

**STANDARDS HEARING STATEMENT 11 – CLLR TIM BARTRAM**

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### **SOUTH DERBYSHIRE DISTRICT COUNCIL (WILLINGTON PARISH COUNCIL) – Complaints against Cllr Paul Cullen**

**Summary notes of telephone conversation between Cllr Tim Bartram (TB) and Melvin Kenyon (MK - Investigating Officer) on Monday 20<sup>th</sup> April 2020, 17.00 hrs and amended subsequent to a further telephone discussion on Friday 15<sup>th</sup> May.**

#### **Preamble**

MK read the following preamble before starting the interview:

“My name is Melvin Kenyon and I am an investigator for the Monitoring Officer of South Derbyshire District Council who has asked me to assist her in this matter.

We are going to be talking today about seven complaints made against Councillor Paul Cullen (PC) that relate to his alleged behaviour at meetings on three separate occasions last year relating to Willington Parish Council. The complainants have asked for confidentiality, so I am unable to share with you who made the complaints.

I am conducting this interview under the powers given to the Monitoring Officer by the Localism Act 2011 which places councils under a duty to promote and maintain high standards of conduct.

Once we have finished talking I will prepare a write-up of our discussion and I will share it with you and ask you to agree that it is an accurate record of what was said before issuing it as a final record.

Once I have completed all my interviews and obtained sign-off of my interview notes I will produce a draft report of my Investigation. That will be shared first of all with the Monitoring Officer so that she can confirm that the Investigation has been thorough and of the right quality. I will then send the Subject Member and Complainants copies of the reports to enable them to make any representations they consider necessary. Having considered comments on the draft report, I will then issue my final report. Parts of what we say today may be included in the draft and final report.

If the case is considered at a hearing, the summary of what you say may be submitted as evidence and you may be called as a witness. I appreciate that you might want to preserve your confidentiality and, if needs be, that can be discussed with the Monitoring Officer before any Standards Committee hearing, should a hearing take place.

If you provide me with information of a private or sensitive nature - normally very personal information that needs to be protected - I will ask the Standards Committee that this be kept confidential. However, there is no guarantee that my request will be followed, and the information may end up in the public domain.

Please treat information provided to you during the course of this discussion as confidential.

That’s the end of the formal piece. Are you content with what I have said?”

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TB confirmed that he was content with what MK had said.

MK emphasised that he reached his conclusions based upon the balance of probability and the available evidence. He intended as part of his investigation to try to speak to all members of Willington Parish Council and he would be giving equal weight to the testimony of every councillor he spoke to. He stressed that his aim was to be independent, open-minded, and objective in his investigation.

He had not been told what the outcome of his investigation was to be. He stressed that he would refuse to undertake an investigation on that basis though no-one had actually ever said that to him in any of the investigations he had carried out. **MK also emphasised that the note of their discussion was Tim's note. If there was anything in the note that TB was not content with he should change it. He had no wish to put words in Tim's mouth.**

TB said that since his election in May 2019 there had been five complaints against him. There was a complaint against him after his very first Parish Council meeting, which was rejected by Ardip Kaur. All the other complaints had also been rejected.

MK said that there had been a number of complaints against PC and that he understood that he had himself complaints against other councillors. MK was investigating only some of those complaints and wanted to talk to TB about three separate alleged incidents about which there had been seven complaints.

### Discussion

#### **General matters**

TB had been elected to the Parish Council in May 2019. He cared about the village. His family was a long-standing Willington family going back five generations. He had never been a councillor before and had "felt his way into" the role. When he joined the Council, he did so because of his interest in footpaths, open spaces, the Derbyshire Wildlife Trust and the like "to make the village nice for everybody" but it seemed with the Council like "you were walking through mud". One or two people on the Council were actively putting obstacles in the way. He wanted to protect the village and keep Willington as a village for as long as he could and stop wide-scale building because he had deep roots there. Others did not seem to want to do that.

Since joining the Council TB had been told "lots of rubbish and lies" and had had to find things out for himself. There had been many instances of lies and inconsistencies, some of which Phill Allsopp had been forced to admit. TB had, for example, accused Phill Allsopp of lying at the last meeting after TB had done some investigation and discovered for himself that Phill had made an incorrect statement about the greenfield status of the Power Station site. There had also been a disagreement about the accuracy of the minutes as there often was.

