



**PRIVATE AND CONFIDENTIAL**

**Case reference: MC/07/1017**

Report of an investigation by Wilkin Chapman LLP, appointed by the Monitoring Officer for Sandwell Metropolitan Borough Council, into **allegations made by Councillor Mahboob Hussain concerning former Councillor Richard Marshall** both of Sandwell Metropolitan Borough Council.

Dated: 7 August 2018

# **VOLUME 1 REPORT**

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CONFIDENTIAL REPORT

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Councillor Marshall Copy

## CONFIDENTIAL REPORT

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Appendix A Schedule of evidence taken into account and list of unused material

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### 1. Executive Summary

- 1.1 Councillor Richard Marshall is a member of Sandwell Metropolitan Borough Council (the Council) having been first elected in May 2014.
- 1.2 A complaint was made to the Council's Monitoring Officer by Councillor Mahboob Hussain. Councillor Hussain alleged that Councillor Marshall had disclosed confidential information about Council business and personal information about him and his family to a blogger, Julian Saunders. It was alleged that this was done in an attempt by Councillor Marshall to gain political advantage and as part of a vendetta against Councillor Hussain. The complaint also referred to matters about bringing the authority into disrepute and inappropriate comments about Councillor Hussain.
- 1.3 Julian Saunders published a blog entitled "In the Public Domain" under the pseudonym "The Sandwell Skidder".
- 1.4 After a meeting between Mr Saunders, Councillor Marshall and the then new Leader of the Council, held in June 2016, Councillor Marshall sent a number of messages to Mr Saunders using the messaging service "WhatsApp". The messages were sent during a period between August 2016 and May 2017.
- 1.5 Councillor Hussain provided a statement from Mr Saunders together with screen shots of the messages he received from Councillor Marshall. A copy of a blog entry dated 23 August 2017 was also provided. This detailed communications between Councillor Marshall and Mr Saunders during the period referred to in Councillor Hussain's complaint.
- 1.6 The messages referred to in Councillor Hussain's complaint included comments about Councillor Hussain's personal affairs, business and employment information about members of his family and derogatory comments about Councillor Hussain, members of his family and also the travelling community.
- 1.7 Councillor Hussain was invited to be interviewed as part of our investigation in order to provide further information on the allegations in his complaint. Councillor Hussain declined pointing out that the relevant information was set out in his complaint. Similarly Councillor Marshall was invited to be interviewed but declined to make himself available. A number of questions relevant to the allegations were submitted to Councillor Marshall. He responded to some of these in an email.
- 1.8 In carrying out our investigation we were constrained by the involvement of West Midlands Police who were looking into matters associated with the complaints referred to us for investigation that meant we were unable to interview some of the individuals involved. We do not consider that these constraints have materially affected the evidence required to reach our conclusion.
- 1.9 We have found that Councillor Marshall failed to treat others with respect and therefore there has been a breach of the code of conduct of the authority concerned. We also conclude that Councillor Marshall's misconduct was likely to bring the authority in to disrepute.

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### 2. Official details

- 2.1 Councillor Marshall is a member of the Council, having been first elected in May 2014.
- 2.2 He is a Labour Councillor representing the Smethwick Ward.
- 2.3 From June 2014 to May 2015, he was a member of the Housing, Jobs and Economy Scrutiny Board and the Smethwick Town Centre Improvement Board. From May 2016 to November 2017 he was a Member of the Council's Cabinet and a Member of its Petitions Committee.
- 2.4 Councillor Marshall received training on the Council's code of conduct on 22 September 2015.

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### 3. Relevant legislation and protocols

3.1 Section 27 of the Localism Act 2011 (the Act) provides that a relevant authority (of which the Council is one) must promote and maintain high standards of conduct by members and co-opted members of the authority. In discharging this duty, the Council must adopt a code dealing with the conduct that is expected of members when they are acting in that capacity.

3.2 Section 28 (1) of the Act provides that the Council must secure that its code of conduct is, when viewed as a whole, consistent with the following principles:-

- (a) Selflessness;
- (b) Integrity;
- (c) Objectivity;
- (d) Accountability;
- (e) Openness;
- (f) Honesty;
- (g) Leadership.

3.3 The Council adopted a Code of Conduct in October 2016 (attached at WC 1). The code includes the following:-

#### *PART I*

##### *Purpose of the Code*

1. *Sandwell Council ("The Authority") has adopted the following code dealing with the conduct that is expected of members and co-opted members of the authority ("members") when they are acting in that capacity as required by section 27 of the Localism Act 2011 ("the Act").*
2. *The code is intended to be consistent with the seven principles as attached to this code at Appendix C and applies whenever a person is acting in his/her capacity as a member of the authority or co-opted member in the conduct of the authority's business or acting as a representative of the authority.*

#### *PART II*

##### *Rules of Conduct*

- 1.1 *You must act solely in the public interest and should never improperly see to confer an advantage or disadvantage on any person or act to gain financial or other material benefits for yourself, your family, a close associate, an employer or a business carried on by you.*

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- 1.2 *You must not place yourself under a financial or other obligation to outside individuals or outside organisations that may influence you in the performance of your duties.*
- 1.3 *You must not disclose any information given to you as a member in breach of any confidence.*
- 1.5 *You must not bring your office or authority into disrepute.*
- 1.6 *You must treat others with respect and must promote equality by not discriminating unlawfully against any person, and by treating people with respect, regardless of their sex, race, age, religion, gender, sexual orientation or disability.*
- 1.12 *You must promote and support high standards of conduct when serving in your office.*

### *Appendix C - The Seven Principles of Public Life*

*The principles of public life apply to anyone who is elected or works as a public office-holder. All public office-holders are both servants of the public and stewards of public services. The principles are:*

*Selflessness* Holders of public office should act solely in terms of the public interest.

*Integrity* Holders of public office must avoid placing themselves under any obligation to people or organisations that might try inappropriately to influence them in their work.

*Objectivity* Holders of public office must act and take decisions impartially, fairly and on merit, using the best evidence and without discrimination or bias.

*They should not act or take decisions in order to gain financial or other material benefits for themselves, their family, or their friends.*

*They must declare and resolve any interests and relationships.*

*Accountability* Holders of public office are accountable to the public for their decisions and actions and must submit themselves to the scrutiny necessary to ensure this.

*Openness* Holders of public office should act and take decisions in an open and transparent manner. Information should not be withheld from the public unless there are clear and lawful reasons for so doing.

*Honesty* Holders of public office should be truthful.

