



Standards Hearing Panel

Date:	Tuesday, 2 November 2010
Time:	10.00 am
Venue:	Committee Room 3 - Wallasey Town Hall

Contact Officer: Brian Ellis
Tel: 691 8491
e-mail: brianellis@wirral.gov.uk
Website:

AGENDA

1. DECLARATIONS

The members of the panel are invited to consider whether they have a personal or prejudicial interest in connection with any of the items on this agenda and, if so, declare it and state the nature of such interest.

2. EXEMPT INFORMATION

RECOMMENDATION: That under section 100(A)(4) of the Local Government Act 1972, the public be excluded from the meeting during consideration of the following item of business on the grounds that it involves the likely disclosure of exempt information as defined by the relevant paragraph of part 1 of Schedule 12A (as amended) to that Act.

3. COMPLAINT AGAINST A MEMBER OF THE COUNCIL (Pages 1 - 56)

To hear and determine an allegation that a member of the Council has failed to comply with the Council's Code of Conduct.

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WIRRAL COUNCIL

STANDARDS HEARING PANEL – 2 NOVEMBER 2010

REPORT OF THE DIRECTOR OF LAW, HR AND ASSET MANAGEMENT

COMPLAINT AGAINST COUNCILLOR DENIS KNOWLES

Case Reference: 2009/04

Report of an investigation under Section 59 of the Local Government Act 2000 by Bill Norman, Monitoring Officer for Wirral Council into an allegation concerning Councillor Denis Knowles.

1.0 Executive Summary

This report outlines the background to the complaint made against Councillor Denis Knowles. It summarises the findings based on evidence gathered during the course of the investigation and sets out the investigator's view as to whether there has been a breach of the Code of Conduct for Members.

2.0 Subject Member Details

The complaint is against Councillor Denis Knowles. Councillor Knowles is councillor for the Seacombe Ward. He has been a councillor since 1996. He is a member of the Economy and Regeneration Overview and Scrutiny Committee and is Vice-Chair of the Pensions Committee. He is also a member of the Licensing Act 2003 Committee and sub-committee.

3.0 The Relevant Provisions

The complaint is that Cllr Knowles has acted in a manner which amounts to a breach of the Code of Conduct for members of Wirral Council. The current code was adopted by Council on 21 May 2007. The relevant parts of the Code are contained within the general obligations in paragraph 3 of the Code:

(1) You must treat others with respect.

(2) You must not conduct yourself in a manner which could reasonably be regarded as bringing your office or authority into disrepute.

4.0 The Evidence Gathered

The following people were interviewed in the course of the investigation:

- 1) Cllr Ron Abbey;
- 2) Cllr Adrian Jones;
- 3) Cllr Phil Davies;
- 4) Cllr George Davies;
- 5) Cllr Harry Smith;
- 6) Cllr Denis Knowles

- 7) Cllr Sue Taylor;
- 8) Cllr James Keeley;
- 9) Cllr Andrew Hodson;
- 10) Cllr Tom Harney;

5.0 Summary of the Complaint

5.1 This complaint was submitted by Councillors Ron Abbey, Adrian Jones, Phil Davies, George Davies, and Harry Smith. The allege that at a Council meeting on 13 July, 2009 Councillor Knowles made a threatening gesture directed at Councillor Ron Abbey.

6.0 Findings

6.1 In order to establish a breach of the Code of Conduct, the Panel must be satisfied on the balance of probabilities that the member concerned has been guilty of failing to treat others with respect and of bringing the Council into disrepute.

6.2 The accounts of the incident are conflicting and contradictory and except in the case of Councillor Harney and the Mayor originate from witnesses who's evidence could be tainted by bias and in turn undermine their impartiality.

6.3 There is insufficient evidence to prove on the balance of probabilities that Councillor Knowles made the threatening remarks attributed to him by Councillors Abbey and George Davies.

6.4 Councillor Knowles was subject to persistent baiting and barracking from some members of the Labour Group which was incompatible with proper conduct of Council business and could be damaging to the Council's reputation.

7.0 Subject Member Comments

A copy of the investigating officer's report was sent to Cllr Knowles on 3 August 2010, together with the procedure for Local Standards Hearings. Councillor Knowles has no disagreement with the findings of fact set out in the Monitoring Officer's report.

8.0 Conclusion

That Councillor Knowles behaviour did not bring the Council into disrepute.

Bill Norman
Director of Law, HR and Asset Management

20 October 2010.

NOT FOR PUBLICATION

By virtue of paragraph(s) 7c of Part 1 of Schedule 12A of the Local Government Act 1972. Private & Confidential

WIRRAL METROPOLITAN BOROUGH COUNCIL

**STANDARDS COMMITTEE
INITIAL ASSESSMENT PANEL**

**REPORT OF THE MONITORING OFFICER
INTO A COMPLAINT AGAINST
COUNCILLOR DENIS KNOWLES**

(SfE Ref: 2009/04)

REPORT

Case Ref: SFE 2009/04

Report of an investigation under Section 59 of the Local Government Act 2000 by Mr Colin Hughes appointed by the Monitoring Officer for Wirral Metropolitan Borough Council into an allegation concerning Councillor Denis Knowles.

1. SUMMARY

On 28 August 2009 the Initial Assessment Panel instructed the Monitoring Officer to investigate a complaint from 5 Labour members of the Council that at a full Council meeting on 13 July 2009 Councillor Denis Knowles made a threatening gesture directed at Councillor Ron Abbey. This report describes the outcome of that investigation into the allegation that Councillor Knowles contravened the Code of Conduct for Members by failing to treat others with respect (paragraph 3(1)) and by conducting himself in a manner which could reasonably be regarded as bringing his office of member of the Council into disrepute (paragraph 5).

2. OFFICIAL DETAILS OF COUNCILLOR KNOWLES

2.1 Denis Knowles was elected to office on 3 May 2007 for a term of 3 years.

2.2 He currently serves on the following committees: Licensing Act 2003 Committee and Sub-Committee, Licensing Panel, Pensions Committee and the Scrutiny Programme Board.

2.3 He gave a written undertaking to observe the Code of Conduct on 4 May 2007.

2.4 He received training on the Code of Conduct on 7 December 2009.

3. THE RELEVANT LEGISLATION AND CODE OF PRACTICE

3.1 The Council adopted on 21 May 2007 a Code of Conduct for Members in which the following paragraphs are included.

3.2 Paragraph 3(i): You must treat others with respect.

3.3 Paragraph 5: You must not conduct yourself in a manner which could reasonably be regarded as bringing your office or authority into disrepute.

3.4 On 4 November 2009 the Monitoring Officer (Bill Norman) appointed me to investigate the allegations against Councillor Knowles pursuant to Section 82A of the Local Government Act 2000.

3.5 The investigation has been governed by the Standards Committee (England) Regulations 2008 and in particular Regulation 14.

4. INVESTIGATION

4.1 A total of five complaints have been received from the Labour members against Councillor Knowles and are contained in Appendix 1. They originate from Councillors George Davies, Phil Davies, Harry Smith, Adrian Jones and Ron Abbey.

4.2 Independently of the above, Councillor Tom Harney sent a complaint to the Director of Law, HR and Asset Management on 26 July 2009 about the conduct of Labour members towards Councillor Knowles. That email is contained in Appendix 2.

4.3 The above complaints were sent to Councillor Knowles for his observations. He replied on 5 November 2009. His reply is contained in Appendix 3.

4.4 Statements in support of Councillor Knowles were provided by Councillors Susan Taylor (Appendix 4) and James Keeley (Appendix 5).

4.5 Observations on the statements contained in Appendices 1 to 4 were received from Councillor Harney (Appendix 6) and Councillors Phil Davies (Appendix 7), Adrian Jones (Appendix 8) and Ron Abbey (Appendix 9).

4.6 Statements were invited from the Chief Officers present at the Council meeting but those who responded stated they did not see or hear the incident.

