

### Agenda item 3

Hearing Panel  
Standards Committee  
24 July 2006  
SBE Case Number 12036.05

SBE12036.05

REPORT OF AN INVESTIGATION UNDER  
SECTION 59 OF THE LOCAL GOVERNMENT ACT  
2000 BY NICK MARCAR, ETHICAL STANDARDS  
OFFICER, INTO AN ALLEGATION CONCERNING  
COUNCILLOR KATHLEEN PHILLIPS, A MEMBER  
OF WALSALL METROPOLITAN BOROUGH  
COUNCIL

21 April 2006

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## 1 Summary

- 1.1 Mrs S, a member of the public, alleged that Councillor Kathleen Phillips, a member of Walsall Metropolitan Borough Council (the Council), disclosed confidential information contrary to paragraph 3(a) of the Code of Conduct.
- 1.2 Mrs S alleged that she had approached Councillor Phillips to obtain advice about changing Criminal Injuries Compensation legislation in relation to offences of : Mrs S stated that during the course of their discussions she disclosed some extremely private and sensitive information to Councillor Phillips about the : Mrs S gave this information to Councillor Phillips in strict confidence and did not expect her to tell anyone else other than a local Member of Parliament who she had previously contacted regarding this matter.
- 1.3 Mrs S alleged that recently she encountered some problems with a neighbour who asked Councillor Phillips to get involved in the dispute. She alleged that Councillor Phillips became involved in the dispute and during the course of a discussion with an officer of the council from the Anti-Social Behaviour Team, disclosed that Mrs S had previously suffered and had been unable to get compensation. Mrs S alleged that Councillor Phillips disclosed this information despite the fact that the information was not pertinent to the neighbour dispute.
- 1.4 I have considered whether Councillor Phillips failed to comply with paragraph 3(a) of Walsall Metropolitan Borough Council's Code of Conduct in this regard.
- 1.5 With regard to the above matters, I consider that Councillor Phillips failed to comply with paragraph 3(a) of Walsall Metropolitan Borough Council's Code of Conduct.
- 1.6 My finding pursuant to Section 59(4)(c) of the Local Government Act 2000 is that the matters which are the subject of the investigation should be referred to the Monitoring Officer of Walsall Metropolitan Borough Council.

## 2 Relevant Legislation

- 2.1 Walsall Metropolitan Borough Council adopted the Model Code of Conduct on 15 April 2002.
- 2.2 Paragraph 3(a) of the Code of Conduct states that;

*"A member must not disclose information given to him in confidence by anyone, or information acquired which he believes is of a confidential nature, without the consent of a person authorised to give it, or unless he is required by law to do so".*

**2.3 The Council's Member/Officer Protocol states that:**

*"2.2 At the heart of the Code, and this Protocol, is the importance of mutual respect. Member/Officer relationships are to be conducted in a positive and constructive way. Therefore, it is important that any dealings between Members and officers should observe standards of courtesy and that neither party should seek to take unfair advantage of their position or seek to exert undue influence on the other party.*

*2.4 A Member should not raise matters relating to the conduct or capability of an officer in a manner that is incompatible with the objectives of this protocol. This is a long-standing tradition of public service. An officer has no means of responding to such criticisms in public. If a Member feels he/she has not been treated with proper respect, courtesy or has any concern about the conduct or capability of an officer, and fails to resolve it through direct discussion with the officer, he/she should raise the matter with the respective Head of Service or General Manager. The Head of Service or General Manager will then look into the facts and report back to the Member. If the Member continues to feel concern, then he/she should report the facts to the Director who heads the Directorate concerned, or if, after doing so, is still dissatisfied, should raise the issue with the Chief Executive who will look into the matter afresh."*

**3 Councillor's Official Details**

- 3.1 Councillor Phillips was first elected to office in May 1998 and was subsequently re-elected at each election since that date. Councillor Phillips's current term of office is for a period of four years and ends in May 2006.
- 3.2 Councillor Phillips is a member of the largest opposition group on the Council and is a member of the Appointments Board, the Local Education Authority Governor Appointments Panel, Community Organisation, Blakenall and Bloxwich Local Neighbourhood Partnerships, Standing Committee on Religious Education and is Vice-Chair of Leisure and Culture.
- 3.3 Councillor Phillips last signed her declaration of acceptance of office and agreement to abide by the Code of Conduct on 23 June 2004 and subsequently amended and re-signed it on 16 July 2004.

- 3.4 Councillor Phillips received training on the Code of Conduct on 9 July 2003, 29 April and 15 June 2004. This training covered all aspects of the Code of Conduct.

#### 4 Evidence and Ethical Standards Officer's Conclusions on the Facts

- 4.1 Mrs S stated that she suffered . She reported the matter to the police. The case went to court and the was sentenced to 10 years imprisonment. 4  
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- 4.2 Mrs S stated that following the court case she was informed about Criminal Injuries Compensation, but established that she was ineligible for compensation because of a specific clause in the legislation.
- 4.3 In 2003 Mrs S approached her local Member of Parliament, David Winnock about her ineligibility for compensation and trying to change the legislation.
- 4.4 Mrs S stated that she had no success in her dealings with Mr Winnock and decided to approach Councillor Phillips for assistance. One evening in October 2003 Mrs S attended one of Councillor Phillips' surgeries at the Blakenall Information Centre and spoke to Councillor Phillips at length about her personal situation, providing details of the and explaining why she was unable to obtain compensation from the Criminal Injuries Compensation Board. Mrs S said that Councillor Phillips was shocked and upset by the information provided and felt very sorry for her, telling her that she would do what she could to assist. 6
- 4.5 Councillor Phillips drafted a resolution with Mrs S seeking a change in the law concerning claims for compensation involving historical crimes and they agreed that Councillor Phillips should take it to the constituency branch of the Labour Party.
- 4.6 Mrs S stated the information she provided Councillor Phillips was given in strict confidence and, other than Mr Winnock, she did not expect Councillor Phillips to disclose the information to anyone else.
- 4.7 Councillor Phillips stated that, although Mrs S did not explicitly tell her the information was strictly confidential, she was aware that the information was sensitive by its nature and, said that with hindsight she should not have divulged it to anyone without Mrs S's agreement.
- 4.8 As a result of Councillor Phillips involvement, Mrs S stated that it became clear to her that she was unable to obtain compensation until the legislation concerning the Criminal Injuries Compensation Board was amended and that this process could take a number of years.
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- 4.9 In May 2004 Councillor Phillips was contacted by a constituent, Mrs Y, seeking assistance to get a damaged rear fence on her property repaired. Councillor Phillips sought a repair of the fence from the local Housing Trust and as a result part of the fence was replaced in October 2004.
- 4.10 The rear fence of Mrs Y's property was at the bottom of Mrs S's garden. From October 2004, Mrs Y and Mrs S became involved in a dispute about the Housing Trust's replacement of part of the fence and other noise related issues.
- 4.11 Councillor Phillips was regularly contacted by Mr and Mrs Y from the time of her initial involvement in May 2004, particularly as she understood that the relationship between Mr and Mrs Y and Mrs S had deteriorated. Councillor Phillips stated that at this time she was unaware that Mrs S was the person that Mr and Mrs Y were complaining about.
- 4.12 On 7 March 2005 Councillor Phillips was again contacted by Mrs Y following an argument with Mrs S. Councillor Phillips stated that on this occasion she was provided with Mrs S's name and realised she had met Mrs S in 2003.
- 4.13 Councillor Phillips immediately contacted the Walsall Mediation Service who attended Mr and Mrs Y's property with an officer from the Council's Anti-Social Behaviour Unit, Mr Warren Davies.
- 4.14 During the dispute between Mr and Mrs Y and Mrs S, a number of complaints had been made to the Walsall Housing Group, the West Midlands Police, Environmental Health and the Walsall Mediation Service by Mr and Mrs Y. Following Mr Davies' site visit he spoke with the other agencies involved.
- 4.15 Mr Davies' professional view was that the dispute was low-level, and as Mr and Mrs Y were not prepared to attend mediation with Mrs S, and as there had been no criminal acts or anti-social behaviour, there was little that could be done to resolve the situation. Both the Walsall Housing Group and the West Midlands Police were in agreement with this view. It was agreed that Mr Davies would continue to monitor the situation.
- 4.16 Councillor Phillips stated that she continued to be contacted by Mr and Mrs Y on an almost daily basis. They were distressed as they felt the situation was deteriorating and nothing was being done to assist them.
- 4.17 In April 2005 Councillor Phillips contacted the Council's Anti-Social Behaviour Unit direct and spoke with Mr Davies about the situation. Mr Davies stated that initially Councillor Phillips was "*quite polite and pleasant*", but considered that her attitude changed and she sounded

displeased when she realised that Mr Davies considered the dispute to be low-level and was not planning to take any further action. However, Mr Davies stated that she appeared to accept that he was continuing to monitor the situation and the conversation ended.

- 4.18 Mr Davies stated that in July 2005 Councillor Phillips contacted him again about the matter. He stated that Councillor Phillips' tone and manner was slightly aggressive towards him and as the conversation progressed she became unpleasant towards him, suggesting that he did not know what he was talking about and he was biased towards Mrs S. Councillor Phillips agreed that she may have told Mr Davies that he was biased as she felt he was on Mrs S's side and was not acting in the best interests of all of the parties. Councillor Phillips stated *"We could have done with another officer, to be independent"*.
- 4.19 Mr Davies stated that during the conversation Councillor Phillips wanted to know why the Anti-Social Behaviour Team had not applied for an Anti-Social Behaviour Order against Mrs S. Mr Davies explained that both he and the police felt there was insufficient evidence to bring proceedings against Mrs S. Councillor Phillips then suggested that the Council evict Mrs S. Mr Davies explained that as Mrs S was an owner/occupier the Council were unable to evict her. Mr Davies felt Councillor Phillips was trying to coerce him into considering a course of action that he felt was inappropriate. I note that in her response to the draft report Councillor Phillips said that she did not suggest to Mr Davies that Mrs S should be evicted.
- 4.20 Mr Davies stated that at this point in the discussion, Councillor Phillips stated that Mrs S had \_\_\_\_\_ and had been unable to get compensation. Mr Davies stated that Councillor Phillips told him that Mrs S's behaviour in relation to the neighbour dispute was due to the fact that she had been \_\_\_\_\_ and was unable to obtain compensation. Mr Davies stated that Councillor Phillips provided him with detailed information about the \_\_\_\_\_ and extremely personal information about Mrs S.
- 4.21 Mr Davies stated that he challenged Councillor Phillips about her comments and said *"You've breached confidentiality because that information was told to you in confidence."* He said that Councillor Phillips responded by asking him if he knew anything about confidentiality.
- 4.22 Councillor Phillips could not recall the exact content of the conversation with Mr Davies, but stated that she told Mr Davies that *"She feels she's missed out. She's missed out twice now. I feel for the woman because she must feel really – because she's missed out on really a lot of money on the compensation...And she's missed out now and it's her own fault she's got a damaged fence which has got to be replaced and she's got to pay for it now because it's only her responsibility."*

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- 4.23 Councillor Phillips initially stated that she does not remember referring to the , or providing details of the suffered by Mrs S. However, when questioned further she stated that she may have done so, but said she *"honestly understood, or thought I understood that Warren Davies was aware of [Mrs S's] situation because he still pursued it."* 10, 11
- 4.24 Later in the interview with my investigator Councillor Phillips stated that she *"probably said something like, 'You know that [Mrs S] had a [court] case, it was against [' ] and [other victims] were paid compensation and [Mrs S] didn't'...And I now felt that she must be very hurt because she has now missed out on a new fence."* 12
- 4.25 In response to the draft report, Councillor Phillips stated that during her conversation with Mr Davies she referred only to the issue of Mrs S failing to obtain compensation rather than Mrs S's 13
- 4.26 I note that Mr Davies made a note of his conversation with Councillor Phillips in a statement dated 29 July 2005 and made a further description of it in an email to his manager on 20 October 2005. In addition he discussed it with my investigator in his interview dated 8 November 2005. Mr Davies confirmed that the "confidential information of a personal and sensitive nature", disclosed by Councillor Phillips, was the Mrs S had suffered. 14
- 4.27 I note that in her interview with my investigator Councillor Phillips also confirmed that she may have referred to the Mrs S had suffered. 15
- 4.28 Given the clear evidence from Mr Davies, including a contemporaneous file note, and Councillor Phillips' initial acceptance at interview that she "may well have" referred to the , although I now note that she has altered her evidence on this point, in all of the circumstances it is my view that Councillor Phillips referred to the Mrs S had suffered during her telephone conversation with Mr Davies. 16 17
- 4.29 When asked by my investigator why she considered that the information provided to the Anti-Social Behaviour officer was relevant to the neighbour dispute, Councillor Phillips stated *"Because she missed out on a big claim [for compensation] and she's missed out again on a fence...because that's how I felt [Mrs S] was beginning to behave...Just for his information so he could get to the bottom of why suddenly [Mrs S] had got all angry with her neighbours"*.
- 4.30 My investigator asked Councillor Phillips what she meant by her comments in paragraph 4.25 and Councillor Phillips responded that Mrs S had *"been abusing these people [the neighbours]...I think it's related to the fact that she's missed out on compensation..because she's aggrieved...[Mrs S] was very very bitter about the situation of the* 18

- 4.31 Councillor Phillips stated that she *"was under the impression that Warren knew as much about [Mrs S] as I did"*. When asked why she was under this impression, Councillor Phillips responded that she had the impression *"From snippets of conversation over the period of time, because I'd spoken with anti-social behaviour officers obviously."*
- 4.32 When asked to elaborate on why she thought that Mr Davies knew the confidential information, Councillor Phillips stated *"Perhaps it was just a feeling. I really thought that he was aware of the situation because he was obviously dealing with [Mrs S] for something else. I don't know what. He spent a lot of time around there, I do know that. And the way [Mrs S] tells her story to everybody I would've been surprised if he hadn't been told the same story."*
- 4.33 Mr Davies stated that he had been aware of the information from Mrs S as he had previously dealt with her in relation to another matter. However he stated that he had not discussed or referred to this issue with Councillor Phillips or any other anti-social behaviour officers in relation to the neighbour dispute as he did not consider it to be in any way relevant to the dispute.
- 4.34 It is my view that Councillor Phillips had no reasonable grounds for believing that Mr Davies already knew the information about Mrs S. Councillor Phillips could not provide details of any conversation in which she was told this by Mr Davies. I consider that it is not reasonable for Councillor Phillips to assume that because Mrs S told her, she would have told others, including Mr Davies.
- 4.35 In her response to the draft report Councillor Phillips stated *"I am convinced Warren Davies was already aware of Mrs S's situation. This has proved to be the case according to this report...In hindsight HE must have told me."* However, Councillor Phillips did not provide any details as to when Mr Davies told her and what he said.
- 4.36 It is my view that, despite Councillor Phillips comments in response to the draft report, there is no further evidence to enable me to conclude that Mr Davies gave any indication to Councillor Phillips that he was already aware of the information. Mr Davies was clear that he did not consider the information was relevant to the neighbour dispute and accordingly it is my view that it is unlikely he would have raised it. Councillor Phillips on the other hand considered the information was relevant to the neighbour dispute and as a result it is my view that she had more reason to raise the information with Mr Davies.
- 4.37 During the interview with my investigator, Councillor Phillips agreed that it was Mrs S's information and it was up to her to choose who she told it to. My investigator asked *"Do you think it would have been best to talk to [Mrs S] before you told people this information in order to obtain her*

consent", to which Councillor Phillips responded "I suppose in hindsight I could say yeah".

- 4.38 Mr Davies stated that following this conversation, in July 2005, Councillor Phillips made a complaint about the manner in which he was dealing with Mrs S's neighbour dispute.
- 4.39 Shortly after, on 20 July 2005 an article appeared in a local newspaper, the Express and Star. It stated:

***"Dealing with rows too much for staff***

*A new mediation service for warring neighbours bickering over issues such as monster hedges could bring Walsall's Anti-Social Behaviour Unit to its knees, it was claimed today. Residents can now approach the unit to intervene in neighbourly disputes but the extra workload could see its downfall. Bloxwich councillor Kath Phillips said staff were struggling to cope with their present workload and the added pressures of trying to deal with extra complaints could cause the unit to buckle under the strain. She said: "I went to the unit last week with two neighbour dispute cases from my constituents. I was told they were too busy and neighbour disputes were way down the priority list...now they are saying they can't deal with these situations because they are too busy. I think it is absolutely appalling, the unit basically told me they had so much work to do there was nothing they could do to help me."*

- 4.40 Following the publication of the newspaper article officers from the Anti-Social Behaviour Team checked their cases and it was determined the only matter Councillor Phillips could be referring to in the article was the matter involving Mrs S. Mr Davies stated that officers were upset that Councillor Phillips had expressed these views in public without consideration of the Member/Officer Protocol.
- 4.41 On 29 July 2005 Mr Davies provided his response to the complaint and newspaper article in a statement. The statement detailed Mr Davies' involvement with Mrs S and his knowledge of the neighbour dispute before going on to detail his contact with Councillor Phillips in relation to the matter and provide his full response to the content of the newspaper article.
- 4.42 Mr Davies' line manager and director considered the complaint and found that Mr Davies had acted appropriately in his dealings with Mrs S's neighbour dispute.
- 4.43 The statement made by Mr Davies referred to two telephone conversations with Councillor Phillips and was made prior to the allegation to the Standards Board for England. It refers to the disclosure of the confidential information and states;

*"Cllr Phillips felt that we as a unit should be (dealing with Mrs S) and then divulged personal information of a sensitive nature to me unaware that I knew thus breaching confidentiality."*

- 4.44 On the basis of the evidence of Mr Davies, his statement of 29 July 2005 and the evidence of Councillor Phillips I consider that Councillor Phillips told Mr Davies that Mrs S had previously been and had been unsuccessful in obtaining compensation. 19
- 4.45 Subsequently, Mr Davies spoke with Mrs S who, as a result, became aware that Councillor Phillips had disclosed the information to Mr Davies. Mr Davies stated that he got the impression that Mrs S was already aware of the disclosure and thought Mrs S may have been aware of the disclosure from Sergeant Spanner.
- 4.46 Mrs S contacted the local Neighbourhood Policing Sergeant Justin Spanner, who had known Mrs S for a significant period of time due to the alleged crimes committed against her and as a result was aware of her background. He was also involved in the neighbour dispute, in that the parties had contacted him to intervene.
- 4.47 Mrs S informed Sergeant Spanner that Councillor Phillips had told an officer of the Council about her background and stated that as a result she was planning on making a complaint to the Standards Board for England. Mrs S asked Sergeant Spanner to inform Councillor Phillips of this.
- 4.48 On 4 August 2005 Councillor Phillips met with Sergeant Spanner, who told her that Mrs S was distressed by the information being revealed by Councillor Phillips to an officer of the Council and she was planning on making a complaint about it to the Standards Board for England. Sergeant Spanner stated that Councillor Phillips commented to him that she believed that Mrs S was a bit bitter about what happened to her and that comes across in how she deals with things. Sergeant Spanner stated that it appeared to him that Councillor Phillips had formed a view of Mrs S based on the information Mrs S had told her.
- 4.49 Sergeant Spanner telephoned Mrs S to advise her that Councillor Phillips knew that a complaint would be made to the Standards Board for England.
- 4.50 On 4 August 2005, following her discussion with Sergeant Spanner, Mrs S made her complaint to the Standards Board for England and Councillor Phillips was notified that the allegation had been referred for investigation on 10 August 2005.
- 4.51 Mr and Mrs Y were re-housed on 6 September 2005 and accordingly the neighbour dispute was effectively resolved.

- 4.52 In October 2005 Councillor Phillips attended a conference, which was also attended by Mr Davies and his director, Mr Nozmul Hussain.
- 4.53 During the conference Councillor Phillips approached a colleague of Mr Davies' and told him that she had an issue with one of the anti-social behaviour officers as she felt he had not dealt with a matter appropriately and pointed to Mr Davies. Mr Davies' colleague advised Councillor Phillips to speak to Mr Hussain.
- 4.54 Councillor Phillips then approached Mr Hussain asking him *"if a member of the public was to report something to the anti-social behaviour unit, would that information remain confidential?"* Mr Hussain responded that it ought to be confidential because that is the way the unit works. Councillor Phillips then stated that she would like to speak to Mr Hussain about a matter and he advised her to make an appointment with him.
- 4.55 On 16 October 2005 Councillor Phillips wrote two letters to Mr Hussain. In the first she stated:

*"Further to our discussion last week. I wish to register a formal complaint against Warren Davies. I gave confidential information to him regarding a dispute between [Mrs S] and Mrs Harding. According to [Mrs S] he has passed this information back to her, with some added comments (if she is to be believed)."*

- 4.56 In the second letter dated 16 October 2005 Councillor Phillips provided a full summary of the neighbour dispute between Mrs S and Mrs and stated:

*"It became apparent the Anti-Social Behaviour Team were already involved with [Mrs S] on another neighbour dispute. Things have gone from bad to worse in these disputes. I rang to speak to an officer of the ASBO team, a Warren Davies. I asked why a camera could not be put up without anyone knowing to prove one way or another what was happening. He obviously did not believe Mrs [redacted] or her neighbours. A camera would have helped put an end to all these issues. I explained why I thought [Mrs S] was so upset as I believe she felt aggrieved for the second time. I understood he was aware of [Mrs S's] situation regarding losing out in the...compensation claim and here she was again losing out on a fence, which she had to pay for herself. I sympathise with her...The reason I discussed anything with the officer I expected any information I gave him in his role as an ASBO officer would remain confidential as it always has in the past. I felt it was very relevant as here was [Mrs S] let down yet again."*

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4.57 On 20 October 2005 Councillor Phillips attended at the anti-social behaviour team's offices to discuss the matter with Mr Hussain. Councillor Phillips provided Mr Hussain with her two letters dated 16 October 2005 along with a copy of the notification of the decision from the Standards Board for England to refer the matter for investigation.

4.58 Mr Hussain stated that Councillor Phillips initially provided him with information relating to Mrs S's neighbour dispute, but then went on to provide details of Mrs S's background, referring to the fact that she had been [redacted] and had been unsuccessful in obtaining compensation.

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4.59 When asked by my investigator whether she disclosed the information to Mr Hussain, Councillor Phillips stated "*I probably did at that meeting, yeah*". In her response to the draft report Councillor Phillips stated that she would like this sentence from the transcript of her interview with my investigator to be altered to "*I possibly did at that meeting but I am not sure.*"

4.60 Mr Hussain stated that he told Councillor Phillips that he did not understand why she told him, and Mr Davies, such personal information about Mrs S, and he could not see the relevance to the neighbour dispute.

4.61 Councillor Phillips responded that she considered that Mrs S's background is the reason she behaves as she does and why she damaged a fence. Councillor Phillips felt he needed to be aware of the whole issue in order to deal with the matter.

4.62 Mr Hussain again told Councillor Phillips that he failed to see the relevance of the fact that Mrs S had been [redacted] many years previously to the current neighbour dispute. Mr Hussain explained that he considered there was no rationale for the disclosure of this sort of information to officers who were dealing with something completely different.

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4.63 Mr Hussain stated that Councillor Phillips' complaint was that she had provided confidential information to Mr Davies who had breached this confidentiality and passed the information on.

4.64 When asked by my investigator why she approached Mr Hussain, Councillor Phillips stated "*I came to him because I wanted to try and find out if it was true that the officer [Mr Davies] had said all these things to [Mrs S] [as contained in Mrs S's allegation letter to the Standards Board for England]...All I asked him to do was to find out if the information I'd given to Warren had been passed across. Because when I've dealt with anti-social behaviour officers in the past, whatever I've said, or even the police, it has been in confidence, otherwise you'd*

*never pass them any information would you?...I wanted to find out because I was told that they had signed this contract with the Anti-Social Behaviour Team and the working partnership that confidential information that's going from Social Services, councillors, council, whatever, would always be in the strictest of confidence".*

- 4.65 Following the meeting Mr Hussain stated he wrote to Councillor Phillips advising her that he had spoken to the officer concerned and the officer's line manager and saw no grounds for complaint.
- 4.66 In addition Mr Hussain stated he sent an email to his staff asking them not to have direct discussions with Councillor Phillips and if she contacted them they should refer her to their manager or Mr Hussain. Mr Hussain stated he did this because the Council's protocol precluded members contacting junior officers directly.
- 4.67 During the interview with my investigator Councillor Phillips expressed anger at Mr Davies for passing the information on to Mrs S. Councillor Phillips stated *"this is an Anti-Social Behaviour Officer that I'm talking to in confidence to try and resolve a situation...and I would not have expected anything that I said to Warren Davies to have gone anywhere else."*
- 4.68 My investigator asked her *"Do you think that you were the person who should not have passed on the information because it was confidential?"* to which Councillor Phillips responded *"Well I only passed it on in as much as to try and get the situation resolved."* In her response to the draft report Councillor Phillips stated that she would like this sentence from the transcript of her interview with my investigator to be altered to *"On a need to know basis."*
- 4.69 Councillor Phillips could not provide an explanation of how the situation could be resolved by providing the information to Mr Davies and Mr Hussain.
- 4.70 Councillor Phillips stated that she *"will not work with the Anti-Social Behaviour Team now because I'm afraid that anything that I would say will be passed on to someone else and I think that is really bad news. And that was why I intervened [with Mr Hussain], because I wanted to know if he could ask if it was true that Warren had done this because if that's the case I intend to make a report about Warren Davies because the information I gave to Warren over the telephone was from one elected member to a paid officer to do a specific job"*.
- 4.71 Councillor Phillips stated that she *"can't carry on giving information out that might help the case."* She made a number of analogies between this matter and situations she deals with where there were drug dealers or criminals just released from prison living at a house. Councillor Phillips stated that she would now not pass that information on to anti-social behaviour officers. In her response to the draft report Councillor

Phillips stated that this issue is about *"being confident to disclose information to ASBO Officers or others in the battle against Antisocial Behaviour."*

4.72 In her response to the draft report, Councillor Phillips stated she was under duress during her interview with my investigator. However, from the transcript of the interview I am unable to identify any signs that Councillor Phillips was under duress. The Interview took place at the Council's offices at a date and time convenient to Councillor Phillips. At the end of the interview she was invited to add anything else that she wanted to and did not raise the issue, saying "I think we've said everything". Councillor Phillips had a support person present, Councillor Barbara Cassidy, who gave no indication at the time that she felt Councillor Phillips was under duress. Councillor Cassidy has since written to me stating that she was very upset at the end of the meeting and considered that my investigator "appeared at times to be openly hostile and aggressive". She said that she had felt for some time she should bring this to my attention but was only persuaded to do so having read a press article on 11 March. This was also after issue of my draft report. Councillor Phillips was sent two copies of the interview transcript on 3 February 2006, inviting her response within two weeks if she wished to make any alterations or comments in relation to the transcript. I note she did not do so. It was only on seeing a copy of the draft report that Councillor Phillips raised the issue of duress.

4.73 In her response to the draft of this report Councillor Phillips stated *"I recognise that I may have spoken out of turn in respect of [Mrs S]; albeit not maliciously but with the best of intentions to resolve an ongoing dispute between neighbours. For that I unreservedly apologise to [Mrs S] for any hurt or distress she has felt. I have always had the utmost respect, compassion and understanding for this lady."* However, I am not aware that she has apologised to Mrs S directly. Councillor Phillips ended her response to the draft report by saying *"I trust you will now take into account my comments...and perhaps allow me to apologise to [Mrs S]."* I accept that Councillor Phillips should be given credit for this apology. However, there has been no restriction on Councillor Phillips apologising as a result of this investigation.

## 5 Reasoning

### Disclosure of Confidential Information

5.1 Paragraph 3(a) of the Code of Conduct states that a member must not disclose information given to him in confidence by anyone, or information acquired which he believes is of a confidential nature without consent of the person authorised to give it.

