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Express and Star

News

Sandwell election: Councillor who admitted beating charge re-selected

By Thomas Parkes Sandwell Local elections 2022 Published: May 6, 2022 Last Updated: May 6, 2022

A councillor who admitted an assault by beating charge in court earlier this year has praised democracy after being re-elected to Sandwell Council.



Councillor Steve Melia held onto his seat

Councillor Steve Melia held onto his seat at the count on Thursday with 1,335 votes to Conservative Connor Jones' 1,169 votes in the Great Barr with Yew Tree ward.

The Labour councillor said he was the "best candidate" for the role contrary to "lies and slurs" and people had trusted him – as they always had done – within the area.

Councillor Melia was ordered to pay £200 compensation for assault as well as court costs at a Dudley Magistrates' Court hearing in February after an incident in December last year.

He had knocked the mobile phone out of a hand of blogger Julian Saunders – known as the Sandwell Skidder – amid a protest outside Sandwell Council House in Oldbury.

And the court was told by Mrs Shelia Hicklin, mitigating for Melia, said: "This is is a sad day. He will live with a stain on his character. He accepts what he did was wrong. He will not be able to serve after so many years. He will lose his council nominated positions. In effect this is the end of his political life."

But it wasn't the end of his political life, with the councillor being selected to defend his seat in the latest set of local elections – which he did with a narrow victory over the Conservative candidate.

Speaking after his win, Councillor Melia accused his opponent of asking for "recount after recount after recount", adding: "Thank you everybody, thank you to Great Barr with Yew Tree for your votes. Democracy wins in the end as it will every time. I was and still am the best candidate, contrary to lies and slurs. Mr Jones had asked for recount after recount after recount and I got a better result. Unbelievable.

"I will, as always, be out and about the ward day in and day out. Thank you all for your support and thank you to the tellers for your dilligence. I'm sorry it has taken so long but it was worth the wait, wasn't it?"

The councillor, speaking to the Express & Star after his win, said: "In spite of all the slurs, democracy has come through. The people have trusted me as they have always trusted me.

"There was complications at the count – nothing to do with the Labour Party. I couldn't believe he thought people couldn't count up to 25 – he (Mr Jones) had questioned a count of up to 25.

"But I am very pleased and happy to represent Great Barr with Yew Tree. I will be there day in, day out, on the phone, on the doorstep, or by email – I'm always available for people."

Councillor Melia, of Friar Park Road in Wednesbury, was handed a 12-month conditional discharge for the offence, ordered to pay £200 in compensation and £130 in costs as a result of the court case.

Birmingham Live

Councillor guilty of assault speaks for first time as he stands for re-election in Sandwell

Steve Melia, who represents Great Barr with Yew Tree, said he accepted what was said in court.

- **Bookmark**

BLACK COUNTRY

BY

Rhi Storer Local Democracy Reporter

- 15:48, 7 APR 2022
- **UPDATED** 15:55, 7 APR 2022



Councillor Steve Melia represents the Great Barr with Yew Tree ward for Sandwell council. (Image: Sandwell council)

A councillor who pleaded guilty to assault is standing to be re-elected in [Sandwell](#). Councillor Steve Melia, who represents Great Barr with Yew Tree, will be standing in his ward in this year's local election. In February, he [pleaded guilty](#) to assault by beating at Dudley Magistrates Court.

The 75-year-old, was conditionally discharged for 12 months and ordered to pay £130 legal costs and £200 compensation for the offence, which took place in Freeth Street, Oldbury. But this week he spoke out for the first time since the incident said he has had lots of support from the public.

The [Local Democracy Reporting Service](#) (LDRS) understands councillor Melia's suspension has been lifted, first instated in December, and as a result is eligible to stand for [Labour](#). The court heard Mr Melia had [knocked a phone](#) out of the hands of a blogger who was filming elected members entering Sandwell council chambers ahead of a full council meeting last December.