*Leadership* Holders of public office should exhibit these principles in their own behaviour. They should actively promote and robustly support the principles and be willing to challenge poor behaviour wherever it occurs.

#### 4. Evidence and facts

##### *Our appointment*

- 4.1 The Council's arrangements for dealing with standards complaints state that the Monitoring Officer, in consultation with the appointed Independent Person, shall decide whether or not to investigate a complaint.
- 4.2 Surjit Tour, the Monitoring Officer (MO) of the Council, received a complaint from Councillor Hussain via his solicitors Weightmans on 10 October 2017. On 22 December 2017, Mr Tour informed Councillor Hussain that he had consulted the Independent Person and decided to refer the allegation for investigation. Mr Tour instructed an external investigator who was then unable to carry out the investigation. Mr Tour then instructed Wilkin Chapman LLP on 6 February 2018.
- 4.3 Wilkin Chapman LLP is a solicitors firm based in Lincolnshire and East Yorkshire with a national local government legal practice. Work in relation to this investigation was undertaken by Jonathan Goolden, Dave Hayward, Mark Lambert, Terry Ball and Alan Tasker.

##### *The investigation*

- 4.4 During the investigation Councillor Hussain was invited to be interviewed. He replied stating that all the evidence was set out in his complaint and the attachments.
- 4.5 Councillor Hussain provided a signed statement of Mr Julian Saunders dated 16 October 2017 together with screen shots of messages he received from Councillor Marshall. An unsigned version of this statement was provided initially on 17 October. A signed version was then provided on 25 October 2017.
- 4.6 We inspected Mr Saunders' blog and took prints of relevant posts.
- 4.7 Councillor Richard Marshall was invited to be interviewed or alternatively to answer a number of written questions submitted to him. Councillor Marshall responded by email to some of the questions.

##### *The Complaint - Councillor Mahboob Hussain*

- 4.8 Councillor Hussain submitted a complaint to the Monitoring Officer dated 10 October 2017 (copy attached at WC2). In the complaint he stated:-

*"The Sandwell Skidder website has published allegations that Councillor Marshall sought to use the website to carry out a smear campaign against me. This involves him disclosing information about confidential Council business and personal matters about me and my family for political gain and to pursue a vendetta against me."*

- 4.9 Councillor Hussain declined to be interviewed stating in a telephone conversation with Mr Ball on 1 March 2018 that his complaint was clear and "*in black and white*". In his complaint Councillor Hussain made specific reference to a number of entries on Mr Saunders' blog. These are summarised below:-

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- (a) 21 and 31 August 2016 - Councillor Marshall offered to disclose information about a proposed traveller site in Lodge Street;
- (b) undated - Councillor Marshall made a derogatory comment about travellers;
- (c) 13 September 2016 - Councillor Marshall disclosed details of an audit investigation;
- (d) 14 September 2016 - Councillor Marshall carrying out an orchestrated campaign against him;
- (e) 28 September 2016 - Councillor Marshall further orchestrated campaign against him and his family;
- (f) 5 October 2016 - derogatory comments by Councillor Marshall about officers of the Council and suggestions of a witch hunt against anyone supportive of him;
- (g) 6 October 2016 - derogatory comments about Jan Britton by Councillor Marshall, explicit sexual comments about other councillors and apparent disclosure of confidential correspondence relating to a standards investigation;
- (h) 18 October 2016 - apparent disclosure of confidential staffing information about Councillor Hussain's son;
- (i) 18 November 2016 (though referred to by Councillor Hussain as 2017) - Councillor Marshall made allegations that Councillor Hussain was being investigated by the Department for Work and Pensions and stating that Councillor Marshall had "inside knowledge";
- (j) 3 January 2017- Councillor Marshall stated that it was "*a big month in the fight against the bastards*" and that the police were being called suggesting Councillor Marshall was aware of an audit report relating to him and Councillor Jones and was willing to disclose it to the media;
- (k) 19 January 2017- Councillor Marshall disclosed details of the audit investigation for political purposes;
- (l) 5 May 2017- Councillor Marshall made derogatory comments about fellow Councillors and a local Member of Parliament and disclosed information about witnesses in active court proceedings.

*Mr Julian Saunders*

4.10 In a witness statement prepared by Mr Saunders and signed and dated 16 October 2017 and provided by Councillor Hussain's solicitors as part of his complaint (redacted copy attached at WC 3) Mr Saunders stated that:-

- (a) he lived in Birmingham and was the principal author of "in The Public Domain", a blog more popularly known as "The Sandwell Skidder". The blog existed to expose corruption, cronyism and incompetence within Sandwell Metropolitan Borough Council;
- (b) Councillor Richard Marshall was a relatively inexperienced Councillor who had previously worked as a jobbing builder whose political career

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had been promoted by a former Council Leader. He was now a Cabinet Member;

- (c) following the former Leader's death, he was contacted by a third party who informed him that the new Leader was anxious to start with a clean slate and was determined to root out the corruption which it was said had become endemic during the former Leader's time in office. A meeting was held on 29 June 2016 at the Windsor public house in Birmingham city centre. The Leader attended together with his original contact and Councillor Marshall who turned up as the Leader's driver;
- (d) the meeting was a jolly occasion fuelled with alcohol. He agreed to give the new Leader and Councillor Marshall the benefit of considerable doubt. He said the Sandwell Skidder would continue to investigate Councillors Hussain and Ian Jones but would heartily support in print any anti-corruption measures. He pointed out that he would not be muzzled and if he found evidence of corruption from any quarter he would continue to report it;
- (e) following the meeting, Councillor Marshall introduced him to the WhatsApp messaging service. Councillor Marshall then sent him a large number of messages although only a few related to Councillor Hussain whom Councillor Marshall generally referred to as "Manboobs". He then listed the messages he received from Councillor Marshall, the relevant ones being:-
- 21 August 2016  
*"Would you be interested in knowing that the council are looking at a transient site? And that land at the back of Lodge St is being considered? (Mr Saunders replied- Really? That would be good for house sales!) It really wouldn't would it!!"*
  - 31 August 2016  
*"Happy for you to break the story re temp traveller camp behind our mates housing development. But it'd be nice if you insinuated that you'd found out via WMP [West Midlands Police] source. Via tweets that is."*
  - Undated  
*"I saw your tweet about the air quality at his [Councillor Hussain's son's new build] houses by the motorway and I thought, air quality will be the last (thing) on their minds when travellers are shitting in the back gardens!!"*
  - 13 September 2016  
*"I've had another warning off one of Manboob's henchmen today so I know I'm on the right track, bless them. Manboobs is being interviewed by audit officers tom btw."*

