

**Information submitted to the Deputy Monitoring Officer  
by the Subject Member to be relied upon at the hearing**

1. Experian Report (UK Local Market Forecasts Quarterly). NB. This document has been sanitised to redact all confidential information.
2. West Surrey Strategic Housing Market Assessment (September 2015) – Appendix F: Net Change in Workforce Employment 2013-2033 for Guildford Borough Council
3. Partial transcript of a Surrey Advertiser Interview with Cllr Paul Spooner, 13<sup>th</sup> December 2016
4. Letters from Cllr Paul Spooner (27 May 2017) and Cllr David Reeve (1 June 2017) published in the “Guildford Dragon”
5. Letter from West Clandon Parish Council dated 13 July 2017
6. Email from Amanda Mullarkey, Chairman, Guildford Residents Associations dated 16 July 2017
7. Letter from West Horsley Parish Council dated 17 July 2017
8. Email from Cllr Susan Parker dated 17 July 2017
9. Composite document comprising the Investigating Officer’s Draft and Final Reports into complaints made against Cllr David Reeve by Cllr Paul Spooner and Cllr Caroline Reeves, and including Cllr David Reeve’s comments on the Draft Report (prepared by Cllr David Reeve) dated 17 July 2017



**UK Local Market Forecasts Quarterly**

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## **APPENDIX F: Net Change in Workforce Employment 2013-2033 For Guildford Borough Council**

### ***Calculating the Net Change in Workplace Employment 2013-2033***

*Three independently derived projections of future workplace employment were used to forecast employment change over the period 2013-2033.*

- *Cambridge Econometrics Employment Projections, 2015 (Cambridge Econometrics);*
- *UK Local Market Forecasts, 2015 (Experian); and*
- *Local Authority District Forecasting Model, 2015 (Oxford Economics).*

*Each dataset is supplemented by a technical report which presents information on the approach used to project workplace employment.*

*While each provider applies a different method to project future workplace employment, from a review of these technical reports, and based on our professional experience, we believe that these forecasts are robust and suitable for projecting change over the long term in Guildford.*

*The three data providers' projections indicate that Guildford's workplace employment is anticipated to grow within the range of 0.605% to 1.099% per annum between 2013 and 2033, with an average rate of 0.907% per annum (rounded to three decimal places). Assuming each projection is equally valid, the average rate of change in employment is deemed to be the most suitable rate of growth to apply to determine the net additional workplace employment arising.*

*The change in workplace employment between 2013 and 2033 is calculated in three steps:*

- 1. First, an estimate of workplace employment in the borough of Guildford for the base year (2013) of the forecast is required. The three data providers have three different workplace employment counts because they have interpretations of the structure of economy. Instead of taking an average workplace employment for 2013 across the three datasets we consider it more appropriate to calculate workplace employment using the Office of National Statistics (ONS) data which provides an official interpretation of the size of Guildford's economy. Aggregating ONS' Business Register Employment Survey (BRES) data at a four-digit standard industrial classification (SIC) level provides an estimate of employment across all sectors in Guildford of 77,755. BRES is a survey and typically underestimates employment. This underestimate can be resolved by applying an adjustment factor calculated using the regional Workforce Jobs series. Applying an adjustment to each SIC division to align with the regional unadjusted Workforce Jobs series for 2013<sup>25</sup> provides an estimate of 89,608 jobs. This figure is highly comparable to the data providers' workplace employment for 2013.*
- 2. Second, we apply the average compound annual growth rate (CAGR) of the three workplace projections, which is calculated to 0.907% (as stated above), to the 2013 workplace employment figure of 89,608 to estimate workplace employment at 2033.*
- 3. Third, the difference between the 2033 and 2013 workplace employment estimates is calculated. This value is the net additional employment.*

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<sup>25</sup> Taken to be the average of March 2013, June 2013, September 2013 and December 2013 estimates.

*The calculation and result is:*

*CAGR = 0.907% (rounded to three decimal places here but no rounding used in calculation)*

*Number of years 2013 to 2033 = 20*

*2013 workplace employment = 89,608*

*2033 workplace employment =  $89,608 \times (1+0.907)^{20} = 107,346$*

*2033 workplace employment minus 2013 workplace employment =  $107,346 - 89,608 = 17,738$*

*From this approach we calculate that workplace employment in Guildford between 2013 and 2033 is anticipated to grow by 17,738.*

## Surrey Advertiser Interview with Cllr Paul Spooner, 13<sup>th</sup> December 2016

<u>A Langlois</u>	We'd better start, because not everybody knows what a Local Plan is. So if we start with that, Paul, what is a Local Plan?
<u>P Spooner</u>	A Local Plan is effectively our delivery plan for housing, employment needs, retail needs, the infrastructure and transport planning over a period of time. And the period we are working to at the moment will be 2014 for 20 years. So we're looking at an opportunity here to shape the borough of Guildford for an extended period of time.
<u>A Langlois</u>	OK. And what kind of stage is Guildford's Plan at, because it's been a few years in the making, and not uncontroversial during that time.
<u>P Spooner</u>	We're at Reg 19 at the moment. We went out in the summer for a Reg 19 consultation – that effectively means a pre-inspector stage. Having gone through that Reg 19 stage, we're now reviewing the circa 32,000 plus comments that we received. We're working through those, and then we'll almost certainly need another Reg 19 prior to submission to the inspector.
<u>A Langlois</u>	So the next consultation, the next time for people to have their actual say on it, when's that going to be?
<u>P Spooner</u>	Formally?
<u>A Langlois</u>	Yes.
<u>P Spooner</u>	Somewhere around June next year. So we're looking probably June/July 2017 for the consultation period.
<u>A Langlois</u>	And that's another six weeks is it?
<u>P Spooner</u>	That's the statutory six weeks.
<u>S Harrison</u>	It's important to realise that the Reg 19 consultation that we've had, the work and effort that's gone into that isn't wasted. So the next consultation that we have is going to be a targeted consultation. So we're not after people telling us what they've already told us; we will make some changes to this document, and we're interested in receiving people's comments on those changes. Both sets of comments will be sent to the inspector when we submit the Plan.
<u>P Spooner</u>	Yes, I think that is important because we don't need another 32,000 duplicated statements next time. What we're really looking for is comments ... change [?].
<u>A Langlois</u>	I suppose that's quite a good place to start. We've had several questions in advance; one is from Jim Allen who has actually asked a few questions – he's from the Burpham Neighbourhood Forum. His final question is: at what stage will you accept that with 20,000 objections to the Plan makes it virtually untenable to the community [?]. As in if you are receiving lots of people that are highly critical of it, at what stage can you go with this is the right Plan to submit?
<u>P Spooner</u>	Well, of course we have to take note of every comment, and every criticism is reviewed. I've said from when I became Lead Member, and then became Leader, that as a Council we plan to deliver the objectively assessed need if we possibly can without too much detrimental effect to the borough. And therefore the complaints that are coming in that just basically state that we don't want housing, full stop, we can't accept I'm afraid.
<u>A Langlois</u>	The objectively assessed need figure, this is the 693 homes a year – is that correct – so 13,000 over the period of the thing, are you really revisiting that figure at the moment.
<u>P Spooner</u>	Yes. Because obviously Brexit is coming in. We'll take the opportunity of updating the SHMA with latest figures from ONS etc, so we will be revisiting that SHMA. Probably we will internally have that information during January, and that will obviously shape the next version of the Reg 19.