- 5.2 In relation to the allegation that Councillor Phillips disclosed confidential information concerning Mrs S in her telephone conversation with Mr Davies contrary to paragraph 3(a) of the Code of Conduct it is necessary to consider the circumstances in which the information was given to Councillor Phillips and the expectations of the person who gave her the information.
- 5.3 Mrs S provided the information to Councillor Phillips purely in relation to Councillor Phillips assisting in terms of seeking an amendment to the criminal injuries legislation. The information was not passed to Councillor Phillips for any other purpose and Councillor Phillips was not authorised to use it for any other purpose, nor could she in my view reasonably have considered she was. Councillor Phillips was approached by a constituent and was provided with very sensitive and personal information. I consider that a constituent should rightly expect a high level of confidentiality when they approach members with issues, particularly in relation to such sensitive matters. Despite this Councillor Phillips used the information for a completely unrelated purpose.
- 5.4 Although Mrs S may not have specifically stated the information was confidential it is my view that the information was undoubtedly of a confidential nature. It was extremely sensitive and personal and it is my view that it was obvious to Councillor Phillips that she should not disclose the information to anyone without Mrs S's consent. The information was clearly not suitable for disclosure and any such disclosure could cause serious harm to individuals, particularly those involved in the criminal matters such as witnesses. Indeed even Councillor Phillips found the information to be shocking and upsetting when Mrs S disclosed it.
- 5.5 Furthermore, in her letters to Mr Hussain dated 16 October 2005 Councillor Phillips refers to the information being confidential and further stated that when she passed this information to Mr Davies she expected him to regard it as confidential.
- 5.6 Paragraph 3(a) of the Code only applies to a member's conduct when acting in an official capacity. Paragraph 1(1) of the Code defines official capacity as when the member is conducting the business of the authority, conducting the business of the office to which she is elected or appointed; or acting as a representative of the authority.
- 5.7 It is clear that Councillor Phillips was acting in an official capacity when she met Mrs S at her surgery in October 2003 and was given the relevant information. Furthermore, I am satisfied that Councillor Phillips was acting in her official capacity as a member of the Council in relation to her telephone conversation with Mr Davies. She contacted him to discuss the case of a constituent who had approached her for

- assistance because she was their local member and as such it is my view that she was conducting the business of the office to which she was elected.
- 5.8 I have formed the view that Councillor Phillips disclosed the information to Mr Davies and this disclosure was made without Mrs S's consent. Councillor Phillips felt so strongly about Mr Davies conduct that she complained to Mr Hussain and did not appear to recognise her part in disclosing the information to Mr Davies, or that such disclosure was unreasonable.
- 5.9 I have not identified any valid reason why Councillor Phillips would have been required by law to disclose the information and indeed Councillor Phillips has not offered any such reason for her disclosure.
- 5.10 Accordingly it is my view that Councillor Phillips disclosed information given to her in confidence or information acquired which she believed to be confidential in nature in speaking to Mr Davies about Mrs S and without her consent.
- 5.11 I, therefore, consider that Councillor Phillips failed to comply with paragraph 3(a) of the Code of Conduct.

## 6 Finding

Taking all the circumstances of this case into consideration, particularly my view that Councillor Phillips failed to recognise the seriousness of her actions or the effect they might have had on Mrs S, my finding pursuant to Section 59(4)(c) of the Local Government Act 2000 is that the matters which are the subject of the investigation should be referred to the Monitoring Officer of Walsall Metropolitan Borough Council.



Nick Marcar  
Ethical Standards Officer

21 April 2006

**Reference under Section 64 of the Local Government Act 2000  
to the Monitoring Officer Walsall Metropolitan Borough  
Council of matters which have been the subject of  
Investigation**

**Reference Number:** SBE12036.05

**Name, address, telephone number and e-mail address of Respondent:**

Cllr Kathleen Phillips  
4 Tapton Close  
Bloxwich  
Walsall  
West Midlands  
WS3

**Name of Council of which Respondent is a member:**

Walsall Metropolitan Borough Council

**Name, address, telephone number and e-mail address of the Ethical Standards Officer:**

Nick Marcar  
Ethical Standards Officer  
Standards Board for England  
First Floor  
Cottons Centre  
Cottons Lane  
London SE1 2QG

Tel: 020 7378 5041

E-mail: [nick.marc@standardsboard.co.uk](mailto:nick.marc@standardsboard.co.uk)

**Name, address, telephone number and e-mail address of the ESO's legal representative:**

Mr Chris Boothman  
Head of Legal Services  
Standards Board for England  
(Address as for Ethical Standards Officer)

Tel: 020 7378 5090

E-mail: [chris.boothman@standardsboard.co.uk](mailto:chris.boothman@standardsboard.co.uk)

**Name, address, telephone number and e-mail address of the party(ies) who made the allegation:**

Mrs S

## **Schedule of Evidence taken into account**

### Background documents

- NM1 Walsall Metropolitan Borough Council's Code of Conduct
- NM2 Local Code Governing Relations Between Elected Members and Council Employees
- NM3 Complaint form of Mrs S dated 4 August 2005 with undated letter

### Notes of Telephone Conversations, Letters, and Notes of Interviews with Witnesses

- NM4 Newspaper article from the Express & Star dated 20 July 2005
- NM5 Statement of Mr Warren Davies dated 29 July 2005
- NM6 Letter of complaint from Councillor Kath Phillips to Mr Nozmul Hussain dated 16 October 2005
- NM7 Further letter of complaint from Councillor Phillips to Mr Hussain dated 16 October 2005
- NM8 Email from Mr Davies to Mr Hussain dated 20 October 2005
- NM9 Telephone note from conversation with Neighbourhood Policing Sergeant Justin Spanner dated 25 October 2005
- NM10 Transcript of interview with Mr Warren Davies dated 8 November 2005
- NM11 Transcript of Interview with Mr Hussain dated 9 November 2005
- NM12 Transcript of interview with Councillor Phillips dated 6 December 2005
- NM13 Telephone note from conversation with Mrs S dated 23 January 2006
- NM14 Letter from Councillor Barbara Cassidy dated 21 March 2006
- NM15 Letter from Councillor Phillips dated 21 March 2006 responding to my draft report and my response dated 21 April 2006
- NM16 Letter from Mrs S dated 7 February 2006 responding to my draft report and my response dated 21 April 2006

PART 5

CODES AND PROTOCOLS

## 1 – Members' Code of Conduct

### Walsall Metropolitan Borough Council's Code of Conduct for Members

#### PART I – GENERAL PROVISIONS

##### Scope

1. (1) A Member must observe this Code of Conduct whenever he or she:-
  - (a) conducts the business of the authority;
  - (b) conducts the business of the office to which he or she has been elected or appointed; or
  - (c) acts as a representative of the authority;

and references to a Member's official capacity shall be construed accordingly.

(2) The Code of Conduct shall not, apart from paragraphs 4 and 5(a) below, have effect in relation to the activities of a Member undertaken other than in an official capacity

- (3) Where a Member acts as a representative of the authority:-
  - (a) on another relevant authority, he or she must, when acting for that other authority, comply with that other authority's Code of Conduct; or
  - (b) on any other body, he or she must, when acting for that other body, comply with the authority's Code of Conduct, except and insofar as it conflicts with any other lawful obligations to which that other body may be subject.

(4) A "Member" includes, for the purposes of this Code of Conduct only, a co-opted member of Walsall Metropolitan Borough Council.

##### General Obligations

2. A Member must:-

- (a) promote equality by not discriminating unlawfully against any person;
- (b) treat others with respect; and
- (c) not do anything which compromises or which is likely to compromise the impartiality of those who work for, or on behalf of, the authority

3. A Member must not:-

- (a) disclose information given to him in confidence by anyone, or information acquired which he or she believes is of a confidential nature, without the consent of a person authorised to give it, or unless he or she is required by law to do so; nor
- (b) prevent another person from gaining access to information to which that person is entitled by law.

4. A Member must not in his official capacity, or any other circumstance, conduct himself/herself in a manner which could reasonably be regarded as bringing his office or authority into disrepute.

5. A Member:-

- (a) must not in his official capacity, or any other circumstance, use his position as a Member improperly to confer on or secure for himself/herself or any other person, an advantage or disadvantage; and
- (b) must, when using or authorising the use by others of the resources of the authority:-
  - (i) act in accordance with the authority's requirements; and
  - (ii) ensure that such resources are not used for political purposes unless that use could reasonably be regarded as likely to facilitate, or be conducive to, the discharge of the functions of the authority or of the office to which the Member has been elected or appointed.

6. (1) A Member must when reaching decisions:-

- (a) have regard to any relevant advice provided to him by:-
  - (i) the authority's Chief Finance Officer acting in pursuance of his duties under Section 114 of the Local Government Finance Act 1988; and
  - (ii) the authority's Monitoring Officer acting in pursuance of his duties under Section 5(2) of the Local Government and Housing Act 1989; and

- (b) give the reasons for those decisions in accordance with the authority's and any statutory requirements in relation to the taking of an executive decision.

(2) In sub-paragraph (1)(b) above and in paragraph 9(2) below, "executive decision" is to be construed in accordance with any regulations made by the Secretary of State under Section 22 of the Local Government Act 2000.

7. A Member must, if he or she becomes aware of any conduct by another Member which he or she reasonably believes involves a failure to comply with the authority's Code of Conduct, make a written allegation to that effect to the Standards Board for England as soon as it is practicable for him to do so.

## **PART 2 - INTERESTS**

### **Personal Interests**

8. (1) A Member must regard himself/herself as having a personal interest in any matter if the matter relates to an interest in respect of which notification must be given under paragraphs 14 and 15 below, or if a decision upon it might reasonably be regarded as affecting to a greater extent than other council tax payers, ratepayers or inhabitants of the authority's area, the well-being or financial position of himself/herself, a relative or a friend or –

- (a) any employment or business carried on by such persons;
- (b) any person who employs or has appointed such persons, any firm in which they are a partner, or any company of which they are directors;
- (c) any corporate body in which such persons have a beneficial interest in a class of securities exceeding the nominal value of £5,000; or
- (d) any body listed in sub-paragraphs (a) to (e) of paragraph 15 below in which such persons hold a position of general control or management.

(2) In this paragraph:-

- (a) "relative" means a spouse, partner, parent, parent-in-law, son, daughter, step-son, step-daughter, child of a partner, brother, sister, grandparent, grandchild, uncle, aunt, nephew, niece, or the spouse or partner of any of the preceeding persons; and
- (b) "partner" in sub-paragraph (2)(a) above means a member of a couple who live together.

### Disclosure of Personal Interests

9. (1) A Member with a personal interest in a matter who attends a meeting of the authority at which the matter is considered must disclose to that meeting the existence and nature of that interest at the commencement of that consideration, or when the interest becomes apparent.

(2) Subject to paragraph 12(1)(b) below, a Member with a personal interest in any matter who has made an executive decision in relation to that matter must ensure that any written statement of that decision records the existence and nature of that interest.

### Prejudicial Interests

10. (1) Subject to sub-paragraph (2) below, a Member with a personal interest in a matter also has a prejudicial interest in that matter if the interest is one which a member of the public with knowledge of the relevant facts would reasonably regard as so significant that it is likely to prejudice the Member's judgement of the public interest.

(2) A Member may regard himself/herself as not having a prejudicial interest in a matter if that matter relates to:-

- (a) another relevant authority of which he or she is a member;
- (b) another public authority in which he or she holds a position of general control or management;
- (c) a body to which he or she has been appointed or nominated by the authority as its representative;
- (d) the housing functions of the authority where the member holds a tenancy or lease with a relevant authority, provided that he or she does not have arrears of rent with that relevant authority of more than two months, and provided that those functions do not relate particularly to the Member's tenancy or lease;
- (e) the functions of the authority in respect of school meals, transport and travelling expenses, where the Member is a guardian or parent of a child in full time education, unless it relates particularly to the school which the child attends;
- (f) the functions of the authority in respect of statutory sick pay under Part XI of the Social Security Contributions and Benefits Act 1992, where the Member is in receipt of, or is entitled to the receipt of such pay from a relevant authority; and
- (g) the functions of the authority in respect of an allowance or payment made under Sections 173 to 176 of the Local Government Act 1972 or Section 18 of the Local Government and Housing Act 1989.

### Scrutiny and Performance Panels

11. (1) For the purposes of this Part, a Member must if he or she is involved in the consideration of a matter at a meeting of a Scrutiny and Performance Panel of the authority or a working group of such a panel, regard himself/herself as having a personal and a prejudicial interest if that consideration relates to a decision made, or action taken, by another of the authority's:-

- (a) Committees or Sub-Committees; or
- (b) Joint Committees or Joint Sub-Committees,

of which he or she may also be a member.

(2) But sub-paragraph (1) above shall not apply if that member attends that meeting for the purpose of answering questions or otherwise giving evidence relating to that decision or action.

### Participation in relation to disclosed interests

12. (1) Subject to sub-paragraph (2) below, a Member with a prejudicial interest in any matter must:-

- (a) withdraw from the room or chamber where a meeting is being held whenever it becomes apparent that the matter is being considered at that meeting, unless he or she has obtained a dispensation from the authority's Standards Committee;
- (b) not exercise executive functions in relation to that matter; and
- (c) not seek improperly to influence a decision about that matter.

(2) A Member with a prejudicial interest may, unless that interest is of a financial nature, and unless it is an interest of the type described in paragraph 11 above, participate in a meeting of the authority's:-

- (a) Scrutiny and Performance Panels; and
- (b) Joint or area committees,

to the extent that such Committees are not exercising functions of the authority or its Executive.

13. For the purposes of this part "meeting" means any meeting of:-

*Amended September 2003*

- (a) the authority;
- (b) the Executive of the authority; or
- (c) any of the authority's or its Executive's Committees, Sub-Committees, Joint Committees, Joint Sub-Committees, or area committees.

### PART 3 – THE REGISTER OF MEMBERS' INTERESTS

#### Registration of Financial and other interests

14. Within 28 days of the provisions of an authority's Code of Conduct being adopted or applied to that authority or within 28 days of his election or appointment to office (if that is later), a Member must register his financial interests in the authority's register maintained under section 81(1) of the Local Government Act 2000 by providing written notification to the authority's Monitoring Officer of:-

- (a) any employment or business carried on by him or her;
- (b) the name of the person who employs or has appointed him or her, the name of any firm in which he or she is a partner, and the name of any company for which he or she is a remunerated director;
- (c) the name of any person, other than a relevant authority, who has made a payment to him or her in respect of his election or any expenses incurred by him in carrying out his or her duties;
- (d) the name of any corporate body which has a place of business or land in the authority's area, and in which the Member has a beneficial interest in a class of securities of that body that exceeds the nominal value of £25,000 or one hundredth of the total issued share capital of that body;
- (e) a description of any contract for goods, services or works made between the authority and himself/herself or a firm in which he or she is a partner, a company of which he or she is a remunerated director, or a body of the description specified in sub-paragraph (d) above;
- (f) the address or other description (sufficient to identify the location) of any land in which he or she has a beneficial interest and which is in the area of the authority;
- (g) the address or other description (sufficient to identify the location) of any land where the landlord is the authority and the tenant is a firm in which he or she is a partner, a company of which he or she is a remunerated director, or a body of the description specified in sub-paragraph (d) above; and

- (h) the address or other description (sufficient to identify the location) of any land in the authority's area in which he or she has a licence (alone or jointly with others) to occupy for 28 days or longer.

15. Within 28 days of the provisions of the authority's Code of Conduct being adopted or applied to that authority or within 28 days of his election or appointment to office (if that is later), a member must register his other interests in the authority's register maintained under section 81(1) of the Local Government Act 2000 by providing written notification to the authority's Monitoring Officer of his membership of or position of general control or management in any:-

- (a) a body to which he or she has been appointed or nominated by the authority or its representative;
- (b) public authority or body exercising functions of a public nature;
- (c) company, industrial and provident society, charity, or body directed to charitable purposes;
- (d) body whose principal purposes include the influence of public opinion or policy; and
- (e) trade union or professional association.

16. A Member must within 28 days of becoming aware of any change to the interests specified under paragraphs 14 and 15 above, provide written notification to the authority's Monitoring Officer of that change.

#### Registration of Gifts and Hospitality

17. A Member must within 28 days of receiving any gift or hospitality over the value of £25, provide written notification to the authority's Monitoring Officer of the existence and nature of that gift or hospitality.

Walsall Metropolitan Borough Council's Code of Conduct for Members is based exclusively on the mandatory provisions contained in Schedule 1 to the Local Authorities (Model Code of Conduct) (England), 2001 SI Number 3575 with no additional provisions.

Approved by and is fully operative from the Council Meeting held on 15th April, 2002.

Walsall Metropolitan Borough Council's  
Code of Conduct for Members

General Guidance Notes

(This note is not part of the mandatory provisions of the Code of  
Conduct for Members)

**Paragraph 1** provides that it applies whenever a Member is acting in his or her official capacity, and that it does not apply in other circumstances unless otherwise indicated. Additionally, where a Member is acting as a representative of his authority, he or she must continue to observe the authority's code, unless he or she is subject to another relevant authority's code, or unless (in relation to any other body) it conflicts with any other legal obligations.

**Paragraph 2** provides that Members must promote equality, treat others with respect and not do anything which compromises the impartiality of those who work for the authority.

**Paragraph 3** provides that Members must not without consent disclose confidential information they have acquired and must not prevent others from gaining access to information to which they are entitled.

**Paragraph 4** provides that in a Member's official capacity and in other circumstances, a Member must not conduct himself/herself in a manner which could bring his authority into disrepute.

**Paragraph 5** provides that a Member must not in his official capacity or in other circumstances use his position improperly to gain an advantage or confer a disadvantage and that when using or authorising the use of the authority's resources, he or she must act in accordance with the authority's requirements and must not permit those resources to be used for political purposes.

**Paragraph 6** provides that a Member must have regard to any relevant advice provided to him or her by the authority's Chief Finance Officer which relates to the officer's report on unlawful expenditure or expenditure which exceeds resources, and to relevant advice provided by the authority's Monitoring Officer which relates to the officer's report on contraventions of law or maladministration. It also provides that in reaching executive decisions, a Member must give reasons for the decision in accordance with the authority's and statutory requirements.

**Paragraph 7** provides that a Member must make a written allegation of misconduct to the Standards Board for England if he or she becomes aware of conduct by another Member involving failure to comply with the authority's Code of Conduct.

**Paragraph 8** provides that a Member has a personal interest in a matter which has been registered, or where a decision upon a matter could reasonably be regarded as affecting the well-being or financial position of those persons described in the paragraph.

**Paragraph 9** provides that a Member with a personal interest in a matter must disclose that interest at any meeting at which the matter is considered, and where an executive decision is taken in relation to that matter, must ensure that the interest is recorded in any written statement of the decision.

**Paragraph 10** provides that a Member with a personal interest also has a prejudicial interest if the interest could be regarded by a member of the public as so significant that it is likely to prejudice his judgement of the public interest. The paragraph provides that in the circumstances specified a member may regard himself/herself as not having a prejudicial interest.

**Paragraph 11** provides that a personal and prejudicial interest arises for a Member at a meeting of an Scrutiny and Performance Panel where that Committee considers a decision of another Committee in which he or she was involved, unless he or she attends to give evidence about that decision.

**Paragraph 12** provides that a Member with a prejudicial interest must, unless he or she has obtained a dispensation, withdraw from any meetings at which the matter is being considered, and must not exercise executive functions or improperly influence decisions in relation to the matter. In the circumstances specified a member with a prejudicial interest may participate in meetings.

**Paragraph 13** defines "meeting" for the purposes of Part 3.

**Paragraph 14** provides that a Member must notify the authority's Monitoring Officer of the financial interests specified in the paragraph and **paragraph 15** provides that he or she must notify the authority's Monitoring Officer of the other interests specified in the paragraph. Any change to those interests must also be notified under **paragraph 16**.

**Paragraph 17** provides that a Member must notify the authority's Monitoring Officer of any gift or hospitality he or she receives which may be over the value of £25.

### 3 – Member/Officer Protocol

#### Introduction and Principles

- 1.1 The purpose of this Protocol is to guide Members and officers of the Council in their relations with one another in such a way to ensure the smooth running of the Council.
- 1.2 Given the variety and complexity of such relations, this Protocol does not seek to be either prescriptive or comprehensive. It simply offers guidance on some of the issues which most commonly arise. It is hoped, however, that the approach which it adopts to these issues will serve as a guide to dealing with other circumstances.
- 1.3 This Protocol is to a large extent, a written statement of current practice and convention. It seeks to promote a greater clarity and certainty. If the Protocol is followed, it should ensure that Members receive objective and impartial advice and that officers are protected from accusations of bias and any undue influence from Members.
- 1.4 It also seeks to reflect the principles underlying the respective Codes of Conduct which apply to Members and officers. The shared object of these codes is to enhance and maintain the integrity (real and perceived) of local government and the Codes, therefore, demand very high standards of personal conduct. In addition, other procedures may also be relevant when dealing with issues relating to conduct, for example, the Whistleblowing Policy and the Grievance Procedure which apply to officers.
- 1.5 This protocol is a local extension of the Members' and Employees' Code of Conduct. Consequently, a breach of the provisions of this Protocol may also constitute a breach of those Codes.
- 1.6 This Protocol should be read in conjunction with the Members' and Employees' Codes of Local Government Conduct, the Council's Constitution and any guidance issued by the Standards Committee and/or Monitoring Officer.
- 1.7 It is intended that whenever relevant, the provisions of this Protocol should also apply to co-opted members and independent members so that there is consistency and promotion of equally high standards in respect of such members also.

## The Relationship: General Points

- 2.1 Both Councillors and officers are servants of the public and they are indispensable to one another. But their responsibilities are distinct. Councillors are responsible to the electorate and serve only so long as their term of office lasts. Officers are responsible to the Council. Their job is to give advice to Councillors and the Council, and to carry out the Council's work under the direction and control of the Council, the Executive, their Committees and Sub-Committees.
- 2.2 At the heart of the Code, and this Protocol, is the importance of mutual respect. Member/officer relationships are to be conducted in a positive and constructive way. Therefore, it is important that any dealings between Members and officers should observe standards of courtesy and that neither party should seek to take unfair advantage of their position or to seek to exert undue influence on the other party.
- 2.3 Inappropriate relationships can be inferred from language/style. To protect both Members and officers, officers should address Members as "Councillor XX/Mr. or Madam Mayor" save where circumstances clearly indicate that a level of informality is appropriate, e.g. a one to one between a Head of Service and their respective Cabinet Member.
- 2.4 A Member should not raise matters relating to the conduct or capability of an officer in a manner that is incompatible with the objectives of this Protocol. This is a long-standing tradition in public service. An officer has no means of responding to such criticisms in public. If a Member feels he/she has not been treated with proper respect, courtesy or has any concern about the conduct or capability of an officer, and fails to resolve it through direct discussion with the officer, he/she should raise the matter with the respective Head of Service or General Manager. The Head of Service or General Manager will then look into the facts and report back to the Member. If the Member continues to feel concern, then he/she should report the facts to the Director who heads the Directorate concerned, or if, after doing so, is still dissatisfied, should raise the issue with the Chief Executive who will look into the matter afresh. Any action taken against an officer in respect of a complaint, will be in accordance with the provisions of the Council's Disciplinary Rules and Procedures.
- 2.5 An officer should not raise with a Member matters relating to the conduct or capability of another officer or to the internal management of a Section/Division/Directorate at or in a manner that is incompatible with the overall objectives of this Protocol. Nor should officers or Members raise with each other matters relating to the conduct of other Members in an equivalent manner.

- 2.6 Where an officer feels he/she has not been properly treated with respect and courtesy by a Member, he/she should try to resolve it through direct discussion with the Member, if appropriate. He/she should raise the matter with his/her Head of Service or General Manager, Director or the Chief Executive as appropriate, especially if they do not feel able to discuss it directly with the Member concerned. In these circumstances the Head of Service or General Manager, Director or Chief Executive will take appropriate action either by approaching the individual Member and/or group leader or by referring the matter to the Monitoring Officer in the context of the Standards Committee considering the complaint.

#### **Declaration – Personal Relationships**

3. If a Councillor, co-opted member or senior officer (being an officer graded SCP 59 and above) knows or becomes aware that they have a relationship to someone who is an employee of the Council, then they shall declare the fact to the Head of Democratic Services in writing. The Head of Democratic Services shall record any such declaration in a register maintained for that purpose and which will be open for inspection by any member of the public during ordinary office hours.

#### **The Relationship: Officer Support to Members: General Points**

- 4.1 Officers are responsible for the day-to-day managerial and operational decisions within the authority and will provide support to both Executive and all Councillors in their several areas.
- 4.2 Certain statutory officers – the Chief Executive, the Monitoring Officer and the Chief Finance Officer – have specific roles. These are addressed in the Constitution. Their roles need to be understood and respected by all Members.
- 4.3 The following key principles reflect the way in which the officer core generally relates to Members
- all officers are employed by, and accountable to the authority as a whole;
  - support from officers is needed for all the authority's functions including Council, Overview and Scrutiny, the Executive, individual Members representing their communities, etc;
  - day-to-day managerial and operational decisions should remain the responsibility of the Chief Executive and other officers;
  - the authority will seek to avoid potential conflicts of interest for officers arising from the separation of the Executive and Overview and Scrutiny role; and

- all officers will be provided with training and development to help them support the various Member roles effectively and to understand the new structures.
- 4.4 On occasion, a decision may be reached which authorises named officers to take action between meetings following consultation with a Member or Members. It must be recognised that it is the officer, rather than the Member or Members, who takes the action and it is the officer who is accountable for it. Members will be accountable for the policy framework within which the officer is required to take the decision.
  - 4.5 Finally, it must be remembered that officers within a Division or Directorate are accountable to their Head of Service or General Manager and Director and that whilst officers should always seek to assist a Member, they must not, in doing so, go beyond the bounds of whatever authority they have been given by their Head of Service or General Manager or Director.

#### The Relationship: Officer Support: Members and Party Groups

- 5.1 It must be recognised by all officers and Members in discharging their duties and responsibilities, officers serve the Council as a whole and not any political group, combination of groups or any individual Member of the Council.
- 5.2 There is now statutory recognition for party groups and it is common practice for such groups to give preliminary consideration to matters of Council business in advance of such matters being considered by the relevant Council decision making body. Officers may properly be called upon to support and contribute to such deliberations by party groups, but must at all times maintain political neutrality. All officers must, in their dealings with political groups and individual Members, treat them in a fair and even-handed manner.
- 5.3 The support provided by officers can take many forms. Whilst in practice such officer support is likely to be in most demand from whichever party group is for the time being in control of the Council, such support is available to all party groups.
- 5.4 Certain points must, however, be clearly understood by all those participating in this type of process, Members and officers alike. In particular:-
  - (a) officer support must not extend beyond providing information and advice in relation to matters of Council business. Officers must not be involved in advising on matters of party business. The observance of this distinction will be assisted if officers are not present at meetings or parts of meetings, when matters of party business are to be discussed;

- (b) party group meetings, whilst they form part of the preliminaries to Council decision making, are not empowered to make decisions on behalf of the Council. Conclusions reached at such meetings do not therefore rank as Council decisions and it is essential that they are not interpreted or acted upon as such; and
  - (c) similarly, where officers provide information and advice to a party group meeting in relation to a matter of Council business, this cannot act as a substitute for providing all necessary information and advice to the relevant Committee or Sub-Committee when the matter in question is considered.
- 5.5 Special care needs to be exercised whenever officers are involved in providing information and advice to a party group meeting which includes persons who are not Members of the Council. Such persons are not bound by the National Code of Local Government Conduct (in particular, the provisions concerning the declaration of interests and confidentiality) and for this and other reasons, officers may not attend and/or give advice to such meetings.
- 5.6 Officers must respect the confidentiality of any party group discussions at which they are present in the sense that they should not relay the content of any such discussion to another party group.
- 5.7 Whilst any Member may ask a relevant Head of Service or General Manager, Director or the Chief Executive, for written factual information about a Directorate or service, such requests must be reasonable and not seek information relating, for instance, to case work of a sensitive nature, e.g. Social Services, employment etc. Requests will be met subject to any overriding legal considerations (which will be determined by the Interim Director of Legal and Democratic Services) or if the recipient of any request considers the cost of providing the information requested or the nature of the request to be unreasonable. If a Member requesting such information is dissatisfied by such a response, he/she should raise the matter in the first place with the relevant Director, and if still dissatisfied should raise the matter with the Chief Executive who will discuss the issue with the relevant Group Leader(s).
- 5.8 In relation to budget proposals:-
  - (a) the Administration shall be entitled to confidential discussions with officers regarding the options and proposals. These will remain confidential until determined by the Administration or until published in advance of Committee/ Council meetings whichever is the earlier; and
  - (b) the opposition groups shall also be entitled to confidential discussions with officers to enable them to formulate alternative budget proposals. These will remain confidential until determined by the respective opposition groups or until published in advance of Committee/Council meetings, whichever is the earlier.

