the figure coming out of the modelling was simply taken forward as the OAN – despite the ample evidence from GBC itself that there is a very real constraint to development in the borough in the form of the Green Belt, which represents 89% of the area of land in the borough.

3.2 Effects of Brexit

In addition to the likely overestimates of job and housing numbers described in [Section 2.2, SHMA Economic Assessment](#) above, the pre-referendum advice from most economic forecasters was that the UK's economic growth would be significantly reduced if the UK left the European Union. The effects of Brexit were not included in the economic assessments used for the SHMA, and it is therefore necessary to re-assess the economic environment within which this modelling is being carried out.

3.3 Overestimated Workforce Jobs

One possible explanation (albeit speculative) for the discrepancies identified in [Section 2.2, SHMA Economic Assessment](#) above, is that there may have been – deliberately or otherwise – a tendency or policy aim of providing a scale of housing (in excess of Guildford's organic, "policy off" needs) to encourage people to move to Guildford, thereby increasing sustainability and potentially reducing commuter road traffic, or to improve "development receipts" for financial reasons. If so, this would be a "policy on" intervention and should not be allowed to influence the OAN assessment (though it could potentially be a point for discussion post-OAN, ie. in the Local Plan). However such a policy would have to be explicitly discussed and agreed with the neighbouring planning authorities in accordance with the duty to co-operate. It would also need to be publicised and agreed locally in

³ Paragraph 18 of "Housing and Economic Development Needs Assessments Methodology: Assessing Housing Need", reference 2a-018-20140306

accordance with NPPF paragraph 155 (see the quote in [Section 2.1, SHMA Demographic Assessment](#) item (1) above).

The relevant Planning Practice Guidance⁴ states: *“The assessment of development needs is an objective assessment of need based on facts and unbiased evidence. Plan makers should not apply constraints to the overall assessment of need, such as limitations imposed by the supply of land for new development, historic under performance, viability, infrastructure or environmental constraints. However, these considerations will need to be addressed when bringing evidence bases together to identify specific policies within development plans.”*

Although the SHMA contains no specific evidence to indicate that such a policy is or has been in place, there is very considerable public disquiet concerning the high OAN derived in the SHMA, and it would be appropriate for GBC to make a specific response on this point.

4 Housing Requirement for Student and for Affordability

This document has focussed on a review of the housing need arising from the demographic and economic modelling undertaken in support of the SHMA. However, for completeness this section simply lists without comment the SHMA conclusions in respect of housing need for students and for affordability. For Guildford these were assessed in the SHMA and reported in SHMA Figure 63 as follows:

Student Growth Impact: 25 dwellings per year

Comment [D44]: Source: SHMA.

Improving Affordability: 31 dwellings per year

Comment [D45]: Source: SHMA.

⁴ Paragraph 4 of “Housing and Economic Development Needs Assessments Methodology: The approach to assessing need”, reference 2a-004-20140306

5 Conclusions

1. The basic procedures for modelling demographic growth that were used by DCLG and by the SHMA give sufficiently comparable results that the methodologies can be taken to be mutually consistent.
2. The ONS should be consulted to gain the best up-to-date view of the impact of "unattributable population change" on net international migration for Guildford, and the demographic modelling should be repeated accordingly.
3. The impact of the European Referendum on projected migration throughout the period from 2013 to 2033 should be assessed, and the demographic modelling should be repeated accordingly.
4. Elements of data on jobs and employment that were used for the economic assessment of housing need were mutually inconsistent, as a result of which there can be very little confidence in the economic assessment of housing need. The nature of this error is such that a correction is not possible on the basis of the existing data. A verified and self-consistent set of source data should be obtained, and the economic modelling should be repeated accordingly.
5. The true size of the error in housing need arising from inconsistent jobs and employment data cannot be gauged with confidence without further work as identified in Conclusion 4 above, but initial calculations show that it could be in excess of 2,000 dwellings over the period from 2013 to 2033.
6. The use of an inappropriate method of resolving differences in the third party economic modelling data is arbitrary, complex and unreliable. The method in the SHMA overstates the jobs growth by at least 1,500 jobs over the period from 2013 to 2033. The source economic data should be reviewed, and if required a simple "jobs average" method should be used to prepare the economic input data for SHMA modelling.
7. An excessive proportion of the economic growth proposed in the SHMA arises from construction work necessary to build dwellings for the workers who form part of the original economic growth. Serious consideration is required to avoid this "chicken and egg" situation.
8. The impact of the European Referendum on projected economic growth rates and on projected migration throughout the period from 2013 to 2033 should be assessed, and the economic modelling should be repeated accordingly.
9. No consideration has been given to the existing availability of sustainable commuting opportunities (that are readily available for workers travelling to Guildford) to offset an assessed insufficiency of supply of labour to meet economic growth assumptions. This consideration needs to be taken fully into account when the additional work recommended in Conclusions 2, 3, 4 and 8 has been completed.