TB was now Chair of the Footpaths and Open Spaces Group having never before been chairman of any group. PC had decided to step down as Chair of that Group to ensure that the good work that it had done continued e.g. the footpath along the river where there is permissive access. By contrast the RAC achieved little.

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On 5<sup>th</sup> November 2017, a few weeks before John Phillips, Ian Walters and Sam Watters were elected to the Parish Council, TB was at a family party. Ian Walters's sister is married to the sister of TB's brother Mark, who is also on the Parish Council. Ian had told TB that the first thing he and John would do if they were elected would be to "get Joe and Paul Cullen off the Council". TB was disgusted. His wife and father had both heard the remark and his father was willing to send MK a statement to that effect, though all his father would say is what TB had told MK. One of the first things they had done once elected was to shut down PC's Footpaths and Open Spaces Group.

The animosity at that time was all to do with the footpath along the river and a land swap, a related alleged breach of confidentiality by a former councillor and a complaint that PC had made about it.

At the election count at which TB had himself been elected John Phillips had said, "If you want to get anything done at this Council the first thing to do is to get Joe and Paul Cullen off". TB had replied that he thought that was "disgusting". Ian Walters had said that PC was a good councillor, who "knew his stuff" but "if you get one, you get the other. They [the Cullens] come as a pair". TB also thought that was disgusting. They simply do not like them. TB suggested that the antipathy towards the Cullens extended as far as the office of the MP.

After John Phillips sent the "Megabus email" he had said that he was not having a go at Scousers, he was trying to wind up Joe and Paul Cullen. "If you wind them up, this is what you are going to get". MK asked whether TB thought it appropriate that this should have ended up in the newspapers. TB replied that he did not think it was appropriate, but he had not been surprised, "PC still had family there (Paul's mother and two sisters still lived there), it was going to get back to Liverpool no matter what". TB said that he thought that it was not Paul who had originally approached the Liverpool Echo but rather the other way round (he thought that Paul's sister had some kind of connection to the Echo). He could recall Paul getting in touch with him (TB) and asking him what he thought about the Echo's involvement. TB had said it was up to Paul. TB said that he had been talking to his own brother, Mark, after it had happened who had said that John Phillips would have done the same thing and gone to the press.

TB had known PC all his life. They had lived on the same road growing up. All this had to some extent driven a wedge between Tim and Mark. Mark was "not the same as them". He had joined the Council "to bolster their side". Had the six-five voting been the other way, "none of this would have been happening". "Whatever we try to do they always try to shut it down".

Ian Walters, for example, had voted against providing funding for the campaign against Axis 50 and had then gone on social media and volunteered to help hand out leaflets he had not wanted to fund.

MK said that all he had to do was change the name and he got the same story from "the other side". TB agreed that that was probably true, but they [the other side] were not the ones who were being investigated.

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TB then alleged that the Dragon regularly applied for planning permission retrospectively or ignored the terms of planning permission that had been given. Joe Cullen was threatened on his own doorstep because he had opposed something that the Dragon had done. It seemed likely that those associated with the Dragon had made some of the complaints to the Monitoring Officer.

PC had put a lot of work into the car park opposite the Dragon which had been on the verge of becoming pay and display. In relation to that Ian Walters had gone to TB's house before he became a councillor and referred to PC as a "fucking wanker". He had complained to Ardip Kaur about that, but Ian was ruled not to be acting "in capacity" when he said it. In his opinion there had been "many occasions when Ardip could have nipped things in the bud". A good example was the behaviour shown by John Phillips and Ian Walters towards Cllr Sue Finney who had left the Council as a result. As a result, Claire Carter was able to join the Council.

### **LAC/107 – Ordinary Parish Council Meeting held on 12<sup>th</sup> November 2019**

Turning to the specific complaints MK said that it had been alleged that filming by PC at the Ordinary Parish Council Meeting of 12<sup>th</sup> was intimidatory in that it was directed at a single individual. Whilst other complaints had apparently been made about such alleged filming MK had not been asked to investigate those.