READ MORE: [Full list of candidates standing for local elections 2022 in Sandwell](#)

During the court case, Shelia Hincklin, defending, said the case marked 'the end' of Melia's political career. Deputy district judge Bal Dhaliwal said [Wednesbury](#) -born Melia had 'lost his good name' after years of supporting his local community. But according to this year's [candidate papers](#), Keith Allcock, a councillor for Newton who is standing in this year's local election in Sandwell, proposed to nominate him as a candidate, alongside an individual called 'J Ivor Norton'.

One source involved in local politics told the LDRS there had been 'no campaigns' in either [Great Barr](#) with Yew Tree or Charlemont with Grove Vale council wards by Labour. It comes as Jennifer Hemingway, who previously worked as a councillor in Nottingham, was announced to be standing in Charlemont with Grove Vale.

And another source said Sandwell Labour 'knew exactly what they were doing'. They said: "[Labour] wouldn't have had the forms until March 4 at the earliest, so when they put his name on that paper, they knew exactly what they were doing.

"My gut feeling is [Labour] had no one to stand in Great Barr with Yew Tree, so a small clique in Sandwell Labour decided to put Melia back. They knew it would get a reaction, so they must have ran it right up until the deadline to announce so that when nominations closed there was nothing anyone could have done about it." .

When approached by the LDRS, councillor Melia said he has been supported by all sections of the community in his local ward.

He said: "I was accused, I was suspended from the Labour party, and I accepted what was said in court. I have been widely congratulated by everyone for how I was in court. They believed I was very reserved in my actions as opposed to what was being said to me and other councillors at the time.

"No one I have spoken to has said I did anything wrong. They said it had no right to go to court, and I have had support from all sections of the community."

Councillor Melia dismissed claims of ‘no campaigns’ taking place in Great Barr with Yew Tree, and added canvassing and door-knocking across the ward was going ‘absolutely fine’.

Could you become a councillor?

You can be a councillor as long as you are:

- British or a citizen of the Commonwealth. EU citizens who were living in the UK before the end of the EU Withdrawal Agreement Implementation Period (up until 1 January 2021) would keep their right to vote and stand in elections.
- At least 18 years old
- Registered to vote in the area or have lived, worked or owned property there for at least 12 months before an election.

You can't be a councillor if you:

Have been sentenced to prison for 3 months or more (including suspended sentences) during the last five years

Have been convicted of a corrupt or illegal practice by an election court.

If you are already a local councillor and receive a three month custodial sentence or more (including suspended sentences) you will automatically lose your seat.

If you're looking to stand in an election to become a local councillor, the [Local Government Act 1972 \(section 80\)](#) states that if you have been convicted and received a prison sentence (or suspended sentence) of three months or more in the five years before the election, you are unable to stand in the election.

“There is a good reception on the doorstep. When you knock on doors, you don't always get support from everyone, but I am encouraged by the support I am receiving.”

Councillor Melia faces Connor Jones of the [Conservatives](#) and Mark Smith of the [Liberal Democrats](#) for a seat in the Great Barr with Yew Tree ward.

Polls will [open](#) on May 5.

https://www.birminghammail.co.uk/black-country/sandwell-councillor-pleads-guilty-assault-23050181?int_source=mantis_rec&int_medium=web&int_campaign=more_like_this

Birmingham Live

Sandwell councillor pleads guilty to assault filmed on phone

Steve Melia was conditionally discharged for 12 months and ordered to pay £330 costs

- **Bookmark**

BLACK COUNTRY

BY

Rhi Storer Local Democracy Reporter

Annabal Bagdi Senior reporter

- 12:40, 10 FEB 2022

- **UPDATED** 15:02, 10 FEB 2022

SANDWELL COUNCILLOR KNOCKS A PHONE OUT OF THE HANDS OF A BLOGGER

A **Sandwell** councillor has been given a conditional discharge after pleading guilty to assault by beating.

Stephen Roy Melia, often referred to as Steve, of Friar Park Road, appeared at **Dudley** Magistrates' Court today (February 10).

The court heard **Mr Melia knocked a phone out of the hands of Mr Julian Saunders**, who blogs under the title the Sandwell Skidder, filming elected members entering Sandwell council chambers ahead of a full council meeting.