- 5.9 It must not be assumed by any party or Member that any officer is supportive of any policy or strategy developed because of that officer's assistance in the formulation of that policy or strategy.
- 5.10 Any particular cases of difficulty or uncertainty in this area of officer advice to party groups should be raised with the Chief Executive who will discuss them with the relevant Group Leader(s)

#### **The Relationship: Officer Support: The Executive**

- 6.1 It is clearly important that there should be a close working relationship between Executive Members and the officers who support and/or interact with them. However, such relationships should never be allowed to become so close, or appear to be so close, as to bring into question the Officer's ability to deal impartially with other Members and other party groups.
- 6.2 Whilst Executive Members will routinely be consulted as part of the process of drawing up proposals for consideration on the agenda for a forthcoming meeting, it must be recognised that in some situations an officer will be under a professional duty to submit a report. Similarly, a Head of Service or General Manager or other senior officer will always be fully responsible for the contents of any report submitted in his/her name. This means that such report will be amended only where the amendment reflects the professional judgement of the author of the report. This is to be distinguished from a situation where there is a value judgement to be made. Any issues between an Executive Member and a Head of Service or General Manager in this area should be referred to the Chief Executive for resolution in conjunction with the Leader of the Council.
- 6.3 The Executive and its Members have wide ranging leadership roles. They will:
- lead the community planning process and the search for Best Value, with input and advice from Scrutiny and Performance Panels, Local Neighbourhood Partnerships and any other persons as appropriate;
  - lead the preparation of the local authority's policies and budget;
  - take in-year decisions on resources and priorities, together with other stakeholders and partners in the local community, to deliver and implement the budget and policies decided by the Council; and
  - be the focus of forming partnerships with other local public, private, voluntary and community sector organisations to address local needs.

*Amended March 2004*

- 6.4 Where functions which are the responsibility of the Executive are delegated to officers or other structures outside the Executive, the Executive will nevertheless remain accountable to the Council, through Scrutiny and Performance Panel, for the discharge of those functions. That is to say, the Executive will be held to account for both its decision to delegate a function and the way that the function is being carried out.
- 6.5 Under Executive arrangements, individual Members of the Executive may, for the first time, be allowed to formally take decisions. The Executive and Cabinet Members must satisfy themselves that they are clear what exactly they can and cannot do.
- 6.6 The Council has put in place mechanisms/protocols which ensure that (as with the Council, its Committees and Sub-Committees, and the Executive and its Committees) an individual Member seeks advice from relevant officers before taking a decision within her or his delegated authority. This includes taking legal advice, financial advice and professional officer advice (particularly about contractual matters) as well as consulting the Monitoring Officer where there is doubt about vires.
- 6.7 Decisions taken by individual Members of the Executive give rise to legal and financial obligations in the same way as decisions taken collectively. Therefore, Members of the Executive should always be aware of legal and financial liabilities (consulting the Monitoring Officer and Chief Finance Officer as appropriate) which will arise from their decisions. To ensure effective leadership for the local authority and the communities it serves, there are arrangements to ensure co-ordination of and sharing responsibility for Executive decisions including those made by individuals.
- 6.8 Officers will continue to work for and serve the local authority as a whole. Nevertheless, as the majority of functions will be the responsibility of the Executive, it is likely that in practice many officers will be working to the Executive for most of their time. The Executive must respect the political neutrality of the officers. Officers must ensure that, even they are predominantly supporting the Executive, that their political neutrality is not compromised.
- 6.9 In organising support for the Executive, there is a potential for tension between Chief Officers and Cabinet Members with portfolios. All Members and officers need to be constantly aware of the possibility of such tensions arising and both officers and Members need to work together to avoid such tensions and conflicts existing or being perceived.

*Amended September 2003*

## **The Relationship: Officer Support: Overview and Scrutiny**

- 7.1 It is not Overview and Scrutiny's role to act as a disciplinary tribunal in relation to the actions of Members and officers. Neither is it the role of officers to become involved in what would amount to disciplinary investigations on a Committee's behalf. This is the Chief Executive's function in relation to staff, Monitoring Officer's and the Standards Committee as regards the conduct of Members. This means:
- Overview and Scrutiny's questioning should not be directed to the conduct of individuals, not in the sense of establishing the facts about what occurred in the making of decisions or implementing of Council policies, but with the implication of allocating criticism or blame;
  - In these circumstances, it is for the Chief Executive to institute a formal enquiry, and Overview and Scrutiny may ask (but not require) him to do so.
- 7.2 Overview and Scrutiny should not act as a "court of appeal" against decisions or to pursue complaints by individuals (Councillors, officers or members of the public) as other procedures exist for this. These are internal, e.g., the Corporate Complaints Procedure, and external/statutory, e.g. Local Government Ombudsman or appeal to the Courts. That said:
- Overview and Scrutiny may investigate the manner in which decisions are made, but should not pass judgements on the merits of a decision in individual cases;
  - they can comment, however, on the merits of a particular policy affecting individuals.
- 7.3 It would be unfair to invite someone to appear before a Committee without telling them in general terms what they will be asked, or not giving them adequate time to prepare. Overview and Scrutiny ought to provide written questions ("Indicative Topics") beforehand, so that answers can form the basis of the questioning and discussion. In addition, speakers ought to be told the general line that further questioning is likely to take. Questioning should not stray outside the subject area that the Committee had previously indicated.
- 7.4 The Scrutiny and Performance Panel may issue guidelines as to the procedure at Committees and guidance for Members and officers.

*Amended September 2003*

## Support services to Members and Party Groups

8. The only basis on which the Council can lawfully provide support services (e.g. stationery, typing, printing, photo-copying, transport, etc.) to Members is to assist them in discharging their role as Members of the Council. Such support services must therefore only be used on Council business. They should never be used on connection with party political or campaigning activity or for private purposes.

## Members' Access to Information and to Council Documents

- 9.1 Members all have the ability to ask for information pursuant to their legal rights to information. This right extends to such information, explanation and advice as they may reasonably need in order to assist them in discharging their role as a Member of the Council. This can range from a request for general information about some aspect of the Council's activities to a request for specific information on behalf of a constituent. Such approaches should normally be directed to the Head of Service or another officer of the division concerned. In cases of doubt, Members should approach the Head of Democratic Services for assistance.
- 9.2 As regards the legal rights of Members to inspect Council documents, these are covered partly by statute and partly by common law.
- 9.3 Members have a statutory right to inspect any Council document which contains material relating to the business which is to be transacted by the Council. This right applies irrespective of whether the Member is a Member of the Committee or Sub-Committee concerned and extends not only to reports which are to be submitted to the meeting, but also to any relevant background papers. This right does not, however, apply to documents relating to certain items which may appear as confidential (pink) item on the agenda for a meeting. The items in question are those which contain exempt information relating to employees, occupiers of Council property, applicants for grants and other services, the care of children, contract and industrial relations negotiations, advice from Counsel and criminal investigations.
- 9.4 In relation to business of the Executive, by virtue of Regulation 17 of the Local Authorities (Executive Arrangements) (Access to Information) (England) Regulations, 2000:
  - (i) where there is a meeting (e.g. Cabinet) and there is a document which is in the possession/under the control of the Executive relating to the business to be conducted at that meeting, that document shall be available for inspection;
  - (ii) where the decision is made at a private meeting by a Cabinet Member or is a key decision delegated to an officer, the document shall be available either after the meeting closes or when the decision is made;

- (iii) there are savings for exempt and confidential material and any document that contains advice provided by a political advisor or assistant.

- 9.5 The common law rights of Members remains intact, are much broader and are based on the principle that any Member(s) has a prima facie right to inspect Council documents so far as his/her access to the document is reasonably necessary to enable the Member(s) properly to perform his/her duties as a Member of the Council. This principle is commonly referred to as the "need to know" principle.
- 9.6 The exercise of this common law right depend therefore, upon an individual Member being able to demonstrate that he/she has the necessary "need to know". In this respect a Member has no right to "a roving commission" to go and examine documents of the Council. Mere curiosity is not sufficient. The crucial question is the determination of the "need to know". This question must initially be determined by the particular Head of Service or General Manager whose Division holds the document in question (with advice from the Interim Director of Legal and Democratic Services). In the event of dispute, the question falls to be determined by the relevant Committee - i.e. the Committee in connection with whose functions the document is held.
- 9.7 In some circumstances (e.g. a Committee Member wishing to inspect documents relating to the business of that Committee) a Member's "need to know" will normally be presumed. In other circumstances (e.g. a Member wishing to inspect documents which contained personal information about third parties), the Member will normally be expected to justify the request in specific terms. Furthermore, there will be a range of documents which, because of their nature are either not accessible to Members or are accessible only by the political group forming the administration and not by other political groups. An example of this latter category would be draft documents compiled in the context of emerging Council policies and draft Committee reports, the disclosure of which prematurely might be against the Council's and the public interest.
- 9.8 Whilst the term "Council document" is very broad and includes for example, any document produced with Council resources, it is accepted by convention that a Member of one party group will not have a "need to know" and therefore, a right to inspect, a document which forms part of the internal workings of another party group.
- 9.9 Further and more detailed advice regarding Members rights to inspect Council documents may be obtained from the Interim Director of Legal and Democratic Services.

- 9.10 Finally, any Council information provided to a Member must only be used by the Member for the purpose for which it was provided, i.e. in connection with the proper performance of the Member's duties as a Member of the Council. Therefore, for example, early drafts of Committee reports/briefing papers are not suitable for public disclosure and should not be used other than for the purpose for which they were supplied. This point is emphasised in paragraph 3 of the Code of Local Government Conduct:-

"A Member must not:

- (a) disclose information given to him in confidence by anyone, or information acquired which he believes is of a confidential nature, without the consent of a person authorised to give it, or unless he is required by law to do so; nor
- (b) prevent another person from gaining access to information to which that person is entitled by law."

### Correspondence

- 10.1 Correspondence between an individual Member and an officer should not normally be copied (by the officer) to any other Member. Specifically where a Member requests that information regarding the nature of an enquiry or correspondence should be kept private and confidential the officer concerned should adhere to this request. Where exceptionally it is necessary to copy the correspondence to another Member, this should be made clear to the original Member. In other words, a system of "silent copies" should not be employed. In circumstances where there is correspondence from a Member to an officer and it is clear from that correspondence that it has been copied to other Members then, in replying the officer should send a copy of that reply to all Members included in the original correspondence.
- 10.2 Official letters on behalf of the Council should normally be sent in the name of the appropriate officer, rather than the name of a Member. It may be appropriate in certain limited circumstances (e.g. representations to a Government Minister) for a letter to appear in the name of a Cabinet Member or the Leader, but this should be the exception rather than the norm. Letters which, for example, create legal obligations or give instructions on behalf of the Council should never be sent out in the name of a Member, Executive or otherwise. Such correspondence should be made available to the relevant portfolio holder.

## Publicity and Press Releases

- 11.1 Local authorities are accountable to their electorate. Accountability requires local understanding. This will be promoted by the authority, explaining its objectives and policies to the electors and Council Taxpayers. In recent years, all local authorities have increasingly used publicity to keep the public informed and to encourage public participation. Every Council needs to tell the public about the services it provides. Increasingly, local authorities see this task as an essential part of providing services. Good, effective publicity aimed to improve public awareness of a Council's activities is, in the words of the Government, to be welcomed. This is equally applicable in respect of the Overview and Scrutiny function in its contribution to ensuring that the public receive proper information and to reinforce the concept of transparency in decision making and policy formulation.
- 11.2 Publicity is, however, a sensitive matter in any political environment because of the impact it can have. Expenditure on publicity can be significant. It is essential, therefore, to ensure that local authority decisions on publicity are properly made in accordance with clear principles of good practice. The Government has issued a Code of Recommended Practice on Local Authority Publicity. The purpose of the Code is to set out such principles. The Code affects the conventions that should apply to all publicity at public expense and which traditionally have applied in both central and local government. The Code is issued under the provisions of the Local Government Act, 1986, as amended by the Local Government Act, 1988, which provides for the Secretary of State to issue Codes of Recommended Practice as regards the content, style, distribution and cost of local authority publicity, and such other matters as he/she thinks appropriate. That section requires that all local authorities shall have regard to the provisions of any such Code in coming to any decision on publicity.
- 11.3 Officers and Members of the Council will, therefore, in making decisions on publicity, take into account the provisions of this Code. If in doubt, officers and/or Members should seek advice, if required, from the Head of Personnel and Development who will refer the matter to the Interim Director of Legal and Democratic Services, if necessary/appropriate. Particular care should be paid to any publicity used by the Council around the time of an election. Particular advice will be given on this by the Interim Director of Legal and Democratic Services as appropriate.

## Involvement of Ward Councillors

12. Whenever a public meeting is organised by the Council to consider a local issue, all the Members representing the Ward or Wards affected should as a matter of course, be invited to attend the meeting. Similarly, whenever the Council undertakes any form of consultative exercise on a local issue, the Ward Members should be notified at the outset of the exercise. More generally, officers should consider whether other policy or briefing papers, or other topics being discussed with an Executive Member, should be discussed with the relevant Ward

Members. Officers should seek the views of the appropriate Executive Member(s) as to with whom and when this might be done. Wherever possible Ward Members should be consulted and involved in matters affecting their Ward, including when decisions are to be made by other bodies, such as school governing bodies.

### **Conclusion**

13. Mutual understanding, openness on these sort of sensitive issues and basic respect are the greatest safeguard of the integrity of the Council, its Members and officers.

### **Officer/Member Protocol**

- 14.1 This Protocol was adopted by the Council as part of the Constitution on 15th May, 2002.
- 14.2 Copies of the Protocol will be issued to all Members as part of the Constitution upon election.
- 14.3 Questions of interpretation of this Protocol will be determined by the Monitoring Officer.

# complaint form

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NM3

05 AUG 2005

RECEIVED

If you have any questions or difficulties filling this form in, for example, if English is not your first language or you have a disability, please contact the Referrals Unit on 0800 107 2001.

You can also e-mail them at [referrals@standardsboard.co.uk](mailto:referrals@standardsboard.co.uk)

## Please note

- > we can only accept complaints in writing;
- > one of our officers may contact you personally to go through the details of your complaint;
- > we are unlikely to be able to keep your identity confidential if you make a complaint.

RECEIVED  
05 AUG 2005

## ABOUT YOU

title Mr Ms Mrs ☒ Miss Councillor other (please specify)

first name

surname S

address

postcode

daytime telephone

evening telephone

e-mail

Please consider the complaint I have described below and in the evidence attached. I understand and accept that the details will normally be disclosed to the member, particularly if the matter goes through to investigation.

signature

date 040805

## YOUR COMPLAINT

### Who are you complaining about?

Please give the name of the councillor/s, member/s or co-opted member/s you consider has broken the Code of Conduct and the name of their authority/ies.

name of the individual/s

name of their authority/ies

COUNCILLOR KATH PHILLIPS

WALSALL M.B.C.

Please tick here if you work for the authority/ies shown above

Please tick here if you are a member of the authority/ies shown above

45

# complaint form

## WHAT ARE YOU COMPLAINING ABOUT?

Please provide us with as much information as you can about your complaint to help us decide whether or not it should be investigated. Include the **date** and **details** of the alleged misconduct, and any information that supports the complaint. We can only investigate complaints that a member has broken the Code of Conduct (see section 3 of the information leaflet 'How to make a complaint about a councillor'). Continue on a separate sheet if there is not enough space on this form.

PLEASE See the enclosed letter, as this  
space was no where near enough to explain  
thank you.

THERE ARE 5 A4 pages.

## EVIDENCE (if this applies)

Please attach to this form copies of correspondence, documents, names and details of witnesses, and any other evidence that you feel is relevant to your complaint. Please avoid sending us large amounts of background information that only relate indirectly to your complaint.

Please tick this box if you would like us to return the evidence to you

Please send this form to:

The Standards Board for England  
First Floor  
Cottons Centre  
Cottons Lane  
London SE1 2QG

The *Race Relations Act 2000* requires us to monitor ethnic or national origin to ensure that we do not inadvertently discriminate against members of a particular group. It would, therefore, be helpful if you would complete the ethnic monitoring section of the form, although this is not compulsory.

Your answers will be removed and kept entirely separate from your complaint and will be completely confidential. They will be used for statistical purposes only, in which individuals will not be identified.

Dear Sir/Madam,

I am writing to you with a complaint about a local Councillor in my area called, Councillor Kath Phillips.

She has made a very serious breach of confidentiality and has caused me and my family a great deal of upset.

About eighteen months ago I contacted Councillor Phillips as I was given her name by a friend who advised me that she may be able to help me in a problem I had with trying to get a law changed and I had had no luck with my MP David Winnock .

Without trying to go into too much detail at this present moment in time I am a victim of

25

I have lived with this all my life and will continue to carry this with me for the rest of my life. However in October 2000 I plucked up enough courage to go to the police and have the person who committed these horrendous crimes to me brought to justice. This person after 18 months of saying he never did it finally pleaded guilty and was sentenced to 10 years in prison and will

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and at the end of the court case we were told about a thing called the Criminal injuries Compensation

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47

board, I never went to the police for any gain financially but ...s were advised by the police to claim so in the end we all did, now these crimes that were done to us

28

When the compensation was awarded I was the only one who did not get any money. And all this was because of a date on a calendar, the law as it stands today states that

29

you are not entitled to any compensation at all, the other three people all got compensation yet I was the one who disclosed it,

30

So as I believe this is unfair and very unjust I sort help from Councillor Kath Phillips. I am sorry I do not have the exact date I saw her but it was in the evening at our local new deal office called the BIC (Blakenall Information Centre) when I saw her she listened to me and seemed to have a great deal of understanding and was shocked about what I had been through and said of course she would help in any way she could. Now trying to cut a long story short she did contact David Winnock but the sad fact is that there was not a lot that could be done until the law is changed and that could take years. This is the ONE AND ONLY TIME I HAVE EVER MET KATH PHILLIPS IN PERSON. My appeal is still with the C I C B in Scotland so as for this I had no issues with the way she dealt with me, but I must stress that what she was told was in strict confidence and other than David Winnock MP I did not expect her to tell anyone else about what we had talked about, after all she is not only a councillor but a magistrate too and should know only too well about the data protection act and divulging private and personal information to use for her own gains, which is the reason I

am complaining about her.

A few months ago my husband and I started to encounter some minor problems with a Mr & Mrs Y who live at the bottom of our garden the in the pensioners bungalows. We have had to replace a fence that was falling down and for some reason they did not like what we did and have saw fit to moan and complain to everyone from the Council to the police and even the Anti Social Behaviour Team have become involved. I can elaborate on this some more at a later date with you.

Now Mr & Mrs Y have asked Councillor Kath Phillips to get involved which she has on a BIG scale, although a I must point out that she has never visited me or my husband to discuss any of these problems with the Y's and has only listened to one side of the events.

The Anti Social Behaviour Team have been out to see us and the Y's as have the police and they have said we have done nothing wrong yet Councillor Phillips has gone to the Anti Social Behaviour Team and said that we are TROUBLE CAUSERS AND WE NEED AN ASBO PUTTING ON US ECT... she has been told that this would not happen and when asked why she felt we needed to have this order put on us she replied with, to one of the officers from the Anti social behaviour Team,

" WELL YOU KNOW WHAT PEOPLE LIKE HER ARE LIKE"

What do you mean she was asked

" WELL PEOPLE LIKE HER WHO HAVE BEEN  
ARE VERY BITTER BECAUSE THEY  
CANNOT GET ANY COMPENSATION TEND TO TAKE  
THERE ANGER AND FRUSTION OUT ON OTHER PEOPLE"

31

How dare she disclose this private and sensitive and confidential information to other people when it has no bearing on the matter in question, and if she has said it to

49

this officer who else has she said it to ???

Now the officer in question a Mr Warren Davies has said that he will verify all that was said to him because he himself questioned her about why she should bring up such a thing when it has absolutely nothing to do with what was going on at the time.

I am totally disgusted and appalled with what she has said something that I trusted this person with and she has banded it about like it was nothing to write home about and to describe me as "one of those people" as if I am dirty or not good enough. I feel totally betrayed by this woman.

If she had and common sense she would know that there are always two sides to every story and that she has only listened to one side and there fore as acted totally biased in favour of the Y's, and not at all impartial.

I did make one phone call to her about Mr & Mrs Y but unfortunately I could not get a word in edge ways and she did nothing but talk down to me she said that I talked in a certain way and she used a word I was not familiar and when I asked what it meant she said it meant I was aggressive in the way I spoke, and that all the problems were down to me and my family and the Y's were completely blameless. Another comment she made to me on the phone was that she does not get involved in neighbour disputes, well she has gotten herself involved in this one and is set on making a mountain out of a mole hill when there was no need for this at all.

But I stress that my main complaint to you is the issue over divulging private and confidential information about me to other parties.

I trust you will deal with this matter as soon as possible as the upset it is causing me is very distressing.

If you require any more information please feel free to contact me thank you.

Yours faithfully

Mrs S

PS: on Monday 1<sup>st</sup> August 2005 I reported this matter to the Police I spoke to a Sergeant Justin Spanner of Bloxwich Police Station, who has said that he will be speaking to councillor Kath Phillips about this matter on Thursday 4<sup>th</sup> August at 10:00am.

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Neighbour dispute service will overload unit claims councillor

# Dealing with rows too much for staff

By Kelly Parkes

E 25 20/11/05

A new mediation service for warring neighbours bickering over issues such as monster hedges could bring Walsall's Anti-Social Behaviour Unit to its knees, it was claimed today.

Residents can now approach the unit to intervene in neighbourly disputes but the extra workload could see its downfall. Bloxwich councillor Kath Phillips said staff were struggling to cope with their present workload and the added pressures of trying to deal with extra complaints could cause the unit to buckle under the strain.

She said: "I went to the unit last week with two neighbour dispute cases from my constituents. I was told they were too busy and neighbour disputes were way down the priority list."

Councillor Phillips said papers put before the borough's cabinet when it was agreed that issues such as arguments over high hedges would benefit from mediation stated the unit would offer mediation for neighbours in dispute.

She said: "Now they are saying they can't deal with these situations because they are too busy."

"I think it is absolutely appalling, the unit basically told me they had so much work to do there was nothing they could do to help me."

## Officers

Councillor Phillips said more officers needed to be employed in the department to cope with demand.

She added: "How are they going to cope with more neighbour disputes? It is ridiculous. We have only got two anti social behaviour officers for the whole of Walsall. The high hedges scheme will bring it to its knees."

Inspector Gwyn Bevan of Safer Walsall Borough Partnership said the unit played a key role in helping to resolve neighbour disputes.

He said: "It directs people to the appropriate agencies who can tackle the problem. We would never dismiss any issues of concern, but the unit must prioritise those issues we tackle directly according to the level of risk they pose to the community."

Mr Bevan said the unit could offer a subjective assessment of the situation and put the individual concerned in touch with the right people.

## Chief hits back over behaviour unit work

By Kelly Parkes

Community chiefs have hit back at claims that Walsall's anti-social behaviour unit is struggling to cope with its workload because of warring neighbours.

Bloxwich councillor Kath Phillips said the unit was so busy it was turning residents away with neighbour disputes over matters such as monster hedges. But portfolio holder Councillor Melvin Pitt said he was disappointed at the comments and they undermined the good work being done by the unit.

He said: "Councillor Phillips said the unit offered a mediation service for neighbours in dispute. The unit is only a first point of call. The council is bringing in an external mediation service."

The council backed Government legislation to intervene in neighbour disputes over matters such as high hedges - at a cabinet meeting earlier this month.

A report which went before the cabinet said the anti-social behaviour unit already offered a mediation service for warring neighbours.

Councillor Pitt said: "Councillor Phillips said she was turned away when she tried to ask the unit to intervene in two general neighbour disputes."

"I think the report did not make it clear that the mediation service is external, not from the unit."

He said the unit dealt with a lot of matters and admitted it was working at capacity.

He said: "They are a damn good unit and they are working hard to bring down crime."

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Notes for Meeting with Lyn Reed in respect of recent article in the Express & Star 20/07/05

Generally- Comments as outlined in the article where never discussed save in relation to a case I was dealing with in which she had some involvement with.

I am currently involved in a case relating to two argumentative neighbours whose rear gardens back on to one another, one party is a relative young family and the others are elderly. The young couple are owner occupiers and the elderly couple are WHG Tenants seeking I believe a transfer.

The original presenting dispute centred on the boundary fence to the rear of the gardens, the young couple believed it to be in a poor state of disrepair (it wasn't from mine or Cath Philips view and nor was it of the elderly couples opinion). However the young couple decided to approach WHG requesting the fence be replaced, they were advised that the fence was their responsibility as per their deeds and thus if they felt it needed replacing they should bare the cost themselves. I am advised the young couple were unhappy with this but still intended to replace the fence at their own expense. It was from this that the problems arose and during the course of consideration of replacing the fence the young couple and the neighbours behind fell out. Although the fence has been replaced to a satisfactory level of workmanship arguments would appear to have in sued, with numerous counter claims against one another for which the Police more than ourselves have attended and have spoken to both parties as I have suggesting they be a little more tolerant of one another, in fact I advised the wife of the young couple who can be rather forceful in her approach that given the ages of the neighbours behind and that they appear not to be in the best of health that she perhaps be a little more considerate. I had also advised the elderly couple to perhaps be more tolerant with regards to the young couple's children playing in the garden. Mediation was discussed early on however given the fact that the referral came direct from Maureen Stringer at WMS whilst attending the elderly couples home and their insistence on legal action being taken against the young couple I cannot see how mediation at that time would have been an option especially as the wife of the elderly couple was fairly insistent that she wanted nothing less than legal redress.

I have investigated the claims spoken to the Police and WHG and we have agreed that the dispute is at a fairly low level and that there is insufficient evidence to warrant ASBO proceedings on either party. Cameras are being considered but with regard to the elderly couple this would have to be in conjunction with WHG, ideally cameras fitted in a neutral property would be best practice, however given the level of the dispute in terms of the ASB Act it would appear that our resources would be best served in focusing our own cameras on more serious aspects of ASB especially in light of the fact that both WHG and the Police believe there is little evidence that either can use to take further action and notwithstanding that no criminal acts or breaches of the peace have occurred.

This brings me to the extent of my discussions with Cllr Phillips who was given my name by Maureen Stringer.

My initial telephone conversation was with regard to the investigation process and ours and the Police's involvement, even at that point despite the lack of evidence and no breaches of the peace, or of the criminal or civil laws, Cllr Phillips was concerned about how matters were progressing, she believed that we had the power to evict the perpetrator (in this respect the Wife of the young couple). I advised her that as an owner occupier the only people who could do that would be a Mortgage Lender where they had breached the terms of their mortgage usually non payment over a period of time. After all I should no that being a former Legal Executive, Cab Employee and Debt Counsellor for 14 years.

Cllr Phillips advised that as a Magistrate she had seen that happen, however Possession proceedings are dealt with in the County Court not the Magistrates. I recall discussing with her the need for Mediation but this appeared not to be an option as from my interview with the elderly couple the wife advised me that she would not enter into discussions with the other party whatsoever, thus if all parties are unwilling then we could not refer on to WMS and the only option in the absence of real evidence and statements in support of ASBO Proceedings would be for them to proceed through the Civil courts themselves at sadly great expense. I advised her that in my opinion both parties were to blame and that it was a clash on each others part. I did however advise the Cllr that I would monitor the situation and take appropriate action against either party if necessary. She advised me that she had recently visited the young couple's property (denied by them) and that they had a noisy dog (they don't have a dog)

The second call in recent times which has since resulted in the unfortunate and misleading article in the Express and Star on the 20<sup>th</sup> July 2005 again centred on this particular case. Unfortunately I was made ware that regrettable an exchange of words had occurred once more and that the Police had attended. Cllr Phillips felt that we as a unit should be "dealing with this imbecile" a reference to the Wife of the young couple and then divulged personal information of a sensitive nature to me unaware that I knew thus breaching confidentiality. I believe she divulged this information in order to show the lady in a poor light and to prove she was actually to blame. This may well be the case but there is little evidence to support that thus when I advise her of that she accused me of being biased towards one party which I aver to the suggestion as I believe them to both be at fault and have told them so requesting they go about their daily business and do not interfere with one another. Cllr Philips believed that I was acting inappropriately which I strongly deny advising her that if we have the evidence and witness statements we may be able to proceed with ASBO proceedings but as she should know being a serving Magistrate the evidence needs to be water tight to obtain an ASBO in the current climate. She believes this isn't the case however in Cannock where she sits I am advised they have little or no ASBO's there.. She then suggested again I was totally biased for which I again denied and advised her that I would not be "bullied or coerced" into taking action against a person when I have little legal evidence to further a case. She then asked for cameras to be considered and I advised her of the situation with regards to WHG and that it would be best if I spoke to one of our covert ASB officers, in this instance my colleague who at this juncture shall remain nameless who she asked to speak to, I then briefly discussed it with him and later put the call through to him as requested by her. I am advised he provided information in use of deploying cameras but as it was my case it was my

decision. Given the low level of the dispute I preferred for either the parties to reconsider mediation and asked WHG to speak to their tenants whilst I spoke to the other parties, and if they were still reluctant then they would have to consider the alternate civil route or allow the matter to die a natural death. I did advise Cllr Phillips that if Mediation was refused by parties in neighbour disputes such as this then we if we had no evidence in support of alternate proceedings would advise them to proceed down the civil route. This has been ASBU policy since the beginning of the year so we can concentrate valuable resources on more serious acts on Anti-Social Behaviour; this I understand was agreed when our interim Director was in post.

