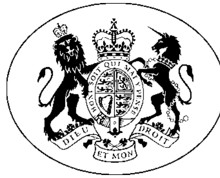

EMPLOYMENT TRIBUNALS

Claimant		**Respondent**
REV DR JAMES GEORGE HARGREAVES	**v**	**(1) EVOLVE HOUSING + SUPPORT** **(2) MR SIMON MCGRATH**

Heard at: London Central (via video)

On: 12 May 2022

Before: Employment Judge P Klimov, sitting alone

Representation:

For the Claimant: in person

For the Respondents: Mrs C. Urquhart (Counsel)

RESERVED JUDGMENT

1. The manner in which the proceedings have been conducted by the Claimant has been scandalous, unreasonable and vexatious.

2. All Claimant's claims are struck out.

REASONS

The hearing

1. This was an open preliminary hearing (the "**OPH**") to consider the Respondents' strike out application dated 11 April 2022 under rule 37(1)(b) of Schedule 1 of the Employment Tribunals (Constitution & Rules of Procedure) Regulations 2013 ("**the ET Rules**"), on the grounds that the manner in which the proceedings have been conducted by the Claimant has been scandalous,

unreasonable or vexatious.

2. The Claimant appeared in person and Mrs Urquhart for both Respondents. I was referred to various documents in the bundle of documents of 258 pages and two additional documents (the Claimant's letter to the Second Respondent dated 8 April 2022, and two letters from the Respondents' solicitors to the Claimant dated 11 May 2022). The parties prepared a joint bundle of authorities. Mrs Urquhart prepared Skeleton Argument. No oral evidence were heard.

3. There were three "without prejudice" documents in the bundle related to the parties' unsuccessful attempts to negotiate a settlement. The Respondents sought to rely on one of those documents ("**the 29 March Email**") for the purposes of their application and argued that the documents should be admissible on the principles of "*unambiguous impropriety*" (see *Unilever plc v The Proctor & Gamble Co* [2000] 1 WLR 2436 and *Woodward Santander UK plc* (UKEAT/0250/09/ZT)).

4. While in his written response to the Respondents' application the Claimant opposed the admissibility of the 29 March Email, at the hearing the Claimant said that he was content for the March 29 Email to be admitted in evidence, provided two other "without prejudice" documents included in the bundle were also admitted (the Claimant's settlement offer of 14 December 2021 and the Respondents' email response to the offer of 15 December 2021), to which the Respondents agreed. I confirmed with the parties that they were waiving "without prejudice" status of those documents and were content for the documents to be treated as open correspondence for the purposes of the strike out application, which they said they were. Therefore, I did not need to decide whether the "without prejudice veil" should be lifted on the 29 March Email, applying the "*unambiguous impropriety*" principles.

Relevant Factual Background

5. The First Respondent is a charitable housing organisation that supports homeless and vulnerable people in London. The Claimant was employed by the First Respondent as a Supported Housing Night Concierge Worker from 22 October 2018 until 8 February 2021, when he was summarily dismissed for alleged gross misconduct.

6. While still being employed by the First Respondent the Claimant brought a tribunal claim (case no 2202654/2019) for religious and race harassment/direct discrimination in relation the First Respondent's conduct of a disciplinary case against the Claimant for the alleged homophobic remarks made by the Claimant ("**the Original Tribunal Claim**"). The Original Tribunal Claim was heard in February 2020. The Claimant succeeded with respect to some allegations and a remedy hearing was set for 9 October 2020.

7. In September/October 2020, in preparation for the remedy hearing, the Claimant wrote to more than 90 councillors, plus several third-sector community leaders and an MP, with what the First Respondent considered to be a misleading and damaging account of how the First Respondent had reacted to the judgment in the Original Tribunal Claim.

8. The First Respondent decided that the Claimant writing the emails in those terms was a disciplinary offence and commenced a disciplinary investigation against the Claimant. The Claimant maintained that the purpose of writing the emails was to collect evidence for the remedy hearing to support his claim for aggravated damaged.

9. On 15 October 2020, Ms Hayde, the Director of People and Culture of the First Respondent carried out a suspension risk assessment and on 16 October 2020, based on which Mr Gray (the CEO of the First Respondent) took the decision to suspend the Claimant.

10. On 21 December 2020, the Claimant lodged a claim against the First Respondent for harassment on the grounds of race and religious belief, victimisation and breach of contract in relation to his disciplinary suspension ("the **Suspension Claim**").

11. On 8 February 2021, following a disciplinary hearing on 20 January 2021, the Claimant was summarily dismissed.

12. On 14 July 2021, the Claimant lodged another claim against the First Respondent, the Second Respondent and Mr Luke Watkey (former Third Respondent) for unfair dismissal and discrimination on the grounds of religious belief ("**the Dismissal Claim**"). In the Dismissal Claim the Claimant brought specific complaints of contravention of s.111 and s.112 EqA against the Second and the former Third Respondents, and a claim for breach of contract against the Second Respondent. He claims unfair dismissal and religious belief discrimination against the First Respondent. On 13 October 2021, Employment Judge Spenser ordered that the Suspension Claim and the Dismissal Claim be heard together.

13. On 6 October 2021, the Respondents applied for an order to strike out or make a deposit order in relation to various complaints in the Claimant's consolidated claims on the grounds that they had no, or in the alternative little, reasonable prospect of success.

14. On 20 October 2021, the Claimant applied to add Ms Hayde and Mr Gray as Respondents to his consolidated claims.

15. In December 2021 the parties were engaged in without prejudice discussions with a view of settling the claims. On 14 December 2021, there was a without prejudice meeting, at which the Claimant presented his

settlement offer in writing (“**the 14 December Offer**”), which the Respondents declined in an email of 15 December 2021, but indicated their willingness to continue to seek an amicable resolution of the dispute. There was an unsuccessful attempt to settle the claims via judicial mediation in January 2022.

16. On 1 February 2022, I heard the parties’ October 2021 applications at an open preliminary hearing. The reserved judgement was sent to the parties on 14 March 2022. Several of the Claimant’s claims have been struck out, and Mr Watkeys removed as a party to the proceedings. The Claimant’s applications were refused.

17. On 29 March 2022, the Claimant sent to Keely Rushmore, the Respondents’ solicitor, an email marked ‘Without Prejudice’ (“**the 29 March Email**”). This email prompted the present Respondents’ strike out application. The content of the 29 March Email is key to the issues I need to decide, and therefore, I have reproduced it in full in the Annex to this judgment. The paragraphs’ numbering is added for ease of reference.

