

Daniel

I still believe it is unreasonable that you only permit me seven days to comment on what you have sent, especially considering how much detail I need to respond to that is either inaccurate or (as witnessed by others) simply not substantiated by others. However, I calculate that seven days from when you sent your draft report last week is 5pm today, so I will endeavour to make some necessary comments about your draft report within the minimal time of four working days which you have allowed me, following the six and a half months you have had to prepare and circulate the report:-

I also have a number of comments on the conduct of the investigation as a whole, and I would like these submitted to the committee if you are not prepared to either extend the time given to me to respond, or to take into account additional evidence which I consider relevant before closing the investigation.

1. You have not been clear with me about the overall process; in your last email to me you said that your draft report would be available after Easter (24 April) – after 5pm on 18 May is much later than simply ‘after’ Easter. From our meeting in February, I had understood that a hearing was the next point in the process, particularly as Bryan Keen had admitted what he had done in discussion with others. I certainly did not expect, and have at no point been told by you, that you would simply submit your report to a committee without further discussion. Can you please provide me with full details of this committee, where and when it will be held, who is on it and what I will be allowed to say at the meeting.
2. There are many obvious errors in Bryan Keen’s version of events. It is inaccurate and cannot be relied upon; for example, it is not feasible to believe that I, someone campaigning to keep a pool open, would keep asking the question, ‘if it was to be closed’. What I was actually doing was questioning Bob Timbs’ statement that “the decision has been made” by asking what decision, when and by whom and pointing out that no such decision had been made out in the open and that the councillors should read the documents which the council officers had produced for them. Bryan Keen’s version of events is not what happened and what was witnessed by those who were present. Just because you have taken statements and drawn a particular conclusion (when a whole range could be inferred) from a limited group of councillors and council officers does not make your interpretation of events true. Nor does making ‘ad hominem’ inferences such as how my judgement must have been impaired because I was angry (how can you possibly know?) or upset (because I was a woman?) add to your reasoning, particularly as you don’t draw similar inferences about Bryan Keen’s behaviour. Not investigating something I say (such as him jabbing his finger at me as he moved towards me in a threatening manner) doesn’t mean it didn’t happen.
3. You state in 5.4:- *‘During her allotted time JA asked whether the Council had made a decision to close Temple Cowley pool.’* At no time did I ask that question or would I have asked that question. On what do you base that statement? *‘BK invited Councillor Bob Timbs (Executive Member for Leisure Partnerships) to answer JA’s questions. JA was not satisfied with the answers given. I have not reached any view on whether or not her questions were adequately answered and I repeat that the issue of the proposed closure of Temple Cowley pool is not a matter for this investigation. Answers were given to JA’s questions though she clearly found them unsatisfactory.’* Responses given by Bob Timbs were clearly uninformed and untrue. Bob Timbs as my councillor and as Executive Member for Leisure Partnerships should at least have read the council’s own documents relating to these issues and tried to understand them. If he did not understand them then he should say so and not try to dismiss the public by

repeatedly saying, *'the new pool will be bigger and have sprays and things'*, and *'the decision has been made, it cannot be reversed, move on'*. Of course I found these replies unsatisfactory as they were clearly untrue, especially as this man is in receipt of public funds to fulfill his role as councillor. Of course I was shocked that he was prepared to say such untruths to all those present. I was concerned that the public, other councillors and council officers were being misled in that way which is why I had to say that this was not true, and ask "what decision? When and by whom?" And when he could not or was not prepared to answer those questions, repeat, 'No decision has been made'.

4. In 5.5 you use the point, *'the allotted five minutes of the open session having been used up by that time'* as backing your case that I am in the wrong when in 5.3 above, *'The Committee minutes do not clarify this but in any event I find the amount of time granted is not material to the matter of complain.'* you say that the amount of time is not relevant.