4.7 The Mayor was interviewed and has provided a statement of evidence (Appendix 10).

5. EVIDENCE OF THE FIVE LABOUR MEMBERS

5.1 Councillor Abbey has stated that at the Council meeting on 13 July 2009 Councillor Knowles clenched his fist and punched it into his hand. In response to Councillor Abbey's question "Are you threatening me?", Councillor Knowles replied by drawing a finger across his throat and stating "I am going to smash you. You're finished. You're dead.". He also said "I am going to do you" Previously Councillor Abbey had not spoken in the debate and had not said anything to Councillor Knowles.

5.2 Councillor Adrian Jones has stated that he saw Councillor Knowles looking aggressively at Councillor Abbey and saw him drawing a finger across his own neck. Councillor Knowles also shook his fist at Councillor Abbey and "mouthed" something to him.

5.3 Councillor Phil Davies has stated that he saw Councillor Knowles make a clenched fist gesture in the direction of Councillor Abbey which he perceived to be very threatening.

5.4 Councillors George Davies and Harry Smith were standing adjacent to the Council Chamber double door entrance. Councillor Smith has stated that he saw Councillor Knowles pointing his finger and clenching his fist to make a threatening gesture towards the Labour leadership area. He was "mouthing words".

5.5 Councillor George Davies has stated that he heard Councillor Knowles shouting "You're dead. You're dead. I'll see to that.". He seemed to be addressing Councillor Abbey who was sitting behind Councillor Phil Davies.

6. EVIDENCE OF COUNCILLOR KNOWLES

6.1 He has stated that the Labour Group was hostile to him because of his defection to the Conservative Group earlier in 2009.

6.2 Whilst addressing the Council at the meeting on 13 July he has stated that the Labour Group consistently shouted him down, booed and hissed at him and called him a traitor. The Mayor had to intervene constantly in his defence. Whilst speaking he was waving his arms about and at times forming a fist with his hands.

- 6.3 He has stated that when he sat down he looked across at the Labour leadership and ran his finger across his lips a few times. This prompted Councillor Foulkes to jump up and accuse him of threatening his members.

- 6.4 He denies making a "cut throat gesture". The finger across the lips was intended as a sign to keep quiet made towards the Labour members in general. He denies making any threatening remarks towards Councillor Abbey or making any threatening gestures towards him.

7. EVIDENCE OF THE TWO CONSERVATIVE MEMBERS

- 7.1 Councillors Taylor and Keeley have stated that during the Council debate Labour members were constantly barracking Councillor Knowles. Councillor Taylor was sitting in front of Councillor Knowles and therefore not in a position to witness any gestures he may have made. She has stated that she did however turn round and see Councillor Knowles make the gesture of zipping his mouth which she interpreted as the signal to certain Labour members to cease the abuse that they were directing at him. She did not hear him say "You're dead. You're dead. I'll see to that".

- 7.2 Councillor Keeley has stated that many members of the Labour Group were trying to shout Councillor Knowles down to which Councillor Knowles responded by gesturing at those who were heckling him. He waved his hand and his finger across his lips as a silencing gesture. During the evening Councillor Keeley was observing Councillor Knowles because of interest in his reaction to his former colleagues in the Labour Group. Councillor Keeley is certain that Councillor Knowles never shouted or "mouthed" any form of words that could have been construed as threatening towards any other member or person present in the Chamber at any time.

8. EVIDENCE OF COUNCILLOR HARNEY

- 8.1 He has stated that during the debate on 13 July 2009 there was a determined effort by many Labour members to prevent Councillor Knowles being heard. There was a

great deal of noise from the Labour benches. They were shouting at Councillor Knowles.

8.2 He has stated that there was a degree of disorder in the Council at that time which was directed at Councillor Knowles and which was intended to prevent him from being heard.

8.3 Councillor Harney is hard of hearing and therefore was not able to hear what Councillor Knowles might or not might have said in response to the harassment he was receiving from the Labour Group.

9. EVIDENCE OF THE MAYOR

9.1 He has stated that the Labour Group were attempting to shout Councillor Knowles down when he was addressing the Council. He had to intervene on Councillor Knowles behalf to calm down the Labour Group.

9.2 He has stated that he saw Councillor Knowles draw a finger across his lips whilst looking at the Labour Group. This occurred after Councillor Knowles had sat down after completing his speech.

9.3 He has stated that he did not see Councillor Knowles make any threatening gesture with his fist nor did he hear him shout at the Labour Group or Councillor Abbey in particular.

9.4 He has stated that he was continually being distracted by the noisy and disorderly behaviour of Councillors during the meeting which prevented him from focussing his attention for any length of time on Councillor Knowles when he was not addressing the Council.

10. EVALUATION OF THE EVIDENCE

10.1 Councillor Adrian Jones has conceded that there is considerable animosity towards Councillor Knowles from the Labour Group following his defection to the Conservative Group. Inevitably this raises the potential issue of impartiality of the

five Labour members. Their accounts could be tainted by bias against Councillor Knowles or at the very least one sided.

10.2 Councillor Phil Davies has stated that he saw Councillor Knowles make a clenched fist gesture in the direction of Councillor Abbey. He makes no mention of Councillor Knowles drawing a finger across his throat nor of any threats being directed at Councillor Abbey by Councillor Knowles.

10.3 Councillor Adrian Jones has stated that he saw Councillor Knowles drawing a finger across his neck and shaking his fist at Councillor Abbey. He refers to Councillor Knowles "mouthing" at Councillor Abbey from which it can be concluded that he cannot recollect the precise words otherwise he would have included them in his statement.

10.4 Councillor George Davies has stated that he heard Councillor Knowles shouting "You're dead you're dead, I'll see to that" and saw him waving his fist towards the Labour Group but did not see the alleged "cut throat" gesture. Both he and Councillor Smith have stated that they saw Councillor Knowles wave his fist towards the Labour leadership area.

10.5 The accounts of the Labour Councillors are inconsistent with each other but do nonetheless carry some weight since their inconsistency can be an indication that there has been no prior collusion in the presentation of their complaints against Councillor Knowles. It is commonly the case that no two people see or hear the same incident in an identical fashion. Nonetheless it is significant that Councillor Phil Davies who was sitting in front of Councillor Abbey only referred in his statement to a clenched fist gesture in the direction of Councillor Ron Abbey. Similarly Councillor Adrian Jones refers to a shaking of the fist by Councillor Knowles and the "I will cut your throat" metaphor but does not specify what Councillor Knowles was "mouthing" at Councillor Abbey.

10.6 The evidence of the Conservative Members also raises the issue of potential bias. Their evidence may be regarded as being tainted and their support for Councillor Knowles (who recently joined the Conservative Group) and desire to protect him from the hostility of his former Labour colleagues, seen as evidence of such

bias/faint. Accordingly, it may not be possible to regard their account of the incident wholly impartial . It cannot be ignored that they interpreted Councillor Knowles "cut throat gesture" as a finger across his lips namely signifying that Labour members should cease barracking him rather than as a threat of violence. Councillor Taylor did not hear any threatening words from Councillor Knowles towards Councillor Abbey.

10.7 The evidence of the Mayor on the whole supports Councillor Knowles account of events although the Mayor's perception was hampered by the accepted general hubbub constantly generated by Members during the meeting which distracted his attention from Councillor Knowles.

10.8 The evidence of the Mayor, Councillor Harney, the Conservative members and of Councillor Knowles himself however do support the position that during the debate and immediately before the incident, the Labour Group were barracking and heckling Councillor Knowles in a concerted attempt to shout him down. From the accounts given by the witnesses, there appears to be little doubt that this was the immediate cause of any reaction by Councillor Knowles.

11. CONCLUSIONS

11.1 In order to establish a breach of the Code of Conduct, the Standards Committee must be satisfied on the balance of probabilities that the member concerned has been guilty of failing to treat others with respect and of bringing the Council into disrepute. On the 'balance of probabilities' can be defined as 'more likely than not'.

11.2 The accounts of the incident are conflicting and contradictory and except in the case of Councillor Harney and the Mayor originate from witnesses who's evidence could be tainted by bias and in turn undermining their impartiality . The Mayor by virtue of his office should be regarded as impartial, although he accepts that he may not have witnessed all the events that have been alleged given that his attention was not focussed on Councillor Knowles after he had ceased speaking.