I will now deal with the specifics of the comments in the Express and the article itself:-

Para 1. - No discussion took place with regard to Mediation save in the context of this case. There was no mention of high hedges why would there be this case has nothing to do with those aspects.

Para 2. - I am not aware she has visited the unit unless she is referring to a phone call which is accepted.

The only case that was discussed was the one outlined in this document.

Denied - I reiterated current policy if Mediation is refused or inappropriate and no criminal or civil law breaches.

Para 3. - I am aware of matters relating to High Hedges following a recent meeting with myself, Alan Husted and Maureen Stringer at WMS who would become involved with regard to Mediation, but again this was not discussed there was no reason to I only concentrated on the matters pertaining to the presenting case.

Para 4. - Denied - I discussed with my colleague and WHG a way forward, I had already had contact with the Police at Bloxwich previously ref Sgt Justin Spanner and his Beat Team.

Para 5. - Why would I tell her we only had Two ASB Officers when I know we have Four others allowing for one of my colleagues recent departure.

In respect of the follow-up response in the E&S on the 21<sup>st</sup> July 2005 it would suggest that Cllr Phillips is under the impression that the Mediation Service is dealt with in house. I am currently taking the lead on liaising with WMS and Walsall MBC with regard to the service and know it is dealt with externally, why would I give the impression otherwise?

I believed I have acted in a professional manner in which would be expected of me by my employer and from a person who has spent fourteen years working in the Legal Profession and holding a supervisory/managerial position within a respected organisation such as the Citizens Advice Bureau. Given my background and my current employment there is no way that I would compromise my own position, that of my colleagues, my managers or my employers as a whole, especially in light of the precarious contract of employment that I am currently engaged under. I take my role very seriously and have a desire to aspire to a greater position within this authority in the future.

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Furthermore given the difficult personal circumstances I am currently experiencing, why would I appear to complicate matters by making it worse for myself?

I strongly aver to any suggestion that I have acted inappropriately or in breach of my terms of conditions of employment within Walsall Council and will defend my professional standing to the hilt if I have to.

I believe this situation has come about due to the fact I would not allow myself to be pressurised and bullied into taking a course of action that I did not feel suitable at the time.

Whatever the outcome I feel that it is now possible that my future career aspirations within this Local Authority may possibly be compromised which is of great disappointment to me personally.

P Warren Davies

29/07/2005

Nozmul Hussain

191a Broadway  
Delves  
Walsal'WS1 3HD

16<sup>th</sup> October 2005

Dear Nozmul

Further to our discussion last week.

I wish to register a formal complaint against Warren Davies.

I gave confidential information to him regarding a dispute between Mrs S and Mrs Y

According to Mrs S he has passed this information back to her; with some added comments. (if she is to be believed)

Yours faithfully

Kath Phillips

Intentionally blank.

4 Tapton Close  
Bloxwich  
Walsall  
WS3 3RU

16<sup>th</sup> October 2005

Dear Nozmul

May 2004 I received a call from a Mrs Y of . Her neighbour's fence was falling down and she was worried her fence would be affected. I duly visited Mrs Y. Mrs Y's fence was in excellent condition. However, I could see her fear if the fence at was not repaired very soon. I went along to the Housing Trust to seek a repair. Although they were not carrying out repairs on fences at the time, they chose to repair the fence. This was because the people in are pensioner bungalows and are vulnerable people. By October 2004, the fence had been replaced.

Just after the fence was repaired, I received a call from Mrs Y. She was very upset. It would appear Mrs Y's bungalow backs on to Mrs S who was annoyed because she wanted a new fence. The replacement had come a part across the top of her garden. Mr Y says he saw Mrs S take a hammer to the fence to cause damage. A regular dispute began. Unfortunately the Housing Trust- by then- had realised the fence they had replaced did not belong to them.. Therefore, they were not going to replace another.

I advised Mr and Mrs Y to start and report what was happening to the Housing Trust/Police where appropriate.

Mrs Y would ring me quite regularly, about what was going on. I always advised her to report the matter to the Housing Trust.

On one March 7<sup>th</sup> Mrs Y rang me as she was upset for her neighbour R who lives at number Mrs S had been considerably abusive to him that morning and he was very upset. I decided to contact Walsall Mediation to see if they could help get these matters sorted. Walsall mediation went along to meet with the people concerned at!

It became apparent the Anti social behaviour team were already involved with Mrs S on another neighbour dispute.

Things have gone from bad to worse in these disputes. I rang to speak to an officer of the ASBO team a Warren Davies. I asked why a camera could not be put up without anyone knowing to prove one way or the other what was happening. He obviously did not believe Mrs Y or her neighbours. A camera would have helped put an end to all these issues. I explained why I thought Mrs S was so upset as believe she felt aggrieved for the second time. I understood he was aware of Mrs S's situation regarding losing out in the compensation claim and here she was again losing out on a fence, which she had to pay for herself. I sympathise with her.

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I did not go into details and I never said they were trouble causers. I never said they needed an ASBO order putting on them. Far from that I wanted the truth of the situation and that would have come had a camera been put up.

I never said "Well you no what people like her are like". I had every sympathy for Mrs S when I heard her story.

I never said "well people like her who have been and are very bitter because they cannot get compensation tend to take their anger out on other people"

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Mrs S is the only person I have met who has been treated in this way.

The reason I discussed anything with the officer I expected any information I gave him in his role as an

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ASBO officer would remain confidential as it always has in the past. I felt it was very relevant as here was Mrs S let down yet again.

As Mrs S says she did ring me once more and that was after R had been so by her. I explained to her I had advised the neighbours on possible action. She said she had not shouted. I tried to reason with her inasmuch as she does have a forthright manner which had obviously upset the neighbours. I did not get involved. This was the time I called Walsall Mediation in to help both sides.

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As for the dispute being made a mountain from a mole hill. Mr and Mrs Y and others would disagree. The Ys were re-housed early August this year.

Yours faithfully

Kath Phillips

Kath Phillips

Ps Mrs Y has a very good dossier on the issues and would be happy to allow you access to this information

Email 20/10/05

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

**From:** Davies Warren**Sent:** 20 October 2005 12:09**To:** Hussain Nozmul; Husted Alan**Subject:** Complaint from Cllr Cath Phillips**Importance:** High

Hi,

Following our meeting earlier with regard to the complaint from Cath Phillips I have only ever had two conversations with Cllr Phillips the first was in the early stages of the referral with regard to the neighbour dispute which was fairly brief just updating her of the course of action we and the Police were pursuing, and the second has resulted in the unfortunate scenario we find ourselves in today. The fact is that Cllr Phillips I believe has made a complaint because she is now being investigated by the scrutiny committee following the fact she divulged confidential information of a personal and sensitive nature about a client involved in a neighbour dispute of which I was involved in. Not only did she divulge this information to me not knowing if I new but proceeded to reveal this information to a relatively new Sgt of West Midlands Police at Bloxwich OCU not knowing if he new either, clearly breaching any rules of confidentiality. Yes I do recall speaking to the complainant namely a Mrs S and the fact that this information had been divulged to me I advised her of that fact, however the course of the conversation then digressed to the main issue which was the problems being encountered with regard to her neighbour which at that point appeared to have levelled out. I might add Mrs S was aware of information about her personal circumstances any event presumably following conversations with the relevant Sgt at Bloxwich PS, at no time did I discuss any options open to her with regard to redress against the Cllr that is for her own volition and in any event from my dealings with Mrs S she is not an un-intelligent woman so she would make her own mind up in any event or what course of action was open to her, she certainly would not have needed any prompting from me.

The other aspect of this that I feel is relevant is that I was not prepared to be bullied in to taking a course of action that was not prevalent and would not have led to anything anyway i.e. Cllr Phillips insisted we consider ASBO proceedings against Mrs S when we had little evidence to go on and that we evict her despite advising the Cllr that Mrs S is an owner occupier, and generally the only people who could do that was her mortgage lender in default via the courts, the cllr was advised of this but felt that my answers were not acceptable. Unfortunately the Cllr has clearly taken umbrage however my concern was for the Unit and the Local Authority that I am employed by and represent in the community, any action of the type the Cllr was referring to would have made us as a unit look simply foolish and would not in any event got past first base with our Legal Dept of WMBC.

I genuinely believe that I have done nothing wrong and have acted in a professional and courteous manner.

I trust this clarifies matters although my original report to Lyn Reed goes into more detail if you need to see it I am quite happy to furnish you with a copy.

Whilst I appreciate the support I have received and I include Lyn Reed in that, having witnessed this before elsewhere, I am concerned about the old adage of "Mud Sticks" and any loss in confidence in myself from my employers, as a result of the fall-out.

Regards

Warren Davies

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## Telephone Note

the  
Standards Board  
for England

Case number: SBE12036	Name of Caller: Neighbourhood Policing Sergeant Justin Spanner
Date of call: 25.10.05	Name of Recipient: FMM
Time of call:	

Neighbourhood Policing Sergeant Justin Spanner called me and said he'd received my email. He said he has had been involved for some time in the neighbour disputes between Mrs S and her neighbours. There have been two different disputes about different matters. One was with the neighbours K and the other was with Mr and Mrs Y. Justin said he became involved and was already aware of her history as he had known her for a long time. He spoke to Mrs S because he was trying to resolve the neighbour dispute. During these discussions Mrs S told him that she had been going through MP's and the European Courts to try and get some compensation for what had happened to her when she was younger. Mrs S said she spoke to Kath Phillips about all this and Mrs S clearly felt that she had spoken in confidence.

A couple of years later the dispute with the Y's arose and Kath Phillips got involved in this dispute. It appears that Kath Phillips made a decision about what Mrs S is like based on the history Mrs S had told her about; Kath Phillips spoke with an officer from the Safer Walsall Borough Partnerships and in this conversation Kath had with the officer, Warren Davies, it appeared to have come out – the history and 'you know what people like that are like' and how Mrs S was all bitter etc because she couldn't get compensation. 35

Mrs S found this out almost by accident when she was speaking to Warren Davies. Mrs S spoke to Justin about it and Mrs S asked Justin to speak to Kath Phillips. Justin said he would speak to Kath about it and would tell her how Mrs S felt about the disclosure and that Mrs S was planning on making a formal complaint about this disclosure. Kath came in about 1 week/10 days later about the neighbour dispute and at the end of Justin's discussion with her he told Kath that Mrs S was planning on making a formal complaint and he explained why. Kath Phillips made the comment to Justin that "I do believe she is a bit bitter about what happened to her and that this comes across in her dealings with people and how she deals with things." Justin already knew the information, which was clear from his conversation with Kath, so there was no disclosure to him. The real issue for Justin was Kath's conversation with Warren Davies. All Justin did was pass on the message from Mrs S to Kath as he was asked to do by Mrs S.

## Interview Record

Standards Board  
for England

Case number: <b>SBE12036.05</b>	Name of interviewee: <b>Mr Warren Davies (WD)</b>
Name of Investigator: <b>Fiona Morris</b>	Role/status of interviewee: Witness
Date of interview: 8 November 2005	Time of interview: 9.10 am
Others present: None	Telephone interview

FM ... Right, so you heard that voice; this interview is being recorded.

First of all I'll just give you a little bit of information about me. I'm Fiona Morris. I'm an investigator with the Standards Board for England and I'm investigating an allegation made by ~~Mr~~ S about Cllr Kath Phillips.

Now for the record, this is an interview with Warren Davies who's an officer at Walsall council. I'll get you... Sorry, can you just confirm first of all that you're happy for the interview to be recorded, and also to give me your job title?

WD Yes, I'm happy for it to be recorded. My job title is anti social behaviour officer/caseworker.

FM Great. Thank you. So it's Tuesday 8 November at about 10 past nine. I'll just run through a few things with you first. Now this is an interview I am conducting under the powers given to the Ethical Standards Officer under the Local Government Act 2000. The Ethical Standards Officer in this case is Nick Marcar and I am conducting the investigation on his behalf. Now I'll be taking notes of the conversation but what will happen at the end is I'll have a transcript typed up and you'll be forwarded a copy for your information.

The information that you provide may be used in preparing the Ethical Standards Officer's report of the investigation. The Ethical Standards Officer is required under statute to reach one of four findings: the first is that there's no evidence of any failure to comply with the code of conduct; the second is that no action needs to be taken; the third is that the matters which are the subject of the investigation should be referred to the monitoring officer of the authority; and the last is that the matter which is the subject of the investigation should be referred to the President of the Adjudication Panel for England for adjudication. Now if the matter is referred to the Adjudication

Panel, or the Standards Committee, a redacted copy of this transcript of our interview today may be submitted as evidence by the Ethical Standards Officer, so at that point it may become available to Cllr Phillips.

WD Right.

FM Other than that, or any kind of request for all of the information held about her, other than that it will remain on our file and won't be provided to her as a matter of course, or to anyone else. Do you have any questions so far -- oh, the other thing is, if there is anything that's sensitive or private that you tell me, we can ask for that information to be kept confidential, however, that's not our decision and it may be that that information is disclosed. Okay?

WD Right, okay.

FM So do you have any questions so far?

WD No.

FM Okay. Perhaps if we start at the beginning then, can you tell me about your involvement in the situation involving Mr and Mrs Y and Mrs S and Cllr Phillips?

WD Right. I was approached by the manager of Walsall mediation service with regards to the Ys. She'd attended their home and advised me that there was issues relating to the neighbours directly behind the Ys, which was Mrs S and her family. It was a neighbour dispute: noise, I think, I believe they'd had some exchange of opinions over the children playing in the back garden and a matter relating to the rear fence, the boundary fence between the two properties. From my brief discussions with the manager of the Walsall mediation service, who was on site at the time, it didn't appear that mediation was the way forward. In other words --

FM Is that because of the way --

WD In other words, the Ys weren't prepared to seek mediation --

FM Ah, okay. Lovely. Had it been a -- sorry to interrupt...

WD -- [? inaudible] advice to deal with a neighbour dispute, really.

FM Yeah. So it would normally go to mediation?

WD I usually advise in those disputes to try and deal with it through mediation.

FM Yeah. Was it a long-running dispute? Had it been going on for a while?

WD No... erm, not that I was aware of.

FM Okay. Lovely. Okay, so in terms of your involvement --

- WD And that's when I believe that Cllr Phillips had become involved.
- FM Ah, okay. So how did she, do you know how she became involved?
- WD The manager of Walsall mediation service is a personal friend of hers.
- FM Ah, okay. So Mr and Mrs Y to your knowledge didn't approach her?
- WD Erm, they may have done but not to my knowledge, no.
- FM Okay, that's great. And in terms of your involvement with Cllr Phillips, can you give me a little bit of information about that? I mean, under what circumstances have you spoken to her about this matter?
- WD Well, from that initial referral I conducted a site visit to the Y's, I spoke to them at some length, and also then spoke to the S's - I'd had some dealings with the S's before.
- FM Okay. Was that in relation to a previous neighbour dispute?
- WD Another neighbour dispute.
- FM Yeah, I was aware of the ---
- WD With their immediate next-door neighbours.
- FM Okay.
- WD (Pause) I also spoke to West Midlands Police as they'd been involved, they had been asked to attend, and the residential social landlord who have responsibility for the Y's property, which is Walsall Housing Group, I spoke to their local tenancy management office who would be dealing with that and that's where it progressed. Now at that juncture both myself, Walsall Housing Group and West Midlands Police felt that it was fairly low-level; unless they were prepared to consider mediation there was little any of us could do because no criminal acts had been committed and no, realistically no breaches of the anti Social Behaviour Act had also been breached.
- FM Lovely, okay.
- WD So there was not a great deal we could do but we would monitor it and I agreed to do that, as the other two parties would as well. It was -- I can't be specific on the dates, it wasn't too long after that that I first had a conversation with Kath Phillips who initially was quite polite and quite pleasant but when she realised that we were treating it as low-level because of the actual complaint - and it really was a spat between two neighbours over the fence, really, and it's basically down to different lifestyles, a generation clash, Mr and Mrs Y have low tolerance towards children, Mrs S can be... can be a little bit aggressive, rather, and assertive, so they're both as bad as each other and that was my viewpoint really - and I advised of the situation, what

we were doing with regards to it to Kath and she wasn't wholly happy with it but she accepted it.

FM Yeah. In terms of timescale, do you remember what, kind of vaguely what month this would have been, how long ago?

WD Erm... I think this would have been about May.

FM So May of this year?

WD May of 2005.

FM Lovely. Okay. Sorry to interrupt.

WD And then it was agreed that, basically that from there we would monitor it. We didn't have too -- I didn't have too many complaints from then on in from either the Y's or the S's. I think we'd agreed between the three of us that we would [? inaudible] it. The police from their point of view, quite honestly they just felt it was a mere neighbour dispute and in the bigger picture they've got more important things to be dealing with, in all due respect.

FM Yeah. Was that neighbourhood policing sergeant Justin Spanner that you spoke to?

WD Justin Spanner had become involved at that point.

FM Yeah. Lovely. Okay.

WD Justin hadn't become... it was another sergeant previous to Justin that had dealt with the complaint with the other neighbour that the S's were having problems with; I think Justin is fairly new to the West Midlands Police Force, I think he was transferred from somewhere else. But Justin and his beat team were fully aware of the situation with the S's and the Y's.

FM Yeah. Lovely.

WD I believe it was around about June, July - let's have a look (Short pause) yeah, it would have been July when we had a call received from Kath Phillips who spoke to me again and this time the tone of her conversation and her manner was a lot different.

FM Okay. Can you describe the way she was? What was different about it?

WD Erm... she was very sort of borderline assertive -- slightly aggressive in her manner. She was trying to coerce me into considering a course of action which I didn't feel was appropriate. Basically, she wanted to know why we hadn't but an ASBO on Mrs S and I advised her that we had not, we, the police, had not got sufficient evidence in which to bring proceedings. She then suggested that we could evict her and I advised her unfortunately she's an owner-occupier and the only people realistically who could evict her in these

circumstances would be her mortgage-lender in the face of default through the County Court, but she seemed to think we could evict her.

FM Did she have any reasons for that?

WD Erm...

FM Did she present any kind of argument about it?

WD No. I advised her that, you know, of the powers and regarding mortgage-lenders and that was really the only way forward.

FM Yeah. And in terms of you saying that she was, there's a fine line between being assertive and being aggressive during that conversation...

WD As the conversation progressed she got quite unpleasant, really.

FM Ah, okay. Can you tell me about that?

WD Well, she just wasn't happy with the way I was dealing with it...

FM And she made that clear to you?

WD Yes. And she more or less suggested that I didn't know what I was doing...

FM Okay. Do you remember what she said?

WD ... and I didn't know what I was talking about. And she accused me of being biased - she accused me of being biased towards the S's rather than the Y's

FM She did give any reason for that, why she thought that?

WD Basically because I wasn't going to either serve an ASBO on her - go through an Anti Social Behaviour Order proceedings. There really isn't and there wasn't and still isn't any evidence to go down that route.

FM And obviously you explained that to her generally?

WD Yeah. And I explained —

FM And what did she say in response?

WD Erm... she then tried to, she then at that point introduced the issue with regards to the confidentiality.

FM Okay.

WD "You must understand that she is behaving like this," this is Mrs S "because of this," and this is when she disclosed the issue, and this is the personal and sensitive issue with regards to Mrs S

FM Yeah. Do you remember check ---

WD Not knowing that I knew.

FM Ah, okay. How did you know?

WD Mrs S had told me.

FM As part of your dealings with her about this?

WD Yeah. Erm... I believe, Mrs S's reason for telling me was -- I mean, are you aware of the sensitivity ---

FM Yes, I am. Yeah.

WD You are?

FM No, Mrs S has told me as well.

WD Mrs S's reason for telling me, that she felt that all through the whole of the proceedings that no-one believed her that she'd been 36

FM Ah, okay.

WD And therefore ---

FM So that's the court proceedings that she withdrew?

WD Yeah. Yeah. And therefore from now on I mean she dealt with things, she got to see it through. In some sense I can see the relevance of that but Kath Phillips felt that that was the reason why she was behaving like she was towards people, she was falling out with people all the time because of what had happened with regards to the legislation and the law as it currently stands - I believe it's going to the European Court of Human Rights anyhow now.

FM Yeah. So it's in relation to her ability to get compensation for criminal injuries -

WD Yeah, and because of the legislation she's unable to claim compensation.

FM Yeah. So do you remember exactly what Cllr Phillips said to you about it?

WD She basically advised, she basically came out with the confidentiality and said, she basically came out and said that Mrs S's fallen out with these people, she's like this because of this issue regarding... because you know that she was trying to get compensation because she was ... 37

FM Ah, okay.

WD ... and she can't get that because the legislation precludes her from doing that.

FM Okay. So she didn't just say about the she said about the and the compensation. 38  
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WD Yes. And I actually said well, "I don't see what relevance that has to do with this case, this is just a mere neighbour dispute."

FM Yeah. And what did she say to that?

WD Well, she said, "You don't understand it then, do you."

FM Okay.

WD And I bel... and she obviously continued to argue the biased point of view.

FM Yeah. That you were?

WD Yeah.

FM Okay. Did she, during the conversation what kind of tone did she have - you know, was she speaking loudly, was she speaking quickly?

WD Fairly quickly. Fairly quickly. I mean, she wasn't shouting or anything like that but she was not wanting for me to be able to answer to her; she'd saying something, before I could answer she'd come in with something else.

FM Okay.

WD It was almost as if she wasn't prepared to listen to anything I'd got say. She'd made her mind up I was biased, I wasn't prepared to deal with it and therefore she wanted to take it further and speak to somebody else, basically, which she did.

FM Okay. So when the conversation ended, so you had said to her - just to make sure I'm clear, so she'd said to you Mrs S has, the reason this is happening to her is because she was and now she can't get compensation and she's --- 40

WD Yes.

FM --- did she say the words she was bitter about that?

WD Did she say?

FM Did she say that Mrs S was bitter about that?

WD Better?

FM Bitter - that was upset about that, that she had issues because of she couldn't get compensation?

WD Yeah, she implied that she was upset about that - and she implied that was the reason. One thing she did use - I hate to say it, she said, "I can't understand why you cannot get an Anti Social Behaviour Order on this imbecile." And I said, "I'm sorry, she's a mother... she's a mother of three," I think it's three or four children, I can't remember now, and I just found that quite abhorrent, really, to suggest that she was like that. If she had suggested that about Mrs Y I'd have been upset about that as well.

FM Yeah. Did she say why she thought Mrs S was an imbecile?

WD I think she'd had exchange of views with Mrs S before.

FM About this issue...

WD No.

FM ... no, sorry, about the neighbour dispute.

WD About something else, I think. Yes.

FM Ah, okay. Okay. So how did that conversation end?

WD (Short pause) She suggested that... she repeatedly accused me of being biased and I advised her that I was not prepared to be bullied or coerced into taking a course of action against a person which I believed had little legal evidence to further a case and would possibly make the local authority, my employers, look foolish if it went to court.

FM Yeah. And what --

WD She asked for if we could consider cameras to be... to consider cameras be installed, covert cameras, and I advised her with regards to that that if it was going to be installed in the Y's property that may be a matter of course for Walsall Housing Group as it was their property but I would speak to one of our covert ASB officers in this instance, who she then asked to speak to - she knew who he was and she asked for the call to be put through and he spoke to her with regards to that. And I think, from my discussions with him after, the advice he gave was basically: yes, we would consider covert cameras but it would have to be somewhere independently, it would probably be the best course of action.

FM So not on either of their properties?

WD Yeah. Yeah.

FM Okay. So following those series of conversations --

WD Sorry. Can I just add a point?

- FM Yeah.
- WD He said that about in deploying the cameras elsewhere but at the end of the day the decision was really down to Warren and his discussions with the police and Walsall Housing Group at the end of the day because it was Warren's case.
- FM Yeah. Do you know what she said about that?
- WD I've no idea what her response to that particular statement was, no.
- FM Okay. And, so just to make sure I'm clear, she told you about Mrs S's background, the and her claim for compensation that was unsuccessful? 41
- WD Yes. I understand that Mrs S had originally approached her local councillor, which was Kath Phillips, regarding advice as to what she could do with the legality to challenging the decision that she was aware of as she was precluded from compensation and I think she was then referred to David Winnick, her MP, who was to bring that up in the House of Commons, or make some enquiries. And I think it's come back... it's gone to the House of Lords, it's now with the European Court.
- FM And is that on the basis of the work that Mrs S's done, or a number of different people? Do you know?
- WD A number of different people. But I think Mrs S's pushed it, I mean, she's not slow in coming forward and she's not an unintelligent woman either, really.
- FM Yeah. And when Cllr Phillips told you that during the conversation it was on the telephone and she didn't know that you already knew about the 42
- WD Hm. I did actually challenge her about that - I did actual... when she told me that I said, "You've disclosed some confidential information not knowing, not even knowing that I knew..."
- FM Yeah. And what did she say to that?
- WD "... As far as I'm concerned you've breached confidentiality there. That was told to me... that was told to you in confidence."
- FM Yeah. So do you remember what Cllr Phillips said to you --
- WD She might have said well, you know, do you know anything about confidentiality? And I said, "Well, I worked for the Citizens Advice Bureau for 14 years and I worked in the legal profession for the same length of time so as one of the main aims and principles of the Citizen Advice Bureau is confidentiality I'm fully aware of the rules of confidentiality."

FM So she questioned you about what confidentiality was?

WD Yes. And of course, you know, I'm a legal executive by profession.

FM Oh, okay.

WD So I was... I used to be bound by not only NACAB rules but by Law Society rules as well.

FM Yeah. Did she try to say that that information wasn't confidential?

WD No. No, she never said anything like that.

FM Okay.

WD You know, it was out then; she'd said it. But she obviously, she just didn't [? inaudible] it, she... I don't know if she presumed I knew - I don't think it... I don't think it came into question, she just came out with it. She was just trying to use that as part of her argument as why I should be considering the course of action she wanted me to consider.

FM Do you think that her reasons for thinking that Mrs S should have an ASBO placed on her was related to this issue?

WD Erm... mainly, yes, but I think she believed that Mrs S is a very, very difficult individual anyhow.

FM Yeah. So not to do with the aspect?

WD Erm... Mrs S can be quite aggressive and can put people's back up. I've always argued and other people have argued as well her bark is worse than her bite.

FM Yeah. So it was just a matter of presentation?

WD It's how you approach - it's how you talk to her, how you approach her and how you speak to her.

FM Yeah, okay. Now can you tell me a little bit about what happened following that conversation with Cllr Phillips?

WD Well, obviously I advised her that spoke to one of my covert colleagues, and I've given you the advice regards to that.

FM Yeah.

WD It was from that (Pause) I spoke, I think, if I remember rightly I contacted Walsall Housing Group and West Midlands Police and just reiterated the policy and the protocol we had previously agreed, that it was low-level; unless they were prepared to consider mediation we were going to sort of stand off

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until such time as someone had breached the Act or a criminal act had occurred and ---

FM So they were all in agreement?

WD Yeah. Yeah.

FM Okay. So, sorry. I just interrupted you.

WD And then of course as far as I was concerned, you know, it died down from then.

FM Yeah. So in terms of Mrs S finding out that Kath Phillips had told you, can you tell me how that... that it was during a conversation I think with you and can you just tell me a little bit about that?

WD I believe it wasn't too shortly after that that I actually spoke to Mrs S, I don't know if it was relating to the Y's or relating to the issues to do with her immediate neighbours next-door, but she, although it was mentioned by me about confidentiality Mrs S appeared to be aware of it. Now whether she had been aware of that from her dealings with Justin Spanner, I don't know. Because she did have... she does have quite a fair amount of dealings with the police on a regular basis to do with the immediate neighbours next-door.

FM Yeah. So was that she seemed to know that there had been some disclosure by Cllr Phillips?

WD Hm. Yes. I mean, she heard it from me, but it appeared to me that she was already aware of it anyhow.

FM Okay. Yeah. Yeah, no, that's great.

WD I didn't advise her either way to do anything - I didn't discuss that. That's of her own volition. She would have needed no sort of prompting from me anyhow; she's a person in her own right, she's not stupid.

FM Yeah. And in terms of what's happened at the council and for you since then, can you tell me a bit about your position there?

WD Well, obviously it was initially dealt with by my departmental manager who had received some other, a complaint from Kath and she wanted to investigate that.