18. On 31 March 2022, the Claimant emailed the Liberal Democrat leader, Sir Ed Davey, referring to the Tribunal’s reserved judgment of 12 March 2022 and posing various questions, which appear to have the intent to undermine the Second Respondent’s standing in the Liberal Democrat party and as the party’s candidate at the 5 May 2022 local elections (“**the 31 March Email”**).

19. On 7 April 2022, the Second Respondent bumped into the Claimant who was delivering a leaflet (“**the Leaflet**”) in the Wimbledon Town and Dundonald Ward ahead of the local council elections on 5 May. The Leaflet had been produced by the Black Lives Matter Party Ltd, which is not a registered political party (and so was not putting forward candidates in the local elections) but a private company (number 13246749) of which the Claimant is a director.

20. Both Respondents consider the contents of the Leaflet to be defamatory and, separately to these proceedings, instructed lawyers to write to the Claimant seeking undertakings in respect of it, which, as at the date of the OPH, had not been given.

21. On 8 April 2022, the Claimant wrote to the Second Respondent accusing him of slander following their coincidental meeting in the Wimbledon Town and Dundonald Ward.

22. On around 5 May 2022, the Respondents became aware that the Black Lives Matter Party Ltd had distributed further leaflets in the Second Respondent’s Constituency, repeating the previous material and containing allegations that the First Respondent had withheld information from the police during the search for a murder suspect. On 11 May 2022, the Respondents’ defamation lawyers wrote to the Claimant with respect to the

further leaflets stating that the leaflets contain defamatory statements and seeking various undertakings.

The Law

23. Rule 37 of the Employment Tribunals Rules of Procedure 2013 (**the "ET Rules"**) provides:

> *37.— Striking out*
> *(1) At any stage of the proceedings, either on its own initiative or on the application of a party, a Tribunal may strike out all or part of a claim or response on any of the following grounds—*
> *……………………..;*
> *(b) that the manner in which the proceedings have been conducted by or on behalf of the claimant or the respondent (as the case may be) has been scandalous, unreasonable or vexatious;*

24. In Bolch v Chipman [2004] IRLR 140, the EAT set out the test that the Tribunal should apply when considering whether a claim or response should be struck out under the Rule 37(1)(b). The test was affirmed by the Court of Appeal in Abergaze v Shrewsbury College of Arts & Technology [2009] EWCA Civ 96 and summarised by Elias LJ at paragraph 15:

> "*In the case of a strike out application brought under [r 37(1)(b)] it is well established that before a claim can be struck out, it is necessary to establish that the conduct complained of was scandalous, unreasonable or vexatious conduct in the proceedings; that the result of that conduct was that there could not be a fair trial; and that the imposition of the strike out sanction was proportionate. If some lesser sanction is appropriate and consistent with a fair trial, then the strike out should not be employed.*"

25. The rule requires the Tribunal to find that the conduct of the proceedings was scandalous, vexatious or unreasonable. The purpose of the rule was set out in Bennett v Southwark LBC [2002] EWCA Civ 223 by Sedley LJ at paragraph 26:

> "*What the rule is directed to… is the conduct of proceedings in a way which amounts to an abuse of the tribunal's process: abuse is the genus of which the three epithets scandalous, frivolous and vexatious are species.*"

26. "*Scandalous*" does not here mean "shocking" but in this context has two narrower meanings: "*one is the misuse of the privilege of legal process in order to vilify others; the other is giving gratuitous insult to the court in the course of such process*" (Bennett at paragraph 27). And in Bolch, page 12:

> "*For example, it may well be, on appropriate facts, that a Tribunal might find that if there were a threat that unless proceedings were withdrawn some course or other could be taken, that that would amount to a scandalous method of conducting those proceedings…*".

27. The meaning of "*vexatious*" was considered in Attorney General v Barker [2000] EWHC 453 where Bingham LJ held (at paragraph 19):

> "*The hallmark of a vexatious proceeding is in my judgment that it has little or no basis in law (or at least no discernible basis); that whatever the intention of the proceeding may be, its effect is to subject the defendant to inconvenience, harassment and expense out of all proportion to any gain likely to accrue to the claimant and that it involves an abuse of the process of the court, meaning by that a use of the court process for a purpose or in a way which is significantly different from the ordinary and proper use of the court process*."

28. "*Unreasonable*" has its ordinary English meaning and is not to be interpreted as if it means something similar to '*vexatious*' (Dyer v Secretary of State for Employment EAT 183/83 (unreported).

29. In Emuemukoro v Croma Vigilant (Scotland) Ltd [2022] ICR 335, Choudhury P reminded tribunals, when considering a strike-out application, to consider all the factors relevant to a fair trial, including "*the undue expenditure of time and money; the demands of other litigants; and the finite resources of the court. These are factors which are consistent with taking into account the overriding objective*" (at paragraph 19).

30. In Force One Utilities Ltd v Hatfield [2009] IRLR 45, Elias P held that striking out the respondent's response had been justified in circumstances where the respondent's witness had threatened the Claimant with physical violence.

31. In Chidzoy v BBC (UKEAT/0097/17/BA), the Tribunal struck out the Claimant's claims because she discussed her evidence with a journalist, whilst under oath, in breach of six warnings given to her by the Judge. The Tribunal concluded that she had conducted the proceedings unreasonably, and that it could no longer trust her, so there was no alternative to striking out.

32. Article 6(1) of the European Convention on Human Rights ("**ECHR**") states:

> "*In the determination of his civil rights and obligations or of any criminal charge against him, everyone is entitled to a fair and public hearing within a reasonable time by an independent and impartial tribunal established by law. Judgment shall be pronounced publicly but the press and public may be excluded from all or part of the trial in the interests of morals, public order or national security in a democratic society, where the interests of juveniles or the protection of the private life of the parties so require, or to the extent strictly necessary in the opinion of the court in special circumstances where publicity would prejudice the interests of justice.*"

33. Article 10 of the ECHR states:

> *"1. Everyone has the right to freedom of expression. This right shall include freedom to hold opinions and to receive and impart information and ideas without interference by public authority and regardless of frontiers. This Article shall not prevent States from requiring the licensing of broadcasting, television or cinema enterprises.*

2. The exercise of these freedoms, since it carries with it duties and responsibilities, may be subject to such formalities, conditions, restrictions or penalties as are prescribed by law and are necessary in a democratic society, in the interests of national security, territorial integrity or public safety, for the prevention of disorder or crime, for the protection of health or morals, for the protection of the reputation or rights of others, for preventing the disclosure of information received in confidence, or for maintaining the authority and impartiality of the judiciary."