11.3 From the evidence available, there is sufficient evidence, on the balance of probabilities, to support the contention that Councillor Knowles did wave his fist (or his hand) at the Labour Group members and also made a gesture with his finger at least across his lips. This was probably intended as an act of defiance towards Labour members who had been continually baiting him during the Council proceedings. There is insufficient evidence to prove that a gesture was made with his finger across his throat.

11.4 There is insufficient evidence to prove on the balance of probabilities that Councillor Knowles made the threatening remarks attributed to him by Councillors Abbey and George Davies. They are denied by Councillors Knowles, Keeley and Taylor and not supported by Councillors Phil Davies or Adrian Jones or the Mayor.

11.5 Taken in isolation, any threatening or insulting gesture by a member towards another amounts to disrespectful behaviour which also brings the Council into disrepute. A reasonable and detached observer would however always regard such behaviour in its context. Councillor Knowles's reaction was in response to the persistent barracking and shouting down that he had endured from some members of the Labour Group. Such behaviour is incompatible with the proper despatch of Council business and also incompatible with each members right to freedom of expression.

11.6 Having regard to all the circumstances I find that Councillor Knowles did not fail to treat others with respect. His response is to be evaluated in the context of the lack of respect shown towards him by some members of the Labour Group against whom his gestures were directed.

11.7 I also find that Councillor Knowles behaviour did not bring the Council into disrepute. There is an argument that the Council may have already been brought into disrepute by the persistent heckling and shouting down which Councillor Knowles had been subjected to. Councillor Knowles's reaction added little to a situation that a reasonable observer would already have regarded as damaging to the Council's reputation.

12. OPTIONS OPEN TO THE INITIAL ASSESSMENT PANEL

- 12.1 It accepts the finding of no breach of the Code of Conduct; or
- 12.2 It refers the matter to the Standards Committee for a hearing; or
- 12.3 It refers the matter to the Adjudication Panel for determination (but only if the President of the Panel accepts the referral and the allegations are so serious that the action open to the Standards Committee would be insufficient if the allegations were found to be true).

Dated the 10 day of February 2010

C.S.S. Hughes
.....
Investigating Officer on behalf of the Monitoring Officer

COLIN HUGHES
Group Solicitor

STANDARDS COMMITTEEREPORT KNOWLES COMPLAINT

APPENDIX 1

Bill,

I wish to register a complaint about the behaviour of Cllr. Knowles at the last Council Meeting. I had left the chamber briefly and when I came back in I joined Harry Smith who was standing at the double doors to the chamber. Harry said to me "It's kicking off here." As I looked across the chamber I saw Cllr. Knowles was waving his fist over to our side towards where the leadership sit. Denis started shouting "You're dead. You're dead. I'll see to that". I then realised he was talking to Cllr. Ron Abbey who sits behind Cllr Phil Davies. I do not believe this threatening behaviour is acceptable from any councillor.

A handwritten signature in cursive script, appearing to read "George Davies".

Cllr. George Davies.

Council Monday July 13th

Bill,

I wish to formally register a complaint with you following tonight's meeting of full Council where I witnessed Cllr Denis Knowles on the Conservative Group benches make a clenched-fist gesture in the direction of Cllr Ron Abbey on the Labour Group benches during the debate on the Finance notice of motion.

This was, in my view, done in a very threatening way. Clearly, one expects a certain amount of intemperate behaviour at any Council meeting, but I believe that Denis's gesture 'crossed the line' in terms of what can be deemed acceptable behaviour, which is why I am registering this complaint. I understand from Cllr Abbey that Cllr Knowles made other threatening gestures during the meeting and I believe he will be writing to you shortly, while the incident is still fresh in his mind, to make a complaint of his own..

P.L. Denis

Cllr. Phil Davies

Council Monday July 13th

Dear Bill,

I wish to add my evidence to those already making a complaint about the behaviour of Cllr Denis Knowles.

During the evening of Full Council (13th July 2009) both I and Cllr George Davies were standing adjacent the Council Chamber double door entrance. I was listening to the proceedings when I happened to glance across at the Tory benches and noticed Cllr Denis Knowles was both mouthing words and pointing his finger towards, what I thought, was the Labour leadership area. He continued mouthing words but, then, also clenched his fist and made a threatening gesture towards, again, what I thought was the Labour leadership area: he then pointed towards the same area and was still mouthing words. I felt his whole demeanour was very threatening. I later discovered that his words and gestures had been directed to Cllr Ron Abbey who sits directly behind the Labour leadership seats. I did not hear what he was saying.

Cllr. Harry Smith

Labour Councillor,
Bidston and St James Ward
0151 608 5886

Council Monday July 13th

Bill,

At full Council on Monday July 13th I saw Cllr Denis Knowles eyeball Ron Abbey aggressively and perform the 'I'll cut your throat' metaphor, drawing a finger across his own neck; and moments later he mouthed at Ron and shook his fist. This was appalling behaviour and I believe as Monitoring Officer that you should take the appropriate action. Even the Mayor was obliged on three separate occasions to draw Knowles to order because of his behaviour

Adrian Jones

Cllr Adrian Jones

Council Monday July 13th

Dear Bill,

I would like to register a formal complaint with you as monitoring officer about the behaviour of Denis Knowles in Council on the night of Monday July 13th

During the course of the debate on the Finance Motion Denis Knowles made deliberate attempts to catch my eye. This was not easy as he was on the back bench on the opposite side of the chamber where he had to move his head around Leah Frazer's in front of him in order to find me.

Having found me, he then pointed at me and mouthed "It's you I'm talking to" and clenched his fist and then punched it into his hand. I mouthed back and said "Are you threatening me?" His reply was to draw a finger across his throat and mouth back "I'm going to smash you. You're finished. You're dead." He also said "I am going to do you."

I want to make it clear that, in my view, this was not part of the normal banter of a Council meeting, or a response to provocation from anyone that went too far. I had said nothing to Denis Knowles. I had not spoken in the debate that was taking place and Denis was not in my immediate eye line as he was partly hidden by his colleagues in front of him.

I can therefore only conclude that this was an unprovoked threat of violence aimed directly at me, which I frankly find quite disturbing.

In my view, this is a clear breach of the protocol concerning members' behaviour to each other and I would be grateful if you would instigate the correct investigation.

There were a number of members who saw the threatening gestures he made and I enclose their accounts of what they saw,

Many thanks,

Yours sincerely,



Cllr. Ron Abbey

APPENDIX 2

Councillor T Harney – letter of representation

"Bill, I refer to the article in the Daily Post of Friday July 24, page 12, headed "Anger as councillor is accused of making a cut throat sign"

I request that the following comments are reported to the Standards Committee.

During the council meeting in question – that of 13 July - there were a number of times I found it very difficult to know what was going on – this was because of the shouting across the chamber by a number of members. I cannot see that this behaviour can in any way be said to further the work of the Council – and it does in fact tend to bring the Council into disrepute. I sit at the far end of the chamber from the mayor. My hearing has got worse with age. I am however able to hear the contributions when members are prepared to allow the member who is speaking to do so without interruption. I do not therefore feel that I have to rely on the Disability discrimination Act to ask that meetings are conducted in such a way that I can hear the debates.

On the evening in question I am not sure what was happening when the alleged incident took place. I do know however that there was a determined effort by many Labour members to prevent Cllr Knowles being heard.

I heard the Leader of the Council shout something about reporting to the Standards Committee. I believe that issues to do with the conduct of the meeting should have been taken up with the mayor for him to make a ruling. Otherwise the statement of the Leader of the Council must be seen as a threat. In view of the intemperate behaviour of the Leader and his failure to follow correct procedure, I suggest that the complaint must be seen as vexatious.

I ask the Standards Committee to ask all members to follow correct procedures.

I also that they consider if there is anything that they can do to improve the way in which the Council conducts itself. The message that is given to the public is that there are councillors who treat the Council with contempt."

APPENDIX 3

Hughes, Colin J.