<u>A Langlois</u>	There has been a lot of worry from people that these SHMA figures, these figures have indeed ... There's been a lot of effort to try and get hold of the calculations behind it, and it's seen as not transparent enough as to where the figures are actually coming from. I think you've said in the past before that we don't hold those calculations as Guildford Borough Council. Is that correct?
<u>P Spooner</u>	Yes well. We have contracted third party suppliers to produce the SHMA figures. Interestingly, we have had obviously a councillor who's pretty much worked out for himself because he had access to confidential information.
<u>A Langlois</u>	Which councillor is that?
<u>P Spooner</u>	A GGG councillor, David Reeve. He has pretty much worked out the SHMA. The interesting thing from that process is that he has demonstrated in fact that the numbers are broadly correct. His number, that he has generated by going through the whole exercise himself (and that must have taken him a considerable amount of time) is that in fact broadly speaking the SHMA is correct in terms of the GBC published SHMA.
<u>A Langlois</u>	Obviously David Reeve is not here today, so we'll have to put that to him at another time.
<u>S Harrison</u>	It's also worth saying that we have had quite a few representations saying the SHMA figure is not big enough. There's quite a few developers who have said they think that taking three and averaging them out doesn't necessarily reflect the growth levels, doesn't necessarily reflect what's going to happen, and the fact that we have not delivered over the last number of years, X number of years, we should be building in a higher number than the actual SHMA.
<u>A Langlois</u>	So the fact that there's disagreement from both directions, and that our faith in this figure is from the fact that we've paid a company to make this figure, are you satisfied that's strong enough?
<u>P Spooner</u>	I'm very satisfied. When you look at what we actually did in terms of the growth figures, we didn't just take one company's figures; we contracted three different companies, and then took an average. To be absolutely sure, I think that we were being as fair as we possibly could in terms of getting the right data into the SHMA. So in terms of SHMAs nationally, I believe that we have done as much and probably a lot more, than almost any other place in the UK. However, I am aware that central government still feel that it's probable an objectively assessed need needs to have clear clarification, so I do expect that to be clarified further, but I don't expect it to be clarified in a way that most of our residents would hope or expect – in other words a lower number. I believe that if the national government puts in place a revised or changed structure or system for a SHMA, it will only result in a higher, not lower, numbers.
<u>A Langlois</u>	So you ... I mean is that correct? You said just now that most residents would want a lower number. Do you think that's right?
<u>P Spooner</u>	Yes I do. I think we have to be realistic. We have a beautiful and very attractive borough, and we also have a fantastic town. Certainly I don't want to see 50 storey tower blocks in Guildford; I don't believe that suits Guildford, and therefore we have to accept that growth is required – and I genuinely believe that it's a requirement for Guildford. Housing need is required; we know of the problems that exist for students and young people; we know of the requirements are affordable[?], and therefore the objectively assessed need is, I think, a fair reflection of what we do need to try and aim for in this borough.
<u>A Langlois</u>	In the past, the Council has spoken about a silent majority. Maybe the attitude has changed slightly with your leadership?

## **Letters from Cllr Paul Spooner and Cllr David Reeve published in the “Guildford Dragon”**

**From Paul Spooner, 27 May 2017**

### **It Is A Myth That Cllr Reeve’s Housing Numbers Are Wildly Different**

Cllr David Reeve [GGG, Clandon & Horsley], having met with GL Hearn and Justin Gardner, agreed that his methodology and the GBC SHMA [Strategic Housing Market Assessment] methodology were broadly aligned. There is no big mismatch at all.

I am surprised he has not made this clear and publicly stated that he made errors in his published data that were clarified in his communication with GL Hearn. Also, he should confirm that he was given access to all data held by GBC and subsequently assisted by GL Hearn in his endeavours.

It is a myth that Cllr Reeve has produced a wildly different OAN [Objectively Assessed Need] but he seems unable to admit this in public as it would discredit his original claims.

I am not trying to knock Cllr Reeve as I appreciate the extensive work he undertook that has actually validated the SHMA and OAN and I have expressed thanks to him for confirming the validity of the SHMA.

**From David Reeve, 1st June 2017**

## **The Council Leader's Letter is Inaccurate**

*in response to: [It Is A Myth That Cllr Reeve's Housing Numbers Are Wildly Different](#)*

It is inaccurate of Cllr Spooner to say that I have “agreed that [my] methodology and the Guildford Borough Council (GBC) Strategic Housing Market Assessment (SHMA) methodology were broadly aligned. There is no big mismatch at all.” Either Cllr Spooner is being disingenuous, or he has failed to understand the issues.

He is also on record as saying much the same in an [interview on December 14 2016](#), posted on the *Get Surrey* website, when he said that “A GGG councillor, David Reeve has pretty much worked out the SHMA. The interesting thing from that process is that he has demonstrated in fact that the numbers are broadly correct. His number, that he has generated by going through the whole exercise himself (and that must have taken him a considerable amount of time) is that in fact broadly speaking the SHMA is correct in terms of the GBC published SHMA.”

Let me make the situation very clear. The work that I published in July 2016 did not support the housing numbers that appeared in the SHMA. It did confirm to my satisfaction that the methodology employed in the GL Hearn/Gardner demographic projection was capable of producing numbers that were consistent with the published Department of Communities and Local Government (DCLG) data.

However, the final result depends on the data that was used as well as on the calculation method that was used to process that data. I said in my report: “...it should be noted that both DCLG and the SHMA based their projections on the underlying ONS [Office of National Statistics] data, and that there are two considerations that are likely to influence the population and household estimates for 2033 ...”. Those two considerations were the likely effects of Brexit, and the problem of Unattributable Population Change (UPC).

Since I wrote my report, ONS has revised its projections to take account of Brexit, but the problem of UPC remains. When the 2011 census was analysed, it was found that ONS's year-by-year population assessments for Guildford for the period 2001 to 2011 overstated the annual inward migrants to Guildford by 717 per year, but the specific source(s) of the error could not be established – hence the use of the term “unattributable”.

It is true that ONS have taken steps to address this large error (and took some of them before the 2011 census), and it is reasonable to assume that the error is now smaller than it was in 2011. However, until reliable confirmation is obtained from analysis of the 2021 census, nobody (including ONS) really knows how large the UPC error is at present.