10. GBC should investigate whether there has been any "policy on" intervention that has had the effect of promoting housing in Guildford in excess of the "policy off" need, and should issue a specific statement accordingly. If applicable, housing need assessments should be repeated accordingly.

Appendix A – Modelling

In order to undertake this review, an Excel spreadsheet (“GLPM” – Guildford Local Plan Model) was developed that was capable of modelling demographic growth and economic growth as a genuinely integrated process.

In the work reported in this document, the data used to drive the model was taken from published DCLG data wherever possible, so that the results represent what could be described as a DCLG baseline assessment. In order to validate the model, its outputs were compared directly against published DCLG data for demographic growth (drawn in turn from ONS SNPP data) and for household projections, and for all practical purposes it replicated the DCLG results for population projections and household projections exactly. Rounding errors led to very minor differences, but the maximum discrepancy between the two population projections in any year from 2013 to 2033 was 0.006%, with the final discrepancy in 2033 being 0.001%. The corresponding figures for the two household projections were 0.008% and 0.002%. This degree of consistency between the two different models therefore provides a very high degree of confidence that the overall GLPM methodology is correct, and that the data used to drive GLPM is consistent with the published DCLG baseline case.

The approach to integrating economic growth follows essentially the approach described in the SHMA, but year by year any unfilled jobs in Guildford arising from economic growth ~~is~~ are split in accordance with the commuting ratio between additional inwards commuters and additional inward migrants. This modelling approach preserves the current commuting ratio and is therefore “policy off” as is required. The age and sex of any additional inward migrants are then distributed in accordance with the prevailing age and sex distribution of migrants to Guildford, and these “additional economic migrants” are then added into the overall population. The assessment of the required number of households is then calculated using the approach that has been directly validated against DCLG projections; this therefore automatically allows for the age and sex distribution of such migrants, and models their natural ageing taking account of the employment rates and household formation rates appropriate to their age and sex.

Despite the confidence that can be drawn from the very close match to published DCLG data, it is always possible that models incorporate unintended errors or inaccurate modelling methodologies. Care has been taken in this regard, but I will provide a copy of the model to any local organisation or group (including Guildford Borough Council), with a free licence for non-commercial use, for the specific purpose of research or investigation into the housing needs of Guildford borough in support of the current Local Plan. This should achieve the dual aim of exposing the modelling to external examination to ensure that its outputs are reliable, and of providing an accessible tool by which interested parties in Guildford can probe the assumptions and data inherent in the current draft of the SHMA.

David Reeve's Review of Guildford's Objectively Assessed Housing Need

Guildford Borough Council has asked GL Hearn to review a report entitled "A Review of Guildford Objectively Assessed Housing Need, prepared by Councillor David Reeve and dated July 2016. Cllr Reeve's report seeks to consider the findings of the West Surrey Strategic Housing Market Assessment (SHMA) and points to a number of areas of potential concern with this. GL Hearn has sought to review and comment where appropriate on the issues raised. We have sought to do so in this note, dealing with the points raised on a topic-by-topic basis.

1. Trend-based Population Projection

Cllr Reeve's note sets out that SHMA demographic assessment methodology is broadly consistent to the approach promoted by DCLG. He however goes on to comment on the issue of Unattributable Population Change.

As the SHMA sets out, UPC in Guildford equated to over 7,100 persons over the 2001-11 period. This could relate to an error with Census data (an over-estimation of population in 2001, or under-estimation in 2011) or to the recording of migration between 2001-11.

By its very nature, UPC is unattributable. GL Hearn would agree with Mr Reeve that it is likely to relate at least in part to challenges in recording migration, including international migration (which is based on survey data and NI registrations) and internal migration (influenced by GP re-registrations).

Since the SHMA was written, ONS has published a data tool that considers the potential reasons for UPC. Whilst the tool does not give specific figures, it does highlight international migration as a potential area of error within mid-year population estimates for Guildford over the 2001-11 period. However, the tool does not set out the scale of any 'error' and crucially does not show when errors may have arisen. It is not possible to 'attribute' UPC to specific years within the 2001-11 decade – it is by its nature unattributable.