From: Knowles, Denis T. (Councillor)
Sent: 05 November 2009 15:54
To: Hughes, Colin J.
Subject: RE: COMPLAINT OF BREACH OF THE COUNCIL'S CODE OF CONDUCT FOR MEMBERS

Importance: High

Sensitivity: Confidential

FAO – COLIN J. HUGHES

Dear Colin,

Please find attached my written statement and comments, as requested. I will place a hard copy in the general pigeon hole at the town hall tomorrow. I expect you will also receive statements over the next few days from those members sitting close to me on the night in question.
I look forward to hearing from you presently.

Yours sincerely,

Councillor Denis Knowles

Conservative Councillor for Seacombe Ward
Wirral Borough Council
Tel: 0151 639 7104
Mob: 07796 684428
Email: denisknowles@wirral.gov.uk
Blog: www.seacombe.info

PERSONAL STATEMENT

I understand that it is common knowledge that there has been a bad atmosphere between myself and the Labour group in general, since my defection to the Conservative group earlier this year.

This has manifested itself in a number of different ways with personal attacks on me via the media, newsletters, emails and blogs to name a few.

The most hurtful is the "blanking" of me at every opportunity even when I try to be civil towards them. I understand from one or two of the more decent and humane members of the Labour group that the leadership has instructed all members not to speak to me under any circumstances.

The history between myself and Councillor Ron Abbey has been exasperated by the fact that he did all the things described above for 12 months before the official ban on speaking to me was instigated. Due to the fact that he didn't agree with me being on the Merseytravel board, at his expense.

The above is setting the context for this statement.

During the finance debate at the Council meeting on the 13th of October, I admit I was waving my arms about, possibly with my hand forming a fist. I also acknowledge that the mayor requested that I kept my arms down but sometimes to emphasise a point it is a habit that some councillors have. I will in future make an effort not to raise my hands during my contributions.

On this particular occasion I was constantly being shouted down, booed and hissed at, as well as being called a traitor and my motives questioned. The Mayor intervened constantly in my defence.

When I sat down and the catcalls had stopped I admit I looked across at the leadership and ran my finger across my lips a few times as I could see them all giving me daggers and I wanted to emphasise that I was not intimidated by their tactics.

It was at this point the Council Leader Councillor Steve Foulkes jumped up and accused me of intimidating and threatening his members and promising to report me to the standards committee.

I submit that as 59 year old man the only threat I could pose would be on a political level rather than a physical one.

Turning to the statements from the Labour members and the friendly statement from a Liberal democrat member, emanating from the Council meeting on the 13th of October.

Councillor George Davies - I totally deny making death threats to any Labour group member. I was shaking my arms and possibly had my hand in a fist during my contribution.

Councillor Phil Davies - I deny aiming any threatening gesture in word or deed towards any particular Labour member.

Councillor Harry Smith - I deny making a fist or mouthing words of any description other than the finger across the lips gesture towards any particular labour member.

Councillor Adrian Jones - I did not make cut throat gestures toward any particular labour member. I did make a gesture signifying please keep quiet towards labour members in general. As this Councillor states I was warned by the Mayor to keep my hands down but this was during the debate, not afterwards when I had sat down.

Councillor Ron Abbey - I have read Councillor Ron Abbeys account of what he believed happened at the town hall on the evening of the 13th of October and feel sorry that he felt personally intimidated by my actions. I can only reiterate my account of the events as described in my statement above. I did not in any way, shape or form make any gestures to him specifically. As I have already indicated my arm waving, fist shaking and afterwards, my finger across my lips gestures were in the general direction of the Labour benches. Councillor Ron Abbeys' behaviour towards me on the night was no better and no worse than any of the other councillors who wished to shout me down.

Councillor Tom Harney - Councillor Harney in his comments correctly identifies the volume of noise contributed to the Labour benches opposite to me whilst I was making my contribution, as well as from some of his own colleagues' closer to him. The Mayor did as me to desist from waving my arms and making a fist to get my points across against a background of noise. I did comply with this request.

I also agree that the statements from the Labour group members could be seen as vexatious. That is not to say that they did not genuinely feel threatened in a general way from my gestures but to add the verbal comments I am alleged to have made is, in my opinion, paramount to a character assassination attempt on me and given the hatred they have displayed towards me, strikes me as an attempt to silence me and is uncalled for as I have as much right to express my views unhindered by their childish behaviour.

Denis Knowles

Councillor Denis Knowles
5th of November 2009

APPENDIX 4

Hughes, Colin J.

From: Taylor, Susan (Councillor)
Sent: 05 November 2009 17:55
To: Glover, Chris; Hughes, Colin J.
Cc: Norman, Bill D.; Lyon, Rosemary A.
Subject: FW: COMPLAINT OF BREACH OF THE COUNCIL'S CODE OF CONDUCT FOR MEMBERS

Importance: High

Sensitivity: Confidential

Dear Mr Hughes

I wish the following information to be taken into account in relation to the complaint lodged against my colleague, Cllr Denis Knowles.

I sit directly in front of Cllr Denis Knowles in the chamber so did not witness the alleged gestures. I was however aware of the constant barracking Cllr Knowles was receiving from the Labour benches. At one point I did turn around and saw Cllr Knowles, in what appeared to be a gesture of zipping his mouth which I assumed was an instruction for certain Labour members to cease the abuse. At no time did I hear him say "You're dead, you're dead, I'll see to that" and from where I sit, I can generally hear his every word.

Some of the reports from the Labour group seem to 'over egg the pudding'. Council meetings are frequently feisty affairs with plenty of passion and debate. I have witnessed several debates, involving all parties which involve much finger pointing, gesticulating and raised voices but not in an aggressive or violent manner.

It is unfortunate that those who have lodged the complaint are the ones who have still not 'forgiven' Cllr Knowles for crossing the floor and joining the Conservative Group. It is infact Denis who has been on the receiving end of some uncalled for remarks and the 'cold shoulder' from his ex-colleagues. However, he has far more integrity and has dealt with the situation in a very professional manner.

Kind regards

Councillor Sue Taylor
New Brighton Ward
m: 07736 927201
www.tellsue.com

From: Glover, Chris **On Behalf Of** Hughes, Colin J.
Sent: 04 November 2009 12:14/
To: Knowles, Denis T. (Councillor)
Cc: Norman, Bill D.; Lyon, Rosemary A.; Hughes, Colin J.
Subject: COMPLAINT OF BREACH OF THE COUNCIL'S CODE OF CONDUCT FOR MEMBERS

On 28 August the Standards and Assessment Panel decided to refer the following complaint against you to the Monitoring Officer for investigation.

The allegation is that at a full Council meeting on 13 July 2009 with members of the public present in the public gallery during the course of debate on the finance motion you made a threatening gesture directed at Councillor Ron Abbey.

The relevant parts of the Code of Conduct for Members are;

05/11/2009

- (i) paragraph 3(1) - you must treat others with respect; and
- (ii) paragraph 5 - you must not conduct yourself in a manner which could reasonably be regarded as bringing your office or authority into disrepute.

I attach statements made by Councillors George Davies, Phil Davies, Harry Smith, Adrian Jones and Ron Abbey.

I also attach a copy of a letter which I received from Councillor Harney. His comments may refer to the same alleged incident.

I have been asked by Bill Norman to investigate the complaint against you.

I would be grateful if you could please in the next 7 days;

- (i) Send me your written account of the incident which seems to have arisen from an exchange between you and Councillor Abbey.
- (ii) Please send me your written comments on the factual accuracy (or otherwise) of the statements submitted by Councillors George Davies, Phil Davies, Harry Smith, Adrian Jones and Ron Abbey
- (iii) If it be the case that the allegations against you are substantially true, then please draw to my attention in writing any mitigating circumstances.

When you reply could you please name any persons who were in your vicinity at the time of the incident who may have witnessed what happened between you and Councillor Abbey.