GL Hearn has assumed that the error is now zero – presumably on the false basis that absence of evidence of the current size of the error justifies an assumption that there is no error.

My position is that GL Hearn's assumption cannot be sustained, indeed I stated in my report 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 that ‘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’ “.

An assessment of the true current value of the UPC is very important, because if it has been reduced from an overstatement of 717 inward migrants per year down to, say, 250 (which would represent a substantial achievement by ONS), this would translate to a population overstatement of 4,250 (250 x 17) over the 17 years between now and the end of the Local Plan period, in 2034. At a typical headship rate of 2.4 people per dwelling, this in turn translates to 1,771 dwellings. This error could therefore quite easily be at the scale of one of the proposed strategic sites.

That is why I do not in any way accept Cllr Spooner’s characterisation of my work as supporting the current housing figure that appears in the draft Local Plan, and why I described him as being disingenuous or as having failed to understand the issues.

There is also an issue of potentially similar magnitude arising from what I believe to be errors in the assessment of housing need arising from economic growth. However, this particular issue is considerably more complex than the simple demographic numbers that I have discussed above, and is not appropriate here.

If someone wants to arrange a public workshop to examine these issues in more detail I would be prepared to participate in the interests of generating an informed public debate in the spirit of NPPF paragraph 155.

Notwithstanding my comments above, I can confirm that Cllr Spooner is right in two respects:

1. As a councillor I did have access to data that was not available to the general public, namely the economic forecasts provided to GBC by Oxford Economics, Experian and Cambridge Econometrics. However, it should be noted that the overwhelming majority of the work that I reported last year was based on a detailed examination of the published SHMA and data from ONS and DCLG that is readily available to the public. Also a meeting took place at the end of March this year (2017) between Cllr Spooner, Planning Officers, representatives of GL Hearn and Justin Gardner, and myself to discuss my conclusions.
2. I did erroneously misquote Experian’s estimate of the number of jobs in Guildford in 2013 and 2033, and it is the case that GL Hearn identified this error. However, this error fed through to only one of the ten conclusions that I published in my report (conclusion number 6), and has no effect whatsoever on the discussion above. For the avoidance of doubt, I am happy to withdraw that particular conclusion.

If anyone would like a copy of my report I would be happy to provide one if they email me at: [david.reeve@guildford.gov.uk](mailto:david.reeve@guildford.gov.uk)



# WEST CLANDON PARISH COUNCIL

**Chairman:** Mr Terence Patrick , Stoney Royd, Woodstock, West Clandon, Guildford, GU4 7UJ

**Clerk:** Mr John Stone, Hunters End, Lime Grove, West Clandon, Guildford GU4 7UT  
**01483 385187:** [westclandon@talktalk.net](mailto:westclandon@talktalk.net) : [www.westclandon.org.uk](http://www.westclandon.org.uk)

Sarah White,  
Deputy Monitoring Officer,  
Guildford Borough Council,  
Millmead House,  
Guildford,  
GU2 4BB.

13<sup>th</sup> July 2017

Dear Sarah,

Councillor David Reeve

I am writing on behalf of West Clandon Parish Council following the meeting of the Council held on Wednesday 12<sup>th</sup> July 2017 at which the formal complaint brought against Councillor Reeve was discussed. We understand that the complaint will be the subject of a formal hearing of Guildford's Corporate Governance and Standards Panel scheduled for 11<sup>th</sup> September 2017.

Councillor Reeve attends meeting of the West Clandon Parish Council as one of our local district councillors and has always played a supportive and constructive role. We have seen nothing in his behaviour which brings Guildford Council into disrepute and have never seen him acting in a manner which does not promote and maintain high standards of conduct.

Councillor Reeve has shared with us a copy of Satish Mistry's letter to him dated 21 July 2016 setting out the allegations against him. Nothing in the matters alleged against him in that letter make us think any less well of Mr Reeve even if the facts are all as stated by Mr Mistry. Mr Reeve seems to us (both in what we have witnessed personally and in what is stated in Mr Mistry's letter) to be promoting proper debate on the new draft Local Plan in a way which is in the interest of Guildford Borough Council and in its residents.

The allegations strike us (as lay people and local residents whom Councillor Reeve represents) as very technical and unsubstantial. We think that the views of ordinary members of the public are relevant in deciding whether a person has brought a body into disrepute or has failed to treat others with respect. We have seen nothing in what appears to be alleged that concerns us as residents of the Borough represented by Mr Reeve. Would right-minded residents really think a Councillor has shown a lack of respect or had brought himself or his Council into disrespect by making known his opinions without consulting the Council or its officers? If a Councillor believed there was a serious road traffic safety issue on the A247 through West Clandon we believe he could campaign, issue press releases, hold public meetings and publicise his opinions without having to check with his colleagues or with officers first. The relevance of this is that if the public as a whole agree with us (which we suspect they would) then the allegations must be misconceived.

We understand the allegedly confidential information disclosed by Councillor Reeve was an estimate of the number of jobs in Guildford in 2013. Not all information in a confidential report is in fact confidential and any restrictions on disclosure will only apply to information which is confidential. The actual

number of jobs in 2013 is a matter of fact (albeit perhaps difficult to measure exactly) and not in the slightest bit sensitive or confidential. It is difficult to imagine circumstances in which one person's estimate of an observable fact to do with Guildford could be seriously contended to be confidential. Even if you believe there has been some technical breach, we believe that right-thinking members of the public will not see technical and de minimis breaches of requirements as bringing the Council or its members into disrepute.

We are aware that in other parts of the country there have been concerns that public faith in elected members has been damaged by perceptions that they fight their political and personal battles through formal misconduct proceedings. It would be a pity if that were to become the case in Guildford.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'John Stone', with a long horizontal line drawn underneath it.

John Stone

Clerk

For West Clandon Parish Council

cc. Councillor David Reeve

**From:** Amanda [mailto: [REDACTED]]  
**Sent:** 16 July 2017 21:23  
**To:** [REDACTED]  
**Subject:** Cllr David Reeve

To whom it may concern

In May 2016, during the consultation on the Proposed Submission Local Plan, Guildford Residents Association (GRA) employed expert consultant Neil McDonald to produce an assessment of the SHMA. I was asked by Neil McDonald to request the economic activity rates used by each of the three consultants GBC had employed to inform the SHMA. Neil McDonald understood this information to be readily available and in no way sensitive. I wrote to Neil Taylor at GBC on 21 May 2016 requesting these figures. I had a reply from GBC saying it would take some time to process the request.

A residents association (I cannot remember which) suggested that I ask Cllr Reeve if he already had this information because he was doing some work on the economic aspects of the SHMA. I spoke to Cllr Reeve to ask if he could provide the economic activity rates which he may already have as part of a wider release of data.