MK said that witnesses to the filming had used words like "aggressive, confrontational, upsetting, intimidating and threatening" to describe PC's filming. It was alleged that PC had filmed Claire Carter in close proximity and that he had repeatedly moved his camera to ensure that she was "in shot".

MK had listened to an audio recording of the incident and it was clear to him that PC did make a video recording at the meeting. The meeting had been suspended by the Chair and PC was persuaded, with his father Joe's intervention, to pass the camera to a member of the public so that she could carry on filming. MK asked what TB remembered of the meeting?

TB confirmed that he was at the meeting. PC had decided to film the meeting because there had been problems with things that people had said and their mannerisms at previous meetings and PC may even have been advised by the police to film. He recalled that the Chair and Clerk were at the head of the table. On one side were Cllrs Casey, Blanksby, Joe Cullen and himself. Opposite them sat PC with Cllr Claire Carter next to him and Cllr Walters next to Claire.

Every time PC spoke Claire had tapped her pen. Caroline Blanksby asked that Claire stopped tapping her pen, which she did. Then, every time PC spoke, Claire shook her head and mimicked him. The camera had been there on the table throughout the meeting pointing at TB's side of the table though he could not recall if PC had made it clear from the start (if he had not he should perhaps have done so). They were maybe an hour into the meeting when, in response to Claire's behaviour (tapping her pen and mimicking him), PC turned the camera through 90 degrees so that it was facing down the table taking in the panorama (including Claire). It was not pointing exclusively at Claire. Nor did he keep moving the camera when she moved. She had moved only once. Nor was the camera put in her face. It remained on

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the table where it had been since the meeting started. But “she made a big song and dance about it”.

Suddenly the camera became a problem and “the meeting was thrown into chaos” as a result. Claire wanted the camera to be moved to the end of the table near Joe Cullen and in the end she got up and sat at the side of the Clerk next to TB. That was all PC did. PC did not point it at her or hold it close to her face. This behaviour was typical of Claire who was “like a big kid sometimes with the way that she acts”. She was trying to provoke a reaction from Paul. Her mimicry of him was done for similar reasons. She had blown the thing up out of all proportion to sensationalise it.

It was TB’s understanding that you were allowed to film meetings and use the footage for posting on social media so why should Paul turn his camera off? TB had himself subsequently got in touch, via SDDC, with an officer at Derbyshire County Council who had confirmed that filming was being actively encouraged. Cameras had been used by the public at meetings prior to this and no-one had said anything about it. There had not been a problem before nor had there been a problem after the two meetings where filming had been such an issue. TB was reasonably confident that councillors had filmed councillors previously.

“They” had argued in the Parish Council that PC should either turn the camera off, put it at a suitable vantage point or put it at the end of the table so that it could take in the whole Council, but he did not want to do that and refused saying it was his camera and he wanted to keep control of it. MK asked why TB thought he did not want to do that. TB said that he thought it was because he did not like being told what to do by “them”. In the end the camera was passed to a member of the public so that the meeting could finish. The argument had arisen because PC would not move the camera and stop filming from where he was sitting. The camera, though, never left the table.

MK said that, in his opinion, both PC’s and Claire Carter’s health were being seriously affected by the situation. TB had explained how PC was being affected, but what about Claire? Why might that be? TB said he did not know why. He then talked about a statement she had made about a seven-and-a-half-ton limit on a local road which had “caused a lot of aggravation”; “she had caused trouble quite a few times”.

MK said that it had also been alleged that PC had left the building after the meeting and had then come back and started to shout at some of those who remained. TB did not recall that.

MK said that it had been alleged that there were three devices being used to film at the next meeting which had led to the Chair and others leaving the meeting. Why might that be? TB said, yes, at that meeting PC and Caroline Blanksby had cameras and Joe Cullen was using an iPad to film. TB did not know why. If it was allowed to film the meeting why would a proposal be passed to ask PC and Joe Cullen to leave the meeting? Since then there had been “quite a few cameras and there [had been] no problem”.

It was not true that the filming was confrontational, intimidating and the like. What had anyone got to fear from being filmed? TB wanted as many people in the village to come along

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to Parish Council meetings (unlike the Chair who had said he did not want members of the public at meetings).