Regards

Colin Hughes
Group Solicitor
Legal and Member Services
Department of Law, HR and Asset Management
Wirral Council
Telephone No. 0151-691 8502
Fax No. 0151-691 8482
colinhughes@wirral.gov.uk

APPENDIX 5



Please reply to:
Councillor James Keeley
Flat 6, 38 Manor Road
Liscard, Wallasey
Wirral, CH45 4JB
Telephone: 0151-639 5179
Mobile: 07734 910 933
Email: jameskeeley@wirral.gov.uk

date 6 November 2009

to Mr Colin Hughes
Group Solicitor
Legal Section (B)
Legal & Member Services
Department of Law, HR and Asset Management

my ref JK091106

Dear Mr Hughes,

Alleged Breach of the Code of Conduct by Cllr Denis Knowles

At a meeting of Full Council on 13th July 2009, from my position in the Council Chamber (that being two places to the right of Councillor Denis Knowles and almost directly opposite the benches of the Labour leadership), I witnessed the following:

Many members of the Labour group were attempting to shout down Councillor Denis Knowles so as to make his contributions inaudible (in particular I recall the Leader of the Council, Councillor George Davies and Councillor Harry Smith being particularly persistent in their attempts to ensure Councillor Knowles was not heard). Councillor Knowles was dealing with this sustained and loud heckling by humorously gesturing at those heckling. Councillor Knowles waived his hands in an act of mock defiance and waived his finger across his lips as a silencing gesture in an attempt to quieten the heckling. I cannot see how any of the gestures made by Councillor Knowles could have been construed by any person as anything other than a show of self deprecating humour and an attempt to quell with humour constant barracking from certain Labour members.

During the evening I often looked to Councillor Knowles to gauge his reaction to the heckling by some Labour members and also, as Councillor Knowles was a new member of the Conservative group, I was naturally curious as to his reaction to the statements of members. I can say with certainty that Councillor Knowles never shouted or mouthed any form of words that could have been construed as 'threatening' towards any other member or person present in the Chamber at any time.

I hope you find my contribution helpful towards your investigations and please do not hesitate to contact me if you require any further information or clarification.

Yours sincerely,

A handwritten signature in black ink, appearing to read "James Keeley".

Councillor James Keeley

APPENDIX 6

NOT FOR PUBLICATION
Hughes, Colin J.

From:	Harney, Tom (Councillor)
Sent:	09 November 2009 10:44
To:	Hughes, Colin J.
Cc:	Lyon, Rosemary A.; Norman, Bill D.
Subject:	RE: COMPLAINT TO THE STANDARDS COMMITTEE AGAINST COUNCILLOR DENIS KNOWLES

Dear Colin

I refer to your email dated 6 November 2009.

I was present at the Council meeting of 13 July 2009.

There is a minority of councillors who make it their business to disrupt the work of the Council when they wish to do so, by shouting across the council chamber without the permission of the Mayor, and regardless of who is speaking at the time. Their motivation can only be guessed, but I suggest that a proper test is what a reasonable person in possession of the facts would deduce. I suggest that this deduction would be that they do not want the council to fulfil its statutory role, especially when it might conflict with their own interests.

When Councillor Knowles was called at the meeting in question, there was a great deal of noise from the Labour benches. I can only comment on what I saw, and as Liberal Democrat colleagues sit in front of or beside me, I do not now if they were also shouting, as Cllr Knowles stated. The behaviour I heard appeared to be designed to harass Cllr Knowles. The Mayor asked for order a number of times. At one stage there were shouts from the Labour benches about alleged behaviour of Cllr Knowles. This came in particular from Cllr Foulkes who said he would refer him to the Standards Committee. It is noteworthy that he did not ask for a ruling from the Mayor on the issue at the time - nor did other members. I can only say what I heard from my position in the chamber, and with the disorder taking place no doubt this is not complete or accurate. I would however suggest that the Constitution of the Council assumes that meetings are held for the purposes of the Council, and that shouting silly comments across the chamber is not one of them.

No doubt the Mayor, Deputy Mayor and senior legal officer can give a full

account of what happened.

NOT FOR PUBLICATION

In view of the above I believe that the complaint is vexatious, in the sense of a complaint made with no expectation of success, but made to harass the other party or made out of some improper motive.

Harassment is covered by the Protection from Harassment Act 1997.

Harassment is not defined by the 1997 Act, but ACAS suggests "offensive, intimidating, malicious or insulting behaviour, an abuse or misuse of power through means intended to undermine, humiliate, denigrate or injure the recipient."

There was a clarification of aspects of the 1997 Act in House of Lords 2006 decision on the case of Majrowski v Guy's and St Thomas' Hospital NHS Trust. Bill Majrowski was being bullied by his line manager. However he took action not against her, but against the Trust. The House of Lords upheld the fact that the Trust had a vicarious liability for the actions of the line manager - although they accepted that they did not know of those actions.

The decision sets a precedent for employees. The responsibility of the Council for the actions of councillors would no doubt need to be tested in court.

I do not believe that it should be a question of what a court would find, but what is reasonable behaviour. I draw attention to the comment, in his statement, by Cllr Phil Davies - "Clearly one expects a certain amount of temperate behaviour at any council meeting" I do not - and suggest that the Standards Committee should take the lead in considering what is acceptable behaviour - taking into account the purposes of the meetings and the law of the land.

I again make this request. I believe that continuing with the present investigation will simply make matters worse.

The standards of governance in our council are already too low.

Yours sincerely

Tom Harney

APPENDIX 7

Hughes, Colin J.

From: Davies, Phil L. (Councillor)
Sent: 18 November 2009 11:58
To: Hughes, Colin J.
Subject: RE: COMPLAINT AGAINST COUNCILLOR DENIS KNOWLES

Importance: High
Sensitivity: Confidential

Colin,

Thank you for your email regarding the complaints against Cllr Knowles. I attach my response to the statements you sent.

Regards.

Cllr. Phil Davies



Response to
Witness Statements.

From: Glover, Chris **On Behalf Of** Hughes, Colin J.

Sent: 11 November 2009 16:37

To: Davies, George (Councillor); Davies, Phil L. (Councillor); Smith Harry (Councillor); Jones, Adrian ER. (Councillor); Abbey, Ron O. (Councillor)

Cc: Norman, Bill D.; Lyon, Rosemary A.; Hughes, Colin J.

Subject: COMPLAINT AGAINST COUNCILLOR DENIS KNOWLES

I refer to my email of 4 November and attach;

- (i) Statement made by Councillor Knowles in reply to the allegations made against him by you.
- (ii) Statements made by Councillor Sue Taylor and Councillor James Keeley.
- i) A statement made by Councillor Tom Harney.

I would be grateful if you could please when you reply to my email of 4 November also comment upon the factual accuracy of the attached statements.

Could you please reply to me within the next 7 days.

Regards

Colin Hughes
Group Solicitor
Legal and Member Services
Department of Law, HR and Asset Management
Wirral Council
Telephone No. 0151-691 8502
Fax No. 0151-691 8482
colinhughes@wirral.gov.uk

Response to Witness Statements

The statements from Cllr. Knowles, Cllr Keeley, Cllr Taylor and Cllr Taylor establish the following:

- Cllr Knowles was gesturing to members on the Labour benches opposite.
- Cllr Knowles formed a fist and shook it. (According to his own evidence, he says *"my arm waving, fist shaking and afterwards, my fingers across my lips gestures were in the general direction of the Labour benches."* He also says that the Mayor asked him to desist from *"waving my arms and making a fist"*.)
- Cllr Knowles made a gesture drawing his fingers across his face (see above).
- Cllr Ron Abbey was not individually behaving in a provocative way towards him
- There were shouts from the Labour Benches about the alleged behaviour of Cllr. Knowles and Cllr. Foulkes said he would report him to the Standards Committee, indicating that something untoward had happened.
- The Chamber was very noisy at the time.

