

STANDARDS HEARING STATEMENT 07 – DEB TOWNSEND (CLERK)

Notes:

1. The interviewee initially wished to maintain confidentiality but decided not to proceed with that approach whilst this Statement was being produced. She did, however, make some significant redactions to the Statement before doing deciding to give up that confidentiality.
2. Excerpts from her Statement appear as the words of Witness G in Report 1 and Witness E in Report 3.

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SOUTH DERBYSHIRE DISTRICT COUNCIL (WILLINGTON PARISH COUNCIL) – Complaint by Debra Townsend against Cllr Paul Cullen

Summary notes of conversation between Debra Townsend (DT) and Melvin Kenyon (MK - Investigating Officer), Friday 15th November 9.55am – [REDACTED]
[REDACTED] Also present Karen Potts (KP).

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. I am being assisted by Karen Potts who will be taking notes.

It is my normal practice to record interviews and I would like to do that in this case if that's ok with you? Could you confirm for the record that you consent to this please?

DT confirmed that she gave her consent to the recording.

For the benefit of this recording it is now Friday 15th November at 9.55am or thereabouts and we are in [REDACTED]

For the record this is an interview with Debra Townsend about standards complaint number LAC/94 regarding her allegations about the conduct of Cllr Paul Cullen. Originally the complaint named three other individuals, but the Monitoring Officer only wishes the complaint against Paul Cullen to proceed having assessed whether, in her opinion and in each case, there was potentially a case to answer.

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.

I normally produce transcripts of interviews for what are called the Subject Member (in this case Councillor Paul Cullen) and the Complainant (in this case yourself [DT]). However, this time, at least in respect of the Complainants, I will instead be producing summary notes in the interests of value for money.

I will be writing a summary of what we say today, and I may include verbatim excerpts from the recording in that summary. The summary will be sent to you for comment before it is finalised, and that summary will then form the record of the interview. The recordings will not be shared with anyone else without your permission and they will be destroyed once the summary has been agreed by us both.

At this stage I am intending to produce a single report about the various complaints raised against Paul Cullen. Before the investigation is completed, he will be sent a copy of the draft report and a draft of those parts of the report relevant to you will be sent to you to enable you both to make any representations you consider necessary. Having considered comments (and in particular comments about factual accuracy) 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.

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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. If you provide me with information of a private or sensitive nature, I will ask the Standards Committee or its equivalent 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 investigation as confidential.

There have been a number of complaints in respect of Willington Parish Council. Before we go any further I want to talk about confidentiality and the practicality of you remaining anonymous once the report is produced.

Clearly natural justice dictates that Paul Cullen has a right to know about the nature of the complaints made against him. Some of the complaints are very specific and it is likely that he will be able to draw his own conclusions even if complainants insist on anonymity. In the case of this complaint there were several people present at the meeting so identifying specific individuals will not be so easy. What are your thoughts on confidentiality?

[REDACTED]

[REDACTED] MK replied that, once he had produced his report, it would be up to the Monitoring Officer how she progressed the report and how she maintained anonymity if the Complaint were to go to a hearing, for example. Redaction of the summary note was also an option.

MK said that he himself would do his utmost to maintain confidentiality for all parties in investigating and reporting on this and all complaints. Should PC or someone acting on his behalf want more information about the complaint then s/he would need to go to the Monitoring Officer for that information because MK was acting for the Monitoring Officer.

MK confirmed that, in any event, he was dealing with the matter in a fair and even-handed way and was agnostic as to the rights and wrongs of any complaint.

[REDACTED]

MK asked DT whether she was content with what he had said, and DT confirmed that she was.

Background

[REDACTED]

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..... and there had been an appalling incident as a result of the use by PC of a Go-Pro video camera. PC was doing this, he said, “for his own protection” because of the various Code of Conduct Complaints. Initially he had pointed the camera at the Clerk and the Chair before turning the camera in an intimidating way towards Claire Carter, who was very uncomfortable with what he was doing

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Complaint

MK then asked DT about the specific complaint (DAC/94) she had raised which was the focus of MK's Investigation today. DT then took MK through the Complaint (which should be read in conjunction with these notes).

MK first asked about the Extraordinary Meeting on 24th September 2019. DT said that there had been, she thought, four Extraordinary Meetings since she joined in June, which was an unusual situation. If the Chair refused to call such a meeting then a certain number of Councillors had the right to call one and this had been happening even when the subject matter was not urgent.

The meeting on 24th September had been about standing orders and sub-committees, something she had raised in her earlier report to the Council, as well as her contract of employment and her three-monthly review.

The various committees were adding unnecessary complexity to the business of the Council and "it all needed to be brought back into line". An example was the Footpaths Working Group, chaired by Tim Bartram, – she never saw an agenda as the Clerk, sometimes minutes were submitted, sometimes not. Any decisions made when the Group met came back to Council but, technically, this meeting was not legal because it had not been correctly constituted and was not run according to the Council's Standing Orders. Another one was the RAC, chaired by Phil Allsopp, though he at least kept DT in the loop. This all needed to be properly resolved.

