

Investigations: Tackling complex cases

Case example 2

Councillor Patel, a local community leader, Magistrate and the Conservative candidate in the next parliamentary elections, alleged that Councillors Jake and Jones failed to treat him with respect and brought their office and authority into disrepute. He alleged that they targeted him during meetings and exhibited a pattern of behaviour intended to undermine him involving repeated criticism, interruptions, ridicule and personal attacks; that they agreed systematically to undermine him and his reputation following his suggestion that the editor of the local paper be prosecuted for inciting racial hatred after publication of an article in the paper; that they provided a local newspaper with details of complaints they had made against him in relation to disposal of council property; and that they discriminated against him on grounds of race, unlawfully or otherwise, and victimised him for seeking to prosecute the editor of the local newspaper. Councillor Patel said that this conduct became more noticeable from the time that he criticised the journalist.

Background

The local newspaper contained an article entitled 'thoughts on thuggery'. It attracted media interest because of some comments on race issues – for example:

"Britain is being mugged by black hoodlums, people are being cut down in the streets a la Mogadishu in the early nineties ... only a moron would surmise that what politically correct newspapers refer to as 'disaffected young people' are black thugs, sons of black thugs and grandsons of black thugs in it for the money."

At a meeting of the Council on 10 April 2007 Councillor Patel made complaints about what he described as inflammatory comments within the article and sought action by the Council to seek a prosecution against the editor. Following this an article appeared on a US website critical of the suggestion that the columnist might be prosecuted and inviting "friends of liberty and peace everywhere" to boycott British goods and contact "Cllr Patel the totalitarian prick directly responsible for this outrage against the standards of a free and civilized society and give him a good piece of your mind" Councillor Patel's telephone number and email address were included – he received more than 40 emails, many containing strong and obscene language. A file was subsequently sent to the CPS who decided not to prosecute the editor.

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The Council had held discussions with a charitable body, Community Initiatives (CI), of which Councillor Patel is a trustee. CI, in partnership with a commercial firm, wanted to buy a property, 25 Green Street, which was owned by the Council. The Council's provisional agreement to sell the property to CI broke down and at a meeting of the Council on 22 November 2006, it was agreed that the property would be put on the market commercially to be sold to the highest bidder. This did not preclude CI putting in a bid with its commercial partner. The Council considered the bids at a meeting on 13 January 2007. Councillor Khan declared a personal and prejudicial interest and left the meeting. A number of Council members expressed concern both at the meeting and in correspondence to the MO that Councillor Patel had lobbied members in support of the CI bid. On 17 January there was an article in the local paper stating that Councillor Patel, a local Magistrate and prospective Conservative MP, was being investigated over a failed multi million pound deal to buy a building for a charity and that fellow members had complained about his conduct.

Allegations

In support of his allegations, Councillor Patel said that it was rare for critical comments to be of a personal nature at Council meetings, but that personal criticism, interruptions, ridicule and personal attacks on him by the Labour Group are frequent and had occurred at least once at every meeting since April 2007.

Councillor Patel provided no specific examples of such conduct by the members of the Labour Group beyond their stating that when he introduced a matter it was *"a typical comment from an individual who clearly has little or no contribution to make to this debate"* or *"for once it seems that Councillor Patel has made a sensible contribution"* and *"once again Councillor Patel has raised spurious and irrelevant concerns"*. He said that the conduct of the members could be corroborated by a number of members, employees and two independent members who had since left the authority one of whom had made allegations of racial discrimination against the authority.

Councillor Patel alleged that in order to damage his reputation, details of allegations made against him by either or both Councillors Jake and Jones were deliberately passed to the local newspaper before he was aware of them or had an opportunity to respond to them. He said that he was contacted by the journalist who suggested to him that he had breached the Council's Code of Conduct in relation to the disposal of 25 Green Street. Councillor Patel refuted this and asked for the source, which the journalist refused to disclose.