Cllr Knowles defence appears to be that he was making these gestures generally. They were not aimed at anyone specifically (and in particular they were not aimed at Cllr. Ron Abbey) and he did not make any threats. He also says he did not draw his finger against his throat, but made a mouth zipping gesture asking for silence. His witnesses to this are Cllr Keeley and Cllr Taylor. However:

- Cllr Keeley cannot *"say with certainty that Cllr Knowles never shouted or mouthed any form of words that could have been construed as threatening..."* There is no certainty about it – my understanding is that in the incident that Cllr Ron Abbey has complained about when Denis made the threats referred to he was leaning forward and looking around Leah Frazer to catch Ron Abbey's eye. This would take Cllr Knowles out of James Keeley's eyeline, who was sitting two seats up from Denis on the back row, as Cllr Keeley's view would then have been blocked by Sue Taylor.
- Even when he was in his eyeline, sitting on the back row, the fact that Cllr Keeley *"often"* looked at Cllr Knowles does not mean he was watching him all evening.
- Cllr Sue Taylor says she did not witness the alleged gestures because she sits in front of Cllr Knowles but she turned round at one point and witnessed the fingers across the lips gesture. However, the incident Cllr Ron Abbey and Cllr Adrian Jones referred to was when Cllr Knowles was leaning around Cllr Leah Frazer so his head would have been level with Cllr Taylor, or turned away from her, not behind her, making it difficult to witness if she was turned around. A lip zipping gesture may have been made at some point, but this was not witnessed by those sitting opposite and does not form part of the complaint.

- Cllr Taylor says she did not hear him make any comments. However, much of the evidence shows that he was mouthing comments which could best be seen from the opposite benches. Cllr. Tom Harney makes it clear that there was a lot of noise in the Chamber and this may have masked the occasion when actual words were heard from Cllr. Knowles.
- The evidence from Cllr Knowles is at best confused. He admits first of all that he may have formed a fist. (paragraph 5 of his statement). Then, in answering Harry Smith he denies making a fist. Then in answering Ron Abbey he refers to his "arm waving and fist shaking", but says they were not aimed specifically at Ron. Then in answering Tom Harney he confirms that the Mayor asked him to desist from waving his arms and making a fist and says he complied with this request. He denies "aiming any threatening gesture in word or deed towards any particular Labour member" but later says that Labour members may have "felt threatened in a general way from my gestures". He says he did not "make cut throat gestures toward any particular Labour member."
- Those best placed to see the actual gestures made by Cllr Knowles, and to hear or lip read what he was actually saying were those on the benches opposite him. There is nothing in the evidence provided that accurately negates any of the statements originally made to the Standards Board.
- There is no evidence to support Cllr. Harney's claim that the complaints were vexatious.

Response to Witness Statements

The statements from Cllr. Knowles, Cllr Keeley, Cllr Taylor and Cllr Taylor establish the following:

- Cllr Knowles was gesturing to members on the Labour benches opposite.
- Cllr Knowles formed a fist and shook it. (According to his own evidence, he says "my arm waving, fist shaking and afterwards, my fingers across my lips gestures were in the general direction of the Labour benches." He also says that the Mayor asked him to desist from "waving my arms and making a fist".
- Cllr Knowles made a gesture drawing his fingers across his face (see above).
- Cllr Ron Abbey was not individually behaving in a provocative way towards him
- There were shouts from the Labour Benches about the alleged behaviour of Cllr. Knowles and Cllr. Foulkes said he would report him to the Standards Committee, indicating that something untoward had happened.
- The Chamber was very noisy at the time.

Cllr Knowles defence appears to be that he was making these gestures generally. They were not aimed at anyone specifically (and in particular they were not aimed at Cllr. Ron Abbey) and he did not make any threats. He also says he did not draw his finger against his throat, but made a mouth zipping gesture asking for silence. His witnesses to this are Cllr Keeley and Cllr Taylor. However:

- Cllr Keeley cannot "say with certainty that Cllr Knowles never shouted or mouthed any form of words that could have been construed as threatening..." There is no certainty about it – my understanding is that in the incident that Cllr Ron Abbey has complained about when Denis Frazer made the threats referred to he was leaning forward and looking around Leah Frazer to catch Ron Abbey's eye. This would take Cllr Knowles out of James Keeley's eyeline, who was sitting two seats up from Denis on the back row, as Cllr Keeley's view would then have been blocked by Sue Taylor.
- Even when he was in his eyeline, sitting on the back row, the fact that Cllr Keeley "often" looked at Cllr Knowles does not mean he was watching him all evening.
- Cllr Sue Taylor says she did not witness the alleged gestures because she sits in front of Cllr Knowles but she turned round at one point and witnessed the fingers across the lips gesture. However, the incident Cllr Ron Abbey and Cllr Adrian Jones referred to was when Cllr Knowles was leaning around Cllr Leah Frazer so his head would have been level with Cllr Taylor, or turned away from her, not behind her, making it difficult to witness if she was turned around. A lip zipping gesture may have been made at some point, but this was not witnessed by those sitting opposite and does not form part of the complaint.

- Cllr Taylor says she did not hear him make any comments. However, much of the evidence shows that he was mouthing comments which could best be seen from the opposite benches. Cllr. Tom Harney makes it clear that there was a lot of noise in the Chamber and this may have masked the occasion when actual words were heard from Cllr. Knowles.
- The evidence from Cllr Knowles is at best confused. He admits first of all that he may have formed a fist. (paragraph 5 of his statement). Then, in answering Harry Smith he denies making a fist. Then in answering Ron Abbey he refers to his “arm waving and fist shaking”, but says they were not aimed specifically at Ron. Then in answering Tom Harney he confirms that the Mayor asked him to desist from waving his arms and making a fist and says he complied with this request. He denies “aiming any threatening gesture in word or deed towards any particular Labour member” but later says that Labour members may have “felt threatened in a general way from my gestures”. He says he did not “make cut throat gestures toward any particular Labour member.”
- Those best placed to see the actual gestures made by Cllr Knowles, and to hear or lip read what he was actually saying were those on the benches opposite him. There is nothing in the evidence provided that accurately negates any of the statements originally made to the Standards Board.
- There is no evidence to support Cllr. Harney’s claim that the complaints were vexatious.

APPENDIX 8

Hughes, Colin J.

From: Adrian Jones [adrianjones.ucu@btinternet.com]
Sent: 18 November 2009 13:12
To: Hughes, Colin J.
Subject: RE:

Dear Colin,

Will you kindly delete the email I sent you a few minutes ago? The attachment had a slight error. This email and attachment replaces the earlier one.

Best wishes,

Adrian

This email and any files transmitted with it are confidential and intended solely for the use of the individual or entity to whom they are addressed. If you have received this email in error please notify the sender.

Adrian

Please delete email below

From: Adrian Jones [mailto:adrianjones.ucu@btinternet.com]
Sent: 18 November 2009 13:01
To: 'colinhughes@wirral.gov.uk'
Subject:

Dear Colin,

I believe this must be sent to you by today.

I am having a little difficulty with my Council PC so this is sent from my private email address.

Adrian Jones

This email and any files transmitted with it are confidential and intended solely for the use of the individual or entity to whom they are addressed. If you have received this email in error please notify the sender.

1 Cllr Adrian Jones's responses to Cllr Knowles's statement are inserted in red.

2
3 PERSONAL STATEMENT

4
5 I understand that it is common knowledge that there has been a
6 bad atmosphere between myself and the Labour group in general,
7 since my defection to the Conservative group earlier this year.

8
9 **This is ambiguous. Does he mean that he understands why?**

10
11 This has manifested itself in a number of different ways with
12 personal attacks on me via the media, newsletters, emails and
13 blogs to name a few.

14
15 **This paragraph refers to alleged 'attacks' on him. On the day**
16 **of his defection he had signed Labour's loyalty pledge at**
17 **lunch time.**

18
19 **At tea time the last opportunity for Labour to put him onto**
20 **the Merseytravel Board passed and Labour did not change**
21 **the decision already made to allocate that position to**
22 **another person.**

23
24 **An hour later he read a well prepared resignation speech and**
25 **crossed the floor of the chamber. The prepared speech that**
26 **he read out was itself a vitriolic attack on the party from**
27 **which he was defecting. It was hardly conducive to**
28 **adoration.**

29
30 The most hurtful is the "blanking" of me at every opportunity even
31 when I try to be civil towards them. I understand from one or two
32 of the more decent and humane members of the Labour group that
33 the leadership has instructed all members not to speak to me under
34 any circumstances.