34. The Human Rights Act 1998 ("**the HRA"**) incorporates the ECHR into domestic law. Under Article 2(1) of the HRA: "*A court or tribunal determining a question which has arisen in connection with a Convention right must take into account any— (a) judgment, decision, declaration or advisory opinion of the European Court of Human Rights*, …"

35. Article 3(1) of the HRA requires that "*So far as it is possible to do so, primary legislation and subordinate legislation must be read and given effect in a way which is compatible with the Convention rights.*"

Submissions and Conclusions

36. The Respondents submit that the Claimant's conduct of the proceedings as evidenced by the 29 March Email has been scandalous and/or vexatious and/or unreasonable. The Respondents contends that the 29 March Email is tantamount to blackmail because it contains demands with menaces and demonstrates the Claimant's:

    (a) abuse of the Tribunal system, which he uses to further his personal and political ends by "*unilaterally*" altering the narrative and thus usurping the role of the Tribunal and using the Tribunal proceedings to hurt and humiliate the Second Respondent (paragraphs 2 and 3 of the 29 March Email).

    (b) threats to reduce the First Respondent's funding, unseat the Second Respondent, and humiliate and hurt both Respondents – results that cannot be obtained through the Tribunal process (paragraphs 6, 7, 9, 10, 13 -16 of the 29 March Email);

    (c) attempts to affect the democratic process and unseat another councillor (Mr Fairclough) and attack a political party, in each case with no connection to these proceedings (paragraphs 12 - 16 of the 29 March Email);

    (d) offer to settle in a manner so clearly unacceptable to the Respondents that the offer is no more than an excuse to use the without prejudice label is unreasonable (paragraphs 12 and 13 of the 29 March Email, three days deadline to accept his offer, and the fact that the Claimant sent his 31 March Email before the deadline of 1 April he had set in the 29 March Email.)

37. The Respondents further argue that the Claimant's other communications (the Leaflet and further leaflets) are scandalous, vexatious and unreasonable in the way they attempt to depict the Respondents and their position in these proceedings, and further, by using the fact of these proceedings the Claimant seeks to give a veneer of respectability and an apparent legal basis to his allegations, thus misusing the Tribunal's processes in a way that is scandalous and vexatious.

38. The Respondents argue that the Claimant is not interested in resolving the dispute via settlement negotiations and "*displays a brazen disregard for the Tribunal process, which is of use to him only insofar as it enables him to refer to these proceedings to give his campaigns the cloak of legitimacy*".

39. The Respondents submit that in the circumstances a fair trial is no longer possible because:

    (i) those involved have been threatened by the Claimant, so can hardly be expected to give calm and reasoned evidence when being cross-examined by him, in particular the Second Respondent, whose political career the Claimant has threaten to ruin by means of these proceedings. The Respondents highlight the Claimant's threat to bring perjury charges against the Second Respondent if the Claimant decides that he is lying at the final hearing, and whatever the Tribunal might decide about the Second Respondent's evidence. The Respondents point out that it is not an empty threat, as it is precisely what the Claimant attempted to do in relation to Mr Deakin after the Original Tribunal Claim hearings, citing nine witnesses, including the Employment Judge, even though the Tribunal gave no indication of any concerns related to Mr Deakin evidence. Removing the Second Respondent as a party to the proceedings will not address the issue, as he will still be the key witness for the First Respondent, being the dismissing officer.

    (ii) the Tribunal hearing the case would be unlikely to know the full extent of the Claimant's abuse of the proceedings, and whatever the final decision would be it may become another vehicle for the Claimant to continue his campaigns against the Respondents.

    (iii) the Claimant has demonstrated a pattern of publicly attacking the First Respondent in order to further his personal and political aims, and it is likely that the Claimant will use the final hearing to gather further materials, with which to attack the Respondents and their witnesses. Therefore, the Respondents and their witnesses will be under constant fear that whatever they might say at the hearing will be taken by the Claimant out of context and used by him to harm them personally and professionally.

40. Finally, the Respondents submit that in the circumstances, no lesser sanction could be applied, because measures such as an unless order or a costs warning cannot reasonably rectify the situation, nor a promise of future good behaviour by the Claimant (should it be forthcoming) could address the matter because of the conduct of the Claimant has "*such lingering effect that …. there can no longer be a fair trial*" (***Bloch***, at para 52).

41. The Claimant argues that the Respondents' application must be dismissed because:

    (i) It is *res judicata* and the Respondent, having not brought it at the preliminary hearing on 1 February 2022, should be estopped from advancing it at this hearing under the principles in *Henderson v Henderson(1843) 3 Hare 100 67 E.R. 313.*

    (ii) The 29 March Email was sent in good faith and was a genuine attempt to swiftly settle the claim because following the invasion of Ukraine by Russia, his wife, who is Russian, has been in a distressed state due to "*an unprecedented wave of Russophobia*" and it is for her sake the Claimant was willing to take the Respondents' best offer "*whatever that might be*".

    (iii) Strike out would contravene his rights under Protocol 1, Article 3 of the Human Rights Act and Articles 6 and 10 ECHR.

    (iv) The matter is properly lie within the jurisdiction of the Election Court and not the Employment Tribunal.

    (v) The public have a right to hold those seeking public office, such as the Second Respondent, to account, and the Respondents' application is seeking to secure electoral gain for the Second Respondent. Politicians must expect a higher level of scrutiny and criticism.

42. In his written submissions the Claimant contested the Respondents' arguments on the without prejudice/unambiguous impropriety issue, however, as I mentioned earlier, at the start of the hearing the parties have agreed to waive the without prejudice status of the 29 March Email, the 14 December Offer and the Respondents' response of 15 December 2021. Therefore, it was no longer an issue for me to decide.

43. The Claimant also argued that his actions were not a threat to the Respondents in connection with these proceedings, because these actions had been taken pursuant the manifesto of Black Lives Matter Party Ltd, which had been established on 18 March 2021, and the Respondents were legitimate targets of the Party's political campaign.

44. On the issue of whether a fair trial is still possible, the Claimant submits that the Second Respondent is a seasoned and high-ranking politician, well used to "*cut and thrust of debate and questioning*" and other Respondents' witnesses are equally experienced and able to deal with "*far more pressure than [he] could ever put [them] under*", and "*Employment Tribunals judges are more than capable of calming witnesses and aiding them in the articulation of their testimony*".