David was polite but unambiguous that he would not be able to share the economic activity rate information with me, if indeed he had it, regardless of its non-sensitive nature, because any information provided to him had been on the basis he was a Councillor and it should not be shared with anyone else. He advised me that I would have to wait for GBC to provide the information to GRA for use by Neil McDonald in his SHMA analysis. Appreciating the basis on which information had been made available to Cllr Reeve, GRA and Neil McDonald waited to hear from Neil Taylor at GBC.

I can therefore confirm that in this context, Cllr Reeve appeared to act with integrity in not sharing any of the data he had.

Beyond this, I do not know Cllr Reeve.

I trust this information is of value to GBC.

Amanda Mullarkey  
16 July 2017



## **WEST HORSLEY PARISH COUNCIL**

[www.westhorsley.info](http://www.westhorsley.info)

*Chairman*  
Mr Charles Hope

*Clerk*  
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17 July 2017

For the attention of Sarah White, Deputy Monitoring Officer, Guildford Borough Council

Dear Ms White,

### **Reference – Formal hearing of a complaint against Borough Councillor David Reeve**

West Horsley Parish Council has very recently been made aware that a hearing is to be held in September by the Corporate Governance & Standards Committee regarding a complaint made by the Leader of Council and Leader of the Opposition against Councillor Reeve, one of the three councillors representing the Clandon & Horsleys Ward.

Members of West Horsley Parish Council, excluding the Chairman Charles Hope who is a parish council representative on the Corporate Governance & Standards Committee, have pooled their views on this matter and have unanimously agreed that:

- 1) the matter that appears to have caused offence to members of the Borough Council in July 2016 and given rise to the complaint, has definitely not come to any parish councillor's attention in the past 12 months, either via news media outlets or simply by word of mouth from any person. Thus, the matter was only known to a limited number of persons within the Borough Council's environs at Millmead.
- 2) If only known about internally within GBC, the matter did not and could not have, as alleged, publicly brought the Borough Council into disrepute.
- 3) by far and away the most damaging matter to Guildford Borough's reputation is the Council's long term and continuing refusal to answer Freedom of Information requests submitted by residents and local associations about the methodology and assumptions used by G L Hearn, the Council's appointed contractor for the preparation of the Strategic Housing Market Assessment (SHMA). Such information has been requested several times since late 2013 and the Council's refusal to provide answers does not meet the requirements of NPPF paragraphs 155 and 157 for engagement and co-operation with public, voluntary and private sector organisations.
- 4) Councillor David Reeve is well liked by residents and this Parish Council and considered to be a real asset to our community. Since his election to the Borough Council in 2015, he has worked tirelessly to represent the views of the residents of the Ward and enjoys very considerable support in the village. His approach as a Councillor is to listen carefully, research and deal only with the true facts of local issues, as well as acting with complete integrity and scrupulous honesty.

- 5) it must be put on record that David Reeve, as a trained engineer, is equipped with the mathematical skills and understanding to analyse and reduce complex reports to their constituent parts. It is understood that in this instance, David applied 'trial and error' methods of analysis on the published G L Hearn SHMA housing figures to examine and determine his findings.
- 6) West Horsley Parish Council finds it has no problem or difficulty with accepting that the SHMA Analysis undertaken by David in Spring 2016 was both beneficial, topical and very much met the public interest of being able to challenge the inordinately high Objectively Assessed Housing Number (OAN) for new homes proposed to be built in the future Local Plan period.
- 7) it must also be recorded that Guildford Residents Association published in July its own report '**A Review of the West Surrey SHMA as it relates to the Objectively Assessed Housing Needs of Guildford**' prepared by Neil McDonald, an independent expert consultant. This Review found that there were flaws and errors in G L Hearn's West Surrey SHMA, conclusions similar to those stated in Councillor David Reeve's analytical report.

In conclusion Parish Council members have asked me to restate their view that the complaint has NOT publicly brought the Borough Council into disrepute and ask why the complaint will have taken some 14 months to reach the Hearing stage this September. The complainants, by choosing to continue not to supply information on the methodology and assumptions used by G L Hearn, risk doing much greater reputational damage to the Borough.

Letters to the local press over the past 2 – 3 years indicate many residents of the Borough think there is a deliberate policy of secrecy on housing numbers rather than the transparency required by Government.

Yours faithfully,

Mrs Sam Pinder  
Clerk & RFO, West Horsley Parish Council

**From:** Susan Parker [mailto: ]  
**Sent:** 17 July 2017 08:03  
**To:** David Reeve  
**Subject:** Re: Witness Statement for My Hearing

David

Thanks for sending this.

I have no idea to what Cllr Spooner may be referring. I do not think I have distanced myself from anything that you have said or done in any way. I consider that you have always acted to serve the public interest as a councillor. This includes careful and responsible consideration of Guildford's Strategic Housing Market Assessment.

Housing needs and housing requirements are a matter of enormous public concern and public interest within the Guildford area. I cannot see that there can be any appropriate commercial confidentiality which should apply to any statistical appraisal here.

With kind regards  
Susan

On 17 Jul 2017, at 07:42, David Reeve < > wrote:

Susan,

As part of the grindingly slow process of examining Cllr Spooner's complaint against me, I am supposed to lodge any evidence or witness statements with the Deputy Monitoring Officer today. In the various releases of documentation associated with this matter I have come into possession of an e-mail from Cllr Spooner to Satish Mistry in which he states that you took a position on what he alleges is my breach of Councillor privilege in publicising my report on the SHMA, namely the following:

*"23/08/2016 15:12. Paul Spooner to Satish Mistry:*

*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"*

As he has attributed positions to me that were downright wrong (notably in his broadcast interview with Get Surrey a few months ago, and in a recent letter to the Guildford Dragon), I wanted to check the veracity or otherwise of his statement about you distancing yourself from my actions. I'm sorry to land this on you as you return from holiday, but is there any chance that you could respond as soon as possible so that I can meet the requested timescale?

Could you please treat the e-mail extract above as confidential.

Many thanks,  
David

Composite Document Comprising the Investigating  
Officer's Draft and Final Reports  
into Complaints made against Cllr David Reeve  
by Cllr Paul Spooner and Cllr Caroline Reeves.

Prepared by David Reeve

17<sup>th</sup> July 2017

This document consists of the draft version of the Investigating Officer's Report dated January 2017 and the final version dated March 2017. Microsoft Word revision marks have been used to show the changes between the two versions of the report. Text from the draft that did not appear in the final report is shown in ~~red with the characters "struck through"~~; new text in the final report is shown in blue with underlining.

In addition, this document includes Cllr Reeve's responses to the Investigating Officer's draft report. These responses have been positioned immediately below the passage to which they relate. In order to provide a very clear distinction between the Investigating Officer's text and Cllr Reeve's responses, the latter are presented on a solid light green background as indicated in this paragraph.