GL Hearn would agree with Mr Reeve's conclusion that in the absence of further information, a sensible judgement has to be made regarding UPC. Mr Reeve concludes that ONS should be consulted to gain the best up-to-date view on the impact of UPC on net international migration for Guildford. Our understanding of ONS' position is that migration should not be adjusted for UPC, in that this is the position that ONS has taken in both its 2012-based and 2014-based Sub-National Population Projections.

In weighing the evidence, there are a balance of factors to consider. These include:

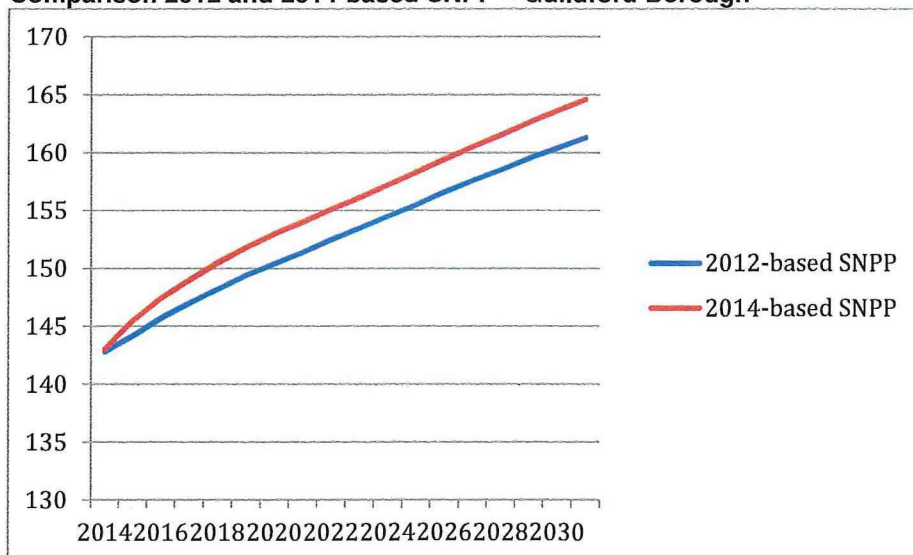
- a. The UPC is negative for Guildford which indicates either an error in the Census data or over-estimation of migration between 2001-11.
- b. Whilst it is not possible to attribute UPC to individual years, it seems likely that the bulk of it could well relate to the period 2004-9 when overall net migration and net international migration levels to Guildford were highest;
- c. ONS has implemented a programme of improvements to its modelling of migration. It has implemented improvements to the International Passenger Survey, including changes to the survey

design in 2009 which include improvements to the understanding of whether students stay after study. In addition a range of administrative data, including from the Higher Education Statistics Agency, has fed into the revised approach to modelling migration. The impact of these changes should be improved data from 2008 onwards.

- d. The ONS Sub-National Population Projections are based on international migration trends over the preceding 6 years, constrained to the view which ONS takes on international migration within its national projections (in which international migration to the UK is projected to fall – see below);
- e. It is most likely any error in the estimation of migration over the 2001-11 period is more likely to be within the period prior to 2008. It would thus have had very limited impact on the base period from which migration in the 2012-based SNPP is projected. This influenced the SHMA conclusions;
- f. Within the SHMA considerable testing of the robustness of the population projections for Guildford was undertaken (notably in paras 4.23 to 4.37 and Appendix B) – this included considering issues such as past/projected migration trends, UPC and overall past/projected population growth (including age profile). On balance this analysis did not demonstrate anything within the projections to suggest anything was fundamentally wrong with the SNPP. Indeed, the projections typically showed a reasonable and realistic fit with past trends.
- g. The latest official population projections, produced by ONS, expect stronger population growth to Guildford still (see below). Given the improvements to migration statistics implemented by ONS, these should not be affected by UPC; and
- h. The relevant test in the PPG in respect of adjustments is that these must be based on “established sources of robust evidence.” There simply isn’t clear evidence which would justify adjustments for UPC which would withstand scrutiny at Examination in Public in GL Hearn’s opinion.

There are further factors which also need to be considered. The first of these is that a further set of Sub-National Population Projections has now been produced, with a 2014 base. These suggest stronger population growth in the Borough, particularly in the short-term.