READ MORE: Blogger films alleged assault by Sandwell councillor

Mr Saunders, 63, could be heard in the video saying to councillors: "Back to the future? More corruption? More cronyism? More incompetence?"

Councillor Melia then walked past, pointed a finger at Mr Saunders and knocked the phone from his hand in what has been described as assault.

Shelia Hincklin, defending, said the case marked "the end" of Melia's political career.

The retired electrical engineer - who receives £20,000 a year from his pension pot - initially admitted to police that he struck the phone from Mr Saunders hand, the court heard.

Ms Hincklin added: "He has led a law-abiding lifestyle. He has served the community. It's very sad today because it will be a day when he leaves with a stain on his career.

"He said what he did was wrong and he regrets what he did."

Deputy district judge Bal Dhaliwal said [Wednesbury](#) -born Melia reacted in the "heat of the moment" after "proactive remarks" were hurled at him.

He has now "lost his good name" after years of supporting his local community, she said.



Councillor Steve Melia was filmed during the altercation with a blogger. (Image: Julian Saunders)

The judge added: "It will come as no surprise to you that when someone is in the position and role that you had, that there will be widespread attention on your actions and comments on any other work that you are doing.

"That comes with the nature of the role that you were carrying out.

"On this particular occasion, it's clear and, in my view, unfortunate, that certain remarks were being made to you.

"Your actions went well beyond what would have been acceptable in this circumstances."

The judge added: "There is also no justification, in my view, for you to have to listen to the comments that were being made in this particular situation."

Ms Karen Cockitt, prosecuting, said the victim reported a dull ache to his hand but no bruising after the incident in Freeth Street last year.

She told the court Mr Saunders, whose phone suffered a small chip to its screen, had written blogs about Sandwell Council since 2013.

Melia was conditionally discharged for 12 months and ordered to pay £130 legal costs and £200 compensation for the offence, which happened last December in Freeth Street, [Oldbury](#).

When approached by the [Local Democracy Reporting Service](#), Mr Melia declined to comment further.

According to the website of the Local Government Association Model Councillor Code of Conduct, councillors may be in breach of a code of conduct if they bring their authority into "disrepute".

It says their behaviour is subject to greater scrutiny than ordinary members of the public, adding: "You should be aware that your actions might have an adverse impact on your role, other councillors and/or your local authority and may lower the public's confidence in your ability to discharge your functions as a councillor or your local authority's ability to discharge its functions."

Sandwell council was approached for comment.

<https://www.halesowennews.co.uk/news/19914370.councillor-given-conditional-discharge-damaging-bloggers-phone/>

Halesowen News

Councillor given conditional discharge after damaging blogger's phone

10th February

By Matthew Cooper, PA

Steve Melia and Sandwell Council House, at Oldbury.

A VETERAN Labour councillor who knocked a phone out of a blogger's hand while passing a noisy protest as he headed into a meeting has admitted a charge of assault by beating.

Sandwell Council member Steve Melia, aged 75, admitted the offence at Dudley Magistrates' Court on Thursday and was sentenced to a 12-month conditional discharge.

Opening the facts of the case, prosecutor Karen Cockitt said blogger Julian Saunders reported a dull ache to his hand but no bruising after the incident on December 7 last year.

She told the court Mr Saunders, whose phone suffered a small chip to its screen, had written blogs about Sandwell Council since 2013.

The prosecutor added: "As part of that work he regularly stands outside of Oldbury Council House before council meetings in order to question councillors heading into those meetings."

The assault, which took place as Mr Saunders was filming, coincided with a demonstration about the fate of a local golf course, the court heard.

Defence solicitor Sheila Hicklin said retired electrical engineer Melia - the chair of several local bodies including the Sandwell area armed forces and veterans parade committee - had been subjected to abusive comments on a daily basis outside the council's offices.

Ms Hicklin told the court: "On this particular day when this incident occurred, it's correct to say Mr Melia was going to the full council meeting.

"He accepts he went over the top. He did strike the phone out of Mr Saunders's hand."