Note that as these responses related to the draft report, any cross references refer to the paragraph numbers in that draft, which normally appear in red text.

When these responses were originally e-mailed to the Investigating Officer on 6<sup>th</sup> February 2017, they were in the form of a table in which each comment quoted the specific text to which it referred (highlighted in bold) followed by the response itself. This document includes the responses in exactly the same format, but to further assist the reader the Investigating Officer's relevant original text has been highlighted in yellow.

Care has been taken to produce an accurate comparison between the draft and final copies of the Investigating Officer's report, but as they were provided in different formats (PDF and docx), the process necessarily involved some manual work. The author is not aware that any errors were introduced, but can give no guarantee that the comparison is perfectly accurate. Nevertheless, it provides the most convenient (and probably the best available) single document in which much of the business of the proposed hearing can be examined.



# INVESTIGATION:

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

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GUILDFORD BOROUGH COUNCIL

### **STRICTLY CONFIDENTIAL**

~~It should be noted that this is a draft report and has not been finalised. To assist the parties and in the interests of transparency, this report contains my draft findings. It should however be clearly noted that these are only the findings that I am minded to make at the time I prepared this draft, and that I will not finalise these findings until I have had any responses from the parties to this draft, and been able to consider these.~~

~~It may therefore be the case that I may change my findings at that point.~~

January ~~March~~ 2017



## 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 6<sup>th</sup> 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 6<sup>th</sup> 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**

6-9. 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.

~~7.10.~~ 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.

~~8.11.~~ 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.

~~9.12.~~ 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.

Typo: "Waverley"

~~10.13.~~ 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:-

~~10.i.1~~~~13.i.1~~ Cambridge Econometric Employment Projections, 2015 (Cambridge Econometrics);

~~10.i.2~~~~13.i.2~~ UK Local Market Forecast, 2015 (Experian);

~~10.i.3~~~~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)."

Typo "Justin"

~~11.14.~~ 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.

42-15. *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”*.

43-16. 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.”*

44-17. 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”*.

45-18. 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)”*.

46-19. 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."*

47-20. 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."*

48-21. 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"*.

49-22. At this time the local plan was going through a process of consultation which was drawing to a close.

20-23. 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"*.

Typo: "Clandon and Horsley"

21-24. 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".

**"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."**

Response: I cover this point in more detail in my response to your paragraph 59 below.

**"... 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."**

Response: I find it difficult to see how I could have treated Council process, Councillors and officers with apparent contempt in the light of the circumstances that I cover fully in my response to your paragraph 53 below.

22-25. 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".

23-26. 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."

**"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 ..."**

Response: I contend that the assertion that there was a “gross breach” is completely unsupported. My response to your paragraph 61 below shows that it is difficult to contemplate a breach more minor than the one which I made, and moreover that my “technical breach” was well within the bounds of the defences of (a) being in the public interest, and (b) being a disclosure within the scope of “just cause and excuse”.

**“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.”**

Response: In terms of making no effort to discuss my findings, this should come as no surprise – see the first part of my response to your paragraph 53.

As regards damaging the reputation of the Council, please see my response to your paragraph 79.

*24-27. 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”.*

*25-28. 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.*

*26-29. 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.<sup>1</sup> 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 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.”*

**“He is now so sure of his conclusion that he is chasing up individual Councillors for a response.”**

<sup>1</sup> 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.



My understanding is that this was hearsay evidence that was subsequently withdrawn by Cllr Reeves – although I cannot at present provide the reference to the appropriate documentary evidence. Could I please ask that you review this, because if I am correct, this statement would be inappropriate in your report.

27-30. 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.*”

28-31. 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 what happened to Marsha Mosely for frankly a far less serious matter!*”

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

Response: The quotation in your report (above) is an extract from a pair of e-mails sent on 23<sup>rd</sup> August. The full text is:

*23/08/2016 15:12. Paul Spooner to Satish Mistry:*

*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*

*23/08/2016 15:45. Satish Mistry to Paul Spooner*

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

*Satish*

This appears to me to indicate an attempt by Cllr Spooner to influence the judgement of the Monitoring Officer, who, as far as I am aware, has the sole responsibility to manage the complaint process. That process imposes a duty on the Monitoring Officer to attempt local conciliation in order to determine if the complaint can be resolved locally with the agreement of all parties. Satish Mistry was simply following the prescribed procedure, and I believe that it was inappropriate of Cllr Spooner to interfere in the process, or to attempt to do so. I trust that you agree, and that you have not allowed any such interference in your investigations.

29- 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"*.

30-32. This led to the letter, sent by email to Cllr Reeve on 21 July from Satish Mistry, which said as follows

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*"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.*

**"... it is alleged that you made no effort to discuss your findings with the leader, lead member or officers ..."**

Response: See my response to paragraph 53 of your report.

Also, when I released my report, I explicitly suggested meeting, firstly in my e-mail dated 8<sup>th</sup> July: *"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"*, and again in (my e-mail on 10<sup>th</sup> July: *"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."*

Finally, I also offered to meet Cllr Furniss to explain the details of my work when he asked me for a copy of my model at a Council meeting on 12<sup>th</sup> July.

A meeting only finally took place many months later – and at my instigation.

**"... it is alleged ... that you released this within the consultation period to damage the reputation of the Council ..." The Leader of the Council has made this complaint, which is supported by the Leader of the Opposition."**

Response: Cllr Spooner was speculating when he arrogated to himself the ability to identify my motives. How could he possibly know what my motives were?

Actually, far from wanting to damage the reputation of the Council, I wanted the reverse. As I said in my statement, my opinion was that the Council had done an extremely poor job of assessing the work done on their behalf by external consultants (and this extended to other documents in addition to the SHMA). It so happened that I believed that I could make a contribution and so that is what I did. If no-one else was going to undertake a proper review of an important document, having a Councillor take it upon himself to do the work could only enhance the standing of the Council – whether or not the conclusions were in agreement with the existing findings of the SHMA.

By way of explanation, it is worth pointing out that in the second letter that I ever wrote to GBC – some three years ago, on 7th January 2014 – I made the following point:

*"A procedure can be described as objective if:*

- a) *it is sufficiently well-defined that the results produced by using the procedure to process a particular set of data are independent of the person carrying out the work, or*

- b) *its results would be regarded by an impartial observer as being accurate, non-arbitrary and fit for purpose.*

*I believe that in the context of the debate arising from the Local Plan consultation definitions (a) and (b) should both apply before a procedure can be referred to as being 'objective'.* "

This clearly indicates that I have a personal interest in ensuring that the quality of the Local Plan "evidence base" (ie. base documents on which the Local Plan is founded) is fully rigorous in the terms that I defined in (a) and (b) above. Nothing has changed. That is still what motivates me to apply a critical eye to ALL the information that comes before me as a Councillor.