Comparison 2012 and 2014-based SNPP – Guildford Borough



Comparing data on the components of change between the ONS 2012- and 2014-based SNPPs, based on data on the ONS website, the stronger population growth in the 2014-based SNPP for Guildford is largely due to an increase in projected levels of net international migration (which in turn is consistent with ONS mid-year population estimates (MYE) showing a higher level of international migration to Guildford in the period to 2014). Internal net out-migration is projected to be higher in the 2014-based SNPP although this is likely, at least in part, to relate to the higher projected level of international migration (i.e. the higher international migration provides a higher population from which people may become out-migrants).

The table below shows annual average levels of natural change (births minus deaths) and migration in each of the 2012- and 2014-based SNPP for the 2013-33 period.

For comparison, it is worth noting that ONS estimates international migration to have averaged 1,714 people (net) over the past 5-years and a lower figure of 1,486 over the past 10-years. The projections do not therefore look to be high when compared with past trends.

Annual average components of population change in Guildford

	ONS 2012-based SNPP	ONS 2014-based SNPP
Natural change	675	663
Internal net migration	-812	-870
International net migration	1,229	1,492
Average population change	1,076	1,265

Source: ONS

If UPC were assumed to be entirely attributable to international migration and excluded from the projections then the 10-year average would drop to 1,059 (a figure consistent with the 2012-based projections), although any adjustment for UPC would need to also take account of the impact this would have in the internal out-migration figures (which would likely drop as a result). There is not however robust evidence from which to conclude that UPC could entirely be attributed to an over-estimation of migration.

What is also noteworthy is that the 2012-based SNPP projected population growth in Guildford between 2012 and 2015 of 4,533 people, whereas ONS's subsequent Mid-Year Population Estimates puts the growth at 6,370 (over 40% higher than projected). Similarly the 2014-based SNPP projected a population growth of 2,515 in the 2014-15 period whereas the MYE has actually recorded 3,122 (24% higher than projected). Whilst it is arguable that limited weight can be given to such limited and short-term data, it is clear from more recent data releases that the various SNPP are more likely to under- rather than over-estimate population growth in the Borough.

GL Hearn concludes that there is no basis using established sources of robust evidence, as the PPG requires, to support a downward adjustment to the ONS Sub-National Population Projections used within the SHMA.

2. EU Referendum Result

The EU Referendum result is clearly material – but at the current time, the key impact of this is of heightened uncertainty. The potential impact of this is twofold:

- Impacts on immigration
- Impacts on economic growth

In respect of immigration, **the key issue is one of uncertainty**. The Government has a stated objective to reduce net migration to the UK. This is already consistent with assumptions within official (ONS) population projections. Net migration is currently high - at 336,000 in 2014/15 (notably above what was projected at 165,000 persons per annum in the 2012-based SNPP). There are potential short-term upsides to international migration figures from people seeking to move to the UK before Brexit occurs.

There is no guarantee that the UK Government will be able to restrict freedom of movement with EU Countries whilst retaining access to the Single Market – this is for discussion within Brexit negotiations. Alternative models which have been touted – such as Australia's points based system – have higher net migration per capita than the UK; whilst for instance Switzerland, which falls outside the EU, has the highest number of immigrants per capita within its population in Europe (according to the OECD).

Moreover, **the ONS population projections already assume that migration will fall**. Their 2012 based SNPP (as used in the SHMA) expected net migration to fall to 165,000 a year in the short-term. The 2014-based SNPP expect net migration to fall from 330,000 in 2013/14 to 185,000 in 2020/21.

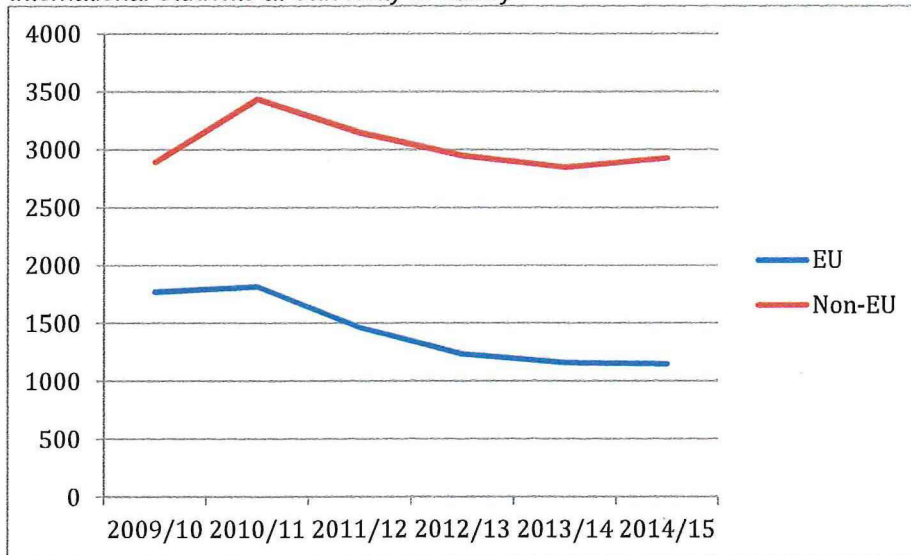
The level of net migration in 2014/15 was above that projected at 336,000 with a 50/50 split between inflows from EU and non-EU countries. The ONS are thus already assuming that a 45% fall in net migration is achieved over the next five years; and the SHMA demographic projections (using the 2012-based SNPP) assumed lower immigration still.