45. Finally, the Claimant referred me to a letter he had received from a former resident of the First Respondent's facility, saying kind words about the Claimant. I have read the letter in full, but I do not find it of relevance to the issues I need to decide.

Analysis and Conclusions

Res Judicata/Henderson v Henderson/Election Court

46. Before turning to the question whether Rule 37(1)(b) of the ET Rules is engaged, I shall briefly deal with the Claimant's *res judicata*/***Henderson v Henderson*** point.

47. I find that the Claimant's contention is misconceived. Prior to this hearing, the Respondents' application has not been adjudicated on, and therefore cannot be *res judicata*.

48. To the extent the Claimant contends that it is an abuse of the tribunal process for the Respondents to advance their application now, when it ought properly to have been raised with the Respondents' previous strike out applications, heard on 1 February 2022, this argument is equally misconceived.

49. The rule is ***Henderson v Henderson*** (to extent it applies to the employment tribunal proceedings, on which point I heard no submissions) is that it is an abuse of process to bring a new course of action in subsequent proceedings, where it could and ought properly to have been raised in the earlier and determined proceedings. This, however, does not mean that within the same set of proceedings a party cannot make an application to, for example, amend its claim or defence, or as in the present case, strike out the Claimant's claims when relevant underlying facts emerge. Rule 37 of the ET Rules expressly states that the application may be made "[*a]t any stage of the proceedings*". Therefore, in my view, the rule in ***Henderson v Henderson*** is simply not engaged on the facts.

50. In any event, the Respondents' previous strike out applications were on the grounds that various complaints in the Claimant's consolidated claims had no reasonable prospect of success on the merits, by being out of time, or because these lay outside the tribunal's jurisdiction, and not based on the

Claimant's conduct. The applications were made in October, well before the Claimant's sending his 29 March Email.

51. The Claimant appears to suggest that the content and the tone of his 29 March Email is not much different to his 14 December Offer, and therefore, if the Respondents had taken umbrage to the former, they would have equally considered his conduct in making the 14 December Offer scandalous, vexatious and unreasonable, and should have sought to strike out his claims on that basis earlier.

52. I shall return to the content of the 14 December Offer, as I consider it containing the relevant background for the purposes of my determination of the Respondents' application. However, even if the Claimant were right on that, while delay in making an application is a relevant factor the tribunal must take into account in deciding on the application, there is no rule that failing to make an application promptly serves as the absolute bar on making it later. In any event, the Respondents rely on the 29 March Email and not the 14 December Offer.

53. Also, the Respondents have good reasons for not making the application earlier. Firstly, although I can see why the content and the tone of the 14 December Offer could well have given the Respondents the grounds for making a strike out application under Rule 37(1)(b), at that time the parties were working towards judicial mediation in January (which unfortunately was unsuccessful), and understandably a strike out application would have brought that attempt to a premature end. Further, and more importantly, it was before the Claimant's leafletting ahead of the local election and his 31 March Email to Sir Ed Davey, which steps unequivocally showed that the Claimant was prepared to put his articulated threats into action.

54. Finally, the Claimant's argument that this matter should be decided by the Election Court is not understood, and he did not seek to develop it in his oral submissions. I am deciding the Respondents' application under Rule 37(1)(b) of the ET Rules, which clearly falls within the jurisdiction of the Tribunal, and not any matter related the local election on 5 May 2022.

Has the Claimant's conduct of the proceedings been scandalous and/or vexations and/or unreasonable?

55. Now, turning to the key question - whether the Claimant's conduct has been scandalous, unreasonable or vexatious. I find that it has been all three. I say that for the following reasons.

56. First, I remind myself that I must consider the Claimant's conduct of these proceedings, and not the Claimant's conduct outside the proceedings. It is not for me to judge the Claimant's political goals or the methods and the manner of his political campaigning. The focus must on the manner in which these proceedings have been conducted by the Claimant.

57. Reading the Claimant's 29 March Email against the background of the 14 December Offer, I find that the Claimant's objective is to use these proceedings to, as he puts it in the 14 December Offer, "*create a damning narrative of a racist, abusive organisation: Evolve Housing + Support the unregulated housing organisation that leads young people into harm's way, including murder; whilst raking in millions from the taxpayer*", "*unseat* [the Second Respondent] *and his colleague Anthony Fairclough* (who has no connection with these proceedings) *from their Dundonald Ward council seats"* (paragraph 12 of the 29 March Email), *and "plung*[e] [the Second Respondent's] *political party into a religious harassment scandal during the election time, which may lead to other political colleagues losing their seats and his party's general election ambitions being hindered"* (paragraph 13 of the 29 March Email).

58. In the 14 December Offer the Claimant threatens the Respondents with a "*relentless*" campaign "*through protracted legal actions*" continuing "*for years*" and "*high profile media political campaigning in forthcoming local and national elections*" to change the "*narrative*" to what the Claimant wants it to be. He balefully warns: "*The damning narrative would be repeated and repeated until it is the only narrative that anyone registers*."

59. In the 29 March Email he repeats his threats of "*unstoppable campaign … to achieve [his] primary aim of setting the public narrative straight*" and brazenly claims that: "*Evolve Housing + Support, an unregulated supported housing organisation recently found guilty of racism and religious harassment; and associated with murder; suicide; the receipt of deadly weapons through the post; drug dealing and drug taking among those in its care*".

60. The Claimant openly states that as far as these proceedings are concerned, he achieved his "*goal of adding a human being* [the Second Respondent] *to the list of Respondents in the case(s)*", and that puts him into his "*planned positionfor unilaterally amending the narrative of the continuing saga of myself -v- Evolve Housing + Support".*

61. The Claimant is not hiding his intentions. These proceedings for him are about damaging or destroying the business of the First Respondent and the political career of the Second Respondent, and generally inflicting as much damage as he possibly can on the Second Respondent's colleagues and the party. His intent is to vilify and publicly humiliate the Respondents.

62. He goes further and says that he is not prepared to abandon his vindictive campaign against Mr Deakin of the First Respondent and essentially blackmails the Second Respondent to sacrifice Mr Deakin for the sake of the Second Respondent's political career and his party (paragraph 13 of the 29 March Email).

