

## STANDARDS HEARING STATEMENT 04 – CLLR IAN WALTERS

### Notes:

1. Ian Walters initially requested confidentiality but has subsequently decided to waive that.
2. As a result where the text of his statement is used in the Reports he is not referred to by name. Instead he is referred to as Witness D in Report 01; and Witness A in Report 03.

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

**Summary notes of conversation between Cllr Ian Walters (IW) and Melvin Kenyon (MK - Investigating Officer), Wednesday 8<sup>th</sup> April 2020, 11am – by telephone.**

#### **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 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 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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IW confirmed that he was content with what MK had said. IW said that he and others had concerns about potential repercussions so, wherever possible, confidentiality should be maintained.

MK said that, whatever the outcome, it might be necessary for MK to manage confidentiality in discussion with the Monitoring Officer because Complainants had often asked for confidentiality.

There had been a number of complaints against Paul Cullen (PC) and he had also made a number of complaints himself. MK had been asked to investigate only some of the complaints made against PC and those complaints determined the scope of his investigation. Today's discussion would focus on seven complaints that arose out of three separate meetings.

MK explained 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. His aim was to be independent and objective in his investigation.

### **Discussion**

IW is 50 years old. He has lived in Willington for 13 years. His wife has lived in Willington all her life. He has grown to love the village and what it has to offer. Until he was elected to the Council on 30<sup>th</sup> November 2017 (in the first Council election that had taken place for some time) it had been one of the best places he had ever lived. Now the village was "tainted" for him by what had gone on in the Council, "at this point I would rather pull my toenails out than go to one of these Parish Council meetings. You don't know what's going to happen, the disrespect, the atmosphere is horrendous. I work myself up to going to the meetings and as soon as I leave I try to wipe the whole thing out of my memory". It was such a shame because IW does want to do good for the village. He loves the work he does on Burials, but he dreads the full Parish Council meetings.

He was elected at the same time as John Phillips and Sam Watters. He was talked into standing for election by John Phillips. Before then he had not considered joining the Council. He had wanted to make a difference for the children of the village.

IW is married to Sarah, whose sister Rebecca is married to Mark Bartram, who is himself a Parish Councillor. Mark's brother Tim Bartram is also on the Council.

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

It was 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 have apparently been made about such alleged filming MK had not been asked to investigate those.

It is alleged that PC filmed an individual (a female, Claire Carter) in close proximity and that he repeatedly moved the camera to ensure that she was "in shot". MK had listened to an audio recording of the incident and it is clear to me that PC did make a recording at the meeting.

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MK asked what IW remembered of the meeting? IW recalled the meeting. It had been “quite disturbing”. PC was sitting next to Claire Carter and IW was sitting on her other side. He had not initially noticed the camera. Later it became clear that PC was filming and pointing the camera towards Claire Carter or perhaps more towards IW himself, whom PC dislikes. Claire understandably did not like it at all though he himself was not at all concerned. IW thought that it was “absolutely not the right thing to do”. When Claire noticed the camera, she moved back, and PC moved the camera towards her again, so it was clear that he was not filming IW.

Claire then moved to “different places and he did seem to kind of follow it”. MK then asked whether “he did seem to” or “he did” follow? IW replied that he could “not recall exactly, but it followed her rather than me. So, I would say that, yes, he pointed it ... directed it towards her. It certainly wasn’t directed to film the whole meeting it was aimed at one particular councillor”.

IW recalled that the meeting was then paused whilst PC was finally persuaded to pass the camera to a member of the public. IW remembered that he was thinking, “What are you trying to gain from it? Do you think she is going to attack you? The circumstances were bizarre. It was really odd”. PC was “very agitated, very stressed .... he has got an aggressive demeanour at the majority of the meetings”. At that meeting he had been “confrontational”. MK suggested that it was certainly legal to film the proceedings of a Council meeting. IW replied that he certainly was not filming “the proceedings”.

At the next Parish Council meeting in December it was even worse. “That was the meeting where we (IW, Claire Carter and Phill Allsopp) walked out”. On that occasion IW recalled that there were three cameras on the desk. On this occasion PC was sitting opposite IW and Claire Carter. A camera in front of Paul was directed at them, another camera in front of Caroline Blanksby “was pointed in our direction”. Joe Cullen was sitting with an iPad, which he “blatantly put into Phill’s face, two or three feet from Phill’s actual face”.

“The meeting began with Phill trying to get the cameras removed”. There was then a process (this was all captured on audio) to get the three councillors ejected from the meeting. This was voted through, but they decided not to leave in spite of that vote. The Chairman then asked for a vote to terminate the meeting, but that vote did not get put through. At that point Phill Allsopp left the meeting and IW and Claire Carter supported him. “It was a confrontational meeting, very unpleasant, and completely unnecessary. Basically, it was the stubbornness of these three councillors to have a camera pointed at one person, for absolutely no reason. It is like being in a school playground. It is ridiculous and not the way to run *any* sort of a committee”.

IW certainly would not have a problem with filming the meeting from a desk at the front but because of stubbornness that was not possible. He did not know why they behaved in this way. Was it a game to them? They were “just determined to do what *they* want to do”. They dislike the Chairman and they “do everything in their power to stop” him running the meeting the way he wants to run the meeting. It is “completely bizarre”, “very childish” and “so confrontational”.