Set against this, it is not clear that there would necessarily be any downside to the OAN associated with Brexit to international migration assumptions within the ONS projections.

For Guildford, international migration is influenced by both flows of workers and students. Evidently changes in visa requirements as well as tuition fees, are potential influences on international migrant numbers. The UK's economic performance could influence levels of net migration, recognising that access to employment is one of the drivers, and growth expectations over the next couple of years have been downgraded. We come on to this below.

Numbers of international students at Surrey University fell between 2010/11 and 2012/13 (as shown below) but have since stabilised. This will have been fed into the 2014-based SNPP.

International Students at University of Surrey



Source: HESA (www.hesa.ac.uk)

In headline terms, whilst there is clearly uncertainty regarding economic performance and migration, there is however not clear evidence that Brexit would necessarily reduce net migration to the UK to levels which are below those in the official ONS population projections, particularly the lower assumptions in the 2012-based set which were available at the time of preparation of the SHMA.

3. Jobs in 2013

In the UK there is no census of employment, and job figures are invariably modelled based on drawing together information from different data sources. This typically included survey-based data from the Business Register and Employment Survey (BRES) and its predecessor the Annual Business Inquiry (ABI); together with data on self-employment. **Fundamentally “a verified and self-consistent set of source data” as suggested unfortunately doesn’t exist.**

Employment growth assumptions for Guildford were derived from AECOM, who undertook analysis of information from BRES and ONS Workforce Jobs series to derive an estimate of jobs in Guildford of 89,600 in 2013 (SHMA Para 5.9). This was based on interrogation of BRES data, which records employee jobs and working proprietors, of 77,755 and an adjustment factor taking account of self-employment resulting in an estimated 89,608 total jobs in 2013. The difference between these figures (11,853) is equivalent to 13.2% (11853/89608). This estimate of self-employment is relatively similar to that derived for Guildford looking at the Annual Population Survey estimates which would show self-employment of 11,600 averaging figures over a three year period (2012 – 2014) to reflect the survey nature of the dataset, albeit that there is some potential overlap with working proprietor numbers within the BRES data.

The above are estimates of jobs, rather than people in work; and it is important to recognise that some people can have more than one job (as Mr Reeve does). They are also estimates for 2013.

The Census-based figure is for 2011 (78,311 persons working in Guildford), and is a people-based measure rather than one relating to jobs.

If we look at the equivalent BRES and APS data for 2011, the BRES showed 75,200 employee jobs; and the APS showed 10,700 self-employed (averaged over 3 years, 2009-12). This produces an estimate of 85,900 jobs in 2011.

Data on the proportion of people with a second job is sourced again from the Annual Population Survey, but as a small number is subject to a higher margin of error. On this basis the SHMA had used a 10 year average. If we look at the actual numbers of "second jobs" a three year average (2009-12) or 10 year average (2005-15) based on the latest data both show 3,200 second jobs. Added to the Census based estimate, this would yield 81,500 jobs.

This analysis and benchmarking confirms Mr Reeve's suggestion that one of the estimates is potentially unreliable. There could be an under-count in the Census data, or could be an over-estimate in the BRES or APS data. Ultimately it isn't possible to really drill further into why, given the information available. AECOM clearly looked at this issue in seeking to derive an estimate of jobs in 2013, concluding that a reasonable estimate would be of 89,600. AECOM believe that the method used is the most robust approach.