*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";**

*30.i.132.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.*

**"Although the facts of this complaint are not "on all fours" with that paragraph ..."**

It certainly is not "on all fours". In fact the paragraph is completely irrelevant. That paragraph of the Code of Conduct demonstrably relates to matters contained in Council agendas, and has no bearing on this case.

Moreover, in my opinion, this whole part of the Code of Conduct seeks to set standards for everyday personal interaction between Councillors, or between Councillors and Officers. Under that head, I am not aware that any criticisms have ever been levelled against me at any time since I became a Councillor. I believe that the entire charge that I failed to treat others with respect should be struck out.

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

*30.ii.132.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.**

~~30.iii.1~~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**

~~31~~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.

~~32~~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.

~~33~~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**

#### **34~~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.

**“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 ...”**

This is totally at odds with Neil Taylor’s comment in his e-mail of 4th February (which was copied to Cllr Spooner). For details see my response to paragraph 53 of your report.

- (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.

#### **35-37. 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.

Typos in ‘Cllr Reeve said she felt the *“danger caused will have a lasting effect”* ...’:

“Reeve” should be “Reeves”

“danger” should be “damage”

- (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.

- (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 Councils 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.

**"However, as the work that Cllr Reeve had done actually "validated" the housing need identified in SHMA rather than undermining it ..."**

Although I respect this view by Laura Howard, I certainly do not agree with it. My work did show that the methodology employed by Justin Gardner for the demographic



modelling was entirely respectable, and that the results were very similar to those produced by DCLG from essentially the same data. However, I believe that Laura Howard has mistakenly extended the agreement in that specific area by assuming that it also applies to the assessment of the housing requirement arising from economic growth. This is very much not the case. In fact my work suggested drastically different results, and identified some serious flaws in the data used by GL Hearn, which fed through to erroneous results.

- (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"*.

**"However, as stated, from a planning point of view I do not consider that this will harm our case at examination."**

This statement by Laura Howard seems entirely at odds with Cllr Spooner's statement on the same topic. I trust that you have investigated the reason for this.

### 37-39. 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”.

Typo: “believed”

- (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”.

**“Cllr Reeve referred to the new GL 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’.”**

Here, GL Hearn (the author of the SHMA) is freely stating in their own document that their modelling of the number of houses arising from economic growth is founded upon set of data that is neither verified nor consistent. This is quite simply a case of “garbage in, garbage out”. It is little short of a scandal that even with this report in hand since the middle of the 2016, the Council still required me to push (in December 2016) for a meeting with GL Hearn to finally resolve this issue.

- (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.

**“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 ...”**

Response: See my response to your paragraph 28.

- (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?**

38-40. 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**

39-41. 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*"

40.42. 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.

41.43. 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".

42.44. 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.

43.45. 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.

44.46. 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.

**"I do not think that the Council had gone through his report to the same level of detail."**

I would agree with your comment. But if neither the complainants nor the Council have been through my report in sufficient detail to examine what was and was not confidential, how could it ever have been intellectually respectable to launch this entire complaint?

45.47. 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*”.

46-48. 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**

47-49. 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.

48-50. 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.

49-51. 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.

~~50-52.~~ I therefore find that it was reasonable for the complaint to be put through the process.

~~51-53.~~ 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

~~52-54.~~ 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.

~~53-55.~~ ~~It seems to me~~ believe that it is important for good governance that ~~the way in which~~ members and officers ~~behave is~~ 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 ~~the~~ very wide circle such as that to which Cllr Reeve sent his report) to speak with officers beforehand and inform them that he disagrees in some way with what that that it is confidential especially where he apparently accepted it was such at the time he was given the information says or indeed as in this case that he disagrees that it is confidential. Otherwise the member treats their request for confidentiality with impunity and disregard.

**"... I believe that it is incumbent upon a member, should he wish to reveal that information (especially to the very wide circle to which Cllr Reeve sent his report) to speak with officers and inform them that he disagrees in some way with what that information says or indeed as in this case that he disagrees that it is confidential."**

Response: There are two points here:

1. Your statement is all very well, but such conversations had long since happened.



I was acting in accordance with an explicit statement from a Senior Officer of the Council 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" – which you quote in paragraph 12 of your report. Note also that Cllr Spooner was copied on this correspondence (e-mail from N Taylor to D Reeve, 4th February) so he was – or should have been – aware of this position.

It is therefore a bit rich to find myself accused of being disrespectful to the Council for not discussing my findings internally, when I had already been told – and when the Council Leader was aware that I had been told – that the Council would take no notice of them until I brought them up at the Planning inspector's public examination of the Local Plan. In my opinion, this is an example Orwellian doublethink of the most disconcerting kind.

2. "or indeed as in this case that he disagrees that it is confidential"

This is just wrong: please cross refer to paragraph 37 vi of your own report.

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.

54-57. By not ~~doing so~~ 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.

55-58. 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.

**"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."**

Response: **Please do not include this comment when you append my comments to your final report, as it refers to a sensitive issue concerning a constituent.**

I understand your comment, but there were circumstances that seemed to have no bearing on your investigation at that time, so I did not mention them on that occasion. ■

[REDACTED]

You would be very welcome to contact Mr James Whiteman, the Deputy Managing Director of the Council, to verify this if you wish to. To avoid any possibility of prejudicing whatever comments he may wish to make, I have made no attempt to speak to him about you potentially contacting him. However I will send an e-mail to both of you so that he is aware that any call you make is legitimate.

~~56. Had he done so, even though they 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.~~

57-59. 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"*. ~~This would clearly have been read by~~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 involve inevitably be also seen as a criticism of the officers at the Council who are responsible for the work.

**"This would clearly have been read by many of those to whom it was addressed as a criticism, as I believe it was intended to be, of the SHMA and therefore I feel it is reasonable to assume it would involve a criticism of the officers at the Council who are responsible for the work."**

Response: There is a huge cultural divide here, and possibly also a semantic issue. It is perfectly possible to conduct a critical appraisal of work without criticising the author of the work. This is exemplified by literary criticism: when students are set a piece of work to criticise a Jane Austin novel, they are not criticising the author – instead they are engaging in analytical assessment of the novel. In many sectors (for example the software and all safety-critical industries) it is perfectly normal to challenge work in this sort of way – indeed without that sort of challenge, such industries would never achieve the degree of success and safety that they have in fact achieved.

I certainly didn't intend a criticism of officers at the working level – I believe that they are working hard on what is (and was always bound to be) a demanding project – namely the development of a new Local Plan. However, I do have definite criticisms of the leadership of that project, as I have made clear both in the Council and in the course of this investigation. In my experience, projects or companies that get into difficulties seldom arrive at that point due to failings at the working level; instead the problem is almost always rooted much higher up the food chain. There is nothing wrong with carrying out analytical criticism; on the contrary, detailed and vigorous scrutiny of the whole project will ultimately result in a better result, and is simply part of my job.