5. In 5.6, you state *'It is also not disputed that BK said that he would suspend the meeting if JA did not stop and that he appealed for assistance in resolving the situation'* when in fact both Bryan Keen and I both say that it was Alec Dubberley who suggested suspending the meeting, not Bryan Keen! Bryan did not say at any point in public that he would suspend the meeting.

6. You say that Murray Hancock's emails are helpful, *'I have also found helpful the evidence of Murray Hancock (Chief Principal Planner). His account was written soon after the event in an email sent on the following day. Although there is not much detail to his account it appears to me more consistent with BK's version of events than that of JA'* even though he clearly does not remember seeing Bryan Keen get up from his chair and walk across the room speaking at me all the time with a raised voice and jabbing his finger at me, followed by grabbing me and trying to put me out of the room), which of course Bryan Keen himself admits to doing in his statement, *'I left my chair, which effectively suspended the meeting. Alec Dubberley (Committee Clerk) had proposed stopping the meeting until JA became quiet or left the meeting. I went across the room to where JA was, I was in the aisle next to her. She was still shouting "I want an answer" as I walked towards her. She was trying to get the audience on her side saying "they won't give me an answer"'*. Murray Hancock's version of events is clearly unreliable. He even states that he *'doesn't remember Bryan crossing the floor or touching her in any way'*. In what way do you see this as *'more consistent with BK's version of events than that of JA'* when Bryan himself does admit to those things?

7. There are many other points in your report and in Bryan Keen's statement which are clearly inaccurate or untrue and which I would comment on in full, if I had the time to do so.

8. His recollection of a subsequent meeting with me is completely incorrect. I was in the same room as him during the incident he recalls, but I did not speak to him at any point. If you are going to take that evidence into account, then I must insist that you take evidence from a witness who was actually the person Bryan imagines was me. This person, a male, challenged Bryan about his behaviour towards me; Bryan smiled throughout the conversation, saying that he hadn't done anything wrong. He did not deny physically handling a middle-aged disabled woman – and said that since the police hadn't been to see him he didn't see a problem.

9. You say a lot about Bryan Keen's experience as a councillor – he, and you, should be aware that at no point should any councillor, chair or otherwise of a committee, move towards or actually touch, let alone grab in the way

he did me, any member of the public. At every public meeting the process is to suspend the meeting if they are not happy with the way that the public are behaving. Indeed this was suggested by Alec Dubberley but ignored by Bryan Keen.

10. You place much reliance on your police witness, yet do not seem to have asked him to clarify anything I said about him; for example, in conversation with me in front of a witness, he readily admitted that Bryan Keen's action towards me was assault and battery, but said that it was not in the public interest for him to pursue the matter and that I should proceed through the council complaints procedure and the Local Ombudsman.

11. You have not interviewed any of my witnesses, and therefore cannot have achieved a complete view of what happened. When I came to see you to give my statement in February you asked if I had witnesses or witness statements for the hearing. I told you that I had and almost four months later am still waiting to know when they will be called.

12. When in this process, is the hearing going to take place?

13. Permitting me only 7 days (actually 4 working days) to comment on your report has forced me to be brief and necessarily in exhaustive in what I want to say. There is considerable new information in your report and accompanying documentation, much of which I take issue with, and your investigation cannot be complete and could be seen as biased, particularly if you are not prepared to interview my witnesses and take what they say into account.

14. Your investigation is not balanced – you have downplayed the physical events, in which Bryan Keen walked towards me jabbing his finger and then holding me on both shoulders, trying to turn me away, and taken no account of the traumatic effect this kind of behaviour has on a woman. I can provide an expert witness to vouch for this.

15. The email which Inspector Matt Coburn sent to Jeremy Thomas contradicts the statement he made in which he describes seeing the assault and describing it as an assault, crime reference number:- BJ3706476. On that same day in conversation with me he actually describes it as "technically, assault and battery".

16. I cannot agree with your decision to reject the complaint, and would like to know what I do next if you ignore these comments and your recommendation is accepted by the committee.

Jane Alexander - 24 May 2011

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