35
36 **That is simply a crude invention.**

37
38 **Denis Knowles was a member of the Labour Group long**
39 **enough to know that there is no culture of Leadership**
40 **'instruction'. He can hardly expect others to regard him with**
41 **quite the warmth he might have received had he not**
42 **defected, or had he offered himself to the people in a by-**
43 **election.**

44
45 **On a personal level I have exchanged some humorous words**
46 **with him. An example was at the formal opening of the new**
47 **section of Oldershaw School where I joked about his being a**
48 **rare Tory as he sports such large tattoos of the Marxist**

49 revolutionary Che Guevara on both shoulders. Far from
 50 'blanking' I spoke to him by his first name. The lady
 51 Conservative Councillors with him laughed and said 'Oh go
 52 on Denis, show us your tattoos'. That was hardly 'blanking'.
 53

54 The history between myself and Councillor Ron Abbey has been
 55 exasperated **Does he mean 'exacerbated'?** by the fact that he
 56 did all the things described above for 12 months before the official
 57 ban on speaking to me was instigated. **He repeats nonsense.**
 58 Due to the fact that he didn't agree with me being on the
 59 Merseytravel board, at his expense.
 60

61 I am not aware that Cllr Ron Abbey has made any gestures
 62 towards Cllr Knowles.
 63

64 However Cllr Knowles knows very well that he made
 65 unflattering comments about Cllr Ron Abbey throughout that
 66 period.
 67

68 The above is setting the context for this statement.
 69

70 During the finance debate at the Council meeting on the 13th of
 71 October, I admit I was waving my arms about, possibly with my
 72 hand forming a fist. ('...possibly...? **How could he not know for**
 73 **sure? This is plainly a confession.**) I also acknowledge that
 74 the mayor requested that I kept my arms down but sometimes to
 75 emphasise a point it is a habit that some councillors have.

76 **This concedes that it was sufficiently obvious for the Mayor**
 77 **to intervene. The Mayor had a perfect, unimpeded, view.**
 78

79 I will in future make an effort not to raise my hands during my
 80 contributions.
 81

82 On this particular occasion I was constantly being shouted down,
 83 booed and hissed at, as well as being called a traitor
 84 **My Oxford Dictionary defines a traitor as 'One who betrays**
 85 **any person that trusts him.'** (See lines 15 to 28 above.)
 86 However, I did not hear anybody call him a traitor. and my
 87 motives questioned. The Mayor intervened constantly in my
 88 defence.
 89

90 Is the pot is calling the kettle black? The Mayor intervened
 91 in both directions. Cllr Knowles is in any case quite capable
 92 of cat calling.
 93
 94

95 When I sat down and the catcalls had stopped I admit I looked
96 across at the leadership and ran my finger across my lips **His lips**
97 **are not situated in front of his Adam's apple.** a few times as I
98 could see them all giving me daggers and I wanted to emphasise
99 that I was not intimidated by their tactics.

100
101 It was at this point the Council Leader Councillor Steve Foulkes
102 jumped up and accused me of intimidating and threatening his
103 members and promising to report me to the standards committee.
104 **Quite so. I recall it. And why not?**

105
106
107 I submit that as 59 year old man the only threat I could pose would
108 be on a political level rather than a physical one.
109 **He claims also to have had 'unarmed combat training' and**
110 **his regular exercise at the Guinea Gap Baths (which he**
111 **declared should be closed 'for the greater good') suggests**
112 **that he remains fit and potentially formidable.**

113
114 Turning to the statements from the Labour members and the
115 friendly statement from a Liberal democrat member, emanating
116 from the Council meeting on the 13th of October.

117
118 Councillor George Davies - I totally deny making death threats to
119 any Labour group member. I was shaking my arms and possibly
120 had my hand in a fist during my contribution. **Possibly? Were it**
121 **untrue he would deny it with confidence.**

122
123 Councillor Phil Davies - I deny aiming any threatening gesture in
124 word or deed towards any particular Labour member.
125

126 Councillor Harry Smith - I deny making a fist (which a few lines
127 **above he admitted as 'possibly')** or mouthing words of any
128 description other than the finger across the lips gesture towards any
129 particular labour member. **He knows very well what he did;**
130 **this is a crude denial of what he knows is true.**

131
132 Councillor Adrian Jones - I did not make cut throat gestures
133 toward any particular labour member. I did make a gesture
134 signifying please keep quiet towards Labour members in general.
135 As this Councillor states I was warned by the Mayor to keep my
136 hands down but this was during the debate, not afterwards when I
137 had sat down. **He concedes that the Mayor warned him.**
138 **Drawing his hand across his throat was not a 'sh**
139 **metaphore.**
140

141 Councillor Ron Abbey - I have read Councillor Ron Abbeyes account
 142 of what he believed happened at the town hall on the evening of the
 143 13th of October and feel sorry that he felt personally intimidated by
 144 my actions. I can only reiterate my account of the events as
 145 described in my statement above.

146 I did not in any way, shape or form make any gestures to him
 147 specifically. As I have already indicated my arm waving, fist
 148 shaking and afterwards, my finger across my lips gestures were in
 149 the general direction of the Labour benches. Here he leaves out the
 150 'possibly' – this time he confirms his fist was shaking.

151
 152 **He was looking directly at Cllrs Abbey and Foulkes. I was**
 153 **close enough to be included.**

154 Councillor Ron Abbeyes' behaviour towards me on the night was no
 155 better and no worse than any of the other councillors who wished to
 156 shout me down.

157
 158 Councillor Tom Harney - Councillor Harney in his comments
 159 correctly identifies the volume of noise contributed to the labour
 160 benches opposite to me whilst I was making my contribution, as
 161 well as from some of his own colleagues' closer to him.
 162 The Mayor did as 'ask'? me to desist from waving my arms and
 163 making a fist to get my points across against a background of noise.
 164 I did comply with this request.

165
 166 **A few lines above he denies, then admits, making a fist. Now**
 167 **he confirms that the Mayor asked him to desist from 'making**
 168 **a fist'.**

169 **He was plainly shaking his fist.**

170
 171 I also agree that the statements from the Labour group members
 172 could be seen as vexatious. That is not to say that they did not
 173 genuinely feel threatened in a general way from my gestures

174
 175 **Here he *admits* they could feel 'genuinely threatened' by the**
 176 **fist shaking that he sometimes denies. Had he not been**
 177 **shaking his fist why should they 'genuinely feel threatened'?**

178
 179 but to add the verbal comments I am alleged to have made is, in
 180 my opinion, paramount to a character assassination attempt on me
 181 and given the hatred they have displayed towards me, strikes me
 182 as an attempt to silence me and is uncalled for as I have as much
 183 right to express my views unhindered by their childish behaviour.

184
 185 **He has in the past told me of his 'unarmed combat training'**
 186 **and he refers publicly to his keep fit practice as a swimmer.**
 187 **His plea that he is 59 does not in my view diminish the**

188 likelihood that were to put his threats into effect he could do
189 considerable damage to a smaller, older, or disabled, man –
190 or to a woman.
191

192
193 I believe that on the night in question in the Council
194 Chamber Cllr Knowles did make threats that were wholly
195 improper. I also think it by no means improbable that some
196 Conservative Councillors may succumb to the manner of
197 innovative recollection that led Mandy Rice-Davies famously
198 to voice her memorable phrase: ‘...they would say that
199 *wouldn't they?*’
200

201 I believe that in light of the whole evidence Cllr Knowles’
202 guilt is established beyond all reasonable doubt.
203

204 Should a lesser test be appropriate I believe a ‘reasonable
205 *person on the Clapham omnibus*’ on being acquainted with
206 Cllr Knowles’ own evidence above, and the actions he quotes
207 by the Mayor, would, on a balance of probabilities, conclude
208 that his threats towards Cllrs Abbey and Foulkes in particular
209 were real, highly offensive, and incompatible with remaining
210 in public office.
211

212 *Denis Knowles*

213
214 Councillor Denis Knowles
215 5th of November 2009
216
217
218

Adrian Jones

219
220 Cllr Adrian Jones
221 16th November 2009

APPENDIX 9

NOT FOR PUBLICATION

Hughes, Colin J.

