

DECISION NOTICE

Complaint No's. 08/25 WBC, 09/25 WBC, 10/25 WBC, 11/25 WBC, 12/25 WBC, 13/25 WBC & 14/25 WBC

Name of complainants	Cllr. Jane Austin on behalf of the Waverley Borough Council Conservative Group Cllr. Philip Brooker on behalf of the Guildford Borough Council Conservative Group Mr. A. Blurton Mrs. J. Bywater Ms. D. Flint Ms. F. Foster Mr. M. Waller
Name of Subject Member	Councillor Paul Follows
Authority	Waverley Borough Council
Summary of Complaints	<p>(1) At a meeting on 13 March 2025, Councillor Follows asked the Chief Executive to 'skew' a report on Local Government Reorganisation, in breach of the Nolan principles (Integrity, objectivity, accountability, honesty, openness, and leadership) and the following parts of the Waverley Borough Council Code of Conduct:</p> <p><i>5.1 I do not bring my role or local authority into disrepute</i></p> <p><i>6.1 I do not use, or attempt to use, my position improperly to the advantage or disadvantage of myself or anyone else</i></p> <p>(2) Cllr. Follows asked the Chief Executive to alter the content of the same report, to promote its outcome, and that the Chief Executive was being persuaded to act in a way which undermines the neutrality of officers, in breach of the following part of the Waverley Borough Council Code of Conduct: -</p> <p><i>3.1 I do not compromise, or attempt to compromise, the impartiality of anyone who works for, or on behalf of, the local authority.</i></p> <p>(3) Breaches of the Nolan principles, of honesty and integrity in that:</p>

	<ul style="list-style-type: none"> • Cllr. Follows said on 26th February that he had raised issues with MP's Jeremy Hunt and Greg Stafford, but this was not the case. • Weekly briefing updates sent to all Councillors on LGR were described as 'fact' when this was not the case. They were also stated to be confidential. The briefing updates were partisan and 'skewed' towards Cllr. Follows' political view and in promotion of his Opposition work as Leader of the Opposition at Surrey – in conflict to his role as Leader of Waverley. • He made incorrect claims that the SCC data room was empty.
Date of Decision	20 August 2025
Decision Reached	The Councillor Paul Follows did NOT breach the Waverley Borough Council Code of Conduct.
Reasons for Decision	<p>I appointed an independent investigator to review this matter on behalf of the Council and have carefully considered their report. As this matter has generated considerable interest, I have decided to publish the reasons for my decision in full.</p> <p>I have considered whether, by his comments to the Chief Executive prior to the Executive meeting on 11 March, Councillor Follows compromised or attempted to compromise the impartiality of officers, in breach of para. 3.1 of the Code of Conduct.</p> <p>The Code includes the following explanatory text:</p> <p><i>“Officers work for the local authority as a whole and must be politically neutral (unless they are political assistants). They should not be coerced or persuaded to act in a way that would undermine their neutrality. You can question officers in order to understand, for example, their reasons for proposing to act in a particular way, or the content of a report that they have written. However, you must not try and force them to act differently, change their advice, or alter the contents of that report, if doing so would prejudice their professional integrity.”</i></p> <p>Councillor Follows says he did not ask the Chief Executive to alter the content of the report. He referred explicitly to its tone and not to its content. The Chief Executive is clear that he interpreted it as a request that the narrative reflected the views of the Surrey leaders given the multiple discussions that had taken place. By this point, Surrey leaders had expressed their views as to what the proposal should be, on the basis of the objective evidence and analysis that had been provided.</p>

When questioned, the Chief Executive was clear that, when he responded to Councillor Follow, "We've done that anyway," he was referring to the work that officers across the districts and boroughs had done to ensure that the proposal document reflected the views that leaders had expressed on the basis of the impartial analysis they had given them. Given that the interim submission was signed off on 14th March by all 11 district and borough leaders, accompanied by their chief executives, the Chief Executive says that he is comfortable in saying that the tone of the report reflected the view of all of those leaders, on the basis of the objective analysis and evidence that officers had compiled.

Councillor Follows says that he was not asking for the content to be changed but for the tone to be stronger. I am satisfied that neither Councillor Follows or the Chief Executive had the ability to "skew" the report as 11 other districts and boroughs were also involved and the report was not published until it had been "signed off" by the respective leaders.

I find no breach of para 3.1 of the Code of Conduct:-

3.1 I do not compromise, or attempt to compromise, the impartiality of anyone who works for, or on behalf of, the local authority.

I have considered whether Councillor Follows brought his role or Waverley Borough Council into disrepute, by his remarks prior to the 11th March meeting, his comment that he had raised issues about LGR with the local MPs, his remarks about the SCC data room and the content of the weekly bulletins.