FM So what was the complaint?

WD I think it was basically that I wasn't dealing with the case appropriately as far as Kath Phillips was concerned.

FM Okay.

WD And as a result of that I provided a statement to my line manager, which I'm looking at a copy of it now, dated 20 July '05 and basically it sets out how I was involved in the case and the conversations I had with Kath Phillips and basically that I advised my line manager that in my opinion I felt I had done nothing wrong at all, I'd acted in a professional and courteous manner and that to take any further action in this respect would have only been foolish and may make the local authority and the ASB unit look rather silly. And that any further complaints I would challenge them, I actually said that, and I put that in writing. And that was it. And my line manager, departmental manager and my director all supported me in that. And that was the end of the matter and we had very little contact with the Y's or Mrs S after that until the recent conference in the beginning of October and that's when it resurfaced, at that conference. We'd all had, at the conference we all had sort of tables which we were sitting at and the staff were all facilitated at that table. Kath Phillips was actually sitting at the next table to me. She wouldn't give me eye con... well, she did give me eye contact: if looks could kill I'd be six foot under now, as simple as that. She wouldn't speak to me. She spoke to my colleague - she spoke to my colleague at the table, said she'd got an issue that she didn't feel was being dealt with properly by the ASB officer, Warren Davies, and he pointed me out to her from very early on and he suggested that well, perhaps you need to speak to our director Nazmul Hussain, so that's, and that's when she caught [?] Nazmul, during that day, and was advised, as I said before, that she needed to make an appointment to see him, which she did and she came in about - let's have a look - 20 October, she actually came in to these offices and saw Nazmul.

FM And do you know what her complaint was then?

WD She wished to make a complaint against me. But I believe that she may have already been aware that the Standards Board were involved.

FM Okay. Because was it the same complaint that she had made in July?

WD Oh yes, it's all about the same issue.

FM Yeah, but I'm just wondering if the complaint has... I mean, in July she may not have known that Mrs S had found out that she had disclosed information to you but in October I think the chances are that she did know that.

WD Yes, I would suggest she probably did. Yes.

FM Yeah. Why do you think she made two complaints then?

WD Erm... tit-for-tat.

FM Yeah. So she was upset that the information had been provided to Mrs S that there'd been a disclosure?

WD Yes. Yeah.

FM Do you think that's it, or is that she was still annoyed, that she felt you hadn't dealt with it correctly?

WD Well, from my discussions with the director and the comments made to my colleague at the conference it would suggest that she was still upset about the way the situation with the case was being handled. She actually mentioned that, that the couple, the Y's, this is on... this would have been about 9 October we're still having problems but the Y's actually moved out of the property on 6 September.

FM So why would it still be an issue in October then?

WD Exactly. But I didn't know this until I came back from the conference and spoke to Walsall Housing Group and was advised that she'd moved out - that the Y's had been transferred.

FM Okay.

WD The Y's have been transferred on numerous occasions from various properties. Unfortunately they do have this habit of falling out with neighbours and I know they had issues in the Close with people diagonally in the corner to them, so I believe.

FM Okay. So not just Mrs S —

WD So it wasn't all about Mrs S. No. And they're quite well-known to Walsall Housing Group and Walsall council when we have a stock [?].

FM Yeah, okay. So Cllr Phillips made another - and I just want to make sure I'm clear, she made another complaint about you in October?

WD Yeah.

FM Did she speak with your line manager or director about it?

WD She spoke to my director.

FM And do you know what she said?

WD I don't know a great deal of what was said to the director other than the fact that it was fairly brief and she was asked to leave.

FM Okay. And did she make comment about you, do you know?

WD I don't know - I believe... I suggest she probably did from the brief discussions I had with the director and my line manager immediately after she left.

FM Yeah. Do you know why she was asked to leave?

WD I get the distinct impression she was rather sort of aggressive in her tone towards the director and that she may have disclosed the confidentiality again when we didn't really need to know that.

FM Yeah. Did the director know already?

WD No.

FM Okay. Okay, then, that's great.

WD No. He doesn't have dealings with cases at that level.

FM Yeah. And what's his name?

WD Nazmul Hussain.

FM Okay. Lovely. And can you think of any reason for Cllr Phillips to have disclosed the information to you back in May during this year?

WD I believe it's to show Mrs S in a very bad light.

FM Okay.

WD To support her remark that she was an imbecile.

FM Okay. Is there anything else that you think that I should know about this?

WD Erm... other than the fact that it's obviously had quite a negative affect on not so much my work as my outlook as an employee for the local authority.

FM Yeah.

WD I've repeatedly suggested to my line manager that given these circumstances mud tends to stick. I've seen it before. It's not happened to me personally but I've seen it in the employment before, in all the 20 years I've been working.

FM Yeah.

WD And I have sort of quite grave concerns about where it leaves me in terms of employment in the long term with this authority. When I spoke to Nazmul Hussain yesterday to put him in the picture about the Standards Board and advise him of the situation and the fact that I was not necessarily unwilling to give a statement, I was quite happy to give a statement, I hadn't got a problem with that, but my concern was how it left from my employers' perspective and how I would be viewed with regards to that, but, and nevertheless I did advise him that I had little choice anyhow because they had enormous powers which they could use and the legal services of the local authority had also spoken to me with regards to that and advised me of that. And he said that's fine, if that's the case obviously you must go ahead and provide a statement but he suggested that I get legal advice either separately or from my unit.

FM About your job there?

WD Yes. Because I think he's concerned as where it's going to go from here. If there's a very, very negative outcome for Cllr Phillips, where she will go with that, that's the concern for him.

FM Okay. And has he had any, do you know if she's given any indication that she would take action?

WD Not to me.

FM Has she made that comment to someone else

WD If she's made it to my director I'm not aware of that. But it did cross my mind when he said that to me yesterday, what she might have said.

FM Okay. Are you concerned about your position there?

WD Oh, almost certainly, yes.

FM Do you feel that —

WD I mean, when this first was presented back in July I was actually still on a fixed-term contract and there was clear dillydallying from the local authority to [? inaudible] of my contract to be made permanent even though it had been promised back in January.

FM And do you think that was a direct result of Cllr Phillips?

WD I don't know to be honest.

FM Yeah. It's just a concern that you have?

WD They do tend to have some bureaucratic administration foul-ups on a continuous basis within the local authority here and it may have just been that.

FM Yeah. Okay.

WD Just a coincidence. But even though I'm permanent now I do have my concerns about any future aspirations of my career within this authority.

FM Yeah. Is this just that you know the information that we have got is not just from -- although the disclosure that the allegation was about was directly to you which was why I needed to talk to you, it hasn't just come from you.

WD I am aware of that now, yeah.

FM Yeah. Do you think that it would assist if perhaps that's made clear in the report that goes to Cllr Phillips?

WD What? That it's not just me?

FM Yeah.

WD I think that... yeah, I think that would help my predicament and also give a sort of, more sort of honest objective of the situation anyhow, wouldn't it, really?

FM Yeah. In relation to the disclosure, the possible disclosure that she might have made to your director, do you remember when that conversation was?

WD That would be on 20 October.

FM Okay. So it's very recently.

WD Yeah.

FM Okay. I think I may need to speak with your director as well.

WD Hm.

FM And I know before we started recording that you mentioned that you have two statements in relation to all of this matter...

WD Yeah.

FM Do you have them on your computer on...

WD They're on Word.

FM They are?

WD Yeah.

FM Would it be possible, would it be easier to email them to me?

WD Sure. I can do that this morning for you.

FM That would be brilliant. I can give you my email address when we've finished. And is there anything else that you want to add to what you've told me today?

WD No, not really. I think we've covered all of it.

FM Yeah. Yeah, I do to. I don't have any more questions for you. Right, my email address is just fiona - f-i-o-n-a - dot morris - m-o-r-r-i-s.

WD Hm-hm.

FM @standardsboard (one word) dot co dot uk.

WD Okay, then. Fine. I mean, I suppose it's difficult for you to say where... what happens now; obviously it's got to be adjudicated as well and you've got all the statements from there, haven't you?

FM Yeah. I mean, what we ---

WD Relate that to the legislation.

FM Yeah. Yeah, I mean, what we do now is I'll finish the interviews that I need to do and generally what we do is speak with the member last so that we've got all the information that we need to be able to put to the member, so I'd speak with Cllr Phillips and then the report would be drafted. It will go out in draft form to the complainant, to the member and to the monitoring officer of the authority, they will all get the opportunity to comment. You can be provided with what you've said and what's been relied on so that you know what's actually been said in terms of what - you know, your involvement, but there will be of course others who - for example, I've spoken with Sgt Spanner, so I've got information from him as well, and of course from Mrs S and it looks like I'll need to speak with your director as well.

WD Yeah. And then - and he'll probably tell you this, but following our conversation on 20 October he immediately sent an email across to all staff to say they were not to have any direct discussions with Kathleen, which is unusual with local councillors [Interference on the phone line].

FM Do you know why that would have been sent? Was there anything ---

WD I presume it's because of the way she presented herself on her visit to these premises.

FM Ah, okay. And her being asked to leave?

WD Hm.

FM Yeah. So that was immediately following 20 October meeting?

WD Hm.

FM Okay. No, that's really helpful. Okay, well, thank you very much for your time today, I really appreciate it and I do understand the situation you are in. I will get a copy of this interview typed up and I'll probably email it to you, is that okay - is that...

WD That's fine.

FM Yeah, I mean it's probably easiest. So thank you very much for your time, Warren, I really appreciate it. Okay?


WD It's okay, Fiona. Cheers. Take care.

FM You too. Bye bye.

WD Bye.

[End of interview]

## Interview Record


 the  
Standards Board  
for England

Case number: <b>SBE12036.05</b>	Name of interviewee: <b>Mr Nazmul Hussain (NH)</b>
Name of Investigator: <b>Fiona Morris (FM)</b>	Role/status of interviewee: Witness
Date of interview: 9 November 2005	Time of interview: 12.00 pm
Others present: None	Telephone interview

FM So you heard that...

NH Hm-hm.

FM Just for the record, I'm Fiona Morris. I'm an investigator with the Standards Board for England and I'm investigating a matter relating to Cllr Kath Phillips. I'm speaking with Nazmul Hussain and -- in relation to the matter -- and it's 9 November at just after 12 o'clock. Can you confirm that you are happy for the conversation to be recorded?

NH I am, yes.

FM Lovely. Okay. Now just before we started recording I ran through a little bit of what I'm wanting to find out from you. Perhaps if I let you start with your involvement and what you know about the situation - I mean, I have explained to you what I'm investigating so perhaps if I let you go and then I can just ask you some questions if there's anything else I need to know at the end.

NH Okay. Certainly. My first involvement with Cllr Kath Phillips was at a conference we held in early October at which she approached me to say that if a member of the public or if someone was to report something to the Anti Social Behaviour Unit would the information remain confidential? So I assured her and said, "Yes, it ought to be because that's the way that we work," and that was it. And so she said, "Well, I would like to actually speak to you about something." I said, "Fine, do call my office and perhaps we can actually arrange a meeting," which she promptly did thereafter and I think it was the week after that that I actually met up with her where she came to my office and showed me, I believe, some sort of communication - I can't remember exactly what, some sort of communication from yourselves to her that she'd been called to clarify some matters concerning information that she'd divulged

and she mentioned that, basically told me the history and she started the history off by mentioning those residents that you've mentioned, which the names of...

FM Mr and Mrs Y and Mrs S

NH That's right. Yes.

FM Okay.

NH And basically giving me information about what exactly the issues were and then she divulged very confidential information.

FM So when you're talking about - I just want to make sure I'm really clear, sorry to interrupt, were you... did she explain the situation in relation to the neighbour dispute and then go onto it, provide some very personal information about Mrs S ? Does that --

NH You mean which way round was it?

FM Yeah.

NH Erm... she told me that she was involved - actually, she told me she was involved in a neighbour dispute and then she went to explain about this individual's personal circumstances.

FM Yeah. So that's the very personal information, was it?

NH It was very.. And I actually told her that, "Well, I really don't need to know this and I'm not too sure what the rationale is behind what it is that you just told me to the incident." And what she basically said is that one of the reasons why this particular individual damaged a fence which was erected recently was that, and she went de-de-de-de-de giving the background. And I said, "Well, actually, one, I'm not interested in that, two, it doesn't concern me and three, you know, I can't see the rationale behind it, what this has got to do with any of the things that you are talking about," so I actually did mention it there, to her there and then.

FM Yeah. So just to make sure I'm really clear - I mean, you obviously know what I'm talking about here because she's provided you the information --

NH Yes. She has, yes.

FM -- but we're talking about a

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NH That's right, yes.

FM Okay.

NH Yes. So all of that has been... she basically mentioned it and I said, "Look, I see no relevance of..."

FM How much detail did she go into?

NH She told me that  
close the door. Sorry.

All right, let me just

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FM Yeah. Sorry. (Short pause) Sorry, I should have checked that before we started.

NH She told me that basically :

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I wasn't too sure exactly what that was, and that was basically what she mentioned. So I actually got the name plus the address of the individual plus some background information about personal confidential circumstances which really wasn't required.

FM Yeah. Okay. Now in relation to her producing this letter from the Standards Board, did she explain why she gave... she showed you that?

NH No. She just, she had it in front of her on the table because she actually came into my office before I came in in the morning with a morning meeting, so she had it in front of her and she basically said that... Oh, actually, she had two. First were the complaint letters, she actually issued me with the complaint letter against, from her against Warren Davies. It was, basically it was a letter that said it was a formal complaint from her.

FM Did it say why?

NH Erm...

FM What were her grounds for complaining?

NH Her complaint was that she divulged information - yes, she divulged information to Warren in confidence which was later -- I'm not too sure if it was, the exact wording, but basically it was inferring that that information which she passed on to Warren in confidence was later divulged to somebody else.

FM Gosh, that's quite rich. (Laughs)

NH (Laughs)

FM Okay. Do you have a copy of that complaint letter?

NH Erm, I probably do.

FM Would it be possible to get a copy of it?

NH Yeah...

FM Thank you very much.

NH ... just let me make a note of this, okay?

FM Yeah.

NH (Making a note) Complaint letter to, Fiona, did you say?

FM Yeah.

NH Fiona. Right, okay.

FM That would be really handy. So was that the first complaint that she'd made about Mr Davies —

NH That's the first I even met her, first I've heard of her. Erm... actually, no, no. I did hear of her for another issue that she had, which then the penny has dropped. Because a couple of weeks... a couple of weeks before that she had a phone discussion with Warren and the issue was, the discussion was somewhat heated and the only time that I found out about this was when a complaint was written in a newspaper article about the Anti Social Behaviour Unit from Cllr Kath Phillips.

FM And was that article just based on her conversation with Mr Davies?

NH That's right — well, it was a bit more longer than that. It wasn't, it wasn't your thingy column, the letter column, it was actually an article...

FM Ah.

NH ... within the newspaper which basically said the Anti Social Behaviour Unit is unable to respond to certain demands of, I think the issue was raised around the high hedges, which really has not much bearing on our role and responsibility, and what she was told was that look, this is not something that we actually get involved in, however, should there be a matter for mediation then we'll arrange a proper mediation; and that went basically completely out of the blue into the paper saying that, you know, the unit is actually unable and unwilling to deal with residents' concerns around this particular matter. And obviously at that time it was more seen as a genuine issue which was probably taken a bit out of context but nothing further, are you with me?

FM Yeah.

NH It was only when I found out who Kath Phillips was when she came in to meet me and the issue that she raised that I realised hey, hang on, there might be a bit more history to all of this than what was being emerged.

FM So did you make any response to the article or to her from giving that information?

NH On the article, I was actually on leave, one of my managers wrote back to the press to actually clarify our position which was then printed.

FM Okay. Do you have copies of those? I know I spoke with Warren Davies about the first article because that's come up before, but you wouldn't happen to have a copy of the response, would you?

NH I have got a copy of the response here.

FM Would I be able to get a copy of that as well?

NH Yeah. (Making a note) Response by Gwen [?] re newspaper article. Okay.

FM That's great. Okay, thank you. So back to the more recent complaint, has there been any response to her about that letter of complaint that she's made?

NH Yes. I wrote back saying that I have spoken to the officer concerned and following discussion with the officer plus the officer's manager I see no grounds for the complaint that was raised, the issue in the way that she was mentioned wasn't certified within the discussion that I had with the officers so basically I didn't uphold her complaint.

FM Yeah. Do you think she was complaining because there'd been a complaint made to us about her?

NH I... would assume so.

FM Yeah. Would I be able to get a copy of your response as well?

NH Right. (Making a note) My response to Cllr Phillips. Yeah.

FM Great. Thank you. And so what's happened since then?

NH That's it.

FM That's it.

NH That has been it.

FM Okay. So that meeting that you had with her in your office, how did she conduct herself?

NH Erm... she wasn't erratic or anything, as such. I mean... yeah, because I haven't seen her before so I can't actually compare her to how she normally behaves and to... I mean, I would just say it's normal behaviour obvious to the fact that, you know, she was divulging information that she shouldn't have been, but other than that she wasn't jumpy or erratic or anything in any way.

FM Yeah, yeah. How did that meeting end?

NH In terms of?

FM Well ---

NH I said I'll get back to her.

FM Okay. And that was the letter in response that you provided?

NH That's right. Yeah.

FM Okay. No, that's really helpful. Is there anything else that you think I should know about that?

NH Erm... I can't say because that was the beginning and that was the end of our dealing with Cllr Kath Phillips - oh, the other thing that I did actually say to my officers was that if she was to communicate, because - yes, there is something else - because there is a protocol for councillors with regards to how they, I mean, you'll probably be aware of this, is how they relate to officers within the council for the ---

FM Yeah. In the constitution.

NH Exactly. So we do actually have a protocol in place. And Cllr Kath Phillips did approach my officer direct, didn't she, with regards to that phone call that I mentioned earlier on...

FM Yeah.

NH ... so what I did actually is to inform my officers should there be any further calls from Cllr Kath Phillips for her to direct it to my manager, the Anti Social Behaviour Manager, if he's not available to myself, direct, and for other officers not to deal with her.

FM Okay. Did you have concerns that she was... Was she be being critical of Mr Davies?

NH Erm... no. Her only complaint was that she'd mentioned something to him in connection to this case and that the information got back out to the person concerned.

FM Did she express any kind of concern that she had been the person to provide that information in the first place? Did she recognise that she was the one who told Warren Davies that information?

NH (Short pause) Yes. Yes.

FM When she actually shouldn't have done.

NH Oh, yes, yes, that's right. Yes.

NH No, clearly said that. Yes.

FM So what did she say - sorry, just to make sure I'm clear, what did she say about that?

NH Well, basically she... what... there was a meeting. Now I asked who called - I actually did ask her, "Who called the meeting? Was it something that we ourselves got involved in which you were invited to or was it you asked for this meeting?" and she actually did say it was actually her that actually called and we were invited to go along. And in that there's a discussion between her and Warren Davies in which she did mention to Warren background information and which, like I said, it was mentioned to me and I said well, you know, that there was no need for Warren to be aware of this particular matter...

FM Yeah. And what --

NH ... irrespective of whether or not Warren knew anything beforehand or not, there was no need, because there's basically just no rationale for that type of information to be divulged to an officer who was dealing with something completely different.

FM Did she accept that that was right?

NH Well, I didn't actually go... I just pointed that out to her.

FM Yeah. And she didn't make any comment about it?

NH No. No.

FM Okay.

NH Actually, hold on. When I... when she mentioned that to me, not to Warren, when she just mentioned that to me, when she mentioned about the incident to me about Mrs whatever...

FM Mrs S.

NH Yes. I did actually say, when I did actually say, "Well, this matter has no relevance to our discussion and I don't need to be hearing this," she just said, she actually did report, she actually said - I can't remember the exact wording but she said something to the effect of I feel that, you know, for you to understand the whole thing you need to understand this.

FM Okay.

NH Yes. So she actually did say something to that effect and then I still went back to her and said, "Well, actually, I still don't see the rationale."

FM Yeah. So you say and it is nothing relevant to this?

NH Yeah.

FM Yeah.

NH Yeah.

FM Okay. Well, that's really helpful. I don't think I need to ask you anything else - I mean, is that pretty much your whole dealings ---

NH That's it.

FM --- is there anything else that you've ---

NH No. No, there is nothing further.

FM That's really helpful.

NH Great.

FM Thank you very much for that.

NH Now where do I send all of this stuff to?

FM Right. Would it be easier to get the details off Warren Davies because he's received a letter from me so he's got my letterhead and all the details to send it and he's also ---

NH Right. So I pass it to Warren and Warren passes it to you. Is that what you're suggesting?

FM Has he seen the documents before? Is there any reason why he couldn't be passed them now?

NH Erm... (Pause)

FM I mean, it might be easier ---

NH Response to... no response... Yeah, he has so that's fine.

FM Yeah. Yeah, I mean, if he's seen them. He's certainly, he's sent me off something else so he's definitely got my postal address, he's also got my email address in case you need to get hold of me for any other reason.

NH (Making a note) Pass to Warren to pass to Fiona. Righty-ho.

FM Brilliant.

NH Okay.

FM Thank you very much for your help.

NH Not a problem.

FM Okay. Bye bye.

NH Cheers. Bye bye.

[End of interview]

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# Interview Record

Standards Board  
for England

Case number: SBE12036.05	Name of interviewee: Councillor Kath Phillips
Name of Investigator: Fiona Morris	Role/status of interviewee:
Date of interview: 6 December 2005	Time of interview: Face to Face
Others present: Cllr Barbara Cassidy	Venue: Unknown

FM Okay, so first of all, I'm Fiona Morris, I'm an investigator with the Standards Board for England. It's 6 December and it's probably about 12.20pm by now. Sorry I was late. And this is an interview with Councillor Kath Phillips from Walsall Metropolitan Borough Council.  
Can you confirm that you're happy for the interview to be recorded?

KP Yes, perfectly happy.

FM Lovely. You have a support person here with you today.

KP Yes, I do.

FM Could you ...?

BC Councillor Barbara Cassidy.

FM Lovely, okay. And just to confirm I know we spoke before I started the recording, but just to confirm that you're not involved in this matter at all.

BC No, not at all.

FM Okay, yes. Because it's just we wouldn't be able to get any evidence from you, if you were involved, once you've sat through the interview.  
Okay, now this is an investigation that I'm conducting on behalf of the Ethical Standards Office who is Nick Marcar, he's responsible for the investigation. And it relates to an allegation by Mrs S about – primarily about the disclosure of confidential information. And what we'll do is I'll run through a few things with you first about the investigation and then –I'll just check that that's recording okay. Yeah. And then I can run through with you the allegation because I want to make sure that you're familiar with exactly what's been said. So, we will run through all of that. If there is anything that you

want to ask at all then please jump in. And if you want a break at all just let me know.

KP Okay.

FM Okay, so this is an interview I'm conducting under the powers given the Ethical Standards Officer under the Local Government Act 2000.

KP Mm hmm.

FM At the end of the interview what will happen is a transcript will be typed up and a copy sent to you for your records. Okay?  
Now, the ethical standards officer is required under statute to reach one of four findings. The first is that there is no evidence of any failure to comply with the code of conduct; the second is that no action needs to be taken; the third is that the matter which is the subject of the investigation should go to the Monitoring Officer for consideration by the Standards Committee. And the last one is that the matter should be referred to the President of the Adjudication Panel for England for adjudication. Okay, so those are the four findings.

KP Mm hmm.

FM If the matter is referred to the Standards Committee or the Adjudication Panel a copy of the transcript of this interview would be submitted, along with the report.

KP Okay.

FM Okay. Now, at the conclusion of the interview -- this is the last interview that has to be done in relation to this matter. Everyone else has been spoken to and all of the information has been obtained. So I would really hope that you would have the draft report within the next few weeks. I would hope before Christmas.

KP Mm hmm.

FM What happens next is you get the chance to comment on the findings and the evidence. The draft report will run through the allegation itself, as alleged by the complainant. It will then run through the code of conduct, the relevant parts. It will run through all of the evidence, findings of fact, and then it will run through the conclusions of the Ethical Standards Officer and also the finding - one of those four that I just mentioned. So, you would have the opportunity to provide comments. Usually it would be about two weeks, but if it involved the Christmas break obviously that would be factored into the timescale. And then once the comments were received then the draft report would be sent out in its final form. And the first two that would be the end of the matter; the second two obviously it would progress on. Okay. Do you have any questions so far?

KP No.

FM Okay. If there is anything at all from either of you just please interrupt.

KP Okay.

FM Okay. So what I'll do then, I have a list of things to run through with you, and I think perhaps it will be easiest if we start at the beginning and if you just -- I'll start you off and then I can interrupt as we go perhaps, rather than me just sitting and asking you lots of questions.  
So, perhaps if we start right back at the beginning -- what I consider to be the beginning of this, when you first met Mrs S Could you tell me about that?

KP Yes. She attended one of my surgeries at the Blakenall Information Centre. She said she wanted to discuss a matter with me.

FM Yeah.

KP And we went into a private room and she started to tell me about  
She offered me papers to read, which I declined, because the whole issue was about trying to change the law so that she could get compensation. At no time did she say to me, "This is strictly confidential".

FM Yeah.

KP She had a lot of papers that I could have took away to read, which I felt was really a bit over the top. From then on I --

FM Sorry, when would that have been, do you know?

KP It would be -- I think it was October time. I think it's in my notes, actually. No. I think it's around about October time in 2003.

FM Okay, yeah, it's just roughly to get an idea of timescale, yeah.

KP And she left after that. I actually rang while she was there -- I actually rang Anne Young who is now a councillor but she wasn't at the time. But she was David Winnock's MP's local secretary.

FM Okay.

KP And I rang her for advice, because I wasn't sure quite where to take this issue for a change in the law.

FM Had Mrs S spoken to him already, do you know?

KP Yes.

FM She had, okay. Was that the difficulty she was having?

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KP No, no. She'd gone there, she'd given David Winnock and his secretary all the information she'd given me, and with the hope that David could do something. Dave is I believe -- I mean Anne Young is the person to happened.

FM Yeah, no, no. It's just to find out --

KP But I do know they tried to do a lot for Mrs S Without a change to the law there was nothing that could be done. Somebody suggested she came to see me, because they said, her words, "If anybody can do anything, you know, Kath Phillips will do it". And that was why she came to me. We drafted up a resolution together, so we got it exactly right what she wanted. Because basically the law came in to give compensation to victims and it was outside the date of when she was a victim.

FM Yeah.

KP And she was very upset because other victims, who had been inside the date got quite a substantial sum of compensation. So, she wanted the law changed, so that the date where this law came in could be moved back so that she could get compensation too.

FM Yeah.

KP So what I did, we drafted a resolution together and I took it to my local branch.

FM Do you remember what the resolution said, just roughly?

KP Well just words to the effect that we wrote to her constituency party calling upon the government to change or look at the law regarding to compensation back claims, or words to that effect.

FM Yeah.

KP But she was happy with that. She agreed for me to take it to the branch, the Labour branch, which I did, they in turn discussed it then we forwarded it to the constituency branch, who again in turn discussed it, and a resolution was passed. And that is as much as I had to do on that issue.

FM So you did take it quite a way for her?

KP Oh yeah. Oh I felt very sorry for the woman, I still do.

FM Yeah.

KP And this is really where all this other comes in. That's where it started really, Mrs S coming to the surgery.

FM Yeah, no, that's really helpful. Okay. So, just to make sure I'm absolutely clear, when she came to see you, did she say at any time that the information was confidential?

KP No.

FM Okay. Did you think that by the nature of the information, that the fact that it was about it would have been confidential?

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KP Not so much that, because there wasn't people I were really going to talk about it to be truthful. It was sensitive. Yeah, sensitive, I think. Yeah.

KP I think that was more the case; it was sensitive. Because I had occasion too, these few days that we had in contact, to call around the house with something.

FM Yeah.

KP Because she wasn't in and there were children there I didn't make any comments, I just said, "Tell your mum that Councillor Phillips has popped around if she wants to give me a call".

FM Yeah.

KP Because again I felt it was sensitive.

FM Yeah.

KP And that was as much, really -- as I say, she was prepared to give me a file this thick with absolutely every detail

FM So do you think that she trusted you to help her with this?

KP Yes. Yeah, I'd say she did. She hoped that I would be able to persuade the Labour Party, nationally, to change the law.

BC Can I interject here? Because she does actually say in her letter that she quite trusted this person.

FM Yeah. No, I understand that. What I'm trying to do here is get as much information -- because I've already got, obviously, other information. So it's really just to find out -- explore with you how much -- really about your feelings about that meeting, what you felt was being asked.

KP I mean the details of what she told me I found quite upsetting for her.

FM Yeah.