63. Mr Deakin was the First Respondent's witness in the Original Tribunal Claim and despite the Tribunal in its judgment making it absolutely clear that: "n*one of the members of the tribunal consider that there is any reasonable basis*" for the Claimant's contention that Mr Deakin has committed perjury, the Claimant sought to get Mr Deakin charged with perjury, and it appears is not prepared to abandon his plans. He said at the hearing that there was an ongoing complaint about the police not taking his complaint against Mr Deakin further.

64. I find that the Claimant seeks to weaponise these proceedings to achieve his vendetta against the Respondents and cause as much damage to them as he possibly can. It is no longer about his suspension and dismissal, it is all about the Respondents' business and political existence, which the Claimant is set to destroy, or at any rate, to inflict as much damage upon them as possible. He admits that "*[l]aw is not [his] strength - political campaigning, however, is. I specialised, not in winning seats myself, but rather causing others to lose theirs.*" (paragraph 14 of the 29 March Email).

65. The vindictive and highly personal nature of the Claimant's pursuit of these proceedings goes back to his Original Tribunal Claim. In February 2020, the Claimant submitted various grievances against six managers of the First Respondent seeking their dismissal. Of his 34 complaints only one, and relatively minor, against Mr Deakin was upheld. He, however, still decided to use those grievances in support of his compensation claims.

66. At the remedy hearing of the Original Tribunal Claim, the Tribunal roundly rejected the Claimant's contention, observing that "*much of the upset that the Claimant feels and continues to feel, is because of unreasonable perceptions about what happened at the liability hearing and since then*" (at paragraph 60).

67. The Tribunal went on to stated: "*there is no reasonable basis on which the respondent could sack any of those managers against whom the Claimant took out his grievance, following the liability hearing. We are sorry that the Claimant believes differently*" (at paragraph 65).

68. The Tribunal also found that the emails the Claimant sent to the councillors in September/October 2020 (see paragraph 7 above) "*do not tell the full story because it does not include a copy of the full judgment and written reasons, just a very brief extract from it*"(at paragraph 66).

69. At paragraph 67 of the remedy judgement, the Tribunal essentially rejected the Claimant's contention that he did not wish to harm the First Respondent (**emphasis added**)

> "67 The Claimant told us that he did not want to harm the respondent. The Claimant stated however in his email to Ms Storry: "*We only need to find one contractor that says they will cancel or withhold a contract [worth] in [excess] of £50,000 and our argument is proven*". **The Claimant clearly recognised that the sending of the email which was subsequently sent to councillors, could adversely affect**

> **<u>the respondent's funding. That would inevitably harm the organisation. The Claimant's insistence that this was not his intention is therefore surprising</u>**."

70. Finally, in deciding that the Claimant's case was "*at the lower end of the scale in relation to discrimination claim*" (at paragraph 77) and awarding the Claimant £5,000 for injury to feelings, the Tribunal concluded that "*the extent of his feelings of hurt, which continue to this day, are because of unreasonable perceptions about the respondent's actions since then as well as about the other acts about which he complained in his claim form but which we did not uphold*" (at paragraph 70).

71. These Tribunal pronouncements, however, did not stop the Claimant from continuing in his personal campaign against Mr Deakin and other managers of the First Respondent.

72. His vindictive approach is also evident from his 14 December Offer, in which the Claimant states: "*I am not here today to argue about the rights and wrongs of how the latest narrative came about, this is not the time or place for that. I am, however, here to see that narrative changed - one way or another*".

73. He says one way is "*to agree to re-write the narrative of suspension and dismissal to one of sabbatical and return to work*" and "*Another way is for my community, my supporters and I to create a damning narrative of a racist, abusive organisation: Evolve Housing + Support the unregulated housing organisation that leads young people into harm's way, including murder; whilst raking in millions from the taxpayer. This narrative would not only be created through protracted legal actions, including appeals to the European Court of Human Rights; but also through high profile media political campaigning in forthcoming local and national elections*".

74. His settlement demands in addition to reinstatement under the pretence of sabbatical and parental leave and a substantial financial compensation, specifically included that his legal action against Mr Deakin and Ms Footitt (the First Respondent's manager involved in the Original Tribunal Claim) must be excluded from the scope of the settlement and the settlement must not limit his "*accurate reporting of and fair comment regarding those cases or [the Original Tribunal Claim]*".

75. He ends his 14 December Offer with a quote: "*Keep your friends close and your enemies closer" The Art of War by Sun Tzu*.

76. Returning to the 29 March Email, I reject the Claimant's contention that he was genuinely looking to settle the claim. His 29 March Email is clear that the Respondent's offer must meet the Claimant's "*previously stated objectives*", which, as mentioned above, included reinstatement under the pretense that he was never suspended and dismissed and exclude his claims against Mr Deakin and Ms Footitt from the scope of the settlement, which the First Respondent had rejected in their 15 December email.

77. Moreover, his sending the damning email on 31 March to Sir Ed Davies, and that is before the expiry of the arbitrary three days' deadline he had set for the Respondents to respond to his settlement offer, his leafletting in early April with the Leaflets containing damaging and inflammatory remarks about both Respondents are clearly not actions of a person who is looking to find a mutually acceptable compromise and move on, even less so of a person who is prepared to accept a settlement offer "*whatever that might be*".

78. In short, I find that the Claimant's primary purpose in these proceedings is to create a public and political scandal involving both Respondents and as many persons associated with them as possible, and to portray the Respondents as villains in the public eye. He sees these proceedings as a perfect tool for that and wants to use it to his full advantage.

79. In my judgment, this is a clear example of abuse of the tribunal process and therefore scandalous conduct.

80. I also find that the Claimant's conduct squarely falls within the meaning of "vexatious" per ***AG v Barker***. The Claimant's goal "*is to subject the [Respondents] to inconvenience, harassment and expense out of all proportion to any gain likely to accrue to the Claimant*" (see paragraph 27 above). His settlement demands go well beyond what he could reasonably expect to achieve even if he wins his claims "hands down". He seeks to force the Respondents to accede to those demands or else he will unleash his damning narrative campaign regardless of the outcome of the proceedings.

81. Acting is such scandalous and vexatious manner is also plainly conducting the proceedings in an unreasonable manner.

82. I reject the Claimant's contention that he was purely pursuing his party's campaign 1 "Make racism unprofitable" and the Respondents were legitimate targets for the campaign. The Claimant clearly links his campaign with these proceedings and seeks to use the proceedings to advance his political campaign and inflict maximum damage on both Respondents. These actions are not a pure coincidence. As stated above (see paragraphs 65- 70 above) the Claimant's vindictive approach to these proceedings goes back to his Original Tribunal Claim and therefore pre-dates his political campaign.