The Code includes the following explanatory text:

"As a Councillor, you are trusted to make decisions on behalf of your community and your actions and behaviour are subject to greater scrutiny than that of ordinary members of the public. You should be aware that your actions might have an adverse impact on you, other councillors and/or your local authority and may lower the public's confidence in your or your local authority's ability to discharge your/it's functions. For example, behaviour that is considered dishonest and/or deceitful can bring your local authority into disrepute.

You are able to hold the local authority and fellow councillors to account and are able to constructively challenge and express concern about decisions and processes undertaken by the council whilst continuing to adhere to other aspects of this Code of Conduct."

In order to constitute disrepute the behaviour must be such as to bring both the councillor's role and the Council into disrepute. In determining if the conduct amounts to disrepute, regard should be had to Article 10 of the

European Convention on Human Rights and the right of freedom of expression.

The LGA guidance on the Model Code gives the following guidance:

“Article 10 of the European Convention on Human Rights protects your right to freedom of expression, and political speech as a councillor is given enhanced protection but this right is not unrestricted. You should be aware that your actions might have an adverse impact on your role, other councillors and/or your local authority and may lower the public’s confidence in your ability to discharge your functions as a councillor or your local authority’s ability to discharge its functions.

*In general terms, disrepute can be defined as a lack of good reputation or respectability. In the context of the Code of Conduct, a councillor’s behaviour in office will bring their **role** into disrepute if the conduct could reasonably be regarded as either:*

- 1. reducing the public’s confidence in them being able to fulfil their role; or*
- 2. adversely affecting the reputation of your authority’s councillors, in being able to fulfil their role.*

Conduct by a councillor which could reasonably be regarded as reducing public confidence in their local authority being able to fulfil its functions and duties will bring the authority into disrepute.

For example, circulating highly inappropriate, vexatious or malicious e-mails to constituents, making demonstrably dishonest posts about your authority on social media or using abusive and threatening behaviour might well bring the role of councillor into disrepute. Making grossly unfair or patently untrue or unreasonable criticism of your authority in a public arena might well be regarded as bringing your local authority into disrepute.

The misconduct will need to be sufficient to damage the reputation of the councillor’s role or local authority, as opposed simply to damaging the reputation of the individual concerned.

Certain kinds of conduct may damage the reputation of an individual but will rarely be capable of damaging the reputation of the role of councillor or the reputation of the authority.

Here are some of the situations that might tip the balance in favour of disrepute to the role of councillor or to the authority in particular cases:

- 1. Situations where councillors have put their private interests above the public interest, which they are expected to promote as councillors, and therefore reduced the standing of their role. For example, councillors using their position to secure a secret personal profit.*
- 2. Similarly, situations where a councillor defies important and well-established rules of the authority for private gain.*

3. *Where a councillor engages in conduct which directly and significantly undermines the authority's reputation as a good employer or responsible service provider."*

My attention has also been brought to the case of *Heesom v Public Service Ombudsman for Wales* on which the following propositions could be derived:

a. *While freedom of expression is important for everyone, it is especially so for an elected representative of the people. He represents his electorate, draws attention to their preoccupations and defends their interests.*

b. *The enhanced protection applies to all levels of politics, including local.*

c. *Article 10 of the European Convention on Human Rights protects not only the substance of what is said, but also the form in which it is conveyed. Therefore, in the political context, a degree of the immoderate, offensive, shocking, disturbing, exaggerated, provocative, polemical, colourful, emotive, non-rational and aggressive, that would not be acceptable outside that context, is tolerated.*

d. *Whilst, in a political context, Article 10 protects the right to make incorrect but honestly made statements, it does not protect statements which the publisher knows to be false.*

e. *The protection goes to "political expression"; but that is a broad concept in this context. It is not limited to expressions of or critiques of political views but rather extends to all matters of public administration and public concern including comments about the adequacy or inadequacy of performance of public duties by others.*

f. *Past cases draw a distinction between fact on the one hand, and comment on matters of public interest involving value judgments on the other. As the latter is unsusceptible of proof, comments in the political context amounting to value judgments are tolerated even if untrue, so long as they have some – any – factual basis. What amounts to a value judgment as opposed to fact will be generously construed in favour of the former; and, even where something expressed is not a value judgment but a statement of fact (e.g. that a council has not consulted on a project), that will be tolerated if what is expressed is said in good faith and there is some reasonable (even if incorrect) factual basis for saying it, "reasonableness" here taking account of the political context in which the thing was said.*

g. *As article 10(2) expressly recognises, the right to freedom of speech brings with it duties and responsibilities. However, any restriction must respond to a "pressing social need".*

h. Politicians are required to have a thick skin and be tolerant of criticism and other adverse comment.

Regarding the remarks prior to the 11th of March meeting of the Executive, whilst Councillor Follows has acknowledged that they were “unhelpful” and “a poor choice of words”, I consider that they did not bring his role or the Council into disrepute. It is also material that Councillor Follows sought to clarify any misunderstanding as soon as possible at the subsequent meetings of Council and of the Executive, apologising for his poor choice of words.