KP I'm a magistrate and I hear some of these cases. I've never been given all the details that Mrs S. gave to me.

FM Were you surprised that she gave you so much information?

KP Oh sure.

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FM Yeah.

KP I was shocked.

FM That's she's so open about it?

KP Yeah. Because all she needed to say was, "I've been involved in  
and I've taken the perpetrator to court, he's been sent to prison and I've  
got no compensation". 49

FM Yeah.

KP But I had great details about what had happened.

FM Do you think it was possibly trying to stress the unfairness of the situation -  
that there were others in that case who got - in terms of the level of  
seem to have - you know, I don't know all the details. I think you know more 50  
than I do about that part, because I just haven't asked.

KP Yes.

FM But I think, from my understanding there were other 51  
who were the least -

KP Yeah, two othe: Yeah, two other 52

FM 53

KP Well she could only surmise . , because she doesn't 54  
know 55

FM Oh, okay.

KP So she thought she had the worst case.

FM Yeah.

KP But these others were 56

FM Yeah.

KP So who am I to say she'd had the worst case? I don't know. And I don't  
suppose she can possibly know.

FM Yeah, okay.

KP She was hurt because she lost out on compensation. And I sympathise with  
her.

FM Yeah.

KP But the laws have to be introduced somewhere, don't they?

FM Yeah.

KP But even so I was still prepared to put it through my branch, put it through constituency, to do what we could.

FM You said that you rang other M --

KP Yeah.

FM Did Mrs S ask you to do that?

KP No, she was there when I rang. I rang Anne Young to find out the procedure for trying to change the law, which was obviously a resolution through my branch, a resolution from them - from my branch - to constituency.

FM Yeah, and that was what they did.

KP And then constituency to the National Executive of the Labour Party.

FM Lovely. Okay.

KP Anne told me that. But Anne also told me, over the phone, to steer clear of Mrs S because they'd already had a lot of time spent with her.

FM Yeah, okay.

KP But as I say, I mean, Anne would be happy to come and speak to you about what has gone on there. I don't want to know, truthfully.

FM Yeah. Well I think you had already said that you were aware that she had approached the MP and that he'd -- she'd been trying to get action through him.

KP Yeah, she told me she'd approached him, yeah.

FM Okay, lovely. Okay, so if we jump back -- sorry, jump forward, back to more recent events. Can you tell me about your involvement in the situation with Mr and Mrs Y

KP Right. I've put most of this down, because I sent a letter recently to someone about it. All right, May 2004 I received a call from Mrs Y  
, is a small area with pensioner bungalows in, there's sort of like a row of 10 bungalows if you like, it's only very tiny.

FM Yeah.

KP And very small gardens. A garden like this big, it would be from there to that desk to here.

FM Yeah.

KP And she rang up because she was worried. Her neighbours' fence was beginning to fall down. So that was the lady at number . And if can understand the fence, it's beside, it goes that way. So you've got the rails of wood on the other side and then the other on top.

FM Yeah.

KP Mrs Y had an immaculate little garden, and she was worried that her neighbour's fence, which was coming down -- hers is the next one along. If you can understand, they would all go eventually if it wasn't put right.

FM Yeah.

KP So that was my first sense -- first dealing with Mrs Y . I'd never met the woman before.

FM Do you remember when that would have been roughly?

KP That was May 2004.

FM Lovely, okay.

KP I went along to the Housing Trust to seek a repair. And although they were not carrying out repairs at the time they said they would come and have a look, because I was concerned where these bungalows -- lived, the street at the bottom, which is where Mrs S lives is not the nicest of streets, and if the fence is down those people would be at risk.

FM Yeah.

KP So I stressed that to the Housing Trust, they came out and they agreed to replace the fence. So they came along, put the fence -- it was October the fence had been replaced, 2004.

FM The Housing Trust, how is that related to the properties there? Are they --

KP They own the building rights.

FM Lovely, okay.

KP The houses have mostly been purchased.

FM Do they still own the property where Mr and Mrs Y lived.

KP Yes.

FM Lovely, okay.

- KP So they came and replaced the fence, which we thought was absolutely great, because...
- BC I have to interject here, it is extremely difficult to get Walsall Housing Group to replace fences at the moment, because it is an extremely low priority of theirs because of the other major works that need to be done in the borough.
- KP So it's a real coup to get them do that. But they came out and they repaired it, just right, because they took out the damaged slats and the worn out ones. They replaced all the ones they've got to replace, which meant they replaced all the fence at number and a little bit into number , and they left it, because the rest of the fence was absolutely perfect. Perfect.  
Just after the fence was repaired I had a call from Mrs Y , she's a pensioner. She has severe asthma, she has a heart condition, and it would appear that Mrs Y's bungalow backs onto Mrs S's fence. I didn't even know at that stage that that's where she was.
- FM Yeah.
- KP And Mrs S was annoyed because this new fence had been put up and a little bit of it was on her -- the bottom of her garden. Do you understand?
- FM Yeah.
- KP And she wanted the rest to be replaced.
- FM Yeah.
- KP Well, there was absolutely nothing wrong with it. Mr Y actually reported Mrs S because she took a hammer to the fence and was smashing it up because she wanted it replacing to match the new bit at the bottom.
- FM Yeah.
- KP Well then the crunch came well and truly because the Housing Trust by then had realised that fence was not their responsibility and they should never have replaced it. So, no way were they going to come along and replace the fence for Mrs Y , which is at the bottom of Mrs S's garden, because it wasn't their fence.
- FM Whose responsibility was it to replace --
- KP Mrs S's. The owner/occupiers.
- FM Right.
- KP So, I mean, this went on a long time. I mean the dispute got worse because she was constantly -- because she took a panel out where there was the stump she could see through the fence to the Y's . And I remember them she was there and she was peering through, and she was shouting abuse. On 7 March -- Mrs Y used to ring me regularly about what

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was going on and I used to just advise her to report it to the Housing Trust -no more, no less.

FM So at what point did you become aware that it was Mrs S

KP 7 March.

FM Okay, so that's immediately after.

KP Yeah, 7 March. Mrs Y rang me, she was really upset. R, who lives next door her at number had had a real run in apparently with Mrs S and he was very upset. And she was worried because she thought R might have a heart attack. Mrs S had given them considerable abuse that morning and I contacted the Walsall Mediation, which is someone else who would be happy to come and talk to you, to see if they could help because obviously something needed to be resolved.

FM Yeah.

KP Mr Y's wife, Mrs Y, sleeps in what should be the dining room but she's turned into a bedroom because she's up a fair bit in the night - rather than disturb her husband, so she stays down there.

KP Mrs S put a light up which was shining right into her bedroom all night. Mrs Y rang me about that, I advised her to contact the environmental people, which she did, and they came out and they adjusted the lamp slightly. All these things just seemed to be going on after 7 March. It was obvious. R came in while I was at Mrs Y's to tell me what had gone on, and she'd been really abusive to him and said he was peeping through the fence. Well then this is an old man. And what Mr Y had tried to do was to put a piece of wood down where Mrs S had taken the complete panel out, to try and block it up. And she wanted it to be taken down. He put a piece on the top to stop the light shining through. She told him to get that down. She made him fetch all the little tiny plants they've got climbing up the fence down, because it was her fence, her property. She sent a letter around to them saying -- well, I'm not sure what was in it, but they thought it was a threatening letter. I think it was more than an upsetting letter. Going on about the fact that it was her fence, you know, she could do what she liked etc. Anyway, when I rang mediation they came out and mediation actually came out with one of the antisocial behaviour officers; they were already dealing with another case in Mrs S's street with Mrs S and another neighbour. Basically it feels it just went from bad to worse. I mean, my diary tells almost every day or every other day there was a phone call from Mrs Y about something. And I used to either pop around and tell her what to do, tell her who to call, or just advise her over the phone, depending if I've got time. They were just a couple of ideas that just -- to try and sort things out. I rang Warren Davies, who is an antisocial behaviour officer.

FM Was he the officer that you just mentioned that had gone out to the property?

KP He went out with the --

FM Mediation.

KP -- mediation.

FM Lovely.

KP Yeah. And I asked why a camera couldn't be done. Then you could see what was happening, because Mrs S was saying it was Mr and Mrs Y they were saying it was her. And if they would had put a secret camera up we could find out. It would take two months, and the whole thing would have been resolved.

FM Yeah.

KP But Warren wasn't having it. He said it was hard to put a camera in. He said if it went to court they'd just throw it out. It didn't need to go to court. If you'd have got a camera that showed it, we didn't need to go to court, we could just say to her, "We've seen what you do".

FM Was he the person responsible for putting cameras up or was there someone else there?

KP He's part of a team. He's part of a team.

FM Lovely.

KP And then, because I was under the impression that Warren knew as much about Mrs S as I did.

FM What gave you that impression?

KP From snippets of conversation over the period of time, because I'd spoke with antisocial behaviour officers before obviously.

FM Yeah. So how many times would you have spoken with him?

KP Oh quite a few I would think.

FM Would it have always been on the phone or in person?

KP On the phone. The only time I spoke -- and then I just left them to it was when I brought them into Mrs Y's house, introduced the mediation to her. And then I left them to it, I didn't --

FM So do you remember when that was?

KP It was probably around about March or April.

FM Yeah, okay.

KP I haven't got the exact dates. Because I mean if it's something I'm doing I keep a note of everything, but when you just pass it onto somebody else you don't really – I shall in future.

FM But when you spoke with – how many times do you think you would have spoken with him on the phone?

KP Probably two or three I would think. Probably two or three, not a great deal because I wasn't that involved with it really. I thought with the mediation when Warren Davies got involved it would get resolved.

FM So why weren't they mediating?

KP It wasn't tried. I mean, I don't know what went on because that's for them, isn't it?

FM Yeah. So the mediation –

KP But I know they tried.

FM Who, Mr and Mrs Y or ...?

KP Yeah.

FM Okay, yeah.

KP And I did speak to Warren explaining why this issue had got all out of hand, which was because of this fence. It was because of the fence, they're an elderly couple, in all the years they've lived there. It was just Mrs S smashing this fence up, which for the Y's was their beautiful fence on their beautiful little tiny patch of garden. And I said to him, "She feels she's missed out". She's missed out twice now.

FM Yeah.

KP She's missed out – and I feel for the woman because she must feel really bitter -- because she's missed out really a lot of money on the compensation.

FM Yeah.

KP I think she told me the one got about £15,000 which is a lot of money. Some people, you know, they'd never see that money in a lifetime.

FM Yeah.

KP And she'd missed out now and it's through her own fault, she'd got a damaged fence which has got to be replaced and she'd got to pay for it now because it was only her responsibility.

FM Yeah.

KP And that -- I mean, I read that letter what she says Warren -- I mean, if you can believe that Warren said that, I don't know. I don't know him that well to know what he would say. Just, you know --

FM Sorry, about what?

KP In her complaint where he says -- I didn't go into details with him. I never said they were trouble causers, that I said they were trouble causers. I never said. I didn't say it, it absolutely shocked me, "Well you know what people like her are like"

FM So what would you have -- was this the first or the second or the third time you spoke to him?

KP This was probably the last time I spoke to him.

FM Probably about the second or third time.

KP Yeah, about the third time.

FM So how did it come up?

KP Because I wanted him to be sure that he understood how she must be feeling, because she'd missed out with the authority, if you like. So the second time around.

FM Yeah, okay. So what did you say exactly to him?

KP I can't remember exactly, because I know what I wouldn't say because those are not my kind of conversations. But what I said, in the terms, or the gist was that Mrs S was still very aggrieved because she has missed out yet again.

FM Yeah, but that doesn't --

KP And not about it - nothing.

FM I mean that doesn't even refer to any kind of , I mean there must have been more than that you said because he knew what you were referring to. 57

KP He knew what I was referring to because he was already aware, I believe, that he knew about . My response was, "She's missed out on her compensation and she's missed out now again with the Authority on not having a replacement fence". 58

FM Okay. So are you saying you didn't mention and you didn't mention what had happened in any detail at all? 59

KP Not that I could remember - I was only on the phone to him for a few seconds, because he was quite rude actually. He started telling me, "I'm a solicitor and I know this, and I know that".

FM Yeah.

KP And all it wanted was some evidence to see who was the perpetrator. It might have turned out it was Mr and Mrs Y Who's to say?

FM Okay.

KP We never got the evidence, did we? And since then, I mean, it's go so bad, Mr and Mrs Y have been re-housed now.

FM Well, okay. So I just want to make sure I'm really clear, because it's -- I find it quite strange that the conversation you had with him you're saying all you did was say, "She's missed out twice with Authorities" and then you moved on.

KP That's right. Mm hmm.

FM Well I have to say that is really not the evidence that we've got from him. And indeed that's not the evidence we've got from other officers. So I put it to you again, did you not say to him, , and she missed out on compensation and that's what happened". I mean I --

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KP I may well have said, but I honestly understood, or thought I understood that Warren Davies was aware of Mrs S's situation because he still pursued it.

FM What about his manager then?

KP Who's that?

FM Well, Mr Hussain you told the same information to.

KP Yes, this is the letter that I send to him and I asked him to find out if -- because I wasn't convinced that Warren Davies had said all this.

FM Okay. I mean I -- did you say to Mr Hussain then that she'd been

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KP I gave that to Mr Hussain and I actually wrote this letter asking him --

FM I understood that you met with him in person.

KP Yes I did.

FM Yeah, okay. And during that meeting did you tell him that Mrs S had been

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KP I probably did at that meeting, yeah. Because --

FM Okay, did you think that he also knew that information?

KP Yeah. No, I came to him because I wanted to try and find out if it was true that the officer had said all these things to Mrs S

FM Okay. But you must have been aware by then that we were investigating.

KP Yes.

FM Okay, well do you think that it's appropriate for you to try and speak with witnesses, or at least try --

KP I wasn't sure he actually was a witness. All I wanted to do --

FM I mean you were aware from that the Warren's the person that she's referring to.

KP Oh Warren, but not Mr Hussain.

FM But you're asking his manager to get involved in something that we're investigating.

KP All I asked him to do was to find out if the information I'd given to Warren had been passed across. Because when I've dealt with antisocial behaviour officers in the past, whatever I've said, or even the police, it has been in confidence, otherwise you'd never pass them any information would you?

FM But why do you think that information would be relevant?

KP Because she's missed out on a big claim and she's missed out again on the fence.

FM But I don't understand why -- I mean it was a long time ago that this happened, 63

KP It's still an ongoing case though.

FM I can't see how you can say this. Yeah, I understand, but I can't see why you'd think that it's related to a fence. I mean, you must see that that's actually really pushing it.

KP No, because that's how I felt Mrs S was beginning to behave. I mean she rang me up.

FM Okay, how did you think she was -- you said, "That's how she was beginning to behave" what do you mean by that?

KP She rang me up. These people, particularly R they told me what she'd said that day and they'd had nothing to do with her before the fence.

FM So what did he tell you that day, sorry?

KP Well she'd been abusing him.

FM Yeah. And you think that that's related

KP I think it's related to the fact that she's missed out on compensation.

FM Okay then.

KP And she's missed out again on a new fence being put up which probably cost her now another few hundred pounds.

FM Okay. So if we go back to that conversation with Mr Davies, you -- just to make sure I'm really clear, because I'm still not sure what you're saying you told him.

KP Right.

FM During that conversation are you saying that you said to him, "She's missed out on compensation", you didn't explain why and that's the reason that she's upset?

KP I honestly can't remember because it's such a brief conversation. The message I was trying to get across was the fact that Mrs S was bitter because she'd now damaged this fence, which turned out to be her own and she can't have it replaced by the local authority.

FM I can understand that part, but the bit I really struggle with is where you jump from that to saying, " -- and she can't get compensation and that's why she's upset".

KP , it was a matter that Mrs S has lost out, through no fault of her own, on compensation and she's lost out again.

FM Okay. Did you explain any of the context to Mr Davies?

KP What do you mean?

FM Well, you say that she missed out on compensation. Did you explain any -- did you give any information about why?

KP I think I probably said, "You know --" I probably said something like, "You know that Mrs S had a case, it was against and others were paid compensation and Mrs S didn't because of the date situation". And that I felt that she must be very hurt because she has now missed out on a new fence. Her neighbours got a nice new fence and she's got a bit of one and then she damaged it.

FM So what do you think that an antisocial behaviour team member would be able to do with that information?

KP Put cameras up.

FM Well do you think the fact that she's not received compensation would be relevant to whether a camera could go up?

BC Can I interrupt?

FM No, I'm sorry, at this point it's not really appropriate.

KP Yes, because without that we don't know what was going on. We just didn't know what was going on.

FM Do you see what I'm -- I mean, I just can't see why you think it's relevant that she's missed out on compensation as to whether a camera goes up and there's this issue between the neighbours.

KP Well the camera going up was to resolve the issue between the neighbours.

FM And why would that be about whether she'd received compensation?

KP Because she'd missed out getting some financial gain and she'd missed out again on the fence.

FM Yeah. No, I don't understand.

KP I mean the reason I went to Nozmul was because I was at a meeting a week earlier of Walsall Borough Community Safety Partnership, and I asked the question, "If I pass any information to an antisocial behaviour officer --"

FM Sorry, just wait one second.

[End of file 1]

[Beginning of file 2]

FM Okay. Perhaps if we go back to that conversation with Mr Davies. You've said that you wanted some cameras put up, that thought it would be an easy solution to something that you were really concerned about?

KP Yeah.

FM What was Mr Davies' response?

KP Well, he didn't think that it was necessary. He didn't think there was such a problem.

FM And were you happy with that response?

KP No, because the people at numbers : were asking for this, they wanted something doing to stop this problem that they'd had since this fence had been put up. But they'd never had a problem before.

FM Do you think that it was -- around this area it was a serious problem to them?

KP Absolutely.

FM But in terms of the problems across the area, that it was a serious problem in terms of other antisocial behaviour?

KP All the cases I was involved with yes because these were three very old people.

FM So in terms of the cases you were involved with, but in terms of the cases that perhaps the Antisocial Behaviour Team was involved with do you accept --

KP I don't know much about the Anti-Social Behaviour Team.

FM No, exactly, but as Mr Davies is telling you that this isn't so serious in terms of antisocial behaviour, that it may not have been because you were dealing with a range of --

KP It might not have been but when you're dealing with three very old people, four old people, it was major. Their life was an absolutely misery. One has now gone in a home and these two, Mr and Mrs Y they have had to move out and what they had was an absolutely beautiful bungalow.

FM Yes, you've said that and I understand that. But, I mean, I understand that the Antisocial Behaviour Team was involved, the police, and the Housing Trust were involved for a while, and the Mediation Service, and that the professionals involved agreed that it was low level and by low level they meant that there were a lot greater problems.

KP I've never had that. I've never had that put across to me from the police or the Housing Trust. The only person that said that they didn't think it was so important was Warren Davies.

FM And so did you convey your unhappiness with that to him?

KP In as much as I was trying to say to him this would resolve the issue. It would only take two or three days for them to get the cameras up and this was going on day in and day out. At the most within three or four days we would have the identities of who was creating the problem really, if you like.

FM And so did he say to you that that wasn't going to happen?

KP No.

FM He didn't say that?

KP No, he didn't say it was going to happen.

FM No, that that wasn't, did he say that's not an option?

- KP No, but what he was saying was it wasn't -- he wouldn't be good for antisocial behaviour. Well, that's fine, but at least it could resolve the problem. I think what he thought that we were going down the lines by hell or by hot water we wanted an ASBO. It wasn't what we wanted. We wanted peace, which is why I called the Mediation Service. It was mediation that brought Warren Davies on to the scene, not me, initially because if we could've mediated between these people there wouldn't have been a problem, would there?
- FM Were you aware that Mr and Mrs Y refused to go to mediation?
- KP I don't know.
- FM You said you spoke to them fairly regularly, sometimes nearly daily. They didn't say to you that they wouldn't go to --
- KP They didn't say that they refused, no, because they had the Mediation Officer in to help.
- FM Yes. My understanding is that they refused to attend the Mediation Service?
- KP But have you spoke to Mediation then?
- FM I've got that information from another source.
- KP Well, I think there's only one mediation officer.
- FM Yeah. But, I mean, I've spoken to the police who were quite involved with this. In terms of your dealing with the police, did you tell them about Mrs S's background?
- KP They asked me for the information.
- FM How did they know to ask you?
- KP They called me in.
- FM And what did they say?
- KP To find out what my side of the story was, if you like, part of the situation, and I actually said to them what I'm saying to you now because now it's if I ever do anything, if it's something else I don't think it should be passed on I'm happy to say it. Even to antisocial behaviour who have signed contracts to say information was confidential.
- FM But do you think that maybe you were the person who shouldn't be passing on the information because it's confidential? Why is it okay for you to tell people -- say it's confidential and you can't pass it on when you're passing it on?

KP Well, I only passed it on in as much as to try and get this situation resolved. It's not something I've gone out and told every Tom, Dick and Harry or even officer.

FM Well, I've got three people so far who --

KP People.

FM -- have said to me you've said to them that she was  
, that she couldn't get compensation for it. Now, these are all people  
who have given evidence about that and they've --

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KP The only people I've spoken to are the police and Warren Davies who, as I said, I understood -- I don't know where -- it's in the back of my mind. I understood he was already aware of the situation.

FM Okay. So how did you -- I need to kind of explore that with you. How did you know -- why did you think that he already knew that information?

KP I don't know. Perhaps from something he said when he came out to Mrs  
Y's. Maybe it just slipped out?

FM But how did that slip out? I mean --

KP I don't know.

FM I'm just trying to find out. I mean --

KP I don't know. I really can't -- perhaps it was just a feeling. I really thought that he was aware of the situation because he was obviously dealing with Mrs S for something else. I don't know what. He spent a lot of time around there. I do know that. And the way Mrs S tells her story to everybody I would've been surprised if he hadn't been told the same story. I would've been very surprised, but if he had --

FM Did you think it would've been best to talk to her before you told people this information in order to obtain her consent?

KP I suppose in hindsight I could say yeah. But, you know, I thought I'd be helping both Mrs S and the people in the bungalows to get the issue resolved.

FM Okay. Yeah, I am still struggling to find -- to understand why you said that the fence and the ongoing issue -- clearly there were problems with the neighbour dispute, why that was related to and why people needed to know that.

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KP Because she's aggrieved.

FM I understand that but, I mean, people are aggrieved in a lot of ways.

KP Yes, I know.

FM I would be very hurt if someone brought out things that I hadn't asked you to about something that -- in relation to a fence.

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KP Yeah.

FM I mean, you see what -- I'm just trying to understand this.

KP Yes, I see what you're saying. At no time have I gone into the details that Mrs S gave to me, never.

FM Yeah, but even the fact that it would be brought up, I mean, if that had happened to me or if that had happened to you -- can you imagine putting yourself in that position for a second? It wouldn't matter if the details were brought up because if people were finding out -- not -- I mean, at the time -- it's your own pain, it's own story -- she can choose to tell people.

KP Yes.

FM But if someone else is telling people who she's dealing with on a daily or weekly basis and they're finding out through someone else, can you see how that would be upsetting?

KP Oh yeah, but my point is this is an Antisocial Behaviour Officer that I'm talking to in confidence to try and resolve a situation. I mean, I wasn't even asking for the camera to be in Mrs Y's or Mrs S's, but somewhere independent.

FM Yeah, I understand that.

KP And I would not have expected anything that I said to Warren Davies to have gone anywhere else.

FM Yeah, I understand that, but I think --

KP Just for his information so he could get to the bottom of why suddenly Mrs S had got all -- so angry with her neighbours, these elderly people.

FM But I know a lot of things that lead people to behave in certain ways and I think there may be some truth to the fact that her background -- I mean, I think it's true with all of us -- that our backgrounds lead us to behave in a certain way.

KP Of course.

FM And I think that's probably -- I mean, it's certainly true with me, it's true with most people. It's the jump from that to telling someone who may or may not have known...

KP I honestly believe Warren Davies knew.

FM Okay.

KP And it was just to try and put in perspective how I felt from my brief conversation of how she must be feeling.

FM Yeah, and I understand that.

KP All the way through -- I mean, the first time I met her I felt so sorry for that woman, what she'd gone through. And it could've been that the Y's were causing the problem. And we could've made Mrs S's life wonderful if we'd been able to do something that proved it wasn't her.

FM Did Mr and Mrs Y know about the background?

KP No.

FM Okay.

KP No.

FM I think it would -- I mean, the issue in relation to whether people knew or not is not really relevant to the definition of to what confidential information is about in the Code of Conduct. So the Code of Conduct says, "A member must not disclose information given in confidence by anyone or information acquired which a member believes is of a confidential nature without the consent of the person authorised to give it unless required to do so by law." So, those are the things that I'm obviously looking at.

KP Right, yes.

FM And whether someone knew or not -- I mean, the evidence that I've got to date is that they've never said that they knew but that you told them regardless. Is that true?

KP I never told them regardless, no.

FM Well, would you have told them -- I mean --

KP If I hadn't thought he'd known, no. I just felt --

FM Okay. Well, what about Mr Hussain?

KP Well, I went to him because I'd been to this meeting where he was talking about antisocial behaviour and working together and I've worked with lots of officers, given a lot of information. It's always been kept confidential because it can make things very nasty. People would know who was telling who and what. And I wanted the question -- Warren's office is bound by confidentiality. When a member gives information which may help in a dispute -- and I've done it on many occasions -- I haven't done it since and neither will I again because I will not work with the Antisocial Behaviour Team now because I'm afraid that anything I would say will be passed on to someone else and I think

that is really bad news. And that was why I went to see him, because I wanted to know if he could ask if it was true that Warren had done this because if that's the case I intend to make a report about Warren Davies because the information I gave to Warren over the telephone was from one elected member to a paid officer to do a specific job and that job is a very difficult one.

FM But do you say that you can't -- I find that that doesn't at all tie -- that's not consistent with what you're telling me about your situation. I mean, Mrs S told you the information herself for a specific purpose years ago. You've told someone else, under circumstances that's not about the same issue at all, and you're saying it's relevant and that for that reason the same information is confidential for the officer to tell her. So that you're nearly saying there are two rules, one for you when you tell officers at the Council and another for officers. I mean, if you look at that definition of confidential information there's nothing there that says "but if you're a Councillor and you tell an officer of the Council that ..."

KP It wasn't like that at all, I'm sorry.

FM No, I understand that.

KP It wasn't like that.

FM You see what I'm -- I mean, I'm having difficulty marrying these up.

KP I believed -- I honestly believed this information I gave to Warren was relevant in as much as Mrs S had lost out on compensation and she'd now lost out again on a replacement fence. So, in effect, we're an authority, the government's an authority, the law is an authority too. And she'd lost out yet again and she must feel that everybody's against her because that's how I'd feel if I was Mrs S

FM I mean, I think in terms of the information from Mr Davies, I mean, I think it's fair to say there was no intention for him to tell her that he knew -- that he'd been told that. I think it's fair to say that it slipped out rather than that he told her. Well, she's a very smart woman.

KP She is a very clever woman.

FM And she -- something was said that hinted that he knew or that there'd been some --

KP I'm sure he knew. I'm sure he knew.

FM And I don't think it was an intention by him at all to tell her.

KP I don't think so either.

FM Okay, so I think -- I mean, I think that's a fair comment that this came out and she realised and questioned him.

KP Yes.

FM And I think that put him in an impossible situation. And so what I'm really trying to explore with you is you're giving him that information when he didn't need to know it, not about the cameras, not about the current situation, and her being the kind of person that she is she was bound – I mean, people talk, people say things, accidentally or otherwise, and she will pick up on that and she ran with it. Do you see what I'm trying to say?

KP Yeah, of course I do.

FM It put him in a very, very difficult position because there was no intention by him to say something.

KP I honestly believe he was aware. What he wasn't aware of was all the hassle that had been going on since that phase went on and I just wanted to sort of, if you like, get him to agree to look at the global picture where Mrs S's concerned. I don't know about all the disputes going on, but I know there are ongoing disputes with neighbours in ... don't know what they are. I don't particularly want to. But if he could resolve the issue – it may be that all the people are against Mrs S for some reason. I don't know. I don't discuss it with the neighbours in the street. She may feel like that. I don't know. But if this was one way we could resolve this issue by my trying to say to him, "She's probably feeling very upset now because this is the second time she's lost out to authority".

FM Do you think that perhaps you telling people that – I mean, she's had all the -- she's been a victim obviously before.

KP Yeah.

FM And people finding out this information merely creates an ongoing victim in her because people are finding out this information when they shouldn't be.

KP A lot of that information, I mean, she's given it to --

FM That's her choice.

KP Yeah, that's right.

FM Can't you see?

KP But who's to say some of the other people she hasn't told haven't told other people?