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### **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 last year a parishioner, Nicola Phillips, 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 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”.

IW recalled this incident. The clerk had produced her three-monthly report. It was a good report that outlined problems that the Council had but certain members had “taken umbrage at it”. When she spoke, Nicola referred to the report saying that it was not doing the village any good, the councillors needed to start working together. What she read out was not defamatory or abusive at all. Then, all of a sudden PC wanted to respond and he got up and said that he wanted to speak as a parishioner rather than as a councillor. He then moved to where parishioners sit on the front row, where Nicola was sitting and sat one or two chairs away from her.

Then, “in what felt like an aggressive and confrontational manner”, PC responded to what Nicola said, though IW could not recall his exact words. Once again, it was “completely unnecessary, *very* confrontational” and there was “a degree of an aggressive look to it”. It was “not physically aggressive” but he did not have a “relaxed demeanour”. During part of what he said he addressed her directly but the whole thing was “not directed completely at her”.

Nicola tried to defend herself, though IW could not recall exactly what she said. She “looked a little bit distressed and a bit upset and tried to counteract some of the things he was trying to say”. From his perspective as a Parish Councillor, “It was completely and utterly out-of-order and the wrong thing to do”. It appeared to IW to be “a complete breach of the Code of Conduct for a Parish Councillor”.

PC was eventually persuaded by the Chair and the Clerk to return to his seat, but IW could not recall any details about that.

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

IW does not attend the RAC meetings so he was unable to comment on anything that might have happened at the abortive meeting on 4<sup>th</sup> November.

### **General discussion**

IW said that if presented with the specific complaints PC would have an answer for all his actions. He believes that he is acting completely correctly and defending himself. He is being undermined by others in his mind. He is an intelligent person with many good attributes that help the Council but his behaviour “bamboozled” IW. He is confrontational, aggressive, and disrespectful, especially towards clerks – there have been five female clerks since IW was

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elected. He is similarly disrespectful towards Chairmen and “he makes their lives a misery”. IW did not understand why he and his father behaved like this.

IW believes that Joe Cullen is far worse than PC, who acts these things out in public. Joe Cullen is different to his son. His emails to the Chairman, clerks and others are completely disrespectful, outrageous in fact, in the choice of words. MK said that he had seen many emails in the course of his investigation, but it would be wrong of him to comment on those emails, so he would not. In addition, any breach of the Code of Conduct could only be a breach if the councillor was “in capacity” when s/he did what s/he did. If a councillor was not “in capacity” then there was no breach.

IW is disappointed that SDDC appear to have no powers to deal with these sorts of things even when they know they are happening. He has been told that this kind of behaviour, from a minority of councillors, has been going on for years before he joined the Council. As a result, Willington Parish Council has a reputation for being one of the worst parish councils in the Midlands and perhaps even in the country.

MK then asked whether there could be any justification for PC’s alleged behaviour? IW said there was not. He would love the opportunity to sit down with him and understand what he was thinking. There was nothing to gain from what PC was doing, he simply did not understand why he was doing it.

MK said that it was not unusual in his experience to find parish councils split down the middle. He asked whether there were any decisions where councillors “crossed party lines”? IW said there were very often votes that were six to five. Occasionally members of the six did vote with the five but it was very rare for members of the five to vote with the six.

IW cited the example of the Burial software which they had but did not currently use. As Chairman of the Burials Committee he had volunteered to do the training on the software because it was pointless training clerks to use the software when there was such high turnover of clerks. He had proposed to the Council that they should pay for the training and he would pay his own expenses and then put the relevant data into the software (a time-consuming job) for the good of Willington. The five councillors had opposed his doing this, as he knew they would, without saying why. In the absence of a unanimous vote he said that he would not do the training. There had been no reason to vote against this proposal except because it opposed the other six councillors.

The other three councillors – Tim Bartram, Ros Casey and Caroline Blanksby – “just do as they are told”. There was actually one vote where Joe Cullen had said, “Come on, get your hand up” when they had not voted on a proposal.

IW said that he was not trying to get Joe and Paul off the Parish Council. He would rather SDDC disband Willington Parish Council or get eleven new people so that it could work better. “I would come off in a heartbeat if everyone else came off”. However, if he left now, it would be the wrong thing to do.

PC has a complete dislike of IW. PC had been told that IW’s wife had gone to Staffordshire Fire Service and complained about PC and tried to get him the sack. This was completely

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untrue. MK then asked where this had stemmed from. IW replied that his wife worked in the Ambulance Service. There was a Code of Conduct that you had to adhere to as a public servant in the three services, even when you were not at work. His wife, Sarah, was talking to the mother of one of their daughter's friends and had said to her that PC "needed to be really careful because he had to adhere to the Code of Conduct with the Fire Service". She relayed this to one of PC's colleagues at the Fire Service who then told PC. IW was not sure in what way this had been shared with PC but for some reason PC now believed that Sarah will or has spoken to the Fire Service about his behaviour. This was not true – it was a playground conversation. IW has intimated his view of this at the Parish Council, but he has not been specific, and IW has not responded. IW believes that that is why PC's dislike for him arose. Their wives had been good friends, though this had come between them somewhat. PC and his wife had actually been to their wedding in 2006.

The discussion closed at 12.10pm