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- 14 September 2016

*"We made a conscious decision to hit them with something new each week which we've achieved, some of that has been with your help I thank you good sir... On that note, would you be happy to bump into us at the pub again at some point... share notes, have a catch up, ....."*

- 28 September 2016

*"When I asked whether it was true Cllr Hussain had relatives working in the Council's Legal Department:*

*'Not sure on that, we think he may have up to five members of his family in Council we are trying to weed them out.'"*

- 5 October 2016

*"I'm just concerned I shared some very detailed information on the Joneses and other things with a very senior officer 2 weeks ago today and within 2 days you said to me your phone wouldn't stop ringing and then comments from lower ranking officers coming back about me. We have officers linked to the Dark Side that we are unaware of and unless I can identify them they will remain in the organisation. Our plan has been as much as possible to follow the first rule of assassination, but we are going to miss some key individuals. Any help you can give identifying them would be much appreciated, I know you don't like naming names but even a direction would help."*

Mr Saunders pointed out that his informants contacted him anonymously or used false names. He suggested a "Truth and Reconciliation commission" with an amnesty for lower ranking officers if they told the truth.

*"We have been discussing that very thing, the one thing we have to do is bury Manboobs first the amount of staff that still believe he is coming back is untrue he's like bloody Voldemort. Even senior managers believe.*

*There are still people in the party actively blocking, without Watson and Spellar on our team we'd have no chance.*

*Have you heard rumours re MH [Mahboob Hussain] being reported to the police about wrongdoing as far back as 2005.*

*Can you remember what for? Someone has come forward saying that he was reported by the person [name redacted] whose was then marched off the premises 3 weeks after reporting him. We can't find any trace of it anywhere.*

*Another one has bit the dust but I can't tell you till next week...."*

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- 6 October 2016

*"MH has written to the party saying he isn't getting a fair hearing and he wants the process kicked out and is citing your Maria Price story as evidence."*

- 18 October 2016

*"Makes you wonder how far their tentacles spread with officers. Did I tell you about MH sons appeal against his sacking? He appealed. The night before his appeal his manager emailed saying "It's all my fault. I told him not to keep records" etc etc. What does he have on these people it's frightening."*

*It was heard 2 wks ago. By a different director. Nothings changed. But would anyone throw their career away for someone else's son?"*

- 18 November 2016

*"By the way MH is under investigation by the DWP [Department for Work and Pensions] for Benefit fraud. A letter has been written in to [the Leader] and the three MP's complaining about him being an embarrassment to the party and office of a Cllr saying that he is under investigation and is it not about time they did something about it."*

Mr Saunders asked how he knew as DWP did not disclose information about investigations.

*"It's been confirmed. From within."*

- 3 January 2017

*"Almost ready to call the police in. After the last time the relationship with 'us' and the police is at an all time low and they almost refusing to act without prima facia proof. The Jones and Manboobs have it in for me big style they've sussed what I'm up to. They have high-ranking officers still in their pockets."*

- 19 January 2017

*"Something you've missed...The dodgy CPO policy approved by the Finance Committee that could only ever benefited two people, Hussain and [name redacted] was chaired by... Adrian Bailey. Ties things up nicely eh?... Looks like the back scratching has been going on a long while eh, MH now Baileys biggest supporter... circle of life."*

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- 5 May 2017

*“However people were refusing to sign Bailey’s nomination papers because of the way he’s been and his open support for MH.”*

### *Councillor Marshall*

- 4.11 Councillor Marshall was sent a number of questions by email on 9 April 2018 (copy attached at WC 4).
- 4.12 Councillor Marshall replied by email on 10 April 2018 (copy attached at WC 5). In his email he stated that:-
- a meeting took place between Mr Saunders, the Leader of the Council, former Councillor Mick Davies and himself. Mr Saunders had for years claimed to have evidence of wrongdoing at the Council. The meeting was set up to establish what if any evidence he had;
  - he did contact Mr Saunders, mostly via WhatsApp but without full disclosure of the complete un-redacted text he was not prepared to comment as cherry picked comments had no context and were being used for others personal and political agendas;
  - the comments were made by him without the knowledge or input of anyone else.

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### 5. Summary of the material facts

- 5.1 Councillor Marshall was a member of the Council representing the Smethwick Ward.
- 5.2 Mr Julian Saunders was the principal author of a blog known as the Sandwell Skidder. The purpose of the blog was to expose perceived corruption, cronyism and incompetence within the Council.
- 5.3 In 2016 Mr Saunders was invited to meet with the new Leader of the Council. Mr Saunders met with the new Leader on 29 June 2016. The Leader was accompanied by an individual who Mr Saunders did not name. From Councillor Marshall's email we conclude this was former Councillor Mick Davies. Also present was Councillor Marshall who Mr Saunders referred to as the Leader's driver. Mr Saunders was told that the new leadership wished to start with a clean slate and was determined to root out corruption.
- 5.4 Councillor Marshall said Mr Saunders had for years claimed to have evidence of wrongdoing at the Council, the meeting was set up to establish what if any evidence he had.
- 5.5 Following the meeting Councillor Marshall introduced Mr Saunders to the WhatsApp messaging service.
- 5.6 Over the period from August 2016 to May 2017 Councillor Marshall regularly sent Mr Saunders messages using WhatsApp. Subsequently, Mr Saunders published many of these messages on his blog. A summary of the messages was published on 23 August 2017 on the In The Public Domain? Blog under the heading "The Eling/Marshall Files 2016 - Technical Blog" and "The Eling/Marshall Files 2017 - Technical Blog".
- 5.7 Evidence on Mr Saunders' blog shows that the messages came from Councillor Marshall's mobile telephone. Mr Saunders provided evidence in his statement of screen shots which showed the time of the messages summarised in his blog posts dated 23 August 2017.
- 5.8 The entries identified by Councillor Hussain in his complaint showed that some of the information in the messages sent by Councillor Marshall would only be known by someone with access to information held by the Council.
- 5.9 A formal complaint was submitted to the Council's Monitoring Officer by Councillor Hussain.

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### 6. Additional submissions received from the complainant and Councillor Marshall

6.1 The following comments were received from Councillor Hussain on the draft version of this report:-

No comments were received.