FM Absolutely, absolutely, but then they're not -- I mean, the difficulty here is I can understand why -- you know, you've been very clear about why you've done it.

KP Yeah.

FM And, I'm sorry, I know that it's hard questioning, but I'm really just trying to understand because the problem here is there's a Code of Conduct that says these things and I'm just trying to discover --

KP But, you see, we are told we can advise the antisocial behaviour officers with different information. I mean, I've got a street at the moment that's got a big drug problem, on my own estate, one house but I'm not going to ring and give the information. I can't.

FM But can you see that the difficulty -- the difference between someone doing drugs and someone having ' I mean --

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KP Yeah, this was a man who was dealing with this case on several accounts. I don't know how many are going through dispute, but I know there was at least one other and Mrs Y that's at least two. There may be others. I don't know. And if this could help him to resolve Mrs S's problems, because there are problems, it would be a good thing. And it would help him understand why she feels -- I mean, the taking of an axe to the fence is showing somebody with a great deal of anger.

FM Yeah. Do you think that he would be qualified? I mean, there are a lot of people in the community who have mental health issues or they have issues in the past that make them behave in a certain way. Do you think that Mr Davies would be qualified to be able to deal with that, I mean, do you think the root of the problem is ever going to be resolved here? You're trying -- you're saying that he needed to know this. I just don't know what he could do with that information, you know, apart from resolve the neighbour dispute. There's no other option, his job doesn't entail looking at these things?

KP Well, he could've resolved the neighbour dispute, couldn't he?

FM Possibly, but I can't -- I'm still struggling with the --

KP He could've resolved the neighbour dispute and that could've been a win for Mrs S

FM Yeah, absolutely, but the fact is it's --

KP Because it might have been the Y's

FM Yeah, absolutely.

KP It might have been the Y's who knows?

FM But all these things that you're just saying now about the neighbour dispute are still not related to the abuse. I mean, that's what I'm really struggling with now.

KP Yeah, I can see where you're coming from. It's the fact that she's -- in my mind she's missed out on compensation.

FM I understand.

KP And I've said this to Warren. And it was said, as I would have expected saying anything to anybody else in confidence, because I can't carry on giving information out that might help the case. I mean, it may be we'd have a known drug dealer come out of prison and moved into the street. Am I going to be accused of giving confidential information if he's been moved to live somewhere safe and then he starts dealing again?

FM But you must see that the fact that someone's putting them on par with someone who deals in drugs? is not 71

KP I'm not trying to. I'm not trying to.

FM Okay. I mean, I'm just trying to understand that.

KP Yes. Mrs S was very, very bitter about the situation of the . There is no doubt about that and, like I say, I had her with me for more than one hour on that first surgery and she cried, she's distressed. She related to me a lot of intimate information which I wouldn't -- the big thing that keeps Mrs S down is the fight for compensation. 72

FM No, I understand that.

KP And because of that I honestly believe she felt slighted yet again by authority. And if what I said to Warren had resulted in a camera going up and proving it might even be the lady at number who's causing the problem, or the guy at number . It would've cleared Mrs S and she would've had a -- she would have had a weep. It is just so tragic that this has got to this because I would've liked to have seen Mrs S being sorted for a change.

FM No, I understand that.

KP You know, but she's not and until she's gone through the European Court of Human Rights -- and I just feel so sorry if it doesn't get done there, because there are issues. But I honestly said -- what I said was that Mrs S's lost out for compensation and she must be feeling bitter because she has lost out yet again. And what makes it worse is perhaps she has damaged a perfectly good fence. I mean, I did say to Warren I would go to court and say that fence was in perfect condition. It was in perfect condition. And Mr Y would go to court and say he saw her take an axe to it.

FM So when you spoke to Mr Davies did you say that you thought Mrs S should be evicted?

KP No, she never hurt us.

FM When did you know that? Did you know that right from the start or --

KP No, when we realised that the fence couldn't be replaced and that it was the people at the bottom of the gardens.

FM Was that March/April did you say?

KP Around that time, I think. Yeah, it might have been about March. It would be after March because it was March when Mrs Y rang because we were off at the meeting. So April/May time, something like that I would think.

FM Okay. Did you ever call Mrs S an imbecile ?

KP No. She's far from that.

FM Did you say that Mr Davies was biased?

KP I may have done. I may have done.

FM Okay. Why do you think he's biased?

KP Because he was always on the side of Mrs S. When he came and saw the Y they didn't feel that he was working for them. We really could have done with another officer, to be independent.

FM Do you think that perhaps it's because he sees a lot worse than that? I mean, there may be other reasons. It's not that he's on Mrs S's side, it may be that he sees what actually happens and --

KP Yes, if he perhaps sat down and shared some of these experiences that are going on in my ward and kept us informed of what they're doing and what they're not doing things might be better.

FM Although, I mean, I guess sometimes you just have to trust the professional judgment of professionals? I mean, I think --

KP Well, I'm really, really just amazed that he let this out and he let it slip out because he's a professional, he's a solicitor.

FM Well, to be fair, I have spoken with Mrs S quite a few times and I don't think it would be that hard for her to realise.

KP Well, she is very --

FM She strikes me as someone who's very intelligent.

KP Yes.

FM And once she had any inkling that there was something that had happened, that there'd been a communication with you, you know, to be fair to Mr Davies, I can see how it got to that stage without him intending it to. In terms of your dealings with Mr Hussain, you say that you'd spoken with him at the antisocial behaviour --

KP It was the Walsall Borough Safer Partnership I think it was called.

FM Yeah, okay. And so following that you went to meet him in his office, is that right?

KP Yes.

FM So what happened then? What happened during that meeting?

KP Well, I asked him if he could find out if it was correct. I never thought about Warren being interviewed by yourself. I don't know what made me click. I just felt upset about it all really, but what I wanted to know was are there officers – I understood they'd signed a contract that any information passed to any of those was kept strictly confidential and that was what I wanted him to tell me.

FM Do you think that – I mean, an officer of the Council if they're told something that was obviously confidential information and they don't believe should've been told to them in the first place, do you think that – I mean, can you see that that may have been the situation here?

KP If he said to me, "Kath, I don't think you ought to be telling me this" I'd say, "Okay. Fair enough. Forget I said it".

FM Well, I understood Mr Hussain actually said exactly that to you?

KP What?

FM I understood that he said to you, "I don't want to know this information. I don't see why it's relevant. It's got nothing to do with this".

KP But that was just to find – because I was trying to explain to him why I wanted – I needed to know if an antisocial behaviour officer had passed the information across. Why should it be kept confidential?

FM Yeah, I understand that but, I mean, surely at that point – and I think we're talking about October time here –

KP Yeah.

FM Surely – I mean, you knew that there was an investigation by us and you're a member, they're officers, so obviously there's an imbalance in power.

KP Yeah.

FM You have got a role that is not equal to theirs and that they have – I mean, I would've thought at that point it would've been more sensible to send just a letter.

- KP I would have actually. But because I've been to that meeting I thought -- I wanted to find out because I was told that they had signed this contract with the Antisocial Behaviour Team and the working partnership that confidential information that's going from Social Services, counsellors, council, whatever, would always be in the strictest of confidence.
- FM Okay. So when you were speaking to Mr Hussain do you remember how much detail you went into about the abuse?
- KP I gave him that. That's all I went into. That was all I gave and that was the letter that I asked him -- I wished to register a formal complaint against Warren Davies. I think I did that -- I think I posted that to him. Yeah, because I think he knows he asked exactly what it was I wanted and what I wanted to do was register a formal complaint against Warren Davies about confidential information regarding the dispute between the two and according to Mrs S he's passed this information back to whoever to make a comment if she's to be believed. I mean, I wasn't even sure really at that stage if she hadn't just sort of presumed that I've given information because that's the kind of lady she is. She could've somehow, like I said, just picked up -- but that's when I wrote to Mr Hussain.
- FM I mean, you say that writing the letter -- I mean, obviously I've got a copy of that letter anyway.
- KP Yeah, right. I just want you to know, you know ...
- FM But you're saying there that the information is confidential and it was passed to him and that he shouldn't have disclosed it. Do you see why I'm having difficulty because surely the same applies to you?
- KP Well, no, because I was giving it in good faith to help resolve a situation.
- FM But you were asked to help resolve that situation?
- KP Yes.
- FM This is a situation years on. Do you see? I mean, that's --
- KP No, I talk about resolving the new situation with the fence, with the arguments with the neighbours --
- FM Except you were given the information for a particular purpose?
- KP Yes.
- FM And you used for it for something totally different without asking?
- KP I only as much as she'd lost out on compensation.
- FM Yeah, I understand that. But, I mean, according to the evidence that I've got it wasn't just that you said that. It's that you provided -- you didn't go obviously

into the detail that you know, because I don't know what detail and I don't want to know that detail, but in terms of the detail that you provided certainly the evidence --

KP (cough)

FM -- that I've got, particularly from Mr Hussain who had nothing to do with her, he found out that and he found out sufficient detail that he was quite disturbed and quite upset to have found them out because he didn't think he should have. I mean, do you see that? 73

KP I mean, yeah. And when I spoke to him and the first thing he'll say -- in fact, I'm not going to say it to you, was it was a confidential conversation between him and I and it was to try and put in perspective what had happened and then if that had happened, if Warren Davies had passed on the information, then I needed to do something about that obviously because I can't be giving officers information that's going to be spread.

FM Absolutely. But I think the problem comes down to --

KP I'll be very clear, I've had an excellent working relation with other officers and we've had some tremendous results on similar situations.

FM The concern that I have is that that information came to you by a certain route and there's no difficulty with using that information for that purpose that was requested by Ms S. But then the information was used a lot later on for a totally different purpose without asking her and as far as I can see she seemed to be the only person who could possibly give consent to disclose that because it related to her, it was her own confidential information. That you disclosed it an officer, however, it got out - and I accept that it wasn't intentional - but that it was during the course of all these dealings, it was then found out.

KP Yes.

FM That you're really upset that she found out, but the fact is it's got to come back to the fact that you told him in the first place. I mean, do you see what I'm trying to --

KP Yeah, I can see what you're saying. I can see what you're saying, yeah.

FM I mean, the difficulty here is you're saying that there was one wrong about him telling that information back to the person who was actually the person who could've given consent anyway, but that the rules wouldn't apply to you.

KP But it was only for him to understand --

FM Yeah, I understand that.

KP -- the issues. That's all.

FM Yeah. Do you see that other people may not have found that relevant?

KP I can see it now but, you know, you're so busy with passing information on to these people you don't always have time -- you know, I mean, I'm not going to go to people in the future and say, "Well, you know, I happen to know that you've just come out after six months prison. Do you mind if I tell the Antisocial Behaviour Team because there are some problems going on in the street?" People may tell me we've got a burglar come to live by us.

FM But do you see that I -- I mean, my concern is that you're lumping criminals in with victims and I don't see that they're necessarily in the same category. 74

KP So, if it's a criminal one there's no issue with you telling people? But when it's something that is obviously affecting this woman badly and another issue has come up where she's obviously lost out again -- I honestly felt that was relevant. I honestly felt that was relevant to resolve the situation. Nothing would've pleased me more than for a camera to have gone up for two or three days to resolve those. It would be nice to put a tick by the box that that issue is resolved. I know there are bigger things going on, but these small ones develop into big things because they're left.

FM We talked about the police briefly. So when you'd spoken with the police about it, what did you tell them about all of this?

KP Well, they called me to see if I could give them some information about what had been going on since May.

FM So, when would this have been, do you remember?

KP When I spoke to the police?

FM Yeah.

KP Or was it later? I would confirm -- yeah, that's right, it would be, 4 August.

FM Had you spoken with the police previously?

KP Only to report anything or to --

FM About this case?

KP No, because I've given Mrs Y you know, the details, who she needs to contact. It was an environmental -- I'd say, "Ring environmental". If it was a police matter --

FM You would tell her to ring the police.

KP Yeah. If it's housing you ring housing.

FM So when you spoke with the police, in possibly early August, what did you tell them about the ? Did you explain all of the situation as you understood it?

75

KP All I explained to them was the fact that she'd been involved with a case, she was now going to the European Court and she was fighting really for compensation for what she thought was her right. And, as I've said before, the fact that this fence -- half of it had been across her garden so if she got a lovely new bit and then a piece that was a bit older but not bolted and that that was when it all started off. And then when it was revised and she was then told well, they wouldn't replace hers because it wasn't theirs, it was hers, that's when it really started to get nasty.

FM So you explained all of this to the police?

KP Yeah, and I explained that if we'd have had a camera we felt it would've shown one way or the other who or what was going on.

FM Did they give you their view about the level of the problem, what they considered to be the issues?

KP No.

FM And in terms of the Antisocial Behaviour Team, did you publicly criticise the work that they did following your concerns about what had happened in this case?

KP Publicly?

FM Yeah, I understood there was a newspaper article written about -- where you commented on them?

KP Don't remember.

FM Okay.

KP Let's have a look.

FM That one.

KP That one.

FM 20 July.

KP That's true, yeah.

FM Was that written on the basis of just this case or another?

KP It's about hedges.

FM There are a number of other --

KP It's about tall hedges. It's nothing to do with anything else. I mean, what they've said is it's now going over to mediation, I believe. It's nothing to do with anything else, no.

FM Okay. So, that wasn't as a result of this case?

KP Yeah, for the fence -- not fences, but it's high hedges.

FM Okay. But you admit that it's mentioned there? So it says, "I went to the unit last week to do with neighbour dispute cases and that they said they were too busy." So this isn't the case?

KP No.

FM Okay. So it's not about this case?

KP It's about high hedges.

FM Lovely. Okay, that's fine. And is there anything else that you think I need to know? I mean, do I have everything that you think I should know about?

KP I mean, I would hope that you would speak to Maureen Stringer and Andy Owen, who was the constituent at Emsley.

FM Maureen Stringer is for the Mediation Service?

KP Yeah.

FM Lovely, okay.

KP She knows Warren Davies more than I do because I believe they work together.

FM Yeah. Okay. What do you think that they would be able to provide us then?

KP I don't really know. She may be able to say if Warren had discussed the case with her, you know, if he was aware of -- because they had been doing other neighbour disputes with Mrs S in

FM Yeah. You see in terms of what I need to do -- I've obviously read out paragraph 3 of the Code of Conduct. I mean, in terms of what I need to do -- whether people knew already -- the fact is that if the evidence is that you're raising these issues, whether you know or not -- whether they know or not, that in terms of the definition of response and confidential information it will still be that you're disclosing because you're telling this information. I mean, do you see that's the difficulty?

KP Yeah.

FM Is there anything that you want to say about that?

- KP No. I wish I hadn't spoken to Warren Davies and I still feel equally sorry for Mrs S as I did the first time I met her.
- FM Yeah.
- KP And I genuinely thought this could help create a situation where the whole disturbance between these people would cease.
- FM Yes. Do you think that the information -- I know we've kind of covered some of this already --
- KP That's alright.
- FM But did you think that the inclusion of that bit of the information, the bit about the bitterness felt by Mrs S that that would kind of push it up to a level where they would think that they could've justified putting the cameras in?
- KP I think so, I think so, yeah. I think it would've resolved a lot of situations for both Mrs S and what was going on in which I don't know the details, which what was going on with numbers, . It would have been helpful without a doubt I honestly believe. I mean, I've had a case, which wasn't as bad as this one I have to say. It was bad. It was just an elderly couple and one nuisance neighbour and their daughter is in her mid 40s and they came to me in desperation and I rang the Antisocial Behaviour Team. They were not worried. They came out and just sat with them. I wasn't there. Just sat with them and talked with them. He put a camera up the next day and within four days the issue resolved.
- FM Do you think this matter could've been resolvable?
- KP Absolutely, yeah, it had to be resolvable. I mean, it's such a shame what's going on now because, as I say, the Y's, they've had to give up what was a lovely comfortable home because they couldn't bear it anymore. It's all a shame, it's all a mind thing. It may be, but when you live in it day in and day out --
- FM I know, it's huge for them, yeah.
- KP It's absolutely -- and they're elderly, you know, and vulnerable and frightened.
- FM Yeah. That means you'd be home more often and you'd be dealing with it.
- KP Yeah. But just a few days, I believe, that would've resolved it and giving Warren the information I thought I was doing the right thing to show the importance of getting it resolved. It was the importance of getting it resolved and it would've been great if it'd been a win for Mrs S
- FM Yeah. No, I understand.

- KP And I don't know whether it would've been because I don't know. I just don't know.
- FM Because I know you would've done everything with the best of intentions. I know you would, yeah.
- KP Yeah.
- BC It's very difficult for elected members. Everybody wants to tell you their private business.
- FM Yeah, I understand that.
- BC And you trust officers. I mean, this is shaken me today, you trust officers. As far as there's an excuse for blurting it out there's no excuse as far as I'm concerned. Nobody would make me blurt anything out.
- FM The issue is still -- I don't think it was that it was blurted out and I think that information could be pulled out of you --
- KP She's very strong, isn't she?
- FM Very strong. And she comes across in a very assertive way.
- KP Yeah. This was what I was trying to say to her when she rang me up during this Harding's case, was when she phoned, yeah, and I can understand these are people getting upset because she was dominating to them. I mean --
- FM Yeah, and that may be just her manner.
- KP Yeah, that's right. That's what I was trying to say when she rang me. I mean, she could get a word edgeways, I never got a word in edgeways but you can't with Mrs S, you just have to listen.
- FM Yeah.
- KP And, as I said to her, she may not have been intentionally ordering about but that's how it came across.
- FM Yeah, and I can absolutely understand that.
- KP That's how it came across.
- FM I can understand that. I mean, the problem that I have here is that I understand that, I understand that you had the best of intentions in giving that information. I struggle --
- KP But I would say sorry to Mrs S. If it's really hurt Mrs S, I would say sorry to Mrs S because I had the best intentions both for her and for the elderly people. Not just for the -- I mean, she says somewhere that I'm kind of on

their side. I've not been on sides which is why I got mediation. I've only ever advised the Y's and the other old people what to do, where to go.

FM I mean, I absolutely understand that and you've been so clear and I appreciate that.

KP The only person that I brought in was Mediation and that's when Warren -- I'm sure Warren came that day with Maureen Stringer. I'm sure.

FM No, I really appreciate that.

KP And I had a cup of tea and I left them to it.

FM Yeah. And I do understand that. I mean, the difficulty that I can see is no matter what the intention was the fact that this information -- and no matter what the officer did - I mean, that's not something that I can deal with because it's not something that we look at.

KP No, that's right.

FM But in terms of the information that was given to you quite a long time ago it was then used for another purpose, without consent, and passed on. And I know that you see a correlation there and I think in terms of her behaviour you're possibly right, but the fact is --

KP And, of course, knowing Mrs S and knowing how she tells people about all this case, it was never said to me its confidential from the day we met. At no time did she say, "What I'm telling you is confidential". I mean, I know it was sensitive.

FM I think the nature of the information there's going to be --

KP That's why I kept it, yeah, sensitive.

FM Absolutely. And I think in terms of the information a lot of information could be borderline, not really sure if it would be confidential.

KP Yes.

FM This information I think, given the nature, was something that very clearly you haven't been walking around town blurting out.

KP No.

FM Because you felt very -- that this was something that --

KP I mean, I have to say my biggest worry is that when this hits the press, this -- what everybody thought, it will hit the press.

FM Not necessarily.

KP And, you know, they're very thorough at finding out people's names.

FM Yeah.

KP And Mrs Ss going to be the one to suffer worse than me.

FM Yeah, I understand that.

KP That's worrying.

FM Yeah.

BC Things do unfortunately in Walsall have a way of getting into the press, we don't need you to do it.

FM We certainly wouldn't be doing it.

KP But it will go on line, won't it? It will go on line.

FM It will.

KP Yeah.

FM The complainant's name wouldn't be mentioned at all.

KP Right.

FM When you look on the --

KP Because of the nature of the case?

FM Well, no, when you look at the -- it's a decision that our Policy and Guidance Section took quite a long time ago. So when there's a case summary on the Internet if you look through the complainant's never identified.

KP They used to be. I'm not sure if they are.

FM Not since I've been here they haven't been. So, at least for the last couple of years. In draft reports they are and in final reports, but -- and certainly the nature of the information would be -- I will not go into any details about that in the report because I don't want that information to be --

KP Because that would be terrible.

FM I mean, I would make a special request to make sure that --

KP I mean, Mrs S -- you know, what she's suffered is just unbelievable.

FM Yeah, and I understand that. So, that's certainly something that we make sure is not outlined. I haven't asked about it because I don't want to know

because I don't want it to be included in anything that goes out to any of the people who will receive the report.

KP Unfortunately, there are one or two people in that street that would pass that information if they got wind of it --

FM Yeah, okay.

KP And one is another one.

FM Okay. Well, I mean, I think in terms of the information that I need I really appreciate you've been really clear with me today and really honest and I really appreciate all the information you've given me. I mean, I know that it's not a very pleasant process.

KP No.

FM And I know that me questioning you is very hard, but it's really that I need to try and find out as much as I can and try to understand the situation that you were in.

KP Yes.

FM And I think I understand that as a result of speaking with you today. So I appreciate that. Thank you very much for sitting in.

KP You're welcome.

FM I know --

KP Shall we contact mediation?

FM I'll see what information I need.

KP Okay.

FM It may be that the information you've given me is enough.

KP Okay.

FM But I'll have a look at that and certainly the standard's officer who's responsible for this -- he'll obviously be looking through all of this and making -- he makes all the decisions. So it's not something that I do myself. Is there anything else that you want to add?

KP No. Just one of those statements that went in, you know, the way that I --

FM You mean the information from Mrs S

KP Yes.

FM I mean, I have to say I'm -- you've been very clear about the information that's been provided, yeah.

KP And it's not something you just -- I just would not refer to her or anybody as people like her or people like them.

FM Yes. Would you have said people like her were bitter?

KP no way did I ever say --

BC Did Warren Davies say that he said that?

KP I don't know.

BC If this was me in your position Kath I would want to know if at all possible if Warren Davies said that he said that -- that you'd said that, those words.

KP And will that be in the report?

FM Yeah, any information that we've got that is relevant, that we consider to be relevant, will be included in the report, and anything that's been relied on. So, I mean, the information from you will obviously go in there. Actually, is it possible to get a copy of one of those letters, the one that you sent to Mr Hussain? That one there.

KP That'd be fine.

FM Yeah. Actually -- and maybe a copy of the bottom there as well, that's the other one that you sent. In terms of the -- I know we've spoken about what you actually said to Mr Davies and what you said to Mr Hussain, and I think the information was that you talked about the fact that she'd lost out not once but twice now and that she was bitter as a result.

KP Yes.

FM Now, that -- I can see how -- I mean, sometimes it's not that people say you've said exactly that, it's that people turn that around --

KP Yes.

FM You said, "She's missed out twice and she feels quite bitter. You know, I can understand how she feels quite bitter as a result". That may be what you said and that may be turned around and added to slightly when it -- I mean, you know, that old children's game of Chinese whispers. All it takes is a few people to get to her and then it's changed completely.

KP One thing I can't understand why she's got this viewpoint that she says that I was supporting the Y's big time, or something like that, because how would she know?

FM I mean, I guess I'm not --

KP I didn't feel I was supporting them big time but they just happened to ring me up and --

FM Exactly. I'm not in a position to be able to comment.

KP I wonder how she would even know. And perhaps -- but, I mean, perhaps --

FM I was just going to say perhaps look at this way, if I was putting myself in that position you wouldn't necessarily know that it was Mr and Mrs Y " " calling you all the time.

KP That's right.

FM You'd probably just be aware that they're speaking to you all the time. So, you wouldn't know who was calling who, you wouldn't know the level of the relationship, and so possibly to someone on the outside that would seem like you were on their side, despite the fact that they were calling you to alert you that they want something done about this and could you help them, as their constituent member. So, I mean, that maybe where that came from.

KP Yeah, it could be.

FM So, I mean, it's just an idea. I mean, I don't know.

KP I have to say that she was always watching everything that they did.

FM Yeah. I mean, you know, and if they feel -- she feels that they're --

KP She saw that a few times.

BC But doesn't this show, yet again, how vulnerable elected members are.

FM Absolutely.

KP Very vulnerable.

FM Absolutely, yeah, I know.

BC I mean, it's difficult; for anybody it's difficult.

FM I think in terms of -- you know, I absolutely understand why these things have happened in the way that they did. So I really do appreciate that today. So, thank you very much. I will -- is there anything else you want to add before I stop the recording?

KP No, I don't think so. No, I think we've said everything.

FM Thank you very much for your time today.

KP No problem.

FM And I apologise for my lateness.

KP Shall I get those copied for you?

FM That would be grand.

**[End of Interview]**

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## Telephone Note

Standards Board  
for England

Case number: SBE12036	Name of Caller: FMM
Date of call: 23.01.06	Name of Recipient: Mrs S
Time of call:	Ph: 01922862583

I telephoned Mrs S to clarify a few points. I first told Mrs S that the report has been written and it was considered to be important to provide enough detail about the subject matter of the 'confidential information' so those reading the report will know exactly what kind of information we are talking about. I told Mrs S that we have tried to keep the information as generic as we can and we haven't named the or provided the circumstances

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I told Mrs S that in the first instance the report will be sent to her, Councillor Phillips and the Monitoring Officer of the Council, who is usually a senior officer within the legal department and the report is confidential and can't be disclosed to anyone. She said she has no problems with that because Councillor Phillips already knows about the subject matter and the monitoring officer would understand about confidentiality. I ran through the possible findings with her again and said that if the matter did progress to a hearing then we would request that the information about the be heard in private although that decision would be up to the Committee or Tribunal. She said she was fine with that.

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I asked Mrs S what was her purpose for telling Councillor Phillips the information. She said she was and the way the law stands at the moment, she is unable to get compensation. She said that she went to the police about the to get justice and that decision had nothing to do with financial gain but at the end of the court case the police told her about the Criminal Injuries Compensation Board and this was the first time she had heard about it. She said the police encouraged her, and the other victims of the crimes, to make an application to the board. She said the law is that if you were

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She said so she only just missed out. She said the other victims of crime were able to get some compensation. She felt this was very unfair and so she approached her MP David Winnock. She felt he was quite dismissive and she felt that because of the subject matter he didn't want to get involved. She then went to Councillor Phillips because she'd heard Councillor Phillips was good at helping people. Mrs S went to her because she needed assistance to try and get the law changed in relation to such compensation – she didn't feel it was something she could do on her own.

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Councillor Phillips said she would write to David Winnock and she expected her to give him a push to help Mrs S. Mrs S gave Councillor Phillips the information on the basis that it would only be disclosed for the purpose of getting the law changed, such as writing to David Winnock. Mrs S didn't tell Councillor Phillips "you're never to discuss this with anyone". Mrs S said she wouldn't have thought she would have to tell her it was confidential as it was common sense and common sense would tell her

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she shouldn't discuss it with anyone. She is a member and a magistrate and Mrs S knew this before she went to see her and assumed this would mean she understood confidential information. She didn't tell her straight out that the information was confidential because she didn't think she needed to. Mrs S felt that nobody should have to be told that that information was confidential. Even when the court case was on and the press reported on it the newspapers were unable to print the victims names, or anything that would identify them as it was against the law to do this. It was so clear the information was private.



# Walsall

Metropolitan Borough Council

NM14

Labour Group

Councillor Barbara Cassidy

RECEIVED  
28 MAR 2006

The Standards Board for England,  
1<sup>st</sup> Floor,  
Cotton Centre,  
Cotton Lane,  
LONDON.  
SE1 2QG

21<sup>st</sup> March, 2006

For The Attention of Nick Marcar

Dear Mr Marcar,

I am writing in connection with Councillor Kath Phillips from Walsall and an interview with a member of your staff which took place in Walsall on December 6<sup>th</sup>, 2005 surrounding a complaint made against Cllr Phillips by a member of the public. I was Councillor Phillips' companion at that meeting. I make no comment here about the content of the meeting or the allegations made and the subsequent refuting of them.

However, I must say that I was very upset at the close of the meeting and felt very distressed for a matter of some days hence. The reason for this distress was that I felt very strongly that the interviewer (who I thought was on a fact finding exercise) appeared at times to be openly hostile and aggressive towards Councillor Phillips. The lady flushed visibly and questioned Councillor Phillips in the manner of a prosecutor for some considerable period of time. It really was, at times, like being in court – or how I imagine that to be as I have, fortunately, never had to attend.

I have felt for some time that I should bring this matter to your attention but I have been galvanised into action by reading the article in the local government magazine "First" dated March 11<sup>th</sup>, 2006 regarding the role of officers which clearly states that they should fact find for the independent tribunals and not act as prosecutors.