MK then confirmed with DT which members of the Council had been at the meeting (these are detailed in the Complaint). DT also confirmed that there were various members of the public present and, in particular, Sue Carter and Nicky Phillips (she confirmed that she did not know at the time that she was the wife of former Councillor Phillips).

The meeting had been recorded and MK had listened to the first few minutes of the recording (this too needed to be listened to in conjunction with reading the Complaint).

By reference to her meeting notes and the words documented in the Complaint [not repeated here] DT said that Nicky Phillips (NP) had thanked DT for her report and expressed the opinion that she would like to see the Council work together for the benefit of the village. There was no personal comment at all.

PC had then jumped up and had gone to the front of the meeting and said that he wanted to respond to what NP had said "as a member of the public". DT was not sure why he had said that – he had simply moved seats.

He then spoke "forcefully" and appeared "very intimidating". He sat adjacent to NP and Sue Carter (SC). NP was on one side, SC was in the middle and PC was right next to SC. She herself would personally have found that intimidating because he was "a big, tall bloke". He was obviously "really angry" and was pointing his finger towards NP.

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NP is the wife of former Councillor John Phillips who had resigned subsequent to the “Megabus” email and the article in the Liverpool Echo. DT knew little about that and what had happened between them. She had heard it said that NP had put complaints in about PC.

Whilst she did not understand the reference to the agenda of another current Parish Councillor (as spoken on the recording of the meeting) she understood it to refer to Councillor John Houghton. She had never seen him rise to or get cross at anything that PC had said, he simply seemed to want to get things done.

She had heard PC say that NP had been to see his boss at the Fire Service and complained about his behaviour. This was now a “massive thing” which neither party would let drop.

NP did react to PC in the meeting and there was a heated discussion between them which the Chair tried to get both of them to stop. At the end Joe Cullen had joined in too. PC then finished what he was saying. Councillors Ros Casey and Caroline Blanksby stood up and applauded.

DT had said that PC needed to show a bit of respect for the Chair (she was not sure whether this was audible on the tape). PC then returned to the table and said something like “You show me some respect, Deb, and I will show you some respect”.

The Chair was trying to deal with things calmly and PC resumed his seat and was saying, all the time, “I’m sick of it, I’m absolutely sick of it” intimating perhaps that everyone was getting at him all the time.

At this point another member of the public stood up and described the meeting as “a car crash” and that people needed to buck their ideas up. She did not know who that person was. This was minuted (as set out in the Complaint). DT herself had been astonished at the behaviour and felt that raising the Complaint was putting a line in the sand in case something more serious happened.

MK asked what adjectives DT would use to describe NP and PC before, during and after their exchange. DT said that NP had spoken very well and simply said what she said in a calm and collected way. Nothing she said had revealed that she was former Councillor Phillips’s wife. By contrast PC was “livid”, “walked very forcefully to the front” and sat in his chair and said what he said in a “very intimidating” manner.

His comment seemed to DT not to be relevant to what NP had said. She asked herself, “What’s going on? She hasn’t said anything”. She did not understand why he was getting “worked up” and “angry about what she had said” – “he was *very, very* angry”. This was typical behaviour for him. He would appear to be calm and then it was if it was the straw that broke the camel’s back and he would get very angry and have to respond.

Code of Conduct

MK then asked how DT felt PC had breached the Code of Conduct. Her five reasons were set out in the Complaint.

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Reason 2 - It was, in particular, not appropriate to respond in the way that PC had done towards a member of the public. Normally responses would be directed in an orderly way through the Chair before moving on to the next question. PC had instead jumped up out of his seat and sat down in the public area and responded as he had as a member of the public. DT believed that, in his mind, he was covering himself and not acting as a Parish Councillor by doing what he had done. She did not believe that that was valid because he had been sat at the table as a Parish Councillor. However, she had never witnessed this kind of behaviour before, so she did not know whether it was a valid way to behave. She believed, though, that the Monitoring Officer had subsequently said that this was not legitimate behaviour – councillors could not just swap hats and move from chair to chair and act as a resident when they were in a Council Meeting.

Reasons 4 & 5 – PC did not stop when asked to by the Chair and thus showed a lack of respect for him. The Chair had asked both NP and PC to moderate their behaviour. But the “red mist had come down and he was not stopping until he had said his piece”. The resident was responding in the same manner, but this is not a Code of Conduct issue against the resident, it was against a member of the Council. One of the purposes of a Chair was to bring order to situations such as this and if members do not have respect for the Chair then things fall into total disarray. Without that basic respect it is not worth carrying on.

The discussion closed at 11.40am