Coming to the particular subject of this investigation, if there is anything wrong with the SHMA (as I believe there is) the likely source would lie within the external consultant's organisation or amongst the senior individuals (or indeed Councillors) who decided jointly or individually not to examine the work that was commissioned and paid for by Council tax payers. I therefore disagree with you in your belief that I was criticising, or was intending to criticise, many of those who read my report – and not least because it was abundantly clear that the criticism related almost exclusively to GL Hearn's work, and because I did not even distribute my report to officers. On the contrary given my findings, the passage that you quote, namely "*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*" could hardly have been couched in less inflammatory words. In short, had I been in your position I would have found it extremely difficult to sustain the conclusion that you appear to have drawn.

58-60. 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.

59-61. 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".

**"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'."**

Response: At the public meeting in East Horsley on 7th December 2015 I certainly raised in public the issue of my inability to gain access to material from Experian and the modelling results from Justin Gardner prior to my becoming a councillor, and I certainly agree that Cllr Spooner did say that having become a councillor I should be able to gain such access. However, to the best of my recollection, I did not ask for his assistance. It is also true that a little later when I wrote to Neil Taylor on 11th January I copied Cllr Spooner for information – as is explicitly stated in my e-mail. Had I been asking for his intervention, my present view is that I would probably have not included him as a copy addressee on my message to Neil Taylor; rather, I would have sent a separate copy of my message to Neil Taylor to Cllr Spooner with a more explicit request for assistance. (However, I should note these are my best endeavours at recalling the fine details of events more than a year in the past; they are a genuine attempt to cast light on events but I cannot promise that I have perfect recall.)

It is worth noting that despite my having no recollection of directly asking for Cllr Spooner's assistance to gain access to the material, I did appreciate his assistance (which you reference in the final sentence of paragraph 22 of your report), and I acknowledged it in writing on at least two occasions – see my e-mails dated 17<sup>th</sup> February and 10<sup>th</sup> July. However, without in any way seeking to devalue my appreciation for his assistance, I had previously understood that decisions on such matters rested with Council officers rather than with Councillors.

Given that I sense that this issue is one of the aspects that Cllr Spooner has clearly found particularly irritating, it is all the more regrettable that no opportunity was taken to meet and discuss this, as I feel that this particular irritation could have been cleared up long ago. Certainly on my side I see no particular bar to making such progress.

### Confidential Information

60-62. 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.

61-63. 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.

**“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 ...”**

Response: To a very large extent, I believe that this is a matter of scale. The three forecasting houses each produced their own forecasts of the future level of employment in Guildford. These were substantial reports in the form of spreadsheets, with details of the forecast numbers of jobs across various sectors of the local economy, and the types of

job (self-employed, employed, part time etc). The number of cells occupied by this numerical data in those reports (excluding totals and sub totals that are simple aggregations of the detailed lower level data) were:

Cambridge Econometrics:	2,385
Experian:	8,073
Oxford Economics:	3,655

Of this volume of data, I included in my report just the following information each of the forecasters:

Total jobs in 2013 – which amounts to just three numbers. (The figure for jobs in 2033 can be easily calculated from the 2013 figure together with information already published in the SHMA. If this is not regarded as being allowable, the figure rises from 3 to 6.)

Percentage jobs growth in the construction industry between 2013 and 2033. This calculation aggregated figures for the construction industry for 2013 and 2033 and expressed the total growth over the Local Plan period as a percentage. I do not regard this as breaching confidence in any significant way.

So the extent of what I called a “technical breach” in my original statement amounted to a disclosure of three individual numbers that were not already in the public domain, drawn from reports containing over 14,000 numbers. Moreover, as confirmed in Laura Howard’s statement (see paragraph 36 v in your draft report) Cambridge Econometrics and Oxford Economics had agreed to allow their data to be disclosed. So considering only the Experian data, this comes down to a single number in a report containing 8,073 separate numbers. This is slightly more than 0.012% of the numbers in report. I find it little short of astonishing that anyone can seriously claim that this amounts to a “*gross breach of confidence*”. The case should be dismissed before any further Council funds are wasted on it.

Having consulted Modern Intellectual Property Law (third edition) I note that in *R v Department of Health ex p Source Informatics Ltd* (1999), the Court of Appeal supported Gurry's conclusion in his 1984 book “*Breach of Confidence*” that “*a confidant will remain liable for breach if he misuses only part of the confidential information disclosed to him, but only provided that this relates to a 'material part' of that information. Consequently information that has taken little effort to generate may go unprotected, particularly if only a small proportion has been used*” [my emphasis]. This seems to describe almost exactly the situation in this case.

62-64. 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.

“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.”

Response: I am disappointed that you seem to have thought it irrelevant that I am defending myself against a complaint from the Leader of a Council, but that the same

Council passed considerably more material of the same kind and from essentially the same source (Experian) to GL Hearn, and where there are reasons to suspect that the data may have been conveyed without the protection of a confidentiality agreement. As I indicated before, I am not certain of this, but I have already related to you the circumstances which I believe you should have followed up in your enquiries. It is not at present possible to say, but if it turned out that I was being pursued for actions considerably smaller in scale than those that might have been carried out by the Council in the recent past, I would regard that as a material consideration in this case.

Whether or not it turns out that this transfer to GL Hearn took place without appropriate confidentiality arrangements in place, is incontrovertibly true that in at least three earlier versions of their SHMA, GL Hearn published almost exactly the same information sourced from Experian\* that I disclosed in my report, and yet as far as I am aware no complaint whatsoever has been raised against them. The current complaint initiated by Cllr Spooner, as Council Leader, seems to be a clear symptom of a lack of even-handedness. Why is an identical breach of copyright by a supplier not pursued with the same vigour that has been employed in this complaint against me? This is fundamentally wrong.

\* I provided hard copies of the relevant pages of previous versions of the SHMA when you initially conducted the interview for my statement. I now provide below images of the relevant tables, and I can also provide electronic copies of the complete documents if necessary.

West Surrey SHMA Draft Report, December 2014, Table 31, page 77:

Table 31: Estimates of 'double jobbing'

	Number of jobs	Work in area	Double jobbing Ratio
Guildford	87,159	78,311	0.90
Waverley	57,738	52,757	0.91
Woking	55,600	44,568	0.80
West Surrey	200,497	175,636	0.88

Source: 2011 Census and Experian economic forecast, 2014

Guildford & West Surrey SHMA Final Draft Report, May 2014, Table 8, page 37 (this same table also appeared in the January draft):

Table 8: Employment Growth (1997-2012)

	1998-2008		2008-12	
	Total Jobs	% Growth PA	Total Jobs	% Growth PA
Guildford	11,200	1.5%	3700	0.4%
Waverley	4,500	0.8%	500	-0.4%
Woking	7,500	1.7%	900	-0.7%
Surrey	55,500	1.1%	15300	-0.1%
South East	413,900	1.1%	69600	-0.2%

Source: Experian April 2013 Economic Forecasts (GLH Analysis)

63-65. 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.