Yours Sincerely,

Cllr Barbara Cassidy

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DEPT DATE .....  
ACKNOWLEDGEMENT  
DATE ..... BY .....

28 MAR 2006

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RECEIVED  
28 FEB 2006

The Standards Board for England  
1<sup>st</sup> Floor  
Cottons Centre  
Cottons Lane  
London  
SE1 2QG

24<sup>th</sup> February 2006

For the attention of Nick Marcar

Dear Mr Marcar

REFERENCE: SBE 12036.05

Thank you for the opportunity to comment on the draft report produced by Fiona Morris. Thank you also for allowing me extra time to consult my Legal Advisor.

I recognise that I may have spoken out of term in respect of Mrs S ; albeit not maliciously but with the best of intentions to resolve an ongoing dispute between neighbours.

For that I unreservedly apologise to Mrs S for any hurt or distress she has felt. I have always had the utmost respect, compassion and understanding for this lady.

Following on from discussions with my Legal Advisor, wracking my own brain on the events (so much so I suffered a T.I.A. 21<sup>st</sup> December 2005 just 2 weeks after my interview ). I would wish to make the following comments.

#### Summary:

1.2 Mrs S never told me this was in strict confidence as I have always maintained. Mrs S did tell others including her MP, at our first meeting a three way conversation took place with his secretary. She also told Warren Davies . I was not aware at any time, that the information I had been given was in confidence.

#### Relevant Legislation

2.2 and 2.4 Please remove from report as not relevant to the complaint.

2.5 Please remove from report as not relevant to complaint.

#### Councillor's Official Details

3.1 My current term of office ends May 2006. During that period I have received much confidential information and shared with officers when necessary in sensitive matters. Both with ASBO officers, Environmental officers, Health Officers and even the Police.

I would have liked the opportunity to disclose more about myself as an individual at interview and would have hoped that would have been considered. I have been a Magistrate since 1982 serving Walsall and Cannock for 24 years without any complaints. Always being honest and fair serving the

Fiona Morris

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DEPT DATE \_\_\_\_\_  
ACKNOWLEDGEMENT  
DATE \_\_\_\_\_ BY \_\_\_\_\_  
28/2/06

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Community. For 21 years I have served my Church, much of that as a Pastoral visitor sharing confidences, caring and loving those I was serving. Helping Asylum Seekers, collecting food and suitable clothing. In six months raising over £4000.00 for our local Hospice appeal. Not being able to say "no" to someone in need. As indeed was the case with Mrs S. I request this information about my character is included in the report.

Evidence and Ethical Standards Officer's Conclusions on the Facts:

4.6 I would like this paragraph to be amended with additional words Mrs S (stated in interview) the information she provided Councillor Phillips was given in strict confidence and, other than Mr Winnick she did not expect Councillor Phillips to disclose the information to anyone else. Mrs S did not make sure Councillor Phillips was fully aware of the strict confidentiality.

4.8 Should read. Councillor Phillips took the issue very seriously and assured Mrs S she would do her utmost in trying to change this law. Councillor Phillips took the matter to her Labour Party Branch who adopted a resolution, (which Mrs S had help to word) which was subsequently sent to the Constituency Party Who in turn forwarded the resolution to the Labour Party National Executive.

4.11 Please amend final sentence to read Councillor Phillips stated that at this time she was unaware that Mrs S was the person Mr and Mrs y and other neighbours were complaining about.

4.13 I would like to clarify a point here. I called upon Walsall Mediation with a view to resolving the dispute between the neighbours' It was they who involved the ASBO officer Warren Davies. It turned out 'Mediation and ASBO team' were already involved in a case with Mrs S

4.14 Please include 'Environmental Health'

4.17 Appears to be about personal opinions. Was evidence asked for here? What relevance does it have to the complaint? I request the section beginning "Mr Davies stated....." and ending "any further action" be removed.

4.18 Did Mr Davies have notes of our conversation or a recording? How could he untangle what he knew I said from what he already knew or thought I'd said after so many months, I certainly couldn't remember so much detail. I also feel little regard has been taken here to what I said. I request that unless there is notes, a recording or other evidence that this section be removed.

4.19 All through my interview I stated I wanted the dispute resolved. An ASBO was not necessarily the answer. As stated many times a camera would have resolved this dispute. Also I NEVER suggested eviction. I knew from visiting Mrs S that her house was privately owned most definitely not a housing trust property therefore eviction would never be in the equation. It was also what the fence issue was about. If Mrs S house had been of the Housing Groups then perhaps they would have provided a fence. I request this section be removed unless the comments attributed to me can be substantiated (they cannot be).

4.21 I did not refer to ..... The compensation yes. I find it hard to refer to ..... at any time. In fact in the interview notes I refer to "it" I may have said ..... Under pressure in interview I think I submitted to questioning and admitted to something which I did not do because of the pressure the interviewer put me under. In my heart and after much soul searching I honestly believe I did not refer to ..... or as stated by Warren Davies go into detail. Simply NOT TRUE. I therefore request this section be removed unless substantiated

4.24 Again under duress, by this stage of the interview, I admitted to something I did not do. And I am convinced Warren Davies was already aware of Mrs S situation. This has proved to be the case according to this report. I therefore request that Section 4.24 be removed in its entirety.

4.26 The information offered only referred to loss of compensation and ..... The report needs to clarify this.

4.27 Last line I don't know where that came from and would like it deleted please. (crimes against

84, 85

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her). Again I would state Mrs S is more bitter about losing out on compensation - that is what I was referring to - I ask that the report makes it clear.

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4.28 Again, whilst under duress and not being able to explain how I knew Warren Davies knew about the case. Desperately trying to remember, and I didn't want to give a false impression. In hindsight HE must have told me. There is no other way I could have known. Confidential information is often shared between Members, Officers, Police ASBO team or even Heath Officials. It is hard to remember months later who told who. Most times information is shared then put to the back of the mind. I request the report makes clear that I knew Warren Davies was aware of the issue because he told me that he was.

4.29 As above.

4.30 I would like the wording to read with hindsight it would have been better, and for it to be made clear that I am of this view IF I had given the information to Mr Davies : but I did not.

4.31 Supports my view - Warren Davies did know Mrs S's history. I would like the report to make reference to the fact this supports the evidence I have given of my understanding of what Mr Davies knew.

4.32 Remember it was Walsall Mediation who introduced Warren Davies into this neighbour dispute as they were already involved with another case involving Mrs S. As we have heard Mrs S tells people in great detail of her plight. Therefore I believe I had reasonable grounds for believing he knew, from another source, not me. I want the report amended accordingly.

4.33 Where is the evidence? What Complaint? If it cannot be substantiated. I ask that this section be removed.

4.34 4.35 4.36 4.37 Not relevant to Mrs S's complaint. Please remove.

(The Newspaper article as explained in interview was about Walsall Cabinets decision to have the ASBO team deal with 'High Hedges Disputes'. I was not knocking the unit I was saying they would not be able to cope with what could be a massive amount of extra work. They were already stretched to the limit. The quote in the paper says I went to the unit last week. I did not physically go to the unit I spoke to Officers on two other cases. One was in relation to , where a couple have suffered for six years from unruly and drug taking neighbours. That time I spoke to . This couples plight has been recorded by Bloxwich Health Watch many times and by Bloxwich Focus Group many times. The other matter I had been trying to resolve was in relation to ( . This again was with the help of I and . Everyone understands the pressures this team is under. To add High Hedges to their work load was preposterous. As mentioned in my interview this has now been placed with Mediation Services. At no time was I asked by Officers to comment on the article about trees. Had I criticised any Officer our Chief Executive would have invited me to discuss the matter. I was criticising the Cabinet).

4.38 What statement? Not relevant to Mrs S's complaint. Please remove

4.39 What evidence? In light of my previous comments this section should be re-written as it is not reasonable to conclude I was the source from which Mr Davies heard about Mrs S's previous abuse.

4.41 When did Mr Davies speak to Mrs S . Second sentence based on "impression" not facts. Please remove

4.42 This was all news to me. I cannot find it mentioned in interview. Please remove.

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4.43 Again this was not mentioned at interview. Please remove.

4.44 Sgt. Spanner did telephone me to see if I would mind going to chat with him about Mrs Y's case. I agreed. It was very informal. I went through what had happened. He told me Mrs S had made a complaint to them about me talking to Warren Davies but he also said he had told her that it was not a Police matter. Please include this in report.

4.52 This statement is much more like the real conversation with Warren Davies, and the report should reflect this. My references, however inappropriate were to compensation, not :

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4.55 I would not say "yeah" but yes. Moreover, I am very doubtful that I did do this and would prefer that neither "yeah" or "yes" is included and instead replaced with "I possibly did at that meeting but I am not sure" It was the pressure of the interviewer that made me say things I did not mean.

4.57 Again the reasons is the compensation issue.

4.60 Legal advice is that it was a reasonable expectation for confidentiality to be kept when working with the ASBO team. As had always been the case with other ASBO Officers.

4.61 Not mentioned in interview. And I have never had a response from Mr Hussain to this day. Please remove.

4.62 This again was not mentioned at interview. If this is the case why do ASBO Officers give out there card with telephone details to Elected Members. I currently have two Alan Poole and Barry Keogh. Please remove this section.

4.64 At this stage of my interview I really was too worn out to even consider the questions any more. Under ordinary circumstances I would have said "On a need to know basis." As I have explained earlier with my experience with other professionals I honestly believe this lack of compensation and being let down again would be a driving force for Mrs S. It was the compensation I was referring to; wrongly interpreted to mean :

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4.65 4.66 and 4.67 Are not so much about the individual case in question; but more about being confident to disclose information to ASBO Officers or others in the battle against Antisocial Behaviour. Please remove these sections.

4.68 As stated at the beginning of my response to this draft report. I unreservedly apologies to Mrs S for any hurt or distress she has felt. I have always had the utmost respect, compassion and understanding for this young woman. I request this is include in the report.

#### Reasoning

5.3 As I have already said. I discussed the matter with Mr Davies in order for him to have a better

understanding of the problem in hand. I apologies unreservedly for any distress caused by my action to  
MS

It is not true that I offered "no reason" for my disclosure to Mr Davies -5.10

I trust you will now take into account my comments and remove those passages which have no  
relevance to MS ; complaint. And perhaps allow me to apologies to MS

Yours sincerely

Kath Phillips

Kath Phillips

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21 April 2006

**PRIVATE & CONFIDENTIAL**  
Cllr Kathleen Phillips



the  
**Standards Board**  
for England

1<sup>st</sup> Floor  
Cottons Centre  
Cottons Lane  
London SE1 2QG

Enquiries: 0845 078 8181  
Fax: 020 7378 5155

[enquiries@standardsboard.co.uk](mailto:enquiries@standardsboard.co.uk)  
[www.standardsboard.co.uk](http://www.standardsboard.co.uk)

Dear Councillor Phillips

**REFERENCE: SBE12036.05**

I refer to my letter dated 01 February 2006 and advise that the investigation into Mrs S's allegation has now been completed.

My finding is that, pursuant to section 59(4)(c) of the Local Government Act 2000, the matters which were the subject of investigation, should be referred to Mr Bhupinder Gill, Monitoring Officer for Walsall Metropolitan Borough Council, for determination by the Council's standards committee under The Local Authorities (Code of Conduct) (Local Determination) Regulations 2003. In accordance with the requirements of section 64(2) (c.) of the Act I have sent a copy of my final report to Mr Gill, Monitoring Officer of Walsall Metropolitan Borough Council. You will hear from Mr Gill in due course. I should add that when Mr Gill sends you a copy of my final report with supporting papers the names of Mrs S and others will have been redacted.

Thank you for the comments contained in your letter dated 24 February 2006 in response to the draft report.

I have incorporated your second and third paragraphs into the final report at what is now paragraph 4.73. For ease of reference I will provide the rest of my response to your comments using the same paragraph numbers as in your letter. Please note that these paragraph numbers will be the same as the draft report but this final report has had paragraphs added to it so the paragraph numbers in this final report will be different.

1.2 This paragraph provides a summary of the allegation made by the complainant as referred for investigation.

2.2 and 2.4 These paragraphs have been removed.

2.5 This paragraph remains in the report as the Member/Officer protocol is referred to in Section 4 of the report.

3.1 Your current term of office has been included in the report. In relation to your comments about your background, as it is non-Council related I do not consider it is relevant to the current matter. However your response to the draft report is included in the bundle of documents forwarded with the final report to the Monitoring Officer for the Standards Committee to consider.

4.6 and 4.8 These paragraphs relate to Mrs S's evidence and accordingly it would be inappropriate to amend them.

4.11 This investigation only related to the dispute between Mrs S and Mr and Mrs Y and accordingly I have no evidence in relation to any other neighbour dispute at this time.

4.13 Your comments do not appear to require this paragraph to be amended as it seems to be factually correct. In addition I have no evidence in relation to any other neighbour dispute at this time.

4.14 This paragraph has been amended.

4.17 This paragraph contains Mr Davies' evidence.

4.18 This paragraph is Mr Davies evidence of his telephone conversation with you, obtained through a file note he wrote and his interview with my investigator.

4.19 Again this is Mr Davies evidence and Mr Davies stated you raised the issue of evicting Mrs S as he detailed in both his file note and interview with my investigator. I have amended this paragraph to include your denial of raising this issue. In addition I note that Mrs S says you have never visited her at her home in relation to this matter.

4.21 Mr Davies evidence is that you did refer to , not just the compensation issue. However your amended evidence as detailed in your comments has been incorporated into the final report. 90

4.24 This is a direct quote from your interview and accordingly I consider it appropriate for it to remain in the report. I have outlined in the report your claim that you were placed under duress by my investigator during your interview as your explanation for your amending of your evidence.

4.26 The report clarifies that your evidence as detailed in your comments on the draft report is that you only referred to the compensation issue, not the 91

4.27 This last line has been amended to a direct quote from your interview with my investigator.

~~4.28-9 The report clarifies that your evidence as detailed in your comments on the draft report is that you consider Mr Davies knew about the case and must have told you.~~

4.30 I note that this paragraph was a direct quote from your interview with my investigator.

4.31 I note that there is no dispute that Mr Davies already knew the information but whether he told you the information. This is dealt with in the report.

4.32 It is my view that you did not have reasonable grounds for believing that Mrs S had already told Mr Davies the information.

4.33 This paragraph has been amended in order to reflect that this is Mr Davies' evidence.

4.34-4.37 These paragraphs relate to Mr Davies' evidence and I consider they are relevant to this matter.

4.38 This statement is referred to in paragraphs 4.27 and 4.43 and I consider it is relevant to this matter as it contains Mr Davies' contemporaneous evidence.

4.39 Mr Davies evidence is contained in his statement dated 29 July 2005, as detailed above, his email to Mr Hussain dated 20 October 2005 and his interview with my investigator.

4.41 This is Mr Davies' evidence which I consider relevant to the matter in hand and consequently do not consider it appropriate to remove this from the report.

4.42-4.43 This is Mrs S 's evidence which I consider relevant to the matter in hand and consequently would not be appropriate to remove from the report.

4.44 Your comments are noted. However they do not alter Sergeant Spanner's evidence to my investigator as detailed in this paragraph of the report. As requested I have not referred to the second part of your response to this paragraph in my report.

4.52 This paragraph is a direct quote from your letter.

4.55 This paragraph is a direct quote from the transcript of your interview with my investigator. I have amended this paragraph to include your amended evidence.

4.57 Your comment is noted.

4.60 Your comments are noted.

4.61-4.62 These paragraphs are Mr Hussain's evidence and they have been amended to reflect this.

4.64 This paragraph has been amended to include your altered evidence.

4.65-4.67 I consider your views as contained in these sections to be relevant to the current matter and accordingly I have left them in the report and have included your comments.

4.68 The report has been amended to include your comments concerning the apology issue.

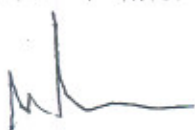
5.3 and 5.10 Your comments do not alter my reasoning in these paragraphs.

If the standards committee find that you have failed to comply with the Code of Conduct, you may be able to produce evidence as to your character, either by your own testimony or through other character witnesses. This may be something, in addition to the procedures generally surrounding the Standards Committee hearing, you may wish to discuss with Mr Gill directly.

Any matters arising following the issue of this report until the hearing will be dealt with by the Standards Board for England legal department.

I have also passed on to Mrs S. your unreserved apology for any hurt or distress she has felt.

Yours sincerely



Nick Marcar  
Ethical Standards Officer

Enc.

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RECEIVED  
10 FEB 2006

7th February 2006

REFERENCE: SBE12036.05

Dear Sir/Madam,

I am writting in reply to the draft report you sent me dated 01 February 2006, as I do wish to make coments on this report.

I would like to start off by saying thank you to you and your staff for doing such an in depth report for me, but sadly I have to point out that after reading this report I have been left feeling even more upset let down and hurt and not to mention totally amazed at what I have read in this report about just what exactly Councillor Phillips has been saying about me without my consent or knowledge.

There are lots of things brought up in this report that I had no prior knowledge of.

The best way for me to reply to this is to go through it stage by stage, i hope this will be ok for you.

In reply to 4.8

I would like to point out that the matter of me claiming compensation is still on going as a lady from Scotland has taken up this issue about the date with the European Court Of Justice, and until that has been heard ( which it has not yet) all case of compensation relating to the same issue have been put on hold, I do have proof of this in letters sent to me from the Criminal

Injuries Compensation Board should you need to see them.

In reply to 4.9 4.10

It is correct that in early 2004 the fence became unstable due to weather damage and it just being up for so many years, my husband and I spoke on a few times with Mrs 7 over the top of the fence about the state of disrepair it was in and we both reported it to BHG, me because we had a safety issue with our children and them getting out into ; and getting injured. At no time was there any conflict at all between Mrs 7 and myself or any member of my family. There has never been any noise related issues between us and the Ms

In reply to 4.11

there was no deterioration in any relationship between myself and my family or the Ms the only times we ever spoke were to talk about the fence and if my husband had cut our conifers and debris had fallen over onto the Ms garden he always offered to go round and clear it up, but nine times out of ten Mrs 7 with say that there was no need as it was only minimal and she would see to it.

In reply to 4.12

I can only presume that the Ms contacted Councillor Phillips on March 7th 2005 as on March the 5th 2005 my husband and I after lengthy debate with BHG were told by them that as it was our boundary that the fence was on it was our sole responsibility to repair or replace it. As we could not continue to wait as the safety of our children getting out into was our utmost concern we decided to replace the fence.

Out of a matter of courtesy to the Ms and the tenant next door to them which the fence spanned we wrote them a

letter telling them of our intentions. ( I have enclosed a copy of the is letter which you can see was dated 5th March 2005 two days prior to the Ts contacting Councillor Phillips)

And although the letter is to the point I do not think it was offensive in any way and that it was not meant to be threatening at all, it was just to point out what we were going to do, infact we did not have to send them a letter we could have just gone ahead with what we wanted to do, put as the Ts had plants ect... attatched to the other side of the fence we considered it the correct way to go about things.

I never once had any conversation with the Ts about this letter.

The first I knew about them being upset by it was when I was contacted by Warren Davis to tell me that the Ts had been in touch with Councillor Phillips to say that we had sent them a abusive letter.

Warren agreed that he did not consider the letter to be in any way abusive.

Here I would like to point out that I made a phone call to Councillor Phillips to ask what it is I was supposed to have done where the Ts were concerned. She was very abrupt and rude on the telephone and told me that 'how dare i treat OAP's in the way I had and that I should have respect for people of that age and I should not verbally abuse or bully them ' I tried on a number of times to get a word in edge ways but with no luck Councillor Phillips was intent on barracking me down and using very long words which I have to admit I was unsure what they really meant but in her eyes I was guilty as charged and she would have it no other way at which the telephone call ended. I was left very upset and distressed by this event and contacted Warren Davis to inform what had happened.

I was informed by him to calm down and not to take it to heart as

it was his opinion that the 7's were using us as a means to an end, by that I mean Warren had be told that the 7's were trying to get rehoused and had been for 18 months and were using everything in there means to back there case. I do not mind being accussed of doing something if I have actually done it but to be accussed when you have done nothing is most upsetting. I have and have never had any quarrel with the 7's

In reply to 4.19

I was not aware until this report that Councillor Phillips had requested that me and my family be evicted from our home and feel very angry and upset that she saw fit to do so, on what grounds does she have for making such a suggestion ???

AT NO TIME DURING THESE EVENTS DID COUNCILLOR PHILLIPS CONTACT ME EITHER BY PHONE OR IN PERSON ABOUT OUR SIDE OF THINGS, SHE MUST KNOW THAT THERE IS NEVER JUST ONE SIDE TO A STORY, ESPECIALLY WHEN SHE IS SUPPOSED TO ACT IMPARTIALLY.

and that in question 4.18 she accuses Warren Davis as acting biasedly towards us, at least he went to see both parties involved, where as Counvcillor Phillips did not

In reply to 4.21 to 4.32

Although Councillor Phillips had knowledge of , as it has 92 been rightly pointed out to her WHAT HAS IT GOT TO DO WITH THE MATTER SHE WAS ASKED TO DEAL WITH, the simple answer is NOTHING AT ALL

she has made a judgement on my as a person by some very sensitive information I gave to her two years previous and has no right what so ever to do so. She says she gave out this information to show what kind of person I was and that I was bitter and angry. PLEASE TELL ME WHAT RIGHT SHE HAS TO DO THIS SHE IS NEITHER A DOCTOR NOR A QUALIFIED PSYCHIATRIST. She justifies her actions by saying I have been let down not once but twice, I must point out that she is wrong on both counts. As I have stated earlier my compensation claim is still on going and as for the fence BHG came and replaced all the fence along the bottom of our gardens in October 2005 which now puts an end the her theory that I was let down again, I was at odds with BHG as I knew that it was down to them to replace the fence and have now been proven correct.

Councillor Phillips states in 4.23 that she really feels for me, well how can this be the case when she is going around telling anybody she wants to all about my private life

In 4.29 she states that I tell my story to everybody firstly I would like to point out it is not a story it is fact and NO I do not go around telling everybody about my personal private business, unlike Councillor Phillips

This Councillor has caused me untold distress and upset, after reading this report I was left feeling even more upset. She sees that she has done no wrong and has a totally disregard for my feelings in any way what so ever.

In reply to 4.44

It seems to me after reading this report that when Councillor Phillips was informed by Sergeant Spanner on the 4th August 2005 that I was going to report her to the Standards Board for her conduct she has gone on a one man witch hunt after Warren Davis, so that she can take the spotlight off herself and put the

blame with someone else. She seems hell bent on getting this man the sack at whatever cost with no blame being put at her door. Warren Davis has always show his professionalisum when dealing with me and if at any time he has thought I was in the wromg ( which sometimes I have been ) he has saw fit to point this out to me. I see no reason why this man should be targeted in this way by Councillor Phillips. Someone who acts in this way she not be allowed to continue represting the people of this area

In reply to 4.47

I understand that the 75 have been rehoused but wish to make the point that this had nothing at all to do with me or my family which can be confirmed by BHG and Warren Davis.

In reply to 4.48 to 4.65

I now find out that Councillor Phillips has also told my personal details to a Mr. Nozmul Hussain again with no reasonable reasoning for do so as far as I can see, but just to discredit me as a person even after being told by Mr Hussain that he saw no relevance in this information being given to him it had no relevance to matter being dealt with Councillor Phillips felt that he needed to know so as to know what kind of person I was, as if she was the worlds authority about me after one two hour meeting three years ago. All this to try and get people on her side.

To finish off i would like to state that not only was I extremly distressed and upset about what Councillor Phillips had said to Warren Davis, without I might add not one ounce of evidence to back it up and it seems only to have been done to discredit my good name. But I now find out after reading this report she has gone all out to blacken my name and my character as well as

asking to have me and my family evicted from our home with no good reason, and to act so one sided in this matter is totally unacceptable as far as I am concerned. I am now begining to wonder if she can go around telling anyone and everyone at Walsall Council about my private affairs just who else has she told ??? Maybe she has even told the 73 about my past???

is something I have to live with for the rest of my life 93 and after plucking up the courage to go to the police and have the person responsible taken to court and in turn sentenced to ten years in prison, I feel I did what was the correct thing to do for me as a person to be able to live the rest of my life with some sort of closure and peace within myself. I did not for one minute think that seeking a Councillors help in trying to get the law changed not only for me but for everyone in the same situation as myself, would end up with it being banded about like a cheap bit of tasty gossip. I don't think for a second that Councillor Phillips can even begin to understand the distress that this whole matter has caused me and my family. At Seven months pregnant and having suffered problems during my pregnancy this is not something that I should have been going through at all. As you state she has offered no apology at all for her actions as she deems she has not done anything wrong at all and infact seems quite blarney about the whole thing. But I will point out that NO APOLOGY from Councillor Phillips verbal or other wise will be able to put right the damage she has caused me and my family. This whole incident has left me feeling totally let down by this Councillor and the system she works for, which is in fact there to help people like me, and not to go on a one woman crusade to victimise me, I am one of the people who help vote this Councillor into office, but never for one minute thought that I would ever be treated so unjust and victimised by one of them. I feel the system has let me down also which is the reason I stongly object to this matter being passed onto the Monitoring

Officer of Walsall M.B.C. after being treated this way I hold no confidence what so ever with Walsall M.B.C. or anyone working in conjunction with Councillor Phillips , going on what is in this report I feel that she would have no hesitation in trying to rally support for her cause with other Council Members and there for I feel I could not expect to have a fair hearing from anyone there so for this reason I ask that it be looked at by a adjudication panel from the Standards Board at least then I have the confidence that it will be dealt with fairly, this is the sole reason I wrote to the Standards Board in the first place and did not approach Walsall Council to deal with this matter.

yours faithfully,

Mrs S

21 April 2006



the  
**Standards Board**  
for England

**PRIVATE & CONFIDENTIAL**

Mrs S

1<sup>st</sup> Floor  
Cottons Centre  
Cottons Lane  
London SE1 2QG

Enquiries: 0845 078 8181  
Fax: 020 7378 5155

[enquiries@standardsboard.co.uk](mailto:enquiries@standardsboard.co.uk)  
[www.standardsboard.co.uk](http://www.standardsboard.co.uk)

Dear Mrs S

**REFERENCE: SBE12036.05**

I refer to my letter dated 01 February 2006 and advise that the investigation into your allegation against Councillor Kathleen Phillips of Walsall Metropolitan Borough Council has now been completed.

Before finalising my report, I considered carefully any comments received in response to the draft report, including those in your letter of 7 February 2006. Where I have considered it appropriate to do so I have amended the report.

My finding is that, pursuant to section 59(4)(c) of the Local Government Act 2000, the matters which were the subject of investigation, should be referred to Mr Bhupinder Gill, Monitoring Officer for Walsall Metropolitan Borough Council, for determination by the Council's standards committee under The Local Authorities (Code of Conduct) (Local Determination) Regulations 2003. In accordance with the requirements of section 64(2)(c) of the Act I have sent a copy of my final report to Mr Gill, Monitoring Officer of Walsall Metropolitan Borough Council. You will hear from Mr Gill in due course.

The comments contained in your letter dated 7 February 2006 will be provided to Mr Gill in order for them to be considered by the Standards Committee along with the other evidence in relation to this matter. In relation to your concerns about the Standards Committee this process was set down by statute in the Local Government Act 2000 and under the *Local Authorities (Code of Conduct) (Local Determination) Regulations 2003*, Ethical Standards Officers (ESOs) can refer completed investigation reports to monitoring officers for Standards Committees to decide whether or not a member has failed to follow the Code of Conduct and, if so, what penalty should be applied, if any. The committee has a range of sanctions at its disposal up to and including suspending a member for up to three months. I consider the sanctions available to the Standards Committee are appropriate in these circumstances. There must be at least three people on the Standards Committee; at least two of the committee members must be councillors and at least one must be independent of local government. If there are more than three people on the standards committee, at least 25% of the members must be independent. The reason for having an independent representative is to help increase public confidence and provide a clear signal that the committee is fair. The independent representative also brings a wider perspective from outside experiences. The process for dealing with matters at a local level should be the same for all members, no matter what political party they represent.

Confidence in local government

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The hearing will be open to the public, at least in part, and you can attend. It is possible that parts of the meeting may go into closed session and I have also redacted certain parts of the information I have passed to Mr Gill, including your name. However it is possible that, as the confidential matters relate directly to you, the Committee may allow you to remain.

I have made clear to Mr Gill the obvious sensitivity of this matter.

I should also add that in responding to a draft of my report Councillor Phillips has unreservedly apologised to you for any hurt or distress you have felt and I have told Councillor Phillips that I have informed you of this.

Yours sincerely



Nick Marcar  
**Ethical Standards Officer**