As Mr Reeve points out, the jobs estimates from the three forecasters were each higher. It is worth commenting on:

- The relative similarity between the average of the three forecasters and the AECOM estimate of 89,600 – this being a 2.4% difference (as Mr Reeve points out);
- That it was the lowest of the figures, the AECOM figure of 89,600, which was used on the SHMA modelling as a baseline;
- That the ONS estimate, from its Jobs Density data series, was of 89,000 jobs in 2011 and 91,000 jobs in 2013. The ONS itself therefore estimated total jobs in Guildford in 2011 at a level which is above the Census-based figure.

There are evident issues with the data on employment, but ultimately little scope in the absence of a regular "Census for employment" for further analysis to shed more light on the "right figure." There is some logic to Mr Reeve's suggestion that it could well be the Census based figure which is most probably unreliable.

4. The Commuting Ratio

We then come on to the commuting ratio assumption (SHMA Table 27). Firstly it is worth pointing out that both the estimates of residents in work; and people working in Guildford Borough are derived from the same source, the 2011 Census, and thus internally consistent.

There are essentially only two data sources which can be used to interrogate the relationship between the number of people working in, and living in, an area – the Census data, and Annual Population Survey data. Looking back to the 2001 Census this showed a commuting ratio of 0.98 (67,099 persons living in Guildford and in work, and 68,266 persons working in the Borough) suggesting an increase in in-commuting to the Borough in net terms over the 2001-11 period.

Looking at the Annual Population Survey data for 2011 (which would typically have a larger error margin because of the survey nature), this showed 78,789 people working in Guildford and 73,535 residents in work suggesting a commuting ratio of 0.93.

Ultimately the commuting ratio used for Guildford shows a level of net in-commuting. The SHMA modelling holds the commuting ratio constant, meaning that a proportion (10%) of jobs growth is supported by people living elsewhere. The commuting ratio used thus reduces the housing need relative to the use of alternative data sources.

5. Mr Reeve's Recalculation of 2013 Jobs

Mr Reeve's calculation estimates jobs in 2013 at 85,069. The suggestion that the differential could be caused by vacant jobs is not correct, as vacancies would not be counted as jobs in the official data. It is instead possible (taking account of the approach he uses) that it relates to:

- Employment rate assumptions; and/or
- Commuting

Ultimately if the baseline job estimate in 2013 was lower, but the size of workforce the same (based on the demographic data), the implication would be:

- Less net in-commuting into Guildford
- A lower employment baseline, implying slightly lower employment growth to 2033

Whilst the latter would potentially result in lower employment growth, an assumption that net -commuting at the baseline point was lower (or in- and out-commuting more in balance), would actually have an upwards effect on the assessed housing growth as the SHMA assumes in effect that 1 in 10 jobs is supported by people commuting in to Guildford.

6. Scale of Employment Growth Moving Forwards

Mr Reeve appears to have incorrectly inputted figures from the Experian dataset to his Table 3. A corrected version is shown below. Using the corrected figures, the average of the three forecast figures shows a scale of employment growth (18,304) which is **marginally (3.2%) higher** than that applied in the SHMA based on AECOM's modelling.

Corrected Jobs Growth Figures

	2013	2033	Increase	% Increase	% change per year (compound)
Cambridge 2015	90,183	101,738	11,555	12.80%	0.64%
Experian 2015	90,510	112,620	22,110	24.40%	1.10%
Oxford 2015	94,602	115,849	21,247	22.50%	1.02%
SHMA (App F)	89,608	107,346	17,738	19.80%	0.91%
Average number of jobs (Mean average of Cambridge, Oxford and Experian)	91,765	110,069	18,304	19.90%	0.91%

Applying Mr Reeve's suggestion of applying the average increase in the actual number of jobs, rather than the implied growth rate (as AECOM did) would thus have an upwards impact on the scale of economic growth implied and OAN.

Evidently to look at the scale of economic growth which might be expected in an area, it is necessary to consider employment growth across all sectors – including construction. The three forecasting houses adopt slightly different definitions of the construction sector. Demand for construction will be influenced by a range of factors including macro-economic influences, infrastructure investment, and development including housebuilding. Thus whilst it is important to recognise that housing development will influence construction employment, this will play out at a sub-regional or regional rather than just a local/ borough scale. The

construction forecasts are derived from the three forecasters own economic assumptions: they are not influenced specifically by the SHMA nor local policy/ housing targets.

7. Brexit Effects

It is correct that the economic effects of Brexit have not been factored in to the SHMA/ AECOM evidence in respect of expected economic growth. The economic outlook is currently uncertain, with much depending on the trade relationships which the UK is able to strike up post Brexit.