64-66. 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.

65-67. The more difficult issue is the first test – whether the information he has given was of a confidential nature.

66-68. 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.”*

**“Furthermore, the court went on to consider what was described as “the spring-board effect.”**

Response: I challenge the applicability of the springboard doctrine. Quoting from *“Modern Intellectual Property Law”* on the springboard doctrine: ***“Where the information has been published, protection can still be obtained through the springboard doctrine. At this point, the action for breach of confidence, while maintaining its origins in a breach of trust, departs from its boundaries within the confidential. It does so for the purpose of remedying acts of unfair competition by those abusing a formerly confidential relationship. In the process, information which is at least partially in the public domain receives protection.”*** [My emphasis] There are two important points here (highlighted in

bold). Firstly, the entire purpose is intended to prevent unfair competition – in this case there is no competition. Secondly it only comes into play to prevent an individual obtaining unfair advantage from confidential information; as Councillors, the complainants have just as much access as I had in respect of the confidential material in this case, which means that there can have been no unfair access by me. In addition, it is clear that the legal references that invoke the springboard doctrine relate to commercial advantage (at least for the references to every case that I have come across); that does not apply in this case as there is no commercial consideration in play.

67-69. It seems to me that this described exactly what Cllr Reeve has done

68-70. 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?

69-71. 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.

70-72. 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.

**"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."**

I understand the difficulty here, but the previous guidance no longer applies. With the



development of the law, 'just cause and excuse' provides considerably better guidance in this respect. In *Fraser v Evans* (1960), Lord Denning MR held that wherever there was any 'just cause and excuse' for breaking confidence, no confidence should lie. Moreover, 'just cause and excuse' for disclosure in the public interest has received the sanction of the Court of Appeal and the House of Lords (see *British Steel Corporation v Granada Television* (1981) and *Attorney General v Guardian Newspapers Ltd (No 2)* (1988)). It is also clear that the range of iniquities that this doctrine can cover has broadened significantly in recent years, and is no longer limited to the rather restrictive set that applied formerly.

74.73. 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.

**"... 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."**

Response: This balancing depends in great measure on the relative weight placed on a number of topics including those discussed in your report. It seems to me that in at least some matters, the true import of some of the circumstances was not entirely apparent to you. In the light of my comments in this document I therefore request that you repeat your balancing exercise taking into full account the material I have provided.

72-74. 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”

73-75. 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.

“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.”

I utterly refute the suggestion that I was failing to act in good faith, and I fail to see how a dispassionate assessment of the evidence could lead to this conclusion. Please refer to my comments in response to your paragraph 53.

74-76. 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**

75-77. 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.

### Disrepute

I have set out the reasons for my actions in this series of comments, and I would be grateful if you would review this section of your report in the light of my responses. Suffice it to say that I do not consider that I have brought the Council into disrepute, particularly in the light of my comments on your paragraph 53.

76-78. I can only find that ~~the result of his intention must have been~~ 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.

***"I can only find that his intention must have been to display his report with the suggestion of the faults in the SHMA to the widest possible audience with the intention that this would result in the local plan, and therefore the Council, coming under criticism and concern about the robustness or otherwise of its evidence."***

Response: Where my work supported modelling and/or conclusions that were reached by Hearn (which they did in the area covering the methodology of the demographic analysis), I had no problem in stating that in my report. While it is true that I had an expectation (based on a close reading of the SHMA itself) that in all likelihood there was a problem in GL Hearn's assessment of housing need arising from economic growth, that is by no means the same as embarking on the analysis with an intention, come what may, that I would find a problem. My entire training and career have been based on objective analysis of numerate topics; that is not to say that my work is infallible – just like everyone else I am not immune from human error. However, it is not correct to say that my intention was to "*result in the Local Plan, and therefore the Council, coming under criticism and concern about the robustness of its evidence*". On the contrary, my intention was to use the basically simple disciplines of sceptical review and numerical probity to get to the best possible view of the borough's housing requirement. Any subsequent effects upon the Council or the Local Plan simply followed naturally from that primary intention.

Having reached the conclusion that there were serious doubts about the accuracy and robustness of the SHMA's assessment of housing requirement arising from economic growth, and noting that the Council and its Officers had closed the door on any examination (see my response to your paragraph 53) – which has been very much glossed over in some of the statements that have been made to you during your investigation – there was little else in the way of practical steps that I could have taken.

It seems to me that there has been far too much focus in the Council on the PR agenda, rather than in addressing the fundamental need to carry out the underlying work on the evidence base documents to the best possible standard.

77-79. 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.

78-80. 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"*.

**"... Laura Howard, (who I found to be a reliable and sensible witness) ..."**

Response: I have no disagreement with this as an opinion, but it seems an odd comment to make when you passed no such opinion about any of the other three interviewees. Does this mean to imply in any way that one or more of the other three were not either sensible or reliable?

79-81. 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"*.

**"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."**

Response: Cllr Spooner is of course entitled to his opinion. However, I can assure you that his opinion is by no means uniformly held by other residents of Guildford.

As far as the standing of the Council in the eyes of residents is concerned, is there not a clue in the almost unprecedented scale of response to three public consultations? I think it would be very unwise to rely too much on Cllr Spooner's comments in reaching your decision – indeed it is worth pondering what the true extent of any damage might have been; Laura Howard certainly stated that *"from a planning point of view I do not consider that this will harm our case at examination"*. I would agree with Cllr Spooner to the extent that in Clandon and Horsley ward alone there would be hundreds if not thousands of residents who would not agree that my actions damaged the Council – and despite living in the east of the borough these residents are equally entitled to their opinion. I believe that as their councillor it is my job to represent those residents, and that they

would thoroughly support my actions, and as a member of the Council those actions would enhance its standing.

In my opinion, the best way of restoring the reputation of the Council (which I agree had suffered damage during the whole process of developing the Local Plan) is to dispassionately examine the reasons why such a large proportion of the residents are so upset, namely that they do not perceive that the Local Plan evidence base documents have been created in an objective and transparent way. Everything that I was trying to do in this matter was aimed at improving the Council's position in that regard.

As such, I find it very surprising that you have concluded that I have brought the Council into disrepute.

80-82. 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"*.

84-83. On the basis of this evidence, I find that Cllr Reeve breached the Code in relation to bringing the Council into disrepute.

## CONCLUSION

82-84. 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 its the disclosure of confidential information, the other two findings stand.

83-86. 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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