83. To the extent the Claimant seeks to portrait himself as a principled politician pursuing his party's political goals and not acting in personal interests, this does not sit well with the Claimant being prepared "*to specifically avoid Evolve Housing + Support being the named corporate example for two campaigns by the Black Lives Matter Party during the forthcoming 2021 London local authority elections*" (the 14 December Offer), if they accepted his personal settlement demands.

84. I equally reject the Claimant's argument that because the Second Respondent happens to be a councillor and a politician, he is, using the Claimant's words, "*a fair game*", and, therefore, different standards of reasonable conduct of the proceedings with respect to the Second Respondent should apply.

85. It is, of course, the Claimant's right using all democratic means to oppose and agitate against the Second Respondent's candidature in the local elections or otherwise criticise him as a person occupying public office. This, however, does not give the Claimant "carte blanche" to conduct these proceedings in whichever way he finds conducive to his goal to "*unseat*" the Second Respondent and his colleague, Mr Fairclough, from their council seats.

Is the fair trial still possible?

86. Having found that Rule 37(1)(b) is engaged, I now need to move to the second step in the ***Bolch*** test (see paragraph 24 above) and consider whether in the circumstances a fair trial is still possible.

87. The final hearing has not been fixed, therefore the time factor as in *Emuemukoro* (see paragraph 29 above) is not present at this stage of the proceedings. Nevertheless, if the claim proceeds further the Tribunal will have to fix a date for the trial, most likely in early/mid 2023. Would a fair hearing be possible in early/mid 2023?

88. Of course, a mere threat of negative publicity and unwanted attention to the Respondents and their witnesses will not be sufficient to conclude that a fair hearing will not be possible. However, the Claimant's conduct, which I found to be scandalous, vexatious and unreasonable, his openly declared intentions to continue to use the tribunal proceedings to pursue his "*relentless*" and "*unstoppable campaign*" of creating the "*damning narrative*" against the Respondents and their witnesses, and considering the extent to which the Claimant is prepared to go to inflict damage on anyone he considers has done wrong to him and irrespective how the matter is viewed by the tribunal (e.g. his perjury claim against Mr Deakin) draws me to the conclusion that in the circumstances a fair trial is not possible.

89. Not only the Respondents' witnesses will feel understandably intimidated of what the Claimant might unleash upon them if he feels dissatisfied with their evidence at the trial, the Respondents themselves will be put in the impossible position where win, lose or draw, they will end up being further attacked by the Claimant until he achieves his stated goals of destroying or seriously damaging their business and political career, respectively.

90. Further and crucially, the Claimant's conduct and his declared intentions show that he seeks to usurp the trial and essentially use it as a means for his personal vendetta against the Respondents and as a platform to propagate his political views.

91. This, therefore, will no longer be a trial of the Claimant's complaints of discrimination, victimisation and unfair dismissal, but a set stage for the Claimant's political campaigning and his attempts to generate the damning narrative against the Respondents. The Claimant clearly seeks to have a show trial of the Respondents.

92. I reject the Claimant's submission that the Second Respondent and the Respondents' witnesses can withstand the pressure of this kind and the Tribunal is well equipped to calm witnesses and assist them with giving their evidence. The issue goes well beyond the witnesses feeling uncomfortable and needing the Tribunal to step in to give them time and space to recompose themselves. The fundamental issue is that the Claimant wants to assume the role of the prosecutor and the judge in relation to the Respondents and their witnesses and deal with them insider and outside the proceedings as he finds appropriate.

93. At the hearing he made various statements to the effect that he knows when the Respondents' witnesses will be lying on the stand, and they fear that because he will not let it go. He used phrases like "*let's bring it on*" and "*maybe you don't understand who you are dealing with*". He also made it clear that he considers that different rules should apply to the Second Respondent because he is a politician and therefore "*a fair game*". He described the election process as "*civil war without bloodshed*".

94. His actions with respect of Mr Deakin and the Second Respondent speak volumes. He continues in his quest to prosecute Mr Deakin for perjury despite the clear pronouncement by the Tribunal that there is no basis for that.

95. The Leaflets and further leaflets use emotive and misleading language and imaginary, which clearly are aimed at casting strong negative light on the Respondents. The use of such words as "*guilty*", "*aiding and abetting*", a drawn up image of the Second Respondent apparently sitting in the dock of a criminal court, references to fictitious "*McGrath law*", the aim of which is hinder the First Respondent's ability to raise funding for its work, apparent attempt to link the tragic murder of a resident in the First Respondent's facility to the matters in these proceedings (which events have no connection whatsoever), all that tells me that the Claimant threats of creating the damning narrative and repeating it again and again "*until it is the only narrative that anyone registers"* are not empty threats, or the Claimant simply driving a "hard bargain" in his settlement negotiations.

96. In these circumstances I do not see how a fair trial of the Claimant's claims can be achieved. In my view by allowing the case to proceed to the trial, the Tribunal will be giving a platform to the Claimant to propagate his campaign against the Respondents under a veneer of the respectability of the judicial process and exposing the Respondents and their witnesses to further vindictive actions by the Claimant. This will not be a fair trial.

Is strike-out proportionate, or would a lesser sanction suffice?

97. Finally, I must consider whether in the circumstances the strike out is the only possible solution, and no lesser sanction would be appropriate.

98. Strike out is a draconian sanction and must be exercised only in exceptional circumstances. Denying the Claimant his right to have his complaints heard and determined by an independent judicial authority is an extreme step.

99. However, having concluded that a fair trial is not possible, I cannot see what lesser sanction could turn it back into a fair trial. I accept the Respondents' submissions that it is not a case where an unless order (and it is not obvious what conditions such unless order could carry) or a costs warning could enable a fair hearing. At the other extreme, such measures as not allowing the Claimant to given evidence or cross-examine the Respondents' witnesses will also clearly make the trial unfair. There are no proper grounds for holding the final hearing *in camera* or imposing reporting restrictions under Rule 50 of the ET Rules.

100. Therefore, and with some regret, I am drawn to the conclusion that striking out the Claimant's claim is the only appropriate sanction in the circumstances.

101. I also considered whether it could be possible to strike out part but not all of the Claimant's claims, for example, his Dismissal Claim and allow the Suspension Claim to proceed. However, these claims are so intertwined that it would be impossible to adjudicate on one without dealing with the matters related to the other.