#### *Comments of Councillor Marshall*

6.2 The following comments were received from Councillor Marshall on 20 July 2018 on the draft version of this report:-

*Before I proceed , it has to be stressed that the conversations I had with Saunders were never intended for public viewing, either in whole or part. It was a private conversation between two individuals to what he openly advertised as a 'confidential hotline' . My part in all of this was to gain his confidence to get him to pass on evidence of wrongdoing that he had long purported he had. I came to the conclusion fairly early on that although he wasn't unintelligent , he was an obsessed simpleton, who saw conspiracy in everything and he actually had no firm evidence of anything , he lived at the back end of the rumour mill and fed his 'followers ' information from there*

*He likes to portray himself as a journalist sharing news , however many politicians including myself over my term of office, had and do have, conversations with real journalists who don't print every comment or conversation that you have with them as you build up a relationship built on trust, this is the basis of the relationship I believed I had with this charlatan who doesn't even live in Sandwell , he is little more than a clatterfart*

*The primary evidence base has been tampered with by way of redaction by Saunders to save his own skin and therefore has no context in many areas, including the total lack of any phone calls made. He himself told me that he was getting emails sent via Cllr Ian Jones who he'd spent a lot of his time previously trying to expose as a fraud and involved in wrongdoing yet he was also meeting up with him and other members of Sandwell Labour together with Sandwell Tories and UKIP in back street pubs in Wednesbury on numerous Friday nights. I firmly believe that this 'expose' of myself was little more than entrapment, orchestrated by Saunders not for the public good as he tries to make out but borne out of spite and malice and his hatred of all things Sandwell Labour related. He portrays himself as an intellectual and belittles the IQ of the Labour Cllr's in Sandwell yet this was the man who spent a whole day asking all his trusted sources who 'tom night was' and what part of the council he worked in*

*I disagree in the main with the report and its conclusions, mainly because of the lack of primary evidence, the lack of context and therefore assumptions have been made by the author/s having totally failed in their attempts to interview me , on two occasions only giving me 24hrs notice after months of inaction. They are taking a part written only story and taking it at face value with no emotion and little context.*

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*I will pick up on some points as follows but this is by no means an exhaustive list :-*

*2.3 The author can't even get basic facts right that are available via google , worse still I suspect they were supplied to the author by a council officer. How can the rest of the report be taken seriously?*

*7.13 How can you possibly prove this??*

*7.28 How can it be proven that 'Manboob' is not just simply a typo?*

*7.28 The author asserts that 'Manboob' is mocking of a masculine given name yet in your own description they are only found on men or boys, how the author can then move this on to have a racial element is bordering on the ridiculous and I take extreme exception to this type of accusation especially considering my work within the varying communities of Smethwick over the years both as a volunteer and public servant*

*7.28/9/30 The author has cherry picked a redacted written conversation which by definition has no emotion and in this case no context and concluded that this 'cannot be in the heat of the moment' Well I personally recall this part of that conversation and it was in the heat of the moment and there is no way anyone can prove otherwise. You have concluded that words used in a private conversation never intended for public viewing are 'gratuitous, unreasonable and unwarranted ' can you please explain how?*

*7.33 'Cllr Marshall implied that travellers would have a detrimental impact on the area' This is a widely held belief by many , not just within the communities of Sandwell but across many parts of England. I attended a public meeting organised by the West Midlands PCC , filmed by the BBC in my role as Cabinet Member , there were representatives from all West Midlands Councils . My years of personal experience of travellers was reaffirmed at that meeting by many others who'd had similar experience from various partner organisations. The author is at best naive , it is widely known that travellers do not have WC facilities within their caravans as they believe it to be unhygienic. This therefore leaves them with the option of using areas around any site that they temporarily set up at , ask any council worker that has the joy of cleaning up after they have visited. I have visited these sites, has the author?? I would also like to be presented with the written report that this site was being considered for use as a travellers site, failing that a copy of the minute and meeting it was discussed at or the admission that there are no such documents or conversations that had taken place*

*7.33 The author has again concluded incorrectly. The only person to have had any kind of premeditated campaign against Cllr Hussain or any other person for that matter was Saunders himself . Who is well known to have spent years trying to destroy Hussain's reputation then went on to be a character witness for him, turning everything on its head that he'd said about him , announcing publicly that Hussain was indeed the victim in all this*

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7.34 *The Report presented was wholly inaccurate. SMBC had spent near to 800k of public money on the Wragge Report for it to conclude that no one was at fault. I was angry and frustrated and extremely concerned , as were other Councillors , that we had senior officers seemingly actively still trying to cover things up, and also passing information either directly or indirectly to Saunders and others. I still never passed on specifics but felt that the public needed to know what we were still having to deal with. MD was 'being kept out of the loop' as early as September/October 2016 as she was suspected of passing confidential information to both Cllr's Hussain and Jones. I have sworn I will not reveal that source but will if forced too. I had very little contact or dealings with Melanie on any level, 'Imelda and Melly' were well used nicknames for her amongst officers and other Cllr's how I can be accused of bullying her ,via a 3rd party at that, is beyond the pale*

7.37 redacted as referring to another matter.

7.42/3/4 redacted as referring to another matter.

7.46/7 *Both the author and Saunders come to the same conclusion that Cllr Marshall actually told nobody anything. The only information passed to Saunders by myself was little more than canteen gossip that was doing the rounds amongst low ranking officers, there was no high grade information that only cabinet members or indeed Cllr's would only know it was merely a mixture of gossip and nonsense*

*There were , and still are rogue elements within Sandwell Labour and within Council that have acted inappropriately or supported those that have acted inappropriately. Labour Regional Office is aware of these issues as are Council Directors , Police and Sport England . The public purse has been misused over a significant number of years by these individuals and it is up to the appropriate officers and authorities to take action*

*Rather than break the Nolan Principles I believe I have upheld them , I have acted solely in the interests of the people of Smethwick and Sandwell and made no gain whatsoever in fact I have paid the ultimate price for doing so and lost my role as a servant of the people for trying to expose the wrongdoing and wrong doers . I stood up for what was right , it is up to others to decide if they are willing to do so, the good people of Sandwell deserve the best*

### *Response to comments by Councillor Marshall*

6.3 The comments received from ex-Councillor Marshall have been considered and where appropriate responded to in the following paragraphs. Paragraph 2.3 has been amended to reflect those comments.