Passing sentence, Deputy District Judge Bal Dhaliwal said there had been no justification for the comments made towards the councillor.

Ordering Melia, of Friar Park, Wednesbury, West Midlands, to pay £200 in compensation and £130 towards the costs of the prosecution, the judge told him: "It's clear and in my view unfortunate that certain remarks were being made to you.

"It's clear to me that you reacted in the heat of the moment.

"Having said that your actions went well beyond what would have been acceptable in this set of circumstances."

<https://www.expressandstar.com/news/local-hubs/sandwell/2022/02/11/sandwell-councillor-may-hang-on-to-seat-despite-assaulting-blogger/>

Sandwell councillor may hang on to seat despite assaulting blogger

By [Deborah HardimanSandwell](#) Published: Feb 11, 2022 Last Updated: Feb 11, 2022

Stalwart Labour councillor Steve Melia may retain his seat despite being sentenced to a 12-month conditional discharge for assaulting a blogger.



Councillor Steve Melia is shown in a video from Julian Saunders aka Sandwell Skidder

The 75-year-old, ward representative for Great Barr with Yew Tree, was also [ordered to pay £200 compensation for knocking a phone](#) out of the hands of blogger and protester Julian Saunders, aka Sandwell Skidder.

Melia, who pleaded guilty to an offence of assault by beating, was sentenced at a hearing at Dudley Magistrates' Court on Thursday.

Following the hearing, a spokesman for Sandwell Council said: "The council has been made aware of the conviction and the council's Monitoring Officer is considering the matter. Councillor Melia remains an elected member.

"The conviction and sentence do not disqualify him from remaining a councillor.

"The council, however, expects all councillors to abide by the members' code of conduct. It would not be appropriate to comment any further on this matter at this time."

The victim was filming elected members outside Sandwell Council House, in Freeth Street, [Oldbury](#), on December 7 when an altercation took place between him and the long-serving councillor who was suspended by the Labour Party following the incident.

Sentencing him Deputy District Judge Bal Dhaliwal said the councillor, of Friar Park Road, in [Wednesbury](#), said: "It will come as no surprise to you when I say that for someone in your position there will be widespread attention given to your actions and that comes with the nature of the role that you carry out.

"And no surprise that comments are recorded and made public so that wider society can see it. It is clear and unfortunate that certain remarks were made to you."

Ms Dhaliwal said there was "no doubt" that some of the comments had been "provocative", but he should have reacted with restraint.

Mr Saunders, 63, who blogs as Sandwell Skidder, could be heard in the video saying to councillors: "Back to the future? More corruption? More cronyism? More incompetence?"

Melia was filmed walking past, then pointing a finger at Mr Saunders before knocking the phone from his hand.

He must also pay £130 costs.

<https://www.localgovernmentlawyer.co.uk/employment/395-employment-news/47683-senior-council-officer-fails-in-harassment-claim-against-local-blogger>

Local Government Lawyer

Senior council officer fails in harassment claim against local blogger

- July 19, 2021

A series of “unpleasant, personally critical publications” by a blogger about a senior local government officer did not found a successful claim for harassment under the Protection from Harassment Act 1997, a High Court judge has ruled.

In *McNally v Saunders* [2021] EWHC 2012 (QB) Mr Justice Chamberlain granted summary judgment to the defendant, Julian Saunders, also known as *'The Sandwell Skidder'*.

However, the judge said nothing he had said should be taken as implying that he considered any of the criticisms made by Mr Saunders of Dr Lisa McNally, Director of Public Health at Sandwell Metropolitan Borough Council, to be justified. “Equally, nothing in this judgment casts any doubt on the effects which she says they have had on her.”

The defendant, a semi-retired solicitor, has published a blog, *In the Public Domain?*, since 2013. This was initially a response to Sandwell’s decision to withdraw funding for an art centre run by Mr Saunders’ wife.

The blog and many of Mr Saunders’ other online posts are about the council, its activities and its elected members and officers.

Dr McNally alleged that, by publishing a series of blog articles and tweets about her, Mr Saunders pursued a course of conduct amounting to harassment contrary to s. 3 of the 1997 Act.