In the short-term there are impacts associated with firms deferring investment decisions, and the potential for tighter credit conditions and higher costs of imports fuelling inflation. Most forecasters seem to be downgrading their expectations for economic growth to 2018. Longer-term uncertainty is evidently higher.

These are evident issues for the Council to consider; however, it is important to balance considerations. Whilst economic indicators may fall, the population growth shown from the latest 2014-based ONS Population Projections is stronger than in the 2012-based set and would potentially moderate any reduction in OAN through any updating of the SHMA evidence.

8. Potential for Commuting to Change

GL Hearn would accept that Guildford is a well-connected place. This however works two ways, and can mean that there is demand for houses from people who commute out to work, as well as the potential for jobs to be taken up by in-commuters.

Looking at the 2001 and 2011 Census data, it does appear that in-commuting to Guildford (in proportional terms) has been increasing.

The SHMA projects in effect that the commuting ratio remains constant, implying levels of in-commuting (in terms of absolute numbers) increase. To apply a further change in the commuting ratio would imply an increased proportional draw on labour from other surrounding areas – and would have implications in terms of the Duty to Cooperate. Other authorities would need to agree that this is sensible, and in effect agree to plan for homes to accommodate Guildford's workers.

This is fundamentally however a policy issue. The SHMA needs to be prepared on a policy off basis, as has been clarified in case law – *Oadby & Wigston BC vs. SSCLG & Bloor Homes Ltd* [2015 EWHC 1879 (Admin)], where Mr Justice Hickinbottom outlines (para 34) that:

"For an authority to decide not to accommodate additional workers drawn to its area by increased employment opportunities is clearly a policy on decision which affects adjacent authorities who would be expected to house those additional commuting workers, unless there was evidence (accepted by the inspector or other planning decision-maker) that in fact the increase in employment in the borough would not increase the overall accommodation needs. In the absence of such evidence, or a development plan or any form of agreement between the authorities to the effect that adjacent authorities agree to increase their housing accommodation accordingly, the decision-maker is entitled to allow for provision to house those additional workers. To decide not to do so on the basis that they will be accommodated in adjacent authorities is a policy on decision."

Being realistic, Guildford is not the only constrained authority within the sub-region and it would seem very unlikely to GL Hearn that the Council would be able to persuade other areas to provide higher housing provision, so that it could reduce its numbers. This is however ultimately a matter for the Council, in discussion with adjoining authorities.

9. Overestimating

Policy or financial factors (such as development receipts or reducing road traffic) have had no influence on the SHMA's conclusions. It is also worth noting that the assumptions on the scale of employment growth have been derived by AECOM, who were commissioned by the Council independently from GL Hearn.

10. Review of Mr Reeve's Spreadsheet Model

As part of his representation, Mr Reeve provided a spreadsheet which worked through his view of housing need. GL Hearn hasn't looked at the 'model' in detail, but would note that the inputs look to be consistent with published data although the model itself does not appear to work in a dynamic manner: where adjustments are made to say population in one year, the implications for this as cohorts move through time do not appear to have been accounted for. However, rather than be concerned with the workings of the model we can focus on some of the key assumptions and outputs.

Although Mr Reeve does not state it in his representation, it seems from his modelling that an OAN of 612 dwellings per annum (dpa) is derived. This is based on his view about employment growth and does not take account of suppressed household formation or additional potential needs from students. A figure of 612 dpa compares with a figure of 637 dpa in the SHMA (see Table 30) if suppressed household formation or additional potential needs from students are ignored. Hence on the face of it there is a modest (4%) difference between the SHMA and Mr Reeve.

As outlined above, Mr Reeve has not correctly used the Experian data and has therefore suggested a lower level of job growth (and hence growth in the resident labour force). From the spreadsheets provided it is not clear if and how this has been factored into his modelling (although the additional workforce required in his modelling is certainly lower than assumed in the SHMA – see below). It is clear that if Mr Reeve has modelled on the basis of labour-force growth that is too low then his population and household/housing estimates will also be too low.

However, a more fundamental issue is the method used by Mr Reeve to uplift population to ensure a sufficient labour-force. From the modelling it looks as if Mr Reeve considers there to be a labour-force shortage of 3,232 and accepts that this means a need to uplift population growth. However, what Mr Reeve does is to assume that *all* of the additional population (migration) is of people who are working; this assumption cannot be correct. For example, a proportion additional migrants will have children (who would presumably move with them) or economically inactive partners. Furthermore there is no control on who occupies a home and hence it is most probable that a proportion of any additional homes would be occupied by people who are not economically active (e.g. retirees). Hence to generate an increase in the workforce of 3,232 would require a higher increase in population generally, and the higher level of population will generate additional household growth and housing need.