From: Abbey, Ron O. (Councillor)
Sent: 18 November 2009 11:41
To: Hughes, Colin J.; Watts, Margaret; Davies, Phil L. (Councillor)
Subject: RE: COMPLAINT AGAINST COUNCILLOR DENIS KNOWLES

Hello Colin thank you for your email I have read and considered the statements made by Cllr Denis Knowles Cllr Sue Taylor Cllr James Keeley Cllr Tom Harney.
I wish to confirm my original complaint and the contents of that complaint as I consider the conduct of Cllr Denis Knowles to be improper conduct not becoming of a Councillor and I wish my complaint to proceed
Thank you Ron

From: Glover, Chris **On Behalf Of** Hughes, Colin J.
Sent: 11 November 2009 16:37
To: Davies, George (Councillor); Davies, Phil L. (Councillor); Smith Harry (Councillor); Jones, Adrian ER. (Councillor); Abbey, Ron O. (Councillor)
Cc: Norman, Bill D.; Lyon, Rosemary A.; Hughes, Colin J.
Subject: COMPLAINT AGAINST COUNCILLOR DENIS KNOWLES

I refer to my email of 4 November and attach;

- (i) Statement made by Councillor Knowles in reply to the allegations made against him by you.
- (ii) Statements made by Councillor Sue Taylor and Councillor James Keeley.
- (iii) A statement made by Councillor Tom Harney.

I would be grateful if you could please when you reply to my email of 4 November also comment upon the factual accuracy of the attached statements.

Could you please reply to me within the next 7 days.

Regards

Colin Hughes
Group Solicitor
Legal and Member Services
Department of Law, HR and Asset Management
Wirral Council
Telephone No. 0151-691 8502
Fax No. 0151-691 8482
colinhughes@wirral.gov.uk

<< File: cllr knowles-statement.doc >>

From: Taylor, Susan (Councillor)
Sent: 05 November 2009 17:55
To: Glover, Chris; Hughes, Colin J.
Cc: Norman, Bill D.; Lyon, Rosemary A.

APPENDIX 10

COMPLAINT TO THE STANDARDS COMMITTEE
COUNCILLOR DENIS KNOWLES

My name is Andrew Hodson. I am the Mayor of Wirral Borough Council. My term of office began in May 2009 and will end in May 2010.

I presided over the meeting of the Council on 13 July 2009.

Councillor Knowles had recently left the Labour Group and joined the Conservative Group in the Council. When he addressed the Council members of the Labour Group shouted him down and called him a traitor. On a couple of occasions during Councillor Knowles's speech, I had to instruct him to stop speaking ^{which} I tried to calm down the Labour Group who were very hostile to him. The clock was stopped on each occasion whilst I attempted to stop the barracking that he was receiving.

Whilst Councillor Knowles was speaking, he did tend to wave his arms about although I do not recall that he formed a fist with his hand.

When Councillor Knowles sat down after speaking he did draw his finger across his lips whilst looking at the Labour Group. I believe this gesture was equivalent to saying "zip it". I believed he was reacting to the barracking that he had received from the Labour Group when he was addressing the Council.


I did not see him make any threatening gesture with his fist nor did I hear him shout at the Labour Group or Councillor Abbey in particular.

My attention however was continually being distracted by the noisy and disorderly behaviour of Councillors during the meeting. My attention was therefore never focused for any length of time on Councillor Knowles nor indeed on any other individual Councillor except when they were addressing the Council. There was also a constant hubbub throughout the meeting arising from Councillors talking to, and arguing with each other. Consequently it was difficult for me to hear anything that may have been as said between individual Councillors.

After the Council meeting I gave some advice to Councillor Knowles. I advised him when addressing the Council always to look at me in my capacity as Mayor rather than at individual Councillors for example from the Labour Group. In that way I believed he could concentrate on the points he was making in his speech and not be distracted by the words and gestures emanating from the members of the Labour Group.

Dated

January 2010



A. C. Hobbs

STANDARDS HEARING PANEL – PROCEDURE

CASE REFERENCE Sfe 2009/04

The hearing procedure is essentially in 3 parts:

- making Findings of Fact
- deciding if the Members' Code of Conduct has been breached
- deciding on the imposition of any penalty and making any recommendations to the Council

The outline procedure is as follows:

1. The Chair introduces everyone present who will be participating in the meeting.
2. The Panel shall then deal with the following preliminary procedural matters;

(a) **Disclosures of interest**

The chair shall ask members of the panel to disclose the existence and nature of any personal or prejudicial interests which they have in the matter, and to withdraw from consideration of the matter if so required

(b) **Quorum**

The Chair shall confirm that the panel is quorate.

(c) **Exclusion of the Press and Public**

The Panel may exclude the press and public from its consideration of a matter where it appears likely that confidential or exempt information will be disclosed in the course of its consideration.

Where the Panel does not resolve to exclude the press and public, the agenda and any documents which have been withheld from the press and public in advance of the meeting shall then be made available to the press and public.

3. The panel should consider whether or not there are any significant disagreements between the parties (i.e. Councillor Knowles and the Investigating Officer) about the facts contained in the Investigating Officer's report. The Chair will ask Councillor Knowles to confirm that he maintains the position as set out in the pre-hearing summary.

4. The Investigating Officer will be invited to summarise his report and identify the issues of fact that the Panel will have to decide and the relevant parts of the Members Code of Conduct which the Panel will have to decide may have been breached by Councillor Knowles.

5. The following people who gave evidence in the course of the investigation have been invited to attend the hearing to give oral evidence to enable the Panel to determine whether there has been a failure to comply with the Code of Conduct. They will give evidence in the following order:

- 1) Councillor R Abbey;
- 2) Councillor Adrian Jones;
- 3) Councillor Phil Davies;
- 4) Councillor George Davies;
- 5) Councillor Harry Smith;
- 6) Councillor D Knowles;
- 7) Councillor Sue Taylor;
- 8) Councillor James Keeley;
- 9) Councillor Andrew Hodson;
- 10) Councillor Tom Harney;

6. Any member of the Panel may address questions to the Investigating Officer, Councillor Knowles or to any witness. Councillor Knowles will be entitled to question the witnesses on the evidence they have given. He will be entitled to make a closing statement after all witnesses have given their evidence.

7. At the conclusion of the evidence, the Chair shall check with the members of the panel that they are satisfied that they have sufficient information to come to a considered conclusion on the matter.

8. The panel shall take its decision on the balance of probability based on the evidence which it has received at the hearing.

9. The Chair will announce the Panel's findings of fact.

10. Having decided the findings of fact the Panel then needs to consider whether or not based on the facts it has found, Councillor Knowles has failed to follow the Members' Code of Conduct.

11. (A) If the panel decides that Councillor Knowles **has not failed to follow the Members' Code of Conduct**, it can move on to consider whether it should make any representations to the Council with a view to promoting high standards of conduct among Councillors.

(B) If the Panel decides that Councillor Knowles **has failed** to follow the Members' Code of Conduct, it will consider any oral or written representations from the Investigating Officer and Councillor Knowles as to:

- (i) whether or not the panel should set a penalty, and;
- (ii) what form the penalty should take.

The panel may question the Investigating Officer and Councillor Knowles, and take legal advice, to make sure they have the necessary information to make an informed decision.

When deciding a penalty the Panel should make sure that it is reasonable and in proportion to the Member's behaviour.

12. The Panel will announce its decision on the day of the hearing and provide a short written statement of its decision which the Director of Law, HR and Asset Management, will deliver to the Councillor as soon as practicable after the close of the hearing.

13. The Chair will thank all those present who have contributed to the conduct of the hearing and formally close the hearing.

14. Following the close of the hearing the Director of Law, HR and Asset Management, will produce a written notice of the Panel's determination and shall arrange for the distribution and publication of the notice within two weeks of the close of the hearing to:

- Councillor Knowles
- The Investigating Officer
- The persons who made the allegation

and shall arrange for the notice to be published in a local newspaper.

15. The Councillor may appeal against the decision of the panel by writing to the President of the Adjudication Panel for England, ensuring that his letter sets out the grounds for such an appeal, includes a statement as to whether or not he consents to the appeal being heard by way of written representations, and is received by the President within 21 days of the written notice of decision under Paragraph 9 (c).

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