6.3 A number of attempts were made to interview Councillor Marshall, first in a letter (sent by email) dated 9 February seeking his availability during week commencing 26 February. At 12.55pm on 12 February he responded stating he was available for a telephone interview on 13 or 16 February. Arrangements were made to conduct the interview at 1pm on 16 February, unfortunately due to ongoing discussions with West Midlands Police we had to postpone the interview. On 26 February we contacted Councillor Marshall by email and offered an appointment at 9.30am on 5 March. On 28 February and 1 March we left telephone messages seeking a response. On 2 March

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Councillor Marshall responded stating that he was not available on 5 March. On 4 April we offered an appointment on 5 or 6 April at a time and venue convenient to him. On Monday 9 April we sought his availability during that week or as an alternative we provided a number of questions for him to respond to in writing. Councillor Marshall provided a brief response to some of those questions which is set out in the report.

- 6.4 The evidence used in the report is based on screen shots of WhatsApp messages with supporting evidence that these were sent from Councillor Marshall's Council mobile phone. We note that he states they were not intended for publication however our conclusions are based on the fact that Councillor Marshall was aware that the recipient published material on his blog. There is also references in Councillor Marshall's messages inviting Mr Saunders to use the information in his messages.
- 6.5 Our conclusions on paragraph 7.13 are based on evidence in a number of Councillor Marshall's messages, not specifically relating to Ms Dudley, which support our conclusions. For example a message sent on 21 August 2016 states "would you be interested in knowing that the Council are looking at a transient site". Similarly a message sent on 26 August 2016 makes reference to "the Council's legal costs". It is clear from the evidence provided that Councillor Marshall was providing information about the Council to Mr Saunders, this supports our conclusion that he was acting in an official capacity whilst communicating with Mr Saunders.
- 6.6 We have concluded that 'Manboob' was not a typo based on the number of times the term is used in the messages copied in Mr Saunders' statement, in one case twice in the same message. In addition Mr Saunders stated when referring to the messages "a few related to Councillor Hussain whom Councillor Marshall generally referred to as Manboobs".
- 6.7 We have considered all the other points made by Councillor Marshall however this has not changed the conclusions set out in the first draft of the report.

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### 7. Reasoning as to whether there have been failures

#### *Whether Councillor Marshall was the author of the WhatsApp messages*

- 7.1 Before considering the implications of the alleged conduct in the context of the code of conduct we needed to establish that it was in fact Councillor Marshall who was sending the messages to Mr Saunders. Unfortunately during our investigation Councillor Marshall reported to the Council that he had lost his mobile phone. Therefore we were unable to inspect the call details or the memory on his phone. However, there is evidence on Mr Saunders' blog, from a screen shot of Mr Saunders' mobile phone that clearly shows that the messages originated from Councillor Marshall's phone.
- 7.2 We have also carefully considered the content of the messages provided by Mr Saunders in his statement. It is evident that these messages contained information that only someone within the Council would be privilege to. This in itself does not confirm Councillor Marshall as the source.
- 7.3 Councillor Marshall responded to our questions regarding the source of Mr Saunders messages. His response was that he had messaged Mr Saunders using WhatsApp but was not prepared to acknowledge that all of the messages were from him without details of the messages. This was despite the fact that we provided Councillor Marshall with the relevant messages from Mr Saunders' blog.
- 7.4 Having regard to the above we have concluded there is sufficient evidence to establish that the messages in question were sent by Councillor Marshall.

#### *Official Capacity*

- 7.5 Section 27(2) of the Localism Act 2011 requires the Council to adopt a code of conduct dealing with the conduct that is expected of members of the Council "*when they are acting in that capacity*".
- 7.6 The Council's Code of Conduct reflects the requirement of section 27(2) of the Localism Act.
- 7.7 Though relating to the former 2007 model code of conduct, the Upper Tribunal decision in *MC v Standards Committee of the London Borough of Richmond* [2011] UKUT 232 (AAC) is a helpful distillation of the previous High court cases on capacity, those being – *Livingstone v Adjudication Panel for England* [2006] EWHC 2533 and *R(Mullaney) v Adjudication Panel for England* [2009] EWHC 72. The principles stated in MC are:-
- (a) *Was the Councillor, as a matter of ordinary English, actually conducting the business of their authority, including the business of the office of councillor?*
  - (b) *A fact sensitive approach is required to the above.*
  - (c) *The question is one for the tribunal to determine, not a reasonable observer.*
- 7.8 In *McTigue v Middlesbrough Council* (2009) APE 421 (a decision of the former Adjudication Panel for England), Councillor McTigue made a series of postings on the forum of the Middlesbrough Evening Gazette using the pseudonym "Indie" which related to wheelie bin collections and were alleged

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to be insulting of a local resident. Councillor McTigue argued that she was not acting in her official capacity as all her comments on the forum were made in her private time and all using the pseudonym "Indie". The tribunal:-

*"...accepted that even if it became clear from the forum that an individual who was posting on the forum was a councillor, the Code of Conduct would not automatically be engaged. The question was whether in the postings on the forum the councillor was deemed to be, or gave the impression that he or she was, "acting in the role of councillor". This was fact-sensitive and would very much depend on the content of the postings."*

- 7.9 The tribunal concluded that Councillor McTigue had given the impression that she was acting as a councillor, giving examples of a number of posts where she had referred to her work as a ward member.
- 7.10 Care must be taken in applying a tribunal case from a period when the relevant code of conduct (that set out in a national model) was expressed to apply not only when a member was carrying out their role as such but also when they gave that impression. However, *McTigue* is helpful in providing an example of how the principles of *MC* can be applied. When Councillor McTigue posted on the forum as "Indie" she was not acting as a Councillor when commenting about matters in general. Despite the lack of identification as a Councillor in her user name, she was acting as a Councillor when the content of her posts concerned ward matters.
- 7.11 As *MC* states, the question is whether as a matter of ordinary English was the Councillor actually conducting the business of their authority, including the business of the office of councillor? The substance of an interaction, rather than outward appearance is decisive.
- 7.12 In this case it is clear that Councillor Marshall's first contact with Mr Saunders was in the company of the new Leader of the Council. The meeting was arranged to engage with Mr Saunders in respect of his blog that dealt with the business of the Council. The Leader and Councillor Marshall were attempting to make use of Mr Saunders and his blog to the benefit of the Council.
- 7.13 Many of the subsequent messages sent by Councillor Marshall to Mr Saunders contained information directly related to the business of the Council. In particular we are mindful of the fact that some of the information would have only been available to a Councillor.
- 7.14 We therefore conclude that, whilst sending messages to Julian Saunders, Councillor Marshall was acting in an official capacity and was subject to the Code of Conduct.