It appears that Mr Reeve's modelling is deficient in two respects, firstly his assumption about how much additional workforce is required, and secondly by assuming that only workers would be additional migrants. Had Mr Reeve correctly modelled these two points, it seems likely that his housing need estimate (of 612 dpa) would be close to (or possibly in excess of) the 637 dpa derived in the SHMA.

Overall, it looks as if Mr Reeve's analysis, once properly understood, supports the outputs of the SHMA as being of the right order of magnitude and therefore a robust measure of housing need.

11. Suppressed Household Formation and Student Growth

As noted previously, Mr Reeve has not considered within his modelling or representation the issue of suppressed household formation or the need for additional provision to accommodate student population growth. He does note these points in his Section 4 but does not provide any comment.

Suppressed Household Formation

Planning Practice Guidance is clear that the assessment of need should take account of suppressed household formation. Para 2a-015 of the PPG states:

'The household projection-based estimate of housing need may require adjustment to reflect factors affecting local demography and household formation rates which are not captured in past trends. For example, formation rates may have been suppressed historically by under-supply and worsening affordability of housing'

Appendix A of the SHMA clearly identified that household formation amongst the population aged 25-34 had fallen between 2001 and 2011. This clearly suggests that there has been some suppression of formation in this age group. This issue was discussed in relation to the whole HMA in para 4.58 of the SHMA and also from paras 7.47-7.57. Whilst there is arguably some debate about what to do when suppression is identified (and in the SHMA an analysis was undertaken to return household formation rates back to historical levels) it cannot be ignored.

It is clear from the evidence that there is a degree of suppressed household formation in Guildford within the projections, and therefore in line with guidance an adjustment would be expected to be applied to the data to improve affordability.

Additional Student Needs

The SHMA identified a potential need for 25 additional homes per annum to cater for a growing student population. The rationale for this set out in Appendix C of the main SHMA report. In short, the SHMA recognises that the trend period feeding into the SNPP was one where there was little or no change in the number of students in the Borough. For that reason, it was reasonably concluded that the SNPP would not be picking up growth in the future (i.e. a trend-based projection would continue the trend of limited student growth).

However, discussions with the University of Surrey indicated a notable expected increase in student numbers moving forward. This increase would therefore be over and above the population growth figures in the SNPP, and hence provides the potential for a need for additional homes to house this increasing population. The SHMA considered issues such as the number of students likely to live in halls of residence or in the family home and concluded that 1,985 would be an additional part of the household population. On the basis of 4 people per shared household it was therefore concluded that around 500 additional homes would be required (equivalent to 25 per annum over the 2013-33 period).

Whilst the analysis in the SHMA does contain some degree of assumption, it is clear that future student growth will be a population over and above that captured by official projections, and hence likely to generate a need for housing. Mr Reeve does not comment on the student needs or consider the implications of a growing student population in drawing conclusions.

12. Concluding Comments

Ultimately there are questions regarding the accuracy of survey data, and uncertainties with longer-term projections/ forecasts. These issues are not unique to Guildford. The Council is working with the same data and situation as many other authorities across the Country and GL Hearn has sought to interrogate issues as far as the data allows.

GL Hearn cannot see that there is additional or better information available at the time which could have been used in the SHMA or which through re-looking at these issues would provide a greater degree of clarity regarding data accuracy issues. Brexit evidently increases uncertainty – in terms of migration and economic growth. But the Council must submit a plan by 2017 or risk losing control of the plan-making process, and in many respects these issues will not be resolved in the short-term. The Council has publically committed to reviewing the SHMA and Employment Land Needs Assessment to take account of recent projections and forecasts, and ensure that the evidence base is up-to-date.

Mr Reeve has set up a model which in terms of key inputs looks to be reasonable – he appears to conclude a need for 612 dwellings per annum. It appears likely that this figure under-estimates the objectively assessed housing need, as it incorrectly interpreted the economic forecasts (specifically one from Experian) and assumes that additional economic-driven migration will be just of workers; when in reality workers may bring children and partners and some migration may be of the economically inactive/ older persons. Additionally, Mr Reeve does not consider the issue of suppressed household formation and student housing needs, which the SHMA outlines will result in additional housing need. Taking account of these issues, GL Hearn continues to consider that the SHMA findings of an objectively assessed housing need in Guildford of 693 dwellings per annum, continue to remain robust.