### **LAC/94, LAC/95, LAC/96, & a letter by the author of an earlier complaint LAC/77 Extraordinary Parish Council Meeting held on 24<sup>th</sup> September 2019.**

At the Extraordinary Parish Council Meeting on 24<sup>th</sup> September 2019 a parishioner, Nicola Phillips [wife of John Phillips, daughter of Sue Carter], had made a statement about the need for the Council to start to work together for the benefit of the village and the treatment of clerks (MK confirmed that he had a transcript of the text). This statement had apparently spun out of a report that had been presented by the clerk at a previous meeting. This was captured on an audio recording, which MK had listened to, and it appeared to him that PC had left his seat and made a statement “as a parishioner”.

TB remembered the incident. At an earlier meeting there had been members of Mark Bartram’s family and of the Phillips family present. They “basically ripped into Joe and Paul” and “dragged them through the mud”. A member of the public, whom TB did not know, had had a right go at PC and questioned his involvement with the Fire Service. None of this had been on the agenda. A member of the public is only supposed to speak or make comments about items which are on the agenda. The Chair had done “absolutely nothing to protect Joe and Paul” who “had to sit there and take it; it was disgusting”. TB would have himself left the meeting if it had been directed at him.

With this in mind PC had done exactly what he was entitled to do at the 24<sup>th</sup> September meeting and stood up for himself. He had not been aggressive; they were shouting over him. As councillors you are not there to be abused as he had been at previous meetings – “you can only take so much before you say something back”. The Chair was “rubbish” and had not protected PC. His co-option had been “shady” in the first place. Caroline Blanksby’s original application for co-option was the only valid application but the then Chair, Cliff Warner, had proposed his friend, Phill Allsopp, who was then voted onto the Council instead of Caroline. TB’s brother, Mark, had joined the Parish Council to support “them” though TB did not know why. Mark was only interested in the Village Hall and the football.

This was not the first time that Paul had spoken as a parishioner. He had sometimes done this because it had proved impossible to get items onto the agenda, so he had asked a question as a parishioner. This was what he had done on this occasion. He spoke because he had had enough of taking abuse and not being protected by the Chair. He was there to control the meeting and should stop this kind of abuse.

MK said that he had listened to the audio recording of the 24<sup>th</sup> September meeting and there had undoubtedly been raised voices. What Nicola Phillips said did not appear to MK to be abusive or intimidating. Some might even say it was flat, even, conciliatory. Why then did PC go into the public area? Why did he need to be “coaxed back” (as the audio seemed to suggest).

TB said PC was not coaxed back, “he just walked back”. He said what he had to say, then got up and walked back. The Chair and Clerk had said, “don’t, don’t, don’t” but they “did not

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offer him any protection at all". At previous meetings, when "they all had a go at him, if Paul hadn't got up, with other members of their family there, you don't know what's going to come next, so he's quite entitled to say what he said". TB did not think that PC had used inflammatory language. MK said that he appeared to have said he was "sick of it". TB replied that he too would be sick of it in the face of abuse that was not stopped by the Chair.

TB said that MK should not see what had happened simply in the context of that meeting. The abuse used against PC at the previous meeting was "horrendous", it had been "embarrassing" to listen to it. TB did not know how he sat through the previous meeting "without flipping".

MK said that, as Devil's Advocate, they would say that they had had threats out of Liverpool as a result of the subsequent newspaper article. MK had seen some of that material and it was not very nice. TB said that he did not think that that had been PC's fault, "John Phillips brought that on himself" and had then played the victim.

TB said that John Phillips could have defused the situation immediately after sending the Megabus email by apologising to the Cullens. That would have ended the matter. But he did not, he carried on. He admitted trying to "wind the Cullens up". "Why would anyone join the Parish Council to wind someone up?". From the start he and Ian Walters had wanted to get the Cullens off the Council. John Phillips had not apologised for what he said in the email to this day.

This went back further than the "Megabus email" to a then councillor, Bill Harding, who had breached confidentiality about a permissive right of way by the river.