102. It is the Claimant's claim that his suspension was a continuing act of discrimination/victimisation lasting to his dismissal. He also claims that the Second Respondent was liable under s.111 and 112 Equality Act 2010 by "condoning" the suspension. Although that part of the Claimant's claim against the Second Respondent has been struck out (see paragraphs 102 – 111 of the 14 March Judgment), evidence related to the Claimant's continued suspension leading up to his dismissal, and the underlying disciplinary investigation and the decision to dismiss the Claimant, which was taken by the Second Respondent, will still be highly relevant to determine the Suspension Claim. This will require the Second Respondent and the First Respondent's witnesses giving evidence and being exposed to the same risk of the Claimant's vindictive actions.

103. I reject the Claimant's contention that striking out the whole of his claim will be tantamount to penalising him for the Tribunal's decision to consolidate his Suspension and Dismissal Claims. For the reasons stated above, I find that given the significant overlap of factual and legal issues between the claims it would be impracticable to attempt to adjudicate on one without dealing with the other. The decision to consolidate the claims was made on 13 October 2021. The Claimant did not raise any objections at that time, nor did he seek to appeal that decision since.

104. In any event, even if considered separately, I find that for the same reasons as articulated above (see paragraphs 86- 96), a fair trial would not be possible of the Suspension Claim only.

Article 6 right

105. I accept that striking out the Claimant's claim inevitably abridge his Article 6 ECHR right to a fair trial. However, Article 6 right is not absolute, in the sense that a person is entitled to have his/her day in court regardless of the merits of the case or his/her conduct. The Strasbourg court decisions recognise that the so-called "right to a court" is subject various limitations (time limits is one example), which limitations, however, must be legitimate and proportionate (see, for example, *Stubbings v United Kingdom* (1997) 23 EHRR 213 at paragraphs 55-57), where the Court stated that: "*The Contracting States properly enjoy a margin of appreciation in deciding how the right of access to court should be circumscribed*".

106. Article 6 provides the right "*to a fair and public hearing within a reasonable time by an independent and impartial tribunal established by law*". However, the hearing must be fair for all the parties involved in the proceedings.

107. Rule 37(1) of the ET Rules gives the Tribunal the power in appropriate circumstances to dispense with a claim or a response without hearing the merits of the case, including for reasons of the party's conduct. The case law (see paragraphs 24- 31 above) has developed appropriate safeguards to ensure that the Rule 37(1)(b) is used by the tribunals appropriately and with due consideration to the Convention and indeed the centuries old English common law right to access "*the courts of justice for redress of injuries*" (Blackstone Commentaries 4th ed., 1876, 111).

108. In deciding, for the reasons set out above, that a fair hearing is no longer possible due to the Claimant's conduct I had full regard of his Article 6 and the common law right to have access to justice and sought to interpret the powers given to me by Rule 37(1)(b) in a way which is compatible with the Conventions rights.

109. Therefore, while fully accepting that the Claimant's Article 6 right is engaged, I find, for the reasons explained above, that his conduct of the proceedings has made the exercise of that right impossible. It is the Claimant himself, who through his scandalous, vexatious and unreasonable conduct has deprived himself of his Article 6 and common law right to have his case heard on its merits by an independent tribunal.

Article 10 and Article 3, Protocol 1 rights

110. Finally, I shall deal with the Claimant's submission that striking out his claims will violate his Article 10 ECHR rights and Article 3, Protocol 1 Human

Right Act rights. The Claimant relies of ECHR cases of Jerusalem v Austria ECHR 27 Feb 2021 and Rubins v Latvia [2015] ECHR.

111. I consider the Claimant's arguments are misconceived. First, it is not the contents of the Leaflet or subsequent leaflets that led me to the conclusion that his conduct of the proceedings was scandalous, vexatious and unreasonable, but his past conduct and his stated intentions (as evidenced by the 29 March Email, the 14 December Offer) to use these proceedings to inflict the maximum damage on the Respondents and essentially usurp the proceedings to advance his narrative regardless of what the Tribunal may make out of his claims. The contents of the Leaflet and subsequent leaflets are only supporting evidence to show that the Claimant's threats are not empty words.

112. Secondly, the Article 10 right is "*subject to such formalities, conditions, restrictions or penalties as are prescribed by law and are necessary in a democratic society, in the interests … for maintaining the authority and impartiality of the judiciary.*" Therefore, to the extent the Claimant argues that striking out his claims will prevent him from using these proceedings to propagate his Black Live Matters political campaign or "*set the narrative* [against the Respondents] *straight*", I find, for the reasons explained above, that this will be an abuse of the employment tribunal process, and therefore falls within the exception formulated in Article 10(2).

113. The two ECHR cases the Claimant relies upon, I find, are of little assistance to him. The Rubins v Latvia case is about a professor of Riga Stradiņa University, who has been dismissed for writing a critical email to the rector of the University. The Court concluded that the dismissal amounted to interference with the professor's right under Article 10, and, although it has a legitimate aim (the requirement to act in good faith in the context of an employment contract), on the facts, the interference was not proportionate[1].

114. However, if any parallels can be drawn between that case and the present application, there is still a fundamental difference between the two. As explained above the reason for striking out the Claimant's claims is not the contents of the Leaflet or, indeed, his 29 March Email *per se*. These are just evidence (among others) showing the manner in which the Claimant has been conducting these proceedings, which I found scandalous, vexatious and unreasonable, and, together with my conclusions that in the circumstances a fair trial is not possible, and no lesser sanction could reasonably be applied to make the trial fair, is the reason for his claims being struck out.

115. In any event, in my judgment, on the facts on the case in front of me, striking out the Claimant's claims is a proportionate response to the legitimate aim of having employment disputes adjudicated by an independent tribunal in a way that is fair and just for all the parties involved.

[1] There is a powerful dissenting opinion of Judges Mahoney and Wojtyczek, which I find more resonating with me.

116. The second case of Jerusalem v Austria seems of no relevance. This was a case about an injunction granted by an Austrian court ordering the applicant to retreat and not to repeat her statements that two Austrian organisations (*Institut zur Förderung der Psychologischen Menschenkenntnis* – Institute for a Better Understanding of Human Psychology and *Verein zur Förderung der Psychologischen Menschenkenntnis* – Association for a Better Understanding of Human Psychology) were sects of a totalitarian character. The Court held that the injunction violated the applicant's Article 10 right.

