

Tongham Tories Tetchy Tongues Ticked Off

29 September 2022



Epsom and Ewell Times's inspiration, "**The Guildford Dragon**" was a victim of inappropriate comments from two Guildford Councillors. Report from LDRS:

Two Guildford councillors breached the authority's code of conduct in calling a journalist "pea-brained" and "grubby". A hearings sub-committee of the borough council on Tuesday (September 27) concluded that one member should apologise for the remarks and another should face formal censure.

In a series of events described by the investigating officer as "unfortunate" and "regrettable" that it could not have been resolved earlier with an apology, the meeting heard about emails and WhatsApp messages sent by Councillors **Paul Spooner and Graham Eyre**.

The councillors, both Conservative representatives for **Ash South & Tongham**, were accused of sending emails and messages about the editor of local news website the **Guildford Dragon**. Its editor, **Martin Giles**, complained to the council about their comments and the committee heard from the investigating officer that the facts in the case were "straightforward and not particularly in dispute".

Simon Gaucher, a partner at **Weightmans LLP**, had looked into the communications and interviewed those involved in the case, which centred around a story about Cllr Spooner being elected the Conservative group leader on the council in June 2021. The committee found that the councillors had breached the council's code of conduct regarding treating others with respect and in terms of councillors conducting themselves in "a manner which could reasonably be regarded as bringing your office or the Council into disrepute".

Cllr Spooner said in the meeting he disputed the fact he was acting in his capacity as a councillor, saying these were conversations held in a private forum, and there was a grey area in this respect. He asked the meeting: "If I go and I order a curry from the local tandoori and the proprietor greets me as: 'Hello Councillor Spooner', does that mean that I'm acting as a councillor or acting as someone collecting a curry for the family?"

In his report on the issue, Mr Gaucher said he had considered Cllr Spooner's article 10 right to freedom of expression and particularly political expression "which is afforded a high degree of protection". He added: "**Mr Giles** is a journalist writing about and commenting on political matters so must be expected to receive a certain amount of comment on his reporting by those he reports about. However, the comments made by Cllr Spooner which I have found to result in a failure to comply with the code are merely personal and abusive ("So you can get stuffed" and "pea brained editor") and cannot be categorised as political expression."

He said the same considerations applied in Cllr Eyre's case when he called Mr Giles a, "grubby little boss" in an email to one of the site's reporters, David Reading. The meeting also heard that the context for the emails and WhatsApps was Mr Giles contacting the late councillor Richard Billington, at a time when he was ill, to corroborate what he had been told by Cllr Spooner, and a typo in a message which seemed to call Cllr Spooner untruthful.

The report stated: "Cllr Spooner had indicated that one of the reasons he was so angry about Mr Giles's behaviour was because he had chosen to contact Cllr Billington despite knowing he was seriously ill. This may provide a degree of context and mitigation it does not justify Cllr Spooner's response."

Cllr Eyre, who was not present at the sub-committee, told the LDRS before the meeting: "I don't believe I was in breach of the code of conduct because I sent the email from my private email account and it contained thought to someone I had known for years." Cllr Spooner made clear in the meeting he would not apologise to Mr Giles or the Guildford Dragon, and on this basis the committee decided he should be subject to formal censure.

He will also be sent a formal letter of advisement about his conduct.

Cllr Eyre will be sent a formal letter of advisement about his conduct and asked to apologise to Mr Giles.

A borough council spokesperson said before the meeting: "Councillors are routinely reminded of their duties at committee meetings. They are reminded to disclose any interests they may have in respect of matters to be considered. We review our code of conduct at least every four years. The next review is due following the borough council elections next year. Councillors complete training that we arrange for them on a regular basis. The next training is due to take place in October 2022. We endeavour to promote and maintain high standards of conduct by our Councillors."

Speaking after the meeting, Mr Giles said the messages sent by Cllr Spooner had come about because he had been clarifying information he was given, when "journalists are often criticised for not checking or double-checking facts".