She sought an injunction to restrain Mr Saunders from continuing to harass her and damages for distress and injury to feelings. There was originally an additional claim under the General Data Protection Regulation and the Data Protection Act 2018, but that was abandoned.

The claim was brought with the support of Sandwell Council.

Mr Saunders applied to strike out the Particulars of Claim on the ground that they disclosed no reasonable grounds for bringing the claim and/or for summary judgment on the ground that the claim had no real prospect of success.

Mr Justice Chamberlain said: “Mr Saunders says that the blog is ‘directed at exposing corruption, cronyism and incompetence’ at the Council. He describes it as ‘satirical and sensational’ and

says that it uses 'terms that might cause raised eyebrows within the [Royal Courts of Justice] but would go down well in Tipton'. Mr Saunders is an avid reader of *Private Eye* and aims to emulate its style. Whether he succeeds in that aim is another matter."

As at 1 April 2021, there had been a total of 743 posts on the blog. The average readership was over 2,500. It was rare for a post to have fewer than 1,000 readers, the judge said.

Dr McNally claimed that Mr Saunders had "pursued a campaign of oppressive and unacceptable behaviour against the employees and officers of the Council since at least 2018". Particulars were given of other council employees and officers who were said to have been the targets of unfair adverse comment by Mr Saunders.

Mr Saunders argued in his witness statement that the council had, since 2014, "tried every trick in the book to close my blog down and to destroy my reputation and finances", adding that he considered the claim to have been brought with that objective.

"I mention these wider allegations, by the Council on the one hand and by Mr Saunders on the other, because they are part of the background to this claim. The material before me does not enable me to form any concluded view about them," the judge said.

"Nor would it be appropriate to do so. The present application requires a rigorous focus on the acts said to constitute harassment in this case, not on conduct alleged to have been directed by Mr Saunders against others, nor on the motivation for the steps the Council has taken against him."

The tweets, posts and emails about which Dr McNally complained were issued by Mr Saunders after she had made a 2-minute video to coincide with Mental Health Awareness Week 2020 in which she revealed she had struggled with mental ill health since childhood. The five blog posts (plus three more passing references), seven tweets and two complaints to the council were published between June 2020 and February 2021.

In her Particulars of Claim, Dr McNally pleaded that the course of conduct complained of had had an impact on her mental health. She had ceased to use Facebook for anything significant because she was afraid of the comments Mr Saunders might make about her. She said she was very reluctant to accept any invitations from the media for interviews for fear of Mr Saunders' adverse commentary. She had declined an invitation to one event and agreed that she would not participate in media interviews because of Mr Saunders' actions and their impact on her. This was a matter of importance in view of her role as Director of Public Health. She had indicated that she would not be comfortable attending face-to-face Council meetings because she feared being accosted by Mr Saunders. She described feeling "crippling" anxiety about such meetings.

A blog post by the defendant on 27 January 2021 caused Dr McNally to decide to resign from the council, though that decision was postponed after discussions with Sandwell's chief executive. She had since sought counselling. There had been effects on Dr McNally's husband and family. Dr McNally also worried about her ability to do her job at a critical time for the Borough "if someone is publicly calling into question my qualifications and suitability for the job".

Counsel for the defendant argued that the blogs, tweets and complaints were published in the context of Mr Saunders' activities as a citizen journalist, and these publications were entitled to the same protection as those of the mainstream press.

He also suggested that the publications were nothing like the "deliberate and persistent course of targeted oppression" or the "conscious abuse... of media freedom" necessary to constitute unlawful harassment.

The publications complained of were "occasional critical remarks about the public conduct of a senior local government official", counsel for Mr Saunders said. Nor ought the defendant to have known that such publications amounted to harassment. Senior public officials should be open to scrutiny and criticism and the law provided that the limits of acceptable criticism were wider than for private individuals, he added.

Counsel for Dr McNally meanwhile argued that the defendant's conduct met the threshold for harassment under the 1997 Act. She accepted that Article 10 ECHR (freedom of expression) was engaged, but not that Mr Saunders' activities attracted the highest level of protection. Although he sought to portray himself as a "citizen journalist", as an unregulated lone blogger, he was not entitled to the protection accorded by the authorities to journalism in the mainstream press, she submitted.