### *Respect*

- 7.15 Paragraph 1.6 of the Code of Conduct states:-

*"You must treat others with respect and must promote equality by not discriminating unlawfully against any person, and by treating people with respect, regardless of their sex, race, age, religion, gender, sexual orientation or disability."*

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7.16 The term “respect” is not defined in the Code. However, the requirement to treat others with respect must be viewed objectively. Account should be taken of the member’s intent and how their behaviour would reasonably be perceived.

7.17 The Standards Board for England Case Review 2010 (2011 Edition) provides guidance on treating others with respect by indicating a ‘rule of thumb’ comparison. Q15 of the Case Review 2010 advises that:-

*“A very clear line has to be drawn between the Code of Conduct’s requirement of respect for others, including members of the authority with opposing views, and the freedom to disagree with the views and opinions of others. In a democracy, members of public bodies should be able to express disagreement publicly with each other.”*

7.18 A rule of thumb is expressed in this comparison:

*“You’re talking drivell” is likely to be an acceptable expression of disagreement.*

*Calling someone an “incompetent moron”, on the other hand, is more likely to be a failure to comply with paragraph 3(1).*

*We can see that the first comment is aimed at the expression of an idea or argument. The second is aimed at the person and their personal characteristics”.*

7.19 Whilst some care must be taken in adopting wholesale a test applicable to a provision of the former national model code, it is the personalisation of comments that cause the user to breach the Code. The conduct must be unreasonable, unwarranted and personalised. In considering whether comments are disrespectful, regard must be had to the right to free speech in article 10 of the European Convention on Human Rights (see below regarding *Heesom v Public Services Ombudsman for Wales* [2014] EWHC 1504).

7.20 We note the approach taken by the former Adjudication Panel in *Capon v Shepway District Council* (2008) APE 0399, conveniently summarised by the Case Review 2010 at page 32 as:-

*“A tribunal considered the threshold for a failure to treat others with respect. The councillor made comments about the town clerk at a parish meeting saying that an officer found her “difficult to get on with”. The councillor added that “this is also the view of many towns’ people who say that when they try to contact the town clerk, she is downright rude to them”.*

7.21 The Tribunal considered that the threshold for a failure to treat another with respect had to be set at a level that allows for the passion and frustration that often accompanies political debate and the discussion of the efficient running of a Council. It should also be set within the context of who was involved in the exchange.

7.22 In that case, the comments were opinions of other individuals which the member honestly believed to be true. The member’s conduct was not unfair, unreasonable or demeaning to the Town Clerk and not made in a malicious or bullying manner. The Town Clerk was very experienced in her dealings with

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Councillors and given her seniority was entirely able to defend her position. Therefore, the tribunal decided that the threshold was not reached.

7.23 The Case Review 2010 confirms that members are able to criticize officers. It states on page 41, Q22 of the Guidance that:-

*"In some cases officers have been known to reject reasonable criticism appropriately made and describe it as bullying. The Government did not intend the Code of Conduct to constrain members' involvement in local governance, including the role of members to challenge performance. Members are able to question and probe poor officer performance provided it is done in an appropriate way. In the everyday running of a local authority, it is inevitable that members may have disagreements with officers from time to time.*

*This paragraph does not mean that members cannot express disagreement with officers. This disagreement might, in the appropriate content, manifest itself in criticism of the way in which an officer or officers handled particular matters.*

*It is important that members raise poor performance in the correct way and at the proper forum, such as in a private meeting with a senior manager, and not in a public meeting or through a published article in the media .....*"

7.24 We have also had regard to the right to freedom of speech on political matters set out in Article 10 of the European Convention on Human Rights (ECHR) as considered in *Heesom v Public Services Ombudsman for Wales* [2014] EWHC 1504, where it was held:-

- Article 10 of ECHR protects not only the substance of political comment but the form in which it is conveyed;
- a degree of the immoderate, offensive, shocking, disturbing, exaggerated, provocative, polemical, colourful, non rational and aggressive is to be tolerated;
- political comment includes comment on public administration and the adequacy of the performance of public duties by others, but not gratuitous personal comments;
- whilst civil servants are open to criticism, there is a public interest that they are not subject to unwarranted comments that disenable them from performing public duties and undermines public confidence;
- there is a need to weigh up the public interest in protecting civil servants against enhanced protection for political comment.

7.25 The above guidance and cases are set out to provide an overview of how treating others with respect have been considered. Whilst these cases may not be directly relevant in this instance they do provide some advice on the type of comments that may and may not be appropriate.

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- 7.26 In determining whether Councillor Marshall's conduct amounted to a failure to treat others with respect, as referred to in relevant guidance and case law, it is appropriate to carefully consider his comments and the apparent motivation for them.
- 7.27 From Councillor Marshall's meeting with Mr Saunders in June 2016, it is evident that Councillor Marshall set up a communication channel with Mr Saunders using WhatsApp.
- 7.28 In Councillor Marshall's messages to Mr Saunders there are a number of instances where personalised comments are made about Councillor Hussain, and other individuals including employees of the Council. In particular we consider the use of '*Manboob*' (a slang term referring to non cancerous increase in the size of male breast tissue) in relation to Councillor Mahboob to be particularly offensive and mocking of a masculine given name used in communities of Pakistani or Bangladeshi descent. We consider this comment to be unreasonable, unwarranted and personalised with a racial element.
- 7.29 Also of significant concern were the messages sent regarding the proposed temporary traveller site. In the first message Councillor Marshall clearly implied that the travellers would have a detrimental impact on the area. Of more concern was the message that stated "*air quality will be the last thing on their minds when travellers are shitting in the back gardens*". Whilst this is not personalised towards an individual we consider this to be an extremely derogatory comment towards a section of society.
- 7.30 It is possible to treat a group of individuals with disrespect, see *R (on the application of) Dennehy v London Borough of Ealing* [2013] EWHC 4102 where a councillor made adverse comments in a blog relating to the Indian community of Southall. That was "*...not the expression of a political view, but an unjustified personal and generic attack on a section of the public*". Therefore we consider this to be an unwarranted and unreasonable comment personalised towards a group of individuals defined by their ethnicity.
- 7.31 Many of the other comments made by Councillor Marshall caused concern for Councillor Hussain. We have carefully considered these and have concluded that, whilst there is evidence of a campaign by Councillor Marshall to discredit Councillor Hussain, in isolation each message just falls short of breaching the Code of Conduct.
- 7.32 *Capon* indicates that the threshold for finding a failure to treat others with respect must allow for the exercise of the passions and frustrations which often accompany political debate.
- 7.33 It is evident that Councillor Marshall's comments were not made in the heat of the moment when the guidance provides for what may at times be considered intemperate and inappropriate comments to be acceptable. We have concluded that the messages were part of a premeditated campaign against Councillor Hussain.
- 7.34 We have therefore concluded that Councillor Marshall's conduct did fall short of the standard required by the Council's Code of Conduct by not treating Councillor Hussain with respect. He therefore failed to follow paragraph 1.6 of the code.