117. The Claimant appears to be placing reliance on the following passage in the judgment:

"38. The Court recalls that the limits of acceptable criticism are wider with regard to politicians acting in their public capacity than in relation to private individuals, as the former inevitably and knowingly lay themselves open to close scrutiny of word and deed by both journalists and the public at large. Politicians must display a greater degree of tolerance, especially when they themselves make public statements that are susceptible to criticism."

118. This, however, is not to the point. As explained above (see paragraphs 55- 56, 82- 84 and 111) I am not judging the Claimant's political campaign methods, far less stopping him from pursuing his political goals. He is free to continue with his political campaign, and there is nothing in my judgment that stops him from doing that (I, of course, make no findings or conclusions on the on-going defamation dispute between the parties). However, for the reasons set out in paragraphs 111 and 112) I find that he cannot hide behind his Article 10 right to justify his scandalous, vexatious and unreasonable conduct of these proceedings.

119. I fail to see on what basis the Claimant contends that Article 3 of Protocol 1 is engaged in the consideration of the strike out application. Protocol 1 records the agreement by the governments of the Council of Europe member states, and Article 3 contains the undertaking by the contracting parties "*to hold free elections at reasonable intervals by secret ballot, under conditions which will ensure the free expression of the opinion of the people in the choice of the legislature*".

120. It does not create any separate free-standing right for citizens. To the extent the Claimant argues that striking out his employment tribunal claims somehow abridges his right to freely express his opinion about the Second Respondent as a person standing in local elections, I find that argument is misconceived for the same reasons as his Article 10 contentions.

Employment Judge P Klimov

3 June 2022

Sent to the parties on:

04/06/2022

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For the Tribunals Office

Public access to employment tribunal decisions

Judgments and reasons for the judgments are published, in full, online at www.gov.uk/employment-tribunal-decisions shortly after a copy has been sent to the Claimant (s) and respondent(s) in a case.

Annex – the 29 March Email

WITHOUT PREJUDICE

Dear Ms Rushmore,

Re: Case Numbers: 2207740/2020 & 2204276/2021

1. It is now more than fourteen (14) days after the Record of a Preliminary Hearing was sent to all parties in case numbers: 2207740/2020 & 2204276/2021; I note that none of the parties have lodged a request for Reconsideration of the decision.

2. I therefore write to offer your client(s) a small window of opportunity to settle the cases, before an unstoppable campaign is launched to achieve my primary aim of setting the public narrative straight. The window is just four (4) days (end of business Friday, 18 March). Here's why:

3. For my part, I have achieved my goal of adding a human being to the list of Respondents in the case(s). This means that I am now in my planned position for unilaterally amending the narrative of the continuing saga of myself -v- Evolve Housing + Support.

4. As things now stand, London is entering into the local authority election period with a leading Liberal Democrat politician and Merton Borough Councillor, Simon McGrath, facing an allegation of aiding and abetting the victimization of a Black church minister, community leader and the leader of the Black Lives Matter Party.

5. Moreover, the alleged victimization flows from an alleged illegal response to an email to councillors with the subject heading "Racism and Evolve Housing +Support".

6. The background to the allegation against Cllr McGrath includes his trusteeship of Evolve Housing + Support, an unregulated supported housing organisation recently found guilty of racism and religious harassment; and associated with murder; suicide; the receipt of deadly weapons through the post; drug dealing and drug taking among those in its care. In addition, the organisation has spent tens of thousands of pounds pulling from public scrutiny numerous other racism claims and will see a flagship facility decommissioned next year by Lambeth Council in the wake of poor performance.

7. The question can be fairly asked of the Merton electorate, "Is Simon McGrath fit to continue as a councillor for the Dundonald Ward of Merton Council; given the track record of the Merton based organisation for which he is a trustee?"

8. Taken in conjunction with the allegations against the Liberal Democrats in South West London over the David Campanale religious discrimination and harassment case, currently being investigated by the Equalities Commission, one might ask questions about Simon McGrath's political party in general. (You may wish to ask Cllr McGrath who David Campanale is.)

9. Furthermore, it is wholly appropriate for the Black Lives Matter Party to ask the electorate to approve a policy of sanctions against charities, such as Evolve Housing + Support, who have been found guilty of discrimination and harassment. Such sanctions to include the prohibition of errant charities from receiving the discretionary business rates reduction registered charities usually enjoy.

10. The great thing about political campaigning is the direct access to the public through the

posting through letter boxes of thousands of leaflets containing ones message, plus the unfettered use of social media. One does not have to rely on mainstream media in order to get ones message out.

11. The nominations period for the London local authority elections is now open and closes on Tuesday, 5 April.

12. I invite your clients to make their best offer for settlement that takes cognisance of my previously stated objectives. If, however, we cannot reach an agreement by close of business on Friday, 1 April, then a month long local election campaign will be launched to unseat Cllr McGrath and his colleague Anthony Fairclough from their Dundonald Ward council seats. Central to the campaign will be Cllr McGrath's association with Evolve Housing + Support and its failings.

13. Your clients should note that no settlement is possible that involves abandoning my planned legal action against Jon Deakin. In short, Cllr McGrath will have to decide whether Jon Deakin is worth sacrificing his political career and legacy and plunging his political party into a religious harassment scandal during election time, which may lead to other political colleagues losing their seats and his party's general election ambitions being hindered.

14. I close by saying, I am not a lawyer. Law is not my area of strength - political campaigning, however, is. I specialised, not in winning seats myself, but rather causing others to lose theirs. This fact has gone widely unnoticed by observers.

15. I invite Cllr McGrath to ask such politicians as Dev Sharma (former Labour Mayor of Redbridge), or Calum MacDonald (former Labour MP for Na h-Eileanan an Iar (aka the Western Isles) and Evan Harris (former MP for Oxford West and Abingdon) about the efficacy of my campaigns. (Mr Harris was blissfully unaware of my involvement, behind thescenes, in his "surprising" parliamentary demise losing by 176 votes.)

16. A beneficiary of my work was Willie Rennie (former MP for Dunfermline West). In my 2006 Scottish Christian Party Dunfermline West by-election campaign I targeted Labour and thereby depressed their vote. Mr Rennie was thereby able to achieve a surprise victory and a single term as a Westminster MP - it was the first time that Labour lost to the Lid Dems in Scotland. As Lib Dem Scottish Leader, Mr Rennie may be personally known to Cllr McGrath. Cllr McGrath might find it useful to give Mr Rennie a call.

I look forward to your clients' response.

Kindest regards,

Rev Dr J. George Hargreaves