Her case also was that Mr Saunders ought to have known that what he was doing amounted to harassment. Counsel for Dr McNally relied in particular on the fact that the defendant knew of her history of mental ill-health and carried on taunting her in circumstances where it would be obvious to a reasonable person in possession of the same information that she would be distressed by his doing.

Mr Justice Chamberlain noted that the authorities made it clear that a course of conduct consisting entirely of publication to the world at large could constitute harassment. But he added that the authorities also emphasised that 'publication-only' harassment cases would be rare and exceptional.

The judge noted that *The Sandwell Skidder* was not part of the mainstream press or media. "Its focus is narrow and local. It is not regulated. Mr Saunders is not a formally trained journalist. Although he is apparently assisted by others, there is nothing to suggest that his posts are reviewed by an editor. The content of the posts themselves suggests the contrary. Given their frequently puerile tone and style, a casual reader, whether in Tipton or anywhere else, might be surprised to discover that they are the work of a semi-retired former solicitor."

However, Mr Justice Chamberlain said none of these features disentitled them to the protections afforded by the law to journalistic expression. "The enhanced protection which Article 10 gives to such expression is not limited to those in the mainstream or conventional press or media. Even if it were possible reliably to identify outlets falling into this vague category, there is no reason of principle why publications that fall outside it should, for that reason, receive lesser protection from the law."

The judge added that a review of the blog posts in which the material complained of appeared showed that Mr Saunders employed the same abrasive tone and style throughout, whomever he

was criticising. “This does not mean that his output enjoys any lesser protection than would be applicable to more moderately expressed prose.”

Mr Justice Chamberlain accepted as a fair description that there were “sexualised comments” in Mr Saunders’ blog posts. However, he said it was important to consider the language of the posts and tweets as a whole. “The dominant impression is that they contain trenchant criticism of Dr McNally, rather than just abuse or insults.”

The judge said that there was no doubt that, in commenting on her mental ill-health, Mr Saunders was commenting on something intensely personal to Dr McNally.

“But the subject matter was in no sense private; it was something Dr McNally had herself decided to place in the public domain. For my part, I regard that decision as reflecting favourably on Dr McNally, because her disclosure was likely to have the effect she intended – i.e. to reassure others with mental health conditions that they are not alone and that it is possible to live with and recover from them,” he said.

“But someone who decides to make a public disclosure of this kind must expect that, while many people are likely to comment favourably, some may choose to make comments that are adverse. This is one of the reasons why those who make such disclosures are often aptly described as courageous.”

The judge said he accepted that the limits of acceptable criticism of officers would be narrower than in the case of elected politician, but some public criticism was “inevitable”.

In this case, the fact that Dr McNally occupied a public health role during a pandemic meant that her performance of the role was of particular public importance, he found. “The public interest in that performance being subject to scrutiny and criticism was commensurately greater. The extent of that public interest does not depend on the criticisms being justified. If it did, the court would be assuming for itself the role of deciding whether criticisms made of public officials were well-founded. Because that would not be knowable in advance, it would operate to disincentivise critical comment.”

The judge said it was necessary to balance the publisher’s right to freedom of expression against the rights and interests of the claimant. He noted that in this case “there was no allegation that anything said was factually untrue (as distinct from being unjustified comment)”.

Mr Justice Chamberlain also said that Mr Saunders’ criticisms were directed at things Dr McNally had chosen to say in public very recently. “That being so, it is far from obvious to me that Article 8 [the right to respect for private and family life] is engaged at all. If it is (for example on the basis that the criticisms were about her mental health, which is an aspect of her “physical and psychological integrity”: see *Pretty v United Kingdom* (2002) 35 EHRR 1, [23]), the weight to be attached to her Article 8 interests is significantly diminished by her own decision to put her history of mental ill-health into the public domain.”

The judge said that, separately from any Article 8 right of Dr McNally's, it was necessary to consider the public interest in Dr McNally being able to continue in her important public role without being subject to conduct which undermines her ability to do so.

“For these purposes, at the summary judgment stage, I am willing to assume that there is a powerful public interest in Dr McNally remaining in post, particularly given the importance of her role to the Council's response to the pandemic. I also assume the accuracy of what Dr McNally has said about the impact of Mr Saunders' words on her.”

However, the judge said, “even so, these public interests are outweighed by Mr Saunders' Article 10 rights”. This was, given that:

- (a) the complaint letters did not add materially to the course of conduct complained of;
- (b) the course of conduct therefore involved, materially, publication to the world at large and, at least after Dr McNally had "blocked" him on Twitter, there was no evidence that Mr Saunders took steps to bring the posts or tweets to her attention;
- (c) even though Mr Saunders' blog was not part of the "mainstream" or "conventional" media, the posts and tweets were "journalistic material" for the purposes of s. 2(4) of the HRA and attracted the enhanced protection given by Article 10 to journalistic expression;
- (d) their puerile and abrasive tone and style did not disentitle them to that protection;
- (e) their content was not, on its own, such as to make them oppressive or such as to make it unreasonable for Mr Saunders to publish them; and
- (f) Dr McNally's Article 8 interests were either not engaged at all or the weight to be given to those interest was significantly diminished by her own decision to put her history of mental ill-health into the public domain.

Mr Justice Chamberlain concluded that this was one of those cases where – as in the Duchess of Sussex's case – the court ought to "grasp the nettle" at this stage. “In my judgment the claim has no real prospect of success.”

He therefore granted summary judgment for Mr Saunders under CPR r. 24.2.

<https://www.lawgazette.co.uk/law/retired-solicitor-sees-off-harassment-claim-over-puerile-blog/5109277.article>

The Law Society Gazette

LAW

Retired solicitor sees off harassment claim over 'puerile' blog

By [Michael Cross](#) 19 July 2021

A retired solicitor's 'abrasive' and 'frequently puerile' blog posts are entitled to the same level of protection as mainstream journalism, a High Court judge has ruled, striking out a harassment claim brought by a local government officer.

In *McNally v Saunders*, Mr Justice Chamberlain said the case, over posts on the 'Sandwell Skidder', a blog set up by local resident Julian Saunders devoted to alleged malpractices at Sandwell Metropolitan Borough Council, had no reasonable prospect of success.

The case was brought under the Protection from Harassment Act 1997 by Dr Lisa McNally, Sandwell's director of public health and a mental health campaigner. McNally was the subject of five blog posts, criticising her decision to post a two-minute video about her own struggle with mental health and questioning her qualifications. She said the posts had caused her 'crippling' anxiety about attending meetings and made her worry about her ability to do her job.

For McNally, Aileen McColgan QC said that, as an 'unregulated lone blogger', Saunders is not entitled to be treated as a journalist. Saunders 'ought to have known' that his actions amounted to harassment.

The judge ruled that the claim would hinge on the content of Saunders' blogs rather than any oral evidence that might emerge at a full trial. Saunders, he said, aims to emulate the style of Private Eye: 'Whether he succeeds in that aim is another matter.' Given his posts' 'frequently puerile tone and style, a casual reader... might be surprised to discover that they are the work of a semi-retired former solicitor,' he said. However 'none of these features disentitles them to the protections afforded by the law to journalistic expression.'

While Saunders' repeated references to McNally's history of mental ill-health might have tipped the balance towards 'oppression, persistence and unpleasantness', he noted that McNally herself had chosen to place the information in the public domain.

Commending McNally's work, he said that 'someone who decides to make a public disclosure of this kind must expect that, while many people are likely to comment favourably, some may choose to make comments that are adverse.'

Meanwhile, there was a public interest in the performance of a senior officer being subject to scrutiny and criticism. The public interest in her being able to continue in her role was outweighed by Saunders' Article 10 right to free expression, he said. 'Their puerile and abrasive tone and style did not disentitle them to that protection.'

He granted summary judgment for Saunders under CPR rule 24.2.