### **LAC/103 + LAC/105 – Abortive RAC Meeting on 4<sup>th</sup> November 2019**

MK said that it had been alleged that, after the RAC Meeting on 4th November, which was closed by the Chair because insufficient notice had been given, PC lost his temper with an older, female parishioner (Sue Carter) who had attended the meeting, pointed his finger at her in a "menacing" way and verbally abused her before leaving the building. MK asked if TB had been present at the meeting? TB replied that he had sent his apologies for that meeting.

TB observed, though, that PC could not have been present as a councillor but as a member of the Parish. He was not a member of the RAC he was there as Paul Cullen parishioner. TB had been told by Ros Casey and Caroline Blanksby afterwards that Paul's behaviour had been fairly low key.

There then followed a discussion about councillors who had behaved badly and had had complaints made against them but had not been deemed to be "in capacity" – for example when Ian Walters threatened Ros Casey in the car park after a Parish Council Meeting. It seemed that this only applied to Paul. He had had a crazy number of complaints against him. He wondered what SDDC were actually doing.

TB said that it was harassment to get complaints that were anonymous. MK explained that he thought there was a difference between "anonymous" and "confidential". The complaints

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MK was dealing with had not been made anonymously, rather they had been made confidentially. MK knew who had submitted them.

TB said, as an aside, that Sue Carter was Nicky Phillips's mother. She should not be seen as "a little old lady". She was a "hyper-journalist" who controlled the Spotted Willington website. She was a member of a big family clique that seemed to want to control everything that happened in the village.

### **Further general discussion**

Talking more generally, MK said that TB had mentioned the Parish Clerk. TB said that he thought the clerk had been brought in to sort out a difficult council. There then followed a discussion about her interventions in respect of the Footpaths Group, with which PC was also involved. Whilst he would prefer the appointment of a permanent clerk he had no axe to grind with the current interim clerk.

MK asked where TB thought all this would end? He replied that he did not know but he and PC intended to focus on the Footpaths Group so they could do something good for the village. PC was very diligent about his role as a councillor. "They" did not like it because he could "pull them up" when they were trying to get their own way. On further reflection he thought that it was perfectly possible that this would end with frustrated residents kicking out the Council.

MK asked TB about the possibility of mediation. He understood that it had been discussed at the Parish Council but had been rejected by Paul and Joe Cullen. What was TB's perspective? TB replied that he believed that Joe Cullen did not want mediation, but that PC had been willing to sit down with a mediator and Ian Walters. Ian was one of the main problem areas as far as PC was concerned (Ian's wife had threatened to go to PC's employer and that had caused a lot of trouble). Ian had also threatened Ros Casey in the car park as a result of a comment she had made about that.

MK asked why "they" did not like Paul and Joe. TB replied that Joe could come over as "quite aggressive" but he was not. He was loud (his wife would confirm that!), which some might interpret as being aggressive. He argues his point strongly and wants the opportunity to get his point across. They did not like Paul perhaps because he was knowledgeable about Parish Council procedure. This dislike had been going on for some time.

There were some strong personalities – John Houghton liked to get his own way and pulled the strings. He made "the bullets for others to fire". Tim did not trust Andy Macpherson over his snooping around the Power Station Club which had lost its licence and a related meeting. Angela Budworth, who had held the camera at the 12<sup>th</sup> November meeting, had run the club.

There was discussion about the Dragon pub, the "them and us" imbalance on the Parish Council, the inaccuracy of minutes (which were skewed towards "their side"), litter-picking by the RAC and the Footpaths Group, and the effectiveness of the complaints process.

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There was also discussion about the permissive footpath by the river which had perhaps been responsible for causing division in the Council in the first place. Some of those who were on either side of the argument then remained on different sides today.

MK asked why the two sides did not bury the hatchet and try to get on together. TB replied that they had all tried to do that. He did not want to fall out with anyone. He felt that PC was a good and effective councillor. Sometimes PC could “get quite stressed” at the abuse and complaints that he had received, many of which were rubbish. However, in the face of what PC had faced it was “hard to build bridges”.

TB said that some councillors, like John Phillips, had moved into the village relatively recently. The village was changing and growing. Some of the longer standing residents did not especially like the changes. The newer residents seemed to want to take the village over and run it their way. This might explain why the Council was like it is.