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### *Disrepute*

7.35 Paragraph 15 of the Code of Conduct states:-

*“You must not bring your office or your authority into disrepute”*

7.36 It is evident that Councillor Marshall sent the messages to Mr Saunders with the intention of Mr Saunders using some of all of the information on his blog. Councillor Marshall had no control over how the information would be used once he sent it to Mr Saunders. It is therefore reasonable to conclude that Councillor Marshall was aware that it was very likely the information would end up in the public domain.

7.37 Q43 on page 68 of the Case Review 2010 (2011 Edition) published by SfE advises that disrepute is:-

*“...a lack of good reputation or respectability.*

*In the context of the Code of Conduct, a member’s behaviour in office will bring that member’s office into disrepute if the conduct could reasonably be regarded as either:*

- 1) Reducing the public’s confidence in that member being able to fulfill their role; or*
- 2) Adversely affecting the reputation of members generally, in being able to fulfill their role.”*

7.38 Q44 on the next page of the Case Review 2010 advises that:-

*“An officer carrying out an investigation...does not need to prove that a member’s actions have actually diminished public confidence, or harmed the reputation of the authority...the test is whether or not a members’ conduct “could reasonably be regarded” as having these effects.*

*The test is objective and does not rely on any one individual’s perception. There will be a range of opinions that a reasonable person could have towards the conduct in question.”*

7.39 Q42 on page 68 of the Case Review 2010 indicates that:-

*“A case tribunal or standards committee will need to be persuaded that the misconduct is sufficient to damage the reputation of the member’s office or Authority, as opposed simply to damaging the reputation of the individual concerned.”*

7.40 Councillor Marshall made comments about members of the Council being subject to investigation by various statutory authorities when this information was not in the public domain. This we consider could have an adverse affect on the public’s opinion of the reputation of the authority.

7.41 We have considered the fact that some of Councillor Marshall's messages may have contained accurate information. However, it is evident that some if not all of this was not in the public domain at the time. Of particular relevance is the message of 31 August 2016 in which Councillor Marshall states 'be nice

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*if you insinuated that you found out via WMP [West Midlands Police] source via tweets that is'. This was in relation to information about the proposed traveller site referred to above. The implication being that the information was not in the public domain and Councillor Marshall did not wish to be identified as the source.*

- 7.42 We have concluded that Councillor Marshall's misconduct was sufficient to damage the reputation of the office of Councillor or the Authority and thus he failed to follow paragraph 1.5 of the Code.

### *Confidential information*

- 7.43 Paragraph 1.3 of the Code of Conduct states:-

*"You must not disclose any information given to you as a member in breach of any confidence."*

- 7.44 The term confidential is not defined. It is alleged that Councillor Marshall disclosed information that he must have obtained in his capacity as a Councillor.

- 7.45 Information is a broad term. It includes facts, advice and opinions. It covers written material, including tapes, videos, CDs, DVDs and other electronic media. It covers material in unwritten form, including intellectual property. Information can only be confidential if all of the following apply:

- (a) it has the necessary 'quality of confidence' about it (trivial information will not be confidential but information that you would expect people to want to be private would be);
- (b) it was divulged in circumstances importing an obligation of confidence (information properly in the public domain will not be confidential);
- (c) disclosure of it would be detrimental to the party wishing to keep it confidential.

- 7.46 In this case Councillor Marshall is alleged to have sent messages to Mr Saunders with the possibility of the information being used by Mr Saunders on his blog. Examples of the information that is alleged to be confidential include reference to a proposed traveller site, details of an audit investigation and report, details of a standards investigation, staffing information and witnesses in court proceedings.

- 7.47 In most of these cases the messages refer to the fact that investigations are taking place or that a report has been prepared. There is little evidence that the detail of these were either known to Councillor Marshall or disclosed by him.

- 7.48 In the case where Councillor Marshall referred to employment matters relating to Councillor Hussain's son the information disclosed relates to an appeal against dismissal. It is not clear how Councillor Marshall obtained the information to which he refers.

- 7.49 We have carefully considered the wording of the Code in relation to confidential material. It is quite specific that the Code only covers information given to the Councillor as a member in breach of any confidence. From this we have concluded that the first test is whether the information was provided

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to Councillor Marshall with a clear definition that is was to be treated as confidential. Other codes include a caveat that covers information which the member should reasonably regard as confidential. Therefore even if Councillor Marshall should have known the information he was sending to Mr Saunders was confidential we would need to prove that he was given the information in confidence.

- 7.50 Given that we have not been able to interview Councillor Marshall, that Councillor Hussain has declined to be interviewed and the limited nature of the information disclosed we have not pursued this further.
- 7.51 We have therefore concluded that Councillor Marshall did not breach paragraph 1.3 of the Code of Conduct.

### *Other matters considered*

- 7.52 During our investigation the issue of Councillor Marshall's use of his Council provided mobile phone was raised in the context of paragraph 1.11 of the Code of Conduct. This deals with the use of the Council's resources. We have studied the Council's Protocol for the Provision and Administration of Mobile Telephones for Elected Members and note that there is no reference to private use of the phone, neither allowing nor prohibiting such use. Reference is made to Councillors contributing to the cost of the monthly tariff charge and that the tariff includes inclusive calls. The Protocol also makes specific reference to the fact that third party apps such as WhatsApp can be used to send pictures and videos etc. In that absence of any reference to private use in the Protocol we have not pursued this matter further.
- 7.53 We also note that Councillor Hussain referred to a number of paragraphs of the Code of Conduct in his complaint. We have carefully considered all the evidence available to us and those aspects of the Code of Conduct not referred to directly in this report and consider that there was insufficient evidence to prove that other parts of the Code of Conduct were breached.

**8. Finding**

- 8.1 Our findings are that there has been a breach of the code of conduct of the authority concerned.