I find no breach of para 5.1 of the Code of Conduct:-

5.1 I do not bring my role or local authority into disrepute

Regarding the alleged comments made at a meeting on 26th February the Investigator found, on the balance of probability, that no member briefing took place on that date as asserted in the complaint. Councillor Follows has, however, acknowledged that he did refer to discussions with the local MPs but says that he discussed LGR with Greg Stafford on 7th February and subsequently, and asked him to pass on his concerns to Jeremy Hunt. Whilst Councillor Austin alleges that no such meeting took place, the Investigator concluded that Councillor Follows did in fact have such a meeting and he was able to refer to his diary during his interview to confirm that the meeting took place. I accept the Investigator’s findings.

Regarding the weekly bulletins, Councillor Follows made clear in the signature at the bottom of the email in what capacity they were sent. I do not agree with the contention that they were presented as “fact”. Rather I agree with Councillor Follows view that they were a mixture of fact and political expression. Councillor Follows was entitled to express his views and opinions on the issue and on the actions of others. There was nothing in what he said that was rude or offensive or which might be deemed to constitute a personal attack. The emails were not copied in to officers but were sent to councillors by Councillor Follows, in his personal capacity, to keep them informed on local government reorganisation which he considered to be an important issue.

Regarding the allegation that Councillor Follows, “said that the SCC data room was empty,” the Investigator found that his actual words were that it was “practically empty”. This is supported by the Chief Executive who was actively involved in collating data and undertaking analysis and the Investigator saw no evidence to suggest that what they have said is incorrect other than a hearsay reference in Councillor Austin’s statement. The Investigator found that he did not breach the Nolan principles of honesty

and integrity in respect of discussing LGR with the local MP and the SCC data repository as, on balance of probability, they considered his account to be true. I accept the Investigators findings.

I have considered whether Councillor Follows used his position as a councillor improperly to the advantage or disadvantage of himself or anyone else contrary to paragraph 6.1 of the Code.

The Code includes the following explanatory text

“Your position as a member of the local authority provides you with certain opportunities, responsibilities, and privileges, and you make choices all the time that will impact others. However, you should not take advantage of these opportunities to further your own or others’ private interests or to disadvantage anyone unfairly.”

The LGA guidance on the Code provides the following additional guidance:

“You should not use, or attempt to use, your public office either for your or anybody else’s personal gain or loss. For example, your behaviour would be improper if you sought to further your own private interests through your position as a councillor.

Involving yourself in a decision in which you have an interest, to seek to benefit yourself or another would be a breach of this paragraph of the code.....

There are circumstances where it will be proper for a councillor to seek to confer an advantage or disadvantage and other circumstances where it will not.

Being a councillor can involve making hard choices and balancing a range of interests. Most decisions will inevitably benefit some people and will be to the detriment of others. It’s important when you make those decisions to make them in what you think is the public interest and not be influenced by private interests.

For example, there can be no objection to councillors voicing their opposition to the closure of a local public library. This conduct is clearly intended to secure an advantage for the users of the library. What is crucial is that councillors’ attempts to secure this advantage are clearly part and parcel of their duties as a local representative. Therefore, these activities are not improper.

The term ‘improperly’ is not defined in the Code of Conduct. This ensures that the scope of the provision is not unnecessarily limited. The underlying principle is that councillors are elected or appointed to public office to serve the public interest.

A councillor’s conduct would be improper if they were to use their public position to further private interests of themselves or associates, or to settle old scores with enemies, to the detriment of the public interest. Any conduct

	<p><i>that unfairly uses a councillor’s public position to promote private interests over the public interest will be improper.”</i></p> <p>No evidence has been provided to show that Councillor Follows used or attempted to use his position improperly to the advantage or disadvantage of himself or anyone else. He could properly have reserved any decision on interim options to himself or to the Executive but chose to engage the whole Council in what he felt was an important issue of interest to all members. He undertook to respect the will of Council.</p> <p>He did not act improperly in asking that information be kept confidential, particularly where the leaders had not yet issued a joint statement following their meetings. He was also entitled to express his own views and opinions in those updates, particularly given his position as executive leader.</p> <p>I find no breach of para 6.1 of the Code of Conduct:-</p> <p><i>6.1 I do not use, or attempt to use, my position improperly to the advantage or disadvantage of myself or anyone else</i></p>
<p>Summary of Comments of the Independent Person</p>	<p>The Independent Person agreed with the findings of the independent investigator appointed by the Monitoring Officer.</p>

This matter is now closed and in accordance with Waverley Borough Council’s Standards Arrangements for dealing with complaints, the matter will be reported to the Standards Panel.

Signed: 

Date: 20 August 2025

Monitoring Officer

Waverley Borough Council