Wilkin Chapman LLP

**Investigating Solicitors**

7 August 2018

Councillor Marshall Copy

## Maxwellisation Response

### Response from Cllr Marshall

Before I proceed, it has to be stressed that the conversations I had with Saunders were never intended for public viewing, either in whole or part. It was a private conversation between two individuals to what he openly advertised as a 'confidential hotline'. My part in all of this was to gain his confidence to get him to pass on evidence of wrongdoing that he had long purported he had. I came to the conclusion fairly early on that although he wasn't unintelligent, he was an obsessed simpleton, who saw conspiracy in everything and he actually had no firm evidence of anything, he lived at the back end of the rumour mill and fed his 'followers' information from there.

He likes to portray himself as a journalist sharing news, however many politicians including myself over my term of office, had and do have, conversations with real journalists who don't print every comment or conversation that you have with them as you build up a relationship built on trust, this is the basis of the relationship I believed I had with this charlatan who doesn't even live in Sandwell, he is little more than a clatterfart.

The primary evidence base has been tampered with by way of redaction by Saunders to save his own skin and therefore has no context in many areas, including the total lack of any phone calls made. He himself told me that he was getting emails sent via Cllr Ian Jones who he'd spent a lot of his time previously trying to expose as a fraud and involved in wrongdoing yet he was also meeting up with him and other members of Sandwell Labour together with Sandwell Tories and UKIP in back street pubs in Wednesbury on numerous Friday nights. I firmly believe that this 'expose' of myself was little more than entrapment, orchestrated by Saunders not for the public good as he tries to make out but borne out of spite and malice and his hatred of all things Sandwell Labour related. He portrays himself as an intellectual and belittles the IQ of the Labour Cllr's in Sandwell yet this was the man who spent a whole day asking all his trusted sources who 'tom night was' and what part of the council he worked in.

I disagree in the main with the report and its conclusions, mainly because of the lack of primary evidence, the lack of context and therefore assumptions have been made by the author/s having totally failed in their attempts to interview me, on two occasions only giving me 24hrs notice after months of inaction. They are taking a part written only story and taking it at face value with no emotion and little context.

I will pick up on some points as follows but this is by no means an exhaustive list :-

2.3 The author can't even get basic facts right that are available via google, worse still I suspect they were supplied to the author by a council officer. How can the rest of the report be taken seriously?

7.13 How can you possibly prove this??

7.28 How can it be proven that 'Manboob' is not just simply a typo?

7.28 The author asserts that 'Manboob' is mocking of a masculine given name yet in your own description they are only found on men or boys, how the author can then move this on to have a racial element is bordering on the ridiculous and I take extreme exception to this type of accusation especially considering my work within the varying communities of Smethwick over the years both as a volunteer and public servant.

7.28/9/30 The author has cherry picked a redacted written conversation which by definition has no emotion and in this case no context and concluded that this 'cannot be in the heat of the moment'. Well I personally recall this part of that conversation and it was in the heat of the moment and there is no way anyone can prove otherwise. You have concluded that words used in a private

conversation never intended for public viewing are 'gratuitous, unreasonable and unwarranted' can you please explain how?

7.33 'Cllr Marshall implied that travellers would have a detrimental impact on the area' This is a widely held belief by many, not just within the communities of Sandwell but across many parts of England. I attended a public meeting organised by the West Midlands PCC, filmed by the BBC in my role as Cabinet Member, there were representatives from all West Midlands Councils. My years of personal experience of travellers was reaffirmed at that meeting by many others who'd had similar experience from various partner organisations. The author is at best naive, it is widely known that travellers do not have WC facilities within their caravans as they believe it to be unhygienic. This therefore leaves them with the option of using areas around any site that they temporarily set up at, ask any council worker that has the joy of cleaning up after they have visited. I have visited these sites, has the author?? I would also like to be presented with the written report that this site was being considered for use as a travellers site, failing that a copy of the minute and meeting it was discussed at or the admission that there are no such documents or conversations that had taken place

7.33 The author has again concluded incorrectly. The only person to have had any kind of premeditated campaign against Cllr Hussain or any other person for that matter was Saunders himself. Who is well known to have spent years trying to destroy Hussain's reputation then went on to be a character witness for him, turning everything on its head that he'd said about him, announcing publicly that Hussain was indeed the victim in all this

7.34 The Report presented was wholly inaccurate. SMBC had spent near to 800k of public money on the Wragge Report for it to conclude that no one was at fault. I was angry and frustrated and extremely concerned, as were other Councillors, that we had senior officers seemingly actively still trying to cover things up, and also passing information either directly or indirectly to Saunders and others. I still never passed on specifics but felt that the public needed to know what we were still having to deal with. MD was 'being kept out of the loop' as early as September/October 2016 as she was suspected of passing confidential information to both Cllr's Hussain and Jones. I have sworn I will not reveal that source but will if forced too. I had very little contact or dealings with Melanie on any level, 'Imelda and Melly' were well used nicknames for her amongst officers and other Cllr's how I can be accused of bullying her, via a 3rd party at that, is beyond the pale

7.37 These comments were never intended for public consumption so how can that be used as a test? They were sent to a publicly advertised 'confidential hotline' 'I will never betray a confidence Richard' said Saunders on numerous occasions. I personally feel sorry for all the other Cllr's and Council Officers that have spent years talking to him and that still are, and await him to turn on them. These conversations were totally about Labour Group issues and nothing whatsoever to do with my role in Council or council business and I wholly refute any suggestions otherwise.

7.42/3/4 I had no control whatsoever over what Saunders wrote, although he writes and acts like a petulant child he is actually a grown man, any comments he published, he published not me, any accusations of bullying of females or any other individual should be levelled at him and him alone

7.46/7 Both the author and Saunders come to the same conclusion that Cllr Marshall actually told nobody anything. The only information passed to Saunders by myself was little more than canteen gossip that was doing the rounds amongst low ranking officers, there was no high grade information that only cabinet members or indeed Cllr's would only know it was merely a mixture of gossip and nonsense

There were , and still are rogue elements within Sandwell Labour and within Council that have acted inappropriately or supported those that have acted inappropriately. Labour Regional Office is aware of these issues as are Council Directors , Police and Sport England . The public purse has been misused over a significant number of years by these individuals and it is up to the appropriate officers and authorities to take action

Rather than break the Nolan Principles I believe I have upheld them , I have acted solely in the interests of the people of Smethwick and Sandwell and made no gain whatsoever in fact I have paid the ultimate price for doing so and lost my role as a servant of the people for trying to expose the wrongdoing and wrong doers . I stood up for what was right , it is up to others to decide if they are willing to do so, the good